

OKLAHOMA STATE SENATE
STANDING
COMMITTEE REPORT

February 16, 2010

COMMITTEE ON FINANCE

SB 1267

By: Mazzei of the Senate

Title: Revenue and taxation; modifying period of time during which income tax credit for vehicle propelled by a hydrogen fuel cell may be claimed. Effective date.

Co-authored By: Stanislawski of the Senate and Hickman (Principal) of the House

Recommendation: **DO PASS AS AMENDED**

Senator Mike Mazzei, Chair

Amendments:

1. Page 2, lines 2 and 3 by deleting after the word "1995" on line 2 and before the period "." on line 3 all language and inserting "and ending upon the effective date of this act".
2. Page 6, line 10½ by inserting a new Section as follows:
"SECTION 2. AMENDATORY 68 O.S. 2001, Section 5013, as amended by Section 15, Chapter 155, O.S.L. 2007 (68 O.S. Supp. 2009, Section 5013), is amended to read as follows:
Section 5013.

A. All Except as otherwise provided in this subsection, all claims for relief authorized by the Sales Tax Relief Act shall be received by and in the possession of the Oklahoma Tax Commission on or before June 30 of each year for sales taxes paid for the preceding calendar year. Claimants shall be allowed a direct credit against income taxes owed by such claimant to the State of Oklahoma for the amount of such claim, in which case such claim shall be filed with the income tax return of the claimant on or before April 15 following the close of the taxable year, unless the claimant has been granted an extension of time in order to file an income tax return, in which case the claim may be filed with the return filed pursuant to the extension. In all cases where claimants have no income tax liability or where the sales tax relief authorized by this section exceeds the income tax liability of the claimant, such claim, or any balance thereof,

shall be paid out in the same manner and out of the same fund as refunds of income taxes are paid and so much of said fund as is necessary for such purposes is hereby appropriated. For sales tax paid during tax years after 2010, a claim for relief shall be filed no later than October 15th after the end of the tax year during which the sales tax was paid.

B. 1. Sales tax relief for families receiving assistance pursuant to the federal program of Temporary Aid to Needy Families shall be transferred from the Oklahoma Tax Commission to the Department of Human Services as provided in this subsection for purposes of obtaining federal matching funds to increase the payments to recipients of Temporary Aid to Needy Families. The determination of the amount to be transferred by the Oklahoma Tax Commission shall be based on a statistical report prepared monthly by the Department of Human Services which identifies the number of recipients of Temporary Aid to Needy Families. The amount transferred shall equal one-twelfth (1/12) of the annual sales tax relief for all persons receiving assistance during the month of the report. The amount transferred shall be paid out of the Income Tax Withholding Refund Account of the Tax Commission.

2. Monies received from the Tax Commission shall be deposited in the Human Services Fund. Recipients of assistance pursuant to the federal program of Temporary Aid to Needy Families shall receive sales tax relief as a part of their monthly Temporary Aid to Needy Families.

C. All duties of the Tax Commission to make sales tax relief payments to recipients since January 1, 1992, of state supplemental payments or medical assistance as patients in long-term care facilities who have received such supplemental payments or medical assistance throughout the calendar year are hereby transferred to the Department of Human Services. Receipt of such supplemental payments or medical assistance shall constitute automatic eligibility for sales tax relief under the provisions of the Sales Tax Relief Act. Sales tax relief payments to persons identified in this subsection shall be made as soon as practicable after the commencement of each calendar year. The Department of Human Services shall notify the Tax Commission of the total amount of the sales tax relief payments made in order that such sum may be transferred from the Income Tax Withholding Refund Account of the Tax Commission to the Department.

D. For those individuals receiving assistance or state supplemental payments as provided in subsections B and C of this section, the Department of Human Services shall make the sales tax relief payment without the requirement of an additional application form.

E. To avoid duplication of payment, at the end of each calendar year, the Department of Human Services shall provide the Tax Commission with a list of the individuals who received sales tax relief from the Department. Persons receiving sales tax relief payments directly from the Department of Human Services shall not be entitled to additional sales tax relief payments from the Tax Commission.

F. The Department of Human Services and the Tax Commission shall work jointly to notify individuals receiving assistance or state supplemental payments from the Department of Human Services of their possible entitlement and right to apply for sales tax relief as provided for in the Sales Tax Relief Act.”

3. Page 6, line 11 by deleting all language and inserting a new Section 3 as follows:

“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.”

4. By striking the title and inserting:

“(revenue and taxation – income tax – effective date)”