

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3083 By: Hilbert of the House
3
and
4
Montgomery of the Senate
5
6

7 An Act relating to revenue and taxation; amending 63
O.S. 2021, Section 426, which relates to taxes on
8 medical marijuana retail sales; modifying
apportionment of tax proceeds; amending 68 O.S. 2021,
9 Section 1353, which relates to sales tax revenue;
directing apportionment of certain sales tax
10 revenues; setting maximum apportionment amount;
requiring surplus amounts be remitted to General
11 Revenue Fund; providing an effective date; and
declaring an emergency.
12
13

14 AMENDMENT NO. 1. Page 1, strike the title to read

15 "[revenue and taxation - taxes on medical marijuana
retail sales - apportionment of tax - effective date
16 - emergency]"
17
18
19
20
21
22
23
24

1 Passed the Senate the 27th day of April, 2022.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 3083

By: Hilbert of the House

3 and

4 Montgomery of the Senate

5
6
7 An Act relating to revenue and taxation; amending 63
8 O.S. 2021, Section 426, which relates to taxes on
9 medical marijuana retail sales; modifying
10 apportionment of tax proceeds; amending 68 O.S. 2021,
11 Section 1353, which relates to sales tax revenue;
12 directing apportionment of certain sales tax
13 revenues; setting maximum apportionment amount;
14 requiring surplus amounts be remitted to General
15 Revenue Fund; providing an effective date; and
16 declaring an emergency.

17
18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 426, is
21 amended to read as follows:

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

B. This tax will be collected at the point of sale. Except as
provided for in subsection ~~D~~ C of this section, tax proceeds ~~will be~~
~~applied primarily to finance the regulatory office~~ shall be
appropriated in amounts as authorized by the Oklahoma Legislature.

1 C. ~~Except as provided for in subsection D, if~~ For the fiscal
2 year beginning July 1, 2022, and each subsequent fiscal year,
3 proceeds from the levy authorized by subsection A of this section
4 ~~exceed the budgeted amount for running the regulatory office, any~~
5 ~~surplus~~ shall be apportioned ~~with seventy-five percent (75%) going~~
6 ~~to the General Revenue Fund and may only be expended for common~~
7 ~~education including~~ as follows:

8 1. Forty and one-half percent (40.5%) of the total proceeds of
9 the levy to operating the Oklahoma Medical Marijuana Authority, but
10 in no event shall the total amount apportioned in any fiscal year
11 pursuant to this paragraph exceed Twenty-six Million Eight Hundred
12 Thousand Dollars (\$26,800,000.00);

13 2. Forty-four and six hundred twenty-five thousandths percent
14 (44.625%) of the total proceeds of the levy to the State Public
15 Common School Building Equalization Fund for the purpose of funding
16 redbud school grants pursuant to Section 3-104 of Title 70 of the
17 Oklahoma Statutes. ~~Twenty-five percent (25%) shall be apportioned,~~
18 but in no event shall the total amount apportioned in any fiscal
19 year pursuant to this paragraph exceed the amount of redbud school
20 grant funds awarded pursuant to subsection B of Section 3-104 of
21 Title 70 of the Oklahoma Statutes; and

22 3. Fourteen and eight hundred seventy-five thousandths percent
23 (14.875%) of the total proceeds of the levy to the ~~Oklahoma State~~
24 Department of Mental Health and Substance Abuse Services and

1 earmarked for drug and alcohol rehabilitation, but in no event shall
2 the total amount apportioned in any fiscal year pursuant to this
3 paragraph exceed Ten Million Dollars (\$10,000,000.00).

4 ~~D. For fiscal year 2022, proceeds from the levy authorized by~~
5 ~~subsection A of this section shall be apportioned as follows:~~

6 ~~1. The first Sixty-five Million Dollars (\$65,000,000.00) shall~~
7 ~~be apportioned as follows:~~

8 ~~a. fifty-nine and twenty-three hundredths percent~~
9 ~~(59.23%) to the State Public Common School Building~~
10 ~~Equalization Fund,~~

11 ~~b. thirty-four and sixty-two hundredths percent (34.62%)~~
12 ~~to the Oklahoma Medical Marijuana Authority, a~~
13 ~~division within the Oklahoma State Department of~~
14 ~~Health, and~~

15 ~~c. six and fifteen hundredths percent (6.15%) to the~~
16 ~~Oklahoma State Department of Health and earmarked for~~
17 ~~drug and alcohol rehabilitation; and~~

18 ~~2. Any surplus collections shall be apportioned to the General~~
19 ~~Revenue Fund of the State Treasury.~~

20 SECTION 2. AMENDATORY 68 O.S. 2021, Section 1353, is
21 amended to read as follows:

22 Section 1353. A. It is hereby declared to be the purpose of
23 the Oklahoma Sales Tax Code to provide funds for the financing of
24 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. Except as provided in subsections C and D of this section, the following amounts shall be paid to the State Treasurer to be placed to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027	83.36%
FY 2028 and each fiscal year thereafter	83.61%;

2. The following amounts shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education:

a. for FY 2003, FY 2004 and FY 2005, ten and forty-two one-hundredths percent (10.42%),

b. for FY 2006 through FY 2020, ten and forty-six one-hundredths percent (10.46%),

c. for FY 2021:

(1) for the month beginning July 1, 2020, through the month ending August 31, 2020, ten and forty-six one-hundredths percent (10.46%), and

(2) for the month beginning September 1, 2020, through the month ending June 30, 2021, eleven and ninety-six one-hundredths percent (11.96%),

d. for FY 2022 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%);

3. The following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System 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 through FY 2020	5.0%
FY 2021:	
a. for the month beginning July 1, 2020, through the month ending August 31, 2020	5.0%

b. for the month beginning
September 1, 2020, through
the month ending June 30,
2021

	3.5%
FY 2022	5.0%
FY 2023 through FY 2027	5.25%
FY 2028 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) 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
such apportionment exceed Nine Million Dollars
(\$9,000,000.00) in any fiscal year, and

1 b. any amounts which exceed the limitations of
2 subparagraph a of this paragraph shall be placed to
3 the credit of the General Revenue Fund; and

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

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

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

1. For the month ending August 31, 2019:

- a. Nine Million Six Hundred Thousand Dollars
(\$9,600,000.00) to the credit of the State Highway
Construction and Maintenance Fund created in Section
1501 of Title 69 of the Oklahoma Statutes, and
- b. Two Million Dollars (\$2,000,000.00) to the credit of
the Oklahoma Railroad Maintenance Revolving Fund
created in Section 309 of Title 66 of the Oklahoma
Statutes;

2. For the month ending September 30, 2019:

- a. Twenty Million Dollars (\$20,000,000.00) to the credit
of the State Highway Construction and Maintenance Fund
created in Section 1501 of Title 69 of the Oklahoma
Statutes, and
- b. Two Million Dollars (\$2,000,000.00) to the credit of
the Oklahoma Railroad Maintenance Revolving Fund
created in Section 309 of Title 66 of the Oklahoma
Statutes;

3. For the month ending October 31, 2019:

- a. Twenty Million Dollars (\$20,000,000.00) to the credit
of the State Highway Construction and Maintenance Fund
created in Section 1501 of Title 69 of the Oklahoma
Statutes, and

1 b. Two Million Dollars (\$2,000,000.00) to the credit of
2 the Oklahoma Railroad Maintenance Revolving Fund
3 created in Section 309 of Title 66 of the Oklahoma
4 Statutes;

5 4. For the month ending November 30, 2019:

6 a. Twenty Million Dollars (\$20,000,000.00) to the credit
7 of the State Highway Construction and Maintenance Fund
8 created in Section 1501 of Title 69 of the Oklahoma
9 Statutes, and

10 b. Two Million Dollars (\$2,000,000.00) to the credit of
11 the Oklahoma Railroad Maintenance Revolving Fund
12 created in Section 309 of Title 66 of the Oklahoma
13 Statutes; and

14 5. For the month ending December 31, 2019:

15 a. Twenty Million Dollars (\$20,000,000.00) to the credit
16 of the State Highway Construction and Maintenance Fund
17 created in Section 1501 of Title 69 of the Oklahoma
18 Statutes, and

19 b. Two Million Dollars (\$2,000,000.00) to the credit of
20 the Oklahoma Railroad Maintenance Revolving Fund
21 created in Section 309 of Title 66 of the Oklahoma
22 Statutes.

23 D. For fiscal year 2023, and each subsequent fiscal year,
24 before any other apportionment otherwise required by this section is

1 made to the General Revenue Fund, there shall be apportioned ~~to the~~
2 ~~State Public Common School Building Equalization Fund an amount, if~~
3 ~~any, as required pursuant to Section 3-104 of Title 70 of the~~
4 ~~Oklahoma Statutes~~ amounts, not to exceed the state sales tax
5 generated by medical marijuana sales in the preceding fiscal year as
6 reported by the Oklahoma Tax Commission as follows:

7 1. Forty and one-half percent (40.5%) of the total proceeds of
8 the levy to operating the Oklahoma Medical Marijuana Authority, but
9 in no event shall the total amount apportioned in any fiscal year
10 pursuant to this paragraph exceed Fifteen Million Two Hundred
11 Thousand Dollars (\$15,200,000.00);

12 2. Forty-four and six hundred twenty-five thousandths percent
13 (44.625%) of the total proceeds of the levy to the State Public
14 Common School Building Equalization Fund for the purpose of funding
15 redbud school grants pursuant to Section 3-104 of Title 70 of the
16 Oklahoma Statutes, but in no event shall the total amount
17 apportioned in any fiscal year pursuant to this paragraph exceed the
18 amount of redbud school grant funds awarded pursuant to subsection B
19 of Section 3-104 of Title 70 of the Oklahoma Statutes; and

20 3. Fourteen and eight hundred seventy-five thousandths percent
21 (14.875%) of the total proceeds of the levy to the Department of
22 Mental Health and Substance Abuse Services and earmarked for drug
23 and alcohol rehabilitation, but in no event shall the total amount
24

1 apportioned in any fiscal year pursuant to this paragraph exceed
2 Five Million Five Hundred Thousand Dollars (\$5,500,000.00).

3 Any surplus amounts shall be remitted to the General Revenue
4 Fund.

5 SECTION 3. This act shall become effective July 1, 2022.

6 SECTION 4. It being immediately necessary for the preservation
7 of the public peace, health or 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 21st day of March, 2022.

11

12

Presiding Officer of the House
of Representatives

13

14

Passed the Senate the ____ day of _____, 2022.

15

16

17

Presiding Officer of the Senate

18

19

20

21

22

23

24