

1 ENGROSSED SENATE
2 BILL NO. 1065

By: Wyrick and Garrison of the
Senate

3 and

4 Cox of the House

5
6
7 [revenue and taxation - cigarette and tobacco

8 products tax - effective date -

9 emergency]

10

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

12 SECTION 1. AMENDATORY Section 2, Chapter 322, O.S.L.
13 2004, as amended by Section 9, Chapter 393, O.S.L. 2008 (68 O.S.
14 Supp. 2008, Section 302-5), is amended to read as follows:

15 Section 302-5. A. Effective January 1, 2005, in addition to
16 the tax levied in Sections 302, 302-1, 302-2, 302-3 and 302-4 of
17 this title, there is hereby levied upon the sale, use, gift,
18 possession, or consumption of cigarettes, as defined in Sections 301
19 through 325 of this title, within this state, a tax at the rate of
20 forty (40) mills per cigarette.

21 B. Except as provided in subsection D of this section, the
22 revenue resulting from the additional tax levied in subsection A of
23 this section shall be apportioned by the Oklahoma Tax Commission and
24 transmitted to the State Treasurer as follows:

1 1. Twenty-two and six-hundredths percent (22.06%) shall be
2 placed to the credit of the Health Employee and Economy Improvement
3 Act Revolving Fund created in Section 1010.1 of Title 56 of the
4 Oklahoma Statutes;

5 2. Three and nine-hundredths percent (3.09%) shall be placed to
6 the credit of the Comprehensive Cancer Center Debt Service Revolving
7 Fund created in Section 160.1 of Title 62 of the Oklahoma Statutes;

8 3. Before July 1, 2008, seven and fifty-hundredths percent
9 (7.50%) shall be placed to the credit of the Trauma Care Assistance
10 Revolving Fund created in Section 1-2530.9 of Title 63 of the
11 Oklahoma Statutes. ~~On and after~~ For the fiscal year beginning July
12 1, 2008, seven and fifty-hundredths percent (7.50%) shall be
13 allocated as provided in subparagraphs a, b and c of this paragraph.
14 On and after July 1, 2009, five percent (5%) shall be allocated as
15 follows:

16 a. every month, an amount equal to the actual amount
17 placed to the credit of the Trauma Care Assistance
18 Revolving Fund pursuant to this paragraph for the same
19 month of the 2008 fiscal year shall be credited to the
20 Trauma Care Assistance Revolving Fund,

21 b. every month, any amount over and above the amount
22 placed to the credit of the Trauma Care Assistance
23 Revolving Fund pursuant to subparagraph a of this
24 paragraph shall be credited to the Oklahoma Emergency

1 Response Systems Stabilization and Improvement
2 Revolving Fund as created in Section ~~8 of this act~~
3 1.2512.1 of Title 63 of the Oklahoma Statutes until
4 the combined amount credited to the Oklahoma Emergency
5 Response Systems Stabilization and Improvement
6 Revolving Fund pursuant to this section and Section
7 402-3 of this title is equal to a total of Two Million
8 Five Hundred Thousand Dollars (\$2,500,000.00) each
9 year, and

10 c. any additional revenue allocated pursuant to this
11 paragraph shall be placed to the credit of the Trauma
12 Care Assistance Revolving Fund;

13 4. Three and nine-hundredths percent (3.09%) shall be placed to
14 the credit of the Oklahoma State University College of Osteopathic
15 Medicine Revolving Fund created in Section 160.2 of Title 62 of the
16 Oklahoma Statutes;

17 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
18 shall be placed to the credit of the Oklahoma Health Care Authority
19 Medicaid Program Fund created in Section 5020 of Title 63 of the
20 Oklahoma Statutes for the purposes of maintaining programs and
21 services funded under the federal "Jobs and Growth Tax Relief
22 Reconciliation Act of 2003", reimbursing city/county-owned
23 hospitals, increasing emergency room physician rates, and providing
24 TEFRA 134, also known as "Katie Beckett" services;

1 6. Two and sixty-five-hundredths percent (2.65%) shall be
2 placed to the credit of the Department of Mental Health and
3 Substance Abuse Services Revolving Fund created in Section 2-303 of
4 Title 43A of the Oklahoma Statutes;

5 7. Forty-four-hundredths of one percent (0.44%) shall be placed
6 to the credit of the Belle Maxine Hilliard Breast and Cervical
7 Cancer Treatment Revolving Fund created in Section 1-559 of Title 63
8 of the Oklahoma Statutes;

