

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1247

By: Loveless

4  
5  
6 AS INTRODUCED

7 An Act relating to apportionment of revenue for  
8 general government functions; amending 68 O.S. 2011,  
9 Section 2352, as last amended by Section 1, Chapter  
10 253, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2352),  
11 which relates to apportionment of income tax revenue  
12 collections; deleting reference to certain  
13 apportionment; conforming references; amending 68  
14 O.S. 2011, Section 2352, as amended by Section 1 of  
15 this act, which relates to apportionment of income  
16 tax revenue collections; modifying apportionment of  
17 income tax revenue collections; creating Oklahoma  
18 State Capitol Building Repair and Restoration Fund;  
19 providing for appropriation, budgeting and  
20 expenditure from Fund; providing for purpose of Fund;  
21 providing for transfer of unused monies in Fund;  
22 providing for apportionment of specified revenue to  
23 Fund according to certain schedule; repealing Section  
24 4, Chapter 253, O.S.L. 2013 (73 O.S. Supp. 2013,  
Section 19), which relates to Oklahoma State Capitol  
Building Repair and Restoration Fund; providing for  
codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2352, as  
last amended by Section 1, Chapter 253, O.S.L. 2013 (68 O.S. Supp.  
2013, Section 2352), is amended to read as follows:

1 Section 2352. It is hereby declared to be the purpose of  
2 Section 2351 et seq. of this title to provide revenue for general  
3 governmental functions of state government; and, for that purpose  
4 and to that end, it is expressly declared that the revenue derived  
5 herefrom and penalties and interest thereon, subject to the  
6 apportionment requirements for the Rebuilding Oklahoma Access and  
7 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail  
8 Revolving Fund and the Public Transit Revolving Fund to be derived  
9 from income tax revenue that would otherwise be apportioned to the  
10 General Revenue Fund as provided by Section 1521 of Title 69 of the  
11 Oklahoma Statutes, subject to the apportionment requirements for the  
12 Oklahoma Tax Commission and Office of Management and Enterprise  
13 Services Joint Computer Enhancement Fund provided by Section 265 of  
14 this title, ~~and subject to the apportionment requirements for the~~  
15 ~~Oklahoma State Capitol Building Repair and Restoration Fund provided~~  
16 ~~by Section 4 of this act,~~ shall be distributed as follows:

17 1. For the fiscal year beginning July 1, 2002, the first Five  
18 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue  
19 derived pursuant to the provisions of subsections A, B and E of  
20 Section 2355 of this title shall be apportioned to the Education  
21 Reform Revolving Fund. The remainder of such revenue for the fiscal  
22 year beginning July 1, 2002, and all such revenue for each fiscal  
23 year thereafter shall be apportioned monthly as follows:

24

1 a. (1) the following amounts shall be paid to the State  
2 Treasurer to be placed to the credit of the  
3 General Revenue Fund of the state for such fiscal  
4 year for the support of the state government to  
5 be paid out only pursuant to appropriation by the  
6 Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	87.12%
FY 2005	86.91%
FY 2006	86.66%
FY 2007	86.16%
FY 2008 and each fiscal year thereafter	85.66%

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

21 b. for FY 2003 and each fiscal year thereafter, eight and  
22 thirty-four one-hundredths percent (8.34%) shall be  
23 paid to the State Treasurer to be placed to the credit  
24 of the Education Reform Revolving Fund,

1 c. the following amounts shall be paid to the State  
2 Treasurer to be placed to the credit of the Teachers'  
3 Retirement System Dedicated Revenue Revolving Fund:

4 Fiscal Year	Amount
5 FY 2003 and FY 2004	3.54%
6 FY 2005	3.75%
7 FY 2006	4.0%
8 FY 2007	4.5%
9 FY 2008 and each fiscal	
10 year thereafter	5.0%

11 d. for FY 2003 and each fiscal year thereafter, one  
12 percent (1%) shall be placed to the credit of the Ad  
13 Valorem Reimbursement Fund;

