

1 **SENATE FLOOR VERSION**

2 April 3, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2289

By: Pfeiffer of the House

and

5 Rader of the Senate
6

7
8 An Act relating to revenue and taxation; amending 68
9 O.S. 2021, Sections 221, 225, 226, 227, as amended by
10 Section 1, Chapter 114, O.S.L. 2022, 231, 255.2,
11 1364, 1364.2, 2373, 2375, 2385.3, and 3131 (68 O.S.
12 Supp. 2022, Section 227), which relate to state and
13 local tax administration; modifying provisions
14 related to assessment of additional taxes; modifying
15 method for computation of certain protest period;
16 modifying method for computing date as of which
17 assessments of additional tax considered final;
18 providing for confidential nature of certain
19 hearings; providing for rule regarding attendance of
20 authorized persons at hearing; requiring filing of
21 confidential information and prescribing procedures
22 related thereto; modifying method for computation of
23 time period related to appeal procedures from final
24 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
of time period; prescribing methods for computing
refund amounts; modifying procedures related to
payment of income tax; requiring payment with income
tax return; providing for penalty with respect to

1 failure to provide reconciliation reports with
2 respect to withholding tax; providing for collection
3 of penalty amount; modifying provisions related to
4 sales of property for delinquent ad valorem tax;
5 requiring notification by county treasurer; requiring
6 Oklahoma Tax Commission to provide information to
7 county treasurer; requiring remittance of certain tax
8 amounts; providing for disposition of proceeds after
9 remittance; providing an effective date; and
10 declaring an emergency.

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

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

14 Section 221. A. If any taxpayer shall fail to make any report
15 or return as required by any state tax law, the Oklahoma Tax
16 Commission, from any information in its possession or obtainable by
17 it, may determine the correct amount of tax for the taxable period.
18 If a report or return has been filed, the Tax Commission shall
19 examine such report or return and make such audit or investigation
20 as it may deem necessary. If, in cases where no report or return
21 has been filed, the Tax Commission determines that there is a tax
22 due for the taxable period, or if, in cases where a report or return
23 has been filed, the Tax Commission shall determine that the tax
24 disclosed by such report or return is less than the tax disclosed by
its examination, it shall in writing propose the assessment of taxes
or additional taxes, as the case may be, and shall mail a copy of
the proposed assessment to the taxpayer at the taxpayer's last-known

1 address. Proposed assessments made in the name of the "Oklahoma Tax
2 Commission" by its authorized agents shall be considered as the
3 action of the Tax Commission.

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

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

22 1. A statement of the amount of deficiency as determined by the
23 Tax Commission, the nature of the tax and the amount thereof in
24 controversy;

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

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

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

8 5. A verification by the taxpayer or the taxpayer's duly
9 authorized agent that the statements and facts contained therein are
10 true.

11 D. If in such written protest the taxpayer shall request an
12 oral hearing, the Tax Commission shall grant such hearing, and
13 shall, by written notice, advise the taxpayer of a date, which shall
14 not be less than ten (10) days from the date of mailing of such
15 written notice, when such taxpayer may appear before the Tax
16 Commission and present arguments and evidence, oral or written, in
17 support of the protest. Hearings shall be held as soon as
18 practicable. In the event an oral hearing is not requested, the Tax
19 Commission shall proceed without further notice to examine into the
20 merits of the protest and enter an order in accordance with its
21 findings. Upon request of any taxpayer and upon proper showing that
22 the principle of law involved in the assessment of any tax is
23 already pending before the courts for judicial determination, the
24 taxpayer, upon agreement to abide by the decision of the court, may

1 pay the tax so assessed under protest and such protest shall be
2 resolved in accordance with the agreement to abide.