9 8. One percent (1%) shall be placed to the credit of the
10 Teachers' Retirement System Revolving Fund created in Section 158 of
11 Title 62 of the Oklahoma Statutes;

12 9. Two and seven-hundredths percent (2.07%) shall be placed to
13 the credit of the Education Reform Revolving Fund created in Section
14 41.29b of Title 62 of the Oklahoma Statutes;

15 10. Sixty-six-hundredths percent (0.66%) shall be placed to the
16 credit of the Tobacco Prevention and Cessation Revolving Fund
17 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

18 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
19 be placed to the credit of the General Revenue Fund; and

20 12. For fiscal years beginning July 1, 2004, and ending June
21 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
22 shall be apportioned to municipalities and counties that levy a
23 sales tax, in the proportions which total municipal and county sales
24

1 tax revenue was apportioned by the Tax Commission in the preceding
2 month; and

3 13. On and after July 1, 2009, two and one-half percent (2.5%)
4 shall be apportioned by the Oklahoma Tax Commission to the various
5 emergency medical services districts of this state which are levying
6 a tax of three (3) mills pursuant to Section 9C of Article X of the
7 Oklahoma Constitution and which are comprised of areas which, by
8 their boundary lines, do not have the authority to levy a sales tax
9 pursuant to Title 68 of the Oklahoma Statutes, as follows:

- 10 a. one and twenty-five-hundredths percent (1.25%) to be
11 distributed to the various districts in that
12 proportion which the district road mileage of that
13 district bears to the entire state road mileage as
14 certified by the Transportation Commission, and
15 b. one and twenty-five-hundredths percent (1.25%) to be
16 distributed to the various districts based on the
17 proportion each district's population bears to the
18 total state population as certified by the Oklahoma
19 Department of Commerce.

20 For fiscal years beginning July 1, 2006, and thereafter, the
21 apportionment percentage specified in paragraph 12 of this
22 subsection will be adjusted by dividing the total municipal and
23 county sales tax revenue collected in the calendar year immediately
24 preceding the commencement of the fiscal year by the sum of the

1 state sales tax revenue and total municipal and county sales tax
2 revenue collected in the same year. This ratio shall be divided by
3 the ratio of the total municipal and county sales tax revenue
4 collected in the calendar year beginning January 1, 2004, and ending
5 December 31, 2004, divided by the sum of the state sales tax revenue
6 and total municipal and county sales tax revenue collected in the
7 same year. The resulting quotient shall be multiplied by fourteen
8 and twenty-three-hundredths percent (14.23%) to determine the
9 apportionment percentage for the fiscal year.

10 For fiscal years beginning July 1, 2006, and thereafter, any
11 adjustment to the percentage of revenues apportioned to
12 municipalities and counties shall be reflected in the percent of
13 revenues apportioned to the General Revenue Fund.

14 C. The tax shall be evidenced by tax stamps as now provided
15 for; however, as to cigarette packages of less than ten cigarettes
16 for free distribution as samples, the tax herein levied shall be
17 computed and paid as provided for other cigarette taxes without
18 affixing stamps on each such package.

19 D. The net amount of any revenue resulting from a payment in
20 lieu of excise taxes on cigarettes levied by this section, pursuant
21 to a compact with a federally recognized Indian tribe or nation
22 after deductions for deposits into trust accounts pursuant to such
23 compacts, shall be apportioned by the Tax Commission and transmitted
24 to the State Treasurer as follows:

1 1. Thirty-three and forty-nine-hundredths percent (33.49%)
2 shall be placed to the credit of the Health Employee and Economy
3 Improvement Act Revolving Fund created in Section 1010.1 of Title 56
4 of the Oklahoma Statutes;

5 2. Four and sixty-nine-hundredths percent (4.69%) shall be
6 placed to the credit of the Comprehensive Cancer Center Debt Service
7 Revolving Fund created in Section 160.1 of Title 62 of the Oklahoma
8 Statutes;

9 3. Before July 1, 2008, eleven and thirty-nine-hundredths
10 percent (11.39%) shall be placed to the credit of the Trauma Care
11 Assistance Revolving Fund created in Section 1-2522 of Title 63 of
12 the Oklahoma Statutes. ~~On and after~~ For the fiscal year beginning
13 July 1, 2008, eleven and thirty-nine-hundredths percent (11.39%)
14 shall be allocated as provided in subparagraphs a, b and c of this
15 paragraph. On and after July 1, 2009, eight and eighty-nine-
16 hundredths percent (8.89%) shall be allocated as follows:

17 a. every month, an amount equal to the actual amount
18 placed to the credit of the Trauma Care Assistance
19 Revolving Fund pursuant to this paragraph for the same
20 month of the 2008 fiscal year shall be credited to the
21 Trauma Care Assistance Revolving Fund,

22 b. every month, any amount over and above the amount
23 placed to the credit of the Trauma Care Assistance
24 Revolving Fund pursuant to subparagraph a of this

1 paragraph shall be credited to the Oklahoma Emergency
2 Response Systems Stabilization and Improvement
3 Revolving Fund as created in Section ~~8 of this act~~ 1-
4 2512.1 of Title 63 of the Oklahoma Statutes until the
5 combined amount credited to the Oklahoma Emergency
6 Response Systems Stabilization and Improvement
7 Revolving Fund pursuant to this section and Section
8 402-3 of this title is equal to a total of Two Million
9 Five Hundred Thousand Dollars (\$2,500,000.00) each
10 year, and

11 c. any additional revenue allocated pursuant to this
12 paragraph shall be placed to the credit of the Trauma
13 Care Assistance Revolving Fund;

14 4. Four and sixty-nine-hundredths percent (4.69%) shall be
15 placed to the credit of the Oklahoma State University College of
16 Osteopathic Medicine Revolving Fund created in Section 160.2 of
17 Title 62 of the Oklahoma Statutes;

18 5. Forty and six-hundredths percent (40.06%) shall be placed to
19 the credit of the Oklahoma Health Care Authority Medicaid Program
20 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
21 for the purposes of maintaining programs and services funded under
22 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
23 reimbursing city/county-owned hospitals, increasing emergency room
24

1 physician rates, and providing TEFRA 134, also known as "Katie
2 Beckett" services;

3 6. Four and one-hundredths percent (4.01%) shall be placed to
4 the credit of the Department of Mental Health and Substance Abuse
5 Services Revolving Fund created in Section 2-303 of Title 43A of the
6 Oklahoma Statutes;

7 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
8 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
9 Treatment Revolving Fund created in Section 1-559 of Title 63 of the
10 Oklahoma Statutes; ~~and~~

11 8. One percent (1%) shall be placed to the credit of the
12 Tobacco Prevention and Cessation Revolving Fund created in Section
13 1-105d of Title 63 of the Oklahoma Statutes; and

14 9. On and after July 1, 2009, two and one-half percent (2.5%)
15 shall be apportioned by the Oklahoma Tax Commission to the various
16 emergency medical services districts of this state which are levying
17 a tax of three (3) mills pursuant to Section 9C of Article X of the
18 Oklahoma Constitution and which are comprised of areas which, by
19 their boundary lines, do not have the authority to levy a sales tax
20 pursuant to Title 68 of the Oklahoma Statutes, as follows:

21 a. one and twenty-five-hundredths percent (1.25%) to be
22 distributed to the various districts in that
23 proportion which the district road mileage of that

24

1 district bears to the entire state road mileage as
2 certified by the Transportation Commission, and
3 b. one and twenty-five-hundredths percent (1.25%) to be
4 distributed to the various districts based on the
5 proportion each district's population bears to the
6 total state population as certified by the Oklahoma
7 Department of Commerce.

8 E. No part of the revenues resulting from the additional taxes
9 levied in this section shall be used in determining the amount of
10 cigarette tax collections to be paid into:

11 1. The State of Oklahoma Building Bonds of 1961 Sinking Fund
12 pursuant to the provisions of Sections 57.31 through 57.43 of Title
13 62 of the Oklahoma Statutes;

14 2. The State of Oklahoma Institutional Building Bonds of 1965
15 Sinking Fund pursuant to the provisions of Sections 57.61 through
16 57.73 of Title 62 of the Oklahoma Statutes;

17 3. The State of Oklahoma Institutional Building Bonds of 1965
18 Sinking Fund Series C and Series D pursuant to Sections 57.81
19 through 57.112 of Title 62 of the Oklahoma Statutes;

20 4. The State of Oklahoma Building Bonds of 1968 Sinking Fund
21 pursuant to the provisions of Sections 57.121 through 57.193 of
22 Title 62 of the Oklahoma Statutes; or

1 5. The Oklahoma Building Bonds of 1992 Sinking Fund pursuant to
2 the provisions of Sections 57.300 through 57.313 of Title 62 of the
3 Oklahoma Statutes.

4 F. The cigarette taxes levied in this section shall be
5 collected and administered in all respects not inconsistent with as
6 now or hereafter provided for by law for other cigarette taxes now
7 levied, collected, and administered pursuant to the provisions of
8 Sections 301 through 325 of this title.

9 SECTION 2. AMENDATORY Section 10, Chapter 322, O.S.L.
10 2004, as amended by Section 10, Chapter 393, O.S.L. 2008 (68 O.S.
11 Supp. 2008, Section 402-3), is amended to read as follows:

12 Section 402-3. A. In addition to the tax levied in Sections
13 402, 402-1 and 402-2 of this title, effective January 1, 2005, there
14 shall be levied, assessed, collected, and paid in respect to the
15 articles containing tobacco enumerated in Section 401 et seq. of
16 this title, a tax in the following amounts:

17 1. Little Cigars. Upon cigars of all descriptions made of
18 tobacco, or any substitute therefor, and weighing not more than
19 three (3) pounds per thousand, twenty-seven (27) mills for each
20 cigar. Provided, that the tax levied on the products coming under
21 this paragraph shall not apply if the tax on such products is
22 reported and paid as cigarette tax under Sections 301 through 325 of
23 this title;

24

1 2. Cigars. Upon all other cigars of all descriptions made of
2 tobacco, or any substitute therefor, and weighing more than three
3 (3) pounds per thousand, Ninety Dollars (\$90.00) per thousand. For
4 the purpose of computing the tax, cheroots, stogies, etc., are
5 hereby classed as cigars;

6 3. Smoking Tobacco. Upon all smoking tobacco including
7 granulated, plug cut, crimp cut, ready rubbed and other kinds and
8 forms of tobacco prepared in such manner as to be suitable for
9 smoking in a pipe or cigarette, the tax shall be forty percent (40%)
10 of the factory list price exclusive of any trade discount, special
11 discount or deals; and

12 4. Chewing Tobacco. Upon chewing tobacco, smokeless tobacco,
13 and snuff, the tax shall be thirty percent (30%) of the factory list
14 price exclusive of any trade discount, special discount or deals.

15 B. Except as provided in subsection C of this section, the
16 revenue resulting from the additional tax levied in subsection A of
17 this section shall be apportioned by the Oklahoma Tax Commission and
18 transmitted to the State Treasurer as follows:

19 1. Twenty-two and six-hundredths percent (22.06%) shall be
20 placed to the credit of the Health Employee and Economy Improvement
21 Act Revolving Fund created in Section 1010.1 of Title 56 of the
22 Oklahoma Statutes;

23

24

1 2. Three and nine-hundredths percent (3.09%) shall be placed to
2 the credit of the Comprehensive Cancer Center Debt Service Revolving
3 Fund created in Section 160.1 of Title 62 of the Oklahoma Statutes;

4 3. Before July 1, 2008, seven and fifty-hundredths percent
5 (7.50%) shall be placed to the credit of the Trauma Care Assistance
6 Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma
7 Statutes. ~~On and after~~ For the fiscal year beginning July 1, 2008,
8 seven and fifty-hundredths percent (7.50%) shall be allocated as
9 provided in subparagraphs a, b and c of this paragraph. On and
10 after July 1, 2009, five percent (5%) shall be allocated as follows:

- 11 a. every month, an amount equal to the actual amount
12 placed to the credit of the Trauma Care Assistance
13 Revolving Fund pursuant to this paragraph for the same
14 month of the 2008 fiscal year shall be credited to the
15 Trauma Care Assistance Revolving Fund,
- 16 b. every month, any amount over and above the amount
17 placed to the credit of the Trauma Care Assistance
18 Revolving Fund pursuant to subparagraph a of this
19 paragraph shall be credited to the Oklahoma Emergency
20 Response Systems Stabilization and Improvement
21 Revolving Fund as created in Section ~~8 of this act~~ 1-
22 2512.1 of Title 36 of the Oklahoma Statutes until the
23 combined amount credited to the Oklahoma Emergency
24 Response Systems Stabilization and Improvement

1 Revolving Fund pursuant to this section and Section
2 302-5 of this title is equal to Two Million Five
3 Hundred Thousand Dollars (\$2,500,000.00) each year,
4 and

5 c. any additional revenue allocated pursuant to this
6 paragraph shall be placed to the credit of the Trauma
7 Care Assistance Revolving Fund;

8 4. Three and nine-hundredths percent (3.09%) shall be placed to
9 the credit of the Oklahoma State University College of Osteopathic
10 Medicine Revolving Fund created in Section 160.2 of Title 62 of the
11 Oklahoma Statutes;

