

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                   3rd Extraordinary Session of the 58th Legislature (2022)

4   HOUSE BILL 1021

                                  By: Wallace

7                                   AS INTRODUCED

8                   An Act relating to revenue and taxation; amending 68  
9                   O.S. 2021, Sections 2355, as last amended by Section  
10                   45 of Enrolled Senate Bill No. 1802 of the 2nd  
11                   Session of the 58th Oklahoma Legislature, 2355.1P-4,  
12                   2370, and 2805, which relate to modification of the  
13                   corporate income tax rate; modifying rate of  
14                   corporate income tax; specifying tax rate by tax  
15                   year; providing for imposition of income tax rate  
16                   based upon certain corporate characteristics;  
17                   prohibiting acquisition of tax credits on or after  
18                   effective date; providing for inapplicability of  
19                   certain provisions to public service corporations;  
20                   providing for income tax rate after utilization of  
21                   tax credits; modifying provisions related to tax  
22                   levied upon certain pass-through entities; providing  
23                   for termination of tax levied on certain pass-through  
24                   entities; providing for filing of required returns by  
                 pass-through entities and other entities; modifying  
                 rate of tax imposed on certain financial institutions  
                 in lieu of income tax; specifying rate of tax by  
                 year; providing for payment of fee in lieu of  
                 personal property tax beginning on or after specified  
                 date; providing for apportionment of revenue to the  
                 State Public Common School Building Equalization  
                 Fund; and providing an effective date.

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

1 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2355, as  
2 last amended by Section 45 of Enrolled Senate Bill No. 1802 of the  
3 2nd Session of the 58th Oklahoma Legislature, is amended to read as  
4 follows:

5 Section 2355. A. Individuals. For all taxable years beginning  
6 after December 31, 1998, and before January 1, 2006, a tax is hereby  
7 imposed upon the Oklahoma taxable income of every resident or  
8 nonresident individual, which tax shall be computed at the option of  
9 the taxpayer under one of the two following methods:

10 1. METHOD 1.

11 a. Single individuals and married individuals filing  
12 separately not deducting federal income tax:

13 (1) 1/2% tax on first \$1,000.00 or part thereof,

14 (2) 1% tax on next \$1,500.00 or part thereof,

15 (3) 2% tax on next \$1,250.00 or part thereof,

16 (4) 3% tax on next \$1,150.00 or part thereof,

17 (5) 4% tax on next \$1,300.00 or part thereof,

18 (6) 5% tax on next \$1,500.00 or part thereof,

19 (7) 6% tax on next \$2,300.00 or part thereof, and

20 (8) (a) for taxable years beginning after December

21 31, 1998, and before January 1, 2002, 6.75%

22 tax on the remainder,

23

24

1 (b) for taxable years beginning on or after  
2 January 1, 2002, and before January 1, 2004,  
3 7% tax on the remainder, and

4 (c) for taxable years beginning on or after  
5 January 1, 2004, 6.65% tax on the remainder.

6 b. Married individuals filing jointly and surviving  
7 spouse to the extent and in the manner that a  
8 surviving spouse is permitted to file a joint return  
9 under the provisions of the Internal Revenue Code and  
10 heads of households as defined in the Internal Revenue  
11 Code not deducting federal income tax:

12 (1) 1/2% tax on first \$2,000.00 or part thereof,

13 (2) 1% tax on next \$3,000.00 or part thereof,

14 (3) 2% tax on next \$2,500.00 or part thereof,

15 (4) 3% tax on next \$2,300.00 or part thereof,

16 (5) 4% tax on next \$2,400.00 or part thereof,

17 (6) 5% tax on next \$2,800.00 or part thereof,

18 (7) 6% tax on next \$6,000.00 or part thereof, and

19 (8) (a) for taxable years beginning after December  
20 31, 1998, and before January 1, 2002, 6.75%  
21 tax on the remainder,

22 (b) for taxable years beginning on or after  
23 January 1, 2002, and before January 1, 2004,  
24 7% tax on the remainder, and

1 (c) for taxable years beginning on or after  
2 January 1, 2004, 6.65% tax on the remainder.

3 2. METHOD 2.

