

1 **SENATE FLOOR VERSION**

2 April 13, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3083

By: Hilbert of the House

5 and

6 Montgomery of the Senate

7
8 [revenue and taxation - taxes on medical marijuana
9 retail sales - apportionment of tax - effective
10 date -

emergency]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

22 C. ~~Except as provided for in subsection D, if~~ For the fiscal
23 year beginning July 1, 2022, and each subsequent fiscal year,
24 proceeds from the levy authorized by subsection A of this section

1 ~~exceed the budgeted amount for running the regulatory office, any~~
2 ~~surplus shall be apportioned with seventy five percent (75%) going~~
3 ~~to the General Revenue Fund and may only be expended for common~~
4 ~~education including as follows:~~

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

10 2. Forty-four and six hundred twenty-five thousandths percent
11 (44.625%) of the total proceeds of the levy to the State Public
12 Common School Building Equalization Fund for the purpose of funding
13 redbud school grants pursuant to Section 3-104 of Title 70 of the
14 Oklahoma Statutes. ~~Twenty-five percent (25%) shall be apportioned,~~
15 but in no event shall the total amount apportioned in any fiscal
16 year pursuant to this paragraph exceed the amount of redbud school
17 grant funds awarded pursuant to subsection B of Section 3-104 of
18 Title 70 of the Oklahoma Statutes; and

19 3. Fourteen and eight hundred seventy-five thousandths percent
20 (14.875%) of the total proceeds of the levy to the ~~Oklahoma State~~
21 Department of Mental Health and Substance Abuse Services and
22 earmarked for drug and alcohol rehabilitation, but in no event shall
23 the total amount apportioned in any fiscal year pursuant to this
24 paragraph exceed Ten Million Dollars (\$10,000,000.00).

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

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

5 a. ~~fifty-nine and twenty-three hundredths percent~~
6 ~~(59.23%) to the State Public Common School Building~~
7 ~~Equalization Fund,~~

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

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

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

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

19 Section 1353. A. It is hereby declared to be the purpose of
20 the Oklahoma Sales Tax Code to provide funds for the financing of
21 the program provided for by the Oklahoma Social Security Act and to
22 provide revenues for the support of the functions of the state
23 government of Oklahoma, and for this purpose it is hereby expressly
24 provided that, revenues derived pursuant to the provisions of the

1 Oklahoma Sales Tax Code, subject to the apportionment requirements
2 for the Oklahoma Tax Commission and Office of Management and
3 Enterprise Services Joint Computer Enhancement Fund provided by
4 Section 265 of this title, shall be apportioned as follows:

5 1. Except as provided in subsections C and D of this section,
6 the following amounts shall be paid to the State Treasurer to be
7 placed to the credit of the General Revenue Fund to be paid out
8 pursuant to direct appropriation by the Legislature:

9 Fiscal Year	Amount
10 FY 2003 and FY 2004	86.04%
11 FY 2005	85.83%
12 FY 2006	85.54%
13 FY 2007	85.04%
14 FY 2008 through FY 2022	83.61%
15 FY 2023 through FY 2027	83.36%
16 FY 2028 and each fiscal year thereafter	83.61%;

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

- 20 a. for FY 2003, FY 2004 and FY 2005, ten and forty-two
21 one-hundredths percent (10.42%),
- 22 b. for FY 2006 through FY 2020, ten and forty-six one-
23 hundredths percent (10.46%),
- 24 c. for FY 2021:

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

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

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

9 3. The following amounts shall be paid to the State Treasurer
10 to be placed to the credit of the Teachers' Retirement System
11 Dedicated Revenue Revolving Fund:

12 Fiscal Year	Amount
13 FY 2003 and FY 2004	3.54%
14 FY 2005	3.75%
15 FY 2006	4.0%
16 FY 2007	4.5%
17 FY 2008 through FY 2020	5.0%
18 FY 2021:	

19 a. for the month beginning July
20 1, 2020, through the month
21 ending August 31, 2020 5.0%

22 b. for the month beginning
23 September 1, 2020, through
24

1	the month ending June 30,	
2	2021	3.5%
3	FY 2022	5.0%
4	FY 2023 through FY 2027	5.25%
5	FY 2028 and each fiscal year thereafter	5.0%;

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

11 (1) thirty-six percent (36%) shall be placed to the
12 credit of the Oklahoma Tourism Promotion
13 Revolving Fund, but in no event shall such
14 apportionment exceed Five Million Dollars
15 (\$5,000,000.00) in any fiscal year, and

16 (2) sixty-four percent (64%) shall be placed to the
17 credit of the Oklahoma Tourism Capital
18 Improvement Revolving Fund, but in no event shall
19 such apportionment exceed Nine Million Dollars
20 (\$9,000,000.00) in any fiscal year, and

21 b. any amounts which exceed the limitations of
22 subparagraph a of this paragraph shall be placed to
23 the credit of the General Revenue Fund; and
24

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

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

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

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

23 a. Nine Million Six Hundred Thousand Dollars

24 (\$9,600,000.00) to the credit of the State Highway

1 Construction and Maintenance Fund created in Section
2 1501 of Title 69 of the Oklahoma Statutes, and
3 b. Two Million Dollars (\$2,000,000.00) to the credit of
4 the Oklahoma Railroad Maintenance Revolving Fund
5 created in Section 309 of Title 66 of the Oklahoma
6 Statutes;

7 2. For the month ending September 30, 2019:

8 a. Twenty Million Dollars (\$20,000,000.00) 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. Two Million Dollars (\$2,000,000.00) 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 3. For the month ending October 31, 2019:

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

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

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

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

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

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

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

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

19 D. For fiscal year 2023, and each subsequent fiscal year,
20 before any other apportionment otherwise required by this section is
21 made to the General Revenue Fund, there shall be apportioned ~~to the~~
22 ~~State Public Common School Building Equalization Fund an amount, if~~
23 ~~any, as required pursuant to Section 3-104 of Title 70 of the~~
24 ~~Oklahoma Statutes~~ amounts, not to exceed the state sales tax

1 generated by medical marijuana sales in the preceding fiscal year as
2 reported by the Oklahoma Tax Commission as follows:

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

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

16 3. Fourteen and eight hundred seventy-five thousandths percent
17 (14.875%) of the total proceeds of the levy to the Department of
18 Mental Health and Substance Abuse Services and earmarked for drug
19 and alcohol rehabilitation, but in no event shall the total amount
20 apportioned in any fiscal year pursuant to this paragraph exceed
21 Five Million Five Hundred Thousand Dollars (\$5,500,000.00).

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 April 13, 2022 - DO PASS
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