

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2210

By: Hutchison

AS INTRODUCED

An Act relating to state government; enacting the State Park Maintenance Fund Act; providing short title; defining terms; creating the State Park Maintenance Revolving Fund; providing sources of monies for revolving fund; establishing guidelines for expenditures of fund; amending 68 O.S. 1991, Section 1353, which relates to the purpose and apportionment of sales tax revenues; modifying purpose and use of sales taxes; providing for deposit of certain sales tax collections in the State Park Maintenance Revolving Fund; providing for certain monthly deposits; amending 62 O.S. 1991, Section 203, as last amended by Section 9, Chapter 329, O.S.L. 1994 (62 O.S. Supp. 1995, Section 203), which relates to apportionment of monies; providing exception from apportioning certain investment income in General Revenue Fund; 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 1901 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "State Park Maintenance Fund Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1902 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. As used in the State Park Maintenance Fund Act:

1. "Department" means the Oklahoma Tourism and Recreation Department;

2. "Commission" means the Oklahoma Tourism and Recreation Commission;

3. "Total expenditures" means the amounts actually expended from the fund as authorized by subsections B and C of Section 3 of this act;

4. "Fund" means the State Park Maintenance Revolving Fund; and

5. "Project" means any scope of work eligible for funding under the State Park Maintenance Fund Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1903 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund to be designated the "State Park Maintenance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies designated for the fund by statute, monies the Legislature may appropriate or transfer to the fund, monies contributed for the fund from any other sources public or private, and income from investment of the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commission as provided by subsections B and C of this section. Expenditures from said fund

shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. Monies accruing to the State Park Maintenance Revolving Fund may be expended for the following purposes:

1. The maintenance of state park and resort park facilities;

2. The major maintenance and retrofitting of state park and resort park facilities for compliance with federal accessibility requirements;

3. The preparation of planning documents for state parks and resort parks; and

4. The protection or preservation of lands or rights in land in or adjacent to state parks or resort parks for the purpose of preserving existing resources or expanding facilities where willing sellers exist.

C. The total expenditures from the State Park Maintenance Revolving Fund in any fiscal year for the maintenance of state parks and resort parks, planning studies and other eligible expenditures shall be allotted in accordance with the needs assessment developed and maintained by the Division of Planning and Development. However, at the request of the Legislature or the Governor, the Commission may suspend the limitations of this section in order to authorize a project of unanticipated but substantial need.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1904 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. All interest and earnings on money appropriated to or otherwise deposited in the State Park Maintenance Revolving Fund account shall be designated as proceeds which are available for distribution on projects.

B. Upon completion of a project funded with the Revolving Fund proceeds, any unexpended balance remaining after completion of the

project for which the money was authorized may be allocated for other projects in accordance with the needs assessment provided for in subsection C of Section 3 of this act.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 1353, is amended to read as follows:

Section 1353. Purpose of article - Apportionment of revenues.

It is hereby declared to be the purpose of the Oklahoma Sales Tax Code to provide funds for the financing of the ~~program~~ programs provided for by the Oklahoma Social Security Act and the State Park Maintenance Fund Act, and to provide revenues for the support of the functions of the state government of Oklahoma, and for this purpose it is hereby expressly provided that the revenues derived pursuant to the provisions of the Oklahoma Sales Tax Code shall be paid to the State Treasurer to be placed to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature, except as provided for in Section 6 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1353.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

Deposit of levied tax.

All collections from the tax levied pursuant to Section 1354 of Title 68 of the Oklahoma Statutes and which are derived from businesses identified by the Standard Industrial Classification Code number 7999, also known as amusement and recreation services, N.E.C., shall be paid monthly to the State Treasurer who shall deposit the collections in the State Park Maintenance Revolving Fund established by the State Park Maintenance Fund Act for the purposes identified in this act.

SECTION 7. AMENDATORY 62 O.S. 1991, Section 203, as last amended by Section 9, Chapter 329, O.S.L. 1994 (62 O.S. Supp. 1995, Section 203), is amended to read as follows:

Section 203. A. Except as otherwise provided by subsection B of this section, all monies that may come into the State Treasury, pursuant to the provisions of Section 201 et seq. of this title, together with all amounts that may be received by the State Treasurer as investment income or as interest on average daily bank balances, including investment income or interest on deposits from funds deposited to the credit of the Constitutional Reserve Fund created pursuant to Section 23 of Article ~~10~~ X of the Oklahoma Constitution, shall be apportioned and credited to the General Revenue Fund for the current year.

B. The provisions of subsection A of this section shall not apply to:

1. Interest received on deposits from funds under the control of the Commissioners of the Land Office;

2. Funds in the Department of Human Services Federal Disallowance Fund;

3. Interest received on deposits from funds under the control of the Santa Claus Commission; ~~and~~

4. The Risk Management Revolving Fund; and

5. Investment income from funds in the State Park Maintenance Revolving Fund.

SECTION 8. This act shall become effective July 1, 1996.

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

45-2-8384

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