

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2961

By: Wallace of the House

and

Thompson of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to revenue and taxation; amending 68
13 O.S. 2011, Section 2370, as amended by Section 1,
14 Chapter 41, O.S.L. 2014 (68 O.S. Supp. 2020, Section
15 2370), which relates to taxes in lieu of income tax
16 for certain entities; modifying rate of tax; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2370, as
20 amended by Section 1, Chapter 41, O.S.L. 2014 (68 O.S. Supp. 2020,
21 Section 2370), is amended to read as follows:

22 Section 2370. A. For taxable years beginning after December
23 31, ~~1989~~ 2021, for the privilege of doing business within this
24 state, every state banking association, national banking association

1 and credit union organized under the laws of this state, located or
2 doing business within the limits of the State of Oklahoma shall
3 annually pay to this state a privilege tax at the rate of ~~six~~
4 ~~percent (6%)~~ four percent (4%) of the amount of the taxable income
5 as provided in this section.

6 B. 1. The privilege tax levied by this section shall be in
7 addition to the Business Activity Tax levied in Section 1218 of this
8 title and the franchise tax levied in Article 12 of this title and
9 in lieu of the tax levied by Section 2355 of this title and in lieu
10 of all taxes levied by the State of Oklahoma, or any subdivision
11 thereof, upon the shares of stock or personal property of any
12 banking association or credit union subject to taxation under this
13 section.

14 2. Nothing in this section shall be construed to exempt the
15 real property of any banking associations or credit unions from
16 taxation to the same extent, according to its value, as other real
17 property is taxed. Nothing herein shall be construed to exempt an
18 association from payment of any fee or tax authorized or levied
19 pursuant to the banking laws.

20 3. Personal property which is subject to a lease agreement
21 between a bank or credit union, as lessor, and a nonbanking business
22 entity or individual, as lessee, is not exempt from personal
23 property ad valorem taxation. Provided further, that it shall be
24 the duty of the lessee of such personal property to return sworn

1 lists or schedules of their taxable property within each county to
2 the county assessor of such county as provided in Sections 2433 and
3 2434 of this title.

4 C. Any tax levied under this section shall accrue on the last
5 day of the taxable year and be payable as provided in Section 2375
6 of this title. The accrual of such tax for the first taxable year
7 to which this act applies, shall apply notwithstanding the prior
8 accrual of a tax in the same taxable year based upon the net income
9 of the next preceding taxable year; provided, however, any
10 additional deduction enuring to the benefit of the taxpayer shall be
11 deducted in accordance with the optional transitional deduction
12 procedures in Section 2354 of this title.

13 D. The basis of the tax shall be United States taxable income
14 as defined in paragraph 10 of Section 2353 of this title and any
15 adjustments thereto under the provisions of Section 2358 of this
16 title with the following adjustments:

17 1. There shall be deducted all interest income on obligations
18 of the United States government and agencies thereof not otherwise
19 exempted and all interest income on obligations of the State of
20 Oklahoma or political subdivisions thereof, including public trust
21 authorities, not otherwise exempted under the laws of this state;
22 and

23 2. Expense deductions claimed in arriving at taxable income
24 under paragraph 10 of Section 2353 of this title shall be reduced by

1 an amount equal to fifty percent (50%) of excluded interest income
2 on obligations of the United States government or agencies thereof
3 and obligations of the State of Oklahoma or political subdivisions
4 thereof.

5 E. 1. Except as otherwise provided in paragraph 2 of this
6 subsection, before January 1, 2017, there shall be allowed a credit
7 against the tax levied in subsection A of this section in an amount
8 equal to the amount of taxable income received by a participating
9 financial institution as defined in Section 90.2 of Title 62 of the
10 Oklahoma Statutes pursuant to a loan made under the Rural Economic
11 Development Loan Act. Such credit shall be limited each year to
12 five percent (5%) of the amount of annual payroll certified by the
13 Oklahoma Rural Economic Development Loan Program Review Board
14 pursuant to the provisions of paragraph 3 of subsection B of Section
15 90.4 of Title 62 of the Oklahoma Statutes with respect to the loan
16 made by the participating financial institution and may be claimed
17 for any number of years necessary until the amount of total credits
18 claimed is equal to the total amount of taxable income received by
19 the participating financial institution pursuant to the loan. Any
20 credit allowed but not used in a taxable year may be carried forward
21 for a period not to exceed five (5) taxable years. In no event
22 shall a credit allowed pursuant to the provisions of this subsection
23 be transferable or refundable.

1 2. No credit otherwise authorized by the provisions of this
2 subsection may be claimed for any event, transaction, investment,
3 expenditure or other act occurring on or after July 1, 2010 for
4 which the credit would otherwise be allowable. The provisions of
5 this paragraph shall cease to be operative on July 1, 2012.
6 Beginning July 1, 2012, the credit authorized by this subsection may
7 be claimed for any event, transaction, investment, expenditure or
8 other act occurring on or after July 1, 2012, according to the
9 provisions of this subsection.

10 SECTION 2. This act shall become effective January 1, 2022.

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12 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
13 AND BUDGET, dated 05/17/2021 - DO PASS, As Amended.
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