

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 HOUSE BILL 1954

                                  By: McCall and **O'Donnell**

7                                   AS INTRODUCED

8                   An Act relating to revenue and taxation; amending 68  
9                   O.S. 2021, Section 2355, as amended by Section 45,  
10                  Chapter 28 O.S.L. 2022 (68 O.S. Supp. 2022, Section  
11                  2355), which relates to income tax rates; modifying  
12                  individual income tax rates; and providing an  
13                  effective date.

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

15           SECTION 1.           AMENDATORY           68 O.S. 2021, Section 2355, as  
16           amended by Section 45, Chapter 228, O.S.L. 2022 (68 O.S. Supp. 2022,  
17           Section 2355), is amended to read as follows:

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

23           1. METHOD 1.

1 a. Single individuals and married individuals filing  
2 separately not deducting federal income tax:

3 (1) 1/2% tax on first \$1,000.00 or part thereof,

4 (2) 1% tax on next \$1,500.00 or part thereof,

5 (3) 2% tax on next \$1,250.00 or part thereof,

6 (4) 3% tax on next \$1,150.00 or part thereof,

7 (5) 4% tax on next \$1,300.00 or part thereof,

8 (6) 5% tax on next \$1,500.00 or part thereof,

9 (7) 6% tax on next \$2,300.00 or part thereof, and

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

11 31, 1998, and before January 1, 2002, 6.75%

12 tax on the remainder,

13 (b) for taxable years beginning on or after

14 January 1, 2002, and before January 1, 2004,

15 7% tax on the remainder, and

16 (c) for taxable years beginning on or after

17 January 1, 2004, 6.65% tax on the remainder.

18 b. Married individuals filing jointly and surviving

19 spouse to the extent and in the manner that a

20 surviving spouse is permitted to file a joint return

21 under the provisions of the Internal Revenue Code and

22 heads of households as defined in the Internal Revenue

23 Code not deducting federal income tax:

24 (1) 1/2% tax on first \$2,000.00 or part thereof,

- 1 (2) 1% tax on next \$3,000.00 or part thereof,
- 2 (3) 2% tax on next \$2,500.00 or part thereof,
- 3 (4) 3% tax on next \$2,300.00 or part thereof,
- 4 (5) 4% tax on next \$2,400.00 or part thereof,
- 5 (6) 5% tax on next \$2,800.00 or part thereof,
- 6 (7) 6% tax on next \$6,000.00 or part thereof, and
- 7 (8) (a) for taxable years beginning after December
- 8 31, 1998, and before January 1, 2002, 6.75%
- 9 tax on the remainder,
- 10 (b) for taxable years beginning on or after
- 11 January 1, 2002, and before January 1, 2004,
- 12 7% tax on the remainder, and
- 13 (c) for taxable years beginning on or after
- 14 January 1, 2004, 6.65% tax on the remainder.

15 2. METHOD 2.

16 a. Single individuals and married individuals filing  
17 separately deducting federal income tax:

- 18 (1) 1/2% tax on first \$1,000.00 or part thereof,
- 19 (2) 1% tax on next \$1,500.00 or part thereof,
- 20 (3) 2% tax on next \$1,250.00 or part thereof,
- 21 (4) 3% tax on next \$1,150.00 or part thereof,
- 22 (5) 4% tax on next \$1,200.00 or part thereof,
- 23 (6) 5% tax on next \$1,400.00 or part thereof,
- 24 (7) 6% tax on next \$1,500.00 or part thereof,

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

5 b. Married individuals filing jointly and surviving  
6 spouse to the extent and in the manner that a  
7 surviving spouse is permitted to file a joint return  
8 under the provisions of the Internal Revenue Code and  
9 heads of households as defined in the Internal Revenue  
10 Code deducting federal income tax:

- 11 (1) 1/2% tax on the first \$2,000.00 or part thereof,
- 12 (2) 1% tax on the next \$3,000.00 or part thereof,
- 13 (3) 2% tax on the next \$2,500.00 or part thereof,
- 14 (4) 3% tax on the next \$1,400.00 or part thereof,
- 15 (5) 4% tax on the next \$1,500.00 or part thereof,
- 16 (6) 5% tax on the next \$1,600.00 or part thereof,
- 17 (7) 6% tax on the next \$1,250.00 or part thereof,
- 18 (8) 7% tax on the next \$1,750.00 or part thereof,
- 19 (9) 8% tax on the next \$3,000.00 or part thereof,
- 20 (10) 9% tax on the next \$6,000.00 or part thereof, and
- 21 (11) 10% tax on the remainder.

22 B. Individuals. For all taxable years beginning on or after  
23 January 1, 2008, and ending any tax year which begins after December  
24 31, 2015, for which the determination required pursuant to Sections

1 4 and 5 of this act is made by the State Board of Equalization, a  
2 tax is hereby imposed upon the Oklahoma taxable income of every  
3 resident or nonresident individual, which tax shall be computed as  
4 follows:

5 1. Single individuals and married individuals filing  
6 separately:

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

8 (b) 1% tax on next \$1,500.00 or part thereof,

9 (c) 2% tax on next \$1,250.00 or part thereof,

10 (d) 3% tax on next \$1,150.00 or part thereof,

11 (e) 4% tax on next \$2,300.00 or part thereof,

12 (f) 5% tax on next \$1,500.00 or part thereof,

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

16 (h) 5.25% tax on the remainder for the 2009 and subsequent  
17 tax years. The decrease in the top marginal  
18 individual income tax rate otherwise authorized by  
19 this subparagraph shall be contingent upon the  
20 determination required to be made by the State Board  
21 of Equalization pursuant to Section 2355.1A of this  
22 title.

