

THE HOUSE OF REPRESENTATIVES
Tuesday, March 6, 2007

Committee Substitute for
House Bill No. 1431

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1431 - By: HILLIARD of the House and CRUTCHFIELD of the Senate.

(Revenue and taxation - sales tax exemptions – museums - effective date - emergency)

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

1 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1356, as last amended by
2 Section 2, Chapter 44, 2nd Extraordinary Session of the 50th Oklahoma Legislature,
3 O.S.L. 2006 (68 O.S. Supp. 2006, Section 1356), is amended to read as follows:

4 Section 1356. Exemptions - Governmental and nonprofit entities.

5 There are hereby specifically exempted from the tax levied by Section 1350 et seq. of
6 this title:

7 1. Sale of tangible personal property or services to the United States government or
8 to the State of Oklahoma, any political subdivision of this state or any agency of a
9 political subdivision of this state; provided, all sales to contractors in connection with the
10 performance of any contract with the United States government, State of Oklahoma or
11 any of its political subdivisions shall not be exempted from the tax levied by Section 1350
12 et seq. of this title, except as hereinafter provided;

1 2. Sales of property to agents appointed by or under contract with agencies or
2 instrumentalities of the United States government if ownership and possession of such
3 property transfers immediately to the United States government;

4 3. Sales of property to agents appointed by or under contract with a political
5 subdivision of this state if the sale of such property is associated with the development of
6 a qualified federal facility, as provided in the Oklahoma Federal Facilities Development
7 Act, and if ownership and possession of such property transfers immediately to the
8 political subdivision or the state;

9 4. Sales made directly by county, district or state fair authorities of this state, upon
10 the premises of the fair authority, for the sole benefit of the fair authority or sales of
11 admission tickets to such fairs or fair events at any location in the state authorized by
12 county, district or state fair authorities; provided, the exemption provided by this
13 paragraph for admission tickets to fair events shall apply only to any portion of the
14 admission price that is retained by or distributed to the fair authority. As used in this
15 paragraph, "fair event" shall be limited to an event held on the premises of the fair
16 authority in conjunction with and during the time period of a county, district or state
17 fair;

18 5. Sale of food in cafeterias or lunch rooms of elementary schools, high schools,
19 colleges or universities which are operated primarily for teachers and pupils and are not
20 operated primarily for the public or for profit;

21 6. Dues paid to fraternal, religious, civic, charitable or educational societies or
22 organizations by regular members thereof, provided, such societies or organizations

1 operate under what is commonly termed the lodge plan or system, and provided such
2 societies or organizations do not operate for a profit which inures to the benefit of any
3 individual member or members thereof to the exclusion of other members and dues paid
4 monthly or annually to privately owned scientific and educational libraries by members
5 sharing the use of services rendered by such libraries with students interested in the
6 study of geology, petroleum engineering or related subjects;

7 7. Sale of tangible personal property or services to or by churches, except sales
8 made in the course of business for profit or savings, competing with other persons
9 engaged in the same or a similar business or sale of tangible personal property or
10 services by an organization exempt from federal income tax pursuant to Section 501(c)(3)
11 of the Internal Revenue Code of 1986, as amended, made on behalf of or at the request of
12 a church or churches if the sale of such property is conducted not more than once each
13 calendar year for a period not to exceed three (3) days by the organization and proceeds
14 from the sale of such property are used by the church or churches or by the organization
15 for charitable purposes;

16 8. The amount of proceeds received from the sale of admission tickets which is
17 separately stated on the ticket of admission for the repayment of money borrowed by any
18 accredited state-supported college or university or any public trust of which a county in
19 this state is the beneficiary, for the purpose of constructing or enlarging any facility to be
20 used for the staging of an athletic event, a theatrical production, or any other form of
21 entertainment, edification or cultural cultivation to which entry is gained with a paid
22 admission ticket. Such facilities include, but are not limited to, athletic fields, athletic

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax
2 exemption, the amount separately stated on the admission ticket shall be a surcharge
3 which is imposed, collected and used for the sole purpose of servicing or aiding in the
4 servicing of debt incurred by the college or university to effect the capital improvements
5 hereinbefore described;

6 9. Sales of tangible personal property or services to the council organizations or
7 similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of
8 U.S.A. and the ~~Campfire Boys and Girls~~ Camp Fire U.S.A.;

