

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 758

By: Rosino

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6
7 AS INTRODUCED

8 An Act relating to medical marijuana; amending 63
9 O.S. 2021, Sections 426, as amended by Section 27,
10 Chapter 228, O.S.L. 2022 (63 O.S. Supp. 2022, Section
11 426) and 427.5, which relate to medical marijuana;
12 deleting certain apportionments; modifying the
13 Oklahoma Medical Marijuana Authority Fund; limiting
14 funding source; requiring legislative appropriation;
15 creating the Medical Marijuana Tax Fund; providing
16 for sources of funds; requiring legislative
17 appropriation; amending 68 O.S. 2021, Section 1353,
18 as last amended by Section 3, Chapter 412, O.S.L.
19 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
25 for codification; and declaring an emergency.

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

27 SECTION 1. AMENDATORY 63 O.S. 2021, Section 426, as
28 amended by Section 27, Chapter 228, O.S.L. 2022 (63 O.S. Supp. 2022,
29 Section 426), is amended to read as follows:
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1 Section 426. A. The tax on retail medical marijuana sales
2 shall be established at seven percent (7%) of the gross amount
3 received by the seller.

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

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

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

22 ~~E.~~ D. For fiscal year 2022, proceeds from the levy authorized
23 by subsection A of this section shall be apportioned as follows:
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1 1. The first Sixty-five Million Dollars (\$65,000,000.00) shall
2 be apportioned as follows:

3 a. fifty-nine and twenty-three hundredths percent
4 (59.23%) to the State Public Common School Building
5 Equalization Fund,

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

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

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

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~~ Oklahoma Medical
19 Marijuana Authority to be designated the "Oklahoma Medical Marijuana
20 Authority ~~Revolving~~ Fund". The fund shall be a continuing fund, not
21 subject to fiscal year limitations, and shall consist of all monies
22 received by the ~~Department~~ Authority from fees and fines collected
23 pursuant to ~~this act and all monies received by the Oklahoma Tax~~
24 ~~Commission from tax proceeds collected pursuant to Section 426 of~~

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

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 427.5a 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 fund for the
16 Oklahoma Medical Marijuana Authority to be designated the "Medical
17 Marijuana Tax Fund". The fund shall be a continuing fund, not
18 subject to fiscal year limitations, and shall consist of all monies
19 received by the Authority from tax proceeds collected pursuant to
20 Section 426 of Title 63 of the Oklahoma Statutes. All monies
21 accruing to the credit of the fund shall be appropriated at the
22 discretion of the Legislature for the purpose of funding substance
23 abuse programs and common education including but not limited to

1 funding redbud school grants pursuant to Section 3-104 of Title 70
2 of the Oklahoma Statutes.

3 SECTION 4. AMENDATORY 68 O.S. 2021, Section 1353, as
4 last amended by Section 3, Chapter 412, O.S.L. 2022 (68 O.S. Supp.
5 2022, Section 1353), is amended to read as follows:

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

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

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%

FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027	83.36%
FY 2028 and each fiscal year thereafter	83.61%;

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

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

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

c. for FY 2021:

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

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

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

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

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%

1	FY 2005	3.75%
2	FY 2006	4.0%
3	FY 2007	4.5%
4	FY 2008 through FY 2020	5.0%
5	FY 2021:	
6	a. for the month beginning July	
7	1, 2020, through the month	
8	ending August 31, 2020	5.0%
9	b. for the month beginning	
10	September 1, 2020, through	
11	the month ending June 30,	
12	2021	3.5%
13	FY 2022	5.0%
14	FY 2023 through FY 2027	5.25%
15	FY 2028 and each fiscal year thereafter	5.0%;
16	4. a. except as otherwise provided in subparagraph b of this	
17	paragraph, for the fiscal year beginning July 1, 2022,	
18	and for each fiscal year thereafter, eighty-seven one-	
19	hundredths percent (0.87%) shall be paid to the State	
20	Treasurer to be further apportioned as follows:	
21	(1) twenty-four percent (24%) shall be placed to the	
22	credit of the Oklahoma Tourism Promotion	
23	Revolving Fund, but in no event shall such	
24		