4 a. Single individuals and married individuals filing  
5 separately deducting federal income tax:

- 6 (1) 1/2% tax on first \$1,000.00 or part thereof,  
7 (2) 1% tax on next \$1,500.00 or part thereof,  
8 (3) 2% tax on next \$1,250.00 or part thereof,  
9 (4) 3% tax on next \$1,150.00 or part thereof,  
10 (5) 4% tax on next \$1,200.00 or part thereof,  
11 (6) 5% tax on next \$1,400.00 or part thereof,  
12 (7) 6% tax on next \$1,500.00 or part thereof,  
13 (8) 7% tax on next \$1,500.00 or part thereof,  
14 (9) 8% tax on next \$2,000.00 or part thereof,  
15 (10) 9% tax on next \$3,500.00 or part thereof, and  
16 (11) 10% tax on the remainder.

17 b. Married individuals filing jointly and surviving  
18 spouse to the extent and in the manner that a  
19 surviving spouse is permitted to file a joint return  
20 under the provisions of the Internal Revenue Code and  
21 heads of households as defined in the Internal Revenue  
22 Code deducting federal income tax:

- 23 (1) 1/2% tax on the first \$2,000.00 or part thereof,  
24 (2) 1% tax on the next \$3,000.00 or part thereof,

- 1 (3) 2% tax on the next \$2,500.00 or part thereof,
- 2 (4) 3% tax on the next \$1,400.00 or part thereof,
- 3 (5) 4% tax on the next \$1,500.00 or part thereof,
- 4 (6) 5% tax on the next \$1,600.00 or part thereof,
- 5 (7) 6% tax on the next \$1,250.00 or part thereof,
- 6 (8) 7% tax on the next \$1,750.00 or part thereof,
- 7 (9) 8% tax on the next \$3,000.00 or part thereof,
- 8 (10) 9% tax on the next \$6,000.00 or part thereof, and
- 9 (11) 10% tax on the remainder.

10 B. Individuals. For all taxable years beginning on or after  
11 January 1, 2008, and ending any tax year which begins after December  
12 31, 2015, for which the determination required pursuant to Sections  
13 4 and 5 of this act is made by the State Board of Equalization, a  
14 tax is hereby imposed upon the Oklahoma taxable income of every  
15 resident or nonresident individual, which tax shall be computed as  
16 follows:

17 1. Single individuals and married individuals filing  
18 separately:

- 19 (a) 1/2% tax on first \$1,000.00 or part thereof,
- 20 (b) 1% tax on next \$1,500.00 or part thereof,
- 21 (c) 2% tax on next \$1,250.00 or part thereof,
- 22 (d) 3% tax on next \$1,150.00 or part thereof,
- 23 (e) 4% tax on next \$2,300.00 or part thereof,
- 24 (f) 5% tax on next \$1,500.00 or part thereof,

1 (g) 5.50% tax on the remainder for the 2008 tax year and  
2 any subsequent tax year unless the rate prescribed by  
3 subparagraph (h) of this paragraph is in effect, and

4 (h) 5.25% tax on the remainder for the 2009 and subsequent  
5 tax years. The decrease in the top marginal  
6 individual income tax rate otherwise authorized by  
7 this subparagraph shall be contingent upon the  
8 determination required to be made by the State Board  
9 of Equalization pursuant to Section 2355.1A of this  
10 title.

11 2. Married individuals filing jointly and surviving spouse to  
12 the extent and in the manner that a surviving spouse is permitted to  
13 file a joint return under the provisions of the Internal Revenue  
14 Code and heads of households as defined in the Internal Revenue  
15 Code:

16 (a) 1/2% tax on first \$2,000.00 or part thereof,

17 (b) 1% tax on next \$3,000.00 or part thereof,

18 (c) 2% tax on next \$2,500.00 or part thereof,

19 (d) 3% tax on next \$2,300.00 or part thereof,

20 (e) 4% tax on next \$2,400.00 or part thereof,

21 (f) 5% tax on next \$2,800.00 or part thereof,

22 (g) 5.50% tax on the remainder for the 2008 tax year and  
23 any subsequent tax year unless the rate prescribed by  
24 subparagraph (h) of this paragraph is in effect, and

1 (h) 5.25% tax on the remainder for the 2009 and subsequent  
2 tax years. The decrease in the top marginal  
3 individual income tax rate otherwise authorized by  
4 this subparagraph shall be contingent upon the  
5 determination required to be made by the State Board  
6 of Equalization pursuant to Section 2355.1A of this  
7 title.