12 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
13 shall be placed to the credit of the Oklahoma Health Care Authority
14 Medicaid Program Fund created in Section 5020 of Title 63 of the
15 Oklahoma Statutes for the purposes of maintaining programs and
16 services funded under the federal "Jobs and Growth Tax Relief
17 Reconciliation Act of 2003", reimbursing city/county-owned
18 hospitals, increasing emergency room physician rates, and providing
19 TEFRA 134, also known as "Katie Beckett" services;

20 6. Two and sixty-five-hundredths percent (2.65%) shall be
21 placed to the credit of the Department of Mental Health and
22 Substance Abuse Services Revolving Fund created in Section 2-303 of
23 Title 43A of the Oklahoma Statutes;

1 7. Forty-four-hundredths of one percent (0.44%) shall be placed
2 to the credit of the Belle Maxine Hilliard Breast and Cervical
3 Cancer Treatment Revolving Fund created in Section 1-559 of Title 63
4 of the Oklahoma Statutes;

5 8. One percent (1%) shall be placed to the credit of the
6 Teachers' Retirement System Revolving Fund created in Section 158 of
7 Title 62 of the Oklahoma Statutes;

8 9. Two and seven-hundredths percent (2.07%) shall be placed to
9 the credit of the Education Reform Revolving Fund created in Section
10 41.29b of Title 62 of the Oklahoma Statutes;

11 10. Sixty-six-hundredths percent (.66%) shall be placed to the
12 credit of the Tobacco Prevention and Cessation Revolving Fund
13 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

14 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
15 be placed to the credit of the General Revenue Fund; ~~and~~

16 12. For fiscal years beginning July 1, 2004, and ending June
17 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
18 shall be apportioned to municipalities and counties that levy a
19 sales tax, in the proportions which total municipal and county sales
20 tax revenue was apportioned by the Tax Commission in the preceding
21 month; and

22 13. On and after July 1, 2009, two and one-half percent (2.5%)
23 shall be apportioned by the Oklahoma Tax Commission to the various
24 emergency medical services districts of this state which are levying

1 a tax of three (3) mills pursuant to Section 9C of Article X of the
2 Oklahoma Constitution and which are comprised of areas which, by
3 their boundary lines, do not have the authority to levy a sales tax
4 pursuant to Title 68 of the Oklahoma Statutes, as follows:

5 a. one and twenty-five-hundredths percent (1.25%) to be
6 distributed to the various districts in that
7 proportion which the district road mileage of that
8 district bears to the entire state road mileage as
9 certified by the Transportation Commission, and

10 b. one and twenty-five-hundredths percent (1.25%) to be
11 distributed to the various districts based on the
12 proportion each district's population bears to the
13 total state population as certified by the Oklahoma
14 Department of Commerce.

15 For fiscal years beginning July 1, 2006, and thereafter, the
16 apportionment percentage specified in paragraph 12 of this
17 subsection will be adjusted by dividing the total municipal and
18 county sales tax revenue collected in the calendar year immediately
19 preceding the commencement of the fiscal year by the sum of the
20 state sales tax revenue and total municipal and county sales tax
21 revenue collected in the same year. This ratio shall be divided by
22 the ratio of the total municipal and county sales tax revenue
23 collected in the calendar year beginning January 1, 2004, and ending
24 December 31, 2004, divided by the sum of the state sales tax revenue

1 and total municipal and county sales tax revenue collected in the
2 same year. The resulting quotient shall be multiplied by fourteen
3 and twenty-three-hundredths percent (14.23%) to determine the
4 apportionment percentage for the fiscal year.

5 For fiscal years beginning July 1, 2006, and thereafter, any
6 adjustment to the percentage of revenues apportioned to
7 municipalities and counties shall be reflected in the percent of
8 revenues apportioned to the General Revenue Fund.

