

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1817

By: Sharp

AS INTRODUCED

An Act relating to apportionment; amending Sections 107 and 109, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2019, Sections 5-104 and 5-106), which relate to alcoholic beverage tax apportionment; modifying apportionments; creating Oklahoma Cost of Living Adjustment Revenue Revolving Fund; providing for use of funds; requiring legislative appropriation; amending 68 O.S. 2011, Section 302-5, which relates to cigarette tax apportionment; modifying apportionment; 68 O.S. 2011, Section 402-3, as amended by Section 5, Chapter 8, 2nd Extraordinary Session, O.S.L. 2018 (68 O.S. Supp. 2019, Section 402-3), which relates to tobacco products tax; modifying apportionment; amending Section 7, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 426), which relates to apportionment of tax on medical marijuana; modifying apportionment; updating statutory references; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 107, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2019, Section 5-104), is amended to read as follows:

Section 5-104. All revenue accruing from the alcoholic beverage excise tax levied by Section ~~104 of this act~~ 5-101 of this title

1 shall be collected by the Oklahoma Tax Commission and distributed as
2 follows:

3 1. Two-thirds of ninety-seven percent ($2/3$ of 97%) of such tax
4 revenue shall be paid to the State Treasurer and apportioned as
5 follows: two-thirds shall be placed to the credit of the General
6 Revenue Fund of the state and one-third shall be placed to the
7 credit of the Oklahoma Cost of Living Adjustment Revenue Revolving
8 Fund created in Section 3 of this act; provided, any amounts derived
9 from the tax levied pursuant to paragraphs 2 and 3 of subsection A
10 of Section ~~104 of this act~~ 5-101 of this title that exceed an amount
11 equal to the total amount collected from such tax levy for the
12 fiscal year ending on June 30, 2010, shall be distributed to the
13 Oklahoma Viticulture and Enology Center Development Revolving Fund
14 created pursuant to Section ~~132 of this act~~ 5-129 of this title, but
15 in no event shall the distribution to the Oklahoma Viticulture and
16 Enology Center Development Revolving Fund in any fiscal year exceed
17 Three Hundred Fifty Thousand Dollars (\$350,000.00);

18 2. One-third of ninety-seven percent ($1/3$ of 97%) of such
19 revenue is hereby allocated to the counties of this state and shall
20 be paid to the county treasurers on the basis of area and population
21 (giving equal weight to area and population) wherein the sale of
22 alcoholic beverages is lawful, and all of such funds shall be
23 appropriated by the county commissioners of each county and
24 apportioned by the county treasurer to all incorporated cities and

1 towns in the county on the basis of population within each city and
2 town on a per capita basis based on the last preceding Federal
3 Decennial Census. For the purpose of appropriating and paying the
4 excise taxes collected under the Oklahoma Alcoholic Beverage Control
5 Act, or any act which is amendatory thereof or supplemental thereto,
6 to the incorporated cities and towns in any county, city or town,
7 the corporate limits of which include territory within more than one
8 county, shall be considered and treated as being a city or town in
9 only the county within which more than fifty percent (50%) of the
10 entire population of such city or town, as shown by the last
11 preceding Federal Decennial Census, reside, and, for such purpose,
12 shall not be considered or treated as being a city or town in any
13 other county. In the event that the last preceding Federal
14 Decennial Census fails to disclose information from which such fact
15 may be determined by the board of county commissioners which is
16 appropriating the tax money then involved to the cities and towns in
17 its county, the board of county commissioners shall make an
18 estimate, from the best information then available to it, as to the
19 percentage of the entire population of such city or town then
20 residing in the county. If such board of county commissioners
21 determines, either from information disclosed by the last preceding
22 Federal Decennial Census, or from the best information then
23 available to the ABLE Commission (when such information is not
24 disclosed by the last preceding Federal Decennial Census), that more

1 than fifty percent (50%) of the population of such a city or town
2 resides in that county, such city or town shall receive its pro rata
3 share of such tax money on the basis of its entire population
4 according to the last preceding Federal Decennial Census; but if
5 such board of county commissioners so determines that more than
6 fifty percent (50%) of the population of such city or town does not
7 reside in that county, no part of such tax money shall be
8 appropriated or paid to such city or town; and

9 3. The remaining three percent (3%) of such excise tax revenue
10 shall be paid to the State Treasurer and placed to the credit of the
11 Oklahoma Tax Commission Fund to be paid out of the fund pursuant to
12 appropriations made by the State Legislature.