14 2. Beginning July 1, 2003, for any period of time as certified  
15 by the Oklahoma Development Finance Authority and the Oklahoma  
16 Department of Commerce to be necessary for the repayment of  
17 obligations issued by the Oklahoma Development Finance Authority  
18 pursuant to Section 3654 of this title if the other sources of  
19 revenue paid to or apportioned to the Quality Jobs Program Incentive  
20 Leverage Fund are not adequate, including the proceeds from payment  
21 pursuant to the guaranty required by subsection M of Section 3654 of  
22 this title, an amount certified by the Oklahoma Development Finance  
23 Authority to the Oklahoma Tax Commission shall be apportioned to the  
24 Quality Jobs Program Incentive Leverage Fund before any other

1 apporportionments are made as otherwise authorized by this paragraph.  
2 The Oklahoma Development Finance Authority shall certify to the  
3 Oklahoma Tax Commission the time as of which the revenue authorized  
4 for apporportionment pursuant to this paragraph is no longer required.  
5 After the certification, the revenue derived from the income tax  
6 shall be apporportioned in the manner otherwise provided by this  
7 section. Except as otherwise provided by this paragraph, for the  
8 fiscal year beginning July 1, 2002, the first Forty-One Million One  
9 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of  
10 revenue derived pursuant to the provisions of subsections ~~D and E~~ C  
11 and D of Section 2355 of this title shall be apporportioned to the  
12 Education Reform Revolving Fund. The remainder of such revenue for  
13 the fiscal year beginning July 1, 2002, and all such revenue for  
14 each fiscal year thereafter, subject to the apporportionment  
15 requirements for the Oklahoma Tax Commission and Office of  
16 Management and Enterprise Services Joint Computer Enhancement Fund  
17 provided by Section 265 of this title, shall be apporportioned monthly  
18 as follows:

19 a. the following amounts shall be paid to the State  
20 Treasurer to be placed to the credit of the General  
21 Revenue Fund of the state for such fiscal year for the  
22 support of the state government to be paid out only  
23 pursuant to appropriation by the Legislature:

24 Fiscal Year Amount

1	FY 2003 and FY 2004	78.96%
2	FY 2005	78.75%
3	FY 2006	78.50%
4	FY 2007	78.0%
5	FY 2008 and each fiscal	
6	year thereafter	77.50%

7       b. for FY 2003 and each fiscal year thereafter, sixteen  
8       and five-tenths percent (16.5%) shall be paid to the  
9       State Treasurer to be placed to the credit of the  
10      Education Reform Revolving Fund of the State  
11      Department of Education,

12      c. the following amounts shall be paid to the State  
13      Treasurer to be placed to the credit of the Teachers'  
14      Retirement System Dedicated Revenue Revolving Fund:

15	Fiscal Year	Amount
16	FY 2003 and FY 2004	3.54%
17	FY 2005	3.75%
18	FY 2006	4.0%
19	FY 2007	4.5%
20	FY 2008 and each fiscal	
21	year thereafter	5.0%

22      d. for FY 2003 and each fiscal year thereafter, one  
23      percent (1%) shall be placed to the credit of the Ad  
24      Valorem Reimbursement Fund; and

1           3. 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 subparagraph c of paragraph 1 of this section, and for  
5 each fiscal year thereafter, in no event shall monies apportioned  
6 pursuant to subparagraph c of paragraph 1 of this section, paragraph  
7 3 of Section 1353 of this title and paragraph 3 of Section 1403 of  
8 this title be less than such baseline amount.

