1	ENGROSSED HOUSE
2	BILL NO. 2988 By: West (Josh), Fugate, Lepak, Bashore, Maynard, Stark,
З	Luttrell, Grego, Boles, Roberts, and Sims of the House
4	and
5	Stanley of the Senate
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8	An Act relating to revenue and taxation; 68 O.S. 2021, Section 1357, as last amended by Section 1,
9	Chapter 344, O.S.L. 2023 (68 O.S. Supp. 2023, Section 1357), which relates to exemptions from sales tax;
10	eliminating deadline for certain registration for certain disabled veterans; updating statutory
11	language; and declaring an emergency.
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13	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
14	SECTION 1. AMENDATORY 68 O.S. 2021, Section 1357, as
15	last amended by Section 1, Chapter 344, O.S.L. 2023 (68 O.S. Supp.
16	2023, Section 1357), is amended to read as follows:
17	Section 1357. Exemptions - General.
18	There are hereby specifically exempted from the tax levied by
19	the Oklahoma Sales Tax Code:
20	1. Transportation of school pupils to and from elementary
21	schools or high schools in motor or other vehicles;
22	2. Transportation of persons where the fare of each person does
23	not exceed One Dollar (\$1.00), or local transportation of persons
24	within the corporate limits of a municipality except by taxicabs;

1 3. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the 2 state, provided that such sales to residents of this state are made 3 4 to persons to whom sales tax permits have been issued as provided in 5 the Oklahoma Sales Tax Code. This exemption shall not apply to the sales of articles made to persons holding permits when such persons 6 7 purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption 8 9 apply to sales of tangible personal property to peddlers, solicitors 10 and other salespersons who do not have an established place of 11 business and a sales tax permit. The exemption provided by this 12 paragraph shall apply to sales of motor fuel or diesel fuel to a 13 Group Five vendor, but the use of such motor fuel or diesel fuel by 14 the Group Five vendor shall not be exempt from the tax levied by the 15 Oklahoma Sales Tax Code. The purchase of motor fuel or diesel fuel 16 is exempt from sales tax when the motor fuel is for shipment outside 17 this state and consumed by a common carrier by rail in the conduct 18 of its business. The sales tax shall apply to the purchase of motor 19 fuel or diesel fuel in Oklahoma by a common carrier by rail when 20 such motor fuel is purchased for fueling, within this state, of any 21 locomotive or other motorized flanged wheel equipment; 22 4. Sales of advertising space in newspapers and periodicals;

23 5. Sales of programs relating to sporting and entertainment
24 events, and sales of advertising on billboards (including signage,

posters, panels, marquees or on other similar surfaces, whether indoors or outdoors) or in programs relating to sporting and entertainment events, and sales of any advertising, to be displayed at or in connection with a sporting event, via the Internet, electronic display devices or through public address or broadcast systems. The exemption authorized by this paragraph shall be effective for all sales made on or after January 1, 2001;

8 6. Sales of any advertising, other than the advertising
9 described by paragraph 5 of this section, via the Internet,
10 electronic display devices or through the electronic media including
11 radio, public address or broadcast systems, television (whether
12 through closed circuit broadcasting systems or otherwise), and cable
13 and satellite television, and the servicing of any advertising
14 devices;

15 7. Eggs, feed, supplies, machinery, and equipment purchased by 16 persons regularly engaged in the business of raising worms, fish, 17 any insect, or any other form of terrestrial or aquatic animal life 18 and used for the purpose of raising same for marketing. This 19 exemption shall only be granted and extended to the purchaser when 20 the items are to be used and in fact are used in the raising of 21 animal life as set out above. Each purchaser shall certify, in 22 writing, on the invoice or sales ticket retained by the vendor that 23 the purchaser is regularly engaged in the business of raising such 24 animal life and that the items purchased will be used only in such

ENGR. H. B. NO. 2988

business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

8. Sale of natural or artificial gas and electricity, and
associated delivery or transmission services, when sold exclusively
for residential use. Provided, this exemption shall not apply to
any sales tax levied by a city or town, or a county or any other
jurisdiction in this state;