13 SECTION 2. AMENDATORY Section 109, Chapter 366, O.S.L.
14 2016 (37A O.S. Supp. 2019, Section 5-106), is amended to read as
15 follows:

16 Section 5-106. ~~All revenues~~ Revenue generated from the gross
17 receipts tax levied pursuant to ~~Section 108 of this act~~ Section 5-
18 105 of this title shall be paid to the State Treasurer and
19 apportioned as follows: two-thirds shall be placed to the credit of
20 the General Revenue Fund of the state ~~State of Oklahoma~~ and one-
21 third shall be placed to the credit of the Oklahoma Cost of Living
22 Adjustment Revenue Revolving Fund created in Section 3 of this act.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 158.1 of Title 62, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 to be designated the "Oklahoma Cost of Living Adjustment Revenue
6 Revolving Fund". The fund shall be a continuing fund, not subject
7 to fiscal year limitations, and shall consist of all monies
8 apportioned pursuant to this act or other sources designated by law.
9 Expenditures from the fund shall be made only pursuant to
10 legislative appropriation to pay for cost of living adjustments
11 pursuant to legislation for members of the Teachers' Retirement
12 System, Oklahoma Public Employees Retirement System, Oklahoma
13 Firefighters Pension and Retirement Fund, Oklahoma Police Pension
14 and Retirement System, Uniform Retirement System for Justices and
15 Judges and Oklahoma Law Enforcement Retirement Fund.

16 SECTION 4. AMENDATORY 68 O.S. 2011, Section 302-5, is
17 amended to read as follows:

18 Section 302-5. A. Effective January 1, 2005, in addition to
19 the tax levied in Sections 302, 302-1, 302-2, 302-3 and 302-4 of
20 this title, there is hereby levied upon the sale, use, gift,
21 possession, or consumption of cigarettes, as defined in Sections 301
22 through 325 of this title, within this state, a tax at the rate of
23 forty (40) mills per cigarette.

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1 B. Except as provided in subsection D of this section, the
2 revenue resulting from the additional tax levied in subsection A of
3 this section shall be apportioned by the Oklahoma Tax Commission and
4 transmitted to the State Treasurer as follows:

5 1. Twenty-two and six-hundredths percent (22.06%) shall be
6 placed to the credit of the Health Employee and Economy Improvement
7 Act Revolving Fund created in Section 1010.1 of Title 56 of the
8 Oklahoma Statutes;

9 2. Three and nine-hundredths percent (3.09%) shall be placed to
10 the credit of the Comprehensive Cancer Center Debt Service Revolving
11 Fund created in Section 160.1 of Title 62 of the Oklahoma Statutes;

12 3. Before July 1, 2008, seven and fifty-hundredths percent
13 (7.50%) shall be placed to the credit of the Trauma Care Assistance
14 Revolving Fund created in Section 1-2530.9 of Title 63 of the
15 Oklahoma Statutes. On and after July 1, 2008, seven and fifty-
16 hundredths percent (7.50%) shall be allocated as follows:

17 a. every month, an amount equal to the actual amount
18 placed to the credit of the Trauma Care Assistance
19 Revolving Fund pursuant to this paragraph for the same
20 month of the 2008 fiscal year shall be credited to the
21 Trauma Care Assistance Revolving Fund,

22 b. every month, any amount over and above the amount
23 placed to the credit of the Trauma Care Assistance
24 Revolving Fund pursuant to subparagraph a of this
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paragraph shall be credited to the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund as created in Section ~~8 of this act~~ 1-2512.1 of Title 63 of the Oklahoma Statutes until the combined amount credited to the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund pursuant to this section and Section 402-3 of this title is equal to a total of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) each year, and

c. any additional revenue allocated pursuant to this paragraph shall be placed to the credit of the Trauma Care Assistance Revolving Fund;

4. Three and nine-hundredths percent (3.09%) shall be placed to the credit of the Oklahoma State University College of Osteopathic Medicine Revolving Fund created in Section 160.2 of Title 62 of the Oklahoma Statutes;

5. Twenty-six and thirty-eight-hundredths percent (26.38%) shall be placed to the credit of the Oklahoma Health Care Authority Medicaid Program Fund created in Section 5020 of Title 63 of the Oklahoma Statutes for the purposes of maintaining programs and services funded under the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003", reimbursing city/county-owned

1 hospitals, increasing emergency room physician rates, and providing
2 TEFRA 134, also known as "Katie Beckett" services;

3 6. Two and sixty-five-hundredths percent (2.65%) shall be
4 placed to the credit of the Department of Mental Health and
5 Substance Abuse Services Revolving Fund created in Section 2-303 of
6 Title 43A of the Oklahoma Statutes;

7 7. Forty-four-hundredths of one percent (0.44%) shall be placed
8 to the credit of the Belle Maxine Hilliard Breast and Cervical
9 Cancer Treatment Revolving Fund created in Section 1-559 of Title 63
10 of the Oklahoma Statutes;

11 8. One percent (1%) shall be placed to the credit of the
12 Teachers' Retirement System Revolving Fund created in Section 158 of
13 Title 62 of the Oklahoma Statutes;

14 9. Two and seven-hundredths percent (2.07%) shall be placed to
15 the credit of the Education Reform Revolving Fund created in Section
16 41.29b of Title 62 of the Oklahoma Statutes;

17 10. Sixty-six-hundredths percent (0.66%) shall be placed to the
18 credit of the Tobacco Prevention and Cessation Revolving Fund
19 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

20 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
21 be apportioned as follows: two-thirds shall be placed to the credit
22 of the General Revenue Fund and one-third shall be placed to the
23 credit of the Oklahoma Cost of Living Adjustment Revenue Revolving
24 Fund created in Section 3 of this act; and

1 12. For fiscal years beginning July 1, 2004, and ending June
2 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
3 shall be apportioned to municipalities and counties that levy a
4 sales tax, in the proportions which total municipal and county sales
5 tax revenue was apportioned by the Tax Commission in the preceding
6 month.

7 For fiscal years beginning July 1, 2006, and thereafter, the
8 apportionment percentage specified in paragraph 12 of this
9 subsection will be adjusted by dividing the total municipal and
10 county sales tax revenue collected in the calendar year immediately
11 preceding the commencement of the fiscal year by the sum of the
12 state sales tax revenue and total municipal and county sales tax
13 revenue collected in the same year. This ratio shall be divided by
14 the ratio of the total municipal and county sales tax revenue
15 collected in the calendar year beginning January 1, 2004, and ending
16 December 31, 2004, divided by the sum of the state sales tax revenue
17 and total municipal and county sales tax revenue collected in the
18 same year. The resulting quotient shall be multiplied by fourteen
19 and twenty-three-hundredths percent (14.23%) to determine the
20 apportionment percentage for the fiscal year.

21 For fiscal years beginning July 1, 2006, and thereafter, any
22 adjustment to the percentage of revenues apportioned to
23 municipalities and counties shall be reflected in the percent of
24 revenues apportioned to the General Revenue Fund.

1 C. The tax shall be evidenced by tax stamps as now provided
2 for; however, as to cigarette packages of less than ten cigarettes
3 for free distribution as samples, the tax herein levied shall be
4 computed and paid as provided for other cigarette taxes without
5 affixing stamps on each such package.

6 D. The net amount of any revenue resulting from a payment in
7 lieu of excise taxes on cigarettes levied by this section, pursuant
8 to a compact with a federally recognized Indian tribe or nation
9 after deductions for deposits into trust accounts pursuant to such
10 compacts, shall be apportioned by the Tax Commission and transmitted
11 to the State Treasurer as follows:

12 1. Thirty-three and forty-nine-hundredths percent (33.49%)
13 shall be placed to the credit of the Health Employee and Economy
14 Improvement Act Revolving Fund created in Section 1010.1 of Title 56
15 of the Oklahoma Statutes;

16 2. Four and sixty-nine-hundredths percent (4.69%) shall be
17 placed to the credit of the Comprehensive Cancer Center Debt Service
18 Revolving Fund created in Section 160.1 of Title 62 of the Oklahoma
19 Statutes;

20 3. Before July 1, 2008, eleven and thirty-nine-hundredths
21 percent (11.39%) shall be placed to the credit of the Trauma Care
22 Assistance Revolving Fund created in Section 1-2522 of Title 63 of
23 the Oklahoma Statutes. On and after July 1, 2008, eleven and
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1 thirty-nine-hundredths percent (11.39%) shall be allocated as
2 follows:

- 3 a. every month, an amount equal to the actual amount
4 placed to the credit of the Trauma Care Assistance
5 Revolving Fund pursuant to this paragraph for the same
6 month of the 2008 fiscal year shall be credited to the
7 Trauma Care Assistance Revolving Fund,
- 8 b. every month, any amount over and above the amount
9 placed to the credit of the Trauma Care Assistance
10 Revolving Fund pursuant to subparagraph a of this
11 paragraph shall be credited to the Oklahoma Emergency
12 Response Systems Stabilization and Improvement
13 Revolving Fund as created in Section ~~8 of this act~~ 1-
14 2512.1 of Title 63 of the Oklahoma Statutes until the
15 combined amount credited to the Oklahoma Emergency
16 Response Systems Stabilization and Improvement
17 Revolving Fund pursuant to this section and Section
18 402-3 of this title is equal to a total of Two Million
19 Five Hundred Thousand Dollars (\$2,500,000.00) each
20 year, and
- 21 c. any additional revenue allocated pursuant to this
22 paragraph shall be placed to the credit of the Trauma
23 Care Assistance Revolving Fund;

1 4. Four and sixty-nine-hundredths percent (4.69%) shall be
2 placed to the credit of the Oklahoma State University College of
3 Osteopathic Medicine Revolving Fund created in Section 160.2 of
4 Title 62 of the Oklahoma Statutes;

5 5. Forty and six-hundredths percent (40.06%) shall be placed to
6 the credit of the Oklahoma Health Care Authority Medicaid Program
7 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
8 for the purposes of maintaining programs and services funded under
9 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
10 reimbursing city/county-owned hospitals, increasing emergency room
11 physician rates, and providing TEFRA 134, also known as "Katie
12 Beckett" services;

13 6. Four and one-hundredths percent (4.01%) shall be placed to
14 the credit of the Department of Mental Health and Substance Abuse
15 Services Revolving Fund created in Section 2-303 of Title 43A of the
16 Oklahoma Statutes;

17 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
18 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
19 Treatment Revolving Fund created in Section 1-559 of Title 63 of the
20 Oklahoma Statutes; and

21 8. One percent (1%) shall be placed to the credit of the
22 Tobacco Prevention and Cessation Revolving Fund created in Section
23 1-105d of Title 63 of the Oklahoma Statutes.

1 E. No part of the revenues resulting from the additional taxes
2 levied in this section shall be used in determining the amount of
3 cigarette tax collections to be paid into:

4 1. The State of Oklahoma Building Bonds of 1961 Sinking Fund
5 pursuant to the provisions of Sections 57.31 through 57.43 of Title
6 62 of the Oklahoma Statutes;

7 2. The State of Oklahoma Institutional Building Bonds of 1965
8 Sinking Fund pursuant to the provisions of Sections 57.61 through
9 57.73 of Title 62 of the Oklahoma Statutes;

10 3. The State of Oklahoma Institutional Building Bonds of 1965
11 Sinking Fund Series C and Series D pursuant to Sections 57.81
12 through 57.112 of Title 62 of the Oklahoma Statutes;

13 4. The State of Oklahoma Building Bonds of 1968 Sinking Fund
14 pursuant to the provisions of Sections 57.121 through 57.193 of
15 Title 62 of the Oklahoma Statutes; or

16 5. The Oklahoma Building Bonds of 1992 Sinking Fund pursuant to
17 the provisions of Sections 57.300 through 57.313 of Title 62 of the
18 Oklahoma Statutes.

19 F. The cigarette taxes levied in this section shall be
20 collected and administered in all respects not inconsistent with as
21 now or hereafter provided for by law for other cigarette taxes now
22 levied, collected, and administered pursuant to the provisions of
23 Sections 301 through 325 of this title.

1 SECTION 5. AMENDATORY 68 O.S. 2011, Section 402-3, as
2 amended by Section 5, Chapter 8, 2nd Extraordinary Session, O.S.L.
3 2018 (68 O.S. Supp. 2019, Section 402-3), is amended to read as
4 follows:

5 Section 402-3. A. In addition to the tax levied in Sections
6 402 and 402-1 of this title, effective January 1, 2005, there shall
7 be levied, assessed, collected, and paid in respect to the articles
8 containing tobacco enumerated in Section 401 et seq. of this title,
9 a tax in the following amounts:

10 1. Cigars. Upon all cigars of all descriptions made of
11 tobacco, or any substitute therefor, and weighing more than three
12 (3) pounds per thousand, Ninety Dollars (\$90.00) per thousand. For
13 the purpose of computing the tax, cheroots, stogies, etc., are
14 hereby classed as cigars;

15 2. Smoking Tobacco. Upon all smoking tobacco including
16 granulated, plug cut, crimp cut, ready rubbed and other kinds and
17 forms of tobacco prepared in such manner as to be suitable for
18 smoking in a pipe or cigarette, the tax shall be forty percent (40%)
19 of the factory list price exclusive of any trade discount, special
20 discount or deals; and

21 3. Chewing Tobacco. Upon chewing tobacco, smokeless tobacco,
22 and snuff, the tax shall be thirty percent (30%) of the factory list
23 price exclusive of any trade discount, special discount or deals.
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1 B. Except as provided in subsection C of this section, the
2 revenue resulting from the additional tax levied in subsection A of
3 this section shall be apportioned by the Oklahoma Tax Commission and
4 transmitted to the State Treasurer as follows:

5 1. Twenty-two and six-hundredths percent (22.06%) shall be
6 placed to the credit of the Health Employee and Economy Improvement
7 Act Revolving Fund created in Section 1010.1 of Title 56 of the
8 Oklahoma Statutes;

9 2. Three and nine-hundredths percent (3.09%) shall be placed to
10 the credit of the Comprehensive Cancer Center Debt Service Revolving
11 Fund created in Section 160.1 of Title 62 of the Oklahoma Statutes;

12 3. Before July 1, 2008, seven and fifty-hundredths percent
13 (7.50%) shall be placed to the credit of the Trauma Care Assistance
14 Revolving Fund created in Section 1-2530.9 of Title 63 of the
15 Oklahoma Statutes. On and after July 1, 2008, seven and fifty-
16 hundredths percent (7.50%) shall be allocated as follows:

17 a. every month, an amount equal to the actual amount
18 placed to the credit of the Trauma Care Assistance
19 Revolving Fund pursuant to this paragraph for the same
20 month of the 2008 fiscal year shall be credited to the
21 Trauma Care Assistance Revolving Fund,

22 b. every month, any amount over and above the amount
23 placed to the credit of the Trauma Care Assistance
24 Revolving Fund pursuant to subparagraph a of this
25

1 paragraph shall be credited to the Oklahoma Emergency
2 Response Systems Stabilization and Improvement
3 Revolving Fund as created in Section 1-2512.1 of Title
4 63 of the Oklahoma Statutes until the combined amount
5 credited to the Oklahoma Emergency Response Systems
6 Stabilization and Improvement Revolving Fund pursuant
7 to this section and Section 302-5 of this title is
8 equal to Two Million Five Hundred Thousand Dollars
9 (\$2,500,000.00) each year, and

10 c. any additional revenue allocated pursuant to this
11 paragraph shall be placed to the credit of the Trauma
12 Care Assistance Revolving Fund;

