

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1673

By: Dorman

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5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; authorizing  
8 counties to levy a tax upon the severance of sand,  
9 rock and shale; requiring voter approval of such tax;  
10 providing procedures for the election; requiring  
11 duration of the tax to be identified on the ballot;  
12 providing procedures for collection of such tax;  
13 providing for codification; and providing an  
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1001.5 of Title 68, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Subject to the requirements of subsection B of this section,  
20 any county of this state is hereby authorized to levy a tax upon the  
21 severance of sand, rock and shale, within the territorial limits of  
22 the county, in an amount specified in the special election call as  
23 provided herein.

24 B. 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

1 called by the board of county commissioners or by initiative  
2 petition signed by not less than five percent (5%) of the registered  
3 voters of the county who were registered at the time of the last  
4 general election. However, if a majority of the registered voters  
5 of a county voting fail to approve such a tax, the board of county  
6 commissioners shall not call another special election for such  
7 purpose for six (6) months.

8 C. Any severance tax which may be levied by a county shall be  
9 designated for a particular purpose. Such purposes may include, but  
10 are not limited to, economic development, general operations,  
11 capital improvements, county roads, weather modification or any  
12 other purpose deemed, by a majority vote of the county  
13 commissioners, to be necessary to promote safety, security and the  
14 general well-being of the people. The county shall identify the  
15 purpose of the severance tax when it is presented to the voters  
16 pursuant to the provisions of subsection B of this section. The  
17 proceeds of any severance tax levied by a county shall be deposited  
18 in the general revenue fund of the county and shall be used only for  
19 the purpose for which the tax was designated.

20 D. The tax levied pursuant to the provisions of this section  
21 may be limited or unlimited in duration. The county shall identify  
22 the duration of the tax when it is presented to the voters pursuant  
23 to the provisions of subsection B of this section.

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

16 SECTION 2. This act shall become effective November 1, 2009.

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