

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3240

By: Lawson

4  
5  
6 AS INTRODUCED

7 An Act relating to sales tax code; amending 68 O.S.  
8 2021, Section 1353, as last amended by Section 2,  
9 Chapter 290, O.S.L. 2023 (68 O.S. Supp. 2023, Section  
10 1353), which relates to apportionment of sales tax  
11 revenues; modifying apportion of sales tax revenue;  
12 removing the limitation on apportionment to the  
13 Oklahoma Tourism Promotion Revolving Fund; removing  
14 the limitation on apportionment to the Oklahoma  
15 Tourism Capital Improvement Revolving Fund; modifying  
16 the destination for funds over the limitation  
17 provided for the Oklahoma Route 66 Commission  
18 Revolving Fund; removing the limitation on the  
19 apportionment to the Oklahoma Historical Society  
20 Capital Improvement and Operations Revolving Fund;  
21 amending 68 O.S. 2021, Section 1403, which relates to  
22 apportionment of use tax revenues; modifying  
23 apportion of use tax revenue; removing the limitation  
24 on apportionment to the Oklahoma Tourism Promotion  
Revolving Fund; removing the limitation on  
apportionment to the Oklahoma Tourism Capital  
Improvement Revolving Fund; removing the limitation  
on the apportionment to the Oklahoma Historical  
Society Capital Improvement and Operations Revolving  
Fund; providing an effective date; and declaring an  
emergency.

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

22 SECTION 1. AMENDATORY 68 O.S. 2021, Section 1353, as  
23 last amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.  
24 2023, Section 1353), is amended to read as follows:  
--

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

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

12 1. Except as provided in subsection C of this section, the  
13 following amounts shall be paid to the State Treasurer to be placed  
14 to the credit of the General Revenue Fund to be paid out pursuant to  
15 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	83.36%
FY 2028 and each fiscal year thereafter	83.61%;

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 division  
11 (3) of subparagraph a of this paragraph shall be  
12 ~~placed to the credit of the General Revenue Fund;~~  
13 further apportioned as follows:

14 (1) thirty-six percent (36%) shall be placed to the  
15 credit of the Oklahoma Tourism Promotion  
16 Revolving Fund, and

17 (2) sixty-four percent (64%) shall be placed to the  
18 credit of the Oklahoma Tourism Capital  
19 Improvement Revolving Fund; and

20 5. For the fiscal year beginning July 1, 2015, and for each  
21 fiscal year thereafter, six one-hundredths percent (0.06%) shall be  
22 placed to the credit of the Oklahoma Historical Society Capital  
23 Improvement and Operations Revolving Fund, ~~but in no event shall~~  
24 ~~such apportionment exceed the total amount apportioned pursuant to~~  
..

1 ~~this paragraph for the fiscal year ending on June 30, 2015. Any~~  
2 ~~amounts which exceed the limitations of this paragraph shall be~~  
3 ~~placed to the credit of the General Revenue Fund.~~

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

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

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

- 18 a. Nine Million Six Hundred Thousand Dollars  
19 (\$9,600,000.00) to the credit of the State Highway  
20 Construction and Maintenance Fund created in Section  
21 1501 of Title 69 of the Oklahoma Statutes, and  
22 b. Two Million Dollars (\$2,000,000.00) to the credit of  
23 the Oklahoma Railroad Maintenance Revolving Fund  
24  
--

1                   created in Section 309 of Title 66 of the Oklahoma  
2                   Statutes;

3                   2. For the month ending September 30, 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                  3. For the month ending October 31, 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;

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

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

--

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. AMENDATORY 68 O.S. 2021, Section 1403, is  
17 amended to read as follows:

18 Section 1403. A. It is hereby declared to be the purpose of  
19 Section 1401 et seq. of this title to provide for the support of the  
20 functions of the state and local government of Oklahoma; and for  
21 this purpose and to this end, it is hereby expressly provided that  
22 the revenues derived hereunder, subject to the apportionment  
23 provided in subsection B of this section and to the apportionment  
24 requirements for the Oklahoma Tax Commission and Office of  
--



1 Management and Enterprise Services Joint Computer Enhancement Fund  
2 provided by Section 265 of this title, are hereby apportioned as  
3 follows:

4 1. The following amounts shall be paid by the Tax Commission to  
5 the State Treasurer and placed to the credit of the General Revenue  
6 Fund to be paid out pursuant to direct appropriation by the  
7 Legislature:

8 Fiscal Year	Amount
9 FY 2004	85.35%
10 FY 2005	85.14%
11 FY 2006	85.54%
12 FY 2007	85.04%
13 FY 2008 through FY 2022	83.61%
14 FY 2023 through FY 2027	83.36%
15 FY 2028 and each fiscal year thereafter	83.61%;

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

- 19 a. for FY 2020, ten and forty-six one-hundredths percent  
20 (10.46%),
- 21 b. for FY 2021:
  - 22 (1) for the month beginning July 1, 2020, through the  
23 month ending August 31, 2020, ten and forty-six  
24 one-hundredths percent (10.46%), and  
--

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

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

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

1 FY 2023 through FY 2027 5.25%

2 FY 2028 and each fiscal year thereafter 5.0%;

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

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

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

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

23 5. For the fiscal year beginning July 1, 2015, and for each  
24 fiscal year thereafter, six one-hundredths percent (0.06%) shall be  
--

1 placed to the credit of the Oklahoma Historical Society Capital  
2 Improvement and Operations Revolving Fund, ~~but in no event shall~~  
3 ~~such apportionment exceed the total amount apportioned pursuant to~~  
4 ~~this paragraph for the fiscal year ending on June 30, 2015. Any~~  
5 ~~amounts which exceed the limitations of this paragraph shall be~~  
6 ~~placed to the credit of the General Revenue Fund.~~

7 B. Prior to the apportionments otherwise provided in this  
8 section, there shall be apportioned to the Education Reform  
9 Revolving Fund of the State Department of Education the following  
10 amounts in the following state fiscal years:

11 FY 2019 \$19,600,000.00; and

12 FY 2020 and each year thereafter \$20,500,000.00.

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

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

18  
19 59-2-8575 MKS 11/28/23  
20  
21  
22  
23  
24  
--