13 4. Three and nine-hundredths percent (3.09%) shall be placed to
14 the credit of the Oklahoma State University College of Osteopathic
15 Medicine Revolving Fund created in Section 160.2 of Title 62 of the
16 Oklahoma Statutes;

17 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
18 shall be placed to the credit of the Oklahoma Health Care Authority
19 Medicaid Program Fund created in Section 5020 of Title 63 of the
20 Oklahoma Statutes for the purposes of maintaining programs and
21 services funded under the federal "Jobs and Growth Tax Relief
22 Reconciliation Act of 2003", reimbursing city/county-owned
23 hospitals, increasing emergency room physician rates, and providing
24 TEFRA 134, also known as "Katie Beckett" services;

1 6. Two and sixty-five-hundredths percent (2.65%) shall be
2 placed to the credit of the Department of Mental Health and
3 Substance Abuse Services Revolving Fund created in Section 2-303 of
4 Title 43A of the Oklahoma Statutes;

5 7. Forty-four-hundredths of one percent (0.44%) shall be placed
6 to the credit of the Belle Maxine Hilliard Breast and Cervical
7 Cancer Treatment Revolving Fund created in Section 1-559 of Title 63
8 of the Oklahoma Statutes;

9 8. One percent (1%) shall be placed to the credit of the
10 Teachers' Retirement System Revolving Fund created in Section 158 of
11 Title 62 of the Oklahoma Statutes;

12 9. Two and seven-hundredths percent (2.07%) shall be placed to
13 the credit of the Education Reform Revolving Fund created in Section
14 34.89 of Title 62 of the Oklahoma Statutes;

15 10. Sixty-six-hundredths percent (0.66%) shall be placed to the
16 credit of the Tobacco Prevention and Cessation Revolving Fund
17 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

18 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
19 be apportioned as follows: two-thirds shall be placed to the credit
20 of the General Revenue Fund and one-third shall be placed to the
21 credit of the Oklahoma Cost of Living Adjustment Revenue Revolving
22 Fund created in Section 3 of this act; and

23 12. For fiscal years beginning July 1, 2004, and ending June
24 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)

1 shall be apportioned to municipalities and counties that levy a
2 sales tax, in the proportions which total municipal and county sales
3 tax revenue was apportioned by the Tax Commission in the preceding
4 month.

5 For fiscal years beginning July 1, 2006, and thereafter, the
6 apportionment percentage specified in paragraph 12 of this
7 subsection will be adjusted by dividing the total municipal and
8 county sales tax revenue collected in the calendar year immediately
9 preceding the commencement of the fiscal year by the sum of the
10 state sales tax revenue and total municipal and county sales tax
11 revenue collected in the same year. This ratio shall be divided by
12 the ratio of the total municipal and county sales tax revenue
13 collected in the calendar year beginning January 1, 2004, and ending
14 December 31, 2004, divided by the sum of the state sales tax revenue
15 and total municipal and county sales tax revenue collected in the
16 same year. The resulting quotient shall be multiplied by fourteen
17 and twenty-three-hundredths percent (14.23%) to determine the
18 apportionment percentage for the fiscal year.

19 For fiscal years beginning July 1, 2006, and thereafter, any
20 adjustment to the percentage of revenues apportioned to
21 municipalities and counties shall be reflected in the percent of
22 revenues apportioned to the General Revenue Fund.

23 C. The net amount of any revenue resulting from a payment in
24 lieu of excise taxes on little cigars, cigars, smoking tobacco and
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1 chewing tobacco levied by this section, pursuant to a compact with a
2 federally recognized Indian tribe or nation after deductions for
3 deposits into trust accounts pursuant to such compacts, shall be
4 apportioned by the Tax Commission and transmitted to the State
5 Treasurer as follows:

6 1. Thirty-three and forty-nine-hundredths percent (33.49%)
7 shall be placed to the credit of the Health Employee and Economy
8 Improvement Act Revolving Fund created in Section 1010.1 of Title 56
9 of the Oklahoma Statutes;

