

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 784, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Newberry

Newberry-JCR-FS-Req#3523
3/12/2014 5:26 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 784

By: Newberry of the Senate

and

Jordan of the House

7
8
9 FLOOR SUBSTITUTE

10 [defining terms -creating Native American Cultural
11 and Educational Authority District - modifying sales
12 tax apportionment - codification - effective date]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1226.18 of Title 74, unless
17 there is created a duplication in numbering, reads as follows:

18 A. As used in this act:

19 1. "District state sales tax revenue" means, state sales tax
20 revenue collected after the date of completion of the American
21 Indian Cultural Center and Museum within the Native American
22 Cultural and Educational Authority District for purposes of the
23 apportionment of state sales tax revenue as provided in this
24 section.

1 2. "Native American Cultural and Educational Authority
2 District" means property conveyed by the City of Oklahoma City to
3 the Native American Cultural and Educational Authority for the
4 development and operation of the American Indian Cultural Center and
5 Museum.

6 3. "Obligation" means the obligation issued in 2008 and
7 authorized pursuant to Section 304.1 of Title 73 of the Oklahoma
8 Statutes.

9 4. "State sales tax revenue" means the proceeds from the state
10 sales tax levy imposed pursuant to Section 1354 of Title 68 of the
11 Oklahoma Statutes upon taxable transactions occurring within the
12 Native American Cultural and Educational Authority District;

13 5. "State sales tax revenue recapture period" means a time
14 period beginning no earlier than the date designated by the Native
15 American Cultural and Educational Authority as the completion date
16 for the American Indian Cultural Center and Museum and ending no
17 later than the date on which the obligation reaches maturity or the
18 date on which all obligations are redeemed.

19 6. "District vendor" means those persons or business entities
20 identified by the Oklahoma Tax Commission as making taxable sales of
21 tangible personal property or services within the Native American
22 Cultural and Educational Authority District and, unless the context
23 otherwise requires, shall have the same meaning as defined by
24 Section 1352 of this title.

1 B. The Native American Cultural and Educational Authority shall
2 designate a date upon which the American Indian Cultural Center and
3 Museum is complete. For purposes of this section, the Museum shall
4 be considered complete on the first day the Museum is open to the
5 general public.

6 C. The Oklahoma Tax Commission shall:

7 1. Designate those sales tax vendors qualifying as district
8 vendors pursuant to this section; and

9 2. Determine the amount of state sales tax revenue collected by
10 district vendors within the Native American Cultural and Educational
11 Authority District applicable to the state sales tax revenue
12 recapture period and apportionment provided for in Section 1353 of
13 Title 68 of the Oklahoma Statutes.

14 D. Beginning on the date designated pursuant to subsection B of
15 this section, state sales tax revenue collected and remitted by
16 district vendors within the Native American Cultural and Educational
17 Authority District shall be apportioned to the Native American
18 Cultural and Educational Authority District State Sales Tax Revenue
19 Fund pursuant to Section 1353 of Title 68 of the Oklahoma Statutes.

20 E. 1. There is hereby created in the State Treasury a
21 revolving fund for the Oklahoma Capitol Improvement Authority to be
22 designated the "Native American Cultural and Educational Authority
23 District State Sales Tax Revenue Fund." The fund shall be a
24 continuing fund, not subject to fiscal year limitations. The fund

1 shall consist of state sales tax revenue collections from district
2 vendors as apportioned as provided in subsection C of Section 1353
3 of Title 68 of the Oklahoma Statutes.

4 2. On or before July 1, 2017, the Oklahoma Capital Improvement
5 Authority and the State Bond Advisor shall make a determination
6 based on a comparison of any potential savings to be realized from:

- 7 a. redeeming outstanding coupons, or
- 8 b. refunding the obligation.

9 If the determination is made that potential savings are greater if
10 outstanding coupons are redeemed, the monies accruing to the Native
11 American Cultural and Educational Authority District State Sales Tax
12 Revenue Fund shall be used to supplement monies appropriated for the
13 purpose of retiring the obligation. If the determination is made
14 that potential savings are greater if the obligation is refunded,
15 monies accruing to the Native American Cultural and Educational
16 Authority District State Sales Tax Revenue Fund during the revenue
17 recapture period shall be apportioned as provided in subsections A
18 and B of Section 1353 of Title 68 of the Oklahoma Statutes.

19 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1353, as
20 amended by Section 540, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
21 2013, Section 1353), is amended to read as follows:

22 Section 1353. A. It is hereby declared to be the purpose of
23 the Oklahoma Sales Tax Code to provide funds for the financing of
24 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 Management and
6 Enterprise Services Joint Computer Enhancement Fund provided by
7 Section 265 of this 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 and each fiscal year thereafter	83.61%

19 b. in the event that additional monies are necessary
20 pursuant to paragraph 6 of this subsection, such
21 additional monies shall be deducted in the proportion
22 determined by the State Board of Equalization pursuant
23 to paragraph 3 of Section 2355.1B of this title from
24 the monies apportioned to the General Revenue Fund;

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

9 3. The following amounts shall be paid to the State Treasurer
10 to be placed to the credit of the Teachers' Retirement System
11 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 and each fiscal	
year thereafter	5.0%

19 4. For the fiscal year beginning July 1, 2010, and for each
20 fiscal year thereafter, eighty-seven one-hundredths percent (0.87%)
21 shall be paid to the State Treasurer to be further apportioned as
22 follows:

23 a. thirty-six percent (36%) shall be placed to the credit
24 of the Oklahoma Tourism Promotion Revolving Fund, and

1 b. sixty-four percent (64%) shall be placed to the credit
2 of the Oklahoma Tourism Capital Improvement Revolving
3 Fund; and

4 5. For the fiscal year beginning July 1, 2010, and for each
5 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
6 placed to the credit of the Oklahoma Historical Society Capital
7 Improvement and Operations Revolving Fund.

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

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

3 C. Provided, pursuant to Section 1 of this act, beginning on
4 the date designated by the Native American Cultural and Educational
5 Authority as the date of completion of the American Indian Cultural
6 Center and Museum, an amount of revenue which is equal to any state
7 sales tax revenue generated within the Native American Cultural and
8 Educational Authority District shall be apportioned to the Native
9 American Cultural and Educational Authority District State Sales Tax
10 Revenue Fund. The apportionment provided for by this subsection
11 shall be discontinued on the date the obligation issued in 2008 and
12 authorized pursuant to Section 304.1 of Title 73 of the Oklahoma
13 Statutes reaches maturity or the date on which all obligations are
14 redeemed.

15 SECTION 3. This act shall become effective November 1, 2014.

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