

ENGROSSED SENATE
JOINT
RESOLUTION NO. 6

By: Stipe of the Senate

and

Adair of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed act relating to revenue and taxation; amending 68 O.S. 1991, Sections 502.6 and 502.7, which relate to motor fuel taxes; levying additional excise tax of two cents per gallon on gasoline and diesel fuel; specifying basis for computation of amount due; providing exemptions; apportioning revenue and specifying purpose; providing for codification; providing an effective date; providing ballot title; directing filing; and ordering a special election.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 44th OKLAHOMA LEGISLATURE:

SECTION 1. Pursuant to the provisions of Sections 2 and 3 of Article V of the Constitution of the State of Oklahoma, the Secretary of State shall refer to the people for their approval or rejection at the next general election, as and in the manner provided by law, Sections 2 through 6 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 502.8 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. There is hereby levied an excise tax of two cents (\$0.02) upon the sale of every gallon of gasoline sold, or stored and distