

1 ENGROSSED HOUSE
2 BILL NO. 2032

By: Shannon and Ritze of the
House

3 and

4 Bingman of the Senate

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8 [revenue and taxation - income tax rates - modifying
9 income tax rates - effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 1. METHOD 1.

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

24 (1) 1/2% tax on first \$1,000.00 or part thereof,

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

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

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

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

2. METHOD 2.

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

- (1) 1/2% tax on first \$1,000.00 or part thereof,
(2) 1% tax on next \$1,500.00 or part thereof,
(3) 2% tax on next \$1,250.00 or part thereof,
(4) 3% tax on next \$1,150.00 or part thereof,
(5) 4% tax on next \$1,200.00 or part thereof,
(6) 5% tax on next \$1,400.00 or part thereof,
(7) 6% tax on next \$1,500.00 or part thereof,
(8) 7% tax on next \$1,500.00 or part thereof,
(9) 8% tax on next \$2,000.00 or part thereof,
(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, and ending not later than December 31, 2013, a tax
21 is hereby imposed upon the Oklahoma taxable income of every resident
22 or nonresident individual, which tax shall be computed as follows:

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

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

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

- (a) 1/2% tax on first \$2,000.00 or part thereof,
- (b) 1% tax on next \$3,000.00 or part thereof,
- (c) 2% tax on next \$2,500.00 or part thereof,

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

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

16 C. Individuals. For all taxable years beginning on or after
17 January 1, 2014, a tax is hereby imposed upon the Oklahoma taxable
18 income of every resident or nonresident individual, which tax shall
19 be computed as follows:

20 1. Single individuals and married individuals filing separately:

- 21 (a) 1/2% tax on first \$1,000.00 or part thereof,
22 (b) 1% tax on next \$1,500.00 or part thereof,
23 (c) 2% tax on next \$1,250.00 or part thereof,
24 (d) 3% tax on next \$1,150.00 or part thereof,

1 (e) 4% tax on next \$2,300.00 or part thereof, and

2 (f) 5% tax on the remainder for the 2014 tax year and any
3 subsequent tax year.

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

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

10 (b) 1% tax on next \$3,000.00 or part thereof,

11 (c) 2% tax on next \$2,500.00 or part thereof,

12 (d) 3% tax on next \$2,300.00 or part thereof,

13 (e) 4% tax on next \$2,400.00 or part thereof, and

14 (f) 5% tax on the remainder of the 2014 tax year and any
15 subsequent tax year.

16 D. Nonresident aliens. In lieu of the rates set forth in
17 subsection A above, there shall be imposed on nonresident aliens, as
18 defined in the Internal Revenue Code, a tax of eight percent (8%)
19 instead of thirty percent (30%) as used in the Internal Revenue
20 Code, with respect to the Oklahoma taxable income of such
21 nonresident aliens as determined under the provision of the Oklahoma
22 Income Tax Act.

23 Every payer of amounts covered by this subsection shall deduct
24 and withhold from such amounts paid each payee an amount equal to

1 eight percent (8%) thereof. Every payer required to deduct and
2 withhold taxes under this subsection shall for each quarterly period
3 on or before the last day of the month following the close of each
4 such quarterly period, pay over the amount so withheld as taxes to
5 the Tax Commission, and shall file a return with each such payment.
6 Such return shall be in such form as the Tax Commission shall
7 prescribe. Every payer required under this subsection to deduct and
8 withhold a tax from a payee shall, as to the total amounts paid to
9 each payee during the calendar year, furnish to such payee, on or
10 before January 31⁷, of the succeeding year, a written statement
11 showing the name of the payer, the name of the payee and the payee's
12 social security account number, if any, the total amount paid
13 subject to taxation, and the total amount deducted and withheld as
14 tax and such other information as the Tax Commission may require.
15 Any payer who fails to withhold or pay to the Tax Commission any
16 sums herein required to be withheld or paid shall be personally and
17 individually liable therefor to the State of Oklahoma.

18 ~~D.~~ E. Corporations. For all taxable years beginning after
19 December 31, 1989, a tax is hereby imposed upon the Oklahoma taxable
20 income of every corporation doing business within this state or
21 deriving income from sources within this state in an amount equal to
22 six percent (6%) thereof.

23 There shall be no additional Oklahoma income tax imposed on
24 accumulated taxable income or on undistributed personal holding

1 company income as those terms are defined in the Internal Revenue
2 Code.

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

11 Every payer of amounts covered by this subsection shall deduct
12 and withhold from such amounts paid each payee an amount equal to
13 six percent (6%) thereof. Every payer required to deduct and
14 withhold taxes under this subsection shall for each quarterly period
15 on or before the last day of the month following the close of each
16 such quarterly period, pay over the amount so withheld as taxes to
17 the Tax Commission, and shall file a return with each such payment.
18 Such return shall be in such form as the Tax Commission shall
19 prescribe. Every payer required under this subsection to deduct and
20 withhold a tax from a payee shall, as to the total amounts paid to
21 each payee during the calendar year, furnish to such payee, on or
22 before January 31~~7~~, of the succeeding year, a written statement
23 showing the name of the payer, the name of the payee and the payee's
24 social security account number, if any, the total amounts paid

1 subject to taxation, the total amount deducted and withheld as tax
2 and such other information as the Tax Commission may require. Any
3 payer who fails to withhold or pay to the Tax Commission any sums
4 herein required to be withheld or paid shall be personally and
5 individually liable therefor to the State of Oklahoma.

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

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

24 SECTION 2. This act shall become effective January 1, 2014.

1 Passed the House of Representatives the 12th day of March, 2013.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2013.

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8 Presiding Officer of the Senate
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