

**OKLAHOMA
TAX
COMMISSION**

**FINANCIAL STATEMENTS
AND INDEPENDENT
AUDITOR'S REPORTS**

**FOR THE FISCAL YEAR
ENDED JUNE 30, 2010**



**FINANCIAL
AUDIT**



Oklahoma State Auditor
& Inspector

**OKLAHOMA TAX COMMISSION
FINANCIAL STATEMENTS AND
INDEPENDENT AUDITOR'S REPORTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

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STATE AUDITOR AND INSPECTOR

STEVE BURRAGE, CPA
State Auditor

MICHELLE R. DAY, ESQ.
Chief Deputy



2300 N. Lincoln Boulevard State Capitol, Room 100 Oklahoma City, OK 73105-4801 Phone (405) 521-3495 Fax (405) 521-3426 www.sai.ok.gov

December 27, 2010

**TO THE HONORABLE BRAD HENRY
GOVERNOR OF THE STATE OF OKLAHOMA**

Transmitted is our report on the financial statements of the Oklahoma Tax Commission for the fiscal year ended June 30, 2010. The audit was conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller General of the United States.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during the course of the audit.

The Office of the State Auditor and Inspector is committed to serving the public interest by providing independent oversight and issuing reports that serve as a management tool to the State to ensure a government which is accountable to the people of the State of Oklahoma.

Sincerely,

A handwritten signature in blue ink that reads "Steve Burrage". The signature is stylized and cursive.

STEVE BURRAGE, CPA
STATE AUDITOR & INSPECTOR

**OKLAHOMA TAX COMMISSION
FINANCIAL STATEMENTS AND
INDEPENDENT AUDITOR'S REPORTS
FOR THE YEAR ENDED JUNE 30, 2010**

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Management's Discussion and Analysis

As management of the Oklahoma Tax Commission, we offer readers of the Agency's financial statements this overview and analysis of the financial activities for the fiscal year ended June 30, 2010.

FINANCIAL HIGHLIGHTS

- Total net assets of the Agency increased 81.78% to (\$3.24) million during the fiscal year ending June 30, 2010. The primary reason for the increase was an accumulation of funds in the Computer Enhancement Fund during the fiscal year and a decline in payments to counties from the Ad Valorem Reimbursement Fund.
- The Agency revenues for the fiscal year decreased 7.30% or \$6.60 million under the prior year while expenses decreased \$18.60 million or 12.63%. The decreases in revenue resulted primarily from the decline in tax collections from the ongoing economic recession. Appropriations were also reduced during the fiscal year by 14.75%.
- The assets of fiduciary funds, which represent taxes held in trust for distribution to state and local governments and others, totaled \$925.63 million at June 30, 2010.

OVERVIEW OF THE FINANCIAL STATEMENTS

This annual report consists of three parts – management's discussion and analysis (this section), the basic financial statements, and required supplementary information. The basic financial statements include two kinds of statements that present different views of the Agency.

The first two statements are government-wide financial statements that provide both long-term and short-term information about the Agency's overall financial status.

The remaining statements are fund financial statements that focus on individual parts of the Agency, reporting the Agency's operations in more detail than the government-wide statements.

- The governmental statements tell how the general government services were financed in the short term as well as what remains for future spending.
- Fiduciary fund statements provide information about the financial relationships in which the agency acts solely as trustee or agent for the benefit of others, to whom the resources in question belong.

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information that further explains and supports the information in the financial statements.

Government-wide Statements

The government-wide statements report information about the Agency as a whole using accounting methods similar to those used by private-sector companies. The statement of net assets includes all of the Agency's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the Agency's net assets and how they have changed. Net assets -- the difference between the Agency's assets and liabilities -- is one way to measure the Agency's financial health, or position.

- Over time, increases or decreases in the Agency's net assets are an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the Agency you need to consider additional non-financial factors such as changes in administrative requirements added by legislation and changes in state and local tax rates and the overall tax base.

The government-wide financial statements of the Agency consist of only one category:

- Governmental activities -- All of the basic activities are included here, such as the general administration, taxpayer services, tax return processing, audit and compliance.

Fund Financial Statements

The fund financial statements provide more detailed information about the Agency's most significant funds -- not the Agency as a whole. Funds are accounting devices that the Agency uses to keep track of specific sources of funding and spending for particular purposes.

All funds are required by State law. The Agency has two kinds of funds:

- Governmental funds -- Most of the Agency's basic services are included in governmental funds, which focus on (1) how cash and other financial assets that can readily be converted to cash flow in and out and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view that helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the Agency's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information at the bottom of the governmental funds statement that explains the relationship (or differences) between them.
- Fiduciary funds -- The Agency is the trustee, or fiduciary, for taxes levied by local governments and the majority of all state taxes levied for funding the essential services and infrastructure of the State Government of Oklahoma. The Agency is responsible for ensuring that the assets reported in these funds are apportioned or distributed as provided by law. All of the Agency's fiduciary activities are reported in a separate statement of fiduciary net assets. We exclude these activities from the Agency's government-wide financial statements because the Agency cannot use these assets to finance its operations.

FINANCIAL ANALYSIS OF THE AGENCY AS A WHOLE

Net assets

The Agency's combined net assets increased between fiscal years 2009 and 2010 to (\$3.24) million. Table A-1 illustrates the changes between the two years in more detail.

TABLE A-1
Oklahoma Tax Commission's Net Assets
(in millions of dollars)

	<u>Governmental Activities</u>		<u>Percentage Change</u>
	<u>2009</u>	<u>2010</u>	<u>2009- 2010</u>
Current and other assets	\$9.99	\$20.42	104.40%
Capital assets	<u>4.56</u>	<u>4.07</u>	(10.75)%
Total assets	14.55	24.49	68.32%
Long-term liabilities	3.37	3.17	(5.93)%
Other liabilities	<u>28.96</u>	<u>24.57</u>	(15.16)%
Total liabilities	32.33	27.74	(14.20)%
Net assets			
Invested in capital assets	4.56	4.07	(10.75)%
Unrestricted	<u>(22.34)</u>	<u>(7.31)</u>	67.28 %
Total net assets	<u>(\$17.78)</u>	<u>(\$3.24)</u>	81.78%

Net assets of the Agency's governmental activities increased 81.78% to (\$3.24) million. Unrestricted net assets showed a \$15.03 million increase during the year due to accumulated balances in the agency's Computer Enhancement Fund and decreases in constitutionally required reimbursements to counties from the Ad Valorem Reimbursement Fund as specified in 62 O.S. 2001, § 193.

Statement of Activities

The Agency's revenues for the fiscal year ending June 30, 2010 decreased 7.30% or \$6.60 million under the prior year while expenses decreased \$18.60 million or 12.63%. The decrease in revenues is primarily attributable to the overall downturn in tax collections due to the economic recession. See Table A-2 below.

