

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2664

By: McDaniel (Randy)

4  
5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68  
8 O.S. 2001, Sections 2357.35, as amended by Section 1,  
9 Chapter 429, O.S.L. 2005, 2357.36, as amended by  
10 Section 2, Chapter 429, O.S.L. 2005, 2357.37, as  
11 amended by Section 3, Chapter 429, O.S.L. 2005,  
12 2357.38, as amended by Section 4, Chapter 429, O.S.L.  
13 2005, 2357.39, as last amended by Section 5, Chapter  
14 429, O.S.L. 2005 and 2357.40, as last amended by  
15 Section 6, Chapter 429, O.S.L. 2005 (68 O.S. Supp.  
16 2007, Sections 2357.35, 2357.36, 2357.37, 2357.38,  
17 2357.39, and 2357.40), which relate to the Oklahoma  
18 Tourism Development Act; expanding tax credit to  
19 digital media; changing minimum required costs for  
20 film and music production facilities projects;  
21 providing an effective date; and declaring an  
22 emergency.

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

24 SECTION 1. AMENDATORY 68 O.S. 2001, Section 2357.35, as  
amended by Section 1, Chapter 429, O.S.L. 2005 (68 O.S. Supp. 2007,  
Section 2357.35), is amended to read as follows:

Section 2357.35 The Legislature hereby finds:

1. That the general welfare and material well-being of the  
citizens of the State of Oklahoma depend, in large measure, upon the

1 development of tourism attractions and film, digital media or music  
2 production facilities in this state;

3 2. That it is in the best interests of the citizens of this  
4 state to induce the creation of new or the expansion of existing  
5 tourism attractions and film, digital media or music production  
6 facilities within this state in order to advance the public purposes  
7 of relieving unemployment by preserving and creating jobs that would  
8 not exist if not for the inducements to be offered by this state to  
9 approved companies, and by preserving and creating sources of tax  
10 revenues for the support of public services provided by this state;

11 3. That the authority prescribed by this act, and the purposes  
12 to be accomplished under the provisions of this act, are proper  
13 governmental and public purposes for which public funds may be  
14 expended; and

15 4. That the inducement of the creation or expansion of tourism  
16 attraction projects and film, digital media or music production  
17 facility projects is of paramount importance, mandating that the  
18 provisions of this act be liberally construed and applied in order  
19 to advance public purposes.

20 SECTION 2. AMENDATORY 68 O.S. 2001, Section 2357.36, as  
21 amended by Section 2, Chapter 429, O.S.L. 2005 (68 O.S. Supp. 2007,  
22 Section 2357.36), is amended to read as follows:

23 Section 2357.36 As used in the Oklahoma Tourism Development  
24 Act:

1        1. "Agreement" means an agreement entered into pursuant to  
2 Section 2357.39 of this title, by and between the Director of the  
3 Oklahoma Tourism and Recreation Department and an approved company,  
4 with respect to a tourism attraction project or film, digital media  
5 or music production and development facility project;

6        2. "Approved company" means any eligible company that is  
7 seeking to undertake a tourism attraction or film, digital media or  
8 music production and development facility project and is approved by  
9 the Director pursuant to Sections 2357.38 and 2357.39 of this title;

10       3. "Approved costs" means:

11       a. obligations incurred for labor and to vendors,  
12                contractors, subcontractors, builders and suppliers in  
13                connection with the acquisition, construction,  
14                equipping and installation of a tourism attraction  
15                project or film, digital media or music production and  
16                development facility project,

17       b. the costs of acquiring real property or rights in real  
18                property in connection with a tourism attraction  
19                project or film, digital media or music production and  
20                development facility project, and any costs incidental  
21                thereto,

22       c. the costs of contract bonds and of insurance of all  
23                kinds that may be required or necessary during the  
24                course of the acquisition, construction, equipping and

1 installation of a tourism attraction project or film,  
2 digital media or music production and development  
3 facility project which is not paid by the vendor,  
4 supplier, contractor, or otherwise provided,

5 d. all costs of architectural and engineering services  
6 including, but not limited to, estimates, plans and  
7 specifications, preliminary investigations, and  
8 supervision of construction and installation, as well  
9 as for the performance of all the duties required by  
10 or consequent to the acquisition, construction,  
11 equipping and installation of a tourism attraction  
12 project or film, digital media or music production and  
13 development facility project,

