

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1116

By: Miller and Martin (Scott)
of the House

4 and

5 Johnson (Mike) and Myers of
6 the Senate

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8
9 AS INTRODUCED

10 An Act relating to revenue and taxation; amending 68
11 O.S. 2001, Section 1353, as last amended by Section
12 8, Chapter 278, O.S.L. 2008 (68 O.S. Supp. 2008,
13 Section 1353), which relates to sales taxes;
14 clarifying reference; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1353, as
18 last amended by Section 8, Chapter 278, O.S.L. 2008 (68 O.S. Supp.
19 2008, Section 1353), is amended to read as follows:

20 Section 1353. A. It is hereby declared to be the purpose of
21 the Oklahoma Sales Tax Code to provide funds for the financing of
22 the program provided for by the Oklahoma Social Security Act and to
23 provide revenues for the support of the functions of the state
24 government of Oklahoma, and for this purpose it is hereby expressly
provided that, revenues derived pursuant to the provisions of the

1 Oklahoma Sales Tax Code, subject to the apportionment requirements
2 for the Oklahoma Tax Commission and Office of State Finance Joint
3 Computer Enhancement Fund provided by Section ~~6~~ 265 of this ~~act~~
4 title, shall be apportioned as follows:

5 1. a. the following amounts shall be paid to the State
6 Treasurer to be placed to the credit of the General
7 Revenue Fund to be paid out pursuant to direct
8 appropriation by the Legislature:

9 Fiscal Year	Amount
10 FY 2003 and FY 2004	86.04%
11 FY 2005	85.83%
12 FY 2006	85.54%
13 FY 2007	85.04%
14 FY 2008 and each fiscal 15 year thereafter	83.61%

16 b. in the event that additional monies are necessary
17 pursuant to paragraph 5 of this section, such
18 additional monies shall be deducted in the proportion
19 determined by the State Board of Equalization pursuant
20 to paragraph 3 of Section 2355.1B of this title from
21 the monies apportioned to the General Revenue Fund;

22 2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-
23 hundredths percent (10.42%), shall be paid to the State Treasurer to
24 be placed to the credit of the Education Reform Revolving Fund of

1 the State Department of Education and for FY 2006 and each fiscal
2 year thereafter, ten and forty-six one-hundredths percent (10.46%)
3 shall be paid to the State Treasurer to be placed to the credit of
4 the Education Reform Revolving Fund of the State Department of
5 Education;

6 3. The following amounts shall be paid to the State Treasurer
7 to be placed to the credit of the Teachers' Retirement System
8 Dedicated Revenue Revolving Fund:

9	Fiscal Year	Amount
10	FY 2003 and FY 2004	3.54%
11	FY 2005	3.75%
12	FY 2006	4.0%
13	FY 2007	4.5%
14	FY 2008 and each fiscal	
15	year thereafter	5.0%

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

- 20 a. thirty-six percent (36%) shall be placed to the credit
- 21 of the Oklahoma Tourism Promotion Revolving Fund, and
- 22 b. sixty-four percent (64%) shall be placed to the credit
- 23 of the Oklahoma Tourism Capital Improvement Revolving
- 24 Fund; and

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

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

19 SECTION 2. This act shall become effective November 1, 2009.

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