9 10. Sale of tangible personal property or services to any county, municipality, rural
10 water district, public school district, the institutions of The Oklahoma State System of
11 Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public
12 Facilities Authority, the Oklahoma Municipal Power Authority, City of Tulsa-Rogers
13 County Port Authority, Muskogee City-County Port Authority, the Oklahoma
14 Department of Veterans Affairs, the Broken Bow Economic Development Authority,
15 Ardmore Development Authority, Durant Industrial Authority, Oklahoma Ordnance
16 Works Authority or to any person with whom any of the above-named subdivisions or
17 agencies of this state has duly entered into a public contract pursuant to law, necessary
18 for carrying out such public contract or to any subcontractor to such a public contract.
19 Any person making purchases on behalf of such subdivision or agency of this state shall
20 certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor
21 that the purchases are made for and on behalf of such subdivision or agency of this state
22 and set out the name of such public subdivision or agency. Any person who wrongfully or

1 erroneously certifies that purchases are for any of the above-named subdivisions or
2 agencies of this state or who otherwise violates this section shall be guilty of a
3 misdemeanor and upon conviction thereof shall be fined an amount equal to double the
4 amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

5 11. Sales of tangible personal property or services to private institutions of higher
6 education and private elementary and secondary institutions of education accredited by
7 the State Department of Education or registered by the State Board of Education for
8 purposes of participating in federal programs or accredited as defined by the Oklahoma
9 State Regents for Higher Education which are exempt from taxation pursuant to the
10 provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), including
11 materials, supplies, and equipment used in the construction and improvement of
12 buildings and other structures owned by the institutions and operated for educational
13 purposes.

14 Any person, firm, agency or entity making purchases on behalf of any institution,
15 agency or subdivision in this state, shall certify in writing, on the copy of the invoice or
16 sales ticket the nature of the purchases, and violation of this paragraph shall be a
17 misdemeanor as set forth in paragraph 10 of this section;

18 12. Tuition and educational fees paid to private institutions of higher education
19 and private elementary and secondary institutions of education accredited by the State
20 Department of Education or registered by the State Board of Education for purposes of
21 participating in federal programs or accredited as defined by the Oklahoma State

1 Regents for Higher Education which are exempt from taxation pursuant to the provisions
2 of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

3 13. a. Sales of tangible personal property made by:

4 (1) a public school,

5 (2) a private school offering instruction for grade levels

6 kindergarten through twelfth grade,

7 (3) a public school district,

8 (4) a public or private school board,

9 (5) a public or private school student group or organization,

10 (6) a parent-teacher association or organization other than as

11 specified in subparagraph b of this paragraph, or

12 (7) public or private school personnel for purposes of raising funds

13 for the benefit of a public or private school, public school district,

14 public or private school board or public or private school student

15 group or organization, or

16 b. Sales of tangible personal property made by or to nonprofit parent-
17 teacher associations or organizations exempt from taxation pursuant
18 to the provisions of the Internal Revenue Code, 26 U.S.C., Section
19 501(c)(3).

20 The exemption provided by this paragraph for sales made by a public or private
21 school shall be limited to those public or private schools accredited by the State
22 Department of Education or registered by the State Board of Education for purposes of

1 participating in federal programs. Sale of tangible personal property in this paragraph
2 shall include sale of admission tickets and concessions at athletic events;

3 14. Sales of tangible personal property by:

- 4 a. local 4-H clubs,
- 5 b. county, regional or state 4-H councils,
- 6 c. county, regional or state 4-H committees,
- 7 d. 4-H leader associations,
- 8 e. county, regional or state 4-H foundations, and
- 9 f. authorized 4-H camps and training centers.

