

1 **SENATE FLOOR VERSION**

2 April 7, 2011

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1489

By: Brumbaugh of the House

and

Brown and Ivester of the  
Senate

7  
8  
9 [ public finance - public information - road funding  
10 information available online - tax credits -  
11 effective date ]

12  
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, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S.  
16 Supp. 2010, Section 46), is amended to read as 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,
- 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;

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. "Stimulus funds expenditure" means the disbursement by state agencies of federal funds received pursuant to the federal American Recovery and Reinvestment Act of 2009.

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

1 the Oklahoma Tax Commission pursuant to subsection E of Section 205  
2 of Title 68 of the Oklahoma Statutes. No later than January 1,  
3 2009, the website shall include search capabilities.

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

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

7 a. the name and principal location of the entity and/or  
8 recipients of the funds, excluding release of  
9 information relating to an individual's place of  
10 residence, release of information prohibited by  
11 subsection D of Section 24A.7 of Title 51 of the  
12 Oklahoma Statutes or by federal law relating to  
13 privacy rights,

14 b. the amount of state funds expended,

15 c. the type of transaction,

16 d. the funding or expending agency, and

17 e. a descriptive purpose of the funding action or  
18 expenditure;

19 2. For stimulus fund expenditures:

20 a. a link to the name and principal location of the  
21 entity and/or recipients of the funds regardless of  
22 amount,

23 b. the amount of stimulus funds expended,

24 c. the funding or expending agency, and

1 d. a descriptive purpose of the funding action or  
2 expenditure; and

3 3. For each tax credit, information, including but not limited  
4 to:

5 a. the name of each taxpayer to which a credit has been  
6 granted,

7 b. the amount of such credit, and

8 c. the specific provision under which a credit has been  
9 granted.

10 E. The single website provided for in subsection C of this  
11 section shall include data on state revenue, expenditures and  
12 incentive payments for the fiscal year 2007 and each fiscal year  
13 thereafter, on state tax credits for tax year 2007 and each tax year  
14 thereafter, and on stimulus fund expenditures for the fiscal year  
15 2009 and each fiscal year thereafter. Such data shall be available  
16 on the single website no later than one hundred twenty (120) days  
17 after the last day of the preceding fiscal year; provided, data on  
18 stimulus fund expenditures for the fiscal year 2009 shall be  
19 available on the single website within one hundred twenty (120) days  
20 after the effective date of this act.

21 F. No later than January 1, 2012, the single website provided  
22 for in subsection C of this section shall include a section specific  
23 to data on road funding in this state. This section of the website  
24

1 shall include but not be limited to historical as well as current  
2 revenue collections and apportionment data on the following:

3 1. Diesel fuel and gasoline excise tax collected pursuant to  
4 Sections 500.4 and 603 of Title 68 of the Oklahoma Statutes;

5 2. Gross production tax collected pursuant to Section 1001 of  
6 Title 68 of the Oklahoma Statutes;

7 3. Motor vehicle collections collected pursuant to Sections 6-  
8 101, 6-114, 14-116 and 1105 et seq. of Title 47 of the Oklahoma  
9 Statutes; and

10 4. Motor vehicle excise tax collected pursuant to Sections  
11 2103, 2104.3 and 2110 of Title 68 of the Oklahoma Statutes.

12 G. The Oklahoma Tax Commission, the Office of the State  
13 Treasurer, all institutions of The Oklahoma State System of Higher  
14 Education and any other state agency shall provide to the Office of  
15 State Finance such information as is necessary to accomplish the  
16 purposes of the Taxpayer Transparency Act.

17 ~~G.~~ H. So that the Tax Commission may fulfill its obligations as  
18 required by this section, all recipients of tax credits, as that  
19 term is defined herein, shall file their reports or returns claiming  
20 the tax credits in an electronic format, as may be required by the  
21 Tax Commission. The Tax Commission may disallow any claim of a  
22 person for a tax credit due to its failure to file a report or  
23 return as required under the authority of this subsection.

1       ~~H.~~ I. Nothing in the Taxpayer Transparency Act shall require  
2 the disclosure of information which is required to be kept  
3 confidential by state or federal law.

