

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2289

By: Pfeiffer of the House

5 and

6 **Rader** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to revenue and taxation; amending 68
11 O.S. 2021, Sections 221, 225, 226, 227, as amended by
12 Section 1, Chapter 114, O.S.L. 2022, 231, 255.2,
13 1364, 1364.2, 2373, 2375, 2385.3, 2857 and 3131, (68
14 O.S. Supp. 2022, Section 227), which relate to state
15 and local tax administration; modifying provisions
16 related to assessment of additional taxes; modifying
17 method for computation of certain protest period;
18 modifying method for computing date as of which
19 assessments of additional tax considered final;
20 providing for confidential nature of certain
21 hearings; providing for rule regarding attendance of
22 authorized persons at hearing; requiring filing of
23 confidential information and prescribing procedures
24 relate thereto; modifying method for computation of
time period related to appeal procedures from final
order of Oklahoma Tax Commission; modifying method
for computation of time period related to claim for
refund process; requiring filing of tax warrants by
electronic means; modifying references to include
Oklahoma Medical Marijuana Authority; authorizing
certain persons to obtain sales tax permits; imposing
age requirement; providing exception; modifying
required documentation to be provided by certain
vendors with respect to special events; modifying
provisions related to authorized deduction for
vendors; modifying provisions related to income tax
refunds; prescribing time limit for claim for refund
of income taxes; prescribing method for computation

1 of time period; prescribing methods for computing
2 refund amounts; modifying procedures related to
3 payment of income tax; requiring payment with income
4 tax return; providing for penalty with respect to
5 failure to provide reconciliation reports with
6 respect to withholding tax; providing for collection
7 of penalty amount; modifying provisions related to
8 extension of time for filing of reports with the
9 State Board of Equalization; modifying provisions
10 related to sales of property for delinquent ad
11 valorem tax; requiring notification by county
12 treasurer; requiring Oklahoma Tax Commission to
13 provide information to county treasurer; requiring
14 remittance of certain tax amounts; providing for
15 disposition of proceeds after remittance; providing
16 an effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 68 O.S. 2021, Section 221, is
19 amended to read as follows:

20 Section 221. A. If any taxpayer shall fail to make any report
21 or return as required by any state tax law, the Oklahoma Tax
22 Commission, from any information in its possession or obtainable by
23 it, may determine the correct amount of tax for the taxable period.
24 If a report or return has been filed, the Tax Commission shall
examine such report or return and make such audit or investigation
as it may deem necessary. If, in cases where no report or return
has been filed, the Tax Commission determines that there is a tax
due for the taxable period, or if, in cases where a report or return
has been filed, the Tax Commission shall determine that the tax

1 disclosed by such report or return is less than the tax disclosed by
2 its examination, it shall in writing propose the assessment of taxes
3 or additional taxes, as the case may be, and shall mail a copy of
4 the proposed assessment to the taxpayer at the taxpayer's last-known
5 address. Proposed assessments made in the name of the "Oklahoma Tax
6 Commission" by its authorized agents shall be considered as the
7 action of the Tax Commission.

8 B. Any assessment, correction or adjustment made as a result of
9 an office audit shall be presumed to be the result of an audit of
10 the report or return only, and such office audit shall not be deemed
11 a verification of any item in the report or return unless the item
12 shall have been made the subject of a hearing before the Tax
13 Commission, and the correctness and amount of such item determined
14 at such hearing; and such office audit shall not preclude the Tax
15 Commission from subsequently making further adjustment, correction
16 or assessment as a result of a field audit of the books and records
17 of the taxpayer, wherever located, or upon disclosures from any
18 source other than the return. In cases where no report or return
19 has been filed, the assessment of the tax on any information
20 available shall in no event preclude the assessment at any time on
21 subsequently disclosed information.

22 C. Within sixty (60) days after the ~~mailing of~~ date indicated
23 on the aforesaid proposed assessment, the taxpayer may file with the
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1 Tax Commission a written protest under oath, signed by the taxpayer
2 or the taxpayer's duly authorized agent, setting out therein:

3 1. A statement of the amount of deficiency as determined by the
4 Tax Commission, the nature of the tax and the amount thereof in
5 controversy;

6 2. A clear and concise assignment of each error alleged to have
7 been committed by the Tax Commission;

8 3. The argument and legal authority upon which each assignment
9 of error is made; provided, that the applicant shall not be bound or
10 restricted in such hearing, or on appeal, to the arguments and legal
11 authorities contained and cited in the application;

12 4. A statement of relief sought by the taxpayer; and

13 5. A verification by the taxpayer or the taxpayer's duly
14 authorized agent that the statements and facts contained therein are
15 true.

16 D. If in such written protest the taxpayer shall request an
17 oral hearing, the Tax Commission shall grant such hearing, and
18 shall, by written notice, advise the taxpayer of a date, which shall
19 not be less than ten (10) days from the date of mailing of such
20 written notice, when such taxpayer may appear before the Tax
21 Commission and present arguments and evidence, oral or written, in
22 support of the protest. Hearings shall be held as soon as
23 practicable. In the event an oral hearing is not requested, the Tax
24 Commission shall proceed without further notice to examine into the

1 merits of the protest and enter an order in accordance with its
2 findings. Upon request of any taxpayer and upon proper showing that
3 the principle of law involved in the assessment of any tax is
4 already pending before the courts for judicial determination, the
5 taxpayer, upon agreement to abide by the decision of the court, may
6 pay the tax so assessed under protest and such protest shall be
7 resolved in accordance with the agreement to abide.

8 E. If the taxpayer fails to file a written protest within the
9 sixty-day period herein provided for or within the period as
10 extended by the Tax Commission, or if the taxpayer fails to file the
11 notice required by Section 226 of this title within thirty (30) days
12 from the date ~~of mailing of an~~ indicated on the proposed assessment,
13 then the proposed assessment, without further action of the Tax
14 Commission, shall become final and absolute. A taxpayer who fails
15 to file a protest to an assessment of taxes within the time period
16 prescribed by this section may, within one (1) year of the date the
17 assessment becomes final, request the Tax Commission to adjust or
18 abate the assessment if the taxpayer can demonstrate, by a
19 preponderance of the evidence, that the assessment or some portion
20 thereof is clearly erroneous. If the Tax Commission determines that
21 the proper showing has been made, the assessment or portion thereof
22 determined to be clearly erroneous shall be deemed not to have
23 become final and absolute. No hearing to adjust or abate a clearly
24 erroneous assessment may be granted after the Tax Commission's

1 denial of such a request. An order of the Tax Commission denying a
2 taxpayer's request to adjust or abate an assessment alleged to be
3 clearly erroneous is not an appealable order under Section 225 of
4 this title. No proceeding instituted by the Tax Commission to
5 collect a tax liability may be stayed because of a request made by a
6 taxpayer to adjust or abate an assessment alleged to be clearly
7 erroneous.

8 F. The Tax Commission may in its discretion extend the time for
9 filing a protest for any period of time not to exceed an additional
10 ninety (90) days. Any extension granted shall not extend the period
11 of time within which the notice required by Section 226 of this
12 title may be filed.

13 G. Within a reasonable time after the hearing herein provided
14 for, the Tax Commission shall make and enter an order in writing in
15 which it shall set forth the disposition made of the protest and a
16 copy of such order shall forthwith be mailed to the taxpayer. The
17 order shall contain findings of fact and conclusions of law. After
18 removing the identity of the taxpayer, the Tax Commission shall make
19 the order available for public inspection and shall publish those
20 orders the Tax Commission deems to be of precedential value. The
21 taxpayer may within the time and in the manner provided for by
22 Section 225 of this title, appeal to the Supreme Court, but in the
23 event the taxpayer fails to so proceed, the order shall within
24 thirty (30) days from the date a certified copy thereof is mailed to

1 the taxpayer, become final. The provisions of Section 226 of this
2 title shall not apply where a proposed assessment or an assessment
3 of taxes has been permitted to become final.

