An Act

ENROLLED HOUSE
BILL NO. 1489

By: Brumbaugh of the House

and

Brown and Ivester of the Senate

An Act relating to public finance; amending Section 1, Chapter 327, O.S.L. 2007, as amended by Section 29 of Enrolled Senate Bill No. 553 of the 1st Session of the 53rd Oklahoma Legislature, which relates to public information; requiring certain road funding information be made available online; amending Section 3, Chapter 459, O.S.L. 2010 (68 O.S. Supp. 2010, Section 205.6), which relates to the disclosure of taxpayers who have claimed tax credits; eliminating provision providing tax year during which disclosure requirements become effective; and providing an effective date.

SUBJECT: Disclosure of information

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

SECTION 1. AMENDATORY Section 1, Chapter 327, O.S.L. 2007, as last amended by Section 29 of Enrolled Senate Bill No. 553 of the 1st Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 46. A. This act shall be known and may be cited as the "Taxpayer Transparency Act".

B. As used in the Taxpayer Transparency Act:

1. "Single website" means a website that allows the public to access information identified in subsection C of this section without any fee or charge to the public for such access;

2. "Expenditure of state funds" means the disbursement of all state funds regardless of amount of expenditure, whether appropriated or nonappropriated, excluding:

a. the transfer of funds between two state agencies,

b. payments of state or federal assistance to an individual,

c. child support payments, and

d. refunds issued by the Oklahoma Tax Commission resulting from the overpayment of tax;

3. "Incentive payments" means payments made under the Oklahoma Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive Act, Oklahoma Specialized Quality Investment Act and Oklahoma Quality Investment Act;

4. "Tax credit" means a credit pursuant to the Oklahoma Income Tax Act against tax liability which is taken by a taxpayer, excluding credits authorized under paragraphs 1 and 2 of subsection B of Section 2357 and Sections 2357.29 and 2357.43 of Title 68 of the Oklahoma Statutes; and

5. "Stimulus funds expenditure" means the disbursement by state agencies of federal funds received pursuant to the federal American Recovery and Reinvestment Act of 2009.

C. No later than January 1, 2008, the Office of State Finance shall develop and operate a single website accessible by the public. The website shall include aggregate information on state revenue, expenditures and incentive payments and information on state tax preferences as contained in the tax expenditure report published by the Oklahoma Tax Commission pursuant to subsection E of Section 205 of Title 68 of the Oklahoma Statutes. No later than January 1, 2009, the website shall include search capabilities.

D. Effective January 1, 2011, the Office of State Finance shall update the website with "Open Books 2.0," an expanded online database through which each individual expenditure shall be listed individually separate of aggregated amount. The information shall be searchable by term including name of recipient, entity making expenditure and date of expenditure. The website shall allow

members of the public to export sets of data produced by search query in a standardized exportable form. No later than eighteen (18) months after "Open Books 2.0" is online, the Office of State Finance shall create an online archive for each fiscal year, beginning with Fiscal Year 2011, which shall be accessible and searchable to online users.

E. As soon as practicable after January 1, 2008, such website shall also include, but not be limited to:

1. For the expenditure of state funds or incentive payments:

   a. the name and principal location of the entity and/or recipients of the funds, excluding release of information relating to an individual's place of residence, release of information prohibited by subsection D of Section 24A.7 of Title 51 of the Oklahoma Statutes or by federal law relating to privacy rights,

   b. the amount of state funds expended,

   c. the type of transaction,

   d. the funding or expending agency, and

   e. a descriptive purpose of the funding action or expenditure;

2. For stimulus fund expenditures:

   a. a link to the name and principal location of the entity and/or recipients of the funds regardless of amount,

   b. the amount of stimulus funds expended,

   c. the funding or expending agency, and

   d. a descriptive purpose of the funding action or expenditure; and

3. For each tax credit, information, including but not limited to:

a. the name of each taxpayer to which a credit has been granted,

b. the amount of such credit, and

c. the specific provision under which a credit has been granted.

F. The single website provided for in subsection C of this section shall include data on state revenue, expenditures and incentive payments for the fiscal year 2007 and each fiscal year thereafter, on state tax credits for tax year 2007 and each tax year thereafter, and on stimulus fund expenditures for the fiscal year 2009 and each fiscal year thereafter. Such data shall be available on the single website no later than one hundred twenty (120) days after the last day of the preceding fiscal year; provided, data on stimulus fund expenditures for the fiscal year 2009 shall be available on the single website within one hundred twenty (120) days after the effective date of this act.

