

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 758 By: Rosino of the Senate
3 and
4 Hilbert of the House
5
6

7 An Act relating to medical marijuana; amending 63
8 O.S. 2021, Sections 426, as amended by Section 27,
9 Chapter 228, O.S.L. 2022 (63 O.S. Supp. 2022, Section
10 426) and 427.5, which relate to medical marijuana;
11 deleting certain apportionments; modifying the
12 Oklahoma Medical Marijuana Authority Fund; limiting
13 funding source; requiring legislative appropriation;
14 creating the Medical Marijuana Tax Fund; providing
15 for sources of funds; requiring legislative
16 appropriation; amending 68 O.S. 2021, Section 255.2,
17 which relates to tax on retail sales; clarifying
18 statutory language; amending 68 O.S. 2021, Section
19 1353, as last amended by Section 3, Chapter 412,
20 O.S.L. 2022 (68 O.S. Supp. 2022, Section 1353), which
21 relates to sales tax; deleting certain
22 apportionments; amending 70 O.S. 2021, Section 3-104,
23 which relates to the State Board of Education;
24 deleting certain apportionment; updating statutory
references; updating statutory language; providing
for codification; and declaring an emergency.

19 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

21 "An Act relating to medical marijuana; amending 63
22 O.S. 2021, Sections 426, as amended by Section 27,
23 Chapter 228, O.S.L. 2022, and 427.5 (63 O.S. Supp.
24 2022, Section 426), which relate to medical
marijuana; deleting certain apportionments;
establishing new apportionment schedule; modifying
fund characteristics; renaming fund; limiting

1 expenditure to appropriated amounts; creating the
2 DMHSAS Medical Marijuana Programming Revolving Fund,
3 the OMMA Marijuana Oversight Revolving Fund, and the
4 SDH Drug and Alcohol Rehabilitation and Prevention
5 Revolving Fund; establishing fund characteristics;
6 limiting and providing for budgeting and expenditure
7 of funds; requiring certain approval of expenditures;
8 amending 68 O.S. 2021, Section 255.2, which relates
9 to tax on retail sales; clarifying statutory
10 references; amending 68 O.S. 2021, Section 1353, as
11 last amended by Section 3, Chapter 412, O.S.L. 2022
12 (68 O.S. Supp. 2022, Section 1353), which relates to
13 sales tax; modifying certain apportionments; amending
14 70 O.S. 2021, Section 3-104, which relates to the
15 State Board of Education; modifying certain
16 apportionment; updating statutory references;
17 clarifying language; providing for codification;
18 providing an effective date; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY 63 O.S. 2021, Section 426, as
22 amended by Section 27, Chapter 228, O.S.L. 2022 (63 O.S. Supp. 2022,
23 Section 426), is amended to read as follows:

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

B. This tax shall be collected at the point of sale. ~~Except as~~
~~and shall be apportioned as provided for in subsection D, tax~~
~~proceeds will be applied primarily to finance the regulatory office~~
~~of this section.~~

C. ~~Except as provided for in subsection D, if proceeds from the~~
~~levy authorized by subsection A of this section exceed the budgeted~~

1 ~~amount for running the regulatory office, any surplus shall be~~
2 ~~apportioned with seventy-five percent (75%) going to the General~~
3 ~~Revenue Fund and may only be expended for common education including~~
4 ~~funding redbud school grants pursuant to Section 3-104 of Title 70~~
5 ~~of the Oklahoma Statutes. Twenty-five percent (25%) shall be~~
6 ~~apportioned to the State Department of Health and earmarked for drug~~
7 ~~and alcohol rehabilitation and prevention.~~

8 ~~D.~~ Pursuant to ~~Section 14 of this act~~ Section 255.2 of Title 68
9 of the Oklahoma Statutes, the Oklahoma Tax Commission shall have
10 authority to assess, collect and enforce the tax specified in
11 subsection A of this section including any interest and penalty
12 thereon.

13 ~~E.~~ D. For state fiscal year 2022 2024 and thereafter, proceeds
14 from the levy authorized by subsection A of this section shall be
15 apportioned as follows:

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

18 a. ~~fifty-nine and twenty-three hundredths percent~~
19 ~~(59.23%)~~

20 Forty and five-tenths percent (40.5%) to the State Public Common
21 School Building Equalization Fund;

22 b. ~~thirty-four and sixty-two hundredths percent (34.62%)~~

23 2. Thirty percent (30%) to the OMMA Marijuana Oversight
24 Revolving Fund created in Section 4 of this act;

1 3. Thirteen and thirty-five hundredths percent (13.35%) to the
2 ~~Oklahoma Medical Marijuana Authority, a division within the Oklahoma~~
3 ~~State Department of Health, and~~

4 e. ~~six and fifteen hundredths percent (6.15%) DMHSAS~~
5 Medical Marijuana Programming Revolving Fund created
6 in Section 3 of this act;

7 4. Ten percent (10.0%) to the Oklahoma State Department of
8 ~~Health and earmarked for drug and alcohol rehabilitation; and~~

9 ~~2. Any surplus collections shall be apportioned to the General~~
10 ~~Revenue Fund of the State Treasury County Sheriff Public Safety~~
11 ~~Grant Revolving Fund created in Section 427.3a of this title; and~~

12 5. Six and fifteen hundredths percent (6.15%) to the SDH Drug
13 and Alcohol Rehabilitation and Prevention Revolving Fund created in
14 Section 5 of this act.

15 SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.5, is
16 amended to read as follows:

17 Section 427.5 There is hereby created in the State Treasury a
18 ~~revolving fund for the State Department of Health~~ to be designated
19 the "Oklahoma Medical Marijuana Authority ~~Revolving~~ Fund". The fund
20 shall be a continuing fund, not subject to fiscal year limitations,
21 and shall consist of all monies received by the ~~Department~~ Oklahoma
22 Medical Marijuana Authority from fees and fines collected pursuant
23 to ~~this act and all monies received by the Oklahoma Tax Commission~~
24 ~~from tax proceeds collected pursuant to Section 426 of Title 63 of~~

1 ~~the Oklahoma Statutes. All monies accruing to the credit of the~~
2 ~~fund are hereby appropriated and may be budgeted and expended by the~~
3 ~~Department for the purposes set forth in Section 426 of Title 63 of~~
4 ~~the Oklahoma Statutes. Expenditures from the fund shall be made~~
5 ~~upon warrants issued by the State Treasurer against claims filed as~~
6 ~~prescribed by law with the Director of the Office of Management and~~
7 ~~Enterprise Services for approval and payment~~ the Oklahoma Medical
8 Marijuana and Patient Protection Act. All monies accruing to the
9 credit of the fund shall be appropriated at the discretion of the
10 Legislature for the purpose of funding the medical marijuana
11 regulatory office and operations.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 527.5a of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund
16 for the Department of Mental Health and Substance Abuse Services to
17 be designated the "DMHSAS Medical Marijuana Programming Revolving
18 Fund". The fund shall be a continuing fund, not subject to fiscal
19 year limitations, and shall consist of all monies designated for
20 deposit to the fund in accordance with law. All monies accruing to
21 the credit of said fund are hereby appropriated and may be budgeted
22 and expended by the Department of Mental Health and Substance Abuse
23 Services to perform the duties imposed upon the Department by law.
24 Expenditures from said fund shall be made upon warrants issued by

1 the State Treasurer against claims filed as prescribed by law with
2 the Director of the Office of Management and Enterprise Services for
3 approval and payment.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 527.5b of Title 63, unless there
6 is created a duplication in numbering, reads as follows:

7 There is hereby created in the State Treasury a revolving fund
8 for the Oklahoma Medical Marijuana Authority to be designated the
9 "OMMA Marijuana Oversight Revolving Fund". The fund shall be a
10 continuing fund, not subject to fiscal year limitations, and shall
11 consist of all monies designated for deposit to the fund in
12 accordance with law. All monies accruing to the credit of said fund
13 are hereby appropriated and may be budgeted and expended by the
14 Oklahoma Medical Marijuana Authority to perform the duties imposed
15 upon the Authority by law. Expenditures from said fund shall be
16 made upon warrants issued by the State Treasurer against claims
17 filed as prescribed by law with the Director of the Office of
18 Management and Enterprise Services for approval and payment.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 527.5c of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 There is hereby created in the State Treasury a revolving fund
23 for the State Department of Health to be designated the "SDH Drug
24 and Alcohol Rehabilitation and Prevention Revolving Fund". The fund

1 shall be a continuing fund, not subject to fiscal year limitations,
2 and shall consist of all monies designated for deposit to the fund
3 in accordance with law. All monies accruing to the credit of said
4 fund are hereby appropriated and may be budgeted and expended by the
5 State Department of Health for the purpose of providing or
6 facilitating drug and alcohol rehabilitation and prevention.
7 Expenditures from said fund shall be made upon warrants issued by
8 the State Treasurer against claims filed as prescribed by law with
9 the Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 SECTION 6. AMENDATORY 68 O.S. 2021, Section 255.2, is
12 amended to read as follows:

13 Section 255.2 As provided in Section 426 of Title 63 of the
14 Oklahoma Statutes, the ~~State Department of Health~~ Oklahoma Medical
15 Marijuana Authority and the Oklahoma Tax Commission shall enter into
16 a contract whereby the Tax Commission shall have authority to
17 assess, collect and enforce the seven percent (7%) tax on retail
18 medical marijuana sales and any penalties and interest thereon.
19 Such assessment, collection and enforcement authority shall apply to
20 any tax and any penalty or interest liability on retail medical
21 marijuana sales existing at the time of contracting. The contract
22 shall provide for the assessment, collection and enforcement of the
23 tax on retail medical marijuana sales in the same manner as the
24 administration, collection and enforcement of any tax payable by any

1 taxpayer subject to taxation under any state tax law. For providing
2 such collection assistance, the Tax Commission shall charge the
3 ~~State Department of Health~~ Oklahoma Medical Marijuana Authority a
4 fee of one and five-tenths percent (1.5%) of the gross collection
5 proceeds. All funds retained by the Tax Commission for the
6 collection services shall be deposited in the Tax Commission
7 Reimbursement Fund in the State Treasury.

8 SECTION 7. AMENDATORY 68 O.S. 2021, Section 1353, as
9 last amended by Section 3, Chapter 412, O.S.L. 2022 (68 O.S. Supp.
10 2022, Section 1353), is amended to read as follows:

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

21 1. Except as provided in subsections C and D of this section,
22 the following amounts shall be paid to the State Treasurer to be
23 placed to the credit of the General Revenue Fund to be paid out
24 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%);

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

4 Fiscal Year	Amount
5 FY 2003 and FY 2004	3.54%
6 FY 2005	3.75%
7 FY 2006	4.0%
8 FY 2007	4.5%
9 FY 2008 through FY 2020	5.0%
10 FY 2021:	
11 a. for the month beginning July	
12 1, 2020, through the month	
13 ending August 31, 2020	5.0%
14 b. for the month beginning	
15 September 1, 2020, through	
16 the month ending June 30,	
17 2021	3.5%
18 FY 2022	5.0%
19 FY 2023 through FY 2027	5.25%
20 FY 2028 and each fiscal year thereafter	5.0%;

21 4. a. except as otherwise provided in subparagraph b of this
22 paragraph, for the fiscal year beginning July 1, 2022,
23 and for each fiscal year thereafter, eighty-seven one-

1 hundredths percent (0.87%) shall be paid to the State
2 Treasurer to be further apportioned as follows:

3 (1) twenty-four percent (24%) shall be placed to the
4 credit of the Oklahoma Tourism Promotion
5 Revolving Fund, but in no event shall such
6 apportionment exceed Five Million Dollars
7 (\$5,000,000.00) in any fiscal year,

8 (2) forty-four percent (44%) shall be placed to the
9 credit of the Oklahoma Tourism Capital
10 Improvement Revolving Fund, but in no event shall
11 such apportionment exceed Nine Million Dollars
12 (\$9,000,000.00) in any fiscal year, and

13 (3) thirty-two percent (32%) shall be placed to the
14 credit of the Oklahoma Route 66 Commission
15 Revolving Fund, but in no event shall such
16 apportionment exceed Six Million Six Hundred
17 Thousand Dollars (\$6,600,000.00) in any fiscal
18 year, and

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

22 5. For the fiscal year beginning July 1, 2015, and for each
23 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
24 placed to the credit of the Oklahoma Historical Society Capital

1 Improvement and Operations Revolving Fund, but in no event shall
2 such apportionment exceed the total amount apportioned pursuant to
3 this paragraph for the fiscal year ending on June 30, 2015. Any
4 amounts which exceed the limitations of this paragraph shall be
5 placed to the credit of the General Revenue Fund.

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

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

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

20 a. Nine Million Six Hundred Thousand Dollars
21 (\$9,600,000.00) to the credit of the State Highway
22 Construction and Maintenance Fund created in Section
23 1501 of Title 69 of the Oklahoma Statutes, and
24

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 2. For the month ending September 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;

14 3. For the month ending October 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 4. For the month ending November 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; and

9 5. For the month ending December 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 D. For fiscal year ~~2023~~ 2024, and each subsequent fiscal year,
19 during the month of May before any other apportionment otherwise
20 required by this section is made to the General Revenue Fund, there
21 shall be apportioned to the State Public Common School Building
22 Equalization Fund an amount, if any, as required pursuant to Section
23 3-104 of Title 70 of the Oklahoma Statutes, not to exceed the
24 estimated state sales tax generated by medical marijuana sales in

1 the preceding fiscal year as reported by the Oklahoma Tax
2 Commission.

3 SECTION 8. AMENDATORY 70 O.S. 2021, Section 3-104, is
4 amended to read as follows:

5 Section 3-104. A. The supervision of the public school system
6 of Oklahoma shall be vested in the State Board of Education and,
7 subject to limitations otherwise provided by law, the State Board of
8 Education shall:

9 1. Adopt policies and make rules for the operation of the
10 public school system of the state;

11 2. Appoint, prescribe the duties, and fix the compensation of a
12 secretary, an attorney, and all other personnel necessary for the
13 proper performance of the functions of the State Board of Education.
14 The secretary shall not be a member of the Board;

15 3. Submit to the Governor a departmental budget based upon
16 major functions of the Department as prepared by the ~~State~~
17 Superintendent of Public Instruction and supported by detailed data
18 on needs and proposed operations as partially determined by the
19 budgetary needs of local school districts filed with the State Board
20 of Education for the ensuing fiscal year. Appropriations therefor
21 shall be made in lump-sum form for each major item in the budget as
22 follows:

23 a. State Aid to schools,
24

- 1 b. the supervision of all other functions of general and
2 special education including general control, free
3 textbooks, school lunch, Indian education, and all
4 other functions of the Board and an amount sufficient
5 to adequately staff and administer these services, and
6 c. the Board shall determine the details by which the
7 budget and the appropriations are administered.
8 Annually, the Board shall make preparations to
9 consolidate all of the functions of the Department in
10 such a way that the budget can be based on two items,
11 administration and aid to schools. A maximum amount
12 for administration shall be designated as a part of
13 the total appropriation;

14 4. On the first day of December preceding each regular session
15 of the Legislature, prepare and deliver to the Governor and the
16 Legislature a report for the year ending June 30 immediately
17 preceding the regular session of the Legislature. The report shall
18 contain:

- 19 a. detailed statistics and other information concerning
20 enrollment, attendance, expenditures including State
21 Aid, and other pertinent data for all public schools
22 in this state,
23 b. reports from each and every division within the State
24 Department of Education as submitted by the State

1 Superintendent of Public Instruction and any other
2 division, department, institution, or other agency
3 under the supervision of the Board,