9           SECTION 2.           AMENDATORY           68 O.S. 2011, Section 2352, as  
10 last amended by Section 1 of this act, is amended to read as  
11 follows:

12           Section 2352. It is hereby declared to be the purpose of  
13 Section 2351 et seq. of this title to provide revenue for general  
14 governmental functions of state government; and, for that purpose  
15 and to that end, it is expressly declared that the revenue derived  
16 herefrom and penalties and interest thereon, subject to the  
17 apportionment requirements for the Rebuilding Oklahoma Access and  
18 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail  
19 Revolving Fund and the Public Transit Revolving Fund to be derived  
20 from income tax revenue that would otherwise be apportioned to the  
21 General Revenue Fund as provided by Section 1521 of Title 69 of the  
22 Oklahoma Statutes, subject to the apportionment requirements for the  
23 Oklahoma Tax Commission and Office of Management and Enterprise  
24 Services Joint Computer Enhancement Fund provided by Section 265 of

1 this title, and subject to the apportionment requirements for the  
2 Oklahoma State Capitol Building Repair and Restoration Fund provided  
3 by Section 4 of this act, shall be distributed as follows:

4 1. For the fiscal year beginning July 1, 2002, the first Five  
5 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue  
6 derived pursuant to the provisions of subsections A, B and E of  
7 Section 2355 of this title shall be apportioned to the Education  
8 Reform Revolving Fund. The remainder of such revenue for the fiscal  
9 year beginning July 1, 2002, and all such revenue for each fiscal  
10 year thereafter shall be apportioned monthly as follows:

11 a. (1) the following amounts shall be paid to the State  
12 Treasurer to be placed to the credit of the  
13 General Revenue Fund of the state for such fiscal  
14 year for the support of the state government to  
15 be paid out only pursuant to appropriation by the  
16 Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	87.12%
FY 2005	86.91%
FY 2006	86.66%
FY 2007	86.16%
FY 2008 and each fiscal year thereafter	85.66%

(2) in the event that additional monies are necessary pursuant to paragraph 3 of this section, such 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,

b. for FY 2003 and each fiscal year thereafter, eight and thirty-four one-hundredths percent (8.34%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund,

c. 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 and each fiscal year thereafter	5.0%

d. for FY 2003 and each fiscal year thereafter, one percent (1%) shall be placed to the credit of the Ad Valorem Reimbursement Fund;

1           2. Beginning July 1, 2003, for any period of time as certified  
2 by the Oklahoma Development Finance Authority and the Oklahoma  
3 Department of Commerce to be necessary for the repayment of  
4 obligations issued by the Oklahoma Development Finance Authority  
5 pursuant to Section 3654 of this title if the other sources of  
6 revenue paid to or apportioned to the Quality Jobs Program Incentive  
7 Leverage Fund are not adequate, including the proceeds from payment  
8 pursuant to the guaranty required by subsection M of Section 3654 of  
9 this title, an amount certified by the Oklahoma Development Finance  
10 Authority to the Oklahoma Tax Commission shall be apportioned to the  
11 Quality Jobs Program Incentive Leverage Fund before any other  
12 apportionments are made as otherwise authorized by this paragraph.  
13 The Oklahoma Development Finance Authority shall certify to the  
14 Oklahoma Tax Commission the time as of which the revenue authorized  
15 for apportionment pursuant to this paragraph is no longer required.  
16 After the certification, the revenue derived from the income tax  
17 shall be apportioned in the manner otherwise provided by this  
18 section. Except as otherwise provided by this paragraph, for the  
19 fiscal year beginning July 1, 2002, the first Forty-One Million One  
20 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of  
21 revenue derived pursuant to the provisions of subsections C D and D  
22 E of Section 2355 of this title shall be apportioned to the  
23 Education Reform Revolving Fund. The remainder of such revenue for  
24 the fiscal year beginning July 1, 2002, and all such revenue for

1 each fiscal year thereafter, subject to the apportionment  
2 requirements for the Oklahoma Tax Commission and Office of  
3 Management and Enterprise Services Joint Computer Enhancement Fund  
4 provided by Section 265 of this title, shall be apportioned monthly  
5 as follows:

6 a. the following amounts shall be paid to the State  
7 Treasurer to be placed to the credit of the General  
8 Revenue Fund of the state for such fiscal year for the  
9 support of the state government to be paid out only  
10 pursuant to appropriation by the Legislature:

11 Fiscal Year	Amount
12 FY 2003 and FY 2004	78.96%
13 FY 2005	78.75%
14 FY 2006	78.50%
15 FY 2007	78.0%
16 FY 2008 and each fiscal	
17 year thereafter	77.50%

18 b. for FY 2003 and each fiscal year thereafter, sixteen  
19 and five-tenths percent (16.5%) shall be paid to the  
20 State Treasurer to be placed to the credit of the  
21 Education Reform Revolving Fund of the State  
22 Department of Education,  
23  
24

1 c. the following amounts shall be paid to the State  
2 Treasurer to be placed to the credit of the Teachers'  
3 Retirement System Dedicated Revenue Revolving Fund:

4 Fiscal Year	Amount
5 FY 2003 and FY 2004	3.54%
6 FY 2005	3.75%
7 FY 2006	4.0%
8 FY 2007	4.5%
9 FY 2008 and each fiscal	
10 year thereafter	5.0%

11 d. for FY 2003 and each fiscal year thereafter, one  
12 percent (1%) shall be placed to the credit of the Ad  
13 Valorem Reimbursement Fund; and

14 3. During the first fiscal year after the State Board of  
15 Equalization has made a determination as provided in Section 2355.1B  
16 of this title, regarding a baseline amount of revenue apportioned  
17 pursuant to subparagraph c of paragraph 1 of this section, and for  
18 each fiscal year thereafter, in no event shall monies apportioned  
19 pursuant to subparagraph c of paragraph 1 of this section, paragraph  
20 3 of Section 1353 of this title and paragraph 3 of Section 1403 of  
21 this title be less than such baseline amount.

22 SECTION 3. REPEALER Section 4, Chapter 253, O.S.L. 2013  
23 (73 O.S. Supp. 2013, Section 19), is hereby repealed.  
24

1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 19A of Title 73, unless there is  
3 created a duplication in numbering, reads as follows:

4           A. There is hereby created in the State Treasury a fund for the  
5 Office of Management and Enterprise Services to be known as the  
6 "Oklahoma State Capitol Building Repair and Restoration Fund". The  
7 fund shall be a continuing fund, not subject to fiscal year  
8 limitations, and shall consist of all monies deposited to the fund  
9 pursuant to law. All monies accruing to the credit of said fund are  
10 hereby appropriated and may be budgeted and expended only for the  
11 purposes authorized by subsection B of this section. Expenditures  
12 from said fund shall be made upon warrants issued by the State  
13 Treasurer against claims filed as prescribed by law with the  
14 Director of the Office of Management and Enterprise Services for  
15 approval and payment.

16           B. Monies in the Oklahoma State Capitol Building Repair and  
17 Restoration Fund shall be expended for the repair and restoration of  
18 the Oklahoma State Capitol building upon the recommendation of the  
19 Long-Range Capital Planning Commission and separate from the annual  
20 capital budget as referenced in Section 901 of Title 62 of the  
21 Oklahoma Statutes. Upon the Legislature's determination that the  
22 repair and restoration of the Oklahoma State Capitol building is  
23 complete, any remaining monies in the Oklahoma State Capitol  
24 Building Repair and Restoration Fund shall be transferred to the

1 Maintenance of State Buildings Revolving Fund established in Section  
2 61.7 of Title 74 of the Oklahoma Statutes.

3 C. Notwithstanding any other provision of law, there shall be  
4 apportioned to the Oklahoma State Capitol Building Repair and  
5 Restoration Fund from the monies that would otherwise be apportioned  
6 pursuant to the provisions of Section 2352 of Title 68 of the  
7 Oklahoma Statutes, revenue derived pursuant to subsections B, C and  
8 D of Section 2355 of Title 68 of the Oklahoma Statutes, a sum of  
9 Sixty Million Dollars (\$60,000,000.00) for each of the fiscal years  
10 beginning on July 1, 2013, and July 1, 2014. Such apportionment  
11 shall be made in amounts and at such times as it is requested by the  
12 Director of the Office of Management and Enterprise Services.

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

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