TABLE A-2
Comparison of Revenues and Expenses
(in millions of dollars)

	<u>Governmental Activities</u>		<u>Percentage Change</u>
	<u>2009</u>	<u>2010</u>	<u>2009 - 2010</u>
Program Revenues:			
Charges for Services	\$56.64	\$53.29	(5.91)%
Grants	.05	.05	0%
General Revenues:			
Taxes	28.64	25.01	(12.67)%
Fees	5.10	5.14	.78%
Other	<u>.01</u>	<u>.35</u>	3400%
Total Revenues	\$90.44	\$83.84	(7.30)%
State Appropriations	50.24	42.83	(14.75)%
Transfers In	(.09)	16.04	17922.22%
Expenses:			
General Government	(146.56)	(127.84)	(12.77)%
Depreciation	<u>(.74)</u>	<u>(.86)</u>	16.22%
Total Expenses	<u>(\$147.30)</u>	<u>(\$128.70)</u>	(12.63)%
Change in Net Assets	(6.71)	14.02	308.94%
Net Assets - beginning	(11.07)	(17.78)	(60.61)%
Prior Year Adjustment	<u>0.00</u>	<u>.52</u>	100%
Net Assets – Ending	<u>(\$17.78)</u>	<u>(\$3.24)</u>	81.78%

Fiduciary Fund Statements

The Agency, acting on statutory authority and contractual agreements, collects taxes, licenses and fees, which are distributed to state and local governments and private entities. At June 30, 2010 the Agency maintained as a fiduciary \$ 925.63 million in total assets for others. Of that amount \$13.99 million was due to taxpayers for refunds and the balance is due to state entities, local government subdivisions and private entities.

FINANCIAL ANALYSIS OF THE AGENCY'S INDIVIDUAL FUNDS

The Agency uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

General Fund

The general fund is the primary operating fund of the Agency. The fund's total assets increased 180.92% between fiscal years 2009 and 2010 to \$16.80 million, primarily due to an accumulation of funds in the Computer Enhancement Fund. The fund's total liabilities increased 43.58% between fiscal years 2009 and 2010 to \$2.33 million, while expenditures decreased \$16.69 million or 16.24%. This resulted in an overall increase in fund balance of \$10.11 million or 231.92 %.

License Plate Program Fund

The License Plate Program Fund's purpose is to distribute proceeds from the sale of special license plates to designated agencies for the benefit of the organization being sponsored. The fund's assets grew 73.58% from fiscal year 2009 to 2010 while expenditures decreased 30.13% during the same period.

Waste Tire Indemnity Fund

The Waste Tire Indemnity Fund's purpose is to receive the proceeds from statutory fees assessed on tires sold in the state and to reimburse facilities for the disposal of waste tires from designated sites, provide payments for end users of tire products and provide funds for soil erosion control. The fund's total assets increased 7.85% between fiscal years 2009 and 2010 to \$45,819, while there was a \$52,718 or 1.03% increase in revenue. The fund's total liabilities decreased 2.44% between fiscal years 2009 and 2010, while expenditures increased slightly. This resulted in an overall decrease in fund balance of \$14,994.

Film Rebate Fund

The Film Rebate Fund's purpose is to reimburse film companies for producing films or commercials in the State of Oklahoma. The Oklahoma Film Office approves all claims from the fund and submits them for payment to the Agency. The maximum payments from the Fund each fiscal year is \$5 million. For fiscal year 2010 payments were made to companies totaling \$481,300.

Ad Valorem Reimbursement Fund

The fund's purpose is to reimburse counties and schools for lost ad valorem tax revenue from tax exemptions to qualified manufacturing facilities and double homestead exemptions granted to qualifying homeowners. The fund's total assets decreased 9.86% between fiscal years 2009 and 2010 to \$3.58 million, while there was a \$3.78 million or 13.21% decrease in revenue. The fund's total assets decreased during the year due to constitutionally required reimbursements to counties from the Ad Valorem Reimbursement Fund as specified in 62 O.S. 2001, § 193. Obligations for these reimbursements exceeded available funding at year-end.

BUDGET INFORMATION

Budget versus Actual Variances

Budgeted charges to appropriations for the fiscal year exceeded actual totals by \$10,928,101 while actual resources available were lower than budgeted resources by \$12,703,057 resulting in a negative overall variance of \$1,774,956. The primary reason for the overall negative variance was because available funds were less than actual reimbursements to counties and schools from the Ad Valorem Reimbursement Fund. A variance of \$16.83 million occurred between the original and final budget of the Ad Valorem Reimbursement Fund. The increase resulted from additional funds added from deposits to the fund subsequent to year-end.

Next Year's Budget

The Agency budget for Fiscal Year 2011 was developed with available appropriations and estimated income from tax collections and fees associated with operating activities. The original budget totaled \$129.88 million, down \$8.91 million from the final budget of \$138.79 million for Fiscal Year 2010. The decrease in budget between Fiscal Years 2010 and 2011 consists primarily of a reduction in the amount available for reimbursements from the Ad Valorem Reimbursement Fund.

Of the \$129.88 million total budget, \$99.37 is designated as General Fund, representing expenditures necessary for the performance of the Agency's statutory functions, and auditing, collection and legal activities. The remaining \$30.51 million includes \$19.11 million for the Ad Valorem Reimbursement Fund, \$5.40 million for the Waste Tire Indemnity Fund and \$6.00 million for the Oklahoma Film Enhancement Rebate Reimbursement Fund.

CONTACTING THE AGENCY'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, customers, and the executive and legislative branches with a general overview of the Agency's finances and to demonstrate the Agency's accountability for the money it receives. If you have questions about this report or need additional information, contact the Oklahoma Tax Commission Comptroller's Office at 2501 North Lincoln, Oklahoma City, OK 73194.

STATE AUDITOR AND INSPECTOR

STEVE BURRAGE, CPA
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2300 N. Lincoln Boulevard State Capitol, Room 100 Oklahoma City, OK 73105-4801 Phone (405) 521-3495 Fax (405) 521-3426 www.sai.ok.gov

INDEPENDENT AUDITOR'S REPORT

TO THE COMMISSIONERS OF THE OKLAHOMA TAX COMMISSION

We have audited the accompanying financial statements of the governmental activities, each major fund, and the remaining fund information of the Oklahoma Tax Commission (OTC), as of and for the year ended June 30, 2010, which collectively comprise the Commission's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the OTC's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

As discussed in Note 1, the financial statements of the OTC are intended to present the financial position and the changes in financial position of only that portion of the governmental activities, each major fund, and the remaining fund information of the State of Oklahoma that is attributable to the transactions of the OTC. They do not purport to, and do not, present fairly the financial position of the State of Oklahoma as of June 30, 2010, the changes in its financial position, or where applicable, its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the remaining fund information of the OTC, as of June 30, 2010, and the respective changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 21, 2010, on our consideration of the OTC's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Management's discussion and analysis and budgetary comparison information as listed in the table of contents are not a required part of the basic financial statements, but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.



