

ENROLLED HOUSE  
BILL NO. 2035

By: Beutler, Bonny, Matlock,  
Seikel, Hilliard, Hiett,  
Adair, Boyd, Bryant,  
Claunch, Coleman, Covey,  
Dank, Ferguson, Greenwood,  
Hefner, Liotta, Maddux,  
Miller, Mitchell, Morgan,  
Piatt, Pope (Clay), Reese,  
Smith (Dale), Stites,  
Tyler, Wright, Braddock,  
Langmacher and Begley of  
the House

and

Wilkerson and Crutchfield  
of the Senate

An Act relating to revenue and taxation; permitting certain averaging of farm income; providing for certain adjustments; defining terms; authorizing the Oklahoma Tax Commission to promulgate certain rules; providing for codification; and providing an effective date.

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 2358.4 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For taxable years beginning after December 31, 2000, at the election of an individual engaged in a farming business, the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes for such taxable year shall be equal to the sum of:

1. A tax computed under such section on taxable income reduced by elected farm income; and

2. The increase in tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes which would result if taxable income for each of the three (3) prior taxable years were increased by an amount equal to one-third (1/3) of the elected farm income.

Any adjustment under this section for any taxable year shall be taken into account in applying this section for any subsequent taxable year.

B. As used in this section:

1. "Elected farm income" means so much of the taxable income for the taxable year which is attributable to any farming business,

and which is specified in the election under subsection A of this section. For purposes of this paragraph, a gain from the sale or other disposition of property, other than land, regularly used by the taxpayer in such a farming business for a substantial period shall be treated as attributable to such a farming business;

2. "Individual" shall not mean or include any estate or trust; and

3. "Farming business" shall have the same meaning as the term is defined in the Internal Revenue Code, 26 U.S.C., Section 263A(e) (4).

C. The Oklahoma Tax Commission shall promulgate any necessary rules to implement the provisions of this section.

SECTION 2. This act shall become effective January 1, 2001.

Passed the House of Representatives the 26th day of May, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the 26th day of May, 2000.

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President of the Senate