

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 732

By: Mazzei

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5
6 AS INTRODUCED

7 An Act relating to uniform tax procedure; amending
8 Section 1, Chapter 376, O.S.L. 2003, as amended by
9 Section 4, Chapter 479, O.S.L. 2005 (68 O.S. Supp.
10 2010, Section 238.2), which relates to compliance
11 with income tax laws; modifying requirement to
12 terminate employment of certain state employees under
13 specified circumstances; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 376, O.S.L.
17 2003, as amended by Section 4, Chapter 479, O.S.L. 2005 (68 O.S.
18 Supp. 2010, Section 238.2), is amended to read as follows:

19 Section 238.2. A. It is the intent of the Legislature that the
20 provisions of this section operate to provide for the collection of
21 income taxes due to the State of Oklahoma by state employees in a
22 manner that will maximize flexibility for state employees to pay any
23 such taxes due while minimizing disruption to operations of state
24 agencies. It is the further intent of the Legislature that the
25 Oklahoma Tax Commission provide notice to state employees pursuant
26 to the provisions of subsection C of this section and that the Tax

1 Commission provide such notice to state employees at least six (6)
2 months prior to notification of noncompliance to a state agency.

3 B. The Office of State Finance shall, not later than August 1,
4 2003, and August 1 of each year thereafter, provide to the Tax
5 Commission a list of all state employees as of the preceding July 1
6 and such identifying information as may be required by the Tax
7 Commission. Such list and information shall be used by the Tax
8 Commission exclusively for the purpose of collection of income taxes
9 due to the State of Oklahoma. The provisions of any laws making
10 information confidential shall not apply with respect to information
11 supplied to the Tax Commission pursuant to the provisions of this
12 section; provided, such information shall be subject to the
13 provisions of Section 205 of Title 68 of the Oklahoma Statutes.

14 C. The Tax Commission shall, not later than November 1, 2003,
15 and November 1 of each year thereafter, notify any state employee
16 who is not in compliance with the income tax laws of this state.
17 Such notification shall include:

18 1. A statement that the employee will be subject to
19 disciplinary action by the appointing authority unless the taxpayer
20 is deemed by the Tax Commission to be in compliance with the income
21 tax laws of this state;

22 2. The reasons that the taxpayer is considered to be out of
23 compliance with the income tax laws of this state, including a
24 statement of the amount of any tax, penalties and interest due or a

1 list of the tax years for which income tax returns have not been
2 filed as required by law;

3 3. An explanation of the rights of the taxpayer and the
4 procedures which must be followed by the taxpayer in order to come
5 into compliance with the income tax laws of this state; and

6 4. Such other information as may be deemed necessary by the Tax
7 Commission.

8 D. A state employee who has entered into and is abiding by a
9 payment agreement, or who has requested relief as an innocent spouse
10 which is pending or has been granted, shall be deemed to be in
11 compliance with the state income tax laws for purposes of this
12 section.

13 E. If the Tax Commission notifies a state employee who is not
14 in compliance with the income tax laws of this state as required in
15 this section and such state employee does not respond to such
16 notification or fails to come into compliance with the income tax
17 laws of this state after an assessment has been made final or after
18 the Tax Commission determines that every reasonable effort has been
19 made to assist the state employee to come into compliance with the
20 income tax laws of this state, the Tax Commission, notwithstanding
21 the provisions of Section 205 of Title 68 of the Oklahoma Statutes,
22 shall so notify the appointing authority, which shall commence
23 disciplinary action with respect to the state employee and shall
24 notify the state employee of the reason for such action; provided,

1 | if a state agency receives a ~~third~~ notification with respect to a
2 | state employee who has failed to come into compliance with the
3 | income tax laws ~~for the same tax year or years~~, and the notification
4 | is the employee's third notification as a state employee, regardless
5 | of which agency the employee was employed by at the time of the
6 | first and second notices, such employee shall be terminated by the
7 | state agency according to the procedures provided by law. If a
8 | state employee who has been previously reported by the Tax
9 | Commission to a state agency as being out of compliance comes into
10 | compliance, the Tax Commission shall immediately notify the
11 | appointing authority. Neither a state agency nor an appointing
12 | authority shall be held liable for any action with respect to a
13 | state employee pursuant to the provisions of this section.

14 | F. The Tax Commission shall promulgate rules for the
15 | implementation of the provisions of this section.

16 | G. As used in this section:

17 | 1. "State agency" means any office, department, board,
18 | commission or institution of the executive, legislative or judicial
19 | branch of state government;

20 | 2. "Employee" or "state employee" means an appointed officer or
21 | employee of a state agency; provided, the term employee or state
22 | employee shall not include an elected official or an employee of a
23 | local governmental entity; and
24 |

1 3. "Appointing authority" means the chief administrative
2 officer of a state agency.

3 SECTION 2. This act shall become effective November 1, 2011.

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