4 c. recommendations for the improvement of the public
5 school system of the state,

6 d. a statement of the receipts and expenditures of the
7 State Board of Education for the past year, and

8 e. a statement of plans and recommendations for the
9 management and improvement of public schools and such
10 other information relating to the educational
11 interests of the state as may be deemed necessary and
12 desirable;

13 5. Provide for the formulation and adoption of curricula,
14 courses of study, and other instructional aids necessary for the
15 adequate instruction of pupils in the public schools;

16 6. Have authority in matters pertaining to the licensure and
17 certification of persons for instructional, supervisory, and
18 administrative positions and services in the public schools of the
19 state subject to the provisions of Section 6-184 of this title, and
20 shall formulate rules governing the issuance and revocation of
21 certificates for superintendents of schools, principals,
22 supervisors, librarians, clerical employees, school nurses, school
23 bus drivers, visiting teachers, classroom teachers, and for other
24 personnel performing instructional, administrative, and supervisory

1 services, but not including members of boards of education and other
2 employees who do not work directly with pupils, and may charge and
3 collect reasonable fees for the issuance of such certificates:

- 4 a. the State Department of Education shall not issue a
5 certificate to and shall revoke the certificate of any
6 person who has been convicted, whether upon a verdict
7 or plea of guilty or upon a plea of nolo contendere,
8 or received a suspended sentence or any probationary
9 term for a crime or an attempt to commit a crime
10 provided for in Section 843.5 of Title 21 of the
11 Oklahoma Statutes if the offense involved sexual abuse
12 or sexual exploitation as those terms are defined in
13 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
14 Section 741, 843.1, if the offense included sexual
15 abuse or sexual exploitation, 865 et seq., 885, 888,
16 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
17 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
18 Statutes or who enters this state and who has been
19 convicted, received a suspended sentence, or received
20 a deferred judgment for a crime or attempted crime
21 which, if committed or attempted in this state, would
22 be a crime or an attempt to commit a crime provided
23 for in any of ~~said~~ the laws,

1 b. all funds collected by the State Department of
2 Education for the issuance of certificates to
3 instructional, supervisory, and administrative
4 personnel in the public schools of the state shall be
5 deposited in the "Teachers' Certificate Fund" in the
6 State Treasury and may be expended by the State Board
7 of Education to finance the activities of the State
8 Department of Education necessary to administer the
9 program, for consultative services, publication costs,
10 actual and necessary travel expenses as provided in
11 the State Travel Reimbursement Act incurred by persons
12 performing research work, and other expenses found
13 necessary by the State Board of Education for the
14 improvement of the preparation and certification of
15 teachers in Oklahoma. Provided, any unobligated
16 balance in the Teachers' Certificate Fund in excess of
17 Ten Thousand Dollars (\$10,000.00) on June 30 of any
18 fiscal year shall be transferred to the General
19 Revenue Fund of ~~the State of Oklahoma~~ this state.
20 Until July 1, 1997, the State Board of Education shall
21 have authority for approval of teacher education
22 programs. The State Board of Education shall also
23 have authority for the administration of teacher
24

1 residency and professional development, subject to the
2 provisions of the Oklahoma Teacher Preparation Act;

3 7. Promulgate rules governing the classification, inspection,
4 supervision, and accrediting of all public nursery, kindergarten,
5 elementary and secondary schools, and on-site educational services
6 provided by public school districts or state-accredited private
7 schools in partial hospitalization programs, day treatment programs,
8 and day hospital programs as defined in this act for persons between
9 the ages of three (3) and twenty-one (21) years of age in the state.
10 However, no school shall be denied accreditation solely on the basis
11 of average daily attendance.

12 Any school district which maintains an elementary school and
13 faces the necessity of relocating its school facilities because of
14 construction of a lake, either by state or federal authority, which
15 will inundate the school facilities, shall be entitled to receive
16 probationary accreditation from the State Board of Education for a
17 period of five (5) years after ~~the effective date of this act~~
18 September 5, 1975, and any school district, otherwise qualified,
19 shall be entitled to receive probationary accreditation from the
20 State Board of Education for a period of two (2) consecutive years
21 to attain the minimum average daily attendance. The Head Start and
22 public nurseries or kindergartens operated from Community Action
23 Program funds shall not be subjected to the accrediting rules of the
24 State Board of Education. Neither will the State Board of Education

1 make rules affecting the operation of the public nurseries and
2 kindergartens operated from federal funds secured through Community
3 Action Programs even though they may be operating in the public
4 schools of the state. However, any of the Head Start or public
5 nurseries or kindergartens operated under federal regulations may
6 make application for accrediting from the State Board of Education
7 but will be accredited only if application for the approval of the
8 programs is made. The status of no school district shall be changed
9 which will reduce it to a lower classification until due notice has
10 been given to the proper authorities thereof and an opportunity
11 given to correct the conditions which otherwise would be the cause
12 of such reduction.

13 Private and parochial schools may be accredited and classified
14 in like manner as public schools or, if an accrediting association
15 is approved by the State Board of Education, by procedures
16 established by the State Board of Education to accept accreditation
17 by such accrediting association, if application is made to the State
18 Board of Education for such accrediting;

19 8. Be the legal agent of the State of Oklahoma to accept, in
20 its discretion, the provisions of any Act of Congress appropriating
21 or apportioning funds which are now, or may hereafter be, provided
22 for use in connection with any phase of the system of public
23 education in Oklahoma. It shall prescribe such rules as it finds
24

1 necessary to provide for the proper distribution of such funds in
2 accordance with the state and federal laws;

3 9. Be and is specifically hereby designated as the agency of
4 this state to cooperate and deal with any officer, board, or
5 authority of the United States Government under any law of the
6 United States which may require or recommend cooperation with any
7 state board having charge of the administration of public schools
8 unless otherwise provided by law;

9 10. Be and is hereby designated as the "State Educational
10 Agency" referred to in Public Law 396 of the 79th Congress of the
11 United States, which law states that ~~said~~ the act may be cited as
12 the "National School Lunch Act", and ~~said~~ the State Board of
13 Education is hereby authorized and directed to accept the terms and
14 provisions of ~~said~~ the act and to enter into such agreements, not in
15 conflict with the Constitution of Oklahoma or the Constitution and
16 Statutes of the United States, as may be necessary or appropriate to
17 secure for ~~the State of Oklahoma~~ this state the benefits of the
18 school lunch program established and referred to in ~~said~~ the act;

19 11. Have authority to secure and administer the benefits of the
20 National School Lunch Act, Public Law 396 of the 79th Congress of
21 the United States, in ~~the State of Oklahoma~~ this state and is hereby
22 authorized to employ or appoint and fix the compensation of such
23 additional officers or employees and to incur such expenses as may
24 be necessary for the accomplishment of the above purpose, administer

1 the distribution of any state funds appropriated by the Legislature
2 required as federal matching to reimburse on children's meals;

3 12. Accept and provide for the administration of any land,
4 money, buildings, gifts, donation, or other things of value which
5 may be offered or bequeathed to the schools under the supervision or
6 control of ~~said~~ the Board;

7 13. Have authority to require persons having administrative
8 control of all school districts in Oklahoma to make such regular and
9 special reports regarding the activities of the schools in ~~said~~ the
10 districts as the Board may deem needful for the proper exercise of
11 its duties and functions. Such authority shall include the right of
12 the State Board of Education to withhold all state funds under its
13 control, to withhold official recognition, including accrediting,
14 until such required reports have been filed and accepted in the
15 office of ~~said~~ the Board and to revoke the certificates of persons
16 failing or refusing to make such reports;

17 14. Have general supervision of the school lunch program. The
18 State Board of Education may sponsor workshops for personnel and
19 participants in the school lunch program and may develop, print, and
20 distribute free of charge or sell any materials, books, and
21 bulletins to be used in ~~such~~ the school lunch programs. There is
22 hereby created in the State Treasury a revolving fund for the Board,
23 to be designated the School Lunch Workshop Revolving Fund. The fund
24 shall consist of all fees derived from or on behalf of any

