

1 **SENATE FLOOR VERSION**

2 April 13, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3353

By: McCall, Phillips, Wallace,
Sims, and McDugle of the
House

5 and

6 Allen of the Senate

7
8
9 [revenue and taxation - sales tax relief credit for
10 specified calendar years -
11 emergency]

12
13 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5010.1 of Title 68, unless there
16 is created a duplication in numbering, reads as follows:

17 A. As used in the Sales Tax Relief Act:

18 1. "Adult" means any person eighteen (18) years of age or
19 older;

20 2. "Disabled" means that a person has been determined to have
21 been permanently and totally disabled pursuant to action of the
22 Workers' Compensation Commission, a determination of disability by
23 the United States Social Security Administration, a determination of
24 disability by a state or local pension system review board, or a

1 determination by a physician that a person has a physical or mental
2 condition that substantially impairs the ability of the person to
3 conduct a business or to sustain employment;

4 3. "Elderly" means a person who has attained the age of sixty-
5 five (65) years at the time the application for sales tax relief is
6 submitted;

7 4. "Gross household income" means the gross amount of income of
8 every type, regardless of the source, received by all persons
9 occupying the same household, whether such income was taxable or
10 nontaxable for federal or state income tax purposes, including
11 pensions, annuities, federal Social Security, unemployment payments,
12 veterans' disability compensation, public assistance payments,
13 alimony, support money, workers' compensation, loss-of-time
14 insurance payments, capital gains, and any other type of income
15 received; and excluding gifts; and

16 5. "Qualifying person" means an Oklahoma resident, whether
17 single or married, who is an adult.

18 B. For the period beginning on the effective date of this act,
19 and ending December 31, 2024, a qualifying person may receive a
20 credit against the tax imposed pursuant to Section 2355 of Title 68
21 of the Oklahoma Statutes based upon the gross household income
22 according to the provisions of this section:

23

24

1 1. A credit of One Hundred Eighty Dollars (\$180.00) shall be
2 provided to a single person whose gross household income does not
3 exceed Thirty Thousand Dollars (\$30,000.00);

4 2. A credit of Ninety Dollars (\$90.00) shall be provided to a
5 single person whose gross household income does not exceed Thirty-
6 five Thousand Dollars (\$35,000.00);

7 3. A credit of One Hundred Eighty Dollars (\$180.00) shall be
8 provided to an adult who is elderly, is disabled, or who claims one
9 or more dependents for purposes of filing his or her federal income
10 tax return if their gross household income does not exceed Forty
11 Thousand Dollars (\$40,000.00);

12 4. A credit of One Hundred Thirty-five Dollars (\$135.00) shall
13 be provided to an adult who is elderly, is disabled, or who claims
14 one or more dependents for purposes of filing his or her federal
15 income tax return if their gross household income does not exceed
16 Forty-five Thousand Dollars (\$45,000.00);

17 5. A credit of Ninety Dollars (\$90.00) shall be provided to an
18 adult who is elderly, is disabled, or who claims one or more
19 dependents for purposes of filing his or her federal income tax
20 return if their gross household income does not exceed Fifty
21 Thousand Dollars (\$50,000.00); or

22 6. A credit of Forty-five Dollars (\$45.00) shall be provided to
23 an adult who is elderly, is disabled, or who claims one or more
24 dependents for purposes of filing his or her federal income tax

1 return if their gross household income does not exceed Fifty-five
2 Thousand Dollars (\$55,000.00).

3 C. The provisions of this section shall cease to be operative
4 for calendar year 2025 and every calendar year thereafter.

5 SECTION 2. AMENDATORY 68 O.S. 2021, Section 5011, is
6 amended to read as follows:

7 Section 5011. A. Except as otherwise provided by this section,
8 ~~beginning with the for calendar year 1990 and for each calendar year~~
9 ~~through 1998, and for calendar year 2003 years 2022, 2023, and 2024,~~
10 any individual who is a resident of and is domiciled in this state
11 during the entire calendar year for which the filing is made and
12 whose gross household income for such year does not exceed ~~Twelve~~
13 ~~Thousand Dollars (\$12,000.00)~~ the applicable amounts as prescribed
14 by Section 1 of this act may file a claim for sales tax relief.

