

SHORT TITLE: Revenue and taxation; providing for refund of certain income tax overpayments by federal retirees; specifying applicable tax years and dates between which amended returns may be filed; codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 765

By: Herbert

AS INTRODUCED

An Act relating to revenue and taxation; specifying legislative intent; authorizing the Oklahoma Tax Commission to accept certain amended tax returns; providing for refund of certain income tax overpayments to certain taxpayers; limiting refunds to certain tax years; providing a limitation period to file certain amended tax returns; providing that Tax Commission is not required to pay interest on certain refunds except under certain circumstances; requiring Oklahoma Tax Commission to give certain notice; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2373.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any limitation period established by law, it is the intent of the Legislature and the Legislature so declares that all federal retiree taxpayers in this state who were discriminated against prior to 1989 because of an invalid Oklahoma taxing scheme which taxed certain income of federal retirees while exempting similar income of state retirees shall be entitled to receive appropriate income tax refunds based on their amended tax

returns. Any refunds which may be authorized under this section shall only include overpayment of income taxes for tax years 1985 through 1989. B. All federal retiree taxpayers who failed to timely file an amended tax return claiming a refund of overpayment of income tax paid during tax years 1985 through 1989 are hereby authorized, from July 1, 1998, through December 31, 1998, to file amended tax returns requesting the appropriate refunds. No amended tax returns under this section shall be allowed after December 31, 1998.

C. Notwithstanding the provisions of subsection (h) of Section 217 of Title 68 of the Oklahoma Statutes, the Oklahoma Tax Commission shall not be required to pay interest on income tax refunds with respect to income tax returns filed pursuant to the provisions of this act except as follows:

1. For amended tax returns for tax year 1987, interest shall be paid through April 15, 1991;

2. For amended tax returns for tax year 1988, interest shall be paid through April 15, 1992; and

3. If any income tax refund is not paid to the taxpayer within ninety (90) days after the return is filed pursuant to the provisions of this act, in addition to any interest paid pursuant to the provisions of paragraphs 1 and 2 of this subsection, interest shall be paid from the date the return was filed pursuant to the provisions of this act until the date of payment of the refund.

In no event shall interest be paid for refunds applicable to tax years prior to 1987.

D. The Oklahoma Tax Commission shall, to the best of its ability, notify in writing all federal retiree taxpayers who failed to timely file amended tax returns of the provisions of this act.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. 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.

46-2-1787

CD