

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1028

By: Reynolds

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5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68  
8 O.S. 2011, Section 2355, which relates to income tax  
9 rates; modifying tax rates applicable to individual  
10 income tax payers; repealing 68 O.S. 2011, Section  
11 2355.1A, which relates to certain determinations by  
12 the State Board of Equalization related to income tax  
13 rates; and providing an effective date.

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

15 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2355, is  
16 amended to read as follows:

17 Section 2355. A. Individuals. For all taxable years beginning  
18 after December 31, 1998 and before January 1, 2006, a tax is hereby  
19 imposed upon the Oklahoma taxable income of every resident or  
20 nonresident individual, which tax shall be computed at the option of  
21 the taxpayer under one of the two following methods:

22 1. METHOD 1.

23 a. Single individuals and married individuals filing  
24 separately not deducting federal income tax:

(1) 1/2% tax on first \$1,000.00 or part thereof,

- 1 (2) 1% tax on next \$1,500.00 or part thereof,
- 2 (3) 2% tax on next \$1,250.00 or part thereof,
- 3 (4) 3% tax on next \$1,150.00 or part thereof,
- 4 (5) 4% tax on next \$1,300.00 or part thereof,
- 5 (6) 5% tax on next \$1,500.00 or part thereof,
- 6 (7) 6% tax on next \$2,300.00 or part thereof, and
- 7 (8) (a) for taxable years beginning after December
- 8 31, 1998, and before January 1, 2002, 6.75%
- 9 tax on the remainder,
- 10 (b) for taxable years beginning on or after
- 11 January 1, 2002, and before January 1, 2004,
- 12 7% tax on the remainder, and
- 13 (c) for taxable years beginning on or after
- 14 January 1, 2004, 6.65% tax on the remainder.

15 b. Married individuals filing jointly and surviving  
16 spouse to the extent and in the manner that a  
17 surviving spouse is permitted to file a joint return  
18 under the provisions of the Internal Revenue Code and  
19 heads of households as defined in the Internal Revenue  
20 Code not deducting federal income tax:

- 21 (1) 1/2% tax on first \$2,000.00 or part thereof,
- 22 (2) 1% tax on next \$3,000.00 or part thereof,
- 23 (3) 2% tax on next \$2,500.00 or part thereof,
- 24 (4) 3% tax on next \$2,300.00 or part thereof,

- 1 (5) 4% tax on next \$2,400.00 or part thereof,  
2 (6) 5% tax on next \$2,800.00 or part thereof,  
3 (7) 6% tax on next \$6,000.00 or part thereof, and  
4 (8) (a) for taxable years beginning after December  
5 31, 1998, and before January 1, 2002, 6.75%  
6 tax on the remainder,  
7 (b) for taxable years beginning on or after  
8 January 1, 2002, and before January 1, 2004,  
9 7% tax on the remainder, and  
10 (c) for taxable years beginning on or after  
11 January 1, 2004, 6.65% tax on the remainder.

12 2. METHOD 2.

13 a. Single individuals and married individuals filing  
14 separately deducting federal income tax:

- 15 (1) 1/2% tax on first \$1,000.00 or part thereof,  
16 (2) 1% tax on next \$1,500.00 or part thereof,  
17 (3) 2% tax on next \$1,250.00 or part thereof,  
18 (4) 3% tax on next \$1,150.00 or part thereof,  
19 (5) 4% tax on next \$1,200.00 or part thereof,  
20 (6) 5% tax on next \$1,400.00 or part thereof,  
21 (7) 6% tax on next \$1,500.00 or part thereof,  
22 (8) 7% tax on next \$1,500.00 or part thereof,  
23 (9) 8% tax on next \$2,000.00 or part thereof,  
24 (10) 9% tax on next \$3,500.00 or part thereof, and

1 (11) 10% tax on the remainder.

2 b. Married individuals filing jointly and surviving  
3 spouse to the extent and in the manner that a  
4 surviving spouse is permitted to file a joint return  
5 under the provisions of the Internal Revenue Code and  
6 heads of households as defined in the Internal Revenue  
7 Code deducting federal income tax:

8 (1) 1/2% tax on the first \$2,000.00 or part thereof,

9 (2) 1% tax on the next \$3,000.00 or part thereof,

10 (3) 2% tax on the next \$2,500.00 or part thereof,

11 (4) 3% tax on the next \$1,400.00 or part thereof,

12 (5) 4% tax on the next \$1,500.00 or part thereof,

13 (6) 5% tax on the next \$1,600.00 or part thereof,

14 (7) 6% tax on the next \$1,250.00 or part thereof,

15 (8) 7% tax on the next \$1,750.00 or part thereof,

16 (9) 8% tax on the next \$3,000.00 or part thereof,

17 (10) 9% tax on the next \$6,000.00 or part thereof, and

18 (11) 10% tax on the remainder.