4 H. In all instances where the proposed assessment or the
5 assessment of taxes or additional taxes has been permitted to become
6 final, a certified copy of the assessment may be filed in the office
7 of the county clerk of any county in this state, and upon being so
8 filed, the county clerk shall enter same upon the judgment docket in
9 the same manner as provided for in connection with judgments of
10 district courts. When an assessment is so filed and docketed, it
11 shall have the same force and be subject to the same law as a
12 judgment of the district court, and accordingly it shall constitute
13 a lien on any real estate of the taxpayer located in the county
14 wherein filed; and execution may issue and proceedings in aid of
15 execution may be had the same as on judgments of district courts.
16 Such lien is hereby released and extinguished upon the payment of
17 such assessment, or, except as otherwise provided herein, upon the
18 expiration of ten (10) years after the date upon which the
19 assessment was filed in the office of the county clerk; provided,
20 the Tax Commission may, prior to the release and extinguishment of
21 such lien, refile the assessment one time in the office of the
22 county clerk. An assessment so refiled shall continue the lien
23 until payment of the assessment, or upon the expiration of ten (10)
24 years after the date upon which the assessment was refiled in the

1 office of the county clerk. The remedies provided in this
2 subsection shall be in addition to other remedies provided by law.
3 All active liens evidenced by an assessment filed with a county
4 clerk's office prior to November 1, 1989, shall be released and
5 extinguished if the assessment is not refiled prior to November 1,
6 2001.

7 I. In order to make more definite the intention of the
8 Legislature in connection with the applicability or lack of
9 applicability of the refund provisions of the tax statutes to those
10 treating with proposed assessments and assessments that have become
11 final, the Legislature being cognizant of the fact that such intent
12 has been questioned, it is declared to be the intent of the
13 Legislature that the refund provisions shall be without application
14 to taxes where the amount thereof has been determined by an
15 assessment, other than an assessment designated as an "office
16 audit", that has become final.

17 SECTION 2. AMENDATORY 68 O.S. 2021, Section 225, is
18 amended to read as follows:

19 Section 225. A. Any taxpayer aggrieved by any order, ruling,
20 or finding of the Oklahoma Tax Commission directly affecting the
21 taxpayer or aggrieved by a final order of the Tax Commission issued
22 pursuant to subsection G of Section 221 of this title may appeal
23 therefrom directly to the Supreme Court of Oklahoma. Provided, any
24 taxpayer appealing from a final order of the Tax Commission

1 assessing a tax or an additional tax or denial of a claim for refund
2 may opt to file an appeal in district court as provided in
3 subsection D of this section.

4 B. Within thirty (30) days after the date of mailing to the
5 taxpayer of the order, ruling, or finding complained of, the
6 taxpayer desiring to appeal shall:

7 1. File a petition in error in the office of the Clerk of the
8 Supreme Court; and

9 2. Request that the Tax Commission prepare for filing with the
10 Supreme Court, within thirty (30) days, the record of the appeal,
11 certified by the Secretary of the Tax Commission, and consisting of
12 any citations, findings, judgments, motions, orders, pleadings and
13 rulings, together with a transcript of all evidence introduced at
14 any hearing relative thereto, or such portion of such citations,
15 findings, judgments, motions, orders, pleadings, rulings, and
16 evidence as the appealing parties and the Tax Commission may agree
17 to be sufficient to present fully to the Court the questions
18 involved.

19 C. Upon request of the taxpayer, the Tax Commission shall
20 furnish the taxpayer a copy of the proceedings had in connection
21 with the matter complained of.

22 D. In lieu of an appeal to the Supreme Court, any taxpayer
23 aggrieved by a final order of the Tax Commission assessing a tax or
24 an additional tax or denial of a claim for refund may opt to file an

1 appeal for a trial de novo in the district court of Oklahoma County
2 or the county in which the taxpayer resides. If the amount in
3 dispute exceeds Ten Thousand Dollars (\$10,000.00), the appeal shall
4 be heard by a district or associate district judge sitting without a
5 jury. If the amount in dispute does not exceed Ten Thousand Dollars
6 (\$10,000.00), the appeal may be heard by a special judge sitting
7 without a jury. An order resulting from a trial provided pursuant
8 to this subsection shall be appealable directly to the Supreme Court
9 of Oklahoma by either party. Such appeal shall be taken in the
10 manner and time provided by law for appeal to the Supreme Court from
11 the district court in civil actions. Upon the filing of an appeal,
12 the order of the district court shall be superseded and neither
13 party shall be required to give bond. The provisions of this
14 subsection shall be applicable for tax periods beginning after the
15 effective date of this act. Provided, if the order applies to
16 multiple tax periods which begin before and after the effective date
17 of this act, the appeal provided by this subsection shall be
18 available to the aggrieved taxpayer.

19 E. If the appeal is from an order of the Tax Commission or a
20 district court denying a refund of taxes previously paid and if upon
21 final determination of the appeal, the order denying the refund is
22 reversed or modified, the taxes previously paid, together with
23 interest thereon from the date of the filing of the petition in
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1 error at the rate provided in subsection A of Section 217 of this
2 title, shall be refunded to the taxpayer by the Tax Commission.

3 F. Such refunds and interest thereon shall be paid by the Tax
4 Commission out of monies in the Tax Commission clearing account from
5 subsequent collections from the same source as the original tax
6 assessment, provided that in the event there are insufficient funds
7 for refunds from subsequent collections from the same source, the
8 refund shall be paid by the Tax Commission from monies appropriated
9 by the Legislature to the special refund reserve account for such
10 purposes as hereinafter provided. There is hereby created within
11 the official depository of the State Treasury an agency special
12 account for the Tax Commission for the purpose of making such
13 refunds as may be required under this section, not otherwise
14 provided. This account shall consist of monies appropriated by the
15 Legislature for the purpose of making refunds under this section.

16 G. If the appeal be from an order, judgment, finding, or ruling
17 of the Tax Commission other than one assessing a tax and from which
18 a right of appeal is not otherwise specifically provided for in this
19 article the Uniform Tax Procedure Code, any aggrieved taxpayer may
20 appeal from that order, judgment, finding, or ruling as provided in
21 this section. The filing of such an appeal shall supersede the
22 effect of such order, judgment, ruling, or finding of the Tax
23 Commission.

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1 H. This section shall be construed to provide to the taxpayer a
2 legal remedy by action at law in any case where a tax, or the method
3 of collection or enforcement thereof, or any order, ruling, finding,
4 or judgment of the Tax Commission is complained of, or is sought to
5 be enjoined in any action in any court of this state or the United
6 States of America.

7 I. All hearings held in proceedings pursuant to this section
8 shall be confidential and shall be held in closed court without
9 admittance of any person other than interested parties, their
10 counsel, and employees of the Oklahoma Tax Commission and its
11 counsel. Confidential information filed with or submitted to the
12 Supreme Court or district court in conjunction with any proceeding
13 pursuant to this section shall not constitute a public record and
14 shall be sealed by the court. Access to confidential information
15 shall be strictly controlled.

16 SECTION 3. AMENDATORY 68 O.S. 2021, Section 226, is
17 amended to read as follows:

18 Section 226. (a) In addition to the right to a protest of a
19 proposed assessment as authorized by Section 221 of this title, a
20 right of action is hereby created to afford a remedy to a taxpayer
21 aggrieved by the provisions of this article or of any other state
22 tax law, or who resists the collection of or the enforcement of the
23 rules or regulations of the Tax Commission relating to the
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1 collection of any state tax; however, such remedy shall be limited
2 as prescribed by subsection (c) of this section.

