

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 4

HOUSE BILL 2008

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 42-1001. Definitions

5 In this title, unless the context otherwise requires:

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

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

10 3. "Department" means the department of revenue.

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

12 5. "Internal revenue code" means the United States internal revenue
13 code of 1986, as amended and in effect as of January 1, 2010 2011, including
14 those provisions that became effective during 2009 2010 with the specific
15 adoption of their retroactive effective dates but excluding all changes to
16 the code enacted after January 1, 2010 2011.

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

18 43-105. Internal revenue code; definition; application

19 A. FOR THE PURPOSES OF COMPUTING INCOME TAX PURSUANT TO THIS TITLE,
20 FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2010, "INTERNAL
21 REVENUE CODE" MEANS THE UNITED STATES INTERNAL REVENUE CODE OF 1986, AS
22 AMENDED, IN EFFECT ON JANUARY 1, 2011, INCLUDING THOSE PROVISIONS THAT BECAME
23 EFFECTIVE DURING 2010 WITH THE SPECIFIC ADOPTION OF ALL FEDERAL RETROACTIVE
24 EFFECTIVE DATES, BUT EXCLUDING ANY CHANGE TO THE CODE ENACTED AFTER JANUARY
25 1, 2011.

26 ~~A.~~ B. For the purposes of computing income tax pursuant to this
27 title, for taxable years beginning from and after December 31, 2009 THROUGH
28 DECEMBER 31, 2010, "internal revenue code" means the United States internal
29 revenue code of 1986, as amended, in effect on January 1, 2010, including
30 those provisions that became effective during 2009 with the specific adoption
31 of all federal retroactive effective dates, ~~but excluding any change to the~~
32 ~~code enacted after January 1, 2010~~ AND INCLUDING THOSE PROVISIONS OF THE
33 TEMPORARY EXTENSION ACT OF 2010 (P.L. 111-144), THE HIRING INCENTIVES TO
34 RESTORE EMPLOYMENT ACT (P.L. 111-147), THE PATIENT PROTECTION AND AFFORDABLE
35 CARE ACT (P.L. 111-148), THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF
36 2010 (P.L. 111-152), THE PRESERVATION OF ACCESS TO CARE FOR MEDICARE
37 BENEFICIARIES AND PENSION RELIEF ACT OF 2010 (P.L. 111-192), THE DODD-FRANK
38 WALL STREET REFORM AND CONSUMER PROTECTION ACT (P.L. 111-203), THE SMALL
39 BUSINESS JOBS ACT OF 2010 (P.L. 111-240), THE CLAIMS RESOLUTION ACT OF 2010
40 (P.L. 111-291), THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND
41 JOB CREATION ACT OF 2010 (P.L. 111-312) AND THE REGULATED INVESTMENT COMPANY
42 MODERNIZATION ACT OF 2010 (P.L. 111-325) THAT ARE RETROACTIVELY EFFECTIVE
43 DURING TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2009 THROUGH
44 DECEMBER 31, 2010.

1 ~~B~~. C. For purposes of computing income tax pursuant to this title,
2 for taxable years beginning from and after December 31, 2008 through December
3 31, 2009, "internal revenue code" means the United States internal revenue
4 code of 1986, as amended, in effect on January 1, 2009, including those
5 provisions that became effective during 2008 with the specific adoption of
6 all federal retroactive effective dates, and including those provisions of
7 the American recovery and reinvestment act of 2009 (P.L. 111-5) except
8 section 1211, the consumer assistance to recycle and save act of 2009
9 (P.L. 111-32), ~~and~~ the worker, homeownership, and business assistance act of
10 2009 (P.L. 111-92) except section 13, THE HIRING INCENTIVES TO RESTORE
11 EMPLOYMENT ACT (P.L. 111-147), THE PATIENT PROTECTION AND AFFORDABLE CARE ACT
12 (P.L. 111-148), THE PRESERVATION OF ACCESS TO CARE FOR MEDICARE BENEFICIARIES
13 AND PENSION RELIEF ACT OF 2010 (P.L. 111-192), THE SMALL BUSINESS JOBS ACT OF
14 2010 (P.L. 111-240) AND THE TAX RELIEF, UNEMPLOYMENT INSURANCE
15 REAUTHORIZATION, AND JOB CREATION ACT OF 2010 (P.L. 111-312), that are
16 retroactively effective during taxable years beginning from and after
17 December 31, 2008 through December 31, 2009.