1 apportionment exceed Five Million Dollars

2 (\$5,000,000.00) in any fiscal year,

3 (2) forty-four percent (44%) shall be placed to the

4 credit of the Oklahoma Tourism Capital

5 Improvement Revolving Fund, but in no event shall

6 such apportionment exceed Nine Million Dollars

7 (\$9,000,000.00) in any fiscal year, and

8 (3) thirty-two percent (32%) shall be placed to the

9 credit of the Oklahoma Route 66 Commission

10 Revolving Fund, but in no event shall such

11 apportionment exceed Six Million Six Hundred

12 Thousand Dollars (\$6,600,000.00) in any fiscal

13 year, and

14 b. any amounts which exceed the limitations of

15 subparagraph a of this paragraph shall be placed to

16 the credit of the General Revenue Fund; and

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

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

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

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

15 a. Nine Million Six Hundred Thousand Dollars
16 (\$9,600,000.00) to the credit of the State Highway
17 Construction and Maintenance Fund created in Section
18 1501 of Title 69 of the Oklahoma Statutes, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 5. AMENDATORY 70 O.S. 2021, Section 3-104, is
21 amended to read as follows:

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

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

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

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

- 17 a. State Aid to schools,
18 b. the supervision of all other functions of general and
19 special education including general control, free
20 textbooks, school lunch, Indian education, and all
21 other functions of the Board and an amount sufficient
22 to adequately staff and administer these services, and
23 c. the Board shall determine the details by which the
24 budget and the appropriations are administered.

1 Annually, the Board shall make preparations to
2 consolidate all of the functions of the Department in
3 such a way that the budget can be based on two items,
4 administration and aid to schools. A maximum amount
5 for administration shall be designated as a part of
6 the total appropriation;

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

- 12 a. detailed statistics and other information concerning
13 enrollment, attendance, expenditures including State
14 Aid, and other pertinent data for all public schools
15 in this state,
- 16 b. reports from each and every division within the State
17 Department of Education as submitted by the ~~State~~
18 Superintendent of Public Instruction and any other
19 division, department, institution, or other agency
20 under the supervision of the Board,
- 21 c. recommendations for the improvement of the public
22 school system of the state,
- 23 d. a statement of the receipts and expenditures of the
24 State Board of Education for the past year, and

1 e. a statement of plans and recommendations for the
2 management and improvement of public schools and such
3 other information relating to the educational
4 interests of the state as may be deemed necessary and
5 desirable;

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

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

21 a. the State Department of Education shall not issue a
22 certificate to and shall revoke the certificate of any
23 person who has been convicted, whether upon a verdict
24 or plea of guilty or upon a plea of nolo contendere,

1 or received a suspended sentence or any probationary
2 term for a crime or an attempt to commit a crime
3 provided for in Section 843.5 of Title 21 of the
4 Oklahoma Statutes if the offense involved sexual abuse
5 or sexual exploitation as those terms are defined in
6 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
7 Section 741, 843.1, if the offense included sexual
8 abuse or sexual exploitation, 865 et seq., 885, 888,
9 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088,
10 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
11 Statutes or who enters this state and who has been
12 convicted, received a suspended sentence, or received
13 a deferred judgment for a crime or attempted crime
14 which, if committed or attempted in this state, would
15 be a crime or an attempt to commit a crime provided
16 for in any of ~~said~~ the laws,

- 17 b. all funds collected by the State Department of
18 Education for the issuance of certificates to
19 instructional, supervisory, and administrative
20 personnel in the public schools of the state shall be
21 deposited in the "Teachers' Certificate Fund" in the
22 State Treasury and may be expended by the State Board
23 of Education to finance the activities of the State
24 Department of Education necessary to administer the

1 program, for consultative services, publication costs,
2 actual and necessary travel expenses as provided in
3 the State Travel Reimbursement Act incurred by persons
4 performing research work, and other expenses found
5 necessary by the State Board of Education for the
6 improvement of the preparation and certification of
7 teachers in Oklahoma. Provided, any unobligated
8 balance in the Teachers' Certificate Fund in excess of
9 Ten Thousand Dollars (\$10,000.00) on June 30 of any
10 fiscal year shall be transferred to the General
11 Revenue Fund of ~~the State of Oklahoma~~ this state.