14 e. all costs required to be paid under the terms of any  
15 contract for the acquisition, construction, equipping  
16 and installation of a tourism attraction project or  
17 film, digital media or music production and  
18 development facility project,

19 f. all costs required for the installation of utilities  
20 in connection with a tourism attraction project or  
21 film, digital media or music production and  
22 development facility project including, but not  
23 limited to, water, sewer, sewage treatment, gas,  
24 electricity and communications, and including off-site

1 construction of utility extensions paid for by the  
2 approved company, and

3 g. all other costs comparable with those described in  
4 this paragraph;

5 4. "Director" means the Director of the Oklahoma Tourism and  
6 Recreation Department or the Director's designated representative;

7 5. "Eligible company" means any corporation, limited liability  
8 company, partnership, sole proprietorship, business trust or any  
9 other entity, operating or intending to operate a tourism attraction  
10 project or undertake film, digital media or music production and  
11 development facility project, whether owned or leased, within this  
12 state that meets the standards promulgated by the Director pursuant  
13 to Section 2357.37 of this title;

14 6. "Final approval" means the action taken by the Director  
15 authorizing the eligible company to receive inducements under  
16 Section 2357.40 of this title;

17 7. "Increased state sales tax liability" means that portion of  
18 an approved company's reported state sales tax liability resulting  
19 from taxable sales of goods and services to its customers at the  
20 tourist attraction or for purposes of a film, digital media or music  
21 production and development facility project for any monthly sales  
22 tax reporting period after the approved company provides the  
23 certification required by subsection B of Section 2357.40 of this  
24 title, which exceeds the reported state sales tax liability for

1 sales to its customers for the same month in the calendar year  
2 immediately preceding the certification;

3 8. "Inducements" means the income tax credit or sales tax  
4 credit as prescribed in Section 2357.40 of this title;

5 9. "Preliminary approval" means the action taken by the  
6 Director conditioned upon final approval by the Director upon  
7 satisfaction by the eligible company of the requirements of the  
8 Oklahoma Tourism Development Act;

9 10. a. "Tourism attraction" means:

- 10 (1) a cultural or historical site,
- 11 (2) a recreational or entertainment facility,
- 12 (3) an area of natural phenomenon or scenic beauty,
- 13 (4) a theme park,
- 14 (5) an amusement or entertainment park,
- 15 (6) an indoor or outdoor play or music show,
- 16 (7) a botanical garden, or
- 17 (8) a cultural or educational center.

18 b. A tourism attraction shall not include:

- 19 (1) lodging facilities, unless the facilities  
20 constitute a portion of a tourism attraction  
21 project and represent less than fifty percent  
22 (50%) of the total approved costs of the tourism  
23 attraction project,

24

- 1 (2) facilities that are primarily devoted to the  
2 retail sale of goods, unless the goods are  
3 created at the site of the tourism attraction  
4 project or if the sale of goods is incidental to  
5 the tourism attraction project,
- 6 (3) facilities that are not open to the general  
7 public,
- 8 (4) facilities that do not serve as a likely  
9 destination where individuals who are not  
10 residents of this state would remain overnight in  
11 commercial lodging at or near the tourism  
12 attraction project,
- 13 (5) facilities owned by the State of Oklahoma or a  
14 political subdivision of this state, or
- 15 (6) facilities established for the purpose of  
16 conducting legalized gambling. However, a  
17 facility regulated under Section 200 et seq. of  
18 Title 3A of the Oklahoma Statutes shall be a  
19 tourism attraction for purposes of the Oklahoma  
20 Tourism Development Act for any approved project  
21 as outlined in subparagraph a of this paragraph  
22 or for an approved project relating to pari-  
23 mutuel racing at the facility and not for  
24

1                    establishing a casino or for offering casino-  
2                    style gambling; and

3            11. "Tourism attraction project", "film, digital media or music  
4 production and development facility project" or "project" means:

5            a. the acquisition, including the acquisition of real  
6            estate by leasehold interest with a minimum term of  
7            ten (10) years, construction, and equipping of a  
8            tourism attraction or film, digital media or music  
9            production and development facility, and

10           b. the construction and installation of improvements to  
11           facilities necessary or desirable for the acquisition,  
12           construction, and installation of a tourism attraction  
13           or film, digital media or music production and  
14           development facility, including, but not limited to:

15                (1) surveys, and

16                (2) installation of utilities, which may include:

17                    (a) water, sewer, sewage treatment, gas,  
18                    electricity, communications, and similar  
19                    facilities, and

20                    (b) off-site construction of utility extensions  
21                    to the boundaries of the real estate on  
22                    which the facilities are located,

1 all of which are to be used to improve the economic  
2 situation of the approved company in a manner that  
3 shall allow the approved company to attract tourists.