23 2. Married individuals filing jointly and surviving spouse to  
24 the extent and in the manner that a surviving spouse is permitted to

1 file a joint return under the provisions of the Internal Revenue  
2 Code and heads of households as defined in the Internal Revenue  
3 Code:

- 4 (a) 1/2% tax on first \$2,000.00 or part thereof,
- 5 (b) 1% tax on next \$3,000.00 or part thereof,
- 6 (c) 2% tax on next \$2,500.00 or part thereof,
- 7 (d) 3% tax on next \$2,300.00 or part thereof,
- 8 (e) 4% tax on next \$2,400.00 or part thereof,
- 9 (f) 5% tax on next \$2,800.00 or part thereof,
- 10 (g) 5.50% tax on the remainder for the 2008 tax year and  
11 any subsequent tax year unless the rate prescribed by  
12 subparagraph (h) of this paragraph is in effect, and
- 13 (h) 5.25% tax on the remainder for the 2009 and subsequent  
14 tax years. The decrease in the top marginal  
15 individual income tax rate otherwise authorized by  
16 this subparagraph shall be contingent upon the  
17 determination required to be made by the State Board  
18 of Equalization pursuant to Section 2355.1A of this  
19 title.

20 C. Individuals. For all taxable years beginning on or after  
21 January 1, ~~2022~~ 2024, a tax is hereby imposed upon the Oklahoma  
22 taxable income of every resident or nonresident individual, which  
23 tax shall be computed as follows:

24

1 1. Single individuals and married individuals filing  
2 separately:

- 3 (a) ~~0.25%~~ 0.00% tax on first \$1,000.00 or part thereof,
- 4 (b) ~~0.75%~~ 0.25% tax on next \$1,500.00 or part thereof,
- 5 (c) ~~1.75%~~ 1.25% tax on next \$1,250.00 or part thereof,
- 6 (d) ~~2.75%~~ 2.25% tax on next \$1,150.00 or part thereof,
- 7 (e) ~~3.75%~~ 3.25% tax on next \$2,300.00 or part thereof,
- 8 (f) ~~4.75%~~ 4.25% tax on the remainder.

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

- 14 (a) ~~0.25%~~ 0.00% tax on first \$2,000.00 or part thereof,
- 15 (b) ~~0.75%~~ 0.25% tax on next \$3,000.00 or part thereof,
- 16 (c) ~~1.75%~~ 1.25% tax on next \$2,500.00 or part thereof,
- 17 (d) ~~2.75%~~ 2.25% tax on next \$2,300.00 or part thereof,
- 18 (e) ~~3.75%~~ 3.25% tax on next \$2,400.00 or part thereof,
- 19 (f) ~~4.75%~~ 4.25% tax on the remainder.

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

22 D. Nonresident aliens. In lieu of the rates set forth in  
23 ~~subsection A above~~ this section, there shall be imposed on  
24 nonresident aliens, as defined in the Internal Revenue Code, a tax

1 of eight percent (8%) instead of thirty percent (30%) as used in the  
2 Internal Revenue Code, with respect to the Oklahoma taxable income  
3 of such nonresident aliens as determined under the provision of the  
4 Oklahoma Income Tax Act.

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

24



1 E. Corporations. For all taxable years beginning after  
2 December 31, 2021, a tax is hereby imposed upon the Oklahoma taxable  
3 income of every corporation doing business within this state or  
4 deriving income from sources within this state in an amount equal to  
5 four percent (4%) thereof.

6 There shall be no additional Oklahoma income tax imposed on  
7 accumulated taxable income or on undistributed personal holding  
8 company income as those terms are defined in the Internal Revenue  
9 Code.

10 F. Certain foreign corporations. In lieu of the tax imposed in  
11 the first paragraph of subsection D of this section, for all taxable  
12 years beginning after December 31, 2021, there shall be imposed on  
13 foreign corporations, as defined in the Internal Revenue Code, a tax  
14 of four percent (4%) instead of thirty percent (30%) as used in the  
15 Internal Revenue Code, where such income is received from sources  
16 within Oklahoma, in accordance with the provisions of the Internal  
17 Revenue Code and the Oklahoma Income Tax Act.

18 Every payer of amounts covered by this subsection shall deduct  
19 and withhold from such amounts paid each payee an amount equal to  
20 four percent (4%) thereof. Every payer required to deduct and  
21 withhold taxes under this subsection shall for each quarterly period  
22 on or before the last day of the month following the close of each  
23 such quarterly period, pay over the amount so withheld as taxes to  
24 the Tax Commission, and shall file a return with each such payment.

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

13 G. Fiduciaries. A tax is hereby imposed upon the Oklahoma  
14 taxable income of every trust and estate at the same rates as are  
15 provided in subsection B ~~or~~, C, or D of this section for single  
16 individuals. Fiduciaries are not allowed a deduction for any  
17 federal income tax paid.

18 H. Tax rate tables. For all taxable years beginning after  
19 December 31, 1991, in lieu of the tax imposed by subsection A, B ~~or~~,  
20 C or D of this section, as applicable there is hereby imposed for  
21 each taxable year on the taxable income of every individual, whose  
22 taxable income for such taxable year does not exceed the ceiling  
23 amount, a tax determined under tables, applicable to such taxable  
24 year which shall be prescribed by the Tax Commission and which shall

1 be in such form as it determines appropriate. In the table so  
2 prescribed, the amounts of the tax shall be computed on the basis of  
3 the rates prescribed by subsection A, B ~~or~~, C or D of this section.  
4 For purposes of this subsection, the term "ceiling amount" means,  
5 with respect to any taxpayer, the amount determined by the Tax  
6 Commission for the tax rate category in which such taxpayer falls.

7 SECTION 2. This act shall become effective January 1, 2024.

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9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
10 03/02/2023 - DO PASS, As Coauthored.

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