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

18 7. Promulgate rules governing the classification, inspection,
19 supervision, and accrediting of all public nursery, kindergarten,
20 elementary and secondary schools, and on-site educational services
21 provided by public school districts or state-accredited private
22 schools in partial hospitalization programs, day treatment programs,
23 and day hospital programs as defined in this act for persons between
24 the ages of three (3) and twenty-one (21) years of age in the state.

1 However, no school shall be denied accreditation solely on the basis
2 of average daily attendance.

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

1 been given to the proper authorities thereof and an opportunity
2 given to correct the conditions which otherwise would be the cause
3 of such reduction.

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

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

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

23 10. Be and is hereby designated as the "State Educational
24 Agency" referred to in Public Law 396 of the 79th Congress of the

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

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

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

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

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

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

22 15. Prescribe all forms for school district and county officers
23 to report to the State Board of Education where required. The State
24 Board of Education shall also prescribe a list of appropriation

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

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

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

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

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

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

20 21. Administer the State Public Common School Building
21 Equalization Fund established by Section 32 of Article X of the
22 Oklahoma Constitution. Any monies as may be appropriated or
23 designated by the Legislature, other than ad valorem taxes, any
24 other funds identified by the State Department of Education, which

1 may include, but not be limited to, grants-in-aid from the federal
2 government for building purposes, the proceeds of all property that
3 shall fall to the state by escheat, penalties for unlawful holding
4 of real estate by corporations, and capital gains on assets of the
5 permanent school funds, shall be deposited in the State Public
6 Common School Building Equalization Fund. The fund shall be used to
7 aid school districts and charter schools in acquiring buildings,
8 subject to the limitations fixed by Section 32 of Article X of the
9 Oklahoma Constitution. It is hereby declared that the term
10 "acquiring buildings" as used in Section 32 of Article X of the
11 Oklahoma Constitution shall mean acquiring or improving school
12 sites, constructing, repairing, remodeling, or equipping buildings,
13 or acquiring school furniture, fixtures, or equipment. It is hereby
14 declared that the term "school districts" as used in Section 32 of
15 Article X of the Oklahoma Constitution shall mean school districts
16 and eligible charter schools as defined in subsection B of this
17 section. The State Board of Education shall disburse redbud school
18 grants annually from the State Public Common School Building
19 Equalization Fund to public schools and eligible charter schools
20 pursuant to subsection B of this section. The Board shall
21 promulgate rules for the implementation of disbursing redbud school
22 grants pursuant to this section. The State Board of Education shall
23 prescribe rules for making grants of aid from, and for otherwise
24 administering, the fund pursuant to the provisions of this

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

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

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

1 Education is hereby authorized to enter into agreements with school
2 districts, municipalities, the United States Government,
3 foundations, and other agencies or individuals for services,
4 programs, or research projects. The Statistical Services Revolving
5 Fund shall be administered in accordance with Section 155 of Title
6 62 of the Oklahoma Statutes.

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

- 9 a. divide the county four-mill levy revenue by four to
10 determine the nonchargeable county four-mill revenue
11 for each school district,
- 12 b. determine the amount of new revenue generated by the
13 five-mill building fund levy as authorized by Section
14 10 of Article X of the Oklahoma Constitution for each
15 school district as reported in the Oklahoma Cost
16 Accounting System for the preceding fiscal year,
- 17 c. add the amounts calculated in subparagraphs a and b of
18 this paragraph to determine the nonchargeable millage
19 for each school district,
- 20 d. add the nonchargeable millage in each district
21 statewide as calculated in subparagraph c of this
22 paragraph and divide the total by the average daily
23 membership in public schools statewide based on the
24 preceding school year's average daily membership,

1 according to the provisions of Section 18-107 of this
2 title. This amount is the statewide nonchargeable
3 millage per student, known as the baseline local
4 funding per student,

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

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

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

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 68 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-

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 6. 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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