

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT  
4 RESOLUTION 1056

By: Martin (Steve)

5  
6 AS INTRODUCED

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8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to the Constitution of  
11 the State of Oklahoma by adding a new Section 22A to  
12 Article X; providing for applicability to certain  
13 municipalities with sales tax levy; imposing certain  
14 duties on vendors; imposing duties upon Oklahoma Tax  
15 Commission; requiring transfer of certain municipal  
16 sales tax revenue to Municipal Sales Tax  
17 Redistribution Fund; requiring determination of  
18 certain populations for certain municipalities;  
19 requiring computation of sales tax revenue for  
20 distribution from the Municipal Sales Tax  
21 Redistribution Fund; providing for inapplicability of  
22 procedures to certain municipalities; providing for  
23 inapplicability of procedures to counties; providing  
24 ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for  
their approval or rejection, as and in the manner provided by law,  
the following proposed amendment to the Constitution of the State of  
Oklahoma by adding a new Section 22A to Article X thereof, to read  
as follows:

1       A. Effective July 1, 2009, each municipality that levies a  
2 sales tax with a rate of one cent (\$0.01) or greater shall be  
3 subject to the provisions of this section. The provisions of this  
4 section shall be applicable to municipalities that levy a sales tax  
5 of at least one cent (\$0.01) prior to July 1, 2009, if the levy is  
6 in force and effect on July 1, 2009, or thereafter.

7       B. Each vendor of goods or services subject to sales tax levied  
8 by a municipality, including any municipality specified in  
9 subsection A of this section, shall remit to the Oklahoma Tax  
10 Commission state sales tax and municipal sales tax in the manner  
11 prescribed by law.

12       C. The Oklahoma Tax Commission shall determine the amount of  
13 sales tax revenue attributable to one cent (\$0.01) of each municipal  
14 sales tax levy. The Oklahoma Tax Commission shall transfer such  
15 revenue to the Municipal Sales Tax Redistribution Fund each month.  
16 All other sales tax revenue attributable to a municipal sales tax  
17 levy shall be transferred to the municipality in the manner  
18 prescribed by law.

19       D. The Oklahoma Tax Commission shall determine the total amount  
20 of revenue transferred to the Municipal Sales Tax Redistribution  
21 Fund each month. The Oklahoma Tax Commission shall determine the  
22 population, using either the most recent federal Decennial Census or  
23 most recent annual estimate, of all municipalities levying a sales  
24 tax of at least one cent (\$0.01). The Tax Commission shall

1 determine the ratio of the population of each such municipality to  
2 the population of all such municipalities. The Tax Commission shall  
3 multiply the ratio determined for each such municipality by the  
4 total amount of sales tax revenue transferred to the Municipal Sales  
5 Tax Redistribution Fund for the applicable period and shall remit to  
6 each municipality the amount of sales tax revenue determined  
7 pursuant to such computation.

8 E. Any municipality that enacts a sales tax levy of at least  
9 one cent (\$0.01) on or after July 1, 2009, shall be subject to the  
10 provisions of this section. If a municipality is subject to the  
11 provisions of this section, but thereafter if the sales tax levy is  
12 eliminated or if a levy decreases to a level of less than one cent  
13 (\$0.01), the municipality shall not be subject to the provisions of  
14 this section.

15 F. A municipality which does not levy any sales tax or which  
16 levies sales tax in an amount less than one cent (\$0.01) shall not  
17 receive any distribution of money from the Municipal Sales Tax  
18 Redistribution Fund.

19 G. No county shall be subject to the provisions of this section  
20 and any sales tax revenue derived from a sales tax levy imposed by  
21 the county shall be apportioned in the manner provided by law.

22 SECTION 2. The Ballot Title for the proposed Constitutional  
23 amendment as set forth in SECTION 1 of this resolution shall be in  
24 the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would add a new Section 22A to Article 10. Cities and towns may levy sales tax. The Tax Commission sends sales tax back to cities and towns. This measure would require the Tax Commission to put some local sales tax money into a new fund. The Tax Commission would transfer some local sales tax money to the new fund. The Tax Commission would put money equal to one cent (\$0.01) of the total levy for each city or town into the fund. The Tax Commission would do this each month. Each month the Tax Commission would redistribute this money. Each city or town with a sales tax levy of at least one cent (\$0.01) would receive money from the fund. The city or town would get money based upon its population. The city or town would get an amount of money based on its population in comparison to the total population of all cities and towns that had a sales tax levy of at least one cent (\$0.01). Counties would keep all sales tax money from their levies.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

AGAINST THE PROPOSAL - NO \_\_\_\_\_

1 SECTION 3. The Chief Clerk of the House of Representatives,  
2 immediately after the passage of this resolution, shall prepare and  
3 file one copy thereof, including the Ballot Title set forth in  
4 SECTION 2 hereof, with the Secretary of State and one copy with the  
5 Attorney General.

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