

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3233

By: Lawson

AS INTRODUCED

An Act relating to revenue and taxation; 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 apportionment of sales tax revenue; modifying apportionments; amending 68 O.S. 2021, Section 50014, which relates to tourism gross receipts tax; modifying authorized use of certain revenues; imposing certain limit on operations expenditures; amending 68 O.S. 2021, Section 1403, which relates to use tax apportionment; modifying apportionments; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 1353. Purpose of article - Apportionment of revenues.

A. It is hereby declared to be the purpose of the Oklahoma Sales Tax Code to provide funds for the financing of the program provided for by the Oklahoma Social Security Act and to provide

1 revenues for the support of the functions of the state government of
2 Oklahoma, and for this purpose it is hereby expressly provided that,
3 revenues derived pursuant to the provisions of the Oklahoma Sales
4 Tax Code, subject to the apportionment requirements for the Oklahoma
5 Tax Commission and Office of Management and Enterprise Services
6 Joint Computer Enhancement Fund provided by Section 265 of this
7 title, shall be apportioned as follows:

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

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027 <u>2024</u>	83.36%
<u>FY 2025</u>	<u>82.73%</u>
<u>FY 2026</u>	<u>82.23%</u>
<u>FY 2027</u>	<u>81.73%</u>
FY 2028 and each fiscal year thereafter	83.61% <u>81.23%</u> ;

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%)~~ The following amounts shall
17 be paid to the State Treasurer to be further
18 apportioned as ~~follows~~ set forth in subparagraph b of
19 this paragraph:

20 FY 2023 through FY 2024 0.87%

21 FY 2025 1.5%

22 FY 2026 2.0%

23 FY 2027 2.5%

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FY 2028 and thereafter

3.0%

b. Six Million Six Hundred Thousand Dollars (\$6,600,000.00)

shall be placed to the credit of the Oklahoma Route 66
Commission Revolving Fund, and of any remaining
apportionment:

~~(1) twenty-four percent (24%) shall be placed to the
credit of the Oklahoma Tourism Promotion
Revolving Fund, but in no event shall such
apportionment exceed Five Million Dollars
(\$5,000,000.00) in any fiscal year, thirty-six
percent (36%) shall be placed to the credit of
the Oklahoma Tourism Promotion Revolving Fund,
and~~

~~(2) forty-four percent (44%) shall be placed to the
credit of the Oklahoma Tourism Capital
Improvement Revolving Fund, but in no event shall
such apportionment exceed Nine Million Dollars
(\$9,000,000.00) in any fiscal year, and~~

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

1 ~~b. any amounts which exceed the limitations of~~
2 ~~subparagraph a of this paragraph shall be placed to~~
3 ~~the credit of the General Revenue Fund sixty-four~~
4 ~~percent (64%) shall be placed to the credit of the~~
5 ~~Oklahoma Tourism Capital Improvement Revolving Fund;~~
6 and

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

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

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

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

5 a. Nine Million Six Hundred Thousand Dollars
6 (\$9,600,000.00) to the credit of the State Highway
7 Construction and Maintenance Fund created in Section
8 1501 of Title 69 of the Oklahoma Statutes, and

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

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

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

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

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

23 a. Twenty Million Dollars (\$20,000,000.00) to the credit
24 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 4. For the month ending November 30, 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; and

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

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

- 21 b. Two Million Dollars (\$2,000,000.00) to the credit of
22 the Oklahoma Railroad Maintenance Revolving Fund
23 created in Section 309 of Title 66 of the Oklahoma
24 Statutes.
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1 SECTION 2. AMENDATORY 68 O.S. 2021, Section 50014, is

2 amended to read as follows:

3 Section 50014. A. 1. There is hereby created in the State
4 Treasury a revolving fund for the Oklahoma Tourism and Recreation
5 Department, to be designated the "Oklahoma Tourism Promotion
6 Revolving Fund". The fund shall be a continuing fund, not subject
7 to fiscal year limitations, and shall consist of all monies received
8 by the Oklahoma Tourism and Recreation Department and apportioned to
9 such fund pursuant to the provisions of Sections 1353 and 1403 of
10 this title and such other monies accredited to the fund pursuant to
11 law.

12 2. All monies accruing to the credit of the fund are hereby
13 appropriated and may be budgeted and expended by the Oklahoma
14 Tourism and Recreation Department for the purpose of Oklahoma
15 tourism promotion, as defined by Section 50011 of this title,
16 provided that the Department shall ensure that all areas of the
17 state will be adequately promoted, and all monies expended from the
18 fund shall reflect a consistent brand and image in the promotion of
19 Oklahoma tourism; provided, no more than twenty percent (20%) of the
20 amount accruing annually shall be expended for the purpose of
21 funding operations.

22 3. No monies from this revolving fund shall be transferred for
23 any purpose to any other state agency or be used for the purpose of
24 contracting with any other state agency or reimbursing any other
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1 state agency for any expense with the exception of contracting and
2 payment for research work completed by an institution of The
3 Oklahoma State System of Higher Education. ~~No monies from this~~
4 ~~revolving fund shall be expended for any wage or salary of any~~
5 ~~employee of any state agency.~~ Expenditures from the fund shall be
6 made upon warrants issued by the State Treasurer against claims
7 filed as prescribed by law with the Director of the Office of
8 Management and Enterprise Services for approval and payment.