10 The exemption provided by this paragraph shall be limited to sales for the purpose
11 of raising funds for the benefit of such organizations. Sale of tangible personal property
12 exempted by this paragraph shall include sale of admission tickets;

13 15. The first Seventy-five Thousand Dollars (\$75,000.00) each year from sale of
14 tickets and concessions at athletic events by each organization exempt from taxation
15 pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(4);

16 16. Items or services which are subsequently given away by the Oklahoma Tourism
17 and Recreation Department as promotional items pursuant to Section 1834 of Title 74 of
18 the Oklahoma Statutes;

19 17. Sales of tangible personal property or services to fire departments organized
20 pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used
21 for the purposes of the fire department. Any person making purchases on behalf of any
22 such fire department shall certify, in writing, on the copy of the invoice or sales ticket to

1 be retained by the vendor that the purchases are made for and on behalf of such fire
2 department and set out the name of such fire department. Any person who wrongfully or
3 erroneously certifies that the purchases are for any such fire department or who
4 otherwise violates the provisions of this section shall be deemed guilty of a misdemeanor
5 and upon conviction thereof, shall be fined an amount equal to double the amount of
6 sales tax involved or incarcerated for not more than sixty (60) days, or both;

7 18. Complimentary or free tickets for admission to places of amusement, sports,
8 entertainment, exhibition, display or other recreational events or activities which are
9 issued through a box office or other entity which is operated by a state institution of
10 higher education with institutional employees or by a municipality with municipal
11 employees;

12 19. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible
13 personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the
14 Oklahoma Statutes for the purposes of raising funds for the benefit of the fire
15 department. Fire departments selling tangible personal property for the purposes of
16 raising funds shall be limited to no more than six (6) days each year to raise such funds
17 in order to receive the exemption granted by this paragraph;

18 20. Sales of tangible personal property or services to any Boys & Girls Clubs of
19 America affiliate in this state which is not affiliated with the Salvation Army and which
20 is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
21 U.S.C., Section 501(c)(3);

1 21. Sales of tangible personal property or services to any organization, which takes
2 court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from
3 taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section
4 501(c)(3), provided that at least fifty percent (50%) of the juveniles served by such
5 organization are court adjudicated and the organization receives state funds in an
6 amount less than ten percent (10%) of the annual budget of the organization;

7 22. Sales of tangible personal property or services to:

- 8 a. any federally qualified community health center as defined in Section
9 254c of Title 42 of the United States Code,
10 b. any migrant health center as defined in Section 254b of Title 42 of the
11 United States Code,
12 c. any clinic receiving disbursements of state monies from the Indigent
13 Health Care Revolving Fund pursuant to the provisions of Section 66
14 of Title 56 of the Oklahoma Statutes,
15 d. any community based health center which meets all of the following
16 criteria:
17 (1) provides primary care services at no cost to the recipient, and
18 (2) is exempt from taxation pursuant to the provisions of Section
19 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section
20 501(c)(3), and
21 e. any community mental health center as defined in Section 3-302 of
22 Title 43A of the Oklahoma Statutes;

1 23. Dues or fees, including free or complimentary dues or fees which have a value
2 equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or
3 municipally-owned recreation centers for the use of facilities and programs;

4 24. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible
5 personal property or services to or by a cultural organization established to sponsor and
6 promote educational, charitable and cultural events for disadvantaged children, and
7 which organization is exempt from taxation pursuant to the provisions of the Internal
8 Revenue Code, 26 U.S.C., Section 501(c)(3);

9 25. Sales of tangible personal property or services to museums or other entities
10 which have been accredited by the American Association of Museums or to museums
11 operating in Oklahoma that are exempt from taxation pursuant to the provisions of the
12 Internal Revenue Code, 26 U.S.C., Section 501(c)(3). Any person making purchases on
13 behalf of any such museum or other entity shall certify, in writing, on the copy of the
14 invoice or sales ticket to be retained by the vendor that the purchases are made for and
15 on behalf of such museum or other entity and set out the name of such museum or other
16 entity. Any person who wrongfully or erroneously certifies that the purchases are for
17 any such museum or other entity or who otherwise violates the provisions of this
18 paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall
19 be fined an amount equal to double the amount of sales tax involved or incarcerated for
20 not more than sixty (60) days, or by both such fine and incarceration;

21 26. Sales of tickets for admission by any museum accredited by the American
22 Association of Museums. In order to be eligible for the exemption provided by this

1 paragraph, an amount equivalent to the amount of the tax which would otherwise be
2 required to be collected pursuant to the provisions of Section 1350 et seq. of this title
3 shall be separately stated on the admission ticket and shall be collected and used for the
4 sole purpose of servicing or aiding in the servicing of debt incurred by the museum to
5 effect the construction, enlarging or renovation of any facility to be used for
6 entertainment, edification or cultural cultivation to which entry is gained with a paid
7 admission ticket;

