

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1962

By: Sykes

4  
5 AS INTRODUCED

6 An Act relating to public finance; amending Section  
7 1, Chapter 327, O.S.L. 2007 (62 O.S. Supp. 2007,  
8 Section 46), which relates to the Taxpayer  
9 Transparency Act; defining term; requiring certain  
10 website to include list of agency request bills;  
11 requiring certain notification; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 327, O.S.L.  
15 2007 (62 O.S. Supp. 2007, Section 46), is amended to read as  
16 follows:

17 Section 46. A. This act shall be known and may be cited as the  
18 "Taxpayer Transparency Act."

19 B. As used in the Taxpayer Transparency Act:

20 1. "Single website" means a website that allows the public to  
21 access information identified in subsection C of this section  
22 without any fee or charge to the public for such access;

23 2. "Expenditure of state funds" means the disbursement of state  
24 funds, whether appropriated or nonappropriated, excluding:

a. the transfer of funds between two state agencies,

- 1           b.    payments of state or federal assistance to an  
2                    individual,  
3           c.    child support payments, and  
4           d.    refunds issued by the Oklahoma Tax Commission  
5                    resulting from the overpayment of tax;

6           3.    "Incentive payments" means payments made under the Oklahoma  
7   Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality  
8   Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive  
9   Act, Oklahoma Specialized Quality Investment Act and Oklahoma  
10   Quality Investment Act; ~~and~~

11           4.    "Tax credit" means a credit pursuant to the Oklahoma Income  
12   Tax Act against tax liability which is taken by a taxpayer,  
13   excluding credits authorized under paragraphs 1 and 2 of subsection  
14   B of Section 2357 and Sections 2357.29 and 2357.43 of Title 68 of  
15   the Oklahoma Statutes; and

16           5.    "Agency request bill" means a bill or joint resolution  
17   introduced for consideration in either house of the Legislature,  
18   which has been requested by any state governmental entity, other  
19   than a bill which solely appropriates state revenues or sets  
20   budgetary limitations for any state governmental entity; provided, a  
21   bill or joint resolution requested by any of the following state  
22   governmental entities shall not be considered an agency request  
23   bill:

- 24           a.    the Alcoholic Beverage Laws Enforcement Commission,

- b. the District Attorney's Council,
- c. the State Bureau of Narcotics and Dangerous Drugs Control,
- d. the Oklahoma State Bureau of Investigation,
- e. the Department of Public Safety,
- f. the Office of Juvenile Affairs, and
- g. the Office of the Attorney General.

C. No later than January 1, 2008, the Office of State Finance shall develop and operate a single website accessible by the public. The website shall include aggregate information on state revenue, expenditures and incentive payments and information on state tax preferences as contained in the tax expenditure report published by the Oklahoma Tax Commission pursuant to subsection E of Section 205 of Title 68 of the Oklahoma Statutes. No later than January 1, 2009, the website shall include search capabilities and shall include a list of agency request bills. Each state governmental entity requesting a member of the Legislature to introduce an agency request bill shall notify the Office of State Finance of such request no later than five (5) business days after the bill or joint resolution is introduced. The Office of State Finance may prescribe the form of such notification.

D. As soon as practicable after January 1, 2008, such website shall also include, but not be limited to:

- 1. For the expenditure of state funds or incentive payments:

- a. the name and principal location of the entity and/or recipients of the funds, excluding release of information relating to an individual's place of residence, release of information prohibited by subsection D of Section 24A.7 of Title 51 of the Oklahoma Statutes or by federal law relating to privacy rights,
- b. the amount of state funds expended,
- c. the type of transaction,
- d. the funding or expending agency, and
- e. a descriptive purpose of the funding action or expenditure; and

2. For each tax credit, information, including but not limited

to:

- a. the name of each taxpayer to which a credit has been granted,
- b. the amount of such credit, and
- c. the specific provision under which a credit has been granted.

E. The single website provided for in subsection C of this section shall include data on state revenue, expenditures and incentive payments for the fiscal year 2007 and each fiscal year thereafter and on state tax credits for tax year 2007 and each tax year thereafter. Such data shall be available on the single website

1 no later than one hundred twenty (120) days after the last day of  
2 the preceding fiscal year.

3 F. The Oklahoma Tax Commission, the Office of the State  
4 Treasurer, all institutions of The Oklahoma State System of Higher  
5 Education and any other state agency shall provide to the Office of  
6 State Finance such information as is necessary to accomplish the  
7 purposes of ~~this act~~ the Taxpayer Transparency Act.

8 G. So that the Tax Commission may fulfill its obligations as  
9 required by this section, all recipients of tax credits, as that  
10 term is defined herein, shall file their reports or returns claiming  
11 the tax credits in an electronic format, as may be required by the  
12 Tax Commission. The Tax Commission may disallow any claim of a  
13 person for a tax credit due to its failure to file a report or  
14 return as required under the authority of this paragraph.

15 H. Nothing in ~~this act~~ the Taxpayer Transparency Act shall  
16 require the disclosure of information which is required confidential  
17 by state or federal law.

18 I. The disclosure of information required by this section shall  
19 create no liability whatsoever, civil or criminal, to the State of  
20 Oklahoma or any member of the Office of State Finance or any  
21 employee thereof for disclosure of the information or for any error  
22 or omission in the disclosure.

23 SECTION 2. This act shall become effective November 1, 2008.

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