

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1848 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kyle Hilbert

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1848

By: Montgomery of the Senate

and

Hilbert of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; amending 63 O.S. 2021, Section 426, as amended by Section 2, Chapter 563, O.S.L. 2021, which relates to taxes on medical marijuana retail sales; modifying apportionment of tax proceeds; amending 68 O.S. 2021, Section 1353, which relates to sales tax revenue; directing apportionment of certain sales tax revenues; setting maximum apportionment amount; requiring surplus amounts be remitted to General Revenue Fund; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 426, as amended by Section 2, Chapter 563, O.S.L. 2021, is amended to read as follows:

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

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

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

15 1. Thirty-five and seven-tenths percent (35.7%) of the total
16 proceeds of the levy to the Oklahoma Medical Marijuana Authority
17 Revolving Fund for operations, but in no event shall the total
18 amount apportioned in any fiscal year pursuant to this paragraph
19 exceed Twenty-three Million Six Hundred Thousand Dollars
20 (\$23,600,000.00);

21 2. Forty-four and six hundred twenty-five thousandths percent
22 (44.625%) of the total proceeds of the levy to the State Public
23 Common School Building Equalization Fund for the purpose of funding
24 redbud school grants pursuant to Section 3-104 of Title 70 of the

1 ~~Oklahoma Statutes. Twenty-five percent (25%) shall be apportioned,~~
2 ~~but in no event shall the total amount apportioned in any fiscal~~
3 ~~year pursuant to this paragraph exceed the amount of redbud school~~
4 ~~grant funds awarded pursuant to subsection B of Section 3-104 of~~
5 ~~Title 70 of the Oklahoma Statutes;~~

6 3. Fourteen and eight hundred seventy-five thousandths percent
7 (14.875%) of the total proceeds of the levy to the Oklahoma State
8 Department of Mental Health and Substance Abuse Services and
9 earmarked for drug and alcohol rehabilitation, but in no event shall
10 the total amount apportioned in any fiscal year pursuant to this
11 paragraph exceed Ten Million Dollars (\$10,000,000.00); and

12 4. Four and eight-tenths percent (4.8%) of the total proceeds
13 of the levy to the County Sheriff Public Safety Grant Revolving Fund
14 created in Engrossed House Bill No. 3530 of the 2nd Session of the
15 58th Oklahoma Legislature, but in no event shall the total amount
16 apportioned in any fiscal year pursuant to this paragraph exceed
17 Three Million Two Hundred Thousand Dollars (\$3,200,000.00).

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

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

22 ~~a. fifty-nine and twenty-three hundredths percent~~
23 ~~(59.23%) to the State Public Common School Building~~
24 ~~Equalization Fund,~~

- 1 ~~b. thirty-four and sixty-two hundredths percent (34.62%)~~
2 ~~to the Oklahoma Medical Marijuana Authority, a~~
3 ~~division within the Oklahoma State Department of~~
4 ~~Health, and~~
5 ~~c. six and fifteen hundredths percent (6.15%) to the~~
6 ~~Oklahoma State Department of Health and earmarked for~~
7 ~~drug and alcohol rehabilitation; and~~

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

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

12 Section 1353. A. It is hereby declared to be the purpose of
13 the Oklahoma Sales Tax Code to provide funds for the financing of
14 the program provided for by the Oklahoma Social Security Act and to
15 provide revenues for the support of the functions of the state
16 government of Oklahoma, and for this purpose it is hereby expressly
17 provided that, revenues derived pursuant to the provisions of the
18 Oklahoma Sales Tax Code, subject to the apportionment requirements
19 for the Oklahoma Tax Commission and Office of Management and
20 Enterprise Services Joint Computer Enhancement Fund provided by
21 Section 265 of this title, shall be apportioned as follows:

22 1. Except as provided in subsections C and D of this section,
23 the following amounts shall be paid to the State Treasurer to be
24

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,

1 and for each fiscal year thereafter, eighty-seven one-
2 hundredths percent (0.87%) shall be paid to the State
3 Treasurer to be further apportioned as follows:

4 (1) thirty-six percent (36%) shall be placed to the
5 credit of the Oklahoma Tourism Promotion
6 Revolving Fund, but in no event shall such
7 apportionment exceed Five Million Dollars
8 (\$5,000,000.00) in any fiscal year, and

9 (2) sixty-four percent (64%) shall be placed to the
10 credit of the Oklahoma Tourism Capital
11 Improvement Revolving Fund, but in no event shall
12 such apportionment exceed Nine Million Dollars
13 (\$9,000,000.00) in any fiscal year, and

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

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

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

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

14 1. For the month ending August 31, 2019:

- 15 a. Nine Million Six Hundred Thousand Dollars
16 (\$9,600,000.00) to the credit of the State Highway
17 Construction and Maintenance Fund created in Section
18 1501 of Title 69 of the Oklahoma 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 2. For the month ending September 30, 2019:
24

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

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

9 3. For the month ending October 31, 2019:

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

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

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

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

23 b. Two Million Dollars (\$2,000,000.00) to the credit of
24 the Oklahoma Railroad Maintenance Revolving Fund

1 created in Section 309 of Title 66 of the Oklahoma
2 Statutes; and

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

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

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

12 D. For fiscal year 2023, and each subsequent fiscal year,
13 before any other apportionment otherwise required by this section is
14 made to the General Revenue Fund, there shall be apportioned ~~to the~~
15 ~~State Public Common School Building Equalization Fund an amount, if~~
16 ~~any, as required pursuant to Section 3-104 of Title 70 of the~~
17 ~~Oklahoma Statutes~~ amounts, not to exceed the state sales tax
18 generated by medical marijuana sales in the preceding fiscal year as
19 reported by the Oklahoma Tax Commission, as follows:

20 1. Thirty-five and seven-tenths percent (35.7%) of the total
21 proceeds of the levy to the Oklahoma Medical Marijuana Authority
22 Revolving Fund for operations, but in no event shall the total
23 amount apportioned in any fiscal year pursuant to this paragraph
24

1 exceed Thirteen Million Four Hundred Thousand Dollars
2 (\$13,400,000.00);

3 2. Forty-four and six hundred twenty-five thousandths percent
4 (44.625%) of the total proceeds of the levy to the State Public
5 Common School Building Equalization Fund for the purpose of funding
6 redbud school grants pursuant to Section 3-104 of Title 70 of the
7 Oklahoma Statutes, but in no event shall the total amount
8 apportioned in any fiscal year pursuant to this paragraph exceed the
9 amount of redbud school grant funds awarded pursuant to subsection B
10 of Section 3-104 of Title 70 of the Oklahoma Statutes;

11 3. Fourteen and eight hundred seventy-five thousandths percent
12 (14.875%) of the total proceeds of the levy to the Department of
13 Mental Health and Substance Abuse Services and earmarked for drug
14 and alcohol rehabilitation, but in no event shall the total amount
15 apportioned in any fiscal year pursuant to this paragraph exceed
16 Five Million Five Hundred Thousand Dollars (\$5,500,000.00); and

17 4. Four and eight-tenths percent (4.8%) of the total proceeds
18 of the levy to the County Sheriff Public Safety Grant Revolving Fund
19 created in Engrossed House Bill No. 3530 of the 2nd Session of the
20 58th Oklahoma Legislature, but in no event shall the total amount
21 apportioned in any fiscal year pursuant to this paragraph exceed One
22 Million Eight Hundred Thousand Dollars (\$1,800,000.00).

23 Any surplus amounts shall be remitted to the General Revenue
24 Fund.

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

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

58-2-11195 EK 03/30/22