8 27. Sales of tangible personal property or services occurring on or after June 1,
9 1995, to children's homes which are supported or sponsored by one or more churches,
10 members of which serve as trustees of the home;

11 28. Sales of tangible personal property or services to the organization known as the
12 Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters
13 thereof;

14 29. Sales of tangible personal property or services to youth camps which are
15 supported or sponsored by one or more churches, members of which serve as trustees of
16 the organization;

17 30. Transfer of tangible personal property made pursuant to Section 3226 of Title
18 63 of the Oklahoma Statutes by the University Hospitals Trust;

19 31. Sales of tangible personal property or services to a municipality, county or
20 school district pursuant to a lease or lease-purchase agreement executed between the
21 vendor and a municipality, county or school district. A copy of the lease or lease-
22 purchase agreement shall be retained by the vendor;

1 32. Sales of tangible personal property or services to any spaceport user, as defined
2 in the Oklahoma Space Industry Development Act;

3 33. The sale, use, storage, consumption, or distribution in this state, whether by
4 the importer, exporter, or another person, of any satellite or any associated launch
5 vehicle, including components of, and parts and motors for, any such satellite or launch
6 vehicle, imported or caused to be imported into this state for the purpose of export by
7 means of launching into space. This exemption provided by this paragraph shall not be
8 affected by:

- 9 a. the destruction in whole or in part of the satellite or launch vehicle,
- 10 b. the failure of a launch to occur or be successful, or
- 11 c. the absence of any transfer or title to, or possession of, the satellite or
12 launch vehicle after launch;

13 34. The sale, lease, use, storage, consumption, or distribution in this state of any
14 space facility, space propulsion system or space vehicle, satellite, or station of any kind
15 possessing space flight capacity, including components thereof;

16 35. The sale, lease, use, storage, consumption, or distribution in this state of
17 tangible personal property, placed on or used aboard any space facility, space propulsion
18 system or space vehicle, satellite, or station possessing space flight capacity, which is
19 launched into space, irrespective of whether such tangible property is returned to this
20 state for subsequent use, storage, or consumption in any manner;

21 36. The sale, lease, use, storage, consumption, or distribution in this state of
22 tangible personal property meeting the definition of "section 38 property" as defined in

1 Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral
2 part of and used primarily in support of space flight; however, section 38 property used in
3 support of space flight shall not include general office equipment, any boat, mobile home,
4 motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled,
5 or documented in this state or by the United States government, or any other property
6 not specifically suited to supporting space activity. The term "in support of space flight",
7 for purposes of this paragraph, means the altering, monitoring, controlling, regulating,
8 adjusting, servicing, or repairing of any space facility, space propulsion systems or space
9 vehicle, satellite, or station possessing space flight capacity, including the components
10 thereof;

11 37. The purchase or lease of machinery and equipment for use at a fixed location in
12 this state, which is used exclusively in the manufacturing, processing, compounding, or
13 producing of any space facility, space propulsion system or space vehicle, satellite, or
14 station of any kind possessing space flight capacity. Provided, the exemption provided
15 for in this paragraph shall not be allowed unless the purchaser or lessee signs an
16 affidavit stating that the item or items to be exempted are for the exclusive use
17 designated herein. Any person furnishing a false affidavit to the vendor for the purpose
18 of evading payment of any tax imposed by Section 1354 of this title shall be subject to the
19 penalties provided by law. As used in this paragraph, "machinery and equipment"
20 means "section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal
21 Revenue Code of 1986, which is used as an integral part of the manufacturing,
22 processing, compounding, or producing of items of tangible personal property. Such term

1 includes parts and accessories only to the extent that the exemption thereof is consistent
2 with the provisions of this paragraph;

3 38. The amount of a surcharge or any other amount which is separately stated on
4 an admission ticket which is imposed, collected and used for the sole purpose of
5 constructing, remodeling or enlarging facilities of a public trust having a municipality or
6 county as its sole beneficiary;

7 39. Sales of tangible personal property or services which are directly used in or for
8 the benefit of a state park in this state, which are made to an organization which is
9 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
10 U.S.C., Section 501(c)(3) and which is organized primarily for the purpose of supporting
11 one or more state parks located in this state;