9 C. The net amount of any revenue resulting from a payment in
10 lieu of excise taxes on little cigars, cigars, smoking tobacco and
11 chewing tobacco levied by this section, pursuant to a compact with a
12 federally recognized Indian tribe or nation after deductions for
13 deposits into trust accounts pursuant to such compacts, shall be
14 apportioned by the Tax Commission and transmitted to the State
15 Treasurer as follows:

16 1. Thirty-three and forty-nine-hundredths percent (33.49%)
17 shall be placed to the credit of the Health Employee and Economy
18 Improvement Act Revolving Fund created in Section 1010.1 of Title 56
19 of the Oklahoma Statutes;

20 2. Four and sixty-nine-hundredths percent (4.69%) shall be
21 placed to the credit of the Comprehensive Cancer Center Debt Service
22 Revolving Fund created in Section 160.1 of Title 62 of the Oklahoma
23 Statutes;

24

1 3. Before July 1, 2008, eleven and thirty-nine-hundredths
2 percent (11.39%) shall be placed to the credit of the Trauma Care
3 Assistance Revolving Fund created in Section 1-2522 of Title 63 of
4 the Oklahoma Statutes. ~~On and after~~ For the fiscal year beginning
5 July 1, 2008, eleven and thirty-nine-hundredths percent (11.39%)
6 shall be allocated as provided in subparagraphs a, b and c of this
7 paragraph. On and after July 1, 2009, eight and eighty-nine-
8 hundredths percent (8.89%) shall be allocated as follows:

9 a. every month, an amount equal to the actual amount
10 placed to the credit of the Trauma Care Assistance
11 Revolving Fund pursuant to this paragraph for the same
12 month of the 2008 fiscal year shall be credited to the
13 Trauma Care Assistance Revolving Fund,

14 b. every month, any amount over and above the amount
15 placed to the credit of the Trauma Care Assistance
16 Revolving Fund pursuant to subparagraph a of this
17 paragraph shall be credited to the Oklahoma Emergency
18 Response Systems Stabilization and Improvement
19 Revolving Fund as created in Section ~~8 of this act~~ 1-
20 2512.1 of Title 36 of the Oklahoma Statutes until the
21 combined amount credited to the Oklahoma Emergency
22 Response Systems Stabilization and Improvement
23 Revolving Fund pursuant to this section and Section
24 302-5 of this title is equal to Two Million Five

1 Hundred Thousand Dollars (\$2,500,000.00) each year,
2 and

3 c. any additional revenue allocated pursuant to this
4 paragraph shall be placed to the credit of the Trauma
5 Care Assistance Revolving Fund;

6 4. Four and sixty-nine-hundredths percent (4.69%) shall be
7 placed to the credit of the Oklahoma State University College of
8 Osteopathic Medicine Revolving Fund created in Section 160.2 of
9 Title 62 of the Oklahoma Statutes;

10 5. Forty and six-hundredths percent (40.06%) shall be placed to
11 the credit of the Oklahoma Health Care Authority Medicaid Program
12 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
13 for the purposes of maintaining programs and services funded under
14 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
15 reimbursing city/county-owned hospitals, increasing emergency room
16 physician rates, and providing TEFRA 134, also known as "Katie
17 Beckett" services;

18 6. Four and one-hundredths percent (4.01%) shall be placed to
19 the credit of the Department of Mental Health and Substance Abuse
20 Services Revolving Fund created in Section 2-303 of Title 43A of the
21 Oklahoma Statutes;

22 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
23 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
24

1 Treatment Revolving Fund created in Section 1-559 of Title 63 of the
2 Oklahoma Statutes; ~~and~~

3 8. One percent (1%) shall be placed to the credit of the
4 Tobacco Prevention and Cessation Revolving Fund created in Section
5 1-105d of Title 63 of the Oklahoma Statutes; and

6 9. On and after July 1, 2009, two and one-half percent (2.5%)
7 shall be apportioned by the Oklahoma Tax Commission to the various
8 emergency medical services districts of this state which are levying
9 a tax of three (3) mills pursuant to Section 9C of Article X of the
10 Oklahoma Constitution and which are comprised of areas which, by
11 their boundary lines, do not have the authority to levy a sales tax
12 pursuant to Title 68 of the Oklahoma Statutes, as follows:

13 a. one and twenty-five-hundredths percent (1.25%) to be
14 distributed to the various districts in that
15 proportion which the district road mileage of that
16 district bears to the entire state road mileage as
17 certified by the Transportation Commission, and

18 b. one and twenty-five-hundredths percent (1.25%) to be
19 distributed to the various districts based on the
20 proportion each district's population bears to the
21 total state population as certified by the Oklahoma
22 Department of Commerce.

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1 D. It shall not be permissible for a retailer to advertise that
2 the retailer will absorb the tax due on the taxable merchandise
3 described herein. Such tax shall be paid by the consumer.

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

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

9 Passed the Senate the 4th day of March, 2009.

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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2009.

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16 _____
17 Presiding Officer of the House
18 of Representatives
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