8 C. Individuals. For all taxable years beginning on or after  
9 January 1, 2022, a tax is hereby imposed upon the Oklahoma taxable  
10 income of every resident or nonresident individual, which tax shall  
11 be computed as follows:

12 1. Single individuals and married individuals filing  
13 separately:

- 14 (a) 0.25% tax on first \$1,000.00 or part thereof,
- 15 (b) 0.75% tax on next \$1,500.00 or part thereof,
- 16 (c) 1.75% tax on next \$1,250.00 or part thereof,
- 17 (d) 2.75% tax on next \$1,150.00 or part thereof,
- 18 (e) 3.75% tax on next \$2,300.00 or part thereof,
- 19 (f) 4.75% tax on the remainder.

20 2. Married individuals filing jointly and surviving spouse to  
21 the extent and in the manner that a surviving spouse is permitted to  
22 file a joint return under the provisions of the Internal Revenue  
23 Code and heads of households as defined in the Internal Revenue  
24 Code:

- 1 (a) 0.25% tax on first \$2,000.00 or part thereof,  
2 (b) 0.75% tax on next \$3,000.00 or part thereof,  
3 (c) 1.75% tax on next \$2,500.00 or part thereof,  
4 (d) 2.75% tax on next \$2,300.00 or part thereof,  
5 (e) 3.75% tax on next \$2,400.00 or part thereof,  
6 (f) 4.75% tax on the remainder.

7 No deduction for federal income taxes paid shall be allowed to  
8 any taxpayer to arrive at taxable income.

9 D. Nonresident aliens. In lieu of the rates set forth in  
10 subsection A above, there shall be imposed on nonresident aliens, as  
11 defined in the Internal Revenue Code, a tax of eight percent (8%)  
12 instead of thirty percent (30%) as used in the Internal Revenue  
13 Code, with respect to the Oklahoma taxable income of such  
14 nonresident aliens as determined under the provision of the Oklahoma  
15 Income Tax Act.

16 Every payer of amounts covered by this subsection shall deduct  
17 and withhold from such amounts paid each payee an amount equal to  
18 eight percent (8%) thereof. Every payer required to deduct and  
19 withhold taxes under this subsection shall for each quarterly period  
20 on or before the last day of the month following the close of each  
21 such quarterly period, pay over the amount so withheld as taxes to  
22 the Tax Commission, and shall file a return with each such payment.  
23 Such return shall be in such form as the Tax Commission shall  
24 prescribe. Every payer required under this subsection to deduct and



1 withhold a tax from a payee shall, as to the total amounts paid to  
2 each payee during the calendar year, furnish to such payee, on or  
3 before January 31, of the succeeding year, a written statement  
4 showing the name of the payer, the name of the payee and the payee's  
5 Social Security account number, if any, the total amount paid  
6 subject to taxation, and the total amount deducted and withheld as  
7 tax and such other information as the Tax Commission may require.  
8 Any payer who fails to withhold or pay to the Tax Commission any  
9 sums herein required to be withheld or paid shall be personally and  
10 individually liable therefor to the State of Oklahoma.

11 E. Corporations. ~~For~~ 1. Except as otherwise provided by  
12 paragraph 2 of this subsection, for all taxable years beginning  
13 after December 31, 2021, a tax is hereby imposed upon the Oklahoma  
14 taxable income of every corporation doing business within this state  
15 or deriving income from sources within this state in an amount equal  
16 to four percent (4%) thereof.

17 2. Except as provided by paragraph 3 of this subsection, for  
18 all taxable years beginning after December 31, 2022, a tax is hereby  
19 imposed upon the Oklahoma taxable income of every corporation doing  
20 business within this state or deriving income from sources within  
21 this state in an amount as follows:

22 a. three and five-tenths percent (3.5%) for tax years  
23 beginning not later than December 31, 2023,  
24

- 1        b. three percent (3.0%) for tax years beginning not later  
2        than December 31, 2024,
- 3        c. two and five-tenths percent (2.5%) for tax years  
4        beginning not later than December 31, 2025,
- 5        d. two percent (2.0%) for tax years beginning not later  
6        than December 31, 2026,
- 7        e. one and five-tenths percent (1.5%) for tax years  
8        beginning not later than December 31, 2027,
- 9        f. one percent (1.0%) for tax years beginning not later  
10       than December 31, 2028,
- 11       g. five-tenths percent (0.5%) for tax years beginning not  
12       later than December 31, 2029, and
- 13       h. zero percent (0%) for tax years beginning on or after  
14       January 1, 2030.

15        There shall be no additional Oklahoma income tax imposed on  
16        accumulated taxable income or on undistributed personal holding  
17        company income as those terms are defined in the Internal Revenue  
18        Code.

