

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 54

By: Allen

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5
6 AS INTRODUCED

7 An Act relating to sales tax; amending 68 O.S. 2011,
8 Section 1353, as amended by Section 540, Chapter 304,
9 O.S.L. 2012 (68 O.S. Supp. 2012, Section 1353), which
10 relates to sales tax revenue apportionment; providing
11 for exception to apportionment of sales tax;
12 providing for apportionment of sales tax revenue
13 derived from levy on dyed diesel fuel; providing an
14 effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1353, as
17 amended by Section 540, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
18 2012, Section 1353), is amended to read as follows:

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

1 Enterprise Services Joint Computer Enhancement Fund provided by
2 Section 265 of this title and except as provided in subsection C of
3 this section, shall be apportioned as follows:

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

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

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

20 2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-
21 hundredths percent (10.42%), shall be paid to the State Treasurer to
22 be placed to the credit of the Education Reform Revolving Fund of
23 the State Department of Education and for FY 2006 and each fiscal
24 year thereafter, ten and forty-six one-hundredths percent (10.46%)

1 shall be paid to the State Treasurer to be placed to the credit of
2 the Education Reform Revolving Fund of the State Department of
3 Education;

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

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

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

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

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

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

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

21 C. Notwithstanding the provisions of subsections A and B of
22 this section, revenues derived from the levy of sales tax on dyed
23 diesel fuel which is exempt from motor fuel tax pursuant to
24 paragraph 16 of Section 500.10 of this title and is not exempt from

1 the levy of sales tax pursuant to Section 1355 of this title or
2 motor fuel tax, shall be apportioned as follows:

3 1. One and thirty-nine one-hundredths percent (1.39%) of the
4 levy shall be paid by the Commission to the State Treasurer to the
5 credit of the High Priority State Bridge Revolving Fund as created
6 in Section 506 of Title 69 of the Oklahoma Statutes;

7 2. Sixty-four and thirty-four one-hundredths percent (64.34%)
8 of the levy shall be deposited in the State Treasury to the credit
9 of the State Transportation Fund as created in Section 1501.1 of
10 Title 69 of the Oklahoma Statutes;

11 3. Twenty-six and fifty-eight one-hundredths percent (26.58%)
12 of the levy shall be transmitted by the Commission to various
13 counties of the state, to be apportioned as follows:

14 a. forty-two and one-tenth percent (42.1%) of the monies
15 apportioned under this paragraph shall be transmitted
16 to the various counties in the percentage which the
17 population and area of each county bears to the
18 population and area of the entire state. The
19 population shall be as shown by the last Federal
20 Decennial Census or the most recent annual estimate
21 provided by the U.S. Bureau of the Census,

22 b. fourteen and five-tenths percent (14.5%) of the monies
23 apportioned under this paragraph shall be distributed
24 as follows:

1 Forty percent (40%) of such sum shall be distributed
2 to the various counties in that proportion which the
3 county road mileage of each county bears to the entire
4 state road mileage as certified by the Transportation
5 Commission, and the remaining sixty percent (60%) of
6 such sum shall be distributed to the various counties
7 on the basis which the population and area of each
8 county bears to the total population and area of the
9 state. The population shall be as shown by the last
10 Federal Decennial Census or the most recent annual
11 estimate provided by the U.S. Bureau of the Census,
12 c. twenty-eight and nine-tenths percent (28.9%) of the
13 monies apportioned under this paragraph shall be
14 distributed to the several counties in the following
15 manner: one-third (1/3) on area, one-third (1/3) on
16 rural population (defined as including the population
17 of all municipalities with a population of less than
18 five thousand (5,000) according to the latest Federal
19 Decennial Census), and one-third (1/3) on county road
20 mileage, as last certified by the Department of
21 Transportation, as each county bears to the entire
22 area, rural population and road mileage of the state,
23 and
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1 d. fourteen and five-tenths percent (14.5%) of the monies
2 apportioned under this paragraph shall be distributed
3 to the various counties of the state based on a
4 formula developed by the Department of Transportation
5 and approved by the Department of Transportation
6 County Advisory Board created pursuant to Section
7 302.1 of Title 69 of the Oklahoma Statutes. The
8 formula shall be similar to the formula currently used
9 for the distribution of the County Bridge Program
10 funds, but shall also take into consideration the
11 effect of the terrain and traffic volume as related to
12 the county road improvement and maintenance costs;

13 4. Three and eighty-five one-hundredths percent (3.85%) of the
14 levy shall be distributed based on a formula developed by the
15 Department of Transportation and approved by the Department of
16 Transportation County Advisory Board created pursuant to Section
17 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be
18 similar to the formula currently used for the distribution of the
19 County Bridge Program funds, but shall also take into consideration
20 the effect of the terrain and traffic volume as related to the
21 county road improvement and maintenance costs. The apportionment of
22 the levy as set forth in this paragraph shall be subject to the
23 provisions of subsection C of Section 500.6 of this title;

1 5. Three and thirty-six one-hundredths percent (3.36%) of the
2 levy shall be distributed to the various counties of the state for
3 deposit into the County Bridge and Road Improvement Fund of each
4 county based on a formula developed by the Department of
5 Transportation and approved by the Department of Transportation
6 County Advisory Board created pursuant to Section 302.1 of Title 69
7 of the Oklahoma Statutes to be used for the purposes set forth in
8 the County Bridge and Road Improvement Act. The formula shall be
9 similar to the formula currently used for the distribution of monies
10 in the County Bridge Program funds, but shall also take into
11 consideration the effect of the terrain and traffic volume as
12 related to county road improvement and maintenance costs; and

13 6. Forty-eight one-hundredths percent (0.48%) of the levy shall
14 be transmitted by the Tax Commission to the Statewide Circuit
15 Engineering District Revolving Fund as created in Section 687.2 of
16 Title 69 of the Oklahoma Statutes.

17 SECTION 2. This act shall become effective July 1, 2013.

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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23 54-1-1 JCR 1/2/2013 10:50:40 AM

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