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February 11, 2020

AS AMENDED

SENATE BILL NO. 1149

By: Dugger of the Senate

and

West (Kevin) of the House

[income tax - refunds - certain information -
emergency]

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2385.16, is amended to read as follows:

Section 2385.16. A. All payments received by the Oklahoma Tax Commission transmitted by employers for taxes withheld from employees and all payments received by the Tax Commission from taxpayers as herein provided shall be deposited with the State Treasurer in the Tax Commission's Official Depository Clearing Account and be designated Income Tax Withholding Funds. These funds shall be under the exclusive control of the Tax Commission. The Tax Commission is empowered and directed each month to transfer the amount thereof which the Tax Commission estimates to be necessary to make tax refunds to a separate account designated as the Income Tax Withholding Refund Account, and to make apportionments from such

1 funds remaining in ~~said~~ the Official Depository Clearing Account, of
2 the amount it considers available for distribution as income taxes
3 collected. The Tax Commission shall maintain a balance in the
4 refund account sufficient to cover anticipated tax refunds.

5 All warrants drawn against such refund account as provided in
6 the preceding subsection which are not presented for payment within
7 ninety (90) days of issuance thereof shall be void.

8 Persons entitled to refunds of monies represented by warrants
9 which are not presented for payment within ninety (90) days from the
10 date of issuance thereof may file claims for refund at any time
11 within three (3) years from the due date of the return. Such claims
12 shall be filed and paid under the provisions of Section 2373 of this
13 Code, and if allowed shall be paid under the provisions of such
14 section. An income tax refund warrant which was not presented for
15 payment within ninety (90) days from the date of issuance or
16 reissued for a like amount up to three (3) years from the date of
17 issuance of the original warrant shall be subject to reporting and
18 remittance to the Oklahoma State Treasurer pursuant to the Uniform
19 Unclaimed Property Act.

20 B. Neither the Tax Commission nor any member or employee
21 thereof shall be held personally liable for making any refund by
22 reason of a fraudulent withholding certificate being used as a basis
23 for such refund.
24

1 C. The Oklahoma Tax Commission may use a direct deposit system
2 and card-based disbursement system in lieu of checks or warrants for
3 the purposes of issuing refunds for overpayment of individual income
4 taxes. Notwithstanding the provisions of Section 205 of this title,
5 the Tax Commission may enter into a contract with, and release
6 taxpayer information to, entities deemed to be qualified by the Tax
7 Commission to implement the card-based disbursement system. ~~The Tax~~
8 ~~Commission shall not release to any entity contracted with pursuant~~
9 ~~to this section the full social security number of taxpayers opting~~
10 ~~to receive a refund through the card-based disbursement system.~~

11 **~~SECTION 2. It being immediately necessary for the preservation~~**
12 **~~of the public peace, health or safety, an emergency is hereby~~**
13 **~~declared to exist, by reason whereof this act shall take effect and~~**
14 **~~be in full force from and after its passage and approval.~~**

15 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
16 February 11, 2020 - DO PASS AS AMENDED
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