19        3. Notwithstanding subsection I of this section and except as  
20        provided by paragraph 5 or paragraph 6 of this subsection, unless  
21        state General Revenue Fund revenue collections for the fiscal year  
22        immediately preceding the current tax filing year exceed one hundred  
23        two percent (102%) of General Revenue Fund revenue collections for  
24        the second fiscal year preceding the current tax filing year, the tax

1 rate set forth in paragraph 1 of this subsection shall apply for a  
2 corporation that:

3 a. participates in the filing of a publicly traded  
4 company's financial statements prepared in accordance  
5 with generally accepted accounting principles, and

6 b.

7 (1) the corporation has Oklahoma tax credit  
8 carryforwards in excess of Fifty Million Dollars  
9 (\$50,000,000.00) that have an indefinite  
10 carryforward period, as of the effective date of  
11 this act, or

12 (2) is a component member of an affiliated group  
13 filing a consolidated Oklahoma income tax return  
14 under the provisions of Section 2367 of this  
15 title, and the component members of such  
16 affiliated group have, in the aggregate, Oklahoma  
17 tax credit carryforwards in excess of Fifty  
18 Million Dollars (\$50,000,000.00) that have an  
19 indefinite carryforward period, as of the  
20 effective date of this act.

21 4. No corporation as described by paragraph 3 of this  
22 subsection shall acquire any tax credit authorized pursuant to the  
23 provisions of the Oklahoma Statutes on or after the effective date  
24 of this act.

1        5. The provisions of paragraph 3 of this subsection shall not  
2 be applicable to any public service corporation the rates of which  
3 are subject to the regulatory jurisdiction of the Oklahoma  
4 Corporation Commission.

5        6. If a corporation which is subject to the provisions of  
6 paragraph 3 of this subsection or a corporation which makes an  
7 election to be subject to the income tax rate prescribed by  
8 paragraph 1 of this subsection has fully utilized all tax credits  
9 available to it pursuant to applicable provisions of law, the income  
10 tax rate for the corporation for the first tax year beginning after  
11 the end of the final tax year with respect to which any such credits  
12 have been claimed and used to reduce an income tax liability amount  
13 shall be zero percent (0%) and the rate shall be zero percent (0%)  
14 thereafter.

15        F. Certain foreign corporations. In lieu of the tax imposed in  
16 the first paragraph of subsection D of this section, for all taxable  
17 years beginning after December 31, 2021, there shall be imposed on  
18 foreign corporations, as defined in the Internal Revenue Code, a tax  
19 ~~of four percent (4%)~~ imposed at the same rate for the applicable  
20 income tax year as prescribed by subsection E of this section  
21 instead of thirty percent (30%) as used in the Internal Revenue  
22 Code, where such income is received from sources within Oklahoma, in  
23 accordance with the provisions of the Internal Revenue Code and the  
24 Oklahoma Income Tax Act.

1 Every payer of amounts covered by this subsection shall deduct  
2 and withhold from such amounts paid each payee an amount equal to  
3 ~~four percent (4%) thereof~~ a rate equal to the rate prescribed by  
4 subsection E of this section based on the applicable tax year.  
5 Every payer required to deduct and withhold taxes under this  
6 subsection shall for each quarterly period on or before the last day  
7 of the month following the close of each such quarterly period, pay  
8 over the amount so withheld as taxes to the Tax Commission, and  
9 shall file a return with each such payment. Such return shall be in  
10 such form as the Tax Commission shall prescribe. Every payer  
11 required under this subsection to deduct and withhold a tax from a  
12 payee shall, as to the total amounts paid to each payee during the  
13 calendar year, furnish to such payee, on or before January 31, of  
14 the succeeding year, a written statement showing the name of the  
15 payer, the name of the payee and the payee's Social Security account  
16 number, if any, the total amounts paid subject to taxation, the  
17 total amount deducted and withheld as tax and such other information  
18 as the Tax Commission may require. Any payer who fails to withhold  
19 or pay to the Tax Commission any sums herein required to be withheld  
20 or paid shall be personally and individually liable therefor to the  
21 State of Oklahoma.

22 G. Fiduciaries. A tax is hereby imposed upon the Oklahoma  
23 taxable income of every trust and estate at the same rates as are  
24 provided in subsection B or C of this section for single

1 individuals. Fiduciaries are not allowed a deduction for any  
2 federal income tax paid.