G. No later than January 1, 2012, the single website provided for in subsection C of this section shall include a section specific to data on road funding in this state. This section of the website shall include but not be limited to historical as well as current revenue collections and apportionment data on the following:

1. Diesel fuel and gasoline excise tax collected pursuant to Sections 500.4 and 603 of Title 68 of the Oklahoma Statutes;

2. Gross production tax collected pursuant to Section 1001 of Title 68 of the Oklahoma Statutes;

3. Motor vehicle collections collected pursuant to Sections 6-101, 6-114, 14-116 and 1105 et seq. of Title 47 of the Oklahoma Statutes; and

4. Motor vehicle excise tax collected pursuant to Sections 2103, 2104.3 and 2110 of Title 68 of the Oklahoma Statutes.

H. The Oklahoma Tax Commission, the Office of the State Treasurer, all institutions of The Oklahoma State System of Higher Education and any other state agency shall provide to the Office of State Finance such information as is necessary to accomplish the purposes of the Taxpayer Transparency Act.

~~H.~~ I. So that the Tax Commission may fulfill its obligations as required by this section, all recipients of tax credits, as that term is defined herein, shall file their reports or returns claiming the tax credits in an electronic format, as may be required by the Tax Commission. The Tax Commission may disallow any claim of a person for a tax credit due to its failure to file a report or return as required under the authority of this subsection.

~~I.~~ J. Nothing in the Taxpayer Transparency Act shall require the disclosure of information which is required to be kept confidential by state or federal law.

~~J.~~ K. The disclosure of information required by this section shall create no liability whatsoever, civil or criminal, to the State of Oklahoma or any member of the Office of State Finance or any employee thereof for disclosure of the information or for any error or omission in the disclosure.

~~K.~~ L. The State Auditor and Inspector shall maintain a website providing public access to the documentation of stimulus funding pursuant to the requirements of this section. The website shall provide a list of all stimulus fund expenditures regardless of amount. The entire list of stimulus fund expenditures and each of the related content requirements as detailed in subsection D of this section shall be available for export in standardized formats including but not limited to eXtensible Markup Language (XML) and Comma Separated Value (CSV) formats. The list of expenditures shall include searchable functionality including but not limited to the ability to search the expenditures by the name of the entity receiving funding, name of entity processing funding and name of entity benefiting from funding.

~~L.~~ M. Information about tax credits subject to disclosure pursuant to this section shall include the identity of all taxpayers or organizations having any part in the chain of custody or claim to the credit or credits at any time during the credit's existence.

SECTION 2. AMENDATORY Section 3, Chapter 459, O.S.L. 2010 (68 O.S. Supp. 2010, Section 205.6), is amended to read as follows:

Section 205.6 A. The Oklahoma Tax Commission shall prepare and maintain a list of all taxpayers who have claimed any tax credit authorized by any provisions of state law and related to a tax administered by the Tax Commission. The Office of State Finance

shall cause the list to be posted on the Internet through the Taxpayer Transparency Act website in a format which is searchable and can be exported in raw data form.

The Office of State Finance shall include the name of each taxpayer who claimed a credit, the amount of such credit and the specific statutory provision under which the credit was claimed. The Internet list shall be updated not less than monthly. The list shall include the identity of all taxpayers or organizations having any part in the chain of custody or claim to the credit or credits at any time during the credit's existence from the initial time the credit is earned, through the time that the credit is claimed on a tax return.

B. For the purposes of this section "tax credit" means a credit against tax liability that is a credit administered by the Tax Commission, excluding credits authorized under paragraphs 1 and 2 of subsection B of Section 2357, Section 2357.4 and Sections 2357.29 and 2357.43 of ~~Title 68 of the Oklahoma Statutes~~ this title.

C. In addition to the disclosure required by subsection A of this section, for any tax credit that may be claimed by any person or any lawfully recognized business entity pursuant to the provisions of Sections 2357.62, 2357.63, 2357.73, and 2357.74 of ~~Title 68 of the Oklahoma Statutes~~ this title, the Oklahoma Tax Commission shall maintain a list of any person and any such entity that may be able to claim any such credit as a result of the allocation of tax credits based upon the pass-through federal income tax treatment applicable to the entity that makes a qualified investment, as such term is defined by paragraph 6 of Section 2357.61 of ~~Title 68 of the Oklahoma Statutes~~ this title and paragraph 7 of Section 2357.72 of ~~Title 68 of the Oklahoma Statutes~~ this title, in either a qualified small business capital company or a qualified rural small business capital company. For purposes of this subsection, the Tax Commission shall determine the identity of such persons and legal entities as of the December 31 date of the calendar year during which the qualified investment is made.

~~D. The provisions of this section shall become effective starting with the 2011 tax year.~~

SECTION 3. This act shall become effective January 1, 2012.

Passed the House of Representatives the 11th day of May, 2011.

Jeffrey W. Hickman

Presiding Officer of the House of Representatives

Passed the Senate the 12th day of May, 2011.

Brian Bingman

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 13th

day of May, **20** 11,

at 11:47 **o'clock** AM.

By: Jessica R Rogers

Approved by the Governor of the State of Oklahoma the 19th **day of** May, **20** 11, **at** 10:02 **o'clock** AM.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 19th **day of** May, **20** 11,

at 10:52 **o'clock** A **M.**

By: V. Glenn Coffee