House Engrossed

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 142

HOUSE BILL 2647

AN ACT

AMENDING SECTIONS 42-1001 AND 43-105, ARIZONA REVISED STATUTES; RELATING TO TAXATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 42-1001, Arizona Revised Statutes, is amended to read:

42-1001. Definitions

In this title, unless the context otherwise requires:

1. "Board" or "state board" means either the state board of tax appeals or the state board of equalization, as applicable.

2. "Court" means the tax court or superior court, whichever is applicable.

3. "Department" means the department of revenue.

4. "Director" means the director of the department.

5. "Internal revenue code" means the United States internal revenue code of 1986, as amended and in effect as of January 1, ~~2017~~ 2018, including those provisions that became effective during ~~2016~~ 2017 with the specific adoption of their retroactive effective dates but excluding all changes to the code enacted after January 1, ~~2017~~ 2018.

Sec. 2. Section 43-105, Arizona Revised Statutes, is amended to read:

43-105. Internal revenue code; definition; application

A. FOR THE PURPOSES OF COMPUTING INCOME TAX PURSUANT TO THIS TITLE, FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2017, "INTERNAL REVENUE CODE" MEANS THE UNITED STATES INTERNAL REVENUE CODE OF 1986, AS AMENDED, IN EFFECT ON JANUARY 1, 2017.

~~A.~~ B. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2016 THROUGH DECEMBER 31, 2017, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2017, including those provisions that became effective during 2016 with the specific adoption of all federal retroactive effective dates, ~~but excluding any change to the code enacted after January 1, 2017~~ AND INCLUDING THOSE PROVISIONS OF THE DISASTER TAX RELIEF AND AIRPORT AND AIRWAY EXTENSION ACT OF 2017 (P.L. 115-63), THE TAX CUTS AND JOBS ACT (P.L.115-97) AND THE BIPARTISAN BUDGET ACT OF 2018 (P.L. 115-123) THAT ARE RETROACTIVELY EFFECTIVE DURING TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2016 THROUGH DECEMBER 31, 2017.

~~B.~~ C. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2015 through December 31, 2016, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2016, including those provisions that became effective during 2015 with the specific adoption of all federal retroactive effective dates, and including those provisions of the United States appreciation for olympians and paralympians act of 2016 (P.L. 114-239) AND THE TAX CUTS AND JOBS ACT (P.L. 115-97) that are retroactively effective during taxable years beginning from and after December 31, 2015 through December 31, 2016.

~~C.~~ D. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2014 through December 31, 2015, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2015, including those provisions that became effective during 2014 with the specific adoption of all federal retroactive effective dates, and including those provisions of the slain officer family support act of 2015 (P.L. 114-7), the don't tax our fallen public safety heroes act (P.L. 114-14), the surface transportation and veterans health care choice improvement act of 2015 (P.L. 114-41) and the consolidated appropriations act, 2016 (P.L. 114-113) that are retroactively effective during taxable years beginning from and after December 31, 2014 through December 31, 2015.

~~D.~~ E. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2013 through December 31, 2014, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2014, including those provisions that became effective during 2013 with the specific adoption of all federal retroactive effective dates, and including those provisions of the Philippines charitable giving assistance act (P.L. 113-92), the Gabriella Miller kids first research act (P.L. 113-94), the cooperative and small employer charity pension flexibility act (P.L. 113-97), the highway and transportation funding act of 2014 (P.L. 113-159), the tribal general welfare exclusion act of 2014 (P.L. 113-168), the consolidated and further continuing appropriations act, 2015 (P.L. 113-235), the 2014 airline bankruptcy payments rollover act (P.L. 113-243), the tax increase prevention act of 2014 (P.L. 113-295), the slain officer family support act of 2015 (P.L. 114-7) and the consolidated appropriations act, 2016 (P.L. 114-113) that are retroactively effective during taxable years beginning from and after December 31, 2013 through December 31, 2014.

~~E.~~ F. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2012 through December 31, 2013, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 3, 2013, including those provisions that became effective during 2012 with the specific adoption of all federal retroactive effective dates, and including those provisions of the Philippines charitable giving assistance act (P.L. 113-92), the highway and transportation funding act of 2014 (P.L. 113-159), the tribal general welfare exclusion act of 2014 (P.L. 113-168), the 2014 airline bankruptcy payments rollover act (P.L. 113-243), the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) and the consolidated appropriations act, 2016 (P.L. 114-113) that are retroactively effective during taxable years beginning from and after December 31, 2012 through December 31, 2013.

