

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1625

By: Burrage

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5
6 AS INTRODUCED

7 An Act relating to income tax; amending 68 O.S. 2011,
8 Section 2352, as last amended by Section 1, Chapter
9 253, O.S.L. 2013 (68 O.S. Supp. 2013, Section 2352),
10 which relates to apportionment of revenue; modifying
11 apportionment under specified circumstances;
12 providing an effective date; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2352, as
16 last amended by Section 1, Chapter 253, O.S.L. 2013 (68 O.S. Supp.
17 2013, Section 2352), is amended to read as follows:

18 Section 2352. A. It is hereby declared to be the purpose of
19 ~~Section 2351 et seq. of this title~~ the Oklahoma Income Tax Act to
20 provide revenue for general governmental functions of state
21 government; and, for that purpose and to that end, it is expressly
22 declared that the revenue derived herefrom and penalties and
23 interest thereon, subject to the apportionment requirements for the
24 Rebuilding Oklahoma Access and Driver Safety Fund, the Oklahoma
Tourism and Passenger Rail Revolving Fund and the Public Transit

1 Revolving Fund to be derived from income tax revenue that would
2 otherwise be apportioned to the General Revenue Fund as provided by
3 Section 1521 of Title 69 of the Oklahoma Statutes, subject to the
4 apportionment requirements for the Oklahoma Tax Commission and
5 Office of Management and Enterprise Services Joint Computer
6 Enhancement Fund provided by Section 265 of this title, shall be
7 distributed as follows:

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

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

Fiscal Year	Amount
FY 2003 and FY 2004	87.12%
FY 2005	86.91%
FY 2006	86.66%

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~~ through FY 2014, one percent (1%), and for FY 2015 and each fiscal year thereafter a percentage to be determined subject to the provisions of subsection B of this section, shall be placed to the credit of the Ad Valorem Reimbursement Fund;

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

1 apportionments 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 apportionment pursuant to this paragraph is no longer required.
5 After the certification, the revenue derived from the income tax
6 shall be apportioned 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 C and D of
11 Section 2355 of this title shall be apportioned to the Education
12 Reform Revolving Fund. The remainder of such revenue for the fiscal
13 year beginning July 1, 2002, and all such revenue for each fiscal
14 year thereafter, subject to the apportionment requirements for the
15 Oklahoma Tax Commission and Office of Management and Enterprise
16 Services Joint Computer Enhancement Fund provided by Section 265 of
17 this title, shall be apportioned monthly as follows:

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

Fiscal Year	Amount
FY 2003 and FY 2004	78.96%

1	FY 2005	78.75%
2	FY 2006	78.50%
3	FY 2007	78.0%
4	FY 2008 and each fiscal	
5	year thereafter	
6	<u>through FY 2014</u>	77.50%

7 For FY 2015 and each fiscal
8 year thereafter, a
9 percentage to be
10 determined subject to the
11 provisions of subsection C
12 of this section,

13 b. for FY 2003 and each fiscal year thereafter, sixteen
14 and five-tenths percent (16.5%) shall be paid to the
15 State Treasurer to be placed to the credit of the
16 Education Reform Revolving Fund of the State
17 Department of Education,

18 c. the following amounts shall be paid to the State
19 Treasurer to be placed to the credit of the Teachers'
20 Retirement System Dedicated Revenue Revolving Fund:

21	Fiscal Year	Amount
22	FY 2003 and FY 2004	3.54%
23	FY 2005	3.75%
24	FY 2006	4.0%

1 hundredths percent (85.66%) to eighty-four and sixty-six one-
2 hundredths percent (84.66%) and the monthly apportionment of revenue
3 provided for in subparagraph d of paragraph 1 of subsection A of
4 this section shall be increased from one percent (1%) to two percent
5 (2%), for the current fiscal year.

6 C. Beginning on July 1, 2014, and each July 1 thereafter,
7 following a fiscal year for which total deposits to the Ad Valorem
8 Reimbursement Fund equal less than Thirty Million Dollars
9 (\$30,000,000.00), the monthly apportionment of revenue provided for
10 in subparagraph a of paragraph 2 of subsection A of this section
11 shall be reduced from seventy-seven and fifty one-hundredths percent
12 (77.50%) to seventy-six and fifty one-hundredths percent (76.50%)
13 and the monthly apportionment of revenue provided for in
14 subparagraph d of paragraph 2 of subsection A of this section shall
15 be increased from one percent (1%) to two percent (2%), for the
16 current fiscal year.

17 SECTION 2. This act shall become effective July 1, 2014.

18 SECTION 3. 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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24