STEVE BURRAGE, CPA
STATE AUDITOR & INSPECTOR

December 21, 2010

**OKLAHOMA TAX COMMISSION
GOVERNMENT-WIDE
STATEMENT OF NET ASSETS
JUNE 30, 2010**

	<u>Governmental Activities</u>
ASSETS	
Current Assets:	
Cash	\$12,130,332
Investments	39,529
Accounts receivable	3,253
Taxes & fees receivable	8,181,044
Inventory	70,833
Total Current Assets	<u>20,424,991</u>
Noncurrent Assets:	
Capital assets (Net of accumulated depreciation)	<u>4,068,703</u>
Total Noncurrent Assets	<u>4,068,703</u>
TOTAL ASSETS	<u><u>\$24,493,694</u></u>
 LIABILITIES	
Current Liabilities:	
Accounts Payable	\$24,262,900
Accrued Payroll	81,642
Compensated Absences	223,720
Total Current Liabilities	<u>24,568,262</u>
Noncurrent Liabilities:	
Compensated Absences	<u>3,171,016</u>
Total Noncurrent Liabilities	<u>3,171,016</u>
TOTAL LIABILITIES	<u><u>\$27,739,278</u></u>
 NET ASSETS	
Invested in Capital Assets	\$4,068,703
Unrestricted (deficit)	<u>(7,314,287)</u>
TOTAL NET ASSETS	<u><u>(\$ 3,245,584)</u></u>

The notes to the financial statements are an integral part of this statement.

**OKLAHOMA TAX COMMISSION
GOVERNMENT-WIDE
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Assets
		Charges For Services	Operating Grants and Contributions	
Governmental Activities				
General Government	\$127,839,553	\$53,294,817	\$51,500	(\$74,493,236)
Depreciation Expense	859,388			(859,388)
Total Governmental Activities	\$128,698,941	\$53,294,817	\$51,500	(\$75,352,624)
General Revenues:				
Taxes:				
Personal and Corporate Income				25,001,202
License Plate				8,060
Fees:				
Waste Tire				5,144,737
Other				347,932
State Appropriations				42,830,940
Transfers In				16,059,367
Transfers Out				(19,680)
Total Revenues				\$89,372,558
Change in Net Assets				14,019,934
Net Assets - beginning				(17,780,619)
Prior Year Adjustment				515,101
Net Assets - ending				(\$3,245,584)

The notes to the financial statements are an integral part of this statement.

**OKLAHOMA TAX COMMISSION
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2010**

ASSETS	General Fund	License Plate Program Fund	Waste Tire Indemnity Fund	Film Rebate Fund	Ad Valorem Reimbursement Fund	Total Governmental Funds
Cash	\$12,128,691	\$1,640			\$1	\$12,130,332
Investments			\$39,529			39,529
Accounts receivable					3,253	3,253
Taxes and fees receivable	4,600,685	200	6,290		3,573,869	8,181,044
Inventory	70,833					70,833
TOTAL ASSETS	\$16,800,209	\$1,840	\$45,819	\$0	\$3,577,123	\$20,424,991
LIABILITIES						
Accounts Payable	\$2,222,284		\$465,262		\$21,575,354	\$24,262,900
Accrued Payroll	81,642					81,642
Compensated Absences	21,620					21,620
TOTAL LIABILITIES	2,325,546	0	465,262	0	21,575,354	24,366,162
FUND BALANCES						
Reserved for Encumbrances	173,294					173,294
Reserved for Inventory	70,833					70,833
Unreserved	14,230,536	1,840	(419,443)		(17,998,231)	(4,185,298)
TOTAL FUND BALANCES	14,474,663	1,840	(419,443)	0	(17,998,231)	(3,941,171)
TOTAL LIABILITIES AND FUND BALANCES	\$16,800,209	\$1,840	\$45,819	\$0	\$3,577,123	\$20,424,991

**Reconciliation of the Governmental Funds Balance Sheet to the
Statement of Net Assets
June 30, 2010**

Total Fund Balances - Governmental Funds	(\$3,941,171)
Amounts reported for governmental activities in the statement of net assets are different because:	
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds: These consist of :	
Furniture and Equipment	12,078,191
Accumulated Depreciation	(8,009,488)
Some liabilities are not due and payable in the current period and therefore are not reported in the funds. Those liabilities consist of:	
Compensated Absences	(3,373,116)
Net Assets of Governmental Activities	(\$ 3,245,584)

The notes to the financial statements are an integral part of this statement.

OKLAHOMA TAX COMMISSION
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED JUNE 30, 2010

	General	License Plate Program Fund	Waste Tire Indemnity Fund	Film Rebate Fund	Ad Valorem Reimbursement Fund	Total Governmental Funds
Revenues						
Taxes	\$27,045,211	\$8,060		\$481,300	\$24,519,902	\$52,054,473
Licenses Permits and Fees	26,186,888		\$5,144,737			31,331,625
Federal Revenue	51,500					51,500
Other	62,718		2,430		345,502	410,650
Total Revenues	<u>53,346,317</u>	<u>8,060</u>	<u>5,147,167</u>	<u>481,300</u>	<u>24,865,404</u>	<u>83,848,248</u>
Expenditures						
Current:						
Salaries and Benefits	51,551,251					51,551,251
Professional Services	15,801,000					15,801,000
Inter-Agency Personal Services	27,830					27,830
Travel	291,784					291,784
Miscellaneous Administrative	5,129,006	7,280				5,136,286
Rent of Buildings and Equipment	3,300,288					3,300,288
Maintenance	2,939,564					2,939,564
Supplies	6,074,997					6,074,997
Waste Tire Payments			5,132,173			5,132,173
Film Rebate Payments				481,300		481,300
Building Renovation	169,777					169,777
Payments to Local Governments					36,137,567	36,137,567
Other Expenditures	228,332					228,332
Capital Outlay:						
Equipment	589,286					589,286
Total Expenditures	<u>86,103,115</u>	<u>7,280</u>	<u>5,132,173</u>	<u>481,300</u>	<u>36,137,567</u>	<u>127,861,435</u>
Revenues Over (Under) Expenditures	<u>(32,756,798)</u>	<u>780</u>	<u>14,994</u>	<u>0</u>	<u>(11,272,163)</u>	<u>(44,013,187)</u>
Other Financing Sources (Uses)						
State Appropriations	42,830,940					42,830,940
Transfers In	59,367				16,000,000	16,059,367
Transfers Out	(19,680)					(19,680)
Total Other Financing Sources (Uses)	<u>42,870,627</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>16,000,000</u>	<u>58,870,627</u>
Net Change in Fund Balances	10,113,829	780	14,994	0	4,727,837	14,857,440
Fund Balance - Beginning of Year	4,360,834	1,060	(434,437)	0	(22,726,068)	(18,798,611)
Fund Balance - End of Year	<u>\$14,474,663</u>	<u>\$1,840</u>	<u>(\$419,443)</u>	<u>\$0</u>	<u>(\$17,998,231)</u>	<u>(\$3,941,171)</u>

Reconciliation of the change in fund balances of governmental funds to the Statement of Activities
June 30, 2010

Net change in fund balances - total governmental funds	\$14,857,440
Amounts reported for governmental activities in the statement of activities are different because:	
Capital outlays are reported as expenditures in the governmental funds. However, in the statement of Activities, the cost of capital assets is allocated over their estimated useful lives as depreciation expense.	(1,012,766)
Some items reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in the governmental funds. These consist of compensated absences.	175,260
Change in net assets of governmental activities	<u>\$14,019,934</u>
The notes to the financial statements are an integral part of this statement.	