1 participant in any such workshop sponsored by the State Board of
2 Education, or from the sale of any materials, books, and bulletins,
3 and ~~such~~ funds shall be disbursed for expenses of such workshops and
4 for developing, printing, and distributing of ~~such~~ the materials,
5 books, and bulletins relating to the school lunch program. The fund
6 shall be administered in accordance with Section 155 of Title 62 of
7 the Oklahoma Statutes;

8 15. Prescribe all forms for school district and county officers
9 to report to the State Board of Education where required. The State
10 Board of Education shall also prescribe a list of appropriation
11 accounts by which the funds of school districts shall be budgeted,
12 accounted for, and expended; and it shall be the duty of the State
13 Auditor and Inspector in prescribing all budgeting, accounting, and
14 reporting forms for school funds to conform to such lists;

15 16. Provide for the establishment of a uniform system of pupil
16 and personnel accounting, records, and reports;

17 17. Have authority to provide for the health and safety of
18 school children and school personnel while under the jurisdiction of
19 school authorities;

20 18. Provide for the supervision of the transportation of
21 pupils;

22 19. Have authority, upon request of the local school board, to
23 act in behalf of the public schools of the state in the purchase of
24 transportation equipment;

1 20. Have authority and is hereby required to perform all duties
2 necessary to the administration of the public school system in
3 Oklahoma as specified in the Oklahoma School Code; and, in addition
4 thereto, those duties not specifically mentioned herein if not
5 delegated by law to any other agency or official;

6 21. Administer the State Public Common School Building
7 Equalization Fund established by Section 32 of Article X of the
8 Oklahoma Constitution. Any monies as may be appropriated or
9 designated by the Legislature, other than ad valorem taxes, any
10 other funds identified by the State Department of Education, which
11 may include, but not be limited to, grants-in-aid from the federal
12 government for building purposes, the proceeds of all property that
13 shall fall to the state by escheat, penalties for unlawful holding
14 of real estate by corporations, and capital gains on assets of the
15 permanent school funds, shall be deposited in the State Public
16 Common School Building Equalization Fund. The fund shall be used to
17 aid school districts and charter schools in acquiring buildings,
18 subject to the limitations fixed by Section 32 of Article X of the
19 Oklahoma Constitution. It is hereby declared that the term
20 "acquiring buildings" as used in Section 32 of Article X of the
21 Oklahoma Constitution shall mean acquiring or improving school
22 sites, constructing, repairing, remodeling, or equipping buildings,
23 or acquiring school furniture, fixtures, or equipment. It is hereby
24 declared that the term "school districts" as used in Section 32 of

1 Article X of the Oklahoma Constitution shall mean school districts
2 and eligible charter schools as defined in subsection B of this
3 section. The State Board of Education shall disburse redbud school
4 grants annually from the State Public Common School Building
5 Equalization Fund to public schools and eligible charter schools
6 pursuant to subsection B of this section. The Board shall
7 promulgate rules for the implementation of disbursing redbud school
8 grants pursuant to this section. The State Board of Education shall
9 prescribe rules for making grants of aid from, and for otherwise
10 administering, the fund pursuant to the provisions of this
11 paragraph, and may employ and fix the duties and compensation of
12 technicians, aides, clerks, stenographers, attorneys, and other
13 personnel deemed necessary to carry out the provisions of this
14 paragraph. The cost of administering the fund shall be paid from
15 monies appropriated to the State Board of Education for the
16 operation of the State Department of Education. From monies
17 apportioned to the fund, the State Department of Education may
18 reserve not more than one-half of one percent (1/2 of 1%) for
19 purposes of administering the fund;

20 22. Recognize that the Director of the ~~Oklahoma~~ Department of
21 Corrections shall be the administrative authority for the schools
22 which are maintained in the state reformatories and shall appoint
23 the principals and teachers in such schools. Provided, that rules
24 of the State Board of Education for the classification, inspection,

1 and accreditation of public schools shall be applicable to such
2 schools; and such schools shall comply with standards set by the
3 State Board of Education; and

4 23. Have authority to administer a revolving fund which is
5 hereby created in the State Treasury, to be designated the
6 Statistical Services Revolving Fund. The fund shall consist of all
7 monies received from the various school districts of the state, the
8 United States Government, and other sources for the purpose of
9 furnishing or financing statistical services and for any other
10 purpose as designated by the Legislature. The State Board of
11 Education is hereby authorized to enter into agreements with school
12 districts, municipalities, the United States Government,
13 foundations, and other agencies or individuals for services,
14 programs, or research projects. The Statistical Services Revolving
15 Fund shall be administered in accordance with Section 155 of Title
16 62 of the Oklahoma Statutes.

17 B. 1. The redbud school grants shall be determined by the
18 State Department of Education as follows:

- 19 a. divide the county four-mill levy revenue by four to
20 determine the nonchargeable county four-mill revenue
21 for each school district,
- 22 b. determine the amount of new revenue generated by the
23 five-mill building fund levy as authorized by Section
24 10 of Article X of the Oklahoma Constitution for each

- 1 school district as reported in the Oklahoma Cost
2 Accounting System for the preceding fiscal year,
- 3 c. add the amounts calculated in subparagraphs a and b of
4 this paragraph to determine the nonchargeable millage
5 for each school district,
- 6 d. add the nonchargeable millage in each district
7 statewide as calculated in subparagraph c of this
8 paragraph and divide the total by the average daily
9 membership in public schools statewide based on the
10 preceding school year's average daily membership,
11 according to the provisions of Section 18-107 of this
12 title. This amount is the statewide nonchargeable
13 millage per student, known as the baseline local
14 funding per student,
- 15 e. all eligible charter schools shall be included in
16 these calculations as unique school districts,
17 separate from the school district that may sponsor the
18 eligible charter school, and the total number of
19 districts shall be used to determine the statewide
20 average baseline local funding per student,
- 21 f. for each school district or eligible charter school
22 which is below the baseline local funding per student,
23 the Department shall subtract the baseline local
24 funding per student from the average nonchargeable

1 millage per student of the school district or eligible
2 charter school to determine the nonchargeable millage
3 per student shortfall for each district, and

4 g. the nonchargeable millage per student shortfall for a
5 school district or eligible charter school shall be
6 multiplied by the average daily membership of the
7 preceding school year of the eligible school district
8 or eligible charter school. This amount shall be the
9 redbud school grant amount for the school district or
10 eligible charter school.

11 2. For fiscal year 2022, monies for the redbud school grants
12 shall be expended primarily from the funds apportioned pursuant to
13 ~~Section 2~~ Section 426 of this act Title 63 of the Oklahoma Statutes.
14 ~~For fiscal year 2023 and each subsequent fiscal year, monies for the~~
15 ~~redbud school grants shall be appropriated pursuant to Section 2 of~~
16 ~~this act, not to exceed three-fourths (3/4) of the tax collected in~~
17 ~~the preceding fiscal year pursuant to Section 426 of Title 63 of the~~
18 ~~Oklahoma Statutes as determined by the Oklahoma Tax Commission. For~~
19 fiscal year ~~2023~~ 2024 and each subsequent fiscal year, if such
20 ~~appropriated funds~~ apportionment combined with related
21 appropriation, if any, are insufficient to fund the redbud school
22 grants, then an additional apportionment of funds shall be made from
23 sales tax collections as provided by subsection D of Section ~~3~~ 1353
24 of ~~this act~~ Title 68 of the Oklahoma Statutes. If both funds are

1 insufficient, the Department shall promulgate rules to permit a
2 decrease to the baseline local funding per student to the highest
3 amount allowed with the funding available.

4 3. As used in this section, "eligible charter school" shall
5 mean a charter school which is sponsored pursuant to the provisions
6 of the Oklahoma Charter ~~School~~ Schools Act. Provided, however,
7 "eligible charter school" shall not include a charter school
8 sponsored by the Statewide Virtual Charter School Board but shall
9 only include those which provide in-person or blended instruction,
10 as provided by Section 1-111 of this title, to not less than two-
11 thirds (2/3) of students as the primary means of instructional
12 service delivery.