4       ~~F.~~ J. The disclosure of information required by this section  
5 shall create no liability whatsoever, civil or criminal, to the  
6 State of Oklahoma or any member of the Office of State Finance or  
7 any employee thereof for disclosure of the information or for any  
8 error or omission in the disclosure.

9       ~~J.~~ K. The State Auditor and Inspector shall maintain a website  
10 providing public access to the documentation of stimulus funding  
11 pursuant to the requirements of this section. The website shall  
12 provide a list of all stimulus fund expenditures regardless of  
13 amount. The entire list of stimulus fund expenditures and each of  
14 the related content requirements as detailed in subsection D of this  
15 section shall be available for export in standardized formats  
16 including but not limited to eXtensible Markup Language (XML) and  
17 Comma Separated Value (CSV) formats. The list of expenditures shall  
18 include searchable functionality including but not limited to the  
19 ability to search the expenditures by the name of the entity  
20 receiving funding, name of entity processing funding and name of  
21 entity benefiting from funding.

22       ~~K.~~ L. Information about tax credits subject to disclosure  
23 pursuant to this section shall include the identity of all taxpayers  
24

1 or organizations having any part in the chain of custody or claim to  
2 the credit or credits at any time during the credit's existence.

3 SECTION 2. AMENDATORY Section 3, Chapter 459, O.S.L.  
4 2010 (68 O.S. Supp. 2010, Section 205.6), is amended to read as  
5 follows:

6 Section 205.6 A. The Oklahoma Tax Commission shall prepare and  
7 maintain a list of all taxpayers who have claimed any tax credit  
8 authorized by any provisions of state law and related to a tax  
9 administered by the Tax Commission. The Office of State Finance  
10 shall cause the list to be posted on the Internet through the  
11 Taxpayer Transparency Act website in a format which is searchable  
12 and can be exported in raw data form.

13 The Office of State Finance shall include the name of each  
14 taxpayer who claimed a credit, the amount of such credit and the  
15 specific statutory provision under which the credit was claimed.  
16 The Internet list shall be updated not less than monthly. The list  
17 shall include the identity of all taxpayers or organizations having  
18 any part in the chain of custody or claim to the credit or credits  
19 at any time during the credit's existence from the initial time the  
20 credit is earned, through the time that the credit is claimed on a  
21 tax return.

22 B. For the purposes of this section "tax credit" means a credit  
23 against tax liability that is a credit administered by the Tax  
24 Commission, excluding credits authorized under paragraphs 1 and 2 of

1 subsection B of Section 2357, Section 2357.4 and Sections 2357.29  
2 and 2357.43 of ~~Title 68 of the Oklahoma Statutes~~ this title.

3 C. In addition to the disclosure required by subsection A of  
4 this section, for any tax credit that may be claimed by any person  
5 or any lawfully recognized business entity pursuant to the  
6 provisions of Sections 2357.62, 2357.63, 2357.73, and 2357.74 of  
7 ~~Title 68 of the Oklahoma Statutes~~ this title, the Oklahoma Tax  
8 Commission shall maintain a list of any person and any such entity  
9 that may be able to claim any such credit as a result of the  
10 allocation of tax credits based upon the pass-through federal income  
11 tax treatment applicable to the entity that makes a qualified  
12 investment, as such term is defined by paragraph 6 of Section  
13 2357.61 of ~~Title 68 of the Oklahoma Statutes~~ this title and  
14 paragraph 7 of Section 2357.72 of ~~Title 68 of the Oklahoma Statutes~~  
15 this title, in either a qualified small business capital company or  
16 a qualified rural small business capital company. For purposes of  
17 this subsection, the Tax Commission shall determine the identity of  
18 such persons and legal entities as of the December 31 date of the  
19 calendar year during which the qualified investment is made.

20 ~~D. The provisions of this section shall become effective~~  
21 ~~starting with the 2011 tax year.~~

22 SECTION 3. This act shall become effective January 1, 2012.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO  
24 PASS, As Amended and Coauthored.