18 ~~C~~. D. For purposes of computing income tax pursuant to this title,
19 for taxable years beginning from and after December 31, 2007 through December
20 31, 2008, "internal revenue code" means the United States internal revenue
21 code of 1986, as amended, in effect on January 1, 2008, including those
22 provisions that became effective during 2007 with the specific adoption of
23 all federal retroactive effective dates and including those provisions of the
24 economic stimulus act of 2008 (P.L. 110-185), the heroes earnings assistance
25 and relief tax act of 2008 (P.L. 110-245), the heartland, habitat, harvest
26 and horticulture act of 2008 (P.L. 110-246), the housing assistance tax act
27 of 2008 (P.L. 110-289), the emergency economic stabilization act of 2008
28 (P.L. 110-343), the worker, retiree, and employer recovery act of 2008
29 (P.L. 110-458), the American recovery and reinvestment act of 2009
30 (P.L. 111-5) except section 1211 and the worker, homeownership, and business
31 assistance act of 2009 (P.L. 111-92) except section 13 that are retroactively
32 effective during taxable years beginning from and after December 31, 2007
33 through December 31, 2008.

34 ~~D~~. E. For purposes of computing income tax pursuant to this title,
35 for taxable years beginning from and after December 31, 2006 through December
36 31, 2007, "internal revenue code" means the United States internal revenue
37 code of 1986, as amended, in effect on January 1, 2007, including those
38 provisions that became effective during 2006 with the specific adoption of
39 all federal retroactive effective dates and including those provisions of the
40 small business and work opportunity tax act of 2007 (P.L. 110-28), the energy
41 independence and security act of 2007 (P.L. 110-140), Public Law 110-141, the
42 mortgage forgiveness debt relief act of 2007 (P.L. 110-142), the tax
43 technical corrections act of 2007 (P.L. 110-172), the economic stimulus act
44 of 2008 (P.L. 110-185), the heroes earnings assistance and relief tax act of
45 2008 (P.L. 110-245), the heartland, habitat, harvest and horticulture act of

1 2008 (P.L. 110-246), the housing assistance tax act of 2008 (P.L. 110-289),
2 the emergency economic stabilization act of 2008 (P.L. 110-343) and the
3 worker, retiree, and employer recovery act of 2008 (P.L. 110-458) that are
4 retroactively effective during taxable years beginning from and after
5 December 31, 2006 through December 31, 2007.

6 ~~E.~~ F. For purposes of computing income tax pursuant to this title,
7 for taxable years beginning from and after December 31, 2005 through December
8 31, 2006, "internal revenue code" means the United States internal revenue
9 code of 1986, as amended, in effect on January 1, 2006, including those
10 provisions that became effective during 2005 with the specific adoption of
11 all federal retroactive effective dates and including those provisions of the
12 tax increase prevention and reconciliation act of 2005 (P.L. 109-222), the
13 pension protection act of 2006 (P.L. 109-280), the tax relief and health care
14 act of 2006 (P.L. 109-432), the small business and work opportunity tax act
15 of 2007 (P.L. 110-28), the mortgage forgiveness debt relief act of 2007
16 (P.L. 110-142), the tax technical corrections act of 2007 (P.L. 110-172), the
17 heartland, habitat, harvest and horticulture act of 2008 (P.L. 110-246) and
18 the housing assistance tax act of 2008 (P.L. 110-289) that are retroactively
19 effective during taxable years beginning from and after December 31, 2005
20 through December 31, 2006.

21 ~~F.~~ G. For purposes of computing income tax pursuant to this title,
22 for taxable years beginning from and after December 31, 2004 through December
23 31, 2005, "internal revenue code" means the United States internal revenue
24 code of 1986, as amended, in effect on January 1, 2005, including those
25 provisions that became effective during 2004 with the specific adoption of
26 all federal retroactive effective dates and including those provisions of the
27 Katrina emergency tax relief act of 2005 (P.L. 109-73), the energy tax
28 incentives act of 2005 (title XIII of the energy policy act of 2005
29 (P.L. 109-58)), the gulf opportunity zone act of 2005 (P.L. 109-135), the tax
30 technical corrections act of 2007 (P.L. 110-172), the heartland, habitat,
31 harvest and horticulture act of 2008 (P.L. 110-246) and the housing
32 assistance tax act of 2008 (P.L. 110-289) that are retroactively effective
33 during taxable years beginning from and after December 31, 2004 through
34 December 31, 2005.

35 ~~G.~~ H. For purposes of computing income tax pursuant to this title,
36 for taxable years beginning from and after December 31, 2003 through December
37 31, 2004, "internal revenue code" means the United States internal revenue
38 code of 1986, as amended, in effect on January 1, 2004, including those
39 provisions that became effective during 2003 with the specific adoption of
40 all federal retroactive effective dates and including those provisions of the
41 working families tax relief act of 2004 (P.L. 108-311), the American jobs
42 creation act of 2004 (P.L. 108-357), the Katrina emergency tax relief act of
43 2005 (P.L. 109-73), the energy tax incentives act of 2005 (title XIII of the
44 energy policy act of 2005 (P.L. 109-58)), the gulf opportunity zone act of
45 2005 (P.L. 109-135), the tax technical corrections act of 2007 (P.L. 110-172)

1 and the heartland, habitat, harvest and horticulture act of 2008
2 (P.L. 110-246) that are retroactively effective during taxable years
3 beginning from and after December 31, 2003 through December 31, 2004.