**OKLAHOMA TAX COMMISSION
STATEMENT OF FIDUCIARY NET ASSETS
AGENCY FUND
JUNE 30, 2010**

ASSETS	
Cash	\$408,215,700
Investments	319,455,632
Accounts receivable	974,266
Taxes receivable	<u>196,985,682</u>
TOTAL ASSETS	<u>\$925,631,280</u>
LIABILITIES	
Tax Refunds Payable	\$13,997,212
Due to State General Funds	659,984,587
Due to Enterprise Funds	3,766,381
Due to Pension Trust Funds	33,208,195
Due to Other Accounts	7,164,637
Due to Local Governments	206,807,404
Due to Others	21,709
Amount to be Apportioned	<u>681,155</u>
TOTAL LIABILITIES	<u>\$925,631,280</u>

The notes to the financial statements are an integral part of this statement.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
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**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

1. Summary of Significant Accounting Policies

The Oklahoma Tax Commission complies with generally accepted accounting principles (GAAP). Generally accepted accounting principles include all relevant Governmental Accounting Standards Board (GASB) pronouncements. The accounting and reporting framework and the more significant accounting policies are discussed in subsequent sections of this Note.

A. Reporting Entity

The Oklahoma Tax Commission, as established under 68 O.S. § 102 et seq., is a part of the primary government of the State of Oklahoma. The Oklahoma Tax Commission is composed of three members appointed by the Governor with the advice and consent of the State Senate, for six year terms. No more than two members of the Tax Commission shall be, or shall have been in the previous six months, members of the same political party.

The Oklahoma Tax Commission shall appoint an administrator who serves at the pleasure of the Commission and who shall be the administrative officer of the Commission and manage the activities of the employees.

The Commission is a full-time working body which is responsible for the administration and enforcement of state tax laws, the collection of a majority of all state-levied taxes, fees, and licenses, and the subsequent apportionment and allocation of revenue designated for various state agencies and local units of government. In its quasi-judicial capacity, the Commission has the authority to subpoena witnesses and records, administer oaths, and render decisions appealable directly to the State Supreme Court.

The organizational make-up of the Oklahoma Tax Commission includes three separate departments. These departments include Taxpayer Services, Revenue Administration, and Support Services. The Taxpayer Services department includes Taxpayer Assistance, Communications, Central Processing, and Account Maintenance. The Revenue Administration department includes Tax Policy, Compliance, Motor Vehicle, and Ad Valorem. The Support Services department includes Human Resources, Information Technology, Legal, and Management Services.

COMMISSION MEMBERS

Thomas E. Kemp, Jr., Chairman
Term Expires January, 2013

Jerry Johnson, Vice Chairman
Term Expires January, 2015

Connie Irby, Secretary-Member
Term Expires January, 2011

ADMINISTRATOR

Tony Mastin, Administrator to the Commission

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

1. Summary of Significant Accounting Policies (cont...)

B. Basis of Presentation

Government-Wide Financial Statements:

The statement of net assets and statement of activities display information about the reporting government as a whole. They include all funds of the reporting entity except for fiduciary funds. The Agency is involved only in governmental activities. Governmental activities are generally financed through taxes, intergovernmental revenues and other non-exchange revenues.

Fund Financial Statements:

Fund financial statements of the reporting entity are organized into funds each of which is considered to be separate accounting entities. Each fund is accounted for by providing a separate set of self-balancing accounts which constitute its assets, liabilities, fund equity, revenues, and expenditure/expenses. Funds are organized into categories: governmental and fiduciary. An emphasis is placed on major funds within the governmental category. A fund is considered major if it is the primary operating fund of the Agency or meets the following criteria:

1. Total assets, liabilities, revenues, or expenditures/expenses of that individual governmental fund are at least 10 percent of the corresponding total for all funds of that category or type, and
2. Total assets, liabilities, revenues, or expenditures/expenses of the individual governmental fund are at least 5 percent of the corresponding total for all governmental funds combined.

The funds of the financial reporting entity are described below:

Governmental Funds

General Fund

The General Fund is the primary operating fund of the Agency and is always classified as a major fund. It is used to account for all activities except those legally or administratively required to be accounted for in other funds.

Special Revenue Funds

Special revenue funds are used to account for the proceeds of specific revenue sources that are legally or administratively restricted to expenditures for certain purposes.

Fiduciary Funds (Not included in government wide statements)

Agency Funds

Agency funds account for assets held by the Agency in a purely custodial capacity. The reporting entity includes one agency fund. Since agency funds are custodial in nature they do not involve the measurement of results of operations.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

1. Summary of Significant Accounting Policies (cont...)

The Oklahoma Tax Commission is the official depository and collector of taxes for the State of Oklahoma, as well as for county and municipal governments in Oklahoma. The Oklahoma Tax Commission is responsible for the apportionment of monies collected for the State of Oklahoma.

Major Funds

The types of major funds utilized by the Oklahoma Tax Commission are as follows:

General Fund See previous page for description.

The agency's four major special revenue funds include:

Waste Tire Indemnity Fund - The fund's purpose is to receive the proceeds from statutory fees assessed on tires sold in the state and to reimburse facilities for the disposal of waste tires from designated sites, provide payments for end users of tire products and provide funds for soil erosion control.

Ad Valorem Reimbursement Fund - The fund's purpose is to reimburse counties and schools for lost ad valorem tax revenue from tax exemptions to qualified manufacturing facilities and double homestead exemptions granted to qualifying homeowners. The fund's income is based on one percent of net individual and corporate income tax revenues.

License Plate Special Program Fund - The fund's purpose is to provide financial assistance to state agencies chosen by applicants for a special license plate program. Criteria in Title 47, Section 1135.7 must be met to qualify for issuance of the plates.

Film Rebate Fund - The Film Rebate Fund's purpose is to reimburse film companies for producing films or commercials in the State of Oklahoma. The Oklahoma Film Office approves all claims from the fund and submits them for payment to the Agency. The maximum payments from the Fund each fiscal year is \$5 million.

C. Measurement Focus and Basis of Accounting

Measurement focus is a term used to describe which transactions are recorded within the various financial statements. Basis of accounting refers to when transactions are recorded regardless of the measurement focus applied.

Measurement Focus

On the government-wide Statement of Net Assets and the Statement of Activities, governmental activities are presented using the economic resources measurement focus. The accounting objectives of this measurement focus are the determination of operating income, changes in net assets and financial position. All assets and liabilities (whether current or non-current) associated with their activities are reported. No fiduciary funds are included in the government-wide statement of net assets.

In the fund financial statements all governmental funds are accounted for using a current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet. Operating statements of these funds present increases (e.g., revenues and other financing sources) and decreases (e.g., expenditures and other financing uses) in net current assets.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

1. Summary of Significant Accounting Policies (cont...)

Basis of Accounting

In the government-wide Statement of Net Assets and Statement of Activities governmental activities are presented using the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. Revenues, expenses, assets and liabilities resulting from exchange transactions are recognized when the exchange takes place.

In the fund financial statements, all governmental funds are maintained and reported on the modified accrual basis of accounting while agency funds are presented using the accrual basis of accounting. Under the modified accrual basis of accounting, revenues and related current assets are recognized when measurable and available to finance operations during the year or liquidate liabilities existing at the end of the year; expenditures and liabilities are recognized when obligations are incurred as a result of receipt of goods and services. Revenues are recognized as available when collected within 60 days of year-end. Modifications to the accrual basis of accounting include:

- Employees' vested annual leave is recorded as expenditures when utilized. The amount of accumulated annual leave unpaid at June 30, 2010, has been reported in the Statement of Net Assets.
- Executory purchase orders and contracts are recorded as a reservation of fund balance.