9. In addition to the exemptions authorized by Section 1357.6
 of this title, sales of drugs sold pursuant to a prescription
 written for the treatment of human beings by a person licensed to
 prescribe the drugs, and sales of insulin and medical oxygen.
 Provided, this exemption shall not apply to over-the-counter drugs;

15 10. Transfers of title or possession of empty, partially 16 filled, or filled returnable oil and chemical drums to any person 17 who is not regularly engaged in the business of selling, reselling 18 or otherwise transferring empty, partially filled or filled 19 returnable oil drums;

20 11. Sales of one-way utensils, paper napkins, paper cups, 21 disposable hot containers, and other one-way carry out materials to 22 a vendor of meals or beverages;

23 12. Sales of food or food products for home consumption which24 are purchased in whole or in part with coupons issued pursuant to

ENGR. H. B. NO. 2988

the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program;

8 13. Sales of food or food products, or any equipment or
9 supplies used in the preparation of the food or food products to or
10 by an organization which:

- 11a.is exempt from taxation pursuant to the provisions of12Section 501(c)(3) of the Internal Revenue Code, 2613U.S.C., Section 501(c)(3), and which provides and14delivers prepared meals for home consumption to15elderly or homebound persons as part of a program16commonly known as "Meals on Wheels" or "Mobile Meals",17or
- b. is exempt from taxation pursuant to the provisions of
 Section 501(c)(3) of the Internal Revenue Code, 26
 U.S.C., Section 501(c)(3), and which receives federal
 funding pursuant to the Older Americans Act of 1965,
 as amended, for the purpose of providing nutrition
 programs for the care and benefit of elderly persons;

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- 14. a. Sales of tangible personal property or services to or
 by organizations which are exempt from taxation
 pursuant to the provisions of Section 501(c)(3) of the
 Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
 and:
- 6 (1)are primarily involved in the collection and 7 distribution of food and other household products to other organizations that facilitate the 8 9 distribution of such products to the needy and 10 such distributee organizations are exempt from 11 taxation pursuant to the provisions of Section 12 501(c)(3) of the Internal Revenue Code, 26 13 U.S.C., Section 501(c)(3), or
- 14 (2) facilitate the distribution of such products to15 the needy.
- b. Sales made in the course of business for profit or
 savings, competing with other persons engaged in the
 same or similar business shall not be exempt under
 this paragraph;

20 15. Sales of tangible personal property or services to 21 children's homes which are located on church-owned property and are 22 operated by organizations exempt from taxation pursuant to the 23 provisions of the Internal Revenue Code, 26 U.S.C., Section 24 501(c)(3);

ENGR. H. B. NO. 2988

1 16. Sales of computers, data processing equipment, related 2 peripherals, and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or 3 4 manufacturing facility. For purposes of this paragraph, "qualified 5 aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or 6 7 rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars (\$5,000,000.00) 8 9 and which employs at least two hundred fifty (250) new full-timeequivalent employees, as certified by the Oklahoma Employment 10 11 Security Commission, upon completion of the facility. In order to 12 qualify for the exemption provided for by this paragraph, the cost 13 of the items purchased by the qualified aircraft maintenance or 14 manufacturing facility shall equal or exceed the sum of Two Million 15 Dollars (\$2,000,000.00);

16 17. Sales of tangible personal property consumed or 17 incorporated in the construction or expansion of a qualified 18 aircraft maintenance or manufacturing facility as defined in 19 paragraph 16 of this section. For purposes of this paragraph, sales 20 made to a contractor or subcontractor that has previously entered 21 into a contractual relationship with a qualified aircraft 22 maintenance or manufacturing facility for construction or expansion 23 of such a facility shall be considered sales made to a qualified 24 aircraft maintenance or manufacturing facility;