3 H. Tax rate tables. For all taxable years beginning after  
4 December 31, 1991, in lieu of the tax imposed by subsection A, B or  
5 C of this section, as applicable there is hereby imposed for each  
6 taxable year on the taxable income of every individual, whose  
7 taxable income for such taxable year does not exceed the ceiling  
8 amount, a tax determined under tables, applicable to such taxable  
9 year which shall be prescribed by the Tax Commission and which shall  
10 be in such form as it determines appropriate. In the table so  
11 prescribed, the amounts of the tax shall be computed on the basis of  
12 the rates prescribed by subsection A, B or C of this section. For  
13 purposes of this subsection, the term "ceiling amount" means, with  
14 respect to any taxpayer, the amount determined by the Tax Commission  
15 for the tax rate category in which such taxpayer falls.

16 I. Not later than June 30, 2023, for entities in existence as  
17 of the effective date of this act, and not later than sixty (60)  
18 days after the formation of an entity subject to taxation pursuant  
19 to subsection E of this section which occurs after the effective  
20 date of this act, a taxpayer shall make an election, which shall be  
21 irrevocable, on such form as may be prescribed for such purpose by  
22 the Oklahoma Tax Commission, and except as otherwise provided by  
23 this section, to be subject to the rate of tax at four percent (4%)  
24 imposed pursuant to paragraph 1 of subsection E of this section and

1 to continue to be subject to such rate of income taxation for all  
2 subsequent taxable years or to be subject to the rate of tax imposed  
3 pursuant to paragraph 2 of subsection E of this section based upon  
4 the applicable taxable year.

5 J. The irrevocable election required by subsection I of this  
6 section shall be binding upon any subsidiary entity of the taxpayer  
7 making such election unless otherwise provided by this section.

8 K. The irrevocable election otherwise prescribed by subsection  
9 I of this section shall not be binding with respect to an entity  
10 which was a subsidiary of an entity making such election during any  
11 period of time the former subsidiary was not acquired by any other  
12 entity.

13 L. If a former subsidiary of an entity making an election  
14 pursuant to subsection I of this section is acquired by another  
15 entity, the entity having acquired such former subsidiary shall be  
16 authorized to make an irrevocable election which is binding upon the  
17 former subsidiary of the previous entity.

18 SECTION 2. AMENDATORY 68 O.S. 2021, Section 2355.1P-4,  
19 is amended to read as follows:

20 Section 2355.1P-4 A. For tax years beginning on or after  
21 January 1, ~~2022~~ 2023, there is hereby levied on each electing pass-  
22 through entity the pass-through entity tax which shall be calculated  
23 as follows:

24

1           1. With regard to each member of an electing pass-through  
2 entity, the electing pass-through entity shall multiply such  
3 member's Oklahoma distributive share of the electing pass-through  
4 entity's Oklahoma net entity income for the tax year by:

5           a. the highest Oklahoma marginal income tax rate levied  
6           on the taxable income of natural persons pursuant to  
7           Section 2355 of this title if the member is an  
8           individual, trust, or estate,

9           b. ~~four percent (4%)~~ if the member is classified as a  
10           corporation pursuant to the Internal Revenue Code, and  
11           is not classified as an S corporation, a rate as  
12           follows:

13           (1) three and five-tenths percent (3.5%) for tax  
14           years beginning not later than December 31, 2023,

15           (2) three percent (3.0%) for tax years beginning not  
16           later than December 31, 2024,

17           (3) two and five-tenths percent (2.5%) for tax years  
18           beginning not later than December 31, 2025,

19           (4) two percent (2.0%) for tax years beginning not  
20           later than December 31, 2026,

21           (5) one and five-tenths percent (1.5%) for tax years  
22           beginning not later than December 31, 2027,

23           (6) one percent (1.0%) for tax years beginning not  
24           later than December 31, 2028,



1           (7) five-tenths percent (0.5%) for tax years  
2           beginning not later than December 31, 2029, and  
3           (8) zero percent (0%) for tax years beginning on or  
4           after January 1, 2030,

5       c. ~~four percent (4%)~~ if the member is a pass-through  
6       entity, a rate as follows:

7           (1) three and five-tenths percent (3.5%) for tax  
8           years beginning not later than December 31, 2023,

9           (2) three percent (3.0%) for tax years beginning not  
10          later than December 31, 2024,

11          (3) two and five-tenths percent (2.5%) for tax years  
12          beginning not later than December 31, 2025,

