

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1120

By: Thompson (Roger) and Hall  
of the Senate

6 and

7 Wallace and Martinez of the  
8 House

9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to the State Board of Education;  
12 amending 70 O.S. 2021, Section 3-104, which relates  
13 to the powers and duties of the State Board of  
14 Education; requiring the State Department of  
15 Education to make certain determination; modifying  
16 procedure to be used in making determination;  
17 defining terms; providing limitation on reduction of  
18 funding in the event of a revenue failure; updating  
19 statutory language and reference; amending 68 O.S.  
20 2021, Section 1353, as last amended by Section 3,  
21 Chapter 412, O.S.L. 2022 (68 O.S. Supp. 2022,  
22 Section 1353), which relates to sales tax; deleting  
23 certain apportionments; providing an effective date;  
24 and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3-104, is  
amended to read as follows:

Section 3-104. A. The supervision of the public school system  
of Oklahoma shall be vested in the State Board of Education and,

1 subject to limitations otherwise provided by law, the State Board of  
2 Education shall:

3 1. Adopt policies and make rules for the operation of the  
4 public school system of the state;

5 2. Appoint, prescribe the duties, and fix the compensation of a  
6 secretary, an attorney, and all other personnel necessary for the  
7 proper performance of the functions of the State Board of Education.  
8 The secretary shall not be a member of the Board;

9 3. Submit to the Governor a departmental budget based upon  
10 major functions of the Department as prepared by the ~~State~~  
11 Superintendent of Public Instruction and supported by detailed data  
12 on needs and proposed operations as partially determined by the  
13 budgetary needs of local school districts filed with the State Board  
14 of Education for the ensuing fiscal year. Appropriations therefor  
15 shall be made in lump-sum form for each major item in the budget as  
16 follows:

- 17 a. State Aid to schools,  
18 b. the supervision of all other functions of general and  
19 special education including general control, free  
20 textbooks, school lunch, Indian education, and all  
21 other functions of the Board and an amount sufficient  
22 to adequately staff and administer these services, and  
23 c. the Board shall determine the details by which the  
24 budget and the appropriations are administered.

1           Annually, the Board shall make preparations to  
2           consolidate all of the functions of the Department in  
3           such a way that the budget can be based on two items,  
4           administration and aid to schools. A maximum amount  
5           for administration shall be designated as a part of  
6           the total appropriation;

7           4. On the first day of December preceding each regular session  
8 of the Legislature, prepare and deliver to the Governor and the  
9 Legislature a report for the year ending June 30 immediately  
10 preceding the regular session of the Legislature. The report shall  
11 contain:

- 12           a. detailed statistics and other information concerning  
13           enrollment, attendance, expenditures including State  
14           Aid, and other pertinent data for all public schools  
15           in this state,
- 16           b. reports from each and every division within the State  
17           Department of Education as submitted by the State  
18           Superintendent of Public Instruction and any other  
19           division, department, institution, or other agency  
20           under the supervision of the Board,
- 21           c. recommendations for the improvement of the public  
22           school system of the state,
- 23           d. a statement of the receipts and expenditures of the  
24           State Board of Education for the past year, and

1 e. a statement of plans and recommendations for the  
2 management and improvement of public schools and such  
3 other information relating to the educational  
4 interests of the state as may be deemed necessary and  
5 desirable;

6 5. Provide for the formulation and adoption of curricula,  
7 courses of study, and other instructional aids necessary for the  
8 adequate instruction of pupils in the public schools;

9 6. Have authority in matters pertaining to the licensure and  
10 certification of persons for instructional, supervisory, and  
11 administrative positions and services in the public schools of the  
12 state subject to the provisions of Section 6-184 of this title, and  
13 shall formulate rules governing the issuance and revocation of  
14 certificates for superintendents of schools, principals,  
15 supervisors, librarians, clerical employees, school nurses, school  
16 bus drivers, visiting teachers, classroom teachers, and for other  
17 personnel performing instructional, administrative, and supervisory  
18 services, but not including members of boards of education and other  
19 employees who do not work directly with pupils, and may charge and  
20 collect reasonable fees for the issuance of such certificates:

