

1 ENGROSSED HOUSE
2 BILL NO. 2766

By: Wallace and Hilbert of the
House

3 and

4 Thompson and Rader of the
5 Senate

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8 An Act relating to revenue and taxation; amending 68
9 O.S. 2011, Section 1353, as last amended by Section
10 1, Chapter 303, O.S.L. 2018 (68 O.S. Supp. 2018,
11 Section 1353), which relates to sales tax
12 apportionments; providing for certain apportionments
13 to certain funds during certain periods; stating
14 legislative intent; providing for noncodification;
15 and declaring an emergency.

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

17 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1353, as
18 last amended by Section 1, Chapter 303, O.S.L. 2018 (68 O.S. Supp.
19 2018, Section 1353), is amended to read as follows:

20 Section 1353. A. It is hereby declared to be the purpose of
21 the Oklahoma Sales Tax Code to provide funds for the financing of
22 the program provided for by the Oklahoma Social Security Act and to
23 provide revenues for the support of the functions of the state
24 government of Oklahoma, and for this purpose it is hereby expressly
provided that, revenues derived pursuant to the provisions of the

1 Oklahoma Sales Tax Code, subject to the apportionment requirements
2 for the Oklahoma Tax Commission and Office of Management and
3 Enterprise Services Joint Computer Enhancement Fund provided by
4 Section 265 of this title, shall be apportioned as follows:

5 1. a. except as provided in subsection C of this section,
6 the following amounts shall be paid to the State
7 Treasurer to be placed to the credit of the General
8 Revenue Fund to be paid out pursuant to direct
9 appropriation by the Legislature:

10	Fiscal Year	Amount
11	FY 2003 and FY 2004	86.04%
12	FY 2005	85.83%
13	FY 2006	85.54%
14	FY 2007	85.04%
15	FY 2008 and each fiscal	
16	year thereafter	83.61%

17 b. in the event that additional monies are necessary
18 pursuant to paragraph 6 of this subsection, such
19 additional monies shall be deducted in the proportion
20 determined by the State Board of Equalization pursuant
21 to paragraph 3 of Section 2355.1B of this title from
22 the monies apportioned to the General Revenue Fund;

23 2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-
24 hundredths percent (10.42%), shall be paid to the State Treasurer to

1 be placed to the credit of the Education Reform Revolving Fund of
2 the State Department of Education and for FY 2006 and each fiscal
3 year thereafter, ten and forty-six one-hundredths percent (10.46%)
4 shall be paid to the State Treasurer to be placed to the credit of
5 the Education Reform Revolving Fund of the State Department of
6 Education;

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

10	Fiscal Year	Amount
11	FY 2003 and FY 2004	3.54%
12	FY 2005	3.75%
13	FY 2006	4.0%
14	FY 2007	4.5%
15	FY 2008 and each fiscal	
16	year thereafter	5.0%

17 4. a. except as otherwise provided in subparagraph b of this
18 paragraph, for the fiscal year beginning July 1, 2015,
19 and for each fiscal year thereafter, eighty-seven one-
20 hundredths percent (0.87%) shall be paid to the State
21 Treasurer to be further apportioned as follows:

22 (1) thirty-six percent (36%) shall be placed to the
23 credit of the Oklahoma Tourism Promotion
24 Revolving Fund, but in no event shall such

1 apportionment exceed Five Million Dollars
2 (\$5,000,000.00) in any fiscal year, and

3 (2) sixty-four percent (64%) shall be placed to the
4 credit of the Oklahoma Tourism Capital
5 Improvement Revolving Fund, but in no event shall
6 such apportionment exceed Nine Million Dollars
7 (\$9,000,000.00) in any fiscal year, and

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

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

19 6. During the first fiscal year after the State Board of
20 Equalization has made a determination as provided in Section 2355.1B
21 of this title, regarding a baseline amount of revenue apportioned
22 pursuant to paragraph 3 of this subsection, and for each fiscal year
23 thereafter, in no event shall monies apportioned pursuant to
24 paragraph 3 of this subsection, paragraph 3 of Section 1403 of this

1 title and subparagraph c of paragraph 1 of Section 2352 of this
2 title be less than such baseline amount.

3 B. Provided, for the fiscal year beginning July 1, 2007, and
4 every fiscal year thereafter, an amount of revenue shall be
5 apportioned to each municipality or county which levies a sales tax
6 subject to the provisions of Section 1357.10 of this title and
7 subsection F of Section 2701 of this title equal to the amount of
8 sales tax revenue of such municipality or county exempted by the
9 provisions of Section 1357.10 of this title and subsection F of
10 Section 2701 of this title. The Oklahoma Tax Commission shall
11 promulgate and adopt rules necessary to implement the provisions of
12 this subsection.

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

16 1. For the month ending August 31, ~~2018~~ 2019:

17 a. ~~Twenty-five Million Dollars (\$25,000,000.00)~~ Nine
18 Million Six Hundred Thousand Dollars (\$9,600,000.00)

19 to the credit of the State Highway Construction and
20 Maintenance Fund created in Section 1501 of Title 69
21 of the Oklahoma Statutes, and

22 b. ~~Four Million Dollars (\$4,000,000.00)~~ Two Million
23 Dollars (\$2,000,000.00) to the credit of the Oklahoma
24

1 Railroad Maintenance Revolving Fund created in Section
2 309 of Title 66 of the Oklahoma Statutes;

3 2. For the month ending September 30, ~~2018~~ 2019:

4 a. ~~Twenty-five Million Dollars (\$25,000,000.00)~~ Twenty
5 Million Dollars (\$20,000,000.00) to the credit of the
6 State Highway Construction and Maintenance Fund
7 created in Section 1501 of Title 69 of the Oklahoma
8 Statutes, and

9 b. ~~Four Million Dollars (\$4,000,000.00)~~ Two Million
10 Dollars (\$2,000,000.00) to the credit of the Oklahoma
11 Railroad Maintenance Revolving Fund created in Section
12 309 of Title 66 of the Oklahoma Statutes; ~~and~~

13 3. For the month ending October 31, ~~2018~~ 2019:

14 a. ~~Thirty Million Dollars (\$30,000,000.00)~~ Twenty Million
15 Dollars (\$20,000,000.00) to the credit of the State
16 Highway Construction and Maintenance Fund created in
17 Section 1501 of Title 69 of the Oklahoma Statutes, and

18 b. ~~Four Million Dollars (\$4,000,000.00)~~ Two Million
19 Dollars (\$2,000,000.00) to the credit of the Oklahoma
20 Railroad Maintenance Revolving Fund created in Section
21 309 of Title 66 of the Oklahoma Statutes;

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

23 a. Twenty Million Dollars (\$20,000,000.00) to the credit
24 of the State Highway Construction and Maintenance Fund

1 created in Section 1501 of Title 69 of the Oklahoma
2 Statutes, and

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

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

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

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

16 SECTION 2. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 It is the intent of the Legislature that the provisions of this
19 measure are designed to restore funds appropriated from the State
20 Highway Construction and Maintenance Fund and the Oklahoma Railroad
21 Maintenance Revolving Fund by Enrolled House Bill No. 2765 of the
22 1st Session of the 57th Oklahoma Legislature.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the House of Representatives the 17th day of May, 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2019.

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Presiding Officer of the Senate

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