19 B. Individuals. For all taxable years beginning on or after  
20 January 1, ~~2008~~ 2013, a tax is hereby imposed upon the Oklahoma  
21 taxable income of every resident or nonresident individual, which  
22 tax shall be computed as follows:

23 1. Single individuals and married individuals filing  
24 separately:

- 1 (a) ~~1/2%~~ 0% tax on first ~~\$1,000.00~~ \$2,500 or part thereof,  
2 (b) ~~1%~~ 2% tax on next ~~\$1,500.00~~ \$2,500 or part thereof,  
3 (c) ~~2%~~ 3% tax on next ~~\$1,250.00~~ \$5,000 or part thereof,  
4 and  
5 (d) ~~3%~~ 4% tax on next ~~\$1,150.00~~ or part thereof,  
6 ~~(e) 4% tax on next \$2,300.00 or part thereof,~~  
7 ~~(f) 5% tax on next \$1,500.00 or part thereof,~~  
8 ~~(g) 5.50% tax on the remainder for the 2008 2014 tax year~~  
9 and any subsequent tax year unless the rate prescribed  
10 by subparagraph (h) of this paragraph is in effect,  
11 and  
12 ~~(h) 5.25% tax on the remainder for the 2009 and subsequent~~  
13 ~~tax years. The decrease in the top marginal~~  
14 ~~individual income tax rate otherwise authorized by~~  
15 ~~this subparagraph shall be contingent upon the~~  
16 ~~determination required to be made by the State Board~~  
17 ~~of Equalization pursuant to Section 2355.1A of this~~  
18 ~~title.~~

19 2. Married individuals filing jointly and surviving spouse to  
20 the extent and in the manner that a surviving spouse is permitted to  
21 file a joint return under the provisions of the Internal Revenue  
22 Code and heads of households as defined in the Internal Revenue  
23 Code:

- 24 (a) ~~1/2%~~ 0% tax on first ~~\$2,000.00~~ \$5,000 or part thereof,

- 1 (b) ~~1%~~ 2% tax on next ~~\$3,000.00~~ \$5,000 or part thereof,  
2 (c) ~~2%~~ 3% tax on next ~~\$2,500.00~~ \$10,000 or part thereof,  
3 and  
4 (d) ~~3%~~ 4% tax on next ~~\$2,300.00~~ or part thereof,  
5 ~~(e) 4% tax on next \$2,400.00 or part thereof,~~  
6 ~~(f) 5% tax on next \$2,800.00 or part thereof,~~  
7 ~~(g) 5.50% tax on the remainder for the 2008~~ 2014 tax year  
8 and any subsequent tax year ~~unless the rate prescribed~~  
9 ~~by subparagraph (h) of this paragraph is in effect,~~  
10 and  
11 ~~(h) 5.25% tax on the remainder for the 2009 and subsequent~~  
12 ~~tax years. The decrease in the top marginal~~  
13 ~~individual income tax rate otherwise authorized by~~  
14 ~~this subparagraph shall be contingent upon the~~  
15 ~~determination required to be made by the State Board~~  
16 ~~of Equalization pursuant to Section 2355.1A of this~~  
17 ~~title.~~

18 No deduction for federal income taxes paid shall be allowed to  
19 any taxpayer to arrive at taxable income.

20 C. Nonresident aliens. In lieu of the rates set forth in  
21 subsection A above, there shall be imposed on nonresident aliens, as  
22 defined in the Internal Revenue Code, a tax of eight percent (8%)  
23 instead of thirty percent (30%) as used in the Internal Revenue  
24 Code, with respect to the Oklahoma taxable income of such

1 nonresident aliens as determined under the provision of the Oklahoma  
2 Income Tax Act.