21 a. the State Department of Education shall not issue a  
22 certificate to and shall revoke the certificate of any  
23 person who has been convicted, whether upon a verdict  
24 or plea of guilty or upon a plea of nolo contendere,

1 or received a suspended sentence or any probationary  
2 term for a crime or an attempt to commit a crime  
3 provided for in Section 843.5 of Title 21 of the  
4 Oklahoma Statutes if the offense involved sexual abuse  
5 or sexual exploitation as those terms are defined in  
6 Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
7 Section 741, 843.1, if the offense included sexual  
8 abuse or sexual exploitation, 865 et seq., 885, 888,  
9 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,  
10 1111.1, 1114 or 1123 of Title 21 of the Oklahoma  
11 Statutes or who enters this state and who has been  
12 convicted, received a suspended sentence, or received  
13 a deferred judgment for a crime or attempted crime  
14 which, if committed or attempted in this state, would  
15 be a crime or an attempt to commit a crime provided  
16 for in any of ~~said~~ the laws,

- 17 b. all funds collected by the State Department of  
18 Education for the issuance of certificates to  
19 instructional, supervisory, and administrative  
20 personnel in the public schools of the state shall be  
21 deposited in the "Teachers' Certificate Fund" in the  
22 State Treasury and may be expended by the State Board  
23 of Education to finance the activities of the State  
24 Department of Education necessary to administer the

1 program, for consultative services, publication costs,  
2 actual and necessary travel expenses as provided in  
3 the State Travel Reimbursement Act incurred by persons  
4 performing research work, and other expenses found  
5 necessary by the State Board of Education for the  
6 improvement of the preparation and certification of  
7 teachers in Oklahoma. Provided, any unobligated  
8 balance in the Teachers' Certificate Fund in excess of  
9 Ten Thousand Dollars (\$10,000.00) on June 30 of any  
10 fiscal year shall be transferred to the General  
11 Revenue Fund of ~~the State of Oklahoma~~ this state.

12 Until July 1, 1997, the State Board of Education shall  
13 have authority for approval of teacher education  
14 programs. The State Board of Education shall also  
15 have authority for the administration of teacher  
16 residency and professional development, subject to the  
17 provisions of the Oklahoma Teacher Preparation Act;

18 7. Promulgate rules governing the classification, inspection,  
19 supervision, and accrediting of all public nursery, kindergarten,  
20 elementary and secondary schools, and on-site educational services  
21 provided by public school districts or state-accredited private  
22 schools in partial hospitalization programs, day treatment programs,  
23 and day hospital programs as defined in this act for persons between  
24 the ages of three (3) and twenty-one (21) years of age in the state.

1 However, no school shall be denied accreditation solely on the basis  
2 of average daily attendance.

3 Any school district which maintains an elementary school and  
4 faces the necessity of relocating its school facilities because of  
5 construction of a lake, either by state or federal authority, which  
6 will inundate the school facilities, shall be entitled to receive  
7 probationary accreditation from the State Board of Education for a  
8 period of five (5) years after ~~the effective date of this act~~  
9 September 5, 1975, and any school district, otherwise qualified,  
10 shall be entitled to receive probationary accreditation from the  
11 State Board of Education for a period of two (2) consecutive years  
12 to attain the minimum average daily attendance. The Head Start and  
13 public nurseries or kindergartens operated from Community Action  
14 Program funds shall not be subjected to the accrediting rules of the  
15 State Board of Education. Neither will the State Board of Education  
16 make rules affecting the operation of the public nurseries and  
17 kindergartens operated from federal funds secured through Community  
18 Action Programs even though they may be operating in the public  
19 schools of the state. However, any of the Head Start or public  
20 nurseries or kindergartens operated under federal regulations may  
21 make application for accrediting from the State Board of Education  
22 but will be accredited only if application for the approval of the  
23 programs is made. The status of no school district shall be changed  
24 which will reduce it to a lower classification until due notice has

1 | been given to the proper authorities thereof and an opportunity  
2 | given to correct the conditions which otherwise would be the cause  
3 | of such reduction.

