

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1489

By: Brumbaugh of the House and Brown of the Senate

Title: Public finance; requiring certain road funding information be made available online; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Amendment No. 1.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Banz _____

Brumbaugh David Brumbaugh

Cockroft [Signature]

Dorman [Signature]

Faught George Faught

Hamilton _____

Hilliard _____

Moore _____

Murphey John W. Murphey

Quinn Marty Quinn

Stiles _____

Walker Ernest D. Walker

Watson [Signature]

SENATE CONFEREES

Brown _____
Myers _____
David _____
Stanislowski _____
Garrison _____
Wyrick _____

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 1489

By: Brumbaugh of the House

and

Brown of the Senate

An Act relating to public finance; amending Section 1, Chapter 327, O.S.L. 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S. Supp. 2010, Section 46), which relates to public information; requiring certain road funding information be made available online; amending Section 3, Chapter 459, O.S.L. 2010 (68 O.S. Supp. 2010, Section 205.6), which relates to the disclosure of taxpayers who have claimed tax credits; eliminating provision providing tax year during which disclosure requirements become effective; and providing an effective date.

AUTHOR: Add the following Senate Coauthor: Ivester

AMENDMENT NO. 1. Page 1, strike the title to read

"[public finance - public information - road funding information available online - tax credits - effective date]"

Passed the Senate the 19th day of April, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2011.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1489

By: Brumbaugh of the House

3 and

4 Brown of the Senate

5
6
7 An Act relating to public finance; amending Section
8 1, Chapter 327, O.S.L. 2007, as amended by Section 2,
9 Chapter 475, O.S.L. 2010 (62 O.S. Supp. 2010, Section
10 46), which relates to public information; requiring
11 certain road funding information be made available
12 online; amending Section 3, Chapter 459, O.S.L. 2010
(68 O.S. Supp. 2010, Section 205.6), which relates to
the disclosure of taxpayers who have claimed tax
credits; eliminating provision providing tax year
during which disclosure requirements become
effective; and providing an effective date.

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY Section 1, Chapter 327, O.S.L.
17 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S.
18 Supp. 2010, Section 46), is amended to read as follows:

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

21 B. As used in the Taxpayer Transparency Act:

22 1. "Single website" means a website that allows the public to
23 access information identified in subsection C of this section
24 without any fee or charge to the public for such access;

1 2. "Expenditure of state funds" means the disbursement of state
2 funds, whether appropriated or nonappropriated, excluding:

3 a. the transfer of funds between two state agencies,

4 b. payments of state or federal assistance to an
5 individual,

6 c. child support payments, and

7 d. refunds issued by the Oklahoma Tax Commission
8 resulting from the overpayment of tax;

9 3. "Incentive payments" means payments made under the Oklahoma
10 Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality
11 Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive
12 Act, Oklahoma Specialized Quality Investment Act and Oklahoma
13 Quality Investment Act;

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

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

22 C. No later than January 1, 2008, the Office of State Finance
23 shall develop and operate a single website accessible by the public.
24 The website shall include aggregate information on state revenue,

1 expenditures and incentive payments and information on state tax
2 preferences as contained in the tax expenditure report published by
3 the Oklahoma Tax Commission pursuant to subsection E of Section 205
4 of Title 68 of the Oklahoma Statutes. No later than January 1,
5 2009, the website shall include search capabilities.

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

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

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

21 2. For stimulus fund expenditures:

- 22 a. a link to the name and principal location of the
23 entity and/or recipients of the funds regardless of
24 amount,

- b. the amount of stimulus funds expended,
- c. the funding or expending agency, and
- d. a descriptive purpose of the funding action or expenditure; and

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

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

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

F. No later than January 1, 2012, the single website provided for in subsection C of this section shall include a section specific

1 to data on road funding in this state. This section of the website
2 shall include but not be limited to historical as well as current
3 revenue collections and apportionment data on the following:

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

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

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

11 4. Motor vehicle excise tax collected pursuant to Sections
12 2103, 2104.3 and 2110 of Title 68 of the Oklahoma Statutes.

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

18 ~~G.~~ H. So that the Tax Commission may fulfill its obligations as
19 required by this section, all recipients of tax credits, as that
20 term is defined herein, shall file their reports or returns claiming
21 the tax credits in an electronic format, as may be required by the
22 Tax Commission. The Tax Commission may disallow any claim of a
23 person for a tax credit due to its failure to file a report or
24 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.
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