~~F.~~ G. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2011 through December 31, 2012, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2012, including those provisions that became effective during 2011 with the specific adoption of all federal retroactive effective dates, and including those provisions of the FAA modernization and reform act of 2012 (P.L. 112-95), the moving ahead for progress in the 21st century act (P.L. 112-141), the American taxpayer relief act of 2012 (P.L. 112-240), the 2014 airline bankruptcy payments rollover act (P.L. 113-243), the tribal general welfare exclusion act of 2014 (P.L. 113-168), the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) and the consolidated appropriations act, 2016 (P.L. 114-113) that are retroactively effective during taxable years beginning from and after December 31, 2011 through December 31, 2012.

~~G.~~ H. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2010 through December 31, 2011, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2011, including those provisions that became effective during 2010 with the specific adoption of all federal retroactive effective dates, and including those provisions of Public Law 112-40, the moving ahead for progress in the 21st century act (P.L. 112-141), the American taxpayer relief act of 2012 (P.L. 112-240), the tribal general welfare exclusion act of 2014 (P.L. 113-168) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2010 through December 31, 2011.

~~H.~~ I. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2009 through December 31, 2010, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2010, including those provisions that became effective during 2009 with the specific adoption of all federal retroactive effective dates, and including those provisions of the temporary extension act of 2010 (P.L. 111-144), the hiring incentives to restore employment act (P.L. 111-147), the patient protection and affordable care act (P.L. 111-148), the health care and education reconciliation act of 2010 (P.L. 111-152), the preservation of access to care for medicare beneficiaries and pension relief act of 2010 (P.L. 111-192), the Dodd-Frank Wall Street reform and consumer protection act (P.L. 111-203), the small business jobs act of 2010 (P.L. 111-240), the claims resolution act of 2010 (P.L. 111-291), the tax relief, unemployment insurance reauthorization, and job creation act of 2010 (P.L. 111-312), the regulated investment company modernization act of 2010 (P.L. 111-325) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2009 through December 31, 2010.

~~I.~~ J. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2008 through December 31, 2009, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2009, including those provisions that became effective during 2008 with the specific adoption of all federal retroactive effective dates, and including those provisions of the American recovery and reinvestment act of 2009 (P.L. 111-5) except section 1211, the consumer assistance to recycle and save act of 2009 (P.L. 111-32), the worker, homeownership, and business assistance act of 2009 (P.L. 111-92) except section 13, the hiring incentives to restore employment act (P.L. 111-147), the patient protection and affordable care act (P.L. 111-148), the preservation of access to care for medicare beneficiaries and pension relief act of 2010 (P.L. 111-192), the small business jobs act of 2010 (P.L. 111-240), the tax relief, unemployment insurance reauthorization, and job creation act of 2010 (P.L. 111-312) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2008 through December 31, 2009.

~~J.~~ K. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2007 through December 31, 2008, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2008, including those provisions that became effective during 2007 with the specific adoption of all federal retroactive effective dates and including those provisions of the economic stimulus act of 2008 (P.L. 110-185), the heroes earnings assistance and relief tax act of 2008 (P.L. 110-245), the heartland, habitat, harvest and horticulture act of 2008 (P.L. 110-246), the housing assistance tax act of 2008 (P.L. 110-289), the emergency economic stabilization act of 2008 (P.L. 110-343), the worker, retiree, and employer recovery act of 2008 (P.L. 110-458), the American recovery and reinvestment act of 2009 (P.L. 111-5) except section 1211, the worker, homeownership, and business assistance act of 2009 (P.L. 111-92) except section 13 and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2007 through December 31, 2008.

~~K. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2006 through December 31, 2007, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2007, including those provisions that became effective during 2006 with the specific adoption of~~

~~all federal retroactive effective dates and including those provisions of the small business and work opportunity tax act of 2007 (P.L. 110-28), the energy independence and security act of 2007 (P.L. 110-140), Public Law 110-141, the mortgage forgiveness debt relief act of 2007 (P.L. 110-142), the tax technical corrections act of 2007 (P.L. 110-172), the economic stimulus act of 2008 (P.L. 110-185), the heroes earnings assistance and relief tax act of 2008 (P.L. 110-245), the heartland, habitat, harvest and horticulture act of 2008 (P.L. 110-246), the housing assistance tax act of 2008 (P.L. 110-289), the emergency economic stabilization act of 2008 (P.L. 110-343), the worker, retiree, and employer recovery act of 2008 (P.L. 110-458) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2006 through December 31, 2007.~~

APPROVED BY THE GOVERNOR APRIL 5, 2018.

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