D. Assets, Liabilities, and Equity

Inventories

Inventories are valued at cost. The flow assumption used to determine cost is weighted average. The costs of inventories for the Oklahoma Tax Commission are recorded as expenditures when purchased. Reported inventories are equally offset by a fund balance reserve, which indicates that it does not constitute available spendable resources even though it is a component of total assets.

Capital Assets

The Department of Central Services, in accordance with 74 O.S. 2001, § 110.1 of the Oklahoma Statutes has primary responsibility to maintain control of all property and equipment owned by the State of Oklahoma with a cost in excess of \$500. The Department of Central Services has delegated to each of the various state agencies the responsibility to maintain the accounting records for property and equipment purchased and used by each agency. Capital assets held by the Oklahoma Tax Commission and reflected in the accompanying financial statements are stated at original cost or estimated cost as determined from available records maintained by the Commission net of accumulated depreciation. Assets valued by estimate represent less than one percent of total capitalized assets. The asset values were based on equipment fair market values at the time of acquisition.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

1. Summary of Significant Accounting Policies (cont...)

Capital assets are depreciated using the straight-line with half-year convention method over the asset's useful life. Generally, estimated useful lives are as follows:

Office Furniture, Fixtures, and Equipment	6-12 years
Information Systems	3-7 years
Data Handling Equipment	5-7 years

Additional capital asset disclosures are presented in Note 4.

Compensated Absences

Employees earn annual vacation at the average rate of 10 hours per month for up to 5 years service and may accumulate to a maximum of 240 hours. Employees earn an average of 12 hours per month for 5 to 10 years, an average of 13.33 hours per month for 10 to 20 years, and an average of 16.67 hours per month for over 20 years of service. Annual leave for employees with over 5 years service may accumulate to a maximum of 480 hours. All accrued annual leave is payable upon layoff, resignation, retirement, or death.

The general fund records expenditures when the employee is paid for annual leave, and the cost of accumulated annual leave is recorded in the statement of net assets. Payments for employee vested annual leave for the year-ended June 30, 2010, were made in the amount of \$255,896. Total amount outstanding at June 30, 2010, is \$3,394,736 of which \$3,171,016 is recorded as a long-term liability.

Reserve for Encumbrances

The reserve for encumbrances represents executed but unperformed purchase orders. In the accompanying governmental fund balance sheet, encumbrances are recorded as a reserve of fund balance if expected to be presented for payment by November 15 following the end of the fiscal year.

E. Program Revenues

In the Statement of Activities, revenues are derived directly from governmental activities and reported as program revenue.

The agency has the following types of program revenues in the governmental activities:

Charges for Services	Statutorily the Agency is authorized to retain a percentage or fee associated with certain tax collections such as sales and use taxes, levied by local governments and collected through a contractual agreement by the Agency. These types of revenues are specifically related to the government activity program.
Operating Grants	Funding was provided by the Oklahoma Office of Homeland Security to partially reimburse the cost of a generator to maintain operation during power outages. The Agency's computer system maintains vehicle data accessed by law enforcement continuously.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

2. Pension Plan

Plan Description. Substantially all of the Oklahoma Tax Commission's full-time state employees participate in the Oklahoma Public Employees Retirement Plan (the Plan), a division of the Oklahoma Public Employees Retirement System (OPERS), a multiple-employer cost-sharing defined benefit public employee retirement system. The official text governing the operation of the system, contributions, and the payment of benefits is found in Title 74, O.S. 2001, § 901, et. seq. OPERS issues a publicly available financial report that includes financial statements and required supplementary information for the Plan. This report can be obtained by writing to OPERS, PO Box 53007, Oklahoma City, Oklahoma 73105 or by calling 1-800-733-9008.

Funding Policy. The contribution rates for each member category of the Plan are established by and can be amended by the Oklahoma Legislature and are based on an actuarial calculation, which is performed to determine the adequacy of contribution rates. Active members for fiscal year 2010 made a 3.5% contribution on wages. State agencies contributed 15.5% of active members' monthly salaries for fiscal year 2010. Contributions from the agency for fiscal years 2008, 2009 and 2010 totaled \$4,821,983, \$5,233,541, and \$5,271,076 respectively, equal to the established required contributions for each year.

Members have the option to elect to increase the benefit computation factor for all future service from 2.0% to 2.5%. The election is irrevocable, binding for all future employment under OPERS, and applies only to full years of service. Those who make the election pay the standard contribution rate plus an additional contribution rate, 2.91% which is actuarially determined. The election is available for all state, county and local government employees, except for elected officials and hazardous duty members.

- 2.1.1 In addition to the pension benefits described in Note 2, the State provides post-retirement health care benefits (OPEB). The Oklahoma Public Employees Retirement System (OPERS) by which the Oklahoma Tax Commission employees are covered, provides \$105 per month for all retirees who elect coverage at time of retirement. OPERS benefits are financed on a pay-as-you-go basis.

There is no OPEB obligation information available specific to the Oklahoma Tax Commission. OPERS funds post employment health care benefits as part of the overall retirement requirement. No separation of pension obligation and health insurance obligation is made and assets are not allocated between obligations.

3. Deposits and Investments

At June 30, 2010, all cash and investments under the control of the State Treasurer were collateralized in accordance with 62 O.S. 2001, § 72.1, titled, "Security for Public Deposits Act."

A. Deposits

As of June 30, 2010, the bank balances of deposits are fully insured or collateralized with securities held by the State's agent in the State's name.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

B. Investments

The State Treasurer maintains two investment portfolios. The Treasurer's Portfolio, which is used to manage the investments of all State monies that are under the control of the Treasurer where earnings accrue to the general fund of the State, and the State Agency Portfolio, for the investment of a limited number of state agencies specifically authorized by statute to direct the activities of certain funds and accounts where the earnings accrue to those funds and accounts. Ancillary to the Treasurer's Portfolio is an internal investment pool, OK INVEST, for all state funds and agencies that are considered part of the State of Oklahoma. All cash balances held through the State Treasurer for the Primary Government, Component Units and Fiduciary Funds earn a return through the OK INVEST pool program.

