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April 13, 2022

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3131

By: Kendrix, Russ, and
Fetgatter of the House

and

Montgomery of the Senate

[Franchise Tax Code - levy of tax after certain year
- annual statement requirement - effective date]

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

SECTION 1. AMENDATORY 68 O.S. 2021, Section 1203, is amended to read as follows:

Section 1203. ~~There~~ For tax year 2022 and previous tax years,

there is hereby levied and assessed a franchise or excise tax upon

every corporation, association, joint-stock company and business

trust organized under the laws of this state, equal to One Dollar

and twenty-five cents (\$1.25) for each One Thousand Dollars

(\$1,000.00) or fraction thereof of the amount of capital used,

invested or employed in the exercise of any power, privilege or

right inuring to such organization, within this state; it being the

purpose of this section to require the payment to ~~the State of~~

~~Oklahoma~~ this state this tax for the right granted by the laws of

1 this state to exist as such organization and enjoy, under the
2 protection of the laws of this state, the powers, rights, privileges
3 and immunities derived from the state by reason of the form of such
4 existence.

5 SECTION 2. AMENDATORY 68 O.S. 2021, Section 1204, is
6 amended to read as follows:

7 Section 1204. ~~There~~ For tax year 2022 and previous tax years,
8 there is hereby levied and assessed upon every corporation,
9 association, joint-stock company and business trust, organized and
10 existing by virtue of the laws of some other state, territory or
11 country, now or hereafter doing business in this state, as
12 hereinbefore defined, a franchise or excise tax equal to One Dollar
13 and twenty-five cents (\$1.25) for each One Thousand Dollars
14 (\$1,000.00) or fraction thereof of the amount of capital used,
15 invested or employed within this state; it being the purpose of this
16 section to require the payment of a tax by all organizations not
17 organized under the laws of this state, measured by the amount of
18 capital, or its equivalent, used, invested or employed in this state
19 for which such organization receives the benefit and protection of
20 the government and laws of the state.

21 SECTION 3. AMENDATORY 68 O.S. 2021, Section 1210, is
22 amended to read as follows:

23 Section 1210. A. In addition to any other statement required
24 by law, for tax year 2022 and previous tax years, each and every

1 corporation, association or organization, as enumerated in Sections
2 1201, 1203, and 1204 of this title, subject to the provisions of
3 Section 1201 et seq. of this title, either during the period of July
4 1 to August 31, inclusive, of each year, or not later than June 1
5 for taxpayers that remitted the maximum amount of tax pursuant to
6 Section 1205 of this title for the preceding tax year, or, except
7 for taxpayers that remitted the maximum amount of tax pursuant to
8 Section 1205 of this title for the preceding tax year, on or before
9 the date by which an income tax return is required to be filed
10 pursuant to the provisions of subsection G of Section 2368 of this
11 title or pursuant to the provisions of Section 216 of this title,
12 based upon the election by the taxpayer regarding the due date for
13 payment of tax, shall file with the Oklahoma Tax Commission a
14 statement under oath of its president, secretary or managing
15 officer, or managing agent in this state. The statement shall be in
16 such form as the Tax Commission shall prescribe, including balance
17 sheets as at the close of its last preceding taxable year for which
18 an income tax return was required to be filed, showing the
19 following:

- 20 1. The amount of its authorized capital stock, interests,
21 certificates, or other evidence of interest or ownership;
 - 22 2. The amount thereof then paid up;
 - 23 3. The number of units into which the same is divided;
- 24

1 4. The par value of each unit and the number of such units
2 issued and outstanding;

3 5. The location of the office or offices;

4 6. The value of all property owned or used in its business and
5 wherever located;

6 7. The value of all property owned or used in its business
7 within this state as it existed on the last day of the tax year;

8 8. The total amount of all business wherever transacted during
9 the tax year;

10 9. The total amount of business transacted within ~~the State of~~
11 ~~Oklahoma~~ this state during such year; and

12 10. The names of its officers and the residence and post office
13 address of each as the same appear of record on the last day of the
14 tax year, based upon the election by the taxpayer regarding the due
15 date for payment of tax.

16 B. If any corporation, association or organization making a
17 return under the provisions of Section 1201 et seq. of this title
18 has no authorized capital, or if any of its shares of stock or other
19 evidences of interest or ownership have no par value, then such
20 corporation, association or organization shall so state in its
21 return, and shall, in addition thereto, state the book value of its
22 shares of stock or other evidences of interest or ownership. It
23 shall also, in making its return, make the showing required of all
24 other corporations, associations and organizations, and each foreign

1 corporation shall state the name of its registered agent residing at
2 the capital of the state. The return shall be in such form as the
3 Tax Commission shall prescribe.

4 C. A corporation or organization subject to the tax levied by
5 Section 1203 or Section 1204 of this title for which the computation
6 of capital employed in the state equals or exceeds Sixteen Million
7 Dollars (\$16,000,000.00), shall file a maximum franchise tax return
8 on such form as may be prescribed by the Oklahoma Tax Commission.

9 D. The Tax Commission shall prescribe a form for use by
10 corporations or organizations subject to the maximum tax imposed by
11 Section 1205 of this title in order for such corporations or
12 organizations to determine if the value of capital employed in this
13 state requires filing a maximum franchise tax return. The Tax
14 Commission shall also prescribe a form for use by corporations or
15 organizations exempt from the tax imposed by Sections 1203 and 1204
16 of this title pursuant to Section 1205 of this title. Such form
17 shall include the names of the officers of the corporation or
18 organization and the residence and post office address of each as
19 the same appears of record on the last day of the tax year and a
20 statement attesting that no tax is due for the taxable period. If a
21 corporation or organization is required to file the maximum
22 franchise tax return or is exempt from the tax imposed by Sections
23 1203 and 1204 of this title pursuant to Section 1205 of this title,
24 such return shall not be subject to the requirements of subsection A

1 of this section and the return shall only contain such information
2 as may be prescribed by the Commission. The return shall be in such
3 form as the Tax Commission shall prescribe.

4 SECTION 4. This act shall become effective November 1, 2022.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 April 13, 2022 - DO PASS AS AMENDED
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