

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2072

By: Maddux, Nance and Pope
(Clay) of the House

and

Laughlin of the Senate

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 219, which relates to compromise of controversies with Oklahoma Tax Commission; modifying circumstances under which the Commission may compromise a controversy; providing an effective date; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 219, which relates to compromise of controversies with Oklahoma Tax Commission; requiring Tax Commission to compromise controversy under certain circumstances; 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. 2001, Section 219, is amended to read as follows:

Section 219. The Oklahoma Tax Commission is authorized to enter into an agreement to compound, settle or compromise any controversy relating to taxes collectible by the ~~Oklahoma~~ Tax Commission, or any admitted or established tax liability as to any tax collectible under any state law in the following cases:

~~(1)~~ 1. In cases of controversy arising over the amount of tax due ~~or~~ or; or

~~(2)~~ 2. In case of inability to pay, resulting from insolvency of the taxpayer.

Provided, if the Internal Revenue Service has compromised a controversy pursuant to the provisions of Section 7122 of the Internal Revenue Code, 26 U.S.C. Section 7122, and the Tax Commission has been requested by the taxpayer to enter into an agreement pursuant to the provisions of this section with respect to the same controversy, the Tax Commission shall be required to enter into such an agreement under terms not less favorable to the taxpayer than those agreed to by the Internal Revenue Service, within the limitations provided in the Oklahoma Constitution.

In any case where the amount of any tax liability which has been admitted or established exceeds ~~Fifteen Hundred Dollars (\$1,500.00)~~ Five Thousand Dollars (\$5,000.00), no agreement to compound, settle or compromise such tax liability shall be effective until the settlement thereof shall have been approved by judgment of one of the judges of the district court of Oklahoma County, after a full hearing thereon.

SECTION 2. This act shall become effective July 1, 2002.

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."

Passed the Senate the 16th day of April, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2002.

Presiding Officer of the House
of Representatives