3 (b) Within thirty (30) days from the date ~~of mailing to the~~
4 ~~taxpayer of~~ indicated on an assessment for taxes or additional taxes
5 pursuant to Section 221 of this title by the Tax Commission, any
6 such taxpayer shall pay the tax to the Tax Commission, and at the
7 time of making such payment shall give notice to the Tax Commission
8 of his intention to file suit for recovery of such tax. The
9 taxpayer shall not be required to file suit within such thirty-day
10 period in order to prosecute an action as authorized by this
11 section; however, failure to file such suit within one (1) year from
12 the date of ~~mailing of~~ the assessment shall result in the assessment
13 becoming final and absolute. If the taxpayer prevails the Tax
14 Commission shall, by cash voucher drawn by the Tax Commission upon
15 its official depository clearing account or special refund reserve
16 account with the State Treasurer, refund to the taxpayer the amount
17 of tax determined not to be due pursuant to the final judgment of
18 the court having jurisdiction, together with interest on such amount
19 at the rate applicable to money judgments in civil cases from the
20 date of payment by the taxpayer to the date of the refund by the Tax
21 Commission. The refunds paid shall be payable as provided in
22 Section 225(d). If the taxpayer prevails and the court determines
23 that the position of the Tax Commission in the proceeding was not
24 substantially justified, the court shall award the taxpayer a

1 judgment for reasonable attorney fees, reasonable expenses of expert
2 witnesses in connection with the proceeding and reasonable costs of
3 any study, analysis, engineering report, test or project which is
4 found by the court to be necessary for the preparation of the
5 taxpayer's case.

6 (c) This section shall afford a legal remedy and right of
7 action in any state or federal court having jurisdiction of the
8 parties and the subject matter. It shall be construed to provide a
9 legal remedy in the state or federal courts by action at law only in
10 cases where the taxes complained of are claimed to be an unlawful
11 burden on interstate commerce, or the collection thereof violative
12 of any Congressional Act or provision of the Federal Constitution,
13 or in cases where jurisdiction is vested in any of the Courts of the
14 United States. In all actions brought hereunder service of process
15 upon the Chairman of the Tax Commission shall be sufficient service,
16 and the Tax Commission shall be the sole, necessary and proper party
17 defendant in any such suit, and the State Treasurer shall not be a
18 necessary or proper party thereto.

19 (d) Upon request of any taxpayer and upon proper showing that
20 the principle of law involved in the assessment of any tax is
21 already pending before the courts for judicial determination, the
22 taxpayer, upon agreement to abide by the decision of the court, may
23 pay the tax so assessed under protest, but need not file a suit.

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1 SECTION 4. AMENDATORY 68 O.S. 2021, Section 227, as
2 amended by Section 1, Chapter 114, O.S.L. 2022 (68 O.S. Supp. 2022,
3 Section 227), is amended to read as follows:

4 Section 227. A. Except as provided in subsection B of Section
5 1361.2 and subsection D of Section 1364.1 of this title, any
6 taxpayer who has paid to the State of Oklahoma, through error of
7 fact, or computation, or misinterpretation of law, any tax collected
8 by the Tax Commission may, as hereinafter provided, be refunded the
9 amount of such tax so erroneously paid, without interest.

10 B. 1. Except as otherwise provided by paragraph 2 of this
11 subsection, any taxpayer who has so paid any such tax may, within
12 three (3) years from the date of payment thereof file with the Tax
13 Commission a verified claim for refund of such tax so erroneously
14 paid. The Tax Commission may accept an amended withholding tax or
15 other report or return as a verified claim for refund if the amended
16 report or return establishes a liability less than the original
17 report or return previously filed.

18 2. Upon August 26, 2016, with respect to the sales tax imposed
19 by Section 1354 of this title and with respect to the use tax
20 imposed by Section 1402 of this title, any taxpayer who has so paid
21 such sales or use tax may, within two (2) years from the date of
22 payment thereof file with the Tax Commission a verified claim for
23 refund of such tax so erroneously paid. The Tax Commission may
24 accept an amended sales or use tax report or return as a verified

1 claim for refund if the amended report or return establishes a
2 liability less than the original report or return previously filed.

3 C. The claim so filed with the Tax Commission, except for an
4 amended report or return, shall specify the name of the taxpayer,
5 the time when and period for which the tax was paid, the nature and
6 kind of tax so paid, the amount of the tax which the taxpayer
7 claimed was erroneously paid, the grounds upon which a refund is
8 sought, and such other information or data relative to such payment
9 as may be necessary to an adjustment thereof by the Tax Commission.
10 It shall be the duty of the Commission to determine what amount of
11 refund, if any, is due as soon as practicable after such claim has
12 been filed and advise the taxpayer about the correctness of his
13 claim and the claim for refund shall be approved or denied by
14 written notice to the taxpayer.

15 D. If the claim for refund is denied, the taxpayer may file a
16 demand for hearing with the Commission. The demand for hearing must
17 be filed on or before the sixtieth day after the date indicated on
18 the notice of denial ~~was mailed~~. If the taxpayer fails to file a
19 demand for hearing, the claim for refund shall be barred.

20 E. Upon the taxpayer's timely filing of a demand for hearing,
21 the Commission shall set a date for hearing upon the claim for
22 refund which date shall not be later than sixty (60) days from the
23 date the demand for hearing was mailed. The taxpayer shall be
24 notified of the time and place of the hearing. The hearing may be

1 held after the sixty-day period provided by this subsection upon
2 agreement of the taxpayer.

3 F. The provisions of this section shall not apply:

4 1. To refunds of income tax erroneously paid, refunds of which
5 tax shall be payable out of the income tax adjustment fund as
6 provided by law;

7 2. To estate tax because the payment of such tax is covered by
8 an order of the Tax Commission and the estate and interested parties
9 are given notice that Commission's position and computation of the
10 tax will become final unless they protest and resist the payment
11 thereof as provided by statute; nor

12 3. In any case where the tax was paid after an assessment
13 thereof was made by the Tax Commission which assessment became final
14 under the law.

15 SECTION 5. AMENDATORY 68 O.S. 2021, Section 231, is
16 amended to read as follows:

17 Section 231. A. If any tax, imposed or levied by any state tax
18 law, or any portion of such tax, is not paid before the same becomes
19 delinquent, the Oklahoma Tax Commission may immediately issue a
20 warrant under its official seal. A tax warrant directed to the
21 sheriff of any county of the state shall command the sheriff to levy
22 upon and sell without any appraisalment or valuation any real or
23 personal property of the taxpayer found within the county for the
24 payment of the delinquent tax, interest and penalties, and the cost

1 of executing the warrant, and to return such warrant to the Tax
2 Commission, and to pay to it any monies collected by virtue thereof,
3 by a time to be therein specified, not more than sixty (60) days
4 from the date of the warrant.

5 B. The Tax Commission shall, immediately upon issuance of the
6 warrant, file with the county clerk of the county for which the
7 warrant was issued a copy thereof, and thereupon the county clerk
8 shall record and index such warrant in the same manner as judgments
9 using the name of the taxpayer named in the warrant, a short name
10 for the tax, the amount of the tax or portion thereof, and interest
11 and penalties for which the warrant was issued, and the date and
12 time when such copy was filed. The Tax Commission ~~may~~ shall file
13 the warrant in the appropriate office of the county clerk by
14 electronic means. The filing of the warrant in the office of the
15 county clerk of the county, shall constitute and be evidence and
16 notice of the state's lien upon any interest in any real property of
17 the taxpayer against whom such warrant is issued, until such tax,
18 penalty and interest accruing thereon is paid. Such lien shall be
19 in addition to any and all other liens existing in favor of the
20 state to secure the payment of the unpaid tax, penalty, interest and
21 costs, and such lien shall be paramount and superior to all other
22 liens of whatsoever kind or character, attaching to any of said
23 property subsequent to the date and time of such filing and shall be
24 in addition to any lien provided by Section 234 of this title. The

1 Tax Commission shall, immediately upon issuance of the warrant,
2 mail, by regular mail, a copy of the warrant to the last-known
3 address of the delinquent taxpayer. Such lien is hereby released
4 and extinguished upon the payment of such tax, penalty, interest and
5 costs, or, except as otherwise provided herein, upon the expiration
6 of ten (10) years after the date upon which the warrant was filed
7 with the county clerk; provided, the Tax Commission may, prior to
8 the release and extinguishment of such lien, refile the warrant in
9 the office of the county clerk. A warrant so refiled shall continue
10 the lien until payment of the tax, penalty, interest and costs, or
11 upon the expiration of ten (10) years after the date upon which the
12 warrant was refiled and indexed by the county clerk. All active
13 liens evidenced by a warrant filed with a county clerk's office
14 prior to November 1, 1989, shall be released and extinguished if the
15 warrant is not refiled prior to November 1, 2001.

