

1 STATE OF OKLAHOMA

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

3 SENATE BILL 455

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to public finance; amending Section
8 1, Chapter 327, O.S.L. 2007 (62 O.S. Supp. 2008,
9 Section 46), which relates to the Taxpayer
10 Transparency Act; defining term; requiring certain
11 website to include list of agency or lobbyist request
12 bills; requiring certain notification; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 327, O.S.L.
16 2007 (62 O.S. Supp. 2008, Section 46), is amended to read as
17 follows:

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

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

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

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

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

- 1 a. the Alcoholic Beverage Laws Enforcement Commission,
- 2 b. the District Attorney's Council,
- 3 c. the State Bureau of Narcotics and Dangerous Drugs
- 4 Control,
- 5 d. the Oklahoma State Bureau of Investigation,
- 6 e. the Department of Public Safety,
- 7 f. the Office of Juvenile Affairs, and
- 8 g. the Office of the Attorney General.

9 C. No later than January 1, 2008, the Office of State Finance
10 shall develop and operate a single website accessible by the public.
11 The website shall include aggregate information on state revenue,
12 expenditures and incentive payments and information on state tax
13 preferences as contained in the tax expenditure report published by
14 the Oklahoma Tax Commission pursuant to subsection E of Section 205
15 of Title 68 of the Oklahoma Statutes. No later than January 1,
16 2009, the website shall include search capabilities. No later than
17 January 1, 2010, the website shall include a list of agency or
18 lobbyist request bills. Each state governmental entity or
19 registered lobbyist requesting a member of the Legislature to
20 introduce an agency or lobbyist request bill shall notify the Office
21 of State Finance of such request no later than five (5) business
22 days after the bill or joint resolution is introduced. The Office
23 of State Finance may prescribe the form of such notification.

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

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

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

16 2. For each tax credit, information, including but not limited
17 to:

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

23 E. The single website provided for in subsection C of this
24 section shall include data on state revenue, expenditures and

1 incentive payments for the fiscal year 2007 and each fiscal year
2 thereafter and on state tax credits for tax year 2007 and each tax
3 year thereafter. Such data shall be available on the single website
4 no later than one hundred twenty (120) days after the last day of
5 the preceding fiscal year.

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

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

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

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

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

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