4 SECTION 3. AMENDATORY 68 O.S. 2001, Section 2357.37, as  
5 amended by Section 3, Chapter 429, O.S.L. 2005 (68 O.S. Supp. 2007,  
6 Section 2357.37), is amended to read as follows:

7 Section 2357.37 A. The Director of the Oklahoma Tourism and  
8 Recreation Department, with approval of the Oklahoma Tourism and  
9 Recreation Commission, shall establish standards for the making of  
10 applications for inducements to eligible companies and their tourism  
11 attraction projects, or film, digital media and music production and  
12 development facility projects by the promulgation of rules in  
13 accordance with the Administrative Procedures Act.

14 B. With respect to each eligible company making an application  
15 to the Director for inducements, and with respect to the tourism  
16 attraction or film, digital media and music production and  
17 development facility project described in the application, the  
18 Director shall make inquiries and request materials of the applicant  
19 that shall include, but shall not be limited to:

20 1. Marketing plans for the project that target individuals who  
21 are not residents of this state;

22 2. A description and location of the project;

23 3. Capital and other anticipated expenditures for the project  
24 that indicate that the total cost of the project shall exceed Five

1 ~~Hundred Thousand Dollars (\$500,000.00)~~ the minimum amount set forth  
2 in subsection C of this section and the anticipated sources of  
3 funding therefor;

4 4. The anticipated employment and wages to be paid at the  
5 project;

6 5. Business plans which indicate the average number of days in  
7 a year in which the project will be in operation and open to the  
8 public, if applicable; and

9 6. The anticipated revenues and expenses generated by the  
10 project.

11 Based upon a review of these materials, if the Director determines  
12 that the eligible company and the tourism attraction or film,  
13 digital media and music production and development facility project  
14 may reasonably be expected to satisfy the criteria for final  
15 approval in subsection C of this section, then the Director may  
16 consider granting a preliminary approval of the eligible company and  
17 the tourism attraction project pursuant to subsection B of Section  
18 2357.38 of this title.

19 C. 1. For a tourism attraction project, after granting a  
20 preliminary approval, the Director shall engage the services of a  
21 competent consulting firm which shall submit to the Director a  
22 report analyzing the data made available by the eligible company and  
23 which shall collect and analyze additional information necessary to  
24

1 determine that, in the independent judgment of the consultant, the  
2 tourism attraction project will:

3 a. attract at least twenty-five percent (25%) of its  
4 visitors from among persons who are not residents of  
5 this state;

6 b. have costs in excess of Five Hundred Thousand Dollars  
7 (\$500,000.00);

8 c. have a significant and positive economic impact on  
9 this state considering, among other factors, the  
10 extent to which the tourism attraction project will  
11 compete directly with existing tourism attractions in  
12 this state, and the amount by which increased tax  
13 revenues from the tourism attraction project will  
14 exceed the sales tax credit or income tax credit  
15 allowed pursuant to Section 2357.40 of this title;

16 d. produce sufficient revenues and public demand to be  
17 operating and open to the public on a regular and  
18 persistent basis; and

19 e. not adversely affect existing employment in this  
20 state.

21 2. For a film, digital media or music production and  
22 development facility project, after granting a preliminary approval,  
23 the Director shall engage the services of a competent consulting  
24 firm which shall submit to the Director a report analyzing the data

1 made available by the eligible company and which shall collect and  
2 analyze additional information necessary to determine that, in the  
3 independent judgment of the consultant, the film, digital media or  
4 music production and development facility will:

5 a. for music production and postproduction facilities  
6 have costs in excess of ~~Five Hundred Thousand Dollars~~  
7 ~~(\$500,000.00)~~ One Hundred Thousand Dollars  
8 (\$100,000.00), for film and digital media production  
9 and postproduction facilities have costs in excess of  
10 Three Hundred Fifty Thousand Dollars (\$350,000.00);

11 b. have a significant and positive economic impact on  
12 this state considering, among other factors, the  
13 extent to which the film, digital media or music  
14 production and development facility will compete  
15 directly with existing facilities in this state, and  
16 the amount by which increased tax revenues from the  
17 facility will exceed the sales tax credit or income  
18 tax credit allowed pursuant to Section 2357.40 of this  
19 title; and

20 c. not adversely affect existing employment in this  
21 state.