4 | Private and parochial schools may be accredited and classified  
5 | in like manner as public schools or, if an accrediting association  
6 | is approved by the State Board of Education, by procedures  
7 | established by the State Board of Education to accept accreditation  
8 | by such accrediting association, if application is made to the State  
9 | Board of Education for such accrediting;

10 | 8. Be the legal agent of the State of Oklahoma to accept, in  
11 | its discretion, the provisions of any Act of Congress appropriating  
12 | or apportioning funds which are now, or may hereafter be, provided  
13 | for use in connection with any phase of the system of public  
14 | education in Oklahoma. It shall prescribe such rules as it finds  
15 | necessary to provide for the proper distribution of such funds in  
16 | accordance with the state and federal laws;

17 | 9. Be and is specifically hereby designated as the agency of  
18 | this state to cooperate and deal with any officer, board, or  
19 | authority of the United States Government under any law of the  
20 | United States which may require or recommend cooperation with any  
21 | state board having charge of the administration of public schools  
22 | unless otherwise provided by law;

23 | 10. Be and is hereby designated as the "State Educational  
24 | Agency" referred to in Public Law 396 of the 79th Congress of the



1 United States, which law states that ~~said~~ the act may be cited as  
2 the "National School Lunch Act", and ~~said~~ the State Board of  
3 Education is hereby authorized and directed to accept the terms and  
4 provisions of ~~said~~ the act and to enter into such agreements, not in  
5 conflict with the Constitution of Oklahoma or the Constitution and  
6 Statutes of the United States, as may be necessary or appropriate to  
7 secure for ~~the State of Oklahoma~~ this state the benefits of the  
8 school lunch program established and referred to in ~~said~~ the act;

9 11. Have authority to secure and administer the benefits of the  
10 National School Lunch Act, Public Law 396 of the 79th Congress of  
11 the United States, in ~~the State of Oklahoma~~ this state and is hereby  
12 authorized to employ or appoint and fix the compensation of such  
13 additional officers or employees and to incur such expenses as may  
14 be necessary for the accomplishment of the above purpose, administer  
15 the distribution of any state funds appropriated by the Legislature  
16 required as federal matching to reimburse on children's meals;

17 12. Accept and provide for the administration of any land,  
18 money, buildings, gifts, donation, or other things of value which  
19 may be offered or bequeathed to the schools under the supervision or  
20 control of ~~said~~ the Board;

21 13. Have authority to require persons having administrative  
22 control of all school districts in Oklahoma to make such regular and  
23 special reports regarding the activities of the schools in ~~said~~ the  
24 districts as the Board may deem needful for the proper exercise of

1 its duties and functions. Such authority shall include the right of  
2 the State Board of Education to withhold all state funds under its  
3 control, to withhold official recognition, including accrediting,  
4 until such required reports have been filed and accepted in the  
5 office of ~~said~~ the Board and to revoke the certificates of persons  
6 failing or refusing to make such reports;

7 14. Have general supervision of the school lunch program. The  
8 State Board of Education may sponsor workshops for personnel and  
9 participants in the school lunch program and may develop, print, and  
10 distribute free of charge or sell any materials, books, and  
11 bulletins to be used in ~~such~~ the school lunch programs. There is  
12 hereby created in the State Treasury a revolving fund for the Board,  
13 to be designated the School Lunch Workshop Revolving Fund. The fund  
14 shall consist of all fees derived from or on behalf of any  
15 participant in any such workshop sponsored by the State Board of  
16 Education, or from the sale of any materials, books, and bulletins,  
17 and ~~such~~ funds shall be disbursed for expenses of such workshops and  
18 for developing, printing, and distributing of ~~such~~ the materials,  
19 books, and bulletins relating to the school lunch program. The fund  
20 shall be administered in accordance with Section 155 of Title 62 of  
21 the Oklahoma Statutes;