13          (4) two percent (2.0%) for tax years beginning not  
14          later than December 31, 2026,

15          (5) one and five-tenths percent (1.5%) for tax years  
16          beginning not later than December 31, 2027,

17          (6) one percent (1.0%) for tax years beginning not  
18          later than December 31, 2028,

19          (7) five-tenths percent (0.5%) for tax years  
20          beginning not later than December 31, 2029, and

21          (8) zero percent (0%) for tax years beginning on or  
22          after January 1, 2030,

23       d. ~~four percent (4%)~~ if the member is a financial  
24       institution subject to tax imposed pursuant to the

1 provisions of Section 2370 of this title, the rate  
2 prescribed by Section 2370 of this title, and

3 e. the highest Oklahoma marginal income tax rate that  
4 would be applicable to any item of the electing pass-  
5 through entity's income or gain without the election  
6 made pursuant to subsection F of this section, if the  
7 member is an organization described in Section 2359 of  
8 this title; and

9 2. The electing pass-through entity shall aggregate the amounts  
10 determined with respect to all members pursuant to paragraph 1 of  
11 this subsection and the pass-through entity tax for the applicable  
12 tax year shall be equal to such aggregated tax amount for the tax  
13 year with respect to which the election has been made.

14 B. Sections 2385.29, 2385.30 and 2385.31 of this title shall  
15 not be applicable to an electing pass-through entity.

16 C. The pass-through entity tax shall be due and payable on the  
17 same date as provided for the filing of the electing pass-through  
18 entity's Oklahoma income tax return, and for tax years beginning on  
19 or after January 1, 2020, estimated tax payments shall be required  
20 as provided in Section 2385.9 of this title.

21 D. If the pass-through entity election results in a net entity  
22 loss for Oklahoma income tax purposes in any tax year, the net  
23 entity loss may be carried back and carried forward by the electing  
24 pass-through entity for Oklahoma income tax purposes as set forth in

1 subparagraph b of paragraph 3 of subsection A of Section 2358 of  
2 this title.

3 E. Notwithstanding paragraph 2 of subsection C of Section 2368  
4 of this title, a nonresident individual who is a member of an  
5 electing pass-through entity is not required to file an Oklahoma  
6 income tax return, if, for the taxable year, the only source of  
7 income allocable or apportionable to this state for the member, or,  
8 if a joint income tax return is filed, the member and his or her  
9 spouse, is from one or more electing pass-through entities, and each  
10 electing pass-through entity files and pays the taxes due under this  
11 section.

12 F. Any entity required to file an Oklahoma partnership income  
13 tax return or an Oklahoma S corporation income tax return may elect  
14 to become an electing pass-through entity. The election shall be  
15 made on such form and in such manner as the Oklahoma Tax Commission  
16 may prescribe, and any election under this subsection shall have  
17 priority over and revoke any election to file a composite Oklahoma  
18 partnership return or requirement of a Subchapter S corporation to  
19 report and pay tax on behalf of a nonresident shareholder for the  
20 same tax year.

21 G. Pursuant to procedures prescribed by the Tax Commission, if  
22 the amount of tax required to be paid by a pass-through entity  
23 pursuant to the provisions of this section is not paid when due, the  
24 Oklahoma Tax Commission may revoke the pass-through entity's

1 election under subsection F of this section effective for the first  
2 year for which the tax is not paid.

3 H. The election authorized by the provisions of this section  
4 shall be made pursuant to procedures prescribed by the Tax  
5 Commission and shall be filed (i) within sixty (60) days of  
6 enactment and pursuant to procedures prescribed by the Oklahoma Tax  
7 Commission for any income tax year beginning on or after January 1,  
8 2019, and prior to January 1, 2020, or (ii) for any income tax year  
9 beginning on or after January 1, 2020, at any time during the  
10 preceding tax year or two (2) months and fifteen (15) days after the  
11 beginning of the tax year. Any such election shall be binding until  
12 revoked pursuant to procedures prescribed by the Tax Commission.  
13 The effective date of a revocation (i) made within two (2) months  
14 and fifteen (15) days of the electing pass-through entity's taxable  
15 year shall be the first day of such taxable year and (ii) made  
16 during the electing pass-through entity's taxable year but after  
17 such fifteenth day shall be effective on the first day of the  
18 following taxable year. No election made by a pass-through entity  
19 with respect to income tax to be paid by such entity using the  
20 calculations prescribed by this section shall be binding on any  
21 other pass-through entity, and each pass-through entity shall be  
22 able to make an election under the provisions of this act  
23 independently.

