STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 153 BY: FISHER

AS INTRODUCED

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING 68 O.S. 1981, SECTIONS 1353, AS LAST AMENDED BY SECTION 142, CHAPTER 5, O.S.L. 1987, 1367, AS LAST AMENDED BY SECTION 74, CHAPTER 258, O.S.L. 1990, 1403 AND 1410, AS LAST AMENDED BY SECTION 75, CHAPTER 258, O.S.L. 1990 AND SECTION 5, CHAPTER 114, O.S.L. 1987 (68 O.S. SUPP. 1990, SECTIONS 1353, 1367, 1410 AND 50014), WHICH RELATE TO THE SALES TAX CODE, THE USE TAX CODE AND THE OKLAHOMA TOURISM PROMOTION ACT; MODIFYING APPORTIONMENT OF REVENUES; MODIFYING AMOUNT DEALER REQUIRED TO REMIT TO TAX COMMISSION; CHANGING SOURCES OF MONIES DEPOSITED TO OKLAHOMA TOURISM PROMOTION REVOLVING FUND; SPECIFYING PURPOSES OF FUND; PROVIDING THAT MONIES NOT BE USED FOR CERTAIN PURPOSES; CREATING OKLAHOMA TRAVELERS' ENHANCEMENT REVOLVING FUND; SPECIFYING SOURCES OF REVENUE AND PURPOSES THEREOF; PROVIDING FOR EXPENDITURE OF SUCH FUND; REPEALING SECTION 1, CHAPTER 114, O.S.L. 1987, SECTION 2, CHAPTER 114, O.S.L. 1987, AS LAST AMENDED BY SECTION 1, CHAPTER 226, O.S.L. 1989, SECTION 3, CHAPTER 114, O.S.L. 1987, AS LAST AMENDED BY SECTION 5, CHAPTER 142, O.S.L. 1988 AND SECTION 4, CHAPTER 114, O.S.L. 1987 (68 O.S. SUPP. 1990,

SECTIONS 50010, 50011, 50012 AND 50013), WHICH RELATE TO THE OKLAHOMA TOURISM PROMOTION ACT; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 68 O.S. 1981, Section 1353, as last amended by Section 142, Chapter 5, O.S.L. 1987 (68 O.S. Supp. 1990, Section 1353), is amended to read as follows:

Section 1353. Purpose of Article - Apportionment of Revenues.

It is hereby declared to be the purpose of the Oklahoma Sales Tax Code, Section 1351 et seq. of this title, to provide funds for the financing of the program provided for by the Oklahoma Social Security Act, Section 189 et seq. of Title 56 of the Oklahoma Statutes, and to provide revenues for the support of the functions of the state government of Oklahoma, and for this purpose it is hereby expressly provided that:

1. Ninety-nine and three-fourths percent (99.75%) of the revenues derived pursuant to the provisions of the Oklahoma Sales Tax Code shall be paid to the State Treasurer to be placed to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature; and

2. One-fourth percent (0.25%) of the revenues derived pursuant to the provisions of the Oklahoma Sales Tax Code shall be apportioned as follows:

a. seventy-five percent (75%) of such one-fourth percent (0.25%) shall be paid to the State Treasurer to be placed to the credit of the Oklahoma Tourism Promotion Revolving Fund created by subsection A of Section

50014 of this title, as amended by Section 5 of this act, and

b. twenty-five percent (25%) of such one-fourth percent (0.25%) shall be paid to the State Treasurer to be placed to the credit of the Oklahoma Travelers' Enhancement Revolving Fund created by subsection B of Section 50014 of this title, as amended by Section 5 of this act.

SECTION 2. AMENDATORY 68 O.S. 1981, Section 1367, as last amended by Section 74, Chapter 258, O.S.L. 1990 (68 O.S. Supp. 1990, Section 1367), is amended to read as follows:

Section 1367. Discount.

At the time of filing the reports required under this article, to the Tax Commission, the vendor shall remit therewith to the Tax Commission, except as hereinafter provided, ~~ninety-seven and three-fourths percent (97 3/4%)~~ ninety-eight percent (98%) of the tax due under the applicable provisions of this article, and failure to remit such tax at the time of filing the returns shall cause said tax to become delinquent; provided, however, in the event the payment of any tax due under the applicable provisions of this article becomes delinquent the taxpayer forfeits his claim to the discount provided by this section and must remit to the Tax Commission one hundred percent (100%) of the amount of tax due plus any penalty due. This discount is allowed the seller or vendor to remunerate him for keeping sales tax records, filing reports and remitting the tax when due as required by this article.