3 E. If the taxpayer fails to file a written protest within the
4 sixty-day period herein provided for or within the period as
5 extended by the Tax Commission, or if the taxpayer fails to file the
6 notice required by Section 226 of this title within thirty (30) days
7 from the date ~~of mailing of an~~ indicated on the proposed assessment,
8 then the proposed assessment, without further action of the Tax
9 Commission, shall become final and absolute. A taxpayer who fails
10 to file a protest to an assessment of taxes within the time period
11 prescribed by this section may, within one (1) year of the date the
12 assessment becomes final, request the Tax Commission to adjust or
13 abate the assessment if the taxpayer can demonstrate, by a
14 preponderance of the evidence, that the assessment or some portion
15 thereof is clearly erroneous. If the Tax Commission determines that
16 the proper showing has been made, the assessment or portion thereof
17 determined to be clearly erroneous shall be deemed not to have
18 become final and absolute. No hearing to adjust or abate a clearly
19 erroneous assessment may be granted after the Tax Commission's
20 denial of such a request. An order of the Tax Commission denying a
21 taxpayer's request to adjust or abate an assessment alleged to be
22 clearly erroneous is not an appealable order under Section 225 of
23 this title. No proceeding instituted by the Tax Commission to
24 collect a tax liability may be stayed because of a request made by a

1 taxpayer to adjust or abate an assessment alleged to be clearly
2 erroneous.

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

8 G. Within a reasonable time after the hearing herein provided
9 for, the Tax Commission shall make and enter an order in writing in
10 which it shall set forth the disposition made of the protest and a
11 copy of such order shall forthwith be mailed to the taxpayer. The
12 order shall contain findings of fact and conclusions of law. After
13 removing the identity of the taxpayer, the Tax Commission shall make
14 the order available for public inspection and shall publish those
15 orders the Tax Commission deems to be of precedential value. The
16 taxpayer may within the time and in the manner provided for by
17 Section 225 of this title, appeal to the Supreme Court, but in the
18 event the taxpayer fails to so proceed, the order shall within
19 thirty (30) days from the date a certified copy thereof is mailed to
20 the taxpayer, become final. The provisions of Section 226 of this
21 title shall not apply where a proposed assessment or an assessment
22 of taxes has been permitted to become final.

23 H. In all instances where the proposed assessment or the
24 assessment of taxes or additional taxes has been permitted to become

1 final, a certified copy of the assessment may be filed in the office
2 of the county clerk of any county in this state, and upon being so
3 filed, the county clerk shall enter same upon the judgment docket in
4 the same manner as provided for in connection with judgments of
5 district courts. When an assessment is so filed and docketed, it
6 shall have the same force and be subject to the same law as a
7 judgment of the district court, and accordingly it shall constitute
8 a lien on any real estate of the taxpayer located in the county
9 wherein filed; and execution may issue and proceedings in aid of
10 execution may be had the same as on judgments of district courts.
11 Such lien is hereby released and extinguished upon the payment of
12 such assessment, or, except as otherwise provided herein, upon the
13 expiration of ten (10) years after the date upon which the
14 assessment was filed in the office of the county clerk; provided,
15 the Tax Commission may, prior to the release and extinguishment of
16 such lien, refile the assessment one time in the office of the
17 county clerk. An assessment so refiled shall continue the lien
18 until payment of the assessment, or upon the expiration of ten (10)
19 years after the date upon which the assessment was refiled in the
20 office of the county clerk. The remedies provided in this
21 subsection shall be in addition to other remedies provided by law.
22 All active liens evidenced by an assessment filed with a county
23 clerk's office prior to November 1, 1989, shall be released and
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1 extinguished if the assessment is not refiled prior to November 1,
2 2001.

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

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

15 Section 225. A. Any taxpayer aggrieved by any order, ruling,
16 or finding of the Oklahoma Tax Commission directly affecting the
17 taxpayer or aggrieved by a final order of the Tax Commission issued
18 pursuant to subsection G of Section 221 of this title may appeal
19 therefrom directly to the Supreme Court of Oklahoma. Provided, any
20 taxpayer appealing from a final order of the Tax Commission
21 assessing a tax or an additional tax or denial of a claim for refund
22 may opt to file an appeal in district court as provided in
23 subsection D of this section.

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

4 1. File a petition in error in the office of the Clerk of the
5 Supreme Court; and

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

16 C. Upon request of the taxpayer, the Tax Commission shall
17 furnish the taxpayer a copy of the proceedings had in connection
18 with the matter complained of.