22 15. Prescribe all forms for school district and county officers  
23 to report to the State Board of Education where required. The State  
24 Board of Education shall also prescribe a list of appropriation

1 accounts by which the funds of school districts shall be budgeted,  
2 accounted for, and expended; and it shall be the duty of the State  
3 Auditor and Inspector in prescribing all budgeting, accounting, and  
4 reporting forms for school funds to conform to such lists;

5 16. Provide for the establishment of a uniform system of pupil  
6 and personnel accounting, records, and reports;

7 17. Have authority to provide for the health and safety of  
8 school children and school personnel while under the jurisdiction of  
9 school authorities;

10 18. Provide for the supervision of the transportation of  
11 pupils;

12 19. Have authority, upon request of the local school board, to  
13 act in behalf of the public schools of the state in the purchase of  
14 transportation equipment;

15 20. Have authority and is hereby required to perform all duties  
16 necessary to the administration of the public school system in  
17 Oklahoma as specified in the Oklahoma School Code; and, in addition  
18 thereto, those duties not specifically mentioned herein if not  
19 delegated by law to any other agency or official;

20 21. Administer the State Public Common School Building  
21 Equalization Fund established by Section 32 of Article X of the  
22 Oklahoma Constitution. Any monies as may be appropriated or  
23 designated by the Legislature, other than ad valorem taxes, any  
24 other funds identified by the State Department of Education, which

1 may include, but not be limited to, grants-in-aid from the federal  
2 government for building purposes, the proceeds of all property that  
3 shall fall to the state by escheat, penalties for unlawful holding  
4 of real estate by corporations, and capital gains on assets of the  
5 permanent school funds, shall be deposited in the State Public  
6 Common School Building Equalization Fund. The fund shall be used to  
7 aid school districts and charter schools in acquiring buildings,  
8 subject to the limitations fixed by Section 32 of Article X of the  
9 Oklahoma Constitution. It is hereby declared that the term  
10 "acquiring buildings" as used in Section 32 of Article X of the  
11 Oklahoma Constitution shall mean acquiring or improving school  
12 sites, constructing, repairing, remodeling, or equipping buildings,  
13 or acquiring school furniture, fixtures, or equipment. It is hereby  
14 declared that the term "school districts" as used in Section 32 of  
15 Article X of the Oklahoma Constitution shall mean school districts  
16 and eligible charter schools as defined in subsection B of this  
17 section. The State Board of Education shall disburse redbud school  
18 grants annually from the State Public Common School Building  
19 Equalization Fund to public schools and eligible charter schools  
20 pursuant to subsection B of this section. The Board shall  
21 promulgate rules for the implementation of disbursing redbud school  
22 grants pursuant to this section. The State Board of Education shall  
23 prescribe rules for making grants of aid from, and for otherwise  
24 administering, the fund pursuant to the provisions of this

1 paragraph, and may employ and fix the duties and compensation of  
2 technicians, aides, clerks, stenographers, attorneys, and other  
3 personnel deemed necessary to carry out the provisions of this  
4 paragraph. The cost of administering the fund shall be paid from  
5 monies appropriated to the State Board of Education for the  
6 operation of the State Department of Education. From monies  
7 apportioned to the fund, the State Department of Education may  
8 reserve not more than one-half of one percent (1/2 of 1%) for  
9 purposes of administering the fund;

10 22. Recognize that the Director of the Oklahoma Department of  
11 Corrections shall be the administrative authority for the schools  
12 which are maintained in the state reformatories and shall appoint  
13 the principals and teachers in such schools. Provided, that rules  
14 of the State Board of Education for the classification, inspection,  
15 and accreditation of public schools shall be applicable to such  
16 schools; and such schools shall comply with standards set by the  
17 State Board of Education; and

18 23. Have authority to administer a revolving fund which is  
19 hereby created in the State Treasury, to be designated the  
20 Statistical Services Revolving Fund. The fund shall consist of all  
21 monies received from the various school districts of the state, the  
22 United States Government, and other sources for the purpose of  
23 furnishing or financing statistical services and for any other  
24 purpose as designated by the Legislature. The State Board of

1 Education is hereby authorized to enter into agreements with school  
2 districts, municipalities, the United States Government,  
3 foundations, and other agencies or individuals for services,  
4 programs, or research projects. The Statistical Services Revolving  
5 Fund shall be administered in accordance with Section 155 of Title  
6 62 of the Oklahoma Statutes.

7 B. 1. The redbud school grants shall be determined by the  
8 State Department of Education as follows:

- 9 a. divide the county four-mill levy revenue by four to  
10 determine the nonchargeable county four-mill revenue  
11 for each school district,
- 12 b. determine the amount of new revenue generated by the  
13 five-mill building fund levy as authorized by Section  
14 10 of Article X of the Oklahoma Constitution for each  
15 school district as reported in the Oklahoma Cost  
16 Accounting System for the preceding fiscal year,
- 17 c. add the amounts calculated in subparagraphs a and b of  
18 this paragraph to determine the nonchargeable millage  
19 for each school district,
- 20 d. add the nonchargeable millage in each district  
21 statewide as calculated in subparagraph c of this  
22 paragraph and divide the total by the average daily  
23 membership in public schools statewide based on the  
24 preceding school year's average daily membership,

1 according to the provisions of Section 18-107 of this  
2 title. This amount is the statewide nonchargeable  
3 millage per student, known as the baseline local  
4 funding per student,

5 e. all eligible charter schools shall be included in  
6 these calculations as unique school districts,  
7 separate from the school district that may sponsor the  
8 eligible charter school, and the total number of  
9 districts shall be used to determine the statewide  
10 average baseline local funding per student,

11 f. for each school district or eligible charter school  
12 which is below the baseline local funding per student,  
13 the Department shall subtract the baseline local  
14 funding per student from the average nonchargeable  
15 millage per student of the school district or eligible  
16 charter school to determine the nonchargeable millage  
17 per student shortfall for each district, ~~and~~

18 g. the nonchargeable millage per student shortfall for a  
19 school district or eligible charter school shall be  
20 multiplied by the average daily membership of the  
21 preceding school year of the eligible school district  
22 or eligible charter school. This amount shall be the  
23 redbud school grant amount for the school district or  
24 eligible charter school, and

1           h. if the appropriation for each fiscal year by the  
2           Legislature to the State Public Common School Building  
3           Equalization Fund created in Section 32, Article X of  
4           the Oklahoma Constitution exceeds the amount necessary  
5           to provide the redbud school grants in the amounts as  
6           calculated pursuant to the provisions of subparagraph  
7           g of this paragraph, the redbud school grant amounts  
8           shall be determined by:

9           (1) calculating the highest possible percentile to  
10           the hundredth decimal place of the nonchargeable  
11           millage per student shortfall for all school  
12           districts and eligible charter schools with the  
13           available funds, and

14           (2) the nonchargeable millage per student shortfall  
15           for each district shall be subtracted by the  
16           highest possible percentile to the hundredth  
17           decimal place. The total of this calculation  
18           shall be multiplied by the preceding school  
19           year's average daily membership, according to the  
20           provisions of Section 18-107 of this title.

21           This amount shall be the redbud school grant amount  
22           for the school district or eligible charter school for  
23           that fiscal year.