22 D. The eligible company shall pay for the cost of the  
23 consultant's report and shall cooperate with the consultant and  
24

1 provide all of the data that the consultant deems necessary to make  
2 a determination of this section.

3 SECTION 4. AMENDATORY 68 O.S. 2001, Section 2357.38, as  
4 amended by Section 4, Chapter 429, O.S.L. 2005 (68 O.S. Supp. 2007,  
5 Section 2357.38), is amended to read as follows:

6 Section 2357.38 A. The Director of the Oklahoma Tourism and  
7 Recreation Department, with the approval of the Oklahoma Tourism and  
8 Recreation Commission, shall establish standards for preliminary  
9 approval and final approval of eligible companies and their projects  
10 by the promulgation of rules in accordance with the Administrative  
11 Procedures Act.

12 B. The Director may give preliminary approval by designating an  
13 eligible company as a preliminarily approved company and  
14 preliminarily authorizing the undertaking of the tourism attraction  
15 project or film, digital media or music production and development  
16 facility project.

17 C. The Director shall review the report of the consultant  
18 prepared pursuant to subsection C of Section 2357.37 of this title  
19 and other information that has been made available to the Director  
20 in order to assist the Director in determining whether the tourism  
21 attraction project or film, digital media and music production and  
22 development facility project will further the purposes of the  
23 Oklahoma Tourism Development Act.

24

1 D. The criteria for final approval of eligible companies and  
2 tourism attraction projects or film, digital media and music  
3 production and development facility projects shall include, but  
4 shall not be limited to, the criteria set forth in subsection C of  
5 Section 2357.37 of this title.

6 E. After a review of the relevant materials, the consultant's  
7 report, other information made available to the Director, and  
8 completion of other inquiries, the Director may give final approval  
9 to the eligible company's application for a tourism attraction  
10 project or film, digital media and music production and development  
11 facility project and may grant to the eligible company the status of  
12 an approved company. The decision reached by the Director may be  
13 appealed by the eligible company to the Oklahoma Tourism and  
14 Recreation Commission. The decision of the Oklahoma Tourism and  
15 Recreation Commission shall constitute the final administrative  
16 decision of the Oklahoma Tourism and Recreation Department.

17 SECTION 5. AMENDATORY 68 O.S. 2001, Section 2357.39, as  
18 last amended by Section 5, Chapter 429, O.S.L. 2005 (68 O.S. Supp.  
19 2007, Section 2357.39), is amended to read as follows:

20 Section 2357.39 A. Upon granting final approval, the Director  
21 of the Oklahoma Tourism and Recreation Department may enter into an  
22 agreement with an approved company with respect to its tourism  
23 attraction project or film, digital media and music production and  
24

1 development facility project. The terms and provisions of each  
2 agreement shall include, but shall not be limited to:

3 1. The amount of approved costs, which shall be determined by  
4 negotiations between the Director and the approved company;

5 2. A date certain by which the approved company shall have  
6 completed the tourism attraction project or film, digital media and  
7 music production and development facility project. Within three (3)  
8 months of the completion date, the approved company shall document  
9 the actual cost of the project through a certification of the costs  
10 by an independent certified public accountant acceptable to the  
11 Director; and

12 3. The following provisions:

13 a. the term of the agreement shall be ten (10) years from  
14 the later of:

15 (1) the date of the final approval of the tourism  
16 attraction project or film, digital media and  
17 music production and development facility  
18 project, or

19 (2) the completion date specified in the agreement,  
20 if the completion date is within two (2) years of  
21 the date of the final approval of the tourism  
22 attraction project or film, digital media and  
23 music production and development facility  
24 project. However, the term of the agreement may

1 be extended for up to two (2) additional years by  
2 the Director, with the advice and consent of the  
3 Oklahoma Tax Commission, if the Director  
4 determines that the failure to complete the  
5 tourism attraction project or film, digital media  
6 and music production and development facility  
7 project within two (2) years resulted from:

- 8 (a) unanticipated and unavoidable delay in the  
9 construction of the tourism attraction  
10 project or film, digital media and music  
11 production and development facility project,  
12 (b) an original completion date for the tourism  
13 attraction project or film, digital media  
14 and music production and development  
15 facility project, as originally planned,  
16 which will be more than two (2) years from  
17 the date construction began, or  
18 (c) a change in business ownership or business  
19 structure resulting from a merger or  
20 acquisition,

