

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3029

By: Maynard

AS INTRODUCED

An Act relating to the State Auditor and Inspector; creating the State Auditor and Inspector Operations Expense Revolving Fund; stating purpose of fund; providing for apportionment of revenue; providing for expenditure of monies; amending 68 O.S. 2021, Section 1353, as last amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp. 2023, Section 1353), which relates to the apportionment of sales tax revenue; providing for apportionment of revenue to State Auditor and Inspector Operations Expense Revolving Fund; providing for adjustment of apportionment based on inflation; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 212A-1.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Auditor and Inspector to be designated the "State Auditor Inspector Operations Expense Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations,

1 and shall consist of all monies received by the State Auditor and  
2 Inspector from the apportionment of sales tax revenue as prescribed  
3 by Section 1353 of Title 68 of the Oklahoma Statutes. All monies  
4 accruing to the credit of said fund are hereby appropriated and may  
5 be budgeted and expended by the State Auditor and Inspector for the  
6 purpose of paying the operational expenses of the office.

7 Expenditures from said fund shall be made upon warrants issued by  
8 the State Treasurer against claims filed as prescribed by law with  
9 the Director of the Office of Management and Enterprise Services for  
10 approval and payment.

11 SECTION 2. AMENDATORY 68 O.S. 2021, Section 1353, as  
12 last amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.  
13 2023, Section 1353), is amended to read as follows:

14 Section 1353. Purpose of article - Apportionment of revenues.

15 A. It is hereby declared to be the purpose of the Oklahoma  
16 Sales Tax Code to provide funds for the financing of the program  
17 provided for by the Oklahoma Social Security Act and to provide  
18 revenues for the support of the functions of the state government of  
19 Oklahoma, and for this purpose it is hereby expressly provided that,  
20 revenues derived pursuant to the provisions of the Oklahoma Sales  
21 Tax Code, subject to the apportionment requirements for the Oklahoma  
22 Tax Commission, ~~and~~ Office of Management and Enterprise Services  
23 Joint Computer Enhancement Fund provided by Section 265 of this  
24 title, and Five Million Dollars (\$5,000,000.00) apportioned each

1 fiscal year to the State Auditor and Inspector Operations Expense

2 Revolving Fund, shall be apportioned as follows:

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

7 Fiscal Year	Amount
8 FY 2003 and FY 2004	86.04%
9 FY 2005	85.83%
10 FY 2006	85.54%
11 FY 2007	85.04%
12 FY 2008 through FY 2022	83.61%
13 FY 2023 through FY 2027	83.36%
14 FY 2028 and each fiscal year thereafter	83.61%;

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

- 18 a. for FY 2003, FY 2004 and FY 2005, ten and forty-two  
19 one-hundredths percent (10.42%),
- 20 b. for FY 2006 through FY 2020, ten and forty-six one-  
21 hundredths percent (10.46%),
- 22 c. for FY 2021:

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

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

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

9 3. The following amounts shall be paid to the State Treasurer  
10 to be placed to the credit of the Teachers' Retirement System

11 Dedicated Revenue Revolving Fund:

12 Fiscal Year	Amount
13 FY 2003 and FY 2004	3.54%
14 FY 2005	3.75%
15 FY 2006	4.0%
16 FY 2007	4.5%
17 FY 2008 through FY 2020	5.0%
18 FY 2021:	

19 a. for the month beginning July  
20 1, 2020, through the month  
21 ending August 31, 2020 5.0%

22 b. for the month beginning  
23 September 1, 2020, through  
24  
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1	the month ending June 30,	
2	2021	3.5%
3	FY 2022	5.0%
4	FY 2023 through FY 2027	5.25%
5	FY 2028 and each fiscal year thereafter	5.0%;

6 4. a. except as otherwise provided in subparagraph b of this  
7 paragraph, for the fiscal year beginning July 1, 2022,  
8 and for each fiscal year thereafter, eighty-seven one-  
9 hundredths percent (0.87%) shall be paid to the State  
10 Treasurer to be further apportioned as follows:

- 11 (1) twenty-four percent (24%) shall be placed to the  
12 credit of the Oklahoma Tourism Promotion  
13 Revolving Fund, but in no event shall such  
14 apportionment exceed Five Million Dollars  
15 (\$5,000,000.00) in any fiscal year,
- 16 (2) forty-four percent (44%) shall be placed to the  
17 credit of the Oklahoma Tourism Capital  
18 Improvement Revolving Fund, but in no event shall  
19 such apportionment exceed Nine Million Dollars  
20 (\$9,000,000.00) in any fiscal year, and
- 21 (3) thirty-two percent (32%) shall be placed to the  
22 credit of the Oklahoma Route 66 Commission  
23 Revolving Fund, but in no event shall such  
24 apportionment exceed Six Million Six Hundred  
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1                   Thousand Dollars (\$6,600,000.00) in any fiscal  
2                   year, and

3           b.    any amounts which exceed the limitations of  
4                subparagraph a of this paragraph shall be placed to  
5                the credit of the General Revenue Fund; and

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

14           6.   The dollar amount apportioned to the State Auditor and  
15   Inspector Operations Expense Revolving Fund pursuant to this section  
16   shall be adjusted for inflation each year, beginning with the fiscal  
17   year which begins July 1, 2025, using any positive increase in the  
18   Consumer Price Index-All Urban Consumers ("CPI-U") for the most  
19   recently completed period for which such information is available.

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

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

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

- 10 a. Nine Million Six Hundred Thousand Dollars  
11 (\$9,600,000.00) to the credit of the State Highway  
12 Construction and Maintenance Fund created in Section  
13 1501 of Title 69 of the Oklahoma Statutes, and  
14 b. Two Million Dollars (\$2,000,000.00) to the credit of  
15 the Oklahoma Railroad Maintenance Revolving Fund  
16 created in Section 309 of Title 66 of the Oklahoma  
17 Statutes;

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

- 19 a. Twenty Million Dollars (\$20,000,000.00) to the credit  
20 of the State Highway Construction and Maintenance Fund  
21 created in Section 1501 of Title 69 of the Oklahoma  
22 Statutes, and  
23 b. Two Million Dollars (\$2,000,000.00) to the credit of  
24 the Oklahoma Railroad Maintenance Revolving Fund  
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1 created in Section 309 of Title 66 of the Oklahoma  
2 Statutes;

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

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

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

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

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

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

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

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

7 SECTION 3. This act shall become effective July 1, 2024.

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

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