12 40. The sale, lease or use of parking privileges by an institution of The Oklahoma
13 State System of Higher Education;

14 41. Sales of tangible personal property or services for use on campus or school
15 construction projects for the benefit of institutions of The Oklahoma State System of
16 Higher Education, private institutions of higher education accredited by the Oklahoma
17 State Regents for Higher Education or any public school or school district when such
18 projects are financed by or through the use of nonprofit entities which are exempt from
19 taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section
20 501(c)(3);

21 42. Sales of tangible personal property or services by an organization which is
22 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26

1 U.S.C., Section 501(c)(3), in the course of conducting a national championship sports
2 event, but only if all or a portion of the payment in exchange therefor would qualify as
3 the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26
4 U.S.C., Section 513(i). Sales exempted pursuant to this paragraph shall be exempt from
5 all Oklahoma sales, use, excise and gross receipts taxes;

- 6 43. Sales of tangible personal property or services to or by an organization which:
- 7 a. is exempt from taxation pursuant to the provisions of the Internal
 - 8 Revenue Code, 26 U.S.C., Section 501(c)(3),
 - 9 b. is affiliated with a comprehensive university within The Oklahoma
 - 10 State System of Higher Education, and
 - 11 c. has been organized primarily for the purpose of providing education
 - 12 and teacher training and conducting events relating to robotics;

13 44. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible
14 personal property to or by youth athletic teams which are part of an athletic organization
15 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
16 U.S.C., Section 501(c)(4), for the purposes of raising funds for the benefit of the team;

17 45. Sales of tickets for admission to a collegiate athletic event that is held in a
18 facility owned or operated by a municipality or a public trust of which the municipality is
19 the sole beneficiary and that actually determines or is part of a tournament or
20 tournament process for determining a conference tournament championship, a
21 conference championship, or a national championship;

1 46. Sales of tangible personal property or services to or by an organization which is
2 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
3 U.S.C., Section 501(c)(3) and is operating the Oklahoma City National Memorial and
4 Museum, an affiliate of the National Park System;

5 47. Sales of tangible personal property or services to organizations which are
6 exempt from federal taxation pursuant to the provisions of Section 501(c)(3) of the
7 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), the memberships of which are
8 limited to honorably discharged veterans, and which furnish financial support to area
9 veterans' organizations to be used for the purpose of constructing a memorial or museum;

10 48. Sales of tangible personal property or services on or after January 1, 2003, to an
11 organization which is exempt from taxation pursuant to the provisions of the Internal
12 Revenue Code, 26 U.S.C., Section 501(c)(3) that is expending monies received from a
13 private foundation grant in conjunction with expenditures of local sales tax revenue to
14 construct a local public library;

15 49. Sales of tangible personal property or services to a state that borders this state
16 or any political subdivision of that state, but only to the extent that the other state or
17 political subdivision exempts or does not impose a tax on similar sales of items to this
18 state or a political subdivision of this state;

19 50. Effective July 1, 2005, sales of tangible personal property or services to the
20 Career Technology Student Organizations under the direction and supervision of the
21 Oklahoma Department of Career and Technology Education;

1 51. Sales of tangible personal property to a public trust having either a single city,
2 town or county or multiple cities, towns or counties or combination thereof as beneficiary
3 or beneficiaries or a nonprofit organization which is exempt from taxation pursuant to
4 the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) for the purpose
5 of constructing improvements to or expanding a hospital or nursing home owned and
6 operated by any such public trust or nonprofit entity prior to the effective date of this act
7 in counties with a population of less than one hundred thousand (100,000) persons,
8 according to the most recent Federal Decennial Census. As used in this paragraph,
9 “constructing improvements to or expanding” shall not mean any expense for routine
10 maintenance or general repairs and shall require a project cost of at least One Hundred
11 Thousand Dollars (\$100,000.00). For purposes of this paragraph, sales made to a
12 contractor or subcontractor that enters into a contractual relationship with a public trust
13 or nonprofit entity as described by this paragraph shall be considered sales made to the
14 public trust or nonprofit entity. The exemption authorized by this paragraph shall be
15 administered in the form of a refund from the sales tax revenues apportioned pursuant to
16 Section 1353 of this title and the vendor shall be required to collect the sales tax
17 otherwise applicable to the transaction. The purchaser may apply for a refund of the
18 sales tax paid in the manner prescribed by this paragraph. Within thirty (30) days after
19 the end of each fiscal year, any purchaser that is entitled to make application for a
20 refund based upon the exempt treatment authorized by this paragraph may file an
21 application for refund of the sales taxes paid during such preceding fiscal year. The Tax
22 Commission shall prescribe a form for purposes of making the application for refund.