1 18. Sales of the following telecommunications services: Interstate and International "800 service". "800 2 a. service" means a "telecommunications service" 3 telecommunications service that allows a caller to 4 5 dial a toll-free number without incurring a charge for the call. The service is typically marketed under the 6 7 name "800", "855", "866", "877" and "888" toll-free calling, and any subsequent numbers designated by the 8 9 Federal Communications Commission, Interstate and International "900 service". "900 10 b. 11 service" means an inbound toll "telecommunications 12 service" telecommunications service purchased by a 13 subscriber that allows the subscriber's customers to 14 call in to the subscriber's prerecorded announcement 15 or live service. "900 service" 900 service does not 16 include the charge for: collection services provided 17 by the seller of the "telecommunications services" 18 telecommunications services to the subscriber, or 19 service or product sold by the subscriber to the 20 subscriber's customer. The service is typically 21 marketed under the name "900" service, and any 22 subsequent numbers designated by the Federal 23 Communications Commission,

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1 с. Interstate and International "private communications 2 service". "Private communications service" means a "telecommunications service" telecommunications 3 4 service that entitles the customer to exclusive or 5 priority use of a communications channel or group of channels between or among termination points, 6 7 regardless of the manner in which such channel or channels are connected, and includes switching 8 9 capacity, extension lines, stations and any other associated services that are provided in connection 10 11 with the use of such channel or channels, 12 "Value-added nonvoice data service". "Value-added d.

13 nonvoice data service" means a service that otherwise 14 meets the definition of "telecommunications services" 15 <u>telecommunications services</u> in which computer 16 processing applications are used to act on the form, 17 content, code or protocol of the information or data 18 primarily for a purpose other than transmission, 19 conveyance, or routing,

20 e. Interstate and International telecommunications 21 service which is:

(1) rendered by a company for private use within its organization, or

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- (2) used, allocated or distributed by a company to
 its affiliated group,
- f. Regulatory assessments and charges including charges
 to fund the Oklahoma Universal Service Fund, the
 Oklahoma Lifeline Fund and the Oklahoma High Cost
 Fund, and
- 7 g. Telecommunications nonrecurring charges including but
 8 not limited to the installation, connection, change,
 9 or initiation of telecommunications services which are
 10 not associated with a retail consumer sale;

11 19. Sales of railroad track spikes manufactured and sold for 12 use in this state in the construction or repair of railroad tracks, 13 switches, sidings, and turnouts;

14 20. Sales of aircraft and aircraft parts provided such sales 15 occur at a qualified aircraft maintenance facility. As used in this 16 paragraph, "qualified aircraft maintenance facility" means a 17 facility operated by an air common carrier including one or more 18 component overhaul support buildings or structures in an area owned, 19 leased, or controlled by the air common carrier, at which there were 20 employed at least two thousand (2,000) full-time-equivalent 21 employees in the preceding year as certified by the Oklahoma 22 Employment Security Commission and which is primarily related to the 23 fabrication, repair, alteration, modification, refurbishing, 24 maintenance, building, or rebuilding of commercial aircraft or

1 aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an 2 affiliated group as defined by Section 1504 of the Internal Revenue 3 4 Code, 26 U.S.C., Section 1504. Beginning July 1, 2012, sales of 5 machinery, tools, supplies, equipment, and related tangible personal property and services used or consumed in the repair, remodeling, or 6 7 maintenance of aircraft, aircraft engines or aircraft component parts which occur at a qualified aircraft maintenance facility; 8

9 21. Sales of machinery and equipment purchased and used by 10 persons and establishments primarily engaged in computer services 11 and data processing:

12a. as defined under Industrial Group Numbers 7372 and137373 of the Standard Industrial Classification (SIC)14Manual, latest version, which derive at least fifty15percent (50%) of their annual gross revenues from the16sale of a product or service to an out-of-state buyer17or consumer, and

b. as defined under Industrial Group Number 7374 of the
SIC Manual, latest version, which derive at least
eighty percent (80%) of their annual gross revenues
from the sale of a product or service to an out-ofstate buyer or consumer.

Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually

filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

7 22. Sales of prosthetic devices to an individual for use by
8 such individual. For purposes of this paragraph, "prosthetic
9 device" shall have the same meaning as provided in Section 1357.6 of
10 this title, but shall not include corrective eye glasses, contact
11 lenses, or hearing aids;

12 Sales of tangible personal property or services to a motion 23. 13 picture or television production company to be used or consumed in 14 connection with an eligible production. For purposes of this 15 paragraph, "eligible production" means a documentary, special, music 16 video or a television commercial or television program that will 17 serve as a pilot for or be a segment of an ongoing dramatic or 18 situation comedy series filmed or taped for network or national or 19 regional syndication or a feature-length motion picture intended for 20 theatrical release or for network or national or regional 21 syndication or broadcast. The provisions of this paragraph shall 22 apply to sales occurring on or after July 1, 1996. In order to 23 qualify for the exemption, the motion picture or television 24 production company shall file any documentation and information

ENGR. H. B. NO. 2988

required to be submitted pursuant to rules promulgated by the Tax
 Commission;

3 24. Sales of diesel fuel sold for consumption by commercial4 vessels, barges and other commercial watercraft;

5 25. Sales of tangible personal property or services to tax-6 exempt independent nonprofit biomedical research foundations that 7 provide educational programs for Oklahoma science students and 8 teachers and to tax-exempt independent nonprofit community blood 9 banks headquartered in this state;

10 26. Effective May 6, 1992, sales of wireless telecommunications 11 equipment to a vendor who subsequently transfers the equipment at no 12 charge or for a discounted charge to a consumer as part of a 13 promotional package or as an inducement to commence or continue a 14 contract for wireless telecommunications services;

15 27. Effective January 1, 1991, leases of rail transportation 16 cars to haul coal to coal-fired plants located in this state which 17 generate electric power;

18 28. Beginning July 1, 2005, sales of aircraft engine repairs, 19 modification, and replacement parts, sales of aircraft frame repairs 20 and modification, aircraft interior modification, and paint, and 21 sales of services employed in the repair, modification, and 22 replacement of parts of aircraft engines, aircraft frame and 23 interior repair and modification, and paint;

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1 29. Sales of materials and supplies to the owner or operator of 2 a ship, motor vessel, or barge that is used in interstate or international commerce if the materials and supplies: 3 4 are loaded on the ship, motor vessel, or barge and a. 5 used in the maintenance and operation of the ship, motor vessel, or barge, or 6 7 enter into and become component parts of the ship, b. motor vessel, or barge; 8 9 30. Sales of tangible personal property made at estate sales at which such property is offered for sale on the premises of the 10 former residence of the decedent by a person who is not required to 11 be licensed pursuant to the Transient Merchant Licensing Act, or who 12 13 is not otherwise required to obtain a sales tax permit for the sale 14 of such property pursuant to the provisions of Section 1364 of this 15 title; provided: 16 such sale or event may not be held for a period а. 17 exceeding three (3) consecutive days, 18 the sale must be conducted within six (6) months of b. 19 the date of death of the decedent, and 20 the exemption allowed by this paragraph shall not be с. 21 allowed for property that was not part of the 22 decedent's estate; 23 Beginning January 1, 2004, sales of electricity and 31. 24 associated delivery and transmission services, when sold exclusively

ENGR. H. B. NO. 2988

for use by an oil and gas operator for reservoir dewatering projects and associated operations commencing on or after July 1, 2003, in which the initial water-to-oil ratio is greater than or equal to five-to-one water-to-oil, and such oil and gas development projects have been classified by the Corporation Commission as a reservoir dewatering unit;

32. Sales of prewritten computer software that is delivered
electronically. For purposes of this paragraph, "delivered
electronically" means delivered to the purchaser by means other than
tangible storage media;