9 B. 1. There is hereby created in the State Treasury a
10 revolving fund for the Oklahoma Tourism and Recreation Department,
11 to be designated the "Oklahoma Tourism Capital Improvement Revolving
12 Fund". The fund shall be a continuing fund, not subject to fiscal
13 year limitations, and shall consist of all monies received by the
14 Oklahoma Tourism and Recreation Department and apportioned to such
15 fund pursuant to the provisions of Sections 1353 and 1403 of this
16 title and such other monies accredited to the fund pursuant to law.

17 2. All monies accruing to the credit of the fund are hereby
18 appropriated and may be budgeted and expended by the Oklahoma
19 Tourism and Recreation Department for the purpose of funding capital
20 improvement projects or operations at state parks and tourist
21 information centers; provided, no more than twenty percent (20%) of
22 the amount accruing annually shall be expended for the purpose of
23 funding operations.
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1 3. No monies from this revolving fund shall be transferred for
2 any purpose to any other state agency. Expenditures from the fund
3 shall be made upon warrants issued by the State Treasurer against
4 claims filed as prescribed by law with the Director of the Office of
5 Management and Enterprise Services for approval and payment.

6 SECTION 3. AMENDATORY 68 O.S. 2021, Section 1403, is
7 amended to read as follows:

8 Section 1403. A. It is hereby declared to be the purpose of
9 Section 1401 et seq. of this title to provide for the support of the
10 functions of the state and local government of Oklahoma; and for
11 this purpose and to this end, it is hereby expressly provided that
12 the revenues derived hereunder, subject to the apportionment
13 provided in subsection B of this section and to the apportionment
14 requirements for the Oklahoma Tax Commission and Office of
15 Management and Enterprise Services Joint Computer Enhancement Fund
16 provided by Section 265 of this title, are hereby apportioned as
17 follows:

18 1. The following amounts shall be paid by the Tax Commission to
19 the State Treasurer and placed to the credit of the General Revenue
20 Fund to be paid out pursuant to direct appropriation by the
21 Legislature:

Fiscal Year	Amount
FY 2004	85.35%
FY 2005	85.14%

1	FY 2006	85.54%
2	FY 2007	85.04%
3	FY 2008 through FY 2022	83.61%
4	FY 2023 through FY 2027 <u>2024</u>	83.36%
5	<u>FY 2025</u>	<u>82.73%</u>
6	<u>FY 2026</u>	<u>82.23%</u>
7	<u>FY 2027</u>	<u>81.73%</u>
8	FY 2028 and each fiscal year thereafter	83.61% <u>81.23%</u> ;

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

- 12 a. for FY 2020, ten and forty-six one-hundredths percent
13 (10.46%),
- 14 b. for FY 2021:
 - 15 (1) for the month beginning July 1, 2020, through the
16 month ending August 31, 2020, ten and forty-six
17 one-hundredths percent (10.46%), and
 - 18 (2) for the month beginning September 1, 2020,
19 through the month ending June 30, 2021, eleven
20 and ninety-six one-hundredths percent (11.96%),
21 and
- 22 c. for FY 2022 and each fiscal year thereafter, ten and
23 forty-six one-hundredths percent (10.46%);

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1 3. The following amounts shall be paid to the State Treasurer
2 to be placed to the credit of the Teachers' Retirement System
3 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%
FY 2008 through FY 2020	5.0%
FY 2021:	
a. for the month beginning July 1, 2020, through the month ending August 31, 2020	5.0%
b. for the month beginning September 1, 2020, through the month ending June 30, 2021	3.5%
FY 2022	5.0%
FY 2023 through FY 2027	5.25%
FY 2028 and each fiscal year thereafter	5.0%;

4. a. ~~except as otherwise provided in subparagraph b of this
paragraph, for the fiscal year beginning July 1, 2015,
and for each fiscal year thereafter, eighty-seven one-
hundredths percent (0.87%) shall be paid to the State~~

~~Treasurer to be further apportioned as follows~~ The following amounts shall be paid to the State Treasurer to be further apportioned as set forth in subparagraph b of this paragraph:

<u>FY 2016 through FY 2024</u>	<u>0.87%</u>
<u>FY 2025</u>	<u>1.5%</u>
<u>FY 2026</u>	<u>2.0%</u>
<u>FY 2027</u>	<u>2.5%</u>
<u>FY 2028 and thereafter</u>	<u>3.0%</u>

(1) thirty-six percent (36%) shall be placed to the credit of the Oklahoma Tourism Promotion Revolving Fund, ~~but in no event shall such apportionment exceed the total amount apportioned pursuant to this division for the fiscal year ending on June 30, 2015,~~ and

(2) sixty-four percent (64%) shall be placed to the credit of the Oklahoma Tourism Capital Improvement Revolving Fund, ~~but in no event shall such apportionment exceed the total amount apportioned pursuant to this division for the fiscal year ending on June 30, 2015,~~ and

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