1 The Tax Commission shall determine whether or not the total amount of sales tax
2 exemptions claimed by all purchasers is equal to or less than Six Hundred Fifty
3 Thousand Dollars (\$650,000.00). If such claims are less than or equal to that amount,
4 the Tax Commission shall make refunds to the purchasers in the full amount of the
5 documented and verified sales tax amounts. If such claims by all purchasers are in
6 excess of Six Hundred Fifty Thousand Dollars (\$650,000.00), the Tax Commission shall
7 determine the amount of each purchaser's claim, the total amount of all claims by all
8 purchasers, and the percentage each purchaser's claim amount bears to the total. The
9 resulting percentage determined for each purchaser shall be multiplied by Six Hundred
10 Fifty Thousand Dollars (\$650,000.00) to determine the amount of refundable sales tax to
11 be paid to each purchaser. The pro rata refund amount shall be the only method to
12 recover sales taxes paid during the preceding fiscal year and no balance of any sales
13 taxes paid on a pro rata basis shall be the subject of any subsequent refund claim
14 pursuant to this paragraph;

15 52. Effective July 1, 2006, sales of tangible personal property or services to any
16 organization which assists, trains, educates, and provides housing for physically and
17 mentally handicapped persons and which is exempt from taxation pursuant to the
18 provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and that receives at
19 least eighty-five percent (85%) of its annual budget from state or federal funds. In order
20 to receive the benefit of the exemption authorized by this paragraph, the taxpayer shall
21 be required to make payment of the applicable sales tax at the time of sale to the vendor
22 in the manner otherwise required by law. Notwithstanding any other provision of the

1 Oklahoma Uniform Tax Procedure Code to the contrary, the taxpayer shall be authorized
2 to file a claim for refund of sales taxes paid that qualify for the exemption authorized by
3 this paragraph for a period of one (1) year after the date of the sale transaction. The
4 taxpayer shall be required to provide documentation as may be prescribed by the
5 Oklahoma Tax Commission in support of the refund claim. The total amount of sales tax
6 qualifying for exempt treatment pursuant to this paragraph shall not exceed One
7 Hundred Seventy-five Thousand Dollars (\$175,000.00) each fiscal year. Claims for
8 refund shall be processed in the order in which such claims are received by the
9 Oklahoma Tax Commission. If a claim otherwise timely filed exceeds the total amount of
10 refunds payable for a fiscal year, such claim shall be barred;

11 53. The first Two Thousand Dollars (\$2,000.00) each year of sales of tangible
12 personal property or services to, by, or for the benefit of a qualified neighborhood watch
13 organization that is endorsed or supported by or working directly with a law enforcement
14 agency with jurisdiction in the area in which the neighborhood watch organization is
15 located. As used in this paragraph, “qualified neighborhood watch organization” means
16 an organization that is a not-for-profit corporation under the laws of the State of
17 Oklahoma that was created to help prevent criminal activity in an area through
18 community involvement and interaction with local law enforcement and which is one of
19 the first two thousand organizations which makes application to the Oklahoma Tax
20 Commission for the exemption after the effective date of this act;

21 54. Sales of tangible personal property to a nonprofit organization, exempt from
22 taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section

1 501(c)(3), organized primarily for the purpose of providing services to homeless persons
2 during the day and located in a metropolitan area with a population in excess of five
3 hundred thousand (500,000) persons according to the latest Federal Decennial Census.
4 The exemption authorized by this paragraph shall be applicable to sales of tangible
5 personal property to a qualified entity occurring on or after January 1, 2005;

6 55. Sales of tangible personal property or services by an organization which is
7 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
8 U.S.C., Section 501(c)(3) made during auction events the principal purpose of which is to
9 provide funding for the preservation of wetlands and habitat for wild ducks;

10 56. Sales of tangible personal property or services by an organization which is
11 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
12 U.S.C., Section 501(c)(3) made during auction events the principal purpose of which is to
13 provide funding for the preservation and conservation of wild turkeys;