24

1        I. The provisions of this section shall cease to have the force  
2 and effect of law after the expiration of the last date the  
3 applicable tax return is filed, including any extensions, with  
4 respect to the final taxable year for which any entity having made  
5 an election to be subject to the provisions of this section is  
6 required to file a return with the Oklahoma Tax Commission,  
7 including the period of time required for any person or entity  
8 receiving a distribution of income or an allocation of loss from a  
9 pass-through entity is required to file a return with the Oklahoma  
10 Tax Commission, including any extensions.

11        SECTION 3.        AMENDATORY        68 O.S. 2021, Section 2370, is  
12 amended to read as follows:

13        Section 2370. A. ~~For taxable years beginning after December~~  
14 ~~31, 2021, for~~ For the privilege of doing business within this state,  
15 every state banking association, national banking association and  
16 credit union organized under the laws of this state, located or  
17 doing business within the limits of the State of Oklahoma shall  
18 annually pay to this state a privilege tax at the rate ~~of four~~  
19 ~~percent (4%) of the amount of the~~ upon taxable income as provided in  
20 this ~~section~~ subsection as follows:

21        1. Three and five-tenths percent (3.5%) for tax years beginning  
22 not later than December 31, 2023;

23        2. Three percent (3.0%) for tax years beginning not later than  
24 December 31, 2024;

1       3. Two and five-tenths percent (2.5%) for tax years beginning  
2 not later than December 31, 2025;

3       4. Two percent (2.0%) for tax years beginning not later than  
4 December 31, 2026;

5       5. One and five-tenths percent (1.5%) for tax years beginning  
6 not later than December 31, 2027;

7       6. One percent (1.0%) for tax years beginning not later than  
8 December 31, 2028;

9       7. Five-tenths percent (0.5%) for tax years beginning not later  
10 than December 31, 2029; and

11       8. Zero percent (0%) for tax years beginning on or after  
12 January 1, 2030.

13       B. 1. The privilege tax levied by this section shall be in  
14 addition to the Business Activity Tax levied in Section 1218 of this  
15 title and the franchise tax levied in Article 12 of this title and  
16 in lieu of the tax levied by Section 2355 of this title and in lieu  
17 of all taxes levied by the State of Oklahoma, or any subdivision  
18 thereof, upon the shares of stock or personal property of any  
19 banking association or credit union subject to taxation under this  
20 section.

21       2. Nothing in this section shall be construed to exempt the  
22 real property of any banking associations or credit unions from  
23 taxation to the same extent, according to its value, as other real  
24 property is taxed. Nothing herein shall be construed to exempt an

1 association from payment of any fee or tax authorized or levied  
2 pursuant to the banking laws.

3 3. Personal property which is subject to a lease agreement  
4 between a bank or credit union, as lessor, and a nonbanking business  
5 entity or individual, as lessee, is not exempt from personal  
6 property ad valorem taxation. Provided further, that it shall be  
7 the duty of the lessee of such personal property to return sworn  
8 lists or schedules of their taxable property within each county to  
9 the county assessor of such county as provided in Sections 2433 and  
10 2434 of this title.

11 4. For all tax years beginning on or after January 1, 2030, an  
12 entity subject to the tax otherwise levied by the provisions of this  
13 section shall pay an annual fee, in lieu of any other tax on the  
14 personal property of the financial institution, in the amount of One  
15 Hundred Dollars (\$100.00). Such fee shall be apportioned to the  
16 State Public Common School Building Equalization Fund to be  
17 distributed in the manner prescribed by Section 3-104 of Title 70 of  
18 the Oklahoma Statutes.

19 C. Any tax levied under this section shall accrue on the last  
20 day of the taxable year and be payable as provided in Section 2375  
21 of this title. The accrual of such tax for the first taxable year  
22 to which this act applies, shall apply notwithstanding the prior  
23 accrual of a tax in the same taxable year based upon the net income  
24 of the next preceding taxable year; provided, however, any

1 additional deduction enuring to the benefit of the taxpayer shall be  
2 deducted in accordance with the optional transitional deduction  
3 procedures in Section 2354 of this title.