- 21 b. in any tax year during which an agreement is in  
22 effect, if the amount of income tax due from the  
23 approved company exceeds the state income tax credit  
24 available to the approved company, then the approved

1 company shall pay the excess to this state as income  
2 tax, and if in any tax year during which an agreement  
3 is in effect, if the amount of sales tax to be  
4 remitted by the approved company exceeds the sales tax  
5 credit available to the approved company, then the  
6 approved company shall pay the excess to this state as  
7 sales tax,

8 c. within forty-five (45) days after the end of each  
9 calendar year, the approved company shall supply the  
10 Director with such reports and certifications as the  
11 Director may request demonstrating to the satisfaction  
12 of the Director that the approved company is in  
13 compliance with the provisions of the Oklahoma Tourism  
14 Development Act, and

15 d. the approved company shall not receive an inducement  
16 with respect to any calendar year if:

17 (1) for a tourism attraction project:

18 (a) in any calendar year following the fourth  
19 year of the agreement, the tourism  
20 attraction project fails to attract at least  
21 fifteen percent (15%) of its visitors from  
22 among persons who are not residents of this  
23 state, or  
24

1 (b) in any calendar year following the first  
2 year of the agreement, the tourism  
3 attraction project is not operating and open  
4 to the public on a regular and consistent  
5 basis, or

6 (2) for a film, digital media or music production and  
7 development facility project, in any calendar  
8 year following the fourth year of the agreement,  
9 the facility fails to have a significant and  
10 positive impact on the state.

11 B. The agreement shall not be transferable or assignable by the  
12 approved company without the written consent of the Director.

13 C. If the approved company utilizes inducements which are  
14 subsequently disallowed, then the approved company will be liable  
15 for the payment to the Tax Commission of all taxes resulting from  
16 the disallowance of the inducements plus applicable penalties and  
17 interest.

18 D. The Director shall provide a copy of each agreement entered  
19 into with an approved company to the Tax Commission.

20 SECTION 6. AMENDATORY 68 O.S. 2001, Section 2357.40, as  
21 last amended by Section 6, Chapter 429, O.S.L. 2005 (68 O.S. Supp.  
22 2007, Section 2357.40), is amended to read as follows:

23 Section 2357.40 A. Upon receiving notification from the  
24 Director of the Oklahoma Tourism and Recreation Department that an

1 approved company has entered into a tourism project agreement or a  
2 film, digital media and music production and development facility  
3 project agreement and is entitled to the inducements provided by the  
4 Oklahoma Tourism Development Act, the Oklahoma Tax Commission shall  
5 provide the approved company with forms and instructions as  
6 necessary to claim those inducements.

7 B. An approved company whose agreement provides that it shall  
8 expend approved costs of more than One Hundred Thousand Dollars  
9 (\$100,000.00) for music production and postproduction facilities,  
10 Three Hundred Fifty Thousand Dollars (\$350,000.00) for film and  
11 digital media production and postproduction facilities, and more  
12 than Five Hundred Thousand Dollars (\$500,000.00) for a tourism  
13 attraction project but less than One Million Dollars (\$1,000,000.00)  
14 shall be entitled to an income tax credit or a sales tax credit if  
15 the company certifies to the Tax Commission that it has expended at  
16 least ~~Five Hundred Thousand Dollars (\$500,000.00)~~ the minimum amount  
17 in approved costs, and the Director certifies that the approved  
18 company is in compliance with the Oklahoma Tourism Development Act.  
19 The Tax Commission shall then issue a tax credit memorandum to the  
20 approved company granting an income tax credit or sales tax credit  
21 in the amount of ten percent (10%) of the approved costs.  
22 Subsequent requests for credit for additional certified approved  
23 costs in excess of ~~Five Hundred Thousand Dollars (\$500,000.00)~~ the  
24 minimum amount for each project as listed in this subsection but

1 less than One Million Dollars (\$1,000,000.00) shall result in an  
2 income tax credit or sales tax credit in the amount of ten percent  
3 (10%) of the approved costs. Income tax credits or sales tax  
4 credits allowed pursuant to the provisions of the Oklahoma Tourism  
5 Development Act shall not be transferable or assignable.