State Treasurer Investment Policy Diversification Limits

<u>Investment Type</u>	<u>Percentage of Total Invested</u>	<u>Percentage of Total by Issuer</u>	<u>Maturity Limit</u>	<u>Rating</u>
U.S. Treasury Bills, Notes and Bonds	No Limit	No Limit	5 Years	N/A
U.S. Government Agency Mortgage Backed Securities – Passthroughs (as a % of U.S. Government Agency)	40% of U.S. Government Agency		7 Years	AAA
U.S. Government Agency Securities Collateralized or Insured Certificates of Deposit	50.0%	35.0%	10 Years 365 Days	AAA N/A
Negotiable Certificates of Deposit	7.5%	2.5%	180 Days	A-1&P-1
Bankers Acceptance	7.5%	2.5%	270 Days	A-1&P-1
Commercial Paper	7.5%	2.5%	180 Days	A-1&P-1
State and Local Government Obligations	10%	5%	30 Years	AAA
Repurchase and Tri-party Repurchase Agreements	30%	10%	14 Days	A-1/A-1+
Money Market Mutual Fund	30%	10%	1 Day	AAA
Foreign Bonds	2.50%	2.50%	5 Years	A-/A3 or better

Investments for governmental and fiduciary funds at June 30, 2010, by investment type, are listed below:

	<u>Carrying Amount</u>	<u>Reported Amount/ Fair Value</u>
Repurchase Agreements:		
<u>Governmental Funds</u>	\$ 39,529	\$ 39,529
<u>Agency Fund</u>	\$319,455,632	\$319,455,632

Investment securities are exposed to custodial credit risk if they are uninsured, not registered in the name of the State, or counterparty or the counterparty's trust department but not in the State's name. All investments held by the State Treasurer are insured, registered, or held in the name of the State Treasurer.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

4. Capital Assets

In accordance with guidelines established by the Office of State Finance, capital assets reflected in the accompanying financial statements are those with a cost in excess of \$25,000. Expenditures for capital assets are recorded as period costs when the assets are recorded in the governmental funds. A provision for depreciation has been recorded in the governmental activities of the Statement of Net Assets and Statement of Activities. The depreciation method used for capital assets is straight-line with half-year convention. Capital asset activity for the year ended June 30, 2010 was as follows:

General Government Activities:

	<u>Equipment</u>	<u>Accumulated Depreciation</u>	<u>Capital Assets – Net</u>
Beginning Balance	\$ 13,034,850	(\$ 8,468,482)	\$ 4,566,368
Adjustment to Beginning Balance	(536,377)	507,767	(28,610)
Increases	425,277	(852,054)	(426,777)
Decreases	(845,559)	803,281	(42,278)
Ending Balance	<u>\$ 12,078,191</u>	<u>(\$ 8,009,488)</u>	<u>\$ 4,068,703</u>

Current year depreciation expense related to the General Government Activities was \$859,388.

5. Operating Lease Commitments

The Oklahoma Tax Commission has commitments to lease certain buildings, equipment, telecommunications equipment, data processing software, and other miscellaneous rentals. Rental expense for fiscal year 2010 was \$3,300,288. The majority of leases are from one to five years with renewable lease terms and contain a 30 day cancellation clause.

6. Due To Other Funds

Amounts due to other funds are presented in the Fiduciary Fund. To the extent that transactions between funds had not been executed at June 30, 2010, the balances are included.

7. Risk Management

The Risk Management Division of the Department of Central Services is empowered by the authority of 74 O.S. 2001, § 85.58A et seq. The Division is responsible for the acquisition and administration of all insurance purchased by the State or administration of any self-insurance plans and programs adopted for use by the State or for certain organizations and bodies outside of state government, at the sole expense of such organization and bodies.

The State Risk Management Division is authorized to settle claims of the State and shall govern the dispensation and/or settlement of claims against a political subdivision. In no event shall self-insurance coverage provided to the State, an agency or other covered entity exceed the limitations on the maximum dollar amount of liability specified by the Oklahoma Governmental Tort Claims Act, as provided by 51 O.S. 2001, § 154. The Risk Management Division oversees the collection of liability claims owed to the State incurred as the result of a loss through the wrongful or negligent act of a private person or other entity.

The Risk Management Division is also charged with the responsibility to immediately notify the Attorney General of any claims against the State presented to the Risk Management Division.

**OKLAHOMA TAX COMMISSION
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2010**

8. Long-Term Obligations

Long-term obligations at June 30, 2010, and changes for the fiscal year are as follows:

<u>Governmental Activities</u>	<u>Beginning Balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance</u>
Compensated Absences	\$3,373,957	\$2,773,921	\$2,976,862	\$3,171,016

The amount due within 1 year is \$223,720.

9. Litigation and Contingencies

The Oklahoma Tax Commission is party to numerous lawsuits of which the outcome is uncertain. There are numerous lawsuits pending before the Oklahoma Tax Commission that, in the aggregate, could have a material effect on the Commission's financial statements. However, the outcome at this time is uncertain. Additionally, there are numerous tax assessments under taxpayer protest that could have a material effect on the Commission's financial statements. It is reasonably possible that these assessments could result in gains to the state. However, an estimate of such gains cannot be made.

10. Net Assets Deficit

Total net assets on the Statement of Net Assets are stated at a negative balance at June 30, 2010. Due to the constitutional requirement to fully fund reimbursements to counties from the Ad Valorem Reimbursement Fund as specified in 62 O.S. 2001, § 193, obligations exceeded available funding at year end. \$21,575,354 in unpaid claims was paid from funds available during the subsequent fiscal year. The Ad Valorem Reimbursement Fund is a pass through and not used for the general operations of the agency.

**OKLAHOMA TAX COMMISSION - REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE - GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2010**

	Budgeted Amounts		Actual Amounts (Budgetary Basis) (See Note A)	Variance with Final Budget - Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$4,291,626	\$4,291,626	\$4,291,626	\$0
Resources (inflows)				
Taxes	25,756,365	27,256,365	25,040,889	(2,215,476)
Other Revenues	22,815,300	26,515,300	26,212,218	(303,082)
State Appropriations	46,303,723	42,830,937	42,830,940	3
Amount Available for Appropriation	99,167,014	100,894,228	98,375,673	(2,518,555)
Charges to Appropriations (outflows)				
Salaries and Benefits	53,427,309	52,224,848	51,551,251	673,597
Professional Services	16,830,954	20,394,996	15,801,000	4,593,996
Inter-Agency Personal Services	120,000	120,000	27,830	92,170
Travel	500,000	375,000	291,784	83,216
Miscellaneous Administrative	5,314,091	5,224,091	5,129,006	95,085
Rent of Buildings and Equipment	3,042,430	3,442,430	3,300,288	142,142
Maintenance	3,151,304	2,851,304	2,939,564	(88,260)
Supplies	4,975,000	5,825,000	6,074,997	(249,997)
Equipment	5,260,300	1,760,300	589,286	1,171,014
Buildings - Renovation	0	0	169,777	(169,777)
Other Expenditures	178,000	178,000	228,332	(50,332)
Payments to Local Governments	0	0	0	0
Total Charges to Appropriations	92,799,388	92,395,969	86,103,115	6,292,854
Budgetary Fund Balance - June 30	\$6,367,626	\$8,498,259	\$12,272,558	\$3,774,299

**BUDGETARY COMPARISON SCHEDULE - LICENSE PLATE PROGRAM FUND
FOR THE YEAR ENDED JUNE 30, 2010**

	Budget Amounts		Actual Amounts (Budgetary Basis) (See Note A)	Variance with Final Budget - Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$1,060	\$1,060	\$1,060	\$0
Resources (inflows)				
Taxes	20,000	20,000	7,960	(12,040)
Amount Available for Appropriation	21,060	21,060	9,020	(12,040)
Charges to Appropriations (outflows)				
Expenditures	20,000	20,000	7,280	12,720
Total Charges to Appropriations	20,000	20,000	7,280	12,720
Budgetary Fund Balance - June 30	\$1,060	\$1,060	\$1,740	\$680

The notes to the Required Supplementary Information are an integral part of this schedule

**OKLAHOMA TAX COMMISSION - REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE - WASTE TIRE INDEMNITY FUND
FOR THE YEAR ENDED JUNE 30, 2010**