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

8 1. There shall be deducted all interest income on obligations  
9 of the United States government and agencies thereof not otherwise  
10 exempted and all interest income on obligations of the State of  
11 Oklahoma or political subdivisions thereof, including public trust  
12 authorities, not otherwise exempted under the laws of this state;  
13 and

14 2. Expense deductions claimed in arriving at taxable income  
15 under paragraph 10 of Section 2353 of this title shall be reduced by  
16 an amount equal to fifty percent (50%) of excluded interest income  
17 on obligations of the United States government or agencies thereof  
18 and obligations of the State of Oklahoma or political subdivisions  
19 thereof.

20 E. 1. Except as otherwise provided in paragraph 2 of this  
21 subsection, before January 1, 2017, there shall be allowed a credit  
22 against the tax levied in subsection A of this section in an amount  
23 equal to the amount of taxable income received by a participating  
24 financial institution as defined in Section 90.2 of Title 62 of the



1 Oklahoma Statutes pursuant to a loan made under the Rural Economic  
2 Development Loan Act. Such credit shall be limited each year to  
3 five percent (5%) of the amount of annual payroll certified by the  
4 Oklahoma Rural Economic Development Loan Program Review Board  
5 pursuant to the provisions of paragraph 3 of subsection B of Section  
6 90.4 of Title 62 of the Oklahoma Statutes with respect to the loan  
7 made by the participating financial institution and may be claimed  
8 for any number of years necessary until the amount of total credits  
9 claimed is equal to the total amount of taxable income received by  
10 the participating financial institution pursuant to the loan. Any  
11 credit allowed but not used in a taxable year may be carried forward  
12 for a period not to exceed five (5) taxable years. In no event  
13 shall a credit allowed pursuant to the provisions of this subsection  
14 be transferable or refundable.

15       2. No credit otherwise authorized by the provisions of this  
16 subsection may be claimed for any event, transaction, investment,  
17 expenditure or other act occurring on or after July 1, 2010, for  
18 which the credit would otherwise be allowable. The provisions of  
19 this paragraph shall cease to be operative on July 1, 2012.  
20 Beginning July 1, 2012, the credit authorized by this subsection may  
21 be claimed for any event, transaction, investment, expenditure or  
22 other act occurring on or after July 1, 2012, according to the  
23 provisions of this subsection.

24

1 SECTION 4. AMENDATORY 68 O.S. 2021, Section 2805, is  
2 amended to read as follows:

3 Section 2805. The following fees or taxes levied by the  
4 provisions of the Oklahoma Statutes shall be in lieu of ad valorem  
5 tax, whether in lieu of real property tax, personal property tax, or  
6 both as provided by law:

7 1. The registration fees and taxes imposed upon aircraft by  
8 Section 251 et seq. of Title 3 of the Oklahoma Statutes;

9 2. Registration fees for motor vehicles as provided in Section  
10 1103 of Title 47 of the Oklahoma Statutes, except as otherwise  
11 specifically provided;

12 3. The fee imposed upon transfers of used vehicles in lieu of  
13 the ad valorem tax upon inventories of used motor vehicles by  
14 Section 1137.1 of Title 47 of the Oklahoma Statutes;

15 4. The registration and license fees imposed upon vessels and  
16 motors pursuant to the Oklahoma Vessel and Motor Registration Act,  
17 Section 4001 et seq. of Title 63 of the Oklahoma Statutes;

18 5. The taxes levied upon the gross production of substances  
19 pursuant to Section 1001 of this title;

20 6. The taxes levied upon the gross production of substances  
21 pursuant to Section 1020 of this title;

22 7. The tax imposed upon gross receipts pursuant to Section 1803  
23 of this title;

24

1 8. The tax imposed upon certain textile products pursuant to  
2 Section 2001 of this title;

3 9. The tax imposed upon certain freight cars pursuant to  
4 Section 2202 of this title;

5 10. The tax imposed on certain parts of the inventories, both  
6 new and used items, owned and/or possessed for sale by retailers of  
7 farm tractors and other equipment pursuant to Sections ~~±~~ 5401  
8 through ~~4~~ 5404 of this ~~act~~ title;

9 11. The tax imposed upon inventories of new vehicles and  
10 certain vessels pursuant to Section 5301 of this title; ~~and~~

11 12. The fee imposed pursuant to Section 2370 of this title for  
12 applicable periods beginning on or after January 1, 2030; and

13 13. Such other fees or taxes as may be expressly provided by  
14 law to be in lieu of ad valorem taxation.

15 SECTION 5. This act shall become effective January 1, 2023.

16  
17 DIRECT TO CALENDAR.

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