16 C. Except as otherwise provided in subsection D of this
17 section, the Tax Commission shall forward the filed warrant to the
18 sheriff of the county in which the warrant was filed. Upon receipt
19 of the warrant, such sheriff shall thereupon proceed to execute the
20 tax warrant in the same manner prescribed by law for executions
21 against property upon judgment of a court of record; and such
22 sheriff shall execute and deliver to the purchaser a bill of sale or
23 deed, as the case may be.

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1 D. The Tax Commission shall not direct or forward to the
2 sheriff of any county any tax warrant issued pursuant to collection
3 by the Tax Commission. The Tax Commission shall promulgate rules
4 pertaining to tax warrants issued under this section.

5 E. The Tax Commission may levy upon and sell without any
6 appraisement or valuation any real or personal property of any
7 taxpayer identified by a filed tax warrant. The Tax Commission may
8 execute the tax warrant in the same manner prescribed by law for
9 executions against property upon judgment of a court of record and
10 may execute and deliver to the purchaser a bill of sale or deed, as
11 the case may be.

12 F. Any purchaser, other than the State of Oklahoma, shall be
13 entitled, upon application to the court having jurisdiction of the
14 property, to have confirmation, the procedure for which shall be the
15 same as is now provided for the confirmation of a sale of property
16 under execution, of such sale prior to the issuance of a bill of
17 sale or deed. The State of Oklahoma shall be authorized to make
18 bids at any such sale to the amount of tax, penalty and costs
19 accrued. In the event such bid is successful, the sheriff shall
20 issue proper muniment of title to the Tax Commission which shall
21 hold such title for the use and benefit of the State of Oklahoma;
22 and any taxpayer, or transferee of such taxpayer, shall have the
23 right, at any time within one (1) year from the date of such sale,
24 to redeem such property, upon the payment of all taxes, penalties

1 and costs accrued to the date of redemption. Such applicant shall
2 not be entitled to a credit upon such taxes, penalties and costs, by
3 reason of revenue that might have accrued to the State of Oklahoma
4 or other purchaser under sale, prior to such redemption. After the
5 expiration of the period of redemption herein provided, the Tax
6 Commission acting for the State of Oklahoma may sell such property
7 at public auction, upon giving thirty (30) days' notice, published
8 in a newspaper of general circulation in the county where such
9 property is located, to the highest and best bidder for cash; and
10 upon a sale had thereof, or when a redemption is made, the Tax
11 Commission, for and on behalf of the State of Oklahoma, shall issue
12 its bill of sale or quit claim deed, as the case may be, to the
13 successful bidder or to the redemptioner. Such muniment of title
14 shall be executed by the Tax Commission, and attested by its
15 secretary, with the seal of the Tax Commission affixed. The sheriff
16 shall be entitled to the same fee for services in executing the
17 warrant, as the sheriff would be entitled to receive if he or she
18 were executing an execution issued by the court clerk of the county
19 upon a judgment of a court of record.

20 G. If any sheriff shall refuse or neglect to levy upon and sell
21 any real or personal property of any taxpayer as directed by any
22 warrant issued by the Tax Commission, or shall refuse or neglect, on
23 demand, to pay over to the Tax Commission, its agents or attorneys,
24 all monies collected or received under any warrant issued by the Tax

1 Commission, at any time after collecting or receiving the same, such
2 sheriff or other officer shall, upon motion of the Tax Commission in
3 court, and after thirty (30) days' notice thereof, in writing, be
4 amerced in the amount for which any such warrant was issued by the
5 Tax Commission, together with all penalties and costs and with an
6 additional penalty of ten percent (10%) thereon, to and for the use
7 of the State of Oklahoma. Every surety of any sheriff or officer
8 shall be made a party to the judgment rendered as aforesaid against
9 the sheriff or other officer.

10 H. The Tax Commission may expend funds from the Oklahoma Tax
11 Commission Fund in the State Treasury to reimburse the sheriff for
12 travel and administrative costs actually and necessarily incurred
13 while performing duties required by this section. Such costs shall
14 be assessed against the delinquent taxpayer, shall be added to the
15 amount necessary to satisfy the tax warrant, and upon collection
16 thereof shall be deposited in the Oklahoma Tax Commission Fund.

17 I. A tax warrant issued and filed under authority of this
18 section shall:

19 1. Constitute and be evidence and notice of the state's lien
20 upon real property; and

21 2. Not be subject to the provisions of any dormancy statute
22 which would limit the enforceability, effect or operation of the
23 lien, except as otherwise provided in this section.

24

1 J. After July 1, 1993, the Tax Commission shall not issue any
2 certificates of indebtedness pursuant to the provisions of Section
3 230 of this title.

4 K. When a tax warrant has been issued and filed as provided in
5 this section, the Tax Commission shall have all of the remedies and
6 may take all of the proceedings thereon for the collection thereof
7 which may be had or taken upon a judgment of the district court.

8 SECTION 6. AMENDATORY 68 O.S. 2021, Section 255.2, is
9 amended to read as follows:

10 Section 255.2 As provided in Section 426 of Title 63 of the
11 Oklahoma Statutes, the ~~State Department of Health~~ Oklahoma Medical
12 Marijuana Authority and the Oklahoma Tax Commission shall enter into
13 a contract whereby the Tax Commission shall have authority to
14 assess, collect and enforce the seven percent (7%) tax on retail
15 medical marijuana sales and any penalties and interest thereon.
16 Such assessment, collection and enforcement authority shall apply to
17 any tax and any penalty or interest liability on retail medical
18 marijuana sales existing at the time of contracting. The contract
19 shall provide for the assessment, collection and enforcement of the
20 tax on retail medical marijuana sales in the same manner as the
21 administration, collection and enforcement of any tax payable by any
22 taxpayer subject to taxation under any state tax law. For providing
23 such collection assistance, the Tax Commission shall charge the
24 ~~State Department of Health~~ Oklahoma Medical Marijuana Authority a

1 fee of one and five-tenths percent (1.5%) of the gross collection
2 proceeds. All funds retained by the Tax Commission for the
3 collection services shall be deposited in the Tax Commission
4 Reimbursement Fund in the State Treasury.

5 SECTION 7. AMENDATORY 68 O.S. 2021, Section 1364, is
6 amended to read as follows:

7 Section 1364. Permits to do business.

8 A. Every person desiring to engage in a business within this
9 state who would be designated as a Group One or Group Three vendor,
10 pursuant to Section 1363 of this title, shall be required to secure
11 from the Oklahoma Tax Commission every three (3) years a written
12 permit for a fee of Twenty Dollars (\$20.00) prior to engaging in
13 such business in this state. Each such person shall file with the
14 Tax Commission an application for a permit to engage in or transact
15 business in this state, setting forth such information as the Tax
16 Commission may require. The application shall be signed by the
17 owner of the business or representative of the business entity and
18 as a natural person, and, in the case of a corporation, as a legally
19 constituted officer thereof. To obtain a sales tax permit, an
20 individual or sole proprietor must be at least eighteen (18) years
21 of age. A parent or legal guardian may apply for a permit on behalf
22 of an individual or sole proprietor who is not at least eighteen
23 (18) years of age, provided the parent or legal guardian will be
24 considered the authorized user responsible for remitting state tax.