	Budgeted Amounts		Actual Amounts (Budgetary Basis) (See Note A)	Variance with Final Budget - Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	(\$434,437)	(\$434,437)	(\$434,437)	\$0
Resources (inflows)				
Tire Fees	5,232,758	5,232,758	5,160,707	(72,051)
Other Revenues	3,242	3,242	2,430	(812)
Amount Available for Appropriation	4,801,563	4,801,563	4,728,700	(72,863)
Charges to Appropriations (outflows)				
Waste Tire Reimbursements	5,236,000	5,236,000	5,132,173	103,827
Total Charges to Appropriations	5,236,000	5,236,000	5,132,173	103,827
Budgetary Fund Balance - June 30	(\$434,437)	(\$434,437)	(\$404,473)	(\$30,964)

The notes to the Required Supplementary Information are an integral part of this schedule

**BUDGETARY COMPARISON SCHEDULE – FILM REBATE FUND
FOR THE YEAR ENDED JUNE 30, 2010**

	Budgeted Amounts		Actual Amounts (Budgetary Basis) (See Note A)	Variance with Final Budget - Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	\$0	\$0	\$0	\$0
Resources (inflows)				
Taxes	5,000,000	5,000,000	481,300	(4,518,700)
Transfers In	0	0	0	0
Other Revenue	0	0	0	0
Amount Available for Appropriation	5,000,000	5,000,000	481,300	(4,518,700)
Charges to Appropriations (outflows)				
Film Rebate Payments	5,000,000	5,000,000	481,300	4,518,700
Transfers to Other Funds	0	0	0	0
Total Charges to Appropriations	5,000,000	5,000,000	481,300	4,518,700
Budgetary Fund Balance - June 30	\$0	\$0	\$0	\$0

**BUDGETARY COMPARISON SCHEDULE - AD VALOREM REIMBURSEMENT FUND
FOR THE YEAR ENDED JUNE 30, 2010**

	Budgeted Amounts		Actual Amounts (Budgetary Basis) (See Note A)	Variance with Final Budget - Positive (Negative)
	Original	Final		
Budgetary Fund Balance, July 1	(\$ 22,726,068)	(\$22,726,068)	(\$22,726,068)	\$0
Resources (inflows)				
Taxes	30,000,000	38,337,567	24,911,166	(13,426,401)
Transfers In	0	8,500,000	16,000,000	7,500,000
Other Revenue	0	0	345,502	345,502
Amount Available for Appropriation	7,273,932	24,111,499	18,530,600	(5,580,899)
Charges to Appropriations (outflows)				
County Reimbursements	19,300,000	36,137,567	36,137,567	0
Total Charges to Appropriations	19,300,000	36,137,567	36,137,567	0
Budgetary Fund Balance - June 30	(\$12,026,068)	(\$12,026,068)	(\$17,606,967)	(\$5,580,899)

See independent auditor's report.

The notes to the Required Supplementary Information are an integral part of this schedule

**REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE
NOTES TO RSI**

Note A. Budgeting, Budgeting Control and Budgetary Reports

The State annual budget is prepared on the cash basis utilizing encumbrance accounting. Encumbrances represent executed but unperformed purchase orders. In the accompanying budgetary comparison schedules, encumbrances are recorded as expenditures for budgetary purposes if expected to be presented for payment by November 15 following the end of the fiscal year and as reservations of fund balance in the governmental funds balance sheet for GAAP purposes. Since the budgetary basis differs from generally accepted accounting principles, budget and actual amounts in the accompanying Budgetary Comparison Schedules - Budget and Actual (Non-GAAP Budgetary Basis) are presented on the budgetary basis.

The Governor prepares and submits to the Legislature at the beginning of each annual session a balanced budget based on budget requests prepared by the various state agencies. The General Fund, Waste Tire Indemnity Fund, Ad Valorem Reimbursement Fund and the Oklahoma Film Enhancement Fund (there was no activity in this fund for fiscal year 2009) are the only funds for which an annual budget is legally adopted. The Governor has the power to approve or veto each line item appropriation. Any other changes to the budget must be approved by the Legislature in a supplemental appropriation. All 2010 appropriation line items of the State were within their authorized spending level.

The legal level of budgetary control is maintained at the line item level (i.e. General Operations, Personal Services, Duties, etc.) identified in the appropriation acts. Budgets may be modified subject to statutory limits on transfers. The Director of the Office of State Finance can approve transfers between line items up to 25%. Agencies can obtain approval from the Contingency Review Board to transfer up to an additional 15%; however, all transfers are subject to review by the Joint Legislative Committee on Budget and Program Oversight to determine if the transfer tends to effectuate or subvert the intention and objectives of the Legislature.

Current policy allows agencies to use unexpended monies for one-time purchases or non-recurring expenditures in the next fiscal year. This policy provides an incentive for management to distribute resources efficiently; however, it is subject to annual approval by the Legislature. Unexpended balances not carried forward to the new fiscal year by November 15 may: 1) lapse to unrestricted balances and be available for future appropriation, 2) lapse to restricted balances and be available for future appropriations restricted for specific purposes as defined by statute, or 3) be non-fiscal, and may be spent from one to 30 months from the date of appropriation.

Note B. Excess of Expenditures Over Appropriations

Within the Waste Tire Indemnity Fund, expenditures exceeded the amount available for appropriations. Each month, funds are exhausted with reimbursement claims exceeding available cash on hand. June's reimbursement claims are received in July and paid from July resources.

Expenditures from the Ad Valorem Reimbursement Fund exceeded the amount available for appropriation due to inadequate funding for all claims submitted. Legislative appropriations and income tax receipts were used to fully fund claims subsequent to year-end.

See independent auditor's report.

REQUIRED SUPPLEMENTARY INFORMATION
BUDGETARY COMPARISON SCHEDULE
NOTES TO RSI

Note C - Explanation of Differences between Budgetary Inflows and Outflows and GAAP Revenues and Expenditures

	<u>General Fund</u>	<u>License Plate Program Fd</u>	<u>Waste Tire Indemnity Fund</u>	<u>Film Rebate Fund</u>	<u>Ad Valorem Reimbursement Fund</u>
Sources/inflows of resources					
Actual amounts (budgetary basis) "Resources (inflows)" from the budgetary comparison schedule	\$ 94,084,047	\$7,960	\$5,163,137	\$481,300	\$41,256,668
Differences - budget to GAAP:					
State appropriations are inflows of budgetary resources but are not revenues for financial reporting purposes.	(42,830,940)				
Transfers from other funds are inflows of budgetary resources but are not revenues for financial reporting purposes					(16,000,000)
Accrual adjustments for receivables are made for financial reporting purposes but not for the budgetary comparison.	<u>2,093,210</u>	<u>100</u>	<u>(15,970)</u>		<u>(391,264)</u>
Total revenues as reported on the statement of revenues, expenditures, and changes in fund balances – governmental funds	<u>\$53,346,317</u>	<u>\$8,060</u>	<u>\$5,147,167</u>	<u>\$481,300</u>	<u>\$24,865,404</u>
Uses/outflows of resources					
Actual amounts (budgetary basis) " total charges to appropriations" from the budgetary comparison schedule	\$86 ,103,115	\$7,280	\$5,132,173	\$481,300	\$36,137,567
Differences - budget to GAAP:					
Transfers to other funds are outflows of budgetary resources but are not expenditures for financial reporting purposes.					
Total expenditures as reported on the statement of revenues, expenditures, and changes in fund balances – governmental funds	<u>\$86 ,103,115</u>	<u>\$7,280</u>	<u>\$5,132,173</u>	<u>\$481,300</u>	<u>\$36,137,567</u>

See independent auditor's report.