11 Sales of modular dwelling units when built at a production 33. 12 facility and moved in whole or in parts, to be assembled on-site, 13 and permanently affixed to the real property and used for 14 residential or commercial purposes. The exemption provided by this 15 paragraph shall equal forty-five percent (45%) of the total sales 16 price of the modular dwelling unit. For purposes of this paragraph, 17 "modular dwelling unit" means a structure that is not subject to the 18 motor vehicle excise tax imposed pursuant to Section 2103 of this 19 title;

34. Sales of tangible personal property or services to:
a. persons who are residents of Oklahoma and have been
honorably discharged from active service in any branch
of the Armed Forces of the United States or Oklahoma
National Guard and who have been certified by the

ENGR. H. B. NO. 2988

1 United States Department of Veterans Affairs or its 2 successor to be in receipt of disability compensation at the one-hundred-percent rate and the disability 3 4 shall be permanent and have been sustained through 5 military action or accident or resulting from disease contracted while in such active service and registered 6 7 with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the 8 9 veteran received the sales tax exemption prior to 10 November 1, 2020, he or she shall be required to 11 register with the veterans registry prior to July 1, 12 2023, in order to remain qualified, or 13 b. the surviving spouse of the person in subparagraph a 14 of this paragraph if the person is deceased and the 15 spouse has not remarried and the surviving spouse of a 16 person who is determined by the United States 17 Department of Defense or any branch of the United 18 States military to have died while in the line of duty 19 if the spouse has not remarried. Sales for the 20 benefit of an eligible person to a spouse of the 21 eligible person or to a member of the household in 22 which the eligible person resides and who is 23 authorized to make purchases on the person's behalf, 24 when such eligible person is not present at the sale,

1 shall also be exempt for purposes of this paragraph. 2 The Oklahoma Tax Commission shall issue a separate exemption card to a spouse of an eligible person or to 3 4 a member of the household in which the eligible person 5 resides who is authorized to make purchases on the person's behalf, if requested by the eligible person. 6 7 Sales qualifying for the exemption authorized by this paragraph shall not exceed Twenty-five Thousand 8 9 Dollars (\$25,000.00) per year per individual while the 10 disabled veteran is living. Sales qualifying for the 11 exemption authorized by this paragraph shall not 12 exceed One Thousand Dollars (\$1,000.00) per year for 13 an unremarried surviving spouse. Upon request of the 14 Tax Commission, a person asserting or claiming the 15 exemption authorized by this paragraph shall provide a 16 statement, executed under oath, that the total sales 17 amounts for which the exemption is applicable have not 18 exceeded Twenty-five Thousand Dollars (\$25,000.00) per 19 year per living disabled veteran or One Thousand 20 Dollars (\$1,000.00) per year for an unremarried 21 surviving spouse. If the amount of such exempt sales 22 exceeds such amount, the sales tax in excess of the 23 authorized amount shall be treated as a direct sales 24 tax liability and may be recovered by the Tax

1 Commission in the same manner provided by law for 2 other taxes including penalty and interest. The Tax Commission shall promulgate any rules necessary to 3 4 implement the provisions of this paragraph, which 5 shall include rules providing for the disclosure of information about persons eligible for the exemption 6 7 authorized in this paragraph to the Oklahoma Department of Veteran's Veterans Affairs, as 8 9 authorized in Section 205 of this title. For purposes 10 of the exemption authorized by this subparagraph, if 11 the disability determination that would have been made 12 while the disabled veteran was still living is not 13 made final until after the death of the disabled 14 veteran, the exemption authorized by this subparagraph 15 may still be claimed by the surviving spouse;

16 35. Sales of electricity to the operator, specifically 17 designated by the Corporation Commission, of a spacing unit or lease 18 from which oil is produced or attempted to be produced using 19 enhanced recovery methods including, but not limited to, increased 20 pressure in a producing formation through the use of water or 21 saltwater if the electrical usage is associated with and necessary 22 for the operation of equipment required to inject or circulate 23 fluids in a producing formation for the purpose of forcing oil or 24 petroleum into a wellbore for eventual recovery and production from

the wellhead. In order to be eligible for the sales tax exemption authorized by this paragraph, the total content of oil recovered after the use of enhanced recovery methods shall not exceed one percent (1%) by volume. The exemption authorized by this paragraph shall be applicable only to the state sales tax rate and shall not be applicable to any county or municipal sales tax rate;

