

ENGROSSED HOUSE
BILL NO. 1902

BY: WEAVER

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING 68
O.S. 1991, SECTION 2385.16, WHICH RELATES TO INCOME
TAX WITHHOLDINGS; AUTHORIZING REISSUANCE OF CERTAIN
INCOME TAX REFUND WARRANTS; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 2385.16, is
amended to read as follows:

Section 2385.16 (a) All payments received by the Tax
Commission transmitted by employers for taxes withheld from
employees and all payments received by the Tax Commission from
taxpayers as herein provided shall be deposited with the State
Treasurer in the Oklahoma Tax Commission's Official Depository
Clearing Account and be designated Income Tax Withholding Funds.
These funds shall be under the exclusive control of the Tax
Commission. The Tax Commission is empowered and directed each month
to transfer the amount thereof which the Tax Commission estimates to
be necessary to make tax refunds to a separate account designated as
the Income Tax Withholding Refund Account, and to make
apportionments from such funds remaining in said Official Depository
Clearing Account, of the amount it considers available for
distribution as income taxes collected. The Tax Commission shall

maintain a balance in the refund account sufficient to cover anticipated tax refunds.

All warrants drawn against such refund account as provided in the preceding subsection which are not presented for payment within ninety (90) days of issuance thereof shall be void.

Persons entitled to refunds of monies represented by warrants which are not presented for payment within ninety (90) days from the date of issuance thereof may file claims for refund at any time within three (3) years from the due date of the return. Such claims shall be filed and paid under the provisions of Section ~~2322 (See, now, Section)~~ 2373 of this Code, and if allowed shall be paid under the provisions of such section. Provided, an income tax refund warrant which was not presented for payment within ninety (90) days from the date of issuance may be reissued for a like amount up to five (5) years from the date of issuance of the original warrant.

(b) Neither the Tax Commission nor any member or employee thereof shall be held personally liable for making any refund by reason of a fraudulent withholding certificate being used as a basis for such refund.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 4th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate