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February 20, 2019

AS AMENDED

SENATE BILL NO. 538

By: Jech

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[ sales tax code - apportionment of revenues -
effective date -
emergency ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 2011, Section 1353, as last amended by Section 1, Chapter 303, O.S.L. 2018 (68 O.S. Supp. 2018, Section 1353), is amended to read as follows:

Section 1353. A. It is hereby declared to be the purpose of the Oklahoma Sales Tax Code to provide funds for the financing of the program provided for by the Oklahoma Social Security Act and to provide revenues for the support of the functions of the state government of Oklahoma, and for this purpose it is hereby expressly 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 Enterprise Services Joint Computer Enhancement Fund provided by Section 265 of this title, shall be apportioned as follows:

1. a. except as provided in subsection C of this section,
the following amounts shall be paid to the State

1 Treasurer to be placed to the credit of the General
2 Revenue Fund to be paid out pursuant to direct
3 appropriation by the Legislature:

4 Fiscal Year	Amount
5 FY 2003 and FY 2004	86.04%
6 FY 2005	85.83%
7 FY 2006	85.54%
8 FY 2007	85.04%
9 FY 2008 and each fiscal	
10 year thereafter	83.61%

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

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

1 3. The following amounts shall be paid to the State Treasurer
2 to be placed to the credit of the Teachers' Retirement System
3 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%

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

(1) thirty-six percent (36%) shall be placed to the
credit of the Oklahoma Tourism Promotion
Revolving Fund, but in no event shall such
apportionment exceed ~~Five Million Dollars~~
~~(\$5,000,000.00)~~ Six Million Dollars
(\$6,000,000.00) in any fiscal year, and

(2) sixty-four percent (64%) shall be placed to the
credit of the Oklahoma Tourism Capital
Improvement Revolving Fund, but in no event shall

1 such apportionment exceed ~~Nine Million Dollars~~
2 ~~(\$9,000,000.00)~~ Ten Million Dollars
3 (\$10,000,000.00) in any fiscal year, and

4 b. any amounts which exceed the limitations of
5 subparagraph a of this paragraph shall be placed to
6 the credit of the General Revenue Fund;

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

15 6. During the first fiscal year after the State Board of
16 Equalization has made a determination as provided in Section 2355.1B
17 of this title, regarding a baseline amount of revenue apportioned
18 pursuant to paragraph 3 of this subsection, and for each fiscal year
19 thereafter, in no event shall monies apportioned pursuant to
20 paragraph 3 of this subsection, paragraph 3 of Section 1403 of this
21 title and subparagraph c of paragraph 1 of Section 2352 of this
22 title be less than such baseline amount.

23 B. Provided, for the fiscal year beginning July 1, 2007, and
24 every fiscal year thereafter, an amount of revenue shall be

1 apportioned to each municipality or county which levies a sales tax
2 subject to the provisions of Section 1357.10 of this title and
3 subsection F of Section 2701 of this title equal to the amount of
4 sales tax revenue of such municipality or county exempted by the
5 provisions of Section 1357.10 of this title and subsection F of
6 Section 2701 of this title. The Oklahoma Tax Commission shall
7 promulgate and adopt rules necessary to implement the provisions of
8 this subsection.

9 C. From the monies that would otherwise be apportioned to the
10 General Revenue Fund pursuant to subsection A of this section, there
11 shall be apportioned the following amounts:

12 1. For the month ending August 31, 2018:

13 a. Twenty-five Million Dollars (\$25,000,000.00) to the
14 credit of the State Highway Construction and
15 Maintenance Fund created in Section 1501 of Title 69
16 of the Oklahoma Statutes, and

17 b. Four Million Dollars (\$4,000,000.00) to the credit of
18 the Oklahoma Railroad Maintenance Revolving Fund
19 created in Section 309 of Title 66 of the Oklahoma
20 Statutes;

21 2. For the month ending September 30, 2018:

22 a. Twenty-five Million Dollars (\$25,000,000.00) to the
23 credit of the State Highway Construction and
24

1 Maintenance Fund created in Section 1501 of Title 69
2 of the Oklahoma Statutes, and

3 b. Four Million Dollars (\$4,000,000.00) to the credit of
4 the Oklahoma Railroad Maintenance Revolving Fund
5 created in Section 309 of Title 66 of the Oklahoma
6 Statutes; and

7 3. For the month ending October 31, 2018:

8 a. Thirty Million Dollars (\$30,000,000.00) to the credit
9 of the State Highway Construction and Maintenance Fund
10 created in Section 1501 of Title 69 of the Oklahoma
11 Statutes, and

12 b. Four Million Dollars (\$4,000,000.00) to the credit of
13 the Oklahoma Railroad Maintenance Revolving Fund
14 created in Section 309 of Title 66 of the Oklahoma
15 Statutes.

16 ~~SECTION 2. This act shall become effective July 1, 2019.~~

17 ~~SECTION 3. It being immediately necessary for the preservation~~
18 ~~of the public peace, health or safety, an emergency is hereby~~
19 ~~declared to exist, by reason whereof this act shall take effect and~~
20 ~~be in full force from and after its passage and approval.~~

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
22 February 20, 2019 - DO PASS AS AMENDED
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