1           2. For fiscal year 2022, monies for the redbud school grants  
2 shall be expended from the funds apportioned pursuant to ~~Section 2~~  
3 Section 426 of this act Title 63 of the Oklahoma Statutes. ~~For~~  
4 ~~fiscal year 2023 and each subsequent fiscal year, monies for the~~  
5 ~~redbud school grants shall be appropriated pursuant to Section 2 of~~  
6 ~~this act, not to exceed three-fourths (3/4) of the tax collected in~~  
7 ~~the preceding fiscal year pursuant to Section 426 of Title 63 of the~~  
8 ~~Oklahoma Statutes as determined by the Oklahoma Tax Commission. For~~  
9 ~~fiscal year 2023 and each subsequent fiscal year, if such~~  
10 ~~appropriated funds are insufficient to fund the redbud school~~  
11 ~~grants, then an additional apportionment of funds shall be made from~~  
12 ~~sales tax collections as provided by subsection D of Section 3 of~~  
13 ~~this act. If both funds are insufficient, the Department shall~~  
14 promulgate rules to permit a decrease to the baseline local funding  
15 per student to the highest amount allowed with the funding  
16 available.

17           3. As used in this section, "eligible charter school" shall  
18 mean a charter school which is sponsored pursuant to the provisions  
19 of the Oklahoma Charter ~~School~~ Schools Act. Provided, however,  
20 "eligible charter school" shall not include a charter school  
21 sponsored by the Statewide Virtual Charter School Board but shall  
22 only include those which provide in-person or blended instruction,  
23 as provided by Section 1-111 of this title, to not less than two-

24

1 thirds (2/3) of students as the primary means of instructional  
2 service delivery.

3 4. The Department shall develop a program to acknowledge the  
4 redbud school grant recipients and shall include elected members of  
5 the ~~Oklahoma~~ House of Representatives and ~~Oklahoma State~~ Senate who  
6 represent the school districts and eligible charter schools.

7 5. The Department shall create a dedicated page on its website  
8 listing annual redbud school grant recipients, amount awarded to  
9 each recipient, and other pertinent information about the Redbud  
10 School Funding Act.

11 6. The Department shall provide the Chair of the House  
12 Appropriations and Budget Committee and the Chair of the Senate  
13 Appropriations Committee no later than February 1 of each year with  
14 an estimate of the upcoming year's redbud school grant allocation as  
15 prescribed by this section.

16 7. In the event of a failure of revenue pursuant to the  
17 Oklahoma State Finance Act, the redbud grants otherwise authorized  
18 in subsection B of this section shall be reduced proportionately to  
19 the reduction in the amount of money appropriated to the State Board  
20 of Education for the financial support of public schools for the  
21 fiscal year in which the failure of revenue occurs.

22 SECTION 2. AMENDATORY 68 O.S. 2021, Section 1353, as  
23 last amended by Section 3, Chapter 412, O.S.L. 2022 (68 O.S. Supp.  
24 2022, Section 1353), is amended to read as follows:

1 Section 1353. A. It is hereby declared to be the purpose of  
2 the Oklahoma Sales Tax Code to provide funds for the financing of  
3 the program provided for by the Oklahoma Social Security Act and to  
4 provide revenues for the support of the functions of the state  
5 government of Oklahoma, and for this purpose it is hereby expressly  
6 provided that, revenues derived pursuant to the provisions of the  
7 Oklahoma Sales Tax Code, subject to the apportionment requirements  
8 for the Oklahoma Tax Commission and Office of Management and  
9 Enterprise Services Joint Computer Enhancement Fund provided by  
10 Section 265 of this title, shall be apportioned as follows:

11 1. Except as provided in ~~subsections~~ subsection C and D of this  
12 section, the following amounts shall be paid to the State Treasurer  
13 to be placed to the credit of the General Revenue Fund to be paid  
14 out pursuant to direct appropriation by the Legislature:

15 Fiscal Year	Amount
16 FY 2003 and FY 2004	86.04%
17 FY 2005	85.83%
18 FY 2006	85.54%
19 FY 2007	85.04%
20 FY 2008 through FY 2022	83.61%
21 FY 2023 through FY 2027	83.36%
22 FY 2028 and each fiscal year thereafter	83.61%;

23  
24

1        2. The following amounts shall be paid to the State Treasurer  
2 to be placed to the credit of the Education Reform Revolving Fund of  
3 the State Department of Education:

4            a. for FY 2003, FY 2004 and FY 2005, ten and forty-two  
5                    one-hundredths percent (10.42%),

6            b. for FY 2006 through FY 2020, ten and forty-six one-  
7                    hundredths percent (10.46%),

8            c. for FY 2021:

9                    (1) for the month beginning July 1, 2020, through the  
10                            month ending August 31, 2020, ten and forty-six  
11                            one-hundredths percent (10.46%), and

12                    (2) for the month beginning September 1, 2020,  
13                            through the month ending June 30, 2021, eleven  
14                            and ninety-six one-hundredths percent (11.96%),

15            d. for FY 2022 and each fiscal year thereafter, ten and  
16                    forty-six one-hundredths percent (10.46%);

17        3. The following amounts shall be paid to the State Treasurer  
18 to be placed to the credit of the Teachers' Retirement System  
19 Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%

1	FY 2008 through FY 2020	5.0%
2	FY 2021:	
3	a. for the month beginning July	
4	1, 2020, through the month	
5	ending August 31, 2020	5.0%
6	b. for the month beginning	
7	September 1, 2020, through	
8	the month ending June 30,	
9	2021	3.5%
10	FY 2022	5.0%
11	FY 2023 through FY 2027	5.25%
12	FY 2028 and each fiscal year thereafter	5.0%;
13	4. a. except as otherwise provided in subparagraph b of this	
14	paragraph, for the fiscal year beginning July 1, 2022,	
15	and for each fiscal year thereafter, eighty-seven one-	
16	hundredths percent (0.87%) shall be paid to the State	
17	Treasurer to be further apportioned as follows:	
18	(1) twenty-four percent (24%) shall be placed to the	
19	credit of the Oklahoma Tourism Promotion	
20	Revolving Fund, but in no event shall such	
21	apportionment exceed Five Million Dollars	
22	(\$5,000,000.00) in any fiscal year,	
23	(2) forty-four percent (44%) shall be placed to the	
24	credit of the Oklahoma Tourism Capital	

1 Improvement Revolving Fund, but in no event shall  
2 such apportionment exceed Nine Million Dollars  
3 (\$9,000,000.00) in any fiscal year, and

4 (3) thirty-two percent (32%) shall be placed to the  
5 credit of the Oklahoma Route 66 Commission  
6 Revolving Fund, but in no event shall such  
7 apportionment exceed Six Million Six Hundred  
8 Thousand Dollars (\$6,600,000.00) in any fiscal  
9 year, and

10 b. any amounts which exceed the limitations of  
11 subparagraph a of this paragraph shall be placed to  
12 the credit of the General Revenue Fund; and

13 5. For the fiscal year beginning July 1, 2015, and for each  
14 fiscal year thereafter, six one-hundredths percent (0.06%) shall be  
15 placed to the credit of the Oklahoma Historical Society Capital  
16 Improvement and Operations Revolving Fund, but in no event shall  
17 such apportionment exceed the total amount apportioned pursuant to  
18 this paragraph for the fiscal year ending on June 30, 2015. Any  
19 amounts which exceed the limitations of this paragraph shall be  
20 placed to the credit of the General Revenue Fund.