15 B. ~~For calendar years 1999, 2002 and 2004, any individual who~~
16 ~~is a resident of and is domiciled in this state during the entire~~
17 ~~calendar year for which the filing is made may file a claim for~~
18 ~~sales tax relief if the gross household income for such year does~~
19 ~~not exceed the following amounts:~~

20 1. ~~For an individual not subject to the provisions of paragraph~~
21 ~~2 of this subsection and claiming no allowable personal exemption~~
22 ~~other than the allowable personal exemption for that individual or~~
23 ~~the spouse of that individual, Fifteen Thousand Dollars~~
24 ~~(\$15,000.00); or~~

1 ~~2. For an individual claiming one or more allowable personal~~
2 ~~exemptions other than the allowable personal exemption for that~~
3 ~~individual or the spouse of that individual, an individual with a~~
4 ~~physical disability constituting a substantial handicap to~~
5 ~~employment, or an individual who is sixty five (65) years of age or~~
6 ~~older at the close of the tax year, Thirty Thousand Dollars~~
7 ~~(\$30,000.00).~~

8 ~~C.~~ For calendar ~~years 2000, 2001, 2005~~ year 2025 and following,
9 an individual who is a resident of and is domiciled in this state
10 during the entire calendar year for which the filing is made may
11 file a claim for sales tax relief if the gross household income for
12 such year does not exceed the following amounts:

13 1. For an individual not subject to the provisions of paragraph
14 2 of this subsection and claiming no allowable personal exemption
15 other than the allowable personal exemption for that individual or
16 the spouse of that individual, Twenty Thousand Dollars (\$20,000.00);
17 or

18 2. For an individual claiming one or more allowable personal
19 exemptions other than the allowable personal exemption for that
20 individual or the spouse of that individual, an individual with a
21 physical disability constituting a substantial handicap to
22 employment, or an individual who is sixty-five (65) years of age or
23 older at the close of the tax year, Fifty Thousand Dollars
24 (\$50,000.00).

1 ~~D.~~ C. The amount of the claim filed pursuant to the Sales Tax
2 Relief Act shall be Forty Dollars (\$40.00) multiplied by the number
3 of allowable personal exemptions. As used in the Sales Tax Relief
4 Act, "allowable personal exemption" means a personal exemption to
5 which the taxpayer would be entitled pursuant to the provisions of
6 the Oklahoma Income Tax Act, except for:

7 1. The exemptions such taxpayer would be entitled to pursuant
8 to Section 2358 of this title if such taxpayer or spouse is blind or
9 sixty-five (65) years of age or older at the close of the tax year;

10 2. An exemption for a person convicted of a felony if during
11 all or any part of the calendar year for which the claim is filed
12 such person was an inmate in the custody of the Department of
13 Corrections; or

14 3. An exemption for a person if during all or any part of the
15 calendar year for which the claim is filed such person resided
16 outside of this state.

17 ~~E.~~ D. A person convicted of a felony shall not be permitted to
18 file a claim for sales tax relief pursuant to the provisions of
19 Sections 5010 through 5016 of this title for the period of time
20 during which the person is an inmate in the custody of the
21 Department of Corrections. Such period of time shall include the
22 entire calendar year if the person is in the custody of the
23 Department of Corrections during any part of the calendar year. The
24 provisions of this subsection shall not prohibit all other members

1 of the household of an inmate from filing a claim based upon the
2 personal exemptions to which the household members would be entitled
3 pursuant to the provisions of the Oklahoma Income Tax Act.

4 ~~F.~~ E. The Department of Corrections shall withhold up to fifty
5 percent (50%) of any money inmates receive for claims made pursuant
6 to the Sales Tax Relief Act prior to September 1, 1991, for costs of
7 incarceration.

8 ~~G.~~ F. For purposes of Section 139.105 of Title 17 of the
9 Oklahoma Statutes, the gross household income of any individual who
10 may file a claim for sales tax relief shall not exceed Twelve
11 Thousand Dollars (\$12,000.00).

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 April 13, 2022 - DO PASS
18
19
20
21
22
23
24