4 ~~H~~. I. For purposes of computing income tax pursuant to this title,
5 for taxable years beginning from and after December 31, 2002 through December
6 31, 2003, "internal revenue code" means the United States internal revenue
7 code of 1986, as amended, in effect on January 1, 2003, including those
8 provisions that became effective during 2002 with the specific adoption of
9 all federal retroactive effective dates and including those provisions of the
10 working families tax relief act of 2004 (P.L. 108-311), the American jobs
11 creation act of 2004 (P.L. 108-357), the jobs and growth tax relief
12 reconciliation act of 2003 (P.L. 108-27), the military family tax relief act
13 of 2003 (P.L. 108-121), the medicare prescription drug, improvement, and
14 modernization act of 2003 (P.L. 108-173), the tax technical corrections act
15 of 2007 (P.L. 110-172) and the heartland, habitat, harvest and horticulture
16 act of 2008 (P.L. 110-246) that are retroactively effective during taxable
17 years beginning from and after December 31, 2002 through December 31, 2003.

18 ~~I~~. J. For purposes of computing income tax pursuant to this title,
19 for taxable years beginning from and after December 31, 2001 through December
20 31, 2002, "internal revenue code" means the United States internal revenue
21 code of 1986, as amended, in effect on March 9, 2002, including those
22 provisions that became effective during 2001 with the specific adoption of
23 all federal retroactive effective dates and including those provisions of the
24 working families tax relief act of 2004 (P.L. 108-311), the American jobs
25 creation act of 2004 (P.L. 108-357), the jobs and growth tax relief
26 reconciliation act of 2003 (P.L. 108-27), the military family tax relief act
27 of 2003 (P.L. 108-121), the tax technical corrections act of 2007
28 (P.L. 110-172) and the heartland, habitat, harvest and horticulture act of
29 2008 (P.L. 110-246) that are retroactively effective during taxable years
30 beginning from and after December 31, 2001 through December 31, 2002.

31 ~~J~~. K. For purposes of computing income tax pursuant to this title,
32 for taxable years beginning from and after December 31, 2000 through December
33 31, 2001, "internal revenue code" means the United States internal revenue
34 code of 1986, as amended, in effect on January 1, 2001, including those
35 provisions that became effective during 2000 with the specific adoption of
36 all federal retroactive effective dates and including those provisions of the
37 working families tax relief act of 2004 (P.L. 108-311), the American jobs
38 creation act of 2004 (P.L. 108-357), the economic growth and tax relief
39 reconciliation act of 2001 (P.L. 107-16), the job creation and worker
40 assistance act of 2002 (P.L. 107-147), the military family tax relief act of
41 2003 (P.L. 108-121) and the tax technical corrections act of 2007
42 (P.L. 110-172) that are retroactively effective during taxable years
43 beginning from and after December 31, 2000 through December 31, 2001.

1 K. ~~For purposes of computing income tax pursuant to this title, for~~
2 ~~taxable years beginning from and after December 31, 1999 through December 31,~~
3 ~~2000, "internal revenue code" means the United States internal revenue code~~
4 ~~of 1986, as amended, in effect on January 1, 2000, including those provisions~~
5 ~~that became effective during 1999 with the specific adoption of all federal~~
6 ~~retroactive effective dates and including those provisions of the community~~
7 ~~renewal tax relief act of 2000 (P.L. 106 554), the installment tax correction~~
8 ~~act of 2000 (P.L. 106 573), FSC repeal and extraterritorial income exclusion~~
9 ~~act of 2000 (P.L. 106 519), the trade and development act of 2000~~
10 ~~(P.L. 106 200), the economic growth and tax relief reconciliation act of 2001~~
11 ~~(P.L. 107 16), the job creation and worker assistance act of 2002~~
12 ~~(P.L. 107 147) and the military family tax relief act of 2003 (P.L. 108 121)~~
13 ~~that are retroactively effective during taxable years beginning from and~~
14 ~~after December 31, 1999 through December 31, 2000.~~

15 Sec. 3. Emergency

16 This act is an emergency measure that is necessary to preserve the
17 public peace, health or safety and is operative immediately as provided by
18 law.

UNANIMOUSLY ADOPTED BY THE HOUSE WITH EMERGENCY FEBRUARY 3, 2011.

ADOPTED BY THE SENATE WITH EMERGENCY FEBRUARY 8, 2011.

APPROVED BY THE GOVERNOR FEBRUARY 14, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 14, 2011.

Passed the House February 3, 2011

Passed the Senate February 8, 2011

by the following vote: 60 Ayes,

by the following vote: 28 Ayes,

0 Nays, 0 Not Voting
with emergency

0 Nays, 2 Not Voting
with emergency

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Cheryl Laube
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
9 day of February, 20 11
at 9:12 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 14th day of

February

at 2:13 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 14th day of February, 20 11

at 3:58 o'clock P. M.

[Signature]
Secretary of State

H.B. 2008