19 D. In lieu of an appeal to the Supreme Court, any taxpayer
20 aggrieved by a final order of the Tax Commission assessing a tax or
21 an additional tax or denial of a claim for refund may opt to file an
22 appeal for a trial de novo in the district court of Oklahoma County
23 or the county in which the taxpayer resides. If the amount in
24 dispute exceeds Ten Thousand Dollars (\$10,000.00), the appeal shall

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

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

23 F. Such refunds and interest thereon shall be paid by the Tax
24 Commission out of monies in the Tax Commission clearing account from

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

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

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

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

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

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

22 (b) Within thirty (30) days from the date ~~of mailing to the~~
23 ~~taxpayer of~~ indicated on an assessment for taxes or additional taxes
24 pursuant to Section 221 of this title by the Tax Commission, any

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

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

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

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

22 Section 227. A. Except as provided in subsection B of Section
23 1361.2 and subsection D of Section 1364.1 of this title, any
24 taxpayer who has paid to the State of Oklahoma, through error of

1 fact, or computation, or misinterpretation of law, any tax collected
2 by the Tax Commission may, as hereinafter provided, be refunded the
3 amount of such tax so erroneously paid, without interest.

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

12 2. Upon August 26, 2016, with respect to the sales tax imposed
13 by Section 1354 of this title and with respect to the use tax
14 imposed by Section 1402 of this title, any taxpayer who has so paid
15 such sales or use tax may, within two (2) years from the date of
16 payment thereof file with the Tax Commission a verified claim for
17 refund of such tax so erroneously paid. The Tax Commission may
18 accept an amended sales or use tax report or return as a verified
19 claim for refund if the amended report or return establishes a
20 liability less than the original report or return previously filed.

21 C. The claim so filed with the Tax Commission, except for an
22 amended report or return, shall specify the name of the taxpayer,
23 the time when and period for which the tax was paid, the nature and
24 kind of tax so paid, the amount of the tax which the taxpayer

1 claimed was erroneously paid, the grounds upon which a refund is
2 sought, and such other information or data relative to such payment
3 as may be necessary to an adjustment thereof by the Tax Commission.
4 It shall be the duty of the Commission to determine what amount of
5 refund, if any, is due as soon as practicable after such claim has
6 been filed and advise the taxpayer about the correctness of his
7 claim and the claim for refund shall be approved or denied by
8 written notice to the taxpayer.

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

14 E. Upon the taxpayer's timely filing of a demand for hearing,
15 the Commission shall set a date for hearing upon the claim for
16 refund which date shall not be later than sixty (60) days from the
17 date the demand for hearing was mailed. The taxpayer shall be
18 notified of the time and place of the hearing. The hearing may be
19 held after the sixty-day period provided by this subsection upon
20 agreement of the taxpayer.

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

22 1. To refunds of income tax erroneously paid, refunds of which
23 tax shall be payable out of the income tax adjustment fund as
24 provided by law;

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

6 3. In any case where the tax was paid after an assessment
7 thereof was made by the Tax Commission which assessment became final
8 under the law.

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

11 Section 231. A. If any tax, imposed or levied by any state tax
12 law, or any portion of such tax, is not paid before the same becomes
13 delinquent, the Oklahoma Tax Commission may immediately issue a
14 warrant under its official seal. A tax warrant directed to the
15 sheriff of any county of the state shall command the sheriff to levy
16 upon and sell without any appraisalment or valuation any real or
17 personal property of the taxpayer found within the county for the
18 payment of the delinquent tax, interest and penalties, and the cost
19 of executing the warrant, and to return such warrant to the Tax
20 Commission, and to pay to it any monies collected by virtue thereof,
21 by a time to be therein specified, not more than sixty (60) days
22 from the date of the warrant.

23 B. The Tax Commission shall, immediately upon issuance of the
24 warrant, file with the county clerk of the county for which the

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

1 with the county clerk; provided, the Tax Commission may, prior to
2 the release and extinguishment of such lien, refile the warrant in
3 the office of the county clerk. A warrant so refiled shall continue
4 the lien until payment of the tax, penalty, interest and costs, or
5 upon the expiration of ten (10) years after the date upon which the
6 warrant was refiled and indexed by the county clerk. All active
7 liens evidenced by a warrant filed with a county clerk's office
8 prior to November 1, 1989, shall be released and extinguished if the
9 warrant is not refiled prior to November 1, 2001.

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

18 D. The Tax Commission shall not direct or forward to the
19 sheriff of any county any tax warrant issued pursuant to collection
20 by the Tax Commission. The Tax Commission shall promulgate rules
21 pertaining to tax warrants issued under this section.

22 E. The Tax Commission may levy upon and sell without any
23 appraisal or valuation any real or personal property of any
24 taxpayer identified by a filed tax warrant. The Tax Commission may

1 execute the tax warrant in the same manner prescribed by law for
2 executions against property upon judgment of a court of record and
3 may execute and deliver to the purchaser a bill of sale or deed, as
4 the case may be.

5 F. Any purchaser, other than the State of Oklahoma, shall be
6 entitled, upon application to the court having jurisdiction of the
7 property, to have confirmation, the procedure for which shall be the
8 same as is now provided for the confirmation of a sale of property
9 under execution, of such sale prior to the issuance of a bill of
10 sale or deed. The State of Oklahoma shall be authorized to make
11 bids at any such sale to the amount of tax, penalty and costs
12 accrued. In the event such bid is successful, the sheriff shall
13 issue proper muniment of title to the Tax Commission which shall
14 hold such title for the use and benefit of the State of Oklahoma;
15 and any taxpayer, or transferee of such taxpayer, shall have the
16 right, at any time within one (1) year from the date of such sale,
17 to redeem such property, upon the payment of all taxes, penalties
18 and costs accrued to the date of redemption. Such applicant shall
19 not be entitled to a credit upon such taxes, penalties and costs, by
20 reason of revenue that might have accrued to the State of Oklahoma
21 or other purchaser under sale, prior to such redemption. After the
22 expiration of the period of redemption herein provided, the Tax
23 Commission acting for the State of Oklahoma may sell such property
24 at public auction, upon giving thirty (30) days' notice, published

1 in a newspaper of general circulation in the county where such
2 property is located, to the highest and best bidder for cash; and
3 upon a sale had thereof, or when a redemption is made, the Tax
4 Commission, for and on behalf of the State of Oklahoma, shall issue
5 its bill of sale or quit claim deed, as the case may be, to the
6 successful bidder or to the redemptioner. Such muniment of title
7 shall be executed by the Tax Commission, and attested by its
8 secretary, with the seal of the Tax Commission affixed. The sheriff
9 shall be entitled to the same fee for services in executing the
10 warrant, as the sheriff would be entitled to receive if he or she
11 were executing an execution issued by the court clerk of the county
12 upon a judgment of a court of record.

13 G. If any sheriff shall refuse or neglect to levy upon and sell
14 any real or personal property of any taxpayer as directed by any
15 warrant issued by the Tax Commission, or shall refuse or neglect, on
16 demand, to pay over to the Tax Commission, its agents or attorneys,
17 all monies collected or received under any warrant issued by the Tax
18 Commission, at any time after collecting or receiving the same, such
19 sheriff or other officer shall, upon motion of the Tax Commission in
20 court, and after thirty (30) days' notice thereof, in writing, be
21 amerced in the amount for which any such warrant was issued by the
22 Tax Commission, together with all penalties and costs and with an
23 additional penalty of ten percent (10%) thereon, to and for the use
24 of the State of Oklahoma. Every surety of any sheriff or officer

1 shall be made a party to the judgment rendered as aforesaid against
2 the sheriff or other officer.

3 H. The Tax Commission may expend funds from the Oklahoma Tax
4 Commission Fund in the State Treasury to reimburse the sheriff for
5 travel and administrative costs actually and necessarily incurred
6 while performing duties required by this section. Such costs shall
7 be assessed against the delinquent taxpayer, shall be added to the
8 amount necessary to satisfy the tax warrant, and upon collection
9 thereof shall be deposited in the Oklahoma Tax Commission Fund.

10 I. A tax warrant issued and filed under authority of this
11 section shall:

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

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

17 J. After July 1, 1993, the Tax Commission shall not issue any
18 certificates of indebtedness pursuant to the provisions of Section
19 230 of this title.

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

24

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

3 Section 255.2 As provided in Section 426 of Title 63 of the
4 Oklahoma Statutes, the ~~State Department of Health~~ Oklahoma Medical
5 Marijuana Authority and the Oklahoma Tax Commission shall enter into
6 a contract whereby the Tax Commission shall have authority to
7 assess, collect and enforce the seven percent (7%) tax on retail
8 medical marijuana sales and any penalties and interest thereon.
9 Such assessment, collection and enforcement authority shall apply to
10 any tax and any penalty or interest liability on retail medical
11 marijuana sales existing at the time of contracting. The contract
12 shall provide for the assessment, collection and enforcement of the
13 tax on retail medical marijuana sales in the same manner as the
14 administration, collection and enforcement of any tax payable by any
15 taxpayer subject to taxation under any state tax law. For providing
16 such collection assistance, the Tax Commission shall charge the
17 ~~State Department of Health~~ Oklahoma Medical Marijuana Authority a
18 fee of one and five-tenths percent (1.5%) of the gross collection
19 proceeds. All funds retained by the Tax Commission for the
20 collection services shall be deposited in the Tax Commission
21 Reimbursement Fund in the State Treasury.

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

24 Section 1364. Permits to do business.

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

18 B. Upon receipt of an initial application, the Tax Commission
19 may issue a probationary permit effective for six (6) months which
20 will automatically renew for an additional thirty (30) months unless
21 the applicant receives written notification of the refusal of the
22 Commission to renew the permit. If the applicant receives a notice
23 of refusal, the applicant may request a hearing to show cause why
24 the permit should be renewed. Upon receipt of a request for a

1 hearing, the Tax Commission shall set the matter for hearing and
2 give ten (10) days' notice in writing of the time and place of the
3 hearing. At the hearing, the applicant shall set forth the
4 qualifications of the applicant for a permit and proof of compliance
5 with all state tax laws.

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

10 D. Upon verification that the applicant is a Group Three
11 vendor, the Tax Commission may require such applicant to furnish a
12 surety bond or other security as the Commission may deem necessary
13 to secure payment of taxes under this article, prior to issuance of
14 a permit for the place of business set forth in the application for
15 permit. Provided, the Tax Commission is hereby authorized to set
16 guidelines, by adoption of regulations, for the issuance of sales
17 tax permits. Pursuant to said guidelines the Tax Commission may
18 refuse to issue permits to any Group Three vendors, or any class of
19 vendors included in the whole classification of Group Three vendors,
20 if the Tax Commission determines that it is likely this state will
21 lose tax revenue due to the difficulty of enforcing this article for
22 any reasons stated in subsection (T) of Section 1354 of this title.

23 E. A separate permit for each additional place of business to
24 be operated must be obtained from the Tax Commission for a fee of

1 Ten Dollars (\$10.00). Such permit shall be good for a period of
2 three (3) years. The Tax Commission shall grant and issue to each
3 applicant a separate permit for each place of business in this
4 state, upon proper application therefor and verification thereof by
5 the Tax Commission.

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

18 G. It shall be unlawful for any person coming within the class
19 designated as Group One or the class designated as Group Three to
20 engage in or transact a business of reselling tangible personal
21 property or services within this state unless a written permit or
22 permits shall have been issued to such person. Any person who
23 engages in a business subject to the provisions of this section
24 without a permit or permits, or after a permit has been suspended,

1 upon conviction, shall be guilty of a misdemeanor punishable by a
2 fine of not more than One Thousand Dollars (\$1,000.00). Any person
3 convicted of a second or subsequent violation hereof shall be guilty
4 of a felony and punishable by a fine of not more than Five Thousand
5 Dollars (\$5,000.00) or by a term of imprisonment in the State
6 Penitentiary for not more than two (2) years, or both such fine and
7 imprisonment.

8 H. Any person operating under a permit as provided in this
9 article shall, upon discontinuance of business by sale or otherwise,
10 return such permit to the Tax Commission for cancellation, together
11 with a remittance for any unpaid or accrued taxes. Failure to
12 surrender a permit and pay any and all accrued taxes will be
13 sufficient cause for the Tax Commission to refuse to issue a permit
14 subsequently to such person to engage in or transact any other
15 business in this state. In the case of a sale of any business, the
16 tax shall be deemed to be due on the sale of the fixtures and
17 equipment, and the Tax Commission shall not issue a permit to
18 continue or conduct the business to the purchaser until all tax
19 claims due the State of Oklahoma have been settled.

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

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

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

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

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

23 N. Notwithstanding the provisions of Section 205 of this title,
24 the Oklahoma Tax Commission is authorized to release the following

1 information contained in the Master Sales and Use Tax File to
2 vendors:

- 3 1. Permit number;
- 4 2. Name in which permit is issued;
- 5 3. Name of business operation if different from ownership
6 (DBA);
- 7 4. Mailing address;
- 8 5. Business address;
- 9 6. Business class or Standard Industrial Code (SIC); and
- 10 7. Effective date and expiration or cancellation date of
11 permit.

12 Release of such information shall be limited to tax remitters
13 for the express purpose of determining the validity of sales permits
14 presented as evidence of purchasers' sales tax resale status under
15 this Code.

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

20 This information may be provided on a subscription basis, with
21 periodic updates, and sufficient fee charged, not to exceed One
22 Hundred Fifty Dollars (\$150.00) per year, to offset the
23 administrative costs of providing the list. All revenue received by
24 the Oklahoma Tax Commission from such fees shall be deposited to the

1 credit of the Oklahoma Tax Commission Revolving Fund. No liability
2 whatsoever, civil or criminal, shall attach to any member of the Tax
3 Commission or any employee thereof for any error or omission in the
4 disclosure of information pursuant to this subsection.

5 O. If the Tax Commission enters into the Streamlined Sales and
6 Use Tax Agreement under Section 1354.18 of this title, the Tax
7 Commission is authorized to participate in its online sales and use
8 tax registration system and shall not require the payment of the
9 registration fees or other charges provided in this section from a
10 vendor who registers within the online system if the vendor has no
11 legal requirement to register.

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

14 Section 1364.2 A. Promoters or organizers of special events
15 shall submit an application for a special event permit to the
16 Oklahoma Tax Commission at least twenty (20) days prior to the
17 special event. The application shall be accompanied by a fee of
18 Fifty Dollars (\$50.00). The application shall include the location
19 and dates of the special event, expected number of vendors, and any
20 other information that may be required by the Tax Commission. A
21 separate permit shall be required for each special event and must be
22 prominently displayed. Multiple events held at the same location
23 during the calendar year may be included in one application.

24

1 B. All monies received from such fees shall be paid to the
2 State Treasurer and placed to the credit of the General Revenue Fund
3 of the State Treasurer.

4 C. Promoters or organizers shall provide vendor letters or
5 forms to special event vendors for reporting sales tax collections
6 and any other information that may be required by the Tax
7 Commission.

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

13 E. Within fifteen (15) days following the conclusion of the
14 special event, the organizer or promoter shall forward all reports
15 and payments to the Tax Commission along with a completed sales tax
16 report. If not filed on or before the fifteenth day, the tax shall
17 be delinquent from such date. Reports timely mailed shall be
18 considered timely filed. If a report is not timely filed, interest
19 shall be charged from the date the report should have been filed
20 until the report is actually filed.

21 F. At least ten (10) days prior to the start of the special
22 event, the organizer or promoter shall submit a list of all vendors
23 registered to attend the event. Within fifteen (15) days following
24 the conclusion of the special event, the organizer or promoter shall

1 also submit a list of vendors ~~at~~ who actually attended each event
2 ~~that hold a valid sales tax permit issued under Section 1364 of this~~
3 ~~title. The~~ Each list shall include the vendor's name, address,
4 telephone number, email address and ~~sales tax permit number~~ taxpayer
5 identification number. If a vendor holds an Oklahoma sales tax
6 permit issued under Section 1364 of this title, the permit numbers
7 shall also be included.

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

12 ~~H.~~ Promoters and organizers shall only be liable for failure to
13 report and remit all taxes that are remitted to them by special
14 event vendors.

15 ~~F.~~ H. Promoters or organizers of a special event that is held
16 on an annual basis during the same thirty-day period each year may
17 request that the Tax Commission limit their responsibilities to the
18 following:

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

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

23

24

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

4 Such requests may be denied by the Tax Commission for reasons
5 including, but not limited to, failure by the promoter to comply
6 with the requirements of this section or failure by vendors of the
7 promoter's previous special events to comply with the provisions of
8 subsection ~~F~~ I of this section.