6 An approved company whose agreement provides that it shall  
7 expend approved costs in excess of One Million Dollars  
8 (\$1,000,000.00) shall be entitled to an income tax credit or sales  
9 tax credit if the company certifies to the Tax Commission that it  
10 has expended at least One Million Dollars (\$1,000,000.00) in  
11 approved costs and the Director certifies that the approved company  
12 is in compliance with the Oklahoma Tourism Development Act. The Tax  
13 Commission shall then issue a tax credit memorandum to the approved  
14 company granting an income tax credit or sales tax credit in the  
15 amount of twenty-five percent (25%) of the approved costs. The  
16 credit on all subsequent additional certified approved costs shall  
17 be in the amount of twenty-five percent (25%) of the costs.

18 The Tax Commission may require proof of expenditures.  
19 Additional credit memoranda may be issued as the approved company  
20 certifies additional expenditures of approved costs.

21 No tax credit memorandum shall be issued for any approved costs  
22 expended after the expiration of two (2) years from the date the  
23 agreement was signed by the Director and the approved company.  
24 However, the Director, with the advice and consent of the Tax

1 Commission, may authorize tax credits for approved costs expended up  
2 to four (4) years from the date the agreement was signed if the  
3 Director determines that the failure to complete the tourism  
4 attraction project within two (2) years resulted from:

5 1. Unanticipated and unavoidable delay in the construction of  
6 the tourism attraction or film, digital media and music production  
7 and development facility project;

8 2. An original completion date for the tourism attraction or  
9 film, digital media and music production and development facility  
10 project, as originally planned, which will be more than two (2)  
11 years from the date construction began; or

12 3. A change in business ownership or business structure  
13 resulting from a merger or acquisition.

14 C. 1. An income tax credit allowed pursuant to the provisions  
15 of this section shall be applied to the amount of income taxes due  
16 from the approved company. If the amount of an income tax credit  
17 allowed pursuant to the provisions of this section exceeds the  
18 amount of income taxes due for the year in which the credit is  
19 granted, the amount of the credit not used may be carried forward  
20 for a period not to exceed ten (10) years.

21 2. A sales tax credit allowed pursuant to the provisions of  
22 this section may be used to offset a portion of the reported state  
23 sales tax liability of the approved company for all sales tax  
24

1 reporting periods following the issuance of the credit memorandum  
2 subject to the following limitations:

3 a. only increased state sales tax liability may be offset  
4 by the issued credit,

5 b. an approved company whose agreement provides that it  
6 shall expend approved costs in excess of One Million  
7 Dollars (\$1,000,000.00) shall be entitled to use only  
8 ten percent (10%) of the amount of each issued credit  
9 to offset increased state sales tax liability during  
10 each calendar year, plus the amount of any unused  
11 credit carried forward from a prior calendar year, and  
12 an approved company whose agreement provides that it  
13 shall expend approved costs of more than ~~Five Hundred~~  
14 ~~Thousand Dollars (\$500,000.00)~~ the minimum amount for  
15 each project as listed in this subsection but less  
16 than One Million Dollars (\$1,000,000.00) shall be  
17 entitled to use only twenty percent (20%) of the  
18 amount of each issued credit to offset increased state  
19 sales tax liability during each calendar year, plus  
20 the amount of any unused credit carried forward from a  
21 prior calendar year, and

22 c. all issued credit memoranda shall expire at the end of  
23 the month following the expiration of the agreement as  
24 provided in Section 2357.39 of this title.

1 The approved company shall have no obligation to refund or  
2 otherwise return any amount of this credit to the person from whom  
3 the sales tax was collected.

4 D. The Tax Commission shall promulgate rules as are necessary  
5 for the proper administration of the Oklahoma Tourism Development  
6 Act. The Tax Commission may also develop forms and instructions as  
7 necessary for an approved company to claim the income tax credit  
8 provided by the Oklahoma Tourism Development Act.

9 E. The Tax Commission shall have the authority to obtain any  
10 information necessary from the approved company and the Director to  
11 verify that approved companies have received the proper amounts of  
12 tax credits as authorized by the Oklahoma Tourism Development Act.  
13 The Oklahoma Tax Commission shall demand the repayment of any  
14 credits taken in excess of the credit allowed by the Oklahoma  
15 Tourism Development Act.

16 SECTION 7. This act shall become effective July 1, 2008.

17 SECTION 8. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21

22 51-2-8872 KB 01/14/08

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