13 4. The Department shall develop a program to acknowledge the
14 redbud school grant recipients and shall include elected members of
15 the ~~Oklahoma~~ House of Representatives and ~~Oklahoma State~~ Senate who
16 represent the school districts and eligible charter schools.

17 5. The Department shall create a dedicated page on its website
18 listing annual redbud school grant recipients, amount awarded to
19 each recipient, and other pertinent information about the Redbud
20 School Funding Act.

21 6. The Department shall provide the Chair of the House
22 Appropriations and Budget Committee and the Chair of the Senate
23 Appropriations Committee no later than February 1 of each year with
24

1 an estimate of the upcoming year's redbud school grant allocation as
2 prescribed by this section.

3 SECTION 9. This act shall become effective July 1, 2023.

4 SECTION 10. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 27th day of April, 2023.

9

10

11

Presiding Officer of the House of
Representatives

12

13

Passed the Senate the ____ day of _____, 2023.

14

15

16

Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 758

By: Rosino of the Senate

and

Hilbert of the House

3
4
5
6 An Act relating to medical marijuana; amending 63
7 O.S. 2021, Sections 426, as amended by Section 27,
8 Chapter 228, O.S.L. 2022 (63 O.S. Supp. 2022, Section
9 426) and 427.5, which relate to medical marijuana;
10 deleting certain apportionments; modifying the
11 Oklahoma Medical Marijuana Authority Fund; limiting
12 funding source; requiring legislative appropriation;
13 creating the Medical Marijuana Tax Fund; providing
14 for sources of funds; requiring legislative
15 appropriation; amending 68 O.S. 2021, Section 255.2,
16 which relates to tax on retail sales; clarifying
17 statutory language; amending 68 O.S. 2021, Section
18 1353, as last amended by Section 3, Chapter 412,
19 O.S.L. 2022 (68 O.S. Supp. 2022, Section 1353), which
20 relates to sales tax; deleting certain
21 apportionments; amending 70 O.S. 2021, Section 3-104,
22 which relates to the State Board of Education;
23 deleting certain apportionment; updating statutory
24 references; updating statutory language; providing
for codification; and declaring an emergency.

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

SECTION 11. AMENDATORY 63 O.S. 2021, Section 426, as
amended by Section 27, Chapter 228, O.S.L. 2022 (63 O.S. Supp. 2022,
Section 426), is amended to read as follows:

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

1 B. This tax shall be collected at the point of sale. Except as
2 provided for in subsection D, tax proceeds shall be deposited into
3 the Medical Marijuana Tax Fund created in Section 3 of this act ~~will~~
4 ~~be applied primarily to finance the regulatory office.~~

5 ~~C. Except as provided for in subsection D, if proceeds from the~~
6 ~~levy authorized by subsection A of this section exceed the budgeted~~
7 ~~amount for running the regulatory office, any surplus shall be~~
8 ~~apportioned with seventy-five percent (75%) going to the General~~
9 ~~Revenue Fund and may only be expended for common education including~~
10 ~~funding redbud school grants pursuant to Section 3-104 of Title 70~~
11 ~~of the Oklahoma Statutes. Twenty-five percent (25%) shall be~~
12 ~~apportioned to the State Department of Health and earmarked for drug~~
13 ~~and alcohol rehabilitation and prevention.~~

14 ~~D.~~ Pursuant to ~~Section 14 of this act~~ Section 255.2 of Title 68
15 of the Oklahoma Statutes, the Oklahoma Tax Commission shall have
16 authority to assess, collect and enforce the tax specified in
17 subsection A of this section including any interest and penalty
18 thereon.

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

21 1. The first Sixty-five Million Dollars (\$65,000,000.00) shall
22 be apportioned as follows:
23
24

- 1 a. fifty-nine and twenty-three hundredths percent
2 (59.23%) to the State Public Common School Building
3 Equalization Fund,
4 b. thirty-four and sixty-two hundredths percent (34.62%)
5 to the Oklahoma Medical Marijuana Authority, a
6 division within the ~~Oklahoma~~ State Department of
7 Health, and
8 c. six and fifteen hundredths percent (6.15%) to the
9 ~~Oklahoma~~ State Department of Health and earmarked for
10 drug and alcohol rehabilitation; and

11 2. Any surplus collections shall be apportioned to the General
12 Revenue Fund of the State Treasury.

13 SECTION 12. AMENDATORY 63 O.S. 2021, Section 427.5, is
14 amended to read as follows:

15 Section 427.5. There is hereby created in the State Treasury a
16 ~~revolving~~ fund for the ~~State Department of Health~~ Oklahoma Medical
17 Marijuana Authority to be designated the "Oklahoma Medical Marijuana
18 Authority ~~Revolving~~ Fund". The fund shall be a continuing fund, not
19 subject to fiscal year limitations, and shall consist of all monies
20 received by the ~~Department~~ Authority from fees and fines collected
21 pursuant to ~~this act and all monies received by the Oklahoma Tax~~
22 ~~Commission from tax proceeds collected pursuant to Section 426 of~~
23 ~~Title 63 of the Oklahoma Statutes. All monies accruing to the~~
24 ~~credit of the fund are hereby appropriated and may be budgeted and~~

1 ~~expended by the Department for the purposes set forth in Section 426~~
2 ~~of Title 63 of the Oklahoma Statutes. Expenditures from the fund~~
3 ~~shall be made upon warrants issued by the State Treasurer against~~
4 ~~claims filed as prescribed by law with the Director of the Office of~~
5 ~~Management and Enterprise Services for approval and payment the~~
6 ~~Oklahoma Medical Marijuana and Patient Protection Act. All monies~~
7 ~~accruing to the credit of the fund shall be appropriated at the~~
8 ~~discretion of the Legislature for the purpose of funding the medical~~
9 ~~marijuana regulatory office.~~

10 SECTION 13. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 427.5a of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a fund for the
14 Oklahoma Medical Marijuana Authority to be designated the "Medical
15 Marijuana Tax Fund". The fund shall be a continuing fund, not
16 subject to fiscal year limitations, and shall consist of all monies
17 received by the Authority from tax proceeds collected pursuant to
18 Section 426 of Title 63 of the Oklahoma Statutes. All monies
19 accruing to the credit of the fund shall be appropriated at the
20 discretion of the Legislature for the purpose of funding substance
21 abuse programs and common education including but not limited to
22 funding redbud school grants pursuant to Section 3-104 of Title 70
23 of the Oklahoma Statutes.

24

1 SECTION 14. AMENDATORY 68 O.S. 2021, Section 255.2, is
2 amended to read as follows:

3 Section 255.2. As provided in Section 426 of Title 63 of the
4 Oklahoma Statutes, the ~~State Department of Health~~ Oklahoma Medical
5 Marijuana Authority and the Oklahoma Tax Commission shall enter into
6 a contract whereby the Tax Commission shall have authority to
7 assess, collect and enforce the seven percent (7%) tax on retail
8 medical marijuana sales and any penalties and interest thereon.
9 Such assessment, collection and enforcement authority shall apply to
10 any tax and any penalty or interest liability on retail medical
11 marijuana sales existing at the time of contracting. The contract
12 shall provide for the assessment, collection and enforcement of the
13 tax on retail medical marijuana sales in the same manner as the
14 administration, collection and enforcement of any tax payable by any
15 taxpayer subject to taxation under any state tax law. For providing
16 such collection assistance, the Tax Commission shall charge the
17 ~~State Department of Health~~ Oklahoma Medical Marijuana Authority a
18 fee of one and five-tenths percent (1.5%) of the gross collection
19 proceeds. All funds retained by the Tax Commission for the
20 collection services shall be deposited in the Tax Commission
21 Reimbursement Fund in the State Treasury.

22 SECTION 15. AMENDATORY 68 O.S. 2021, Section 1353, as
23 last amended by Section 3, Chapter 412, O.S.L. 2022 (68 O.S. Supp.
24 2022, Section 1353), is amended to read as follows:

1 Section 1353. A. It is hereby declared to be the purpose of
2 the Oklahoma Sales Tax Code to provide funds for the financing of
3 the program provided for by the Oklahoma Social Security Act and to
4 provide revenues for the support of the functions of the state
5 government of Oklahoma, and for this purpose it is hereby expressly
6 provided that, revenues derived pursuant to the provisions of the
7 Oklahoma Sales Tax Code, subject to the apportionment requirements
8 for the Oklahoma Tax Commission and Office of Management and
9 Enterprise Services Joint Computer Enhancement Fund provided by
10 Section 265 of this title, shall be apportioned as follows:

11 1. Except as provided in ~~subsections~~ subsection C and D of this
12 section, the following amounts shall be paid to the State Treasurer
13 to be placed to the credit of the General Revenue Fund to be paid
14 out pursuant to direct appropriation by the Legislature:

15 Fiscal Year	Amount
16 FY 2003 and FY 2004	86.04%
17 FY 2005	85.83%
18 FY 2006	85.54%
19 FY 2007	85.04%
20 FY 2008 through FY 2022	83.61%
21 FY 2023 through FY 2027	83.36%
22 FY 2028 and each fiscal year thereafter	83.61%;

23
24

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

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

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

8 c. for FY 2021:

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

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

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

17 3. The following amounts shall be paid to the State Treasurer
18 to be placed to the credit of the Teachers' Retirement System
19 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%

1	FY 2008 through FY 2020	5.0%
2	FY 2021:	
3	a. for the month beginning July	
4	1, 2020, through the month	
5	ending August 31, 2020	5.0%
6	b. for the month beginning	
7	September 1, 2020, through	
8	the month ending June 30,	
9	2021	3.5%
10	FY 2022	5.0%
11	FY 2023 through FY 2027	5.25%
12	FY 2028 and each fiscal year thereafter	5.0%;
13	4. a. except as otherwise provided in subparagraph b of this	
14	paragraph, for the fiscal year beginning July 1, 2022,	
15	and for each fiscal year thereafter, eighty-seven one-	
16	hundredths percent (0.87%) shall be paid to the State	
17	Treasurer to be further apportioned as follows:	
18	(1) twenty-four percent (24%) shall be placed to the	
19	credit of the Oklahoma Tourism Promotion	
20	Revolving Fund, but in no event shall such	
21	apportionment exceed Five Million Dollars	
22	(\$5,000,000.00) in any fiscal year,	
23	(2) forty-four percent (44%) shall be placed to the	
24	credit of the Oklahoma Tourism Capital	

1 Improvement Revolving Fund, but in no event shall
2 such apportionment exceed Nine Million Dollars
3 (\$9,000,000.00) in any fiscal year, and

4 (3) thirty-two percent (32%) shall be placed to the
5 credit of the Oklahoma Route 66 Commission
6 Revolving Fund, but in no event shall such
7 apportionment exceed Six Million Six Hundred
8 Thousand Dollars (\$6,600,000.00) in any fiscal
9 year, and

10 b. any amounts which exceed the limitations of
11 subparagraph a of this paragraph shall be placed to
12 the credit of the General Revenue Fund; and

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

21 B. Provided, for the fiscal year beginning July 1, 2007, and
22 every fiscal year thereafter, an amount of revenue shall be
23 apportioned to each municipality or county which levies a sales tax
24 subject to the provisions of Section 1357.10 of this title and

1 subsection F of Section 2701 of this title equal to the amount of
2 sales tax revenue of such municipality or county exempted by the
3 provisions of Section 1357.10 of this title and subsection F of
4 Section 2701 of this title. The Oklahoma Tax Commission shall
5 promulgate and adopt rules necessary to implement the provisions of
6 this subsection.

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

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

11 a. Nine Million Six Hundred Thousand Dollars
12 (\$9,600,000.00) to the credit of the State Highway
13 Construction and Maintenance Fund created in Section
14 1501 of Title 69 of the Oklahoma 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 2. For the month ending September 30, 2019:

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

24

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 3. For the month ending October 31, 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;

14 4. For the month ending November 30, 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; and

23 5. For the month ending December 31, 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 ~~D. For fiscal year 2023, and each subsequent fiscal year,~~
10 ~~before any other apportionment otherwise required by this section is~~
11 ~~made to the General Revenue Fund, there shall be apportioned to the~~
12 ~~State Public Common School Building Equalization Fund an amount, if~~
13 ~~any, as required pursuant to Section 3-104 of Title 70 of the~~
14 ~~Oklahoma Statutes, not to exceed the state sales tax generated by~~
15 ~~medical marijuana sales in the preceding fiscal year as reported by~~
16 ~~the Oklahoma Tax Commission.~~

17 SECTION 16. AMENDATORY 70 O.S. 2021, Section 3-104, is
18 amended to read as follows:

19 Section 3-104. A. The supervision of the public school system
20 of Oklahoma shall be vested in the State Board of Education and,
21 subject to limitations otherwise provided by law, the State Board of
22 Education shall:

23 1. Adopt policies and make rules for the operation of the
24 public school system of the state;

1 2. Appoint, prescribe the duties, and fix the compensation of a
2 secretary, an attorney, and all other personnel necessary for the
3 proper performance of the functions of the State Board of Education.
4 The secretary shall not be a member of the Board;

5 3. Submit to the Governor a departmental budget based upon
6 major functions of the Department as prepared by the State
7 Superintendent of Public Instruction and supported by detailed data
8 on needs and proposed operations as partially determined by the
9 budgetary needs of local school districts filed with the State Board
10 of Education for the ensuing fiscal year. Appropriations therefor
11 shall be made in lump-sum form for each major item in the budget as
12 follows:

- 13 a. State Aid to schools,
- 14 b. the supervision of all other functions of general and
15 special education including general control, free
16 textbooks, school lunch, Indian education, and all
17 other functions of the Board and an amount sufficient
18 to adequately staff and administer these services, and
- 19 c. the Board shall determine the details by which the
20 budget and the appropriations are administered.
21 Annually, the Board shall make preparations to
22 consolidate all of the functions of the Department in
23 such a way that the budget can be based on two items,
24 administration and aid to schools. A maximum amount

1 for administration shall be designated as a part of
2 the total appropriation;

3 4. On the first day of December preceding each regular session
4 of the Legislature, prepare and deliver to the Governor and the
5 Legislature a report for the year ending June 30 immediately
6 preceding the regular session of the Legislature. The report shall
7 contain:

8 a. detailed statistics and other information concerning
9 enrollment, attendance, expenditures including State
10 Aid, and other pertinent data for all public schools
11 in this state,

12 b. reports from each and every division within the State
13 Department of Education as submitted by the ~~State~~
14 Superintendent of Public Instruction and any other
15 division, department, institution, or other agency
16 under the supervision of the Board,

17 c. recommendations for the improvement of the public
18 school system of the state,

19 d. a statement of the receipts and expenditures of the
20 State Board of Education for the past year, and

21 e. a statement of plans and recommendations for the
22 management and improvement of public schools and such
23 other information relating to the educational
24

1 interests of the state as may be deemed necessary and
2 desirable;

3 5. Provide for the formulation and adoption of curricula,
4 courses of study, and other instructional aids necessary for the
5 adequate instruction of pupils in the public schools;

6 6. Have authority in matters pertaining to the licensure and
7 certification of persons for instructional, supervisory, and
8 administrative positions and services in the public schools of the
9 state subject to the provisions of Section 6-184 of this title, and
10 shall formulate rules governing the issuance and revocation of
11 certificates for superintendents of schools, principals,
12 supervisors, librarians, clerical employees, school nurses, school
13 bus drivers, visiting teachers, classroom teachers, and for other
14 personnel performing instructional, administrative, and supervisory
15 services, but not including members of boards of education and other
16 employees who do not work directly with pupils, and may charge and
17 collect reasonable fees for the issuance of such certificates:

18 a. the State Department of Education shall not issue a
19 certificate to and shall revoke the certificate of any
20 person who has been convicted, whether upon a verdict
21 or plea of guilty or upon a plea of nolo contendere,
22 or received a suspended sentence or any probationary
23 term for a crime or an attempt to commit a crime
24 provided for in Section 843.5 of Title 21 of the

1 Oklahoma Statutes if the offense involved sexual abuse
2 or sexual exploitation as those terms are defined in
3 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
4 Section 741, 843.1, if the offense included sexual
5 abuse or sexual exploitation, 865 et seq., 885, 888,
6 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
7 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
8 Statutes or who enters this state and who has been
9 convicted, received a suspended sentence, or received
10 a deferred judgment for a crime or attempted crime
11 which, if committed or attempted in this state, would
12 be a crime or an attempt to commit a crime provided
13 for in any of ~~said~~ the laws,

14 b. all funds collected by the State Department of
15 Education for the issuance of certificates to
16 instructional, supervisory, and administrative
17 personnel in the public schools of the state shall be
18 deposited in the "Teachers' Certificate Fund" in the
19 State Treasury and may be expended by the State Board
20 of Education to finance the activities of the State
21 Department of Education necessary to administer the
22 program, for consultative services, publication costs,
23 actual and necessary travel expenses as provided in
24 the State Travel Reimbursement Act incurred by persons

1 performing research work, and other expenses found
2 necessary by the State Board of Education for the
3 improvement of the preparation and certification of
4 teachers in Oklahoma. Provided, any unobligated
5 balance in the Teachers' Certificate Fund in excess of
6 Ten Thousand Dollars (\$10,000.00) on June 30 of any
7 fiscal year shall be transferred to the General
8 Revenue Fund of ~~the State of Oklahoma~~ this state.

9 Until July 1, 1997, the State Board of Education shall
10 have authority for approval of teacher education
11 programs. The State Board of Education shall also
12 have authority for the administration of teacher
13 residency and professional development, subject to the
14 provisions of the Oklahoma Teacher Preparation Act;

15 7. Promulgate rules governing the classification, inspection,
16 supervision, and accrediting of all public nursery, kindergarten,
17 elementary and secondary schools, and on-site educational services
18 provided by public school districts or state-accredited private
19 schools in partial hospitalization programs, day treatment programs,
20 and day hospital programs as defined in this act for persons between
21 the ages of three (3) and twenty-one (21) years of age in the state.
22 However, no school shall be denied accreditation solely on the basis
23 of average daily attendance.

1 Any school district which maintains an elementary school and
2 faces the necessity of relocating its school facilities because of
3 construction of a lake, either by state or federal authority, which
4 will inundate the school facilities, shall be entitled to receive
5 probationary accreditation from the State Board of Education for a
6 period of five (5) years after ~~the effective date of this act~~
7 September 5, 1975, and any school district, otherwise qualified,
8 shall be entitled to receive probationary accreditation from the
9 State Board of Education for a period of two (2) consecutive years
10 to attain the minimum average daily attendance. The Head Start and
11 public nurseries or kindergartens operated from Community Action
12 Program funds shall not be subjected to the accrediting rules of the
13 State Board of Education. Neither will the State Board of Education
14 make rules affecting the operation of the public nurseries and
15 kindergartens operated from federal funds secured through Community
16 Action Programs even though they may be operating in the public
17 schools of the state. However, any of the Head Start or public
18 nurseries or kindergartens operated under federal regulations may
19 make application for accrediting from the State Board of Education
20 but will be accredited only if application for the approval of the
21 programs is made. The status of no school district shall be changed
22 which will reduce it to a lower classification until due notice has
23 been given to the proper authorities thereof and an opportunity
24

1 given to correct the conditions which otherwise would be the cause
2 of such reduction.

3 Private and parochial schools may be accredited and classified
4 in like manner as public schools or, if an accrediting association
5 is approved by the State Board of Education, by procedures
6 established by the State Board of Education to accept accreditation
7 by such accrediting association, if application is made to the State
8 Board of Education for such accrediting;

9 8. Be the legal agent of the State of Oklahoma to accept, in
10 its discretion, the provisions of any Act of Congress appropriating
11 or apportioning funds which are now, or may hereafter be, provided
12 for use in connection with any phase of the system of public
13 education in Oklahoma. It shall prescribe such rules as it finds
14 necessary to provide for the proper distribution of such funds in
15 accordance with the state and federal laws;

16 9. Be and is specifically hereby designated as the agency of
17 this state to cooperate and deal with any officer, board, or
18 authority of the United States Government under any law of the
19 United States which may require or recommend cooperation with any
20 state board having charge of the administration of public schools
21 unless otherwise provided by law;

22 10. Be and is hereby designated as the "State Educational
23 Agency" referred to in Public Law 396 of the 79th Congress of the
24 United States, which law states that ~~said~~ the act may be cited as

1 the "National School Lunch Act", and ~~said~~ the State Board of
2 Education is hereby authorized and directed to accept the terms and
3 provisions of ~~said~~ the act and to enter into such agreements, not in
4 conflict with the Constitution of Oklahoma or the Constitution and
5 Statutes of the United States, as may be necessary or appropriate to
6 secure for ~~the State of Oklahoma~~ this state the benefits of the
7 school lunch program established and referred to in ~~said~~ the act;

8 11. Have authority to secure and administer the benefits of the
9 National School Lunch Act, Public Law 396 of the 79th Congress of
10 the United States, in ~~the State of Oklahoma~~ this state and is hereby
11 authorized to employ or appoint and fix the compensation of such
12 additional officers or employees and to incur such expenses as may
13 be necessary for the accomplishment of the above purpose, administer
14 the distribution of any state funds appropriated by the Legislature
15 required as federal matching to reimburse on children's meals;

16 12. Accept and provide for the administration of any land,
17 money, buildings, gifts, donation, or other things of value which
18 may be offered or bequeathed to the schools under the supervision or
19 control of ~~said~~ the Board;

20 13. Have authority to require persons having administrative
21 control of all school districts in Oklahoma to make such regular and
22 special reports regarding the activities of the schools in ~~said~~ the
23 districts as the Board may deem needful for the proper exercise of
24 its duties and functions. Such authority shall include the right of

1 the State Board of Education to withhold all state funds under its
2 control, to withhold official recognition, including accrediting,
3 until such required reports have been filed and accepted in the
4 office of ~~said~~ the Board and to revoke the certificates of persons
5 failing or refusing to make such reports;

6 14. Have general supervision of the school lunch program. The
7 State Board of Education may sponsor workshops for personnel and
8 participants in the school lunch program and may develop, print, and
9 distribute free of charge or sell any materials, books, and
10 bulletins to be used in ~~such~~ the school lunch programs. There is
11 hereby created in the State Treasury a revolving fund for the Board,
12 to be designated the School Lunch Workshop Revolving Fund. The fund
13 shall consist of all fees derived from or on behalf of any
14 participant in any such workshop sponsored by the State Board of
15 Education, or from the sale of any materials, books, and bulletins,
16 and ~~such~~ funds shall be disbursed for expenses of such workshops and
17 for developing, printing, and distributing of ~~such~~ the materials,
18 books, and bulletins relating to the school lunch program. The fund
19 shall be administered in accordance with Section 155 of Title 62 of
20 the Oklahoma Statutes;

21 15. Prescribe all forms for school district and county officers
22 to report to the State Board of Education where required. The State
23 Board of Education shall also prescribe a list of appropriation
24 accounts by which the funds of school districts shall be budgeted,

1 accounted for, and expended; and it shall be the duty of the State
2 Auditor and Inspector in prescribing all budgeting, accounting, and
3 reporting forms for school funds to conform to such lists;

4 16. Provide for the establishment of a uniform system of pupil
5 and personnel accounting, records, and reports;

6 17. Have authority to provide for the health and safety of
7 school children and school personnel while under the jurisdiction of
8 school authorities;

9 18. Provide for the supervision of the transportation of
10 pupils;

11 19. Have authority, upon request of the local school board, to
12 act in behalf of the public schools of the state in the purchase of
13 transportation equipment;

14 20. Have authority and is hereby required to perform all duties
15 necessary to the administration of the public school system in
16 Oklahoma as specified in the Oklahoma School Code; and, in addition
17 thereto, those duties not specifically mentioned herein if not
18 delegated by law to any other agency or official;

19 21. Administer the State Public Common School Building
20 Equalization Fund established by Section 32 of Article X of the
21 Oklahoma Constitution. Any monies as may be appropriated or
22 designated by the Legislature, other than ad valorem taxes, any
23 other funds identified by the State Department of Education, which
24 may include, but not be limited to, grants-in-aid from the federal

1 government for building purposes, the proceeds of all property that
2 shall fall to the state by escheat, penalties for unlawful holding
3 of real estate by corporations, and capital gains on assets of the
4 permanent school funds, shall be deposited in the State Public
5 Common School Building Equalization Fund. The fund shall be used to
6 aid school districts and charter schools in acquiring buildings,
7 subject to the limitations fixed by Section 32 of Article X of the
8 Oklahoma Constitution. It is hereby declared that the term
9 "acquiring buildings" as used in Section 32 of Article X of the
10 Oklahoma Constitution shall mean acquiring or improving school
11 sites, constructing, repairing, remodeling, or equipping buildings,
12 or acquiring school furniture, fixtures, or equipment. It is hereby
13 declared that the term "school districts" as used in Section 32 of
14 Article X of the Oklahoma Constitution shall mean school districts
15 and eligible charter schools as defined in subsection B of this
16 section. The State Board of Education shall disburse redbud school
17 grants annually from the State Public Common School Building
18 Equalization Fund to public schools and eligible charter schools
19 pursuant to subsection B of this section. The Board shall
20 promulgate rules for the implementation of disbursing redbud school
21 grants pursuant to this section. The State Board of Education shall
22 prescribe rules for making grants of aid from, and for otherwise
23 administering, the fund pursuant to the provisions of this
24 paragraph, and may employ and fix the duties and compensation of

1 technicians, aides, clerks, stenographers, attorneys, and other
2 personnel deemed necessary to carry out the provisions of this
3 paragraph. The cost of administering the fund shall be paid from
4 monies appropriated to the State Board of Education for the
5 operation of the State Department of Education. From monies
6 apportioned to the fund, the State Department of Education may
7 reserve not more than one-half of one percent (1/2 of 1%) for
8 purposes of administering the fund;

9 22. Recognize that the Director of the ~~Oklahoma~~ Department of
10 Corrections shall be the administrative authority for the schools
11 which are maintained in the state reformatories and shall appoint
12 the principals and teachers in such schools. Provided, that rules
13 of the State Board of Education for the classification, inspection,
14 and accreditation of public schools shall be applicable to such
15 schools; and such schools shall comply with standards set by the
16 State Board of Education; and

17 23. Have authority to administer a revolving fund which is
18 hereby created in the State Treasury, to be designated the
19 Statistical Services Revolving Fund. The fund shall consist of all
20 monies received from the various school districts of the state, the
21 United States Government, and other sources for the purpose of
22 furnishing or financing statistical services and for any other
23 purpose as designated by the Legislature. The State Board of
24 Education is hereby authorized to enter into agreements with school

1 districts, municipalities, the United States Government,
2 foundations, and other agencies or individuals for services,
3 programs, or research projects. The Statistical Services Revolving
4 Fund shall be administered in accordance with Section 155 of Title
5 62 of the Oklahoma Statutes.

6 B. 1. The redbud school grants shall be determined by the
7 State Department of Education as follows:

8 a. divide the county four-mill levy revenue by four to
9 determine the nonchargeable county four-mill revenue
10 for each school district,

11 b. determine the amount of new revenue generated by the
12 five-mill building fund levy as authorized by Section
13 10 of Article X of the Oklahoma Constitution for each
14 school district as reported in the Oklahoma Cost
15 Accounting System for the preceding fiscal year,

16 c. add the amounts calculated in subparagraphs a and b of
17 this paragraph to determine the nonchargeable millage
18 for each school district,

19 d. add the nonchargeable millage in each district
20 statewide as calculated in subparagraph c of this
21 paragraph and divide the total by the average daily
22 membership in public schools statewide based on the
23 preceding school year's average daily membership,
24 according to the provisions of Section 18-107 of this

1 title. This amount is the statewide nonchargeable
2 millage per student, known as the baseline local
3 funding per student,

4 e. all eligible charter schools shall be included in
5 these calculations as unique school districts,
6 separate from the school district that may sponsor the
7 eligible charter school, and the total number of
8 districts shall be used to determine the statewide
9 average baseline local funding per student,

10 f. for each school district or eligible charter school
11 which is below the baseline local funding per student,
12 the Department shall subtract the baseline local
13 funding per student from the average nonchargeable
14 millage per student of the school district or eligible
15 charter school to determine the nonchargeable millage
16 per student shortfall for each district, and

17 g. the nonchargeable millage per student shortfall for a
18 school district or eligible charter school shall be
19 multiplied by the average daily membership of the
20 preceding school year of the eligible school district
21 or eligible charter school. This amount shall be the
22 redbud school grant amount for the school district or
23 eligible charter school.

24

1 2. For fiscal year 2022, monies for the redbud school grants
2 shall be expended from the funds apportioned pursuant to ~~Section 2~~
3 Section 426 of this act Title 63 of the Oklahoma Statutes. ~~For~~
4 ~~fiscal year 2023 and each subsequent fiscal year, monies for the~~
5 ~~redbud school grants shall be appropriated pursuant to Section 2 of~~
6 ~~this act, not to exceed three-fourths (3/4) of the tax collected in~~
7 ~~the preceding fiscal year pursuant to Section 426 of Title 63 of the~~
8 ~~Oklahoma Statutes as determined by the Oklahoma Tax Commission. For~~
9 ~~fiscal year 2023 and each subsequent fiscal year, if such~~
10 ~~appropriated funds are insufficient to fund the redbud school~~
11 ~~grants, then an additional apportionment of funds shall be made from~~
12 ~~sales tax collections as provided by subsection D of Section 3 of~~
13 ~~this act. If both funds are insufficient, the Department shall~~
14 ~~promulgate rules to permit a decrease to the baseline local funding~~
15 ~~per student to the highest amount allowed with the funding~~
16 ~~available.~~

17 3. As used in this section, "eligible charter school" shall
18 mean a charter school which is sponsored pursuant to the provisions
19 of the Oklahoma Charter ~~School~~ Schools Act. Provided, however,
20 "eligible charter school" shall not include a charter school
21 sponsored by the Statewide Virtual Charter School Board but shall
22 only include those which provide in-person or blended instruction,
23 as provided by Section 1-111 of this title, to not less than two-

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1 thirds (2/3) of students as the primary means of instructional
2 service delivery.

3 4. The Department shall develop a program to acknowledge the
4 redbud school grant recipients and shall include elected members of
5 the ~~Oklahoma~~ House of Representatives and ~~Oklahoma State~~ Senate who
6 represent the school districts and eligible charter schools.

7 5. The Department shall create a dedicated page on its website
8 listing annual redbud school grant recipients, amount awarded to
9 each recipient, and other pertinent information about the Redbud
10 School Funding Act.

11 6. The Department shall provide the Chair of the House
12 Appropriations and Budget Committee and the Chair of the Senate
13 Appropriations Committee no later than February 1 of each year with
14 an estimate of the upcoming year's redbud school grant allocation as
15 prescribed by this section.

16 SECTION 17. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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