

STATE BOARD OF EQUALIZATION
Regular Meeting
February 17, 2023, 10:00 AM
Governor's Conference Room
Second Floor – State Capitol Building
2300 North Lincoln Blvd., Oklahoma City, OK

MINUTES

The State Board of Equalization met on February 17, 2023, at 10:00 AM in the Governor's Conference Room on the second floor of the State Capitol building. The members were notified by e-mail.

Members present were:

Governor J. Kevin Stitt
Lt. Governor Matt Pinnell
Cindy Byrd, State Auditor and Inspector
Ryan Walters, Superintendent of Public Instruction
Gentner Drummond, Attorney General
Todd Russ, State Treasurer
Blayne Arthur, Chairman of the Board of Agriculture

Guests who took part in discussion:

Brandy Manek, Director, Budget Policy and Gaming Compliance, Office of Management and Enterprise Services

Agenda Item #1 – Call to Order

Governor Stitt called the meeting to order.

Agenda Item #2 – Roll Call and announcement of quorum

The roll was called to establish a quorum.

Agenda Item #3 – Announcement of filing of regular meeting notice and posting of the agenda in accordance with the Open Meeting Act

Agenda Item #4 – Disposition of December 29, 2022, minutes

MS. ARTHUR MOVED TO ACCEPT THE MINUTES AS PRESENTED. Mr. Walters seconded the motion. Roll call was taken and all members present voted "aye". Motion carried

Agenda Item #5 – Discussion and possible action and certification of limit on growth of appropriations for fiscal year ending June 30, 2024

Brandy Manek made a presentation regarding certification. The Constitution requires a certification of maximum appropriations for the fiscal year 2024.

MS. BYRD MOVED THAT THE LIMIT ON APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2024, BE SET AT \$16,484,594,048. Lt. Governor Pinnell seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried.

Agenda Item #6 – Discussion and possible action as to whether expenditures from the ROADS Fund are used to "enhance or supplant" state funding for the Department of Transportation as required by 69 O.S. § 1521.

LT. GOVERNOR PINNELL MOVED THE BOARD FINDS THE ROADS FUND WAS USED TO ENHANCE TRANSPORTATION FUNDING FOR FY2023. Mr. Walters seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

Agenda Item #7 – Report from the Office of Management and Enterprise Services and possible action regarding appropriations from the Oklahoma Education Lottery Trust Fund as required by Article X § 41 of the Oklahoma Constitution and Title 3A O.S., § 713.

MR. WALTERS MOVED THE BOARD FINDS THAT APPROPRIATIONS FROM THE OKLAHOMA EDUCATION LOTTERY TRUST FUND ENHANCED EDUCATION FUNDING IN FY2023. Mr. Russ seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

Agenda Item #8 - Report from the Office of Management and Enterprise Services and possible action regarding certification of the following, pursuant to 62 O.S. 2016 § 34.103:

A.1. For the revenue derived from the tax levies on oil pursuant to Section 1001 of Title 68...the average annual amount of actual revenue apportioned to the General Revenue Fund for the immediately preceding five (5) complete fiscal years.

MR. RUSS MOVED TO CERTIFY THE 5-YEAR AVERAGE OF ACTUAL ANNUAL REVENUE APPORTIONED TO THE GENERAL REVENUE FUND FROM THE TAX ON OIL PURSUANT TO § 1001 OF TITLE 68 IS \$260,945,640. Mr. Walters seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

A.2. For the revenue derived from the tax levied on natural gas pursuant to Section 1001 of Title 68...the average annual amount of actual revenue apportioned to the General Revenue Fund for the previous five (5) years.

LT. GOVERNOR PINNELL MOVED TO CERTIFY THE 5-YEAR AVERAGE OF ACTUAL ANNUAL REVENUE APPORTIONED TO THE GENERAL REVENUE FUND FROM THE TAX ON NATURAL GAS PURSUANT TO § 1001 OF TITLE 68 IS \$347,536,153. Ms. Byrd seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

A.3. For the revenue derived from the corporate income tax levied pursuant to Section 2355 of Title 68...the average annual amount of actual revenue apportioned to the General Revenue Fund for the previous five (5) fiscal years.

MR. WALTERS MOVED TO CERTIFY THE 5-YEAR AVERAGE OF ACTUAL ANNUAL REVENUE APPORTIONED TO THE GENERAL REVENUE FUND FROM THE TAX ON CORPORATE INCOME TAX PURSUANT TO § 2355 OF TITLE 68 IS \$330,450,066. Ms. Arthur seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

Agenda Item #9 –Report from the Office of Management and Enterprise Services and possible action pursuant to O.S. 68 §2355.1B, regarding determination of a new baseline of apportionments to the Oklahoma Teachers Retirement System from the taxes levied pursuant to Sections 1353, 1403 and 2352 of O.S. 68 if it differs from the original baseline determination; and, if a new baseline is determined, five-year average apportionment amounts attributable to each revenue source.

A.1) LT. GOVERNOR PINNELL MOVED THAT SINCE THE NEW 5-YEAR AVERAGE APPORTIONMENTS TO THE OKLAHOMA TEACHERS’ RETIREMENT SYSTEM REVOLVING FUND FROM INCOME TAXES, SALES TAXES AND USE TAXES IS GREATER THAN THE PREVIOUSLY DETERMINED ORIGINAL BASELINE, THE NEW BASELINE FOR SUCH APPORTIONMENTS IN FISCAL YEAR 2024 SHALL BE \$333,636,782. Ms. Arthur seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

A.2) MS. BYRD MOVED THAT THE INDIVIDUAL, 5-YEAR AVERAGE APPORTIONMENT AMOUNTS FOR EACH REVENUE SOURCE BE SET AT \$167,066,478 FOR PERSONAL INCOME TAX COLLECTIONS; \$21,628,203 FOR CORPORATE INCOME TAX COLLECTIONS; \$126,197,479 FOR SALES TAX COLLECTIONS AND \$18,744,622 FOR USE TAX COLLECTIONS FOR FISCAL YEAR 2024. Lt. Governor Pinnell seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

Agenda Item #10 – Discussion and possible action to certify the estimate of funds available for appropriation by the legislature for fiscal year ending June 30, 2024.

MR. RUSS MADE A MOTION TO CERTIFY THE FISCAL YEAR 2024 ESTIMATE SUMMATION OF REVENUES FROM CERTIFIED FUNDS OF \$8,747,820,077 AND REVENUES AVAILABLE FOR APPROPRIATION IN THE AMOUNT OF \$8,310,429,073 AND CERTIFIED FEDERAL REVENUE AVAILABLE FOR APPROPRIATION OF \$256,116,591. Lt. Governor Pinnell seconded the motion. Roll call was taken and all members present voted “aye”. Motion carried

Agenda Item #11 – Adjournment

MS. ARTHUR MADE A MOTION TO ADJOURN. Mr. Walters seconded the motion. Roll call was taken and all members present voted “aye”. Governor Stitt declared the meeting adjourned.

Matt Pinnell, Lt. Governor
State Board of Equalization

(FYI – Governor was not present at 6-19-23 meeting for approval of these minutes – Lt. Governor called the mtg to order)

Cindy Byrd
State Auditor and Inspector
Secretary, State Board of Equalization