10 2. Four and sixty-nine-hundredths percent (4.69%) shall be
11 placed to the credit of the Comprehensive Cancer Center Debt Service
12 Revolving Fund created in Section 160.1 of Title 62 of the Oklahoma
13 Statutes;

14 3. Before July 1, 2008, eleven and thirty-nine-hundredths
15 percent (11.39%) shall be placed to the credit of the Trauma Care
16 Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of
17 the Oklahoma Statutes. On and after July 1, 2008, eleven and
18 thirty-nine-hundredths percent (11.39%) shall be allocated as
19 follows:

20 a. every month, an amount equal to the actual amount
21 placed to the credit of the Trauma Care Assistance
22 Revolving Fund pursuant to this paragraph for the same
23 month of the 2008 fiscal year shall be credited to the
24 Trauma Care Assistance Revolving Fund,

1 b. every month, any amount over and above the amount
2 placed to the credit of the Trauma Care Assistance
3 Revolving Fund pursuant to subparagraph a of this
4 paragraph shall be credited to the Oklahoma Emergency
5 Response Systems Stabilization and Improvement
6 Revolving Fund as created in Section 1-2512.1 of Title
7 63 of the Oklahoma Statutes until the combined amount
8 credited to the Oklahoma Emergency Response Systems
9 Stabilization and Improvement Revolving Fund pursuant
10 to this section and Section 302-5 of this title is
11 equal to Two Million Five Hundred Thousand Dollars
12 (\$2,500,000.00) each year, and

13 c. any additional revenue allocated pursuant to this
14 paragraph shall be placed to the credit of the Trauma
15 Care Assistance Revolving Fund;

16 4. Four and sixty-nine-hundredths percent (4.69%) shall be
17 placed to the credit of the Oklahoma State University College of
18 Osteopathic Medicine Revolving Fund created in Section 160.2 of
19 Title 62 of the Oklahoma Statutes;

20 5. Forty and six-hundredths percent (40.06%) shall be placed to
21 the credit of the Oklahoma Health Care Authority Medicaid Program
22 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
23 for the purposes of maintaining programs and services funded under
24 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
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1 reimbursing city/county-owned hospitals, increasing emergency room
2 physician rates, and providing TEFRA 134, also known as "Katie
3 Beckett" services;

4 6. Four and one-hundredths percent (4.01%) shall be placed to
5 the credit of the Department of Mental Health and Substance Abuse
6 Services Revolving Fund created in Section 2-303 of Title 43A of the
7 Oklahoma Statutes;

8 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
9 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
10 Treatment Revolving Fund created in Section 1-559 of Title 63 of the
11 Oklahoma Statutes; and

12 8. One percent (1%) shall be placed to the credit of the
13 Tobacco Prevention and Cessation Revolving Fund created in Section
14 1-105d of Title 63 of the Oklahoma Statutes.

15 D. It shall not be permissible for a retailer to advertise that
16 the retailer will absorb the tax due on the taxable merchandise
17 described herein. Such tax shall be paid by the consumer.

18 SECTION 6. AMENDATORY Section 7, State Question No. 788,
19 Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 426), is
20 amended to read as follows:

21 Section 426. A. The tax on retail medical marijuana sales will
22 be established at seven percent (7%) of the gross amount received by
23 the seller.

1 B. This tax will be collected at the point of sale. Tax
2 proceeds will be applied primarily to finance the regulatory office.

3 C. If proceeds from the levy authorized by subsection A of this
4 section exceed the budgeted amount for running the regulatory
5 office, any surplus shall be apportioned with seventy-five percent
6 (75%) going to the General Revenue Fund ~~and may only be~~ one-half to
7 be expended for common education and one-half to be placed to the
8 credit of the Oklahoma Cost of Living Adjustment Revenue Revolving
9 Fund created in Section 3 of this act. Twenty-five percent (25%)
10 shall be apportioned to the Oklahoma State Department of Health and
11 earmarked for drug and alcohol rehabilitation.

12 SECTION 7. This act shall become effective July 1, 2020.

13 SECTION 8. It being immediately necessary for the preservation
14 of the public peace, health or 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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