1 B. Upon receipt of an initial application, the Tax Commission
2 may issue a probationary permit effective for six (6) months which
3 will automatically renew for an additional thirty (30) months unless
4 the applicant receives written notification of the refusal of the
5 Commission to renew the permit. If the applicant receives a notice
6 of refusal, the applicant may request a hearing to show cause why
7 the permit should be renewed. Upon receipt of a request for a
8 hearing, the Tax Commission shall set the matter for hearing and
9 give ten (10) days' notice in writing of the time and place of the
10 hearing. At the hearing, the applicant shall set forth the
11 qualifications of the applicant for a permit and proof of compliance
12 with all state tax laws.

13 C. Holders of a probationary permit as provided in subsection B
14 of this section shall not be permitted to present the permit to
15 obtain a commercial license plate for their motor vehicle as
16 provided in Section 1133.1 of Title 47 of the Oklahoma Statutes.

17 D. Upon verification that the applicant is a Group Three
18 vendor, the Tax Commission may require such applicant to furnish a
19 surety bond or other security as the Commission may deem necessary
20 to secure payment of taxes under this article, prior to issuance of
21 a permit for the place of business set forth in the application for
22 permit. Provided, the Tax Commission is hereby authorized to set
23 guidelines, by adoption of regulations, for the issuance of sales
24 tax permits. Pursuant to said guidelines the Tax Commission may

1 refuse to issue permits to any Group Three vendors, or any class of
2 vendors included in the whole classification of Group Three vendors,
3 if the Tax Commission determines that it is likely this state will
4 lose tax revenue due to the difficulty of enforcing this article for
5 any reasons stated in subsection (T) of Section 1354 of this title.

6 E. A separate permit for each additional place of business to
7 be operated must be obtained from the Tax Commission for a fee of
8 Ten Dollars (\$10.00). Such permit shall be good for a period of
9 three (3) years. The Tax Commission shall grant and issue to each
10 applicant a separate permit for each place of business in this
11 state, upon proper application therefor and verification thereof by
12 the Tax Commission.

13 F. A permit is not assignable and shall be valid only for the
14 person in whose name it is issued and for the transaction of
15 business at the place designated therein. The permit shall at all
16 times be conspicuously displayed at the place of business for which
17 issued in a position where it can be easily seen. The permit shall
18 be in addition to all other permits required by the laws of this
19 state. Provided, if the location of the business is changed, such
20 person shall file with the Tax Commission an application for a
21 permit to engage in or transact business at the new location. Upon
22 issuance of the permit to the new location of such business, no
23 additional permit fee shall be due until the expiration of the
24 permit issued to the previous location of such business.

1 G. It shall be unlawful for any person coming within the class
2 designated as Group One or the class designated as Group Three to
3 engage in or transact a business of reselling tangible personal
4 property or services within this state unless a written permit or
5 permits shall have been issued to such person. Any person who
6 engages in a business subject to the provisions of this section
7 without a permit or permits, or after a permit has been suspended,
8 upon conviction, shall be guilty of a misdemeanor punishable by a
9 fine of not more than One Thousand Dollars (\$1,000.00). Any person
10 convicted of a second or subsequent violation hereof shall be guilty
11 of a felony and punishable by a fine of not more than Five Thousand
12 Dollars (\$5,000.00) or by a term of imprisonment in the State
13 Penitentiary for not more than two (2) years, or both such fine and
14 imprisonment.

15 H. Any person operating under a permit as provided in this
16 article shall, upon discontinuance of business by sale or otherwise,
17 return such permit to the Tax Commission for cancellation, together
18 with a remittance for any unpaid or accrued taxes. Failure to
19 surrender a permit and pay any and all accrued taxes will be
20 sufficient cause for the Tax Commission to refuse to issue a permit
21 subsequently to such person to engage in or transact any other
22 business in this state. In the case of a sale of any business, the
23 tax shall be deemed to be due on the sale of the fixtures and
24 equipment, and the Tax Commission shall not issue a permit to

1 continue or conduct the business to the purchaser until all tax
2 claims due the State of Oklahoma have been settled.

3 I. All permits issued under the provisions of this article
4 shall expire three (3) years from the date of issuance at the close
5 of business at each place or location of the business within this
6 state. No refund of the fee shall be made if the business is
7 terminated prior to the expiration of the permit.

8 J. Whenever a holder of a permit fails to comply with any
9 provisions of this article, the Tax Commission, after giving ten
10 (10) days' notice in writing of the time and place of hearing to
11 show cause why the permit should not be revoked, may revoke or
12 suspend the permit, the permit to be renewed upon removal of cause
13 or causes of revocation or suspension. However, if a holder of a
14 permit becomes delinquent for a period of three (3) months or more
15 in reporting or paying of any tax due under this article, any duly
16 authorized agent of the Tax Commission may remove the permit from
17 the taxpayer's premises and it shall be returned or renewed only
18 upon the filing of proper reports and payment of all taxes due under
19 this article.

20 K. Permits are not required of persons coming within the
21 classification designated as Group Two. The Oklahoma Tax Commission
22 shall issue a limited permit to Group Five vendors. The permit
23 shall be in such form as the Tax Commission may prescribe.

24

1 L. Nothing in this article shall be construed to allow a permit
2 holder to purchase, tax exempt, anything for resale that the permit
3 holder is not regularly in the business of reselling.

4 M. All monies received pursuant to issuance of such permits to
5 do business shall be paid to the State Treasurer and placed to the
6 credit of the General Revenue Fund of the State Treasury.

7 N. Notwithstanding the provisions of Section 205 of this title,
8 the Oklahoma Tax Commission is authorized to release the following
9 information contained in the Master Sales and Use Tax File to
10 vendors:

- 11 1. Permit number;
- 12 2. Name in which permit is issued;
- 13 3. Name of business operation if different from ownership
14 (DBA);
- 15 4. Mailing address;
- 16 5. Business address;
- 17 6. Business class or Standard Industrial Code (SIC); and
- 18 7. Effective date and expiration or cancellation date of
19 permit.

20 Release of such information shall be limited to tax remitters
21 for the express purpose of determining the validity of sales permits
22 presented as evidence of purchasers' sales tax resale status under
23 this Code.

24

1 The provisions of this subsection shall be strictly interpreted
2 and shall not be construed as permitting the disclosure of any other
3 information contained in the records and files of the Tax Commission
4 relating to sales tax or to any other taxes.

5 This information may be provided on a subscription basis, with
6 periodic updates, and sufficient fee charged, not to exceed One
7 Hundred Fifty Dollars (\$150.00) per year, to offset the
8 administrative costs of providing the list. All revenue received by
9 the Oklahoma Tax Commission from such fees shall be deposited to the
10 credit of the Oklahoma Tax Commission Revolving Fund. No liability
11 whatsoever, civil or criminal, shall attach to any member of the Tax
12 Commission or any employee thereof for any error or omission in the
13 disclosure of information pursuant to this subsection.

14 O. If the Tax Commission enters into the Streamlined Sales and
15 Use Tax Agreement under Section 1354.18 of this title, the Tax
16 Commission is authorized to participate in its online sales and use
17 tax registration system and shall not require the payment of the
18 registration fees or other charges provided in this section from a
19 vendor who registers within the online system if the vendor has no
20 legal requirement to register.

21 SECTION 8. AMENDATORY 68 O.S. 2021, Section 1364.2, is
22 amended to read as follows:

23 Section 1364.2 A. Promoters or organizers of special events
24 shall submit an application for a special event permit to the

1 Oklahoma Tax Commission at least twenty (20) days prior to the
2 special event. The application shall be accompanied by a fee of
3 Fifty Dollars (\$50.00). The application shall include the location
4 and dates of the special event, expected number of vendors, and any
5 other information that may be required by the Tax Commission. A
6 separate permit shall be required for each special event and must be
7 prominently displayed. Multiple events held at the same location
8 during the calendar year may be included in one application.