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

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

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

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

17 3. "Special event vendor" means a person making sales of
18 tangible personal property or services taxable under Section 1350 et
19 seq. of this title at a special event within this state and who is
20 not permitted under Section 1364 of this title.

21 SECTION 9. AMENDATORY 68 O.S. 2021, Section 2373, is
22 amended to read as follows:
23
24

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

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

11 C. Except as provided in subsection H of Section 2375 of this
12 title, no refund shall be allowed or made after the expiration of
13 the period of limitation prescribed in subsection B of this section
14 for the filing of a claim for refund, unless a claim for refund is
15 filed by the taxpayer within such period. If a claim for refund is
16 filed during the period prescribed in subsection B of this section,
17 the amount of the refund, if any, shall not exceed the amount of tax
18 paid within the period, immediately preceding the filing of the
19 claim, equal to three (3) years plus the period of any extension of
20 time for filing a return. If the claim was not filed within the
21 three (3) year period prescribed in subsection B of this section,
22 the refund shall not exceed the portion of the tax paid during the
23 two (2) years immediately preceding the filing of the claim.

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

8 E. ~~Except as provided in subsection H of Section 2375 of this~~
9 ~~title, the amount of the refund shall not exceed the portion of the~~
10 ~~tax paid during the three (3) years immediately preceding the filing~~
11 ~~of the claim, or, if no claim was filed, then during the three (3)~~
12 ~~years immediately preceding the allowance of the refund. However,~~
13 ~~this~~ The three-year limitation set forth in subsection C of this
14 section shall not apply to the amount of refunds payable upon claims
15 filed by members of federally recognized Indian tribes or the United
16 States on behalf of its Indian wards or former Indian wards, to
17 recover taxes illegally collected from tax-exempt lands. In the
18 case of any refund to a member of a federally recognized Indian
19 tribe or to the United States on behalf of its Indian wards or
20 former Indian wards, to recover taxes illegally collected on bonus
21 payments from oil and gas leases located on tax-exempt Indian lands
22 pursuant to this section, the Tax Commission shall pay interest on
23 all refunds issued after January 1, 1996, at the rate of six percent

24

1 (6%) per annum from the date of payment by the taxpayer to the date
2 of the refund.

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

9 G. The Oklahoma Tax Commission may authorize the use of direct
10 deposit in lieu of refund checks for electronically filed income tax
11 returns.

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

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

1 The tax shall be deemed delinquent if unpaid after the twentieth day
2 of April if the return is electronically filed. Provided, if the
3 Internal Revenue Code provides for a later due date for returns of
4 individuals, the Tax Commission shall accept payments made with
5 returns filed by individuals by such date and such payments shall be
6 considered as timely paid.

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

16 C. If any part of deficiency, arbitrary or jeopardy assessment
17 made by the Tax Commission is based upon or occasioned by the
18 refusal of any taxpayer to file with the Tax Commission any return
19 as required by Section 2351 et seq. of this title, within ten (10)
20 days after a written demand for such report or return has been
21 served upon any taxpayer by the Tax Commission by registered letter
22 with a return receipt attached, the Tax Commission may assess and
23 collect, as a penalty, twenty-five percent (25%) of the amount of
24 the assessment. In the exercise of the authority granted by

1 subsection C of Section 223 and Section 224 of this title, the Tax
2 Commission shall assess the tax as an estimated tax on the basis of
3 its own determination of the Oklahoma taxable income of the
4 taxpayer, to be adjusted if and when Oklahoma taxable income is
5 ascertained under the provisions of Section 2351 et seq. of this
6 title.

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

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

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

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

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

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

20 3. In the event of failure by a taxpayer to comply with the
21 provisions of paragraph 2 of this subsection, the statute of
22 limitations shall be tolled for a period of time equal to the time
23 between the date the amended return under this subsection is
24 required until such return is actually furnished.

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

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

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

22 Section 2385.3 A. Every employer required to deduct and
23 withhold taxes under Section 2385.2 of this title shall pay over the
24 amount so withheld as taxes to the Oklahoma Tax Commission pursuant

1 to the schedule outlined in paragraphs 1 through 3 of this
2 subsection, and shall file a quarterly return in such form as the
3 Tax Commission shall prescribe on or before the twentieth day of the
4 month following the close of each calendar quarter:

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

10 2. Every employer owing an average of Five Hundred Dollars
11 (\$500.00) or more per quarter in taxes in the previous fiscal year
12 who is not subject to the provisions of paragraph 1 of this
13 subsection shall pay over the amount so withheld on or before the
14 twentieth day of each succeeding month; and

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

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

23 C. Every employer required under Section 2385.2 of this title
24 to deduct and withhold a tax from the wages paid an employee shall,

1 as to the total wages paid to each employee during the calendar
2 year, furnish to such employee, on or before January 31 of the
3 succeeding year, a written statement showing the name of the
4 employer, the name of the employee and the employee's Social
5 Security account number, if any, the total amount of wages subject
6 to taxation, and the total amount deducted and withheld as tax and
7 such other information as the Tax Commission may require. If an
8 employee's employment is terminated before the close of a calendar
9 year, the written statement must be furnished within thirty (30)
10 days of the date of which the last payment of wages is made.

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

22 E. If the Tax Commission, in any case, has justifiable reason
23 to believe that the collection of the tax provided for in Section
24

1 2385.2 of this title is in jeopardy, the Tax Commission may require
2 the employer to file a return and pay the tax at any time.

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

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

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

19 I. Every person making payments of winnings subject to
20 withholding shall furnish to each recipient on or before January 31
21 of the succeeding year a written statement in a form as prescribed
22 by the Tax Commission. Every person making such reports shall also
23 furnish a copy of such report to the Tax Commission in a manner and
24 at a time as shall be prescribed by the Tax Commission.

1 SECTION 12. AMENDATORY 68 O.S. 2021, Section 3131, is
2 amended to read as follows:

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

7 1. Each tract or parcel of real estate so sold;

8 2. The date upon which it was resold;

9 3. The name of the purchaser;

10 4. The price paid therefor;

11 5. A copy of the notice of such resale with an affidavit of its
12 publication or posting; and

13 6. The complete minutes of sale, and that the same was
14 adjourned from day to day until the sale was completed.

15 Such notice and return shall be presumptive evidence of the
16 regularity, legality and validity of all the official acts leading
17 up to and constituting such resale. Within such thirty (30) days,
18 the county treasurer shall execute, acknowledge and deliver to the
19 purchaser or the purchaser's assigns, or to the board of county
20 commissioners where such property has been bid off in the name of
21 the county, a deed conveying the real estate thus resold. The
22 issuance of such deed shall effect the cancellation and setting
23 aside of all delinquent taxes, assessments, penalties and costs
24 previously assessed or existing against the real estate, and of all

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

15 B. Any number of lots or tracts of land may be included in one
16 deed, for which deed the county treasurer shall collect from the
17 purchaser the fees provided for in Section 43 of Title 28 of the
18 Oklahoma Statutes. The county treasurer shall also charge and
19 collect from the purchaser at such sale an amount in addition to the
20 bid placed on such real estate, sufficient to pay all expenses
21 incurred by the county in preparing, listing and advertising the lot
22 or tract purchased by such bidder, which sums shall be credited and
23 paid into the resale property fund hereinafter provided, to be used
24 to defray to that extent the costs of resale.

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

8 D. Within sixty (60) days of receipt of the notification
9 described in subsection C of this section, the Oklahoma Tax
10 Commission shall provide notice to the county treasurer of any
11 outstanding tax liabilities, including tax, penalty and interest,
12 attached to each tract or lot of land, regardless of whether a tax
13 warrant has been filed. Upon timely notice of a liability from the
14 Oklahoma Tax Commission, the county treasurer shall remit to the Tax
15 Commission the amount of the outstanding tax liabilities or the
16 excess proceeds, whichever is less. Any remaining proceeds shall be
17 held in the separate fund for the record owner of such land, as
18 shown by the county records as of the date the county resale begins,
19 to be withdrawn any time within one (1) year. No assignment of this
20 right to excess proceeds shall be valid which occurs on or after the
21 date on which the county resale began. At the end of one (1) year,
22 if such money has not been withdrawn or collected from the county,
23 it shall be credited to the county resale property fund.

24 SECTION 13. This act shall become effective July 1, 2023.

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

5 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
6 April 3, 2023 - DO PASS
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