

1 ENGROSSED HOUSE
2 BILL NO. 2356

By: Osborn (Leslie) and Wallace
of the House

3 and

4 David and Fields of the
5 Senate

6
7 An Act relating to revenue and taxation; amending 68
8 O.S. 2011, Sections 1208, as amended by Section 1,
9 Chapter 306, O.S.L. 2014 and 1210 (68 O.S. Supp.
10 2016, Section 1208), which relate to franchise tax
11 payments and reporting; modifying due date; modifying
12 delinquency date; and providing an effective date.

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

14 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1208, as
15 amended by Section 1, Chapter 306, O.S.L. 2014 (68 O.S. Supp. 2016,
16 Section 1208), is amended to read as follows:

17 Section 1208. A. It is hereby declared to be the purpose of
18 Section 1201 et seq. of this title to provide for revenue for
19 general governmental functions of the State of Oklahoma.

20 B. All monies collected under Section 1201 et seq. of this
21 title shall be transmitted monthly to the State Treasurer of the
22 State of Oklahoma to be placed to the credit of the General Revenue
23 Fund of the state, to be paid out only pursuant to direct
24 appropriations of the Legislature.

1 C. The Except as otherwise provided by subsection D of this
2 section, the tax levied by Section 1201 et seq. of this title shall
3 become due and payable on July 1 of each year or at the option of
4 the taxpayer upon the last day of the income tax year of the
5 taxpayer, and if not paid on or before the next ensuing September 15
6 for taxpayers electing to pay tax by July 1, or the date by which an
7 income tax return is required to be filed pursuant to the provisions
8 of subsection G of Section 2368 of this title or pursuant to the
9 provisions of Section 216 of this title, for taxpayers electing to
10 pay the tax at the time such income tax return is due, the penalties
11 hereinafter provided shall apply.

12 D. For those taxpayers that remitted the maximum amount of tax
13 pursuant to Section 1205 of this title for the preceding tax year,
14 the tax levied by Section 1201 et seq. of this title shall become
15 due and payable on May 1 of each year, and if not paid on or before
16 the ensuing June 1, the penalties hereinafter provided shall apply.

17 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1210, is
18 amended to read as follows:

19 Section 1210. A. In addition to any other statement required
20 by law, each and every corporation, association or organization, as
21 enumerated in Sections 1201, 1203, and 1204 of this title, subject
22 to the provisions of Section 1201 et seq. of this title, either
23 during the period of July 1 to August 31, inclusive, of each year,
24 or not later than June 1 for taxpayers that remitted the maximum

1 amount of tax pursuant to Section 1205 of this title for the
2 preceding tax year, or, except for taxpayers that remitted the
3 maximum amount of tax pursuant to Section 1205 of this title for the
4 preceding tax year, on or before the date by which an income tax
5 return is required to be filed pursuant to the provisions of
6 subsection G of Section 2368 of this title or pursuant to the
7 provisions of Section 216 of this title, based upon the election by
8 the taxpayer regarding the due date for payment of tax, shall file
9 with the Oklahoma Tax Commission a statement under oath of its
10 president, secretary or managing officer, or managing agent in this
11 state. The statement shall be in such form as the Tax Commission
12 shall prescribe, including balance sheets as at the close of its
13 last preceding taxable year for which an income tax return was
14 required to be filed, showing the following:

15 1. The amount of its authorized capital stock, interests,
16 certificates, or other evidence of interest or ownership;

17 2. The amount thereof then paid up;

18 3. The number of units into which the same is divided;

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

21 5. The location of the office or offices;

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

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

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

5 9. The total amount of business transacted within the State of
6 Oklahoma during such year; and

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

11 B. If any corporation, association or organization making a
12 return under the provisions of Section 1201 et seq. of this title
13 has no authorized capital, or if any of its shares of stock or other
14 evidences of interest or ownership have no par value, then such
15 corporation, association or organization shall so state in its
16 return, and shall, in addition thereto, state the book value of its
17 shares of stock or other evidences of interest or ownership. It
18 shall also, in making its return, make the showing required of all
19 other corporations, associations and organizations, and each foreign
20 corporation shall state the name of its registered agent residing at
21 the capital of the state. The return shall be in such form as the
22 Tax Commission shall prescribe.

23 C. A corporation or organization subject to the tax levied by
24 Section 1203 or Section 1204 of this title for which the computation

1 of capital employed in the state equals or exceeds Sixteen Million
2 Dollars (\$16,000,000.00), shall file a maximum franchise tax return
3 on such form as may be prescribed by the Oklahoma Tax Commission.

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

23 SECTION 3. This act shall become effective November 1, 2017.
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1 Passed the House of Representatives the 11th day of May, 2017.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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9 Presiding Officer of the Senate