21 B. Provided, for the fiscal year beginning July 1, 2007, and  
22 every fiscal year thereafter, an amount of revenue shall be  
23 apportioned to each municipality or county which levies a sales tax  
24 subject to the provisions of Section 1357.10 of this title and

1 subsection F of Section 2701 of this title equal to the amount of  
2 sales tax revenue of such municipality or county exempted by the  
3 provisions of Section 1357.10 of this title and subsection F of  
4 Section 2701 of this title. The Oklahoma Tax Commission shall  
5 promulgate and adopt rules necessary to implement the provisions of  
6 this subsection.

7 C. From the monies that would otherwise be apportioned to the  
8 General Revenue Fund pursuant to subsection A of this section, there  
9 shall be apportioned the following amounts:

10 1. For the month ending August 31, 2019:

11 a. Nine Million Six Hundred Thousand Dollars  
12 (\$9,600,000.00) to the credit of the State Highway  
13 Construction and Maintenance Fund created in Section  
14 1501 of Title 69 of the Oklahoma Statutes, and

15 b. Two Million Dollars (\$2,000,000.00) to the credit of  
16 the Oklahoma Railroad Maintenance Revolving Fund  
17 created in Section 309 of Title 66 of the Oklahoma  
18 Statutes;

19 2. For the month ending September 30, 2019:

20 a. Twenty Million Dollars (\$20,000,000.00) to the credit  
21 of the State Highway Construction and Maintenance Fund  
22 created in Section 1501 of Title 69 of the Oklahoma  
23 Statutes, and

24

1           b.    Two Million Dollars (\$2,000,000.00) to the credit of  
2                    the Oklahoma Railroad Maintenance Revolving Fund  
3                    created in Section 309 of Title 66 of the Oklahoma  
4                    Statutes;

5    3.   For the month ending October 31, 2019:

6           a.    Twenty Million Dollars (\$20,000,000.00) to the credit  
7                    of the State Highway Construction and Maintenance Fund  
8                    created in Section 1501 of Title 69 of the Oklahoma  
9                    Statutes, and

10          b.    Two Million Dollars (\$2,000,000.00) to the credit of  
11                    the Oklahoma Railroad Maintenance Revolving Fund  
12                    created in Section 309 of Title 66 of the Oklahoma  
13                    Statutes;

14   4.   For the month ending November 30, 2019:

15          a.    Twenty Million Dollars (\$20,000,000.00) to the credit  
16                    of the State Highway Construction and Maintenance Fund  
17                    created in Section 1501 of Title 69 of the Oklahoma  
18                    Statutes, and

19          b.    Two Million Dollars (\$2,000,000.00) to the credit of  
20                    the Oklahoma Railroad Maintenance Revolving Fund  
21                    created in Section 309 of Title 66 of the Oklahoma  
22                    Statutes; and

23   5.   For the month ending December 31, 2019:

24



1 a. Twenty Million Dollars (\$20,000,000.00) to the credit  
2 of the State Highway Construction and Maintenance Fund  
3 created in Section 1501 of Title 69 of the Oklahoma  
4 Statutes, and

5 b. Two Million Dollars (\$2,000,000.00) to the credit of  
6 the Oklahoma Railroad Maintenance Revolving Fund  
7 created in Section 309 of Title 66 of the Oklahoma  
8 Statutes.

9 ~~D. For fiscal year 2023, and each subsequent fiscal year,~~  
10 ~~before any other apportionment otherwise required by this section is~~  
11 ~~made to the General Revenue Fund, there shall be apportioned to the~~  
12 ~~State Public Common School Building Equalization Fund an amount, if~~  
13 ~~any, as required pursuant to Section 3-104 of Title 70 of the~~  
14 ~~Oklahoma Statutes, not to exceed the state sales tax generated by~~  
15 ~~medical marijuana sales in the preceding fiscal year as reported by~~  
16 ~~the Oklahoma Tax Commission.~~

17 SECTION 3. This act shall become effective July 1, 2023.

18 SECTION 4. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 59-1-2223 WR 5/16/2023 1:20:47 PM  
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