9 B. All monies received from such fees shall be paid to the
10 State Treasurer and placed to the credit of the General Revenue Fund
11 of the State Treasurer.

12 C. Promoters or organizers shall provide vendor letters or
13 forms to special event vendors for reporting sales tax collections
14 and any other information that may be required by the Tax
15 Commission.

16 D. Unless otherwise provided in this section, special event
17 vendors shall collect sales tax from purchasers of tangible personal
18 property and services taxable under Section 1350 et seq. of this
19 title and shall remit the tax, along with a sales tax report, to the
20 promoter or organizer.

21 E. Within fifteen (15) days following the conclusion of the
22 special event, the organizer or promoter shall forward all reports
23 and payments to the Tax Commission along with a completed sales tax
24 report. If not filed on or before the fifteenth day, the tax shall

1 be delinquent from such date. Reports timely mailed shall be
2 considered timely filed. If a report is not timely filed, interest
3 shall be charged from the date the report should have been filed
4 until the report is actually filed.

5 F. At least ten (10) days prior to the start of the special
6 event, the organizer or promoter shall submit a list of all vendors
7 registered to attend the event. Within fifteen (15) days following
8 the conclusion of the special event, the organizer or promoter shall
9 also submit a list of vendors ~~at~~ who actually attended each event
10 ~~that hold a valid sales tax permit issued under Section 1364 of this~~
11 ~~title.~~ The Each list shall include the vendor's name, address,
12 telephone number, email address and ~~sales tax permit number~~ taxpayer
13 identification number. If a vendor holds an Oklahoma sales tax
14 permit issued under Section 1364 of this title, the permit numbers
15 shall also be included.

16 G. ~~For the purposes of compensating the promoter or organizer~~
17 ~~in keeping sales tax records, filing reports and remitting the tax~~
18 ~~when due, a promoter or organizer shall be allowed a deduction of~~
19 ~~the tax due as provided in Section 1367.1 of this title.~~

20 H. Promoters and organizers shall only be liable for failure to
21 report and remit all taxes that are remitted to them by special
22 event vendors.

23 I. H. Promoters or organizers of a special event that is held
24 on an annual basis during the same thirty-day period each year may

1 request that the Tax Commission limit their responsibilities to the
2 following:

3 1. Submitting of an application for a special event permit as
4 provided in subsection A of this section;

5 2. Providing report forms to special event vendors as provided
6 in subsection C of this section; and

7 3. Within fifteen (15) days following the conclusion of the
8 special event, submitting a list of special event vendors at each
9 event, including the vendor's name, address, and telephone number.

10 Such requests may be denied by the Tax Commission for reasons
11 including, but not limited to, failure by the promoter to comply
12 with the requirements of this section or failure by vendors of the
13 promoter's previous special events to comply with the provisions of
14 subsection ~~J~~ I of this section.

15 ~~J~~ I. Special event vendors of special events that are approved
16 under subsection I of this section shall remit the tax along with a
17 sales tax report directly to the Tax Commission within fifteen (15)
18 days following the conclusion of the special event. If not filed on
19 or before the fifteenth day, the tax shall be delinquent from such
20 date. Reports timely mailed shall be considered timely filed. If a
21 report is not timely filed, interest shall be charged from the date
22 the report should have been filed until the report is actually
23 filed.

24 ~~K~~ J. As used in this section:

1 1. "Promoter" or "organizer" means any person who organizes or
2 promotes a special event which results in the rental, occupation, or
3 use of any structure, lot, tract of land, sample or display case,
4 table, or any other similar items for the exhibition and sale of
5 tangible personal property or services taxable under Section 1350 et
6 seq. of this title by special event vendors;

7 2. "Special event" means an entertainment, amusement,
8 recreation, or marketing event that occurs at a single location on
9 an irregular basis and at which tangible personal property is sold.
10 "Special event" shall include, but not be limited to, gun shows,
11 knife shows, craft shows, antique shows, flea markets, carnivals,
12 bazaars, art shows, and other merchandise displays or exhibits.
13 Special event shall not include any county, district, or state fair
14 or public or private school or university-sponsored event. Special
15 event shall not include an event sponsored by a city or town that
16 includes less than ten special event vendors or any event sponsored
17 by a church organization exempt from federal income tax pursuant to
18 Section 501(c)(3) of the Internal Revenue Code. Special event shall
19 not include a registered farmers market which is a designated area
20 in which farmers, growers or producers from a defined region gather
21 on a regularly scheduled basis to sell at retail nonpotentially
22 hazardous farm food products and whole-shell eggs to the public; and
23 3. "Special event vendor" means a person making sales of
24 tangible personal property or services taxable under Section 1350 et

1 seq. of this title at a special event within this state and who is
2 not permitted under Section 1364 of this title.

3 SECTION 9. AMENDATORY 68 O.S. 2021, Section 2373, is
4 amended to read as follows:

5 Section 2373. A. Any claim for refund filed pursuant to this
6 section must be made on a return, in the form prescribed by the
7 Oklahoma Tax Commission.

8 B. Any claim for refund of an overpayment of any tax imposed by
9 Section 2355 of this title must be made within three (3) years from
10 the due date of the return, including the period of any extension of
11 time for filing a return, or two (2) years from the payment of the
12 tax liability, whichever of such periods expires later, or if no
13 return was filed by the taxpayer, within two (2) years from the time
14 the tax was paid.

15 C. Except as provided in subsection H of Section 2375 of this
16 title, no refund shall be allowed or made after the expiration of
17 the period of limitation prescribed in subsection B of this section
18 for the filing of a claim for refund, unless a claim for refund is
19 filed by the taxpayer within such period. If a claim for refund is
20 filed during the period prescribed in subsection B of this section,
21 the amount of the refund, if any, shall not exceed the amount of tax
22 paid within the period, immediately preceding the filing of the
23 claim, equal to three (3) years plus the period of any extension of
24 time for filing a return. If the claim was not filed within the

1 three (3) year period prescribed in subsection B of this section,
2 the refund shall not exceed the portion of the tax paid during the
3 two (2) years immediately preceding the filing of the claim.
4

5 D. If, upon any revision or adjustment, including overpayment or
6 illegal payment on account of income derived from tax-exempt Indian
7 land, any refund is found to be due any taxpayer, it shall be paid
8 out of the "Income Tax Withholding Refund Account", created by
9 Section 2385.16 of this title, in the same manner as refunds are
10 paid pursuant to such section. ~~The information filed, reflecting~~
11 ~~the revision or adjustment, shall constitute the claim for refund.~~

12 E. ~~Except as provided in subsection H of Section 2375 of this~~
13 ~~title, the amount of the refund shall not exceed the portion of the~~
14 ~~tax paid during the three (3) years immediately preceding the filing~~
15 ~~of the claim, or, if no claim was filed, then during the three (3)~~
16 ~~years immediately preceding the allowance of the refund. However,~~
17 ~~this~~ The three-year limitation set forth in subsection C of this
18 section shall not apply to the amount of refunds payable upon claims
19 filed by members of federally recognized Indian tribes or the United
20 States on behalf of its Indian wards or former Indian wards, to
21 recover taxes illegally collected from tax-exempt lands. In the
22 case of any refund to a member of a federally recognized Indian
23 tribe or to the United States on behalf of its Indian wards or
24 former Indian wards, to recover taxes illegally collected on bonus

1 payments from oil and gas leases located on tax-exempt Indian lands
2 pursuant to this section, the Tax Commission shall pay interest on
3 all refunds issued after January 1, 1996, at the rate of six percent
4 (6%) per annum from the date of payment by the taxpayer to the date
5 of the refund.

