

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1341 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Neil Brannon

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

PROPOSED SUBCOMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1341

By: Brannon

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 1353, as last amended by Section 8, Chapter 278, O.S.L. 2008 (68 O.S. Supp. 2008, Section 1353), which relates to apportionment of state sales taxes; modifying apportionment of revenue to General Revenue Fund; providing modification contingent upon certain findings by State Board of Equalization; modifying apportionment to Teachers' Retirement System Dedicated Revenue Revolving Fund; providing modification contingent upon findings of State Board of Equalization; imposing duties upon State Board of Equalization regarding comparison of state sales tax collections; providing for codification; 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. 2001, Section 1353, as last amended by Section 8, Chapter 278, O.S.L. 2008 (68 O.S. Supp. 2008, Section 1353), is amended to read as follows:

Section 1353. 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

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

- 8 1. a. the following amounts shall be paid to the State
 9 Treasurer to be placed to the credit of the General
 10 Revenue Fund to be paid out pursuant to direct
 11 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 <u>2010</u> and each	
fiscal year thereafter <u>if</u>	
<u>authorized pursuant to</u>	
<u>the provisions of Section</u>	
<u>2 of this act</u>	83.61% <u>82.61%</u>

- 22 b. in the event that additional monies are necessary
 23 pursuant to paragraph 5 of this section, such
 24 additional monies shall be deducted in the proportion

determined by the State Board of Equalization pursuant to paragraph 3 of Section 2355.1B of this title from the monies apportioned to the General Revenue Fund;

2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-hundredths percent (10.42%), shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education and for FY 2006 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education;

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 <u>2010</u> and each fiscal year thereafter <u>if authorized pursuant</u> <u>to the provisions of</u> <u>Section 2 of this act</u>	5.0% <u>6.0%</u>

1 4. For the fiscal year beginning July 1, 2007, and for each
2 fiscal year thereafter, ninety-three one-hundredths percent (0.93%)
3 shall be paid to the State Treasurer to be further apportioned as
4 follows:

- 5 a. thirty-six percent (36%) shall be placed to the credit
6 of the Oklahoma Tourism Promotion Revolving Fund, and
7 b. sixty-four percent (64%) shall be placed to the credit
8 of the Oklahoma Tourism Capital Improvement Revolving
9 Fund; and

10 5. During the first fiscal year after the State Board of
11 Equalization has made a determination as provided in Section 2355.1B
12 of this title, regarding a baseline amount of revenue apportioned
13 pursuant to paragraph 3 of this section, and for each fiscal year
14 thereafter, in no event shall monies apportioned pursuant to
15 paragraph 3 of this section, paragraph 3 of Section 1403 of this
16 title and subparagraph c of paragraph 1 of Section 2352 of this
17 title be less than such baseline amount.

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

1 Section 2701 of this title. The Oklahoma Tax Commission shall
2 promulgate and adopt rules necessary to implement the provisions of
3 this subsection.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1353.1 of Title 68, unless there
6 is created a duplication in numbering, reads as follows:

7 The increase in the apportionment of revenues to the Teachers'
8 Retirement System Dedicated Revenue Revolving Fund authorized by
9 paragraph 3 of subsection A of Section 1353 of Title 68 of the
10 Oklahoma Statutes shall only be made if the State Board of
11 Equalization determines that there is growth in the actual
12 collections for state sales tax beginning with a comparison of the
13 state sales tax collections for the fiscal year ending June 30,
14 2008, to the state sales tax collections for the fiscal year ending
15 June 30, 2009, and by a subsequent comparison of each two (2) fiscal
16 years thereafter.

17 SECTION 3. This act shall become effective July 1, 2009.

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

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23 52-1-6856 MAH 02/16/09
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