SECTION 3. AMENDATORY 68 O.S. 1981, Section 1403, is amended to read as follows:

Section 1403. It is hereby declared to be the purpose of this article to provide for the support of the functions of the state and local government of Oklahoma; and for this purpose and to this end,

it is hereby expressly provided that the revenues derived hereunder are hereby apportioned as follows:

~~(a) One hundred percent (100%)~~ 1. Ninety-nine and three-fourths percent (99.75%) of all revenues derived under the provisions of Section 1402 of this title shall be paid by the Tax Commission to the State Treasurer and by the State Treasurer placed to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature; and

2. One-fourth percent (0.25%) of the revenues derived pursuant to the provisions of the Oklahoma Use Tax Code shall be apportioned as follows:

a. seventy-five percent (75%) of such one-fourth percent (0.25%) shall be paid to the State Treasurer to be placed to the credit of the Oklahoma Tourism Promotion Revolving Fund created by subsection A of Section 50014 of this title, as amended by Section 5 of this act, and

b. twenty-five percent (25%) of such one-fourth percent (0.25%) shall be paid to the State Treasurer to be placed to the credit of the Oklahoma Travelers' Enhancement Revolving Fund created by subsection B of Section 50014 of this title, as amended by Section 5 of this act.

~~(b) One hundred percent (100%) of all revenues derived under the provisions of Section 1 of this act shall be allocated and paid monthly to the subdivisions of government as provided in Section 1 of this act.~~

SECTION 4. AMENDATORY 68 O.S. 1981, Section 1410, as last amended by Section 75, Chapter 258, O.S.L. 1990 (68 O.S. Supp. 1990, Section 1410), is amended to read as follows:

Section 1410. Any vendor or retailer maintaining a place of business in another state and holding a use tax permit, issued by

the Oklahoma Tax Commission as authorized by the Oklahoma Use Tax Code, Section 1401 et seq. of this title, may, except as hereinafter provided, deduct and retain, not to exceed ~~two and one-fourth percent (2 1/4%)~~ two percent (2.0%) of the total use tax due under Oklahoma laws. Said discount shall be allowed as remuneration for keeping records, filing timely reports and timely remitting the tax when due. Provided, however, said discount shall be forfeited and not allowed any such taxpayer in the event payment of any tax due is not timely remitted on or before the fifteenth day of the calendar month following the month in which such tax accrued; and, it is further provided, that such remunerative deduction to be allowed the vendors or retailers of any other state shall not exceed the percentage allowed, either by the laws of such other state or by an agreement by such state with the Oklahoma Tax Commission under this act, to be deducted and retained by Oklahoma vendors and retailers for reporting and remitting similar taxes due such other state.

SECTION 5. AMENDATORY Section 5, Chapter 114, O.S.L. 1987 (68 O.S. Supp. 1990, Section 50014), is amended to read as follows:

Section 50014. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tourism and Recreation Department, to be designated the "Oklahoma Tourism Promotion Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Tourism and Recreation Department ~~from the tax levied pursuant to the provisions of the Oklahoma Tourism Promotion Act~~ pursuant to the provisions of paragraph 2 of Section 1353 of this title, as amended by Section 1 of this act, and such other monies accredited to the fund pursuant to law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Tourism and Recreation Department for the ~~purpose of promoting Oklahoma tourism as defined~~

~~by Section 2 of this act, provided~~ purposes of producing advertisements, placement of those advertisements with the media (newspapers, magazines, radio, television, billboard and direct mail) and the production and printing of collateral materials designed specifically to support and fulfill information requests generated by the media advertising campaigns, and the production, printing and distribution of brochures and promotions for regional, national and international tourism conferences; provided, that the Department shall ensure that all areas of the state will adequately be promoted. No monies from this revolving fund shall be ~~transferred~~:

1. Transferred for any purpose to any other state agency ~~or be used~~;

2. Used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense~~. No monies from this revolving fund shall be expended~~;

3. Expended for any wage or salary of any employee of any state agency; or

4. Used for expenses for travel and lodging.

Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tourism and Recreation Department, to be designated the "Oklahoma Travelers' Enhancement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Tourism and Recreation Department pursuant to the provisions of paragraph 3 of Section 1353 of this title, as amended by Section 1 of this act, and such other monies accredited to the fund pursuant to law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the

Oklahoma Tourism and Recreation Department for the purpose of constructing and maintaining rest stops and information booths throughout the state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. REPEALER Section 1, Chapter 114, O.S.L. 1987, Section 2, Chapter 114, O.S.L. 1987, as last amended by Section 1, Chapter 226, O.S.L. 1989, Section 3, Chapter 114, O.S.L. 1987, as last amended by Section 5, Chapter 142, O.S.L. 1988 and Section 4, Chapter 114, O.S.L. 1987 (68 O.S. Supp. 1990, Sections 50010, 50011, 50012 and 50013), are hereby repealed.

SECTION 7. This act shall become effective July 1, 1991.

SECTION 8. 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.

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