6 F. In cases ~~where~~ that the Tax Commission and the taxpayer have
7 signed a consent, as provided by law, extending the period during
8 which the tax may be assessed, the period during which the taxpayer
9 may file a claim for refund or during which an allowance for a
10 refund may be made shall be automatically extended to the final date
11 fixed by such consent plus thirty (30) days.

12 G. The Oklahoma Tax Commission may authorize the use of direct
13 deposit in lieu of refund checks for electronically filed income tax
14 returns.

15 SECTION 10. AMENDATORY 68 O.S. 2021, Section 2375, is
16 amended to read as follows:

17 Section 2375. A. ~~At the time of transmitting the return~~
18 ~~required hereunder to the Oklahoma Tax Commission,~~ On the original
19 due date of the return, not including any extensions, the taxpayer
20 shall remit therewith to the Tax Commission the amount of tax due
21 under the applicable provisions of Section 2351 et seq. of this
22 title. Failure to pay such tax on or before the date the return is
23 due, not including any extensions, shall cause the tax to become
24 delinquent. If the return is filed electronically, the amount of

1 the tax due pursuant to the provisions of this article shall be due
2 on or before the twentieth day of April following the close of the
3 taxable year regardless of when the return is electronically filed.
4 The tax shall be deemed delinquent if unpaid after the twentieth day
5 of April if the return is electronically filed. Provided, if the
6 Internal Revenue Code provides for a later due date for returns of
7 individuals, the Tax Commission shall accept payments made with
8 returns filed by individuals by such date and such payments shall be
9 considered as timely paid.

10 B. If any tax due under Section 2351 et seq. of this title,
11 except a deficiency determined under Section 221 of this title, is
12 not paid on or before the date such tax becomes delinquent, a
13 penalty of five percent (5%) of the total amount of the tax due
14 shall be added thereto, collected and paid. However, the Tax
15 Commission shall not collect the penalty assessed if the taxpayer
16 remits the tax and interest within sixty (60) days of the mailing of
17 a proposed assessment or voluntarily pays the tax upon the filing of
18 an amended return.

19 C. If any part of deficiency, arbitrary or jeopardy assessment
20 made by the Tax Commission is based upon or occasioned by the
21 refusal of any taxpayer to file with the Tax Commission any return
22 as required by Section 2351 et seq. of this title, within ten (10)
23 days after a written demand for such report or return has been
24 served upon any taxpayer by the Tax Commission by registered letter

1 with a return receipt attached, the Tax Commission may assess and
2 collect, as a penalty, twenty-five percent (25%) of the amount of
3 the assessment. In the exercise of the authority granted by
4 subsection C of Section 223 and Section 224 of this title, the Tax
5 Commission shall assess the tax as an estimated tax on the basis of
6 its own determination of the Oklahoma taxable income of the
7 taxpayer, to be adjusted if and when Oklahoma taxable income is
8 ascertained under the provisions of Section 2351 et seq. of this
9 title.

10 D. If any part of any deficiency was due to negligence or
11 intentional disregard, without the intent to defraud, then ten
12 percent (10%) of the total amount of the deficiency, in addition to
13 such deficiency, including interest as authorized by law, shall be
14 added, collected and paid.

15 E. If any part of any deficiency was due to fraud with intent
16 to evade tax, then fifty percent (50%) of the total amount of the
17 deficiency, in addition to such deficiency, including interest as
18 herein provided, shall be added, collected and paid.

19 F. The provisions in this section for penalties shall supersede
20 all other provisions for penalties on income taxes. The provisions
21 in this section for penalties shall supersede the provisions in the
22 Uniform Tax Procedure Code, Section 201 et seq. of this title, only
23 to the extent of conflict between such provisions and the penalty
24 provisions in this section.

1 G. All taxes, penalties and interest levied under Section 2351
2 et seq. of this title must be paid to the Tax Commission at Oklahoma
3 City, in the form or remittance required by and payable to it.

4 H. 1. The period of time prescribed in Section 223 of this
5 title, in which the procedures for the assessment of income tax may
6 be commenced by the Tax Commission, shall be tolled and extended
7 until the amount of taxable income for any year of a taxpayer under
8 the Internal Revenue Code has been finally determined under
9 applicable federal law and for the additional period of time
10 hereinafter provided in this subsection.

11 2. If, in such final determination, the amount of taxable
12 income for any year of a taxpayer under the Internal Revenue Code is
13 changed or corrected from the amounts included in the federal return
14 of the taxpayer for such year and such change or correction affects
15 the Oklahoma taxable income of the taxpayer for such year, the
16 taxpayer, within one (1) year after such final determination of the
17 corrected taxable income, shall file an amended return under Section
18 2351 et seq. of this title reporting the corrected Oklahoma taxable
19 income, and the Tax Commission shall make assessment or refund
20 within two (2) years from the date the return required by this
21 paragraph is filed and not thereafter, unless a waiver is agreed to
22 and signed by the Tax Commission and the taxpayer.

23 3. In the event of failure by a taxpayer to comply with the
24 provisions of paragraph 2 of this subsection, the statute of

1 limitations shall be tolled for a period of time equal to the time
2 between the date the amended return under this subsection is
3 required until such return is actually furnished.

4 4. In administering the provisions of this subsection, the Tax
5 Commission shall have the authority to audit each and every item of
6 income, deduction, credit or any other matter related to the return
7 where such items or matters relate to allocation or apportionment
8 between the State of Oklahoma and some other state or the federal
9 government even if such items or matters were not affected by
10 revisions made in such final determination. Where such items or
11 matters do not relate to allocation or apportionment between the
12 State of Oklahoma and some other state or the federal government,
13 the Tax Commission shall be bound by the revisions made in such
14 final determination.

15 5. The provisions of this subsection shall be effective on
16 September 1, 1993, and except in the case of tax years which are the
17 subject of closing, settlement or resolution agreements entered into
18 by taxpayers and the Tax Commission, keep open all tax years
19 beginning after June 30, 1988, and all tax years beginning on or
20 before June 30, 1988, for which extensions of the statute of
21 limitations have been executed by the taxpayer, but only to the
22 extent such extensions remain open on the date of enactment hereof.

23 SECTION 11. AMENDATORY 68 O.S. 2021, Section 2385.3, is
24 amended to read as follows:

1 Section 2385.3 A. Every employer required to deduct and
2 withhold taxes under Section 2385.2 of this title shall pay over the
3 amount so withheld as taxes to the Oklahoma Tax Commission pursuant
4 to the schedule outlined in paragraphs 1 through 3 of this
5 subsection, and shall file a quarterly return in such form as the
6 Tax Commission shall prescribe on or before the twentieth day of the
7 month following the close of each calendar quarter:

8 1. Every employer required to remit federal withholding under
9 the Federal Semiweekly Deposit Schedule shall pay over the amount so
10 withheld under subsection A of this section on the same dates as
11 required under the Federal Semiweekly Deposit Schedule for federal
12 withholding taxes;

13 2. Every employer owing an average of Five Hundred Dollars
14 (\$500.00) or more per quarter in taxes in the previous fiscal year
15 who is not subject to the provisions of paragraph 1 of this
16 subsection shall pay over the amount so withheld on or before the
17 twentieth day of each succeeding month; and

18 3. Every employer owing an average of less than Five Hundred
19 Dollars (\$500.00) per quarter in taxes in the previous fiscal year
20 shall pay over the amount so withheld on or before the twentieth day
21 of the month following the close of each succeeding quarterly
22 period.

23
24

1 B. Every employer subject to the provisions of paragraph 1 of
2 subsection A of this section shall file returns pursuant to the Tax
3 Commission's electronic data interchange program.