14 57. Sales of tangible personal property or services to an organization which:

15 a. is exempt from taxation pursuant to the provisions of the Internal
16 Revenue Code, 26 U.S.C., Section 501(c)(3), and

17 b. is part of a network of community-based, autonomous member
18 organizations that meets the following criteria:

19 (1) serves people with workplace disadvantages and disabilities by
20 providing job training and employment services, as well as job
21 placement opportunities and post-employment support,

- 1 (2) has locations in the United States and at least twenty other
2 countries,
- 3 (3) collects donated clothing and household goods to sell in retail
4 stores and provides contract labor services to business and
5 government, and
- 6 (4) provides documentation to the Oklahoma Tax Commission that
7 over seventy-five percent (75%) of its revenues are channeled
8 into employment, job training and placement programs and
9 other critical community services;

10 58. Sales of tickets made on or after September 21, 2005, and complimentary or
11 free tickets for admission issued on or after September 21, 2005, which have a value
12 equivalent to the charge that would have otherwise been made, for admission to a
13 professional athletic event in which a team in the National Basketball Association is a
14 participant, which is held in a facility owned or operated by a municipality, a county or a
15 public trust of which a municipality or a county is the sole beneficiary, and sales of
16 tickets made on or after the effective date of this act, and complimentary or free tickets
17 for admission issued on or after the effective date of this act, which have a value
18 equivalent to the charge that would have otherwise been made, for admission to a
19 professional athletic event in which a team in the National Hockey League is a
20 participant, which is held in a facility owned or operated by a municipality, a county or a
21 public trust of which a municipality or a county is the sole beneficiary;

1 59. Sales of tickets for admission and complimentary or free tickets for admission
2 which have a value equivalent to the charge that would have otherwise been made to a
3 professional sporting event involving ice hockey, baseball, basketball, football or arena
4 football, or soccer. As used in this paragraph, “professional sporting event” means an
5 organized athletic competition between teams that are members of an organized league
6 or association with centralized management, other than a national league or national
7 association, that imposes requirements for participation in the league upon the teams,
8 the individual athletes or both, and which uses a salary structure to compensate the
9 athletes;

10 60. Sales of tickets for admission to an annual event sponsored by an educational
11 and charitable organization of women which is exempt from taxation pursuant to the
12 provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and has as its
13 mission promoting volunteerism, developing the potential of women and improving the
14 community through the effective action and leadership of trained volunteers;

15 61. Sales of tangible personal property or services to an organization, which is
16 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
17 U.S.C., Section 501(c)(3), and which is itself a member of an organization which is
18 exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26
19 U.S.C., Section 501(c)(3), if the membership organization is primarily engaged in
20 advancing the purposes of its member organizations through fundraising, public
21 awareness or other efforts for the benefit of its member organizations, and if the member
22 organization is primarily engaged either in providing educational services and programs

1 concerning health-related diseases and conditions to individuals suffering from such
2 health-related diseases and conditions or their caregivers and family members or support
3 to such individuals, or in health-related research as to such diseases and conditions, or
4 both. In order to qualify for the exemption authorized by this paragraph, the member
5 nonprofit organization shall be required to provide proof to the Oklahoma Tax
6 Commission of its membership status in the membership organization;

7 62. Sales of tangible personal property or services to or by an organization which is
8 part of a national volunteer women's service organization dedicated to promoting
9 patriotism, preserving American history and securing better education for children and
10 which has at least 168,000 members in 3,000 chapters across the United States;

11 63. Sales of tangible personal property or services to or by a YWCA or YMCA
12 organization which is part of a national nonprofit community service organization
13 working to meet the health and social service needs of its members across the United
14 States; and

15 64. Sales of tangible personal property or services to or by a veteran's organization
16 which is exempt from taxation pursuant to the provisions of the Internal Revenue Code,
17 26 U.S.C., Section 501 (c)(19) and which is known as the Veterans of Foreign Wars of the
18 United States, Oklahoma Chapters.

19 SECTION 2. This act shall become effective July 1, 2007.

20 SECTION 3. It being immediately necessary for the preservation of the public
21 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
22 this act shall take effect and be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
2 dated 03-05-07 - DO PASS, As Amended and Coauthored.