

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1503

By: Smith (Bill)

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S.

1991, Section 200.1, which relates to sterilization operations paid for by the Department of Human Services; authorizing certain grants to certain persons undergoing voluntary sterilization procedures or operations; requiring the Department of Human Services to provide for certain counseling; requiring repayment of the grant under certain conditions; providing exceptions; levying a tax on certain soft drink products; specifying such products; providing procedures relating to such tax; authorizing the retention of certain remittances; providing for the collection of such tax; defining terms; creating the Voluntary Sterilization Revolving Fund; providing for deposits and expenditures of monies in such fund; providing purpose of such fund; providing certain procedures relating to such fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 200.1, is amended to read as follows:

~~Services rendered by a licensed medical or osteopathic physician and surgeon in performing a sterilization operation on an~~ An adult male recipient of public assistance under age sixty-five (65) years of age who has been a resident of this state for at least one (1) year or any other person eighteen (18) years of age through thirty-five (35) years of age with an annual income not exceeding one hundred eighty-five percent (185%) of the poverty level as determined by the U.S. Bureau of Statistics who has been a resident of this state for at least one (1) year who voluntarily ~~has submitted~~ submits to such a sterilization procedure or sterilization operation performed by a licensed medical or osteopathic physician and surgeon shall, ~~within the scope of its medical programs,~~ be paid for by the State Department of Public Welfare eligible to receive a grant of Two Thousand Dollars (\$2,000.00) from the Department of Human Services to be paid from the Voluntary Sterilization Revolving Fund. Any person applying for the grant shall receive appropriate counseling through the Department concerning the effects and possible consequences of the sterilization procedure or sterilization operation. Except as otherwise provided for in this section, any person who either gives birth to a child or fathers a child after receiving the grant provided for in this section shall repay the grant within a time period specified by the rules promulgated by the Department of Human Services. If the birth is a result of an unsuccessful medical or osteopathic sterilization operation or procedure, the recipient of such grant shall not be required to repay the grant.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200.1a of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There is hereby levied a tax of five cents (\$0.05):

1. Per case on the sale, use, handling or distribution of all soft drinks, whether manufactured within or without this state; and
2. On each gallon of soft drink syrup, whether manufactured within or without this state.

B. The tax levied pursuant to the provisions of subsection A of this section shall be paid by the distributor. The tax shall not be collected more than once in respect to any soft drink or soft drink syrup manufactured, sold, used or distributed in this state. The tax shall be due and payable on or before the tenth day of each month for the preceding calendar month. At the time of paying such tax each taxpayer shall, upon forms prescribed by the Oklahoma Tax Commission, file with the Oklahoma Tax Commission a return, under oath, showing the total sales during the preceding calendar month, the amount of taxes due and such further information as the Tax Commission may require to enable it to compute correctly and collect the taxes levied pursuant to this section. Any tax not paid within ten (10) calendar days after the close of the preceding calendar month shall be deemed to be delinquent.

C. Each distributor making reports and remittances to the Oklahoma Tax Commission shall be allowed the sum of two and one-fourth percent (2 1/4%) of the tax remittances collected.

D. All taxes levied pursuant to this section shall be collected by the Oklahoma Tax Commission and be placed to the credit of the Voluntary Sterilization Revolving Fund.

E. For purposes of this section:

1. "Case" means not to exceed twenty-four (24) containers of soft drinks;

2. "Distributor" means any person within or without this state who manufactures, bottles, produces or purchases for sale to retail dealers within this state any soft drink or soft drink syrup;

3. "Soft drink" means any and all nonalcoholic beverages, whether carbonated or not, or any and all preparations commonly referred to as "soft drinks" of whatever kind, which are closed and sealed in glass, paper, or any other type of container, envelope, package or bottle, whether manufactured with or without the use of any syrup. The term "soft drink" shall not include fluid milk to which no flavoring has been added, or natural undiluted fruit juice or vegetable juice;

4. "Soft drink syrup" means the compound mixture or the basic ingredients, in liquid form, practically and commercially usable in making, mixing or compounding soft drinks by the mixing thereof with carbonated or plain water, ice, fruit, milk or any other product suitable to make a soft drink; and

5. "Taxpayer" means any person liable for the payment of the tax levied by this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200.1b of Title 56, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Human Services, to be designated the "Voluntary Sterilization Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department, from monies raised by the tax levied pursuant to the provisions of Section 2 of this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of providing the grants specified in Section 1 of this act. 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 4. This act shall become effective July 1, 1993.

SECTION 5. 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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