4 C. Every employer required under Section 2385.2 of this title
5 to deduct and withhold a tax from the wages paid an employee shall,
6 as to the total wages paid to each employee during the calendar
7 year, furnish to such employee, on or before January 31 of the
8 succeeding year, a written statement showing the name of the
9 employer, the name of the employee and the employee's Social
10 Security account number, if any, the total amount of wages subject
11 to taxation, and the total amount deducted and withheld as tax and
12 such other information as the Tax Commission may require. If an
13 employee's employment is terminated before the close of a calendar
14 year, the written statement must be furnished within thirty (30)
15 days of the date of which the last payment of wages is made.

16 D. Every employer required under Section 2385.2 of this title to
17 deduct and withhold a tax from the wages paid an employee shall
18 furnish to the Oklahoma Tax Commission, on or before January 31 of
19 the succeeding year, an annual reconciliation and such other
20 information as the Tax Commission may require pursuant to the Tax
21 Commission's electronic data interchange program. Failure of an
22 employer to provide an annual reconciliation within thirty (30) days
23 of the due date may result in a penalty to be imposed on the
24 employer in an amount not to exceed One Thousand Dollars (\$1,000).

1 The additional penalty may be collected in the same manner as
2 provided by law for collection of delinquent taxes.

3 E. If the Tax Commission, in any case, has justifiable reason
4 to believe that the collection of the tax provided for in Section
5 2385.2 of this title is in jeopardy, the Tax Commission may require
6 the employer to file a return and pay the tax at any time.

7 F. Any sum or sums withheld in accordance with the provisions
8 of Section 2385.2 of this title shall be deemed to be held in trust
9 for the State of Oklahoma, and, as trustee, the employer shall have
10 a fiduciary duty to the State of Oklahoma in regard to such sums and
11 shall be subject to the trust laws of this state.

12 G. If any employer fails to withhold the tax required to be
13 withheld by Section 2385.2 of this title and thereafter the income
14 tax is paid by the employee, the tax so required to be withheld
15 shall not be collected from the employer but such employer shall not
16 be relieved from the liability for penalties or interest otherwise
17 applicable because of such failure to withhold the tax.

18 H. Every person making payments of winnings subject to
19 withholding shall, for each monthly period, on or before the
20 twentieth day of the month following the payment of such winnings
21 pay over to the Tax Commission the amounts so withheld, and shall
22 file a return, in a form as prescribed by the Tax Commission.

23 I. Every person making payments of winnings subject to
24 withholding shall furnish to each recipient on or before January 31

1 of the succeeding year a written statement in a form as prescribed
2 by the Tax Commission. Every person making such reports shall also
3 furnish a copy of such report to the Tax Commission in a manner and
4 at a time as shall be prescribed by the Tax Commission.

5 SECTION 12. AMENDATORY 68 O.S. 2021, Section 2857, is
6 amended to read as follows:

7 Section 2857. A. Should any railroad, air carrier or public
8 service corporation doing business in this state fail or refuse to
9 file the statements or schedules with the Oklahoma Tax Commission
10 within the time and manner required by law, it shall be the duty of
11 the State Board of Equalization to ascertain from the best
12 information obtainable the value of the property of such company.
13 ~~The Tax Commission may grant an extension without penalty, upon~~
14 ~~written request of the taxpayer and for a good cause, of not to~~
15 ~~exceed fifteen (15) days for the filing of the returns as required~~
16 ~~by the Ad Valorem Tax Code.~~

17 B. There shall be assessed by the State Board of Equalization
18 an administrative penalty for every day which a railroad, air
19 carrier or public service corporation doing business in this state
20 fails or refuses to file the statements or schedules with the Tax
21 Commission within the time and manner required by law in the lesser
22 of the amount of Two Hundred Dollars (\$200.00) per day for each
23 county in which such entity has property subject to ad valorem tax
24 or one percent (1%) of the assessed value. The State Board of

1 Equalization shall be responsible for collecting this penalty and
2 shall remit fifty percent (50%) of such penalty to the county
3 general fund of the counties in which such entity has property
4 subject to ad valorem tax. Fifty percent (50%) of such penalty
5 shall be deposited in the General Revenue Fund.

6 SECTION 13. AMENDATORY 68 O.S. 2021, Section 3131, is
7 amended to read as follows:

8 Section 3131. A. Within thirty (30) days after resale of
9 property, the county treasurer shall file in the office of the
10 county clerk a return, and retain a copy thereof in the county
11 treasurer's office, which shall show or include, as appropriate:

- 12 1. Each tract or parcel of real estate so sold;
- 13 2. The date upon which it was resold;
- 14 3. The name of the purchaser;
- 15 4. The price paid therefor;
- 16 5. A copy of the notice of such resale with an affidavit of its
17 publication or posting; and
- 18 6. The complete minutes of sale, and that the same was
19 adjourned from day to day until the sale was completed.

20 Such notice and return shall be presumptive evidence of the
21 regularity, legality and validity of all the official acts leading
22 up to and constituting such resale. Within such thirty (30) days,
23 the county treasurer shall execute, acknowledge and deliver to the
24 purchaser or the purchaser's assigns, or to the board of county

1 commissioners where such property has been bid off in the name of
2 the county, a deed conveying the real estate thus resold. The
3 issuance of such deed shall effect the cancellation and setting
4 aside of all delinquent taxes, assessments, penalties and costs
5 previously assessed or existing against the real estate, and of all
6 outstanding individual and county tax sale certificates, and shall
7 vest in the grantee an absolute and perfect title in fee simple to
8 the real estate, subject to all claims which the state may have had
9 on the real estate for taxes or other liens or encumbrances;
10 provided, that all such claims which the state, municipality or both
11 the state and the municipality may have had on the real estate for
12 taxes or other liens or encumbrances shall be canceled and
13 extinguished with respect to any deed conveying title to the board
14 of county commissioners where such property was bid off in the name
15 of the county. Twelve (12) months after the deed shall have been
16 filed for record in the county clerk's office, no action shall be
17 commenced to avoid or set aside the deed. Provided, that persons
18 under legal disability shall have one (1) year after removal of such
19 disability within which to redeem the real estate.

20 B. Any number of lots or tracts of land may be included in one
21 deed, for which deed the county treasurer shall collect from the
22 purchaser the fees provided for in Section 43 of Title 28 of the
23 Oklahoma Statutes. The county treasurer shall also charge and
24 collect from the purchaser at such sale an amount in addition to the

1 bid placed on such real estate, sufficient to pay all expenses
2 incurred by the county in preparing, listing and advertising the lot
3 or tract purchased by such bidder, which sums shall be credited and
4 paid into the resale property fund hereinafter provided, to be used
5 to defray to that extent the costs of resale.

6 C. When any tract or lot of land sells for more than the taxes,
7 penalties, interest and cost due thereon, ~~the excess shall be held~~
8 ~~in a separate fund~~ the county treasurer shall notify the Oklahoma
9 Tax Commission within thirty (30) days after the resale, and shall
10 include in such notification all information necessary for the
11 Oklahoma Tax Commission to determine whether a tax lien exists on
12 the subject property.

13 D. Within sixty (60) days of receipt of the notification
14 described in subsection C of this section, the Oklahoma Tax
15 Commission shall provide notice to the county treasurer of any
16 outstanding tax liabilities, including tax, penalty and interest,
17 attached to each tract or lot of land, regardless of whether a tax
18 warrant has been filed. Upon timely notice of a liability from the
19 Oklahoma Tax Commission, the county treasurer shall remit to the Tax
20 Commission the amount of the outstanding tax liabilities or the
21 excess proceeds, whichever is less. Any remaining proceeds shall be
22 held in the separate fund for the record owner of such land, as
23 shown by the county records as of the date the county resale begins,
24 to be withdrawn any time within one (1) year. No assignment of this

1 right to excess proceeds shall be valid which occurs on or after the
2 date on which the county resale began. At the end of one (1) year,
3 if such money has not been withdrawn or collected from the county,
4 it shall be credited to the county resale property fund.

5 SECTION 14. This act shall become effective July 1, 2023.

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

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11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
12 02/16/2023 - DO PASS, As Coauthored.

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