

1 ENGROSSED HOUSE  
2 BILL NO. 2243

By: Sears and Casey of the  
House

3 and

4 Jolley and Treat of the  
5 Senate

6  
7  
8 An Act relating to tax revenue apportionment;  
9 amending 68 O.S. 2011, Sections 1353, as amended by  
10 Section 540, Chapter 304, O.S.L. 2012 and 1403, as  
11 amended by Section 542, Chapter 304, O.S.L. 2012 (68  
12 O.S. Supp. 2014, Sections 1353 and 1403), which  
13 relate to apportionment of sales and use tax;  
14 modifying apportionment of sales and use tax revenue  
15 to certain funds based on specified limits; providing  
16 for distribution of amounts in excess of limits;  
17 providing an effective date; and declaring an  
18 emergency.

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1 provided that, revenues derived pursuant to the provisions of the  
2 Oklahoma Sales Tax Code, subject to the apportionment requirements  
3 for the Oklahoma Tax Commission and Office of Management and  
4 Enterprise Services Joint Computer Enhancement Fund provided by  
5 Section 265 of this title, shall be apportioned as follows:

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

10 Fiscal Year	Amount
11 FY 2003 and FY 2004	86.04%
12 FY 2005	85.83%
13 FY 2006	85.54%
14 FY 2007	85.04%
15 FY 2008 and each fiscal 16 year thereafter	83.61%

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

23 2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-  
24 hundredths percent (10.42%), shall be paid to the State Treasurer to

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

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

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

17 4. ~~For~~

18 a. except as otherwise provided in subparagraph b of this  
19 paragraph, for the fiscal year beginning July 1, ~~2010~~  
20 2015, and for each fiscal year thereafter, eighty-  
21 seven one-hundredths percent (0.87%) shall be paid to  
22 the State Treasurer to be further apportioned as  
23 follows:

24 ~~a.~~

1           (1) thirty-six percent (36%) shall be placed to the  
2           credit of the Oklahoma Tourism Promotion  
3           Revolving Fund, but in no event shall such  
4           apportionment exceed Five Million Dollars  
5           (\$5,000,000.00) in any fiscal year, and

6           ~~b.~~

7           (2) sixty-four percent (64%) shall be placed to the  
8           credit of the Oklahoma Tourism Capital  
9           Improvement Revolving Fund, but in no event  
10           shall such apportionment exceed Nine Million  
11           Dollars (\$9,000,000.00) in any fiscal year, and

12           b. any amounts which exceed the limitations of  
13           subparagraph a of this paragraph shall be placed to  
14           the credit of the General Revenue Fund;

15           5. For the fiscal year beginning July 1, ~~2010~~ 2015, and for  
16           each fiscal year thereafter, six one-hundredths percent (0.06%)  
17           shall be placed to the credit of the Oklahoma Historical Society  
18           Capital Improvement and Operations Revolving Fund, but in no event  
19           shall such apportionment exceed the total amount apportioned  
20           pursuant to this paragraph for the fiscal year ending on June 30,  
21           2015. Any amounts which exceed the limitations of this paragraph  
22           shall be placed to the credit of the General Revenue Fund; and

23           6. During the first fiscal year after the State Board of  
24           Equalization has made a determination as provided in Section 2355.1B

1 of this title, regarding a baseline amount of revenue apportioned  
2 pursuant to paragraph 3 of this subsection, and for each fiscal year  
3 thereafter, in no event shall monies apportioned pursuant to  
4 paragraph 3 of this subsection, paragraph 3 of Section 1403 of this  
5 title and subparagraph c of paragraph 1 of Section 2352 of this  
6 title be less than such baseline amount.

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

17 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1403, as  
18 amended by Section 542, Chapter 304, O.S.L. 2012 (68 O.S. Supp.  
19 2014, Section 1403), is amended to read as follows:

20 Section 1403. It is hereby declared to be the purpose of  
21 Section 1401 et seq. of this title to provide for the support of the  
22 functions of the state and local government of Oklahoma; and for  
23 this purpose and to this end, it is hereby expressly provided that  
24 the revenues derived hereunder, subject to the apportionment

1 requirements for the Oklahoma Tax Commission and Office of  
2 Management and Enterprise Services Joint Computer Enhancement Fund  
3 provided by Section 265 of this title, are hereby apportioned as  
4 follows:

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

9 Fiscal Year	Amount
10 FY 2004	85.35%
11 FY 2005	85.14%
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 6 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. Ten and forty-six one-hundredths percent (10.46%) shall be  
23 paid to the State Treasurer to be placed to the credit of the  
24

1 Education Reform Revolving Fund of the State Department of  
2 Education;

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

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

13 4. ~~For~~

14 a. except as otherwise provided in subparagraph b of this  
15 paragraph, for the fiscal year beginning July 1, ~~2010~~  
16 2015, and for each fiscal year thereafter, eighty-  
17 seven one-hundredths percent (0.87%) shall be paid to  
18 the State Treasurer to be further apportioned as  
19 follows:

20 ~~a.~~

21 (1) thirty-six percent (36%) shall be placed to the  
22 credit of the Oklahoma Tourism Promotion  
23 Revolving Fund, but in no event shall such  
24 apportionment exceed the total amount apportioned

1                   pursuant to this division for the fiscal year  
2                   ending on June 30, 2015, and

3                   ~~b.~~

4                   (2) sixty-four percent (64%) shall be placed to the  
5                   credit of the Oklahoma Tourism Capital  
6                   Improvement Revolving Fund~~;~~, but in no event  
7                   shall such apportionment exceed the total amount  
8                   apportioned pursuant to this division for the  
9                   fiscal year ending on June 30, 2015, and

10                  b. any amounts which exceed the limitations of  
11                  subparagraph a of this paragraph shall be placed to  
12                  the credit of the General Revenue Fund;

13                  5. For the fiscal year beginning July 1, ~~2010~~ 2015, and for  
14 each fiscal year thereafter, six one-hundredths percent (0.06%)  
15 shall be placed to the credit of the Oklahoma Historical Society  
16 Capital Improvement and Operations Revolving Fund~~;~~, but in no event  
17 shall such apportionment exceed the total amount apportioned  
18 pursuant to this paragraph for the fiscal year ending on June 30,  
19 2015. Any amounts which exceed the limitations of this paragraph  
20 shall be placed to the credit of the General Revenue Fund; and

21                  6. During the first fiscal year after the State Board of  
22 Equalization has made a determination as provided in Section 2355.1B  
23 of this title, regarding a baseline amount of revenue apportioned  
24 pursuant to paragraph 3 of this section, and for each fiscal year

1 thereafter, in no event shall monies apportioned pursuant to  
2 paragraph 3 of this section, paragraph 3 of Section 1353 of this  
3 title and subparagraph c of paragraph 1 of Section 2352 of this  
4 title be less than such baseline amount.

5 SECTION 3. This act shall become effective July 1, 2015.

6 SECTION 4. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 Passed the House of Representatives the 20th day of May, 2015.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2015.

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Presiding Officer of the Senate

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