3       Every payer of amounts covered by this subsection shall deduct  
4 and withhold from such amounts paid each payee an amount equal to  
5 eight percent (8%) thereof. Every payer required to deduct and  
6 withhold taxes under this subsection shall for each quarterly period  
7 on or before the last day of the month following the close of each  
8 such quarterly period, pay over the amount so withheld as taxes to  
9 the Tax Commission, and shall file a return with each such payment.  
10 Such return shall be in such form as the Tax Commission shall  
11 prescribe. Every payer required under this subsection to deduct and  
12 withhold a tax from a payee shall, as to the total amounts paid to  
13 each payee during the calendar year, furnish to such payee, on or  
14 before January 31, of the succeeding year, a written statement  
15 showing the name of the payer, the name of the payee and the payee's  
16 social security account number, if any, the total amount paid  
17 subject to taxation, and the total amount deducted and withheld as  
18 tax and such other information as the Tax Commission may require.  
19 Any payer who fails to withhold or pay to the Tax Commission any  
20 sums herein required to be withheld or paid shall be personally and  
21 individually liable therefor to the State of Oklahoma.

22       D. Corporations. For all taxable years beginning after  
23 December 31, 1989, a tax is hereby imposed upon the Oklahoma taxable  
24 income of every corporation doing business within this state or

1 deriving income from sources within this state in an amount equal to  
2 six percent (6%) thereof.

3 There shall be no additional Oklahoma income tax imposed on  
4 accumulated taxable income or on undistributed personal holding  
5 company income as those terms are defined in the Internal Revenue  
6 Code.

7 E. Certain foreign corporations. In lieu of the tax imposed in  
8 the first paragraph of subsection C of this section, for all taxable  
9 years beginning after December 31, 1989, there shall be imposed on  
10 foreign corporations, as defined in the Internal Revenue Code, a tax  
11 of six percent (6%) instead of thirty percent (30%) as used in the  
12 Internal Revenue Code, where such income is received from sources  
13 within Oklahoma, in accordance with the provisions of the Internal  
14 Revenue Code and the Oklahoma Income Tax Act.

15 Every payer of amounts covered by this subsection shall deduct  
16 and withhold from such amounts paid each payee an amount equal to  
17 six percent (6%) thereof. Every payer required to deduct and  
18 withhold taxes under this subsection shall for each quarterly period  
19 on or before the last day of the month following the close of each  
20 such quarterly period, pay over the amount so withheld as taxes to  
21 the Tax Commission, and shall file a return with each such payment.  
22 Such return shall be in such form as the Tax Commission shall  
23 prescribe. Every payer required under this subsection to deduct and  
24 withhold a tax from a payee shall, as to the total amounts paid to

1 each payee during the calendar year, furnish to such payee, on or  
2 before January 31, of the succeeding year, a written statement  
3 showing the name of the payer, the name of the payee and the payee's  
4 social security account number, if any, the total amounts paid  
5 subject to taxation, the total amount deducted and withheld as tax  
6 and such other information as the Tax Commission may require. Any  
7 payer who fails to withhold or pay to the Tax Commission any sums  
8 herein required to be withheld or paid shall be personally and  
9 individually liable therefor to the State of Oklahoma.

10 F. Fiduciaries. A tax is hereby imposed upon the Oklahoma  
11 taxable income of every trust and estate at the same rates as are  
12 provided in subsection B of this section for single individuals.  
13 Fiduciaries are not allowed a deduction for any federal income tax  
14 paid.

15 G. Tax rate tables. For all taxable years beginning after  
16 December 31, 1991, in lieu of the tax imposed by subsection A or B  
17 of this section, as applicable there is hereby imposed for each  
18 taxable year on the taxable income of every individual, whose  
19 taxable income for such taxable year does not exceed the ceiling  
20 amount, a tax determined under tables, applicable to such taxable  
21 year which shall be prescribed by the Tax Commission and which shall  
22 be in such form as it determines appropriate. In the table so  
23 prescribed, the amounts of the tax shall be computed on the basis of  
24 the rates prescribed by subsections A and B of this section. For

1 purposes of this subsection, the term "ceiling amount" means, with  
2 respect to any taxpayer, the amount determined by the Tax Commission  
3 for the tax rate category in which such taxpayer falls.

4 SECTION 2. REPEALER 68 O.S. 2011, Section 2355.1A, is  
5 hereby repealed.

6 SECTION 3. This act shall become effective January 1, 2013.

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8 54-1-5570 MAH 01/08/13

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