STATE AUDITOR AND INSPECTOR

STEVE BURRAGE, CPA
State Auditor

MICHELLE R. DAY, ESQ.
Chief Deputy



2300 N. Lincoln Boulevard State Capitol, Room 100 Oklahoma City, OK 73105-4801 Phone (405) 521-3495 Fax (405) 521-3426 www.sai.ok.gov

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

TO THE COMMISSIONERS OF THE OKLAHOMA TAX COMMISSION

We have audited the financial statements of the governmental activities, each major fund, and the remaining fund information of the Oklahoma Tax Commission (OTC), as of and for the year ended June 30, 2010, which collectively comprise the OTC's basic financial statements, and have issued our report thereon dated December 21, 2010, which includes an explanatory paragraph stating that the financial statements of the OTC are intended to present the financial position and results of daily operations of only that portion of the State of Oklahoma attributable to the transactions of the OTC. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Oklahoma Tax Commission's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Oklahoma Tax Commission's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Oklahoma Tax Commission's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we identified certain deficiencies in internal control over financial reporting, described in the accompanying schedule of findings and responses that we consider to be significant deficiencies in internal control over financial reporting. [10-695-003, 10-695-006]. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Oklahoma Tax Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, and contracts, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

The Oklahoma Tax Commission's responses to the findings identified in our audit are described in the accompanying schedule of findings and responses. We did not audit the Oklahoma Tax Commission's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, Oklahoma Tax Commission, and is not intended to be and should not be used for anyone other than these specified parties. This report is also a public document pursuant to the Oklahoma Open Records Act (51 O.S., § 24A.1 et seq.), and shall be open to any person for inspection and copying.



STEVE BURRAGE, CPA
STATE AUDITOR & INSPECTOR

December 21, 2010

Schedule of Findings and Responses

Reference Number: 10-695-003

State Agency: Oklahoma Tax Commission

Account: Revenue

Criteria/Condition: Effective internal controls include revenue being adequately protected from theft and/or misappropriation. Payments collected by the Compliance Division field agents are recorded on their log and sent directly to the Central Processing Unit. No reconciliation is performed between the amount logged by the field agents and the amount processed by Central Processing.

Cause/Effect: The lack of a reconciliation between the amount processed by Central Processing and the amount listed as being collected by Compliance field agents increases the risk of revenue being stolen and/or misappropriated.

Recommendation: We recommend that the Oklahoma Tax Commission implement a mandatory requirement stating that, at minimum, a reconciliation be performed between the amounts collected by the Compliance Division field agents and the amounts processed by Central Processing. We further recommend that training be provided to employees regarding this requirement.

Agency Management Response:

Collections by Field Agents are reported in the on-line reporting system on a daily basis. Under current procedure supervisors randomly review payments from the system to ensure that they are posted to the taxpayers account. All agents also have deposit endorsement stamps which are utilized immediately upon receipt of any payments.

A procedure has been implemented to document the review by supervisors initialing those payment items on the printed daily report. The report is then forwarded to the Deputy Director's office for placement of documentation in a scanned file.

A printed copy of the daily report is now included with the checks and documents sent to Central Processing for their processing and reconciliation. This will ensure that all documents and checks have been included in the deposit and posted.

Reference Number: 10-695-006

State Agency: Oklahoma Tax Commission

Account: Revenue

Criteria/Condition: Effective internal controls include revenue being adequately protected from theft and/or misappropriation. Adjustments made by Account Maintenance Division employees to reduce the penalty and interest appear on a change report. Transactions on the change report are divided up by user ID and are given to each individual's supervisor to be reviewed. If a change is made to the tax liability itself, the supervisor or manager do not have to be informed of the change and the information is not shown on a report unless the adjustment leads to a refund. Adjustments to tax liabilities that do not result in a refund, which do not appear on the change report, are to be included in the spot checks performed by the supervisors on the completed files. However, based on observation and discussion with Account Maintenance Division employees, it appears that the reviews of the change report and the completed files are not performed consistently and no evidence of such reviews are present and maintained.

Also, the Tax Warrant Unit of Account Maintenance receives payments from taxpayers for tax warrants. When the Tax Warrant Unit receives the payment from the taxpayer they are able to release the tax warrant. No reconciliation is performed between the tax warrants that were released and the payments that were received.

Cause/Effect: The lack of a consistent review of completed files and the change report could allow for employees to inappropriately reduce penalty, interest, and tax liability without being detected. The lack of a reconciliation between the tax warrants released and payments received increases the risk of revenue being stolen and/or misappropriated.

Schedule of Findings and Responses

Recommendation: We recommend that the Oklahoma Tax Commission implement a mandatory requirement stating that, at a minimum, a review be performed on the change reports and the completed files by the individual's supervisor and documentation of this review be maintained. Also, the Oklahoma Tax Commission should implement a mandatory requirement stating that, at a minimum, a partial reconciliation between the tax warrants that were released and the payments that were received be performed and documentation of such maintained. We further recommend that training be provided to employees regarding this requirement.

Agency Management Response:

Account Maintenance Division agrees with the recommendations to further strengthen controls in these areas.

Although the division has established procedure for review of adjustments and refund transactions, we have not consistently performed or maintained the documentation on the activity. This has been discussed with the supervisors and managers of the Case Management, Income Tax, and Tax Warrant Sections. Written procedure is being prepared that will quantify the minimum volume of reviews which must be completed and documented each quarter. Division administration will require the documentation be submitted and copies maintained in the administrative files to ensure the procedures are being followed through.

The majority of payments related to tax warrants are initially processed and deposited through Central Processing without going directly to the division. In the infrequent instances where check payments are received in the Division's PO Box a section of the division segregated from Tax Warrants opens and restrictively endorses them immediately. After that process the Tax Warrant Section does have access to cause a tax warrant to be released. However, current procedure to issue a release (or warrant or withdrawal) is a two step process which provides an added level of control. The system is first updated by one Tax Warrant employee to create the release, and then a different employee verifies the crucial information, including payment, before the release is finalized and sent to the county to be filed or mailed to the taxpayer. The procedure is that the employee who initiates a tax warrant document does not verify and finalize it. This procedure will be documented in the Tax Warrant Section Procedures. Another mitigating factor is that most releases are initiated by request in written form by the Compliance Division or other independent sections of the Account Maintenance Division.

Based on your recommendation specific to the tax warrant release process, we will establish a procedure to utilize the monthly summary reports for all tax warrants released by each county to perform a sample review. The sample review will include validation of appropriate payment or action for the release to have been finalized. A separate spreadsheet or document will be maintained by the supervisor or manager to record the review activity. A copy of this document will be maintained in the division administrative files.



**OFFICE OF THE STATE AUDITOR AND INSPECTOR
2300 N. LINCOLN BOULEVARD, ROOM 100
OKLAHOMA CITY, OK 73105-4896**

WWW.SAI.OK.GOV