36. Sales of intrastate charter and tour bus transportation. 7 As used in this paragraph, "intrastate charter and tour bus 8 9 transportation" means the transportation of persons from one 10 location in this state to another location in this state in a motor 11 vehicle which has been constructed in such a manner that it may 12 lawfully carry more than eighteen persons, and which is ordinarily 13 used or rented to carry persons for compensation. Provided, this 14 exemption shall not apply to regularly scheduled bus transportation 15 for the general public;

16 Sales of vitamins, minerals, and dietary supplements by a 37. 17 licensed chiropractor to a person who is the patient of such 18 chiropractor at the physical location where the chiropractor 19 provides chiropractic care or services to such patient. The 20 provisions of this paragraph shall not be applicable to any drug, 21 medicine, or substance for which a prescription by a licensed 22 physician is required;

38. Sales of goods, wares, merchandise, tangible personal
property, machinery, and equipment to a web search portal located in

this state which derives at least eighty percent (80%) of its annual gross revenue from the sale of a product or service to an out-ofstate buyer or consumer. For purposes of this paragraph, "web search portal" means an establishment classified under NAICS code 519130 which operates websites that use a search engine to generate and maintain extensive databases of Internet addresses and content in an easily searchable format;

Sales of tangible personal property consumed or 8 39. 9 incorporated in the construction or expansion of a facility for a 10 corporation organized under Section 437 et seq. of Title 18 of the 11 Oklahoma Statutes as a rural electric cooperative. For purposes of 12 this paragraph, sales made to a contractor or subcontractor that has 13 previously entered into a contractual relationship with a rural 14 electric cooperative for construction or expansion of a facility 15 shall be considered sales made to a rural electric cooperative; 16 40. Sales of tangible personal property or services to a 17 business primarily engaged in the repair of consumer electronic 18 goods including, but not limited to, cell phones, compact disc 19 players, personal computers, MP3 players, digital devices for the 20 storage and retrieval of information through hard-wired or wireless 21 computer or Internet connections, if the devices are sold to the 22 business by the original manufacturer of such devices and the 23 devices are repaired, refitted or refurbished for sale by the entity 24 qualifying for the exemption authorized by this paragraph directly

ENGR. H. B. NO. 2988

1 to retail consumers or if the devices are sold to another business 2 entity for sale to retail consumers;

On or after July 1, 2019, and prior to July 1, 2024, sales 3 41. 4 or leases of rolling stock when sold or leased by the manufacturer, 5 regardless of whether the purchaser is a public services corporation engaged in business as a common carrier of property or passengers by 6 7 railway, for use or consumption by a common carrier directly in the rendition of public service. For purposes of this paragraph, 8 9 "rolling stock" means locomotives, autocars, and railroad cars and 10 "sales or leases" includes railroad car maintenance and retrofitting 11 of railroad cars for their further use only on the railways; and

12 Sales of gold, silver, platinum, palladium or other bullion 42. 13 items such as coins and bars and legal tender of any nation, which 14 legal tender is sold according to its value as precious metal or as 15 an investment. As used in the paragraph, "bullion" means any 16 precious metal including, but not limited to, gold, silver, 17 platinum, and palladium, that is in such a state or condition that 18 its value depends upon its precious metal content and not its form. 19 The exemption authorized by this paragraph shall not apply to 20 fabricated metals that have been processed or manufactured for 21 artistic use or as jewelry.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

ENGR. H. B. NO. 2988

1	declared to exist, by reason whereof this act shall take effect and
2	be in full force from and after its passage and approval.
3	Passed the House of Representatives the 14th day of February, 2024.
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6	Presiding Officer of the House of Representatives
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8	Passed the Senate the day of, 2024.
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11	Presiding Officer of the Senate
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