

SHORT TITLE: Revenue and taxation; modifying taxation on rural electric cooperatives; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 159

By: Douglass

AS INTRODUCED

An Act relating to revenue and taxation; amending 18 O.S. 1991, Section 437.25, which relates to rural electrification; providing exceptions to exemption from excise and income taxes; amending 68 O.S. 1991, Sections 1214, 1803 and 2601, which relate to franchise taxes, rural electric cooperative corporations and municipal taxes on utilities; deleting excise tax as in lieu of tax; providing exception to tax in lieu of other taxes to certain extent; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 18 O.S. 1991, Section 437.25, is amended to read as follows:

Section 437.25 Each cooperative and each foreign corporation transacting business in this state pursuant to ~~this act~~ the Rural Electric Cooperative Act, Section 437 et seq. of this title, shall pay annually, on or before ~~the thirty-first day of August 31,~~ to the Oklahoma Tax Commission, a fee of One Dollar (\$1.00) for each one hundred persons or fraction thereof to whom electricity is supplied within the state by it, as of June ~~thirtieth~~ 30 preceding, but shall be exempt from all other excise and income taxes whatsoever, except as provided in Sections 1354, 1370, 1370.1, 1370.2, 1370.3, 1370.4,

1370.5, 1370.6, 1803, 2601 and 2701 of Title 68 of the Oklahoma Statutes, to the extent that the cooperative is supplying electric service to persons or entities within the corporate limits of a municipality.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 1214, is amended to read as follows:

Section 1214. Each cooperative and each foreign corporation transacting business in this state pursuant to the Rural Electric Cooperative Act (~~18 O.S. 1961 Sections 437 - 437.30~~), Section 437 et seq. of Title 18 of the Oklahoma Statutes, shall pay annually, on or before ~~the Thirty-first day of August 31,~~ to the Tax Commission, a fee of One Dollar (\$1.00) for each one hundred persons or fraction thereof to whom electricity is supplied within the state by it, as of June ~~30th~~ 30 preceding, but shall be exempt from all other excise and income taxes whatsoever, except as provided in Sections 1354, 1370, 1370.1, 1370.2, 1370.3, 1370.4, 1370.5, 1370.6, 2601 and 2701 of this title, to the extent that the cooperative is supplying electric service to persons or entities within the corporate limits of a municipality.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 1803, is amended to read as follows:

Section 1803. There is hereby levied on each cooperative an annual tax which shall equal two percent (2%) of the gross receipts derived by it from the sale and distribution of electric energy during the calendar year. The tax hereby levied shall be payable monthly according to, and as and when the statements shall be made as required in Section ~~2~~ 1802 of this ~~act~~ title. The tax so levied or so imposed shall, when paid as herein provided, be in full and in lieu of any and all other taxes imposed by the state, counties, cities, towns, townships, school district, and other municipalities or political subdivisions of the state on the property of each such cooperative, except as provided in Sections 1354, 1370, 1370.1,

1370.2, 1370.3, 1370.4, 1370.5, 1370.6, 2601 and 2701 of this title, to the extent that the cooperative is supplying electric service to persons or entities within the corporate limits of a municipality.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 2601, is amended to read as follows:

Section 2601. The power is hereby vested in the governing body of any city or town in the State of Oklahoma to levy and assess, by ordinance, an annual tax upon the gross receipts from residential and commercial sales of power, light, heat, gas, electricity or water in said city or town in an amount not exceeding two percent (2%) of the gross receipts from residential and commercial sales, which tax shall be in lieu of any other franchise, license, or occupation ~~or~~ ~~excise~~ tax, levied by such city or town.

SECTION 5. This act shall become effective July 1, 1995.

SECTION 6. 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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