

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 856

By: Jolley and Treat of the
Senate

4 and

5 Sears and Casey of the
6 House

7
8
9 AS INTRODUCED

10 An Act relating to sales and use tax; amending 68
11 O.S. 2011, Sections 1353, as amended by Section 540,
12 Chapter 304, O.S.L. 2012 and 1403, as amended by
13 Section 542, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
14 2014, Sections 1353 and 1403), which relate to
15 apportionment of sales and use tax revenue; deleting
16 obsolete apportionment schedules; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1353, as
20 amended by Section 540, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
21 2014, Section 1353), is 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

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 the fiscal year beginning July 1, 2010, and for each
18 fiscal year thereafter, eighty-seven one-hundredths percent (0.87%)
19 shall be paid to the State Treasurer to be further apportioned as
20 follows:

21 a. thirty-six percent (36%) shall be placed to the credit
22 of the Oklahoma Tourism Promotion Revolving Fund, and
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1 b. sixty-four percent (64%) shall be placed to the credit
2 of the Oklahoma Tourism Capital Improvement Revolving
3 Fund; and

4 5. For the fiscal year beginning July 1, 2010, 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.

8 6. During the first fiscal year after the State Board of
9 Equalization has made a determination as provided in Section 2355.1B
10 of this title, regarding a baseline amount of revenue apportioned
11 pursuant to paragraph 3 of this subsection, and for each fiscal year
12 thereafter, in no event shall monies apportioned pursuant to
13 paragraph 3 of this subsection, paragraph 3 of Section 1403 of this
14 title and subparagraph c of paragraph 1 of Section 2352 of this
15 title be less than such baseline amount.

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

3 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1403, as
4 amended by Section 542, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
5 2014, Section 1403), is amended to read as follows:

6 Section 1403. It is hereby declared to be the purpose of
7 Section 1401 et seq. of this title to provide for the support of the
8 functions of the state and local government of Oklahoma; and for
9 this purpose and to this end, it is hereby expressly provided that
10 the revenues derived hereunder, subject to the apportionment
11 requirements for the Oklahoma Tax Commission and Office of
12 Management and Enterprise Services Joint Computer Enhancement Fund
13 provided by Section 265 of this title, are hereby apportioned as
14 follows:

15 1. a. the following amounts shall be paid by the Tax
16 Commission to the State Treasurer and placed to the
17 credit of the General Revenue Fund to be paid out
18 pursuant to direct appropriation by the Legislature:

19	Fiscal Year	Amount
20	FY 2004	85.35%
21	FY 2005	85.14%
22	FY 2006	85.54%
23	FY 2007	85.04%

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1 FY 2008 and each fiscal

2 year thereafter 83.61%

3 b. in the event that additional monies are necessary
4 pursuant to paragraph 6 of this section, such
5 additional monies shall be deducted in the proportion
6 determined by the State Board of Equalization pursuant
7 to paragraph 3 of Section 2355.1B of this title from
8 the monies apportioned to the General Revenue Fund;

9 2. Ten and forty-six one-hundredths percent (10.46%) shall be
10 paid to the State Treasurer to be placed to the credit of the
11 Education Reform Revolving Fund of the State Department of
12 Education;

13 3. The following amounts shall be paid to the State Treasurer
14 to be placed to the credit of the Teachers' Retirement System
15 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%

23 4. For the fiscal year beginning July 1, 2010, and for each
24 fiscal year thereafter, eighty-seven one-hundredths percent (0.87%)

1 shall be paid to the State Treasurer to be further apportioned as
2 follows:

- 3 a. thirty-six percent (36%) shall be placed to the credit
4 of the Oklahoma Tourism Promotion Revolving Fund, and
- 5 b. sixty-four percent (64%) shall be placed to the credit
6 of the Oklahoma Tourism Capital Improvement Revolving
7 Fund; and

8 5. For the fiscal year beginning July 1, 2010, and for each
9 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
10 placed to the credit of the Oklahoma Historical Society Capital
11 Improvement and Operations Revolving Fund.

12 6. During the first fiscal year after the State Board of
13 Equalization has made a determination as provided in Section 2355.1B
14 of this title, regarding a baseline amount of revenue apportioned
15 pursuant to paragraph 3 of this section, and for each fiscal year
16 thereafter, in no event shall monies apportioned pursuant to
17 paragraph 3 of this section, paragraph 3 of Section 1353 of this
18 title and subparagraph c of paragraph 1 of Section 2352 of this
19 title be less than such baseline amount.

20 SECTION 3. This act shall become effective November 1, 2015.

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