

OKLAHOMA STATE SENATE
JOINT

COMMITTEE REPORT

May 21, 2012

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB 1985

By: Jolley of the Senate and Sears of the House

Title: Sales tax; updating language. Effective date.

Co-Authored By:

Recommendation: **DO PASS AS AMENDED**

Aye: Branan, Brinkley, David, Ford, Griffin, Marlatt, Newberry, Nichols, Stanislawski, Sykes, Wilson, Justice, Jolley

Nay:

Pass:



Senator Clark Jolley, Chair

Amendments:

1. Committee Substitute Attached.

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

JOINT APPROPRIATIONS AND BUDGET COMMITTEE

SB1985

By: Sears et al of the House
Jolley et al of the Senate
Title: Sales tax; updating language. Effective date.

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Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

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Chr.
Representative Earl Sears

YEAS: 13

Armes, Dank, Liebmann, Sears, Billy, Denney, Martin,, Sc, Blackwell, DeWitt, Nelson, Cox, Dorman,
Peters

NAYS: 2

Brown, McPeak

CONSTITUTIONAL PRIVILEGE: 0

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1985

By: Jolley and Justice of the
Senate

6 and

7 Sears and Martin (Scott) of
8 the House

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to tax administration; amending 68
12 O.S. 2011, Section 227, which relates to claims for
13 refund; modifying time period during which certain
14 refunds may be timely claimed; providing an effective
15 date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 68 O.S. 2011, Section 227, is
18 amended to read as follows:

19 Section 227. ~~(a)~~ A. Any taxpayer who has paid to the State of
20 Oklahoma, through error of fact, or computation, or
21 misinterpretation of law, any tax collected by the Tax Commission
22 may, as hereinafter provided, be refunded the amount of such tax so
23 erroneously paid, without interest.

1 ~~(b)~~ B. Any taxpayer who has ~~se~~ paid any ~~such~~ tax in the manner
2 specified in subsection A of this section may, ~~within three (3)~~
3 ~~years from the date of payment thereof~~ file with the Tax Commission
4 a verified claim for refund of ~~such~~ tax ~~se~~ erroneously paid. Except
5 as otherwise provided in this subsection, in order to be eligible
6 for a refund, the claim shall be filed within three (3) years of the
7 date of payment of the tax. In order to be eligible for a refund of
8 sales or use taxes on a claim filed on or after July 1, 2012, the
9 claim shall be filed within two (2) years of the date of payment of
10 the tax. The Tax Commission may accept an amended sales tax,
11 withholding tax or other report or return as a verified claim for
12 refund if the amended report or return establishes a liability less
13 than the original report or return previously filed.

14 ~~(e)~~ C. Said claim so filed with the Tax Commission, except for
15 an amended report or return, shall specify the name of the taxpayer,
16 the time when and period for which said tax was paid, the nature and
17 kind of tax so paid, the amount of the tax which said taxpayer
18 claimed was erroneously paid, the grounds upon which a refund is
19 sought, and such other information or data relative to such payment
20 as may be necessary to an adjustment thereof by the Tax Commission.
21 It shall be the duty of the Commission to determine what amount of
22 refund, if any, is due as soon as practicable after such claim has
23 been filed and advise the taxpayer about the correctness of his
24

1 claim and the claim for refund shall be approved or denied by
2 written notice to the taxpayer.

3 ~~(d)~~ D. If the claim for refund is denied, the taxpayer may file
4 a demand for hearing with the Commission. The demand for hearing
5 must be filed on or before the thirtieth day after the date the
6 notice of denial was mailed. If the taxpayer fails to file a demand
7 for hearing, the claim for refund shall be barred.

8 ~~(e)~~ E. Upon the taxpayer's timely filing of a demand for
9 hearing, the Commission shall set a date for hearing upon the claim
10 for refund which date shall not be later than sixty (60) days from
11 the date the demand for hearing was mailed. The taxpayer shall be
12 notified of the time and place of the hearing. The hearing may be
13 held after the sixty-day period provided by this subsection upon
14 agreement of the taxpayer.

15 ~~(f)~~ F. The provisions of this section shall not apply: ~~(1) to~~
16 1. To refunds of income tax erroneously paid, refunds of which
17 tax shall be payable out of the income tax adjustment fund as
18 provided by law; ~~(2) to~~

19 2. To estate tax because the payment of such tax is covered by
20 an order of the Tax Commission and the estate and interested parties
21 are given notice that Commission's position and computation of the
22 tax will become final unless they protest and resist the payment
23 thereof as provided by statute; nor, ~~(3) in~~

24

1 3. In any case where the tax was paid after an assessment
2 thereof was made by the Tax Commission which assessment became final
3 under the law.

4 SECTION 2. This act shall become effective July 1, 2012.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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