

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2544

By: Hyman

AS INTRODUCED

An Act relating to revenue and taxation; authorizing counties to levy a tax upon the severance of sand, rock and shale; requiring voter approval of such tax; providing procedures for the election; requiring duration of the tax to be identified on the ballot; providing procedures for collection of such tax; 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 1001.4 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Any county of this state may levy a tax upon the severance of sand, rock and shale, within the territorial limits of the county, in an amount specified in the special election called as provided for in this section. Before a severance tax may be levied by the county, the imposition of the tax shall first be approved by a majority of the registered voters of the county voting thereon at a special election called by the board of county commissioners or by initiative petition signed by not less than five percent (5%) of the registered voters of the county who were registered at the time of the last general election. However, if a majority of the registered voters of a county voting in the special election fail to approve such a tax, the board of county commissioners shall not call another special election for such purpose for six (6) months.

B. Any severance tax which may be levied by a county shall be designated for a particular purpose. Such purposes may include, but are not limited to, economic development, general operations,

capital improvements, county roads, weather modification or any other purpose deemed, by a majority vote of the county commissioners, to be necessary to promote safety, security, and the general well-being of the people. The county shall identify the purpose of the severance tax when it is presented to the voters pursuant to the provisions of subsection A of this section. The proceeds of any severance tax levied by a county shall be deposited in the general revenue fund of the county and shall be used only for the purpose for which the tax was designated.

C. The life of a tax levied pursuant to the provisions of this section may be limited or unlimited in duration. The county shall identify the duration of the tax when it is presented to the voters pursuant to the provisions of subsection A of this section.

D. The board of county commissioners of a county levying a tax pursuant to the provisions of this section and the Oklahoma Tax Commission are authorized to enter into a contract whereby the Oklahoma Tax Commission shall have authority to assess, collect, and enforce the tax and any penalties or interest thereon, levied by the county, and to remit the same to the county. Such authority shall apply to any tax, penalty, or interest liability existing at the time of contracting. Upon contracting, the Oklahoma Tax Commission shall have the power of enforcement of the tax, penalties, or interest that are vested in the county. The contract shall provide for the assessment, collection, and enforcement of the tax, penalties, and interest in the same manner as the administration, collection, and enforcement of the state gross production tax by the Oklahoma Tax Commission. For providing such assistance, the Oklahoma Tax Commission shall charge the county a fee of one percent (1%) of the gross collection proceeds.

SECTION 2. This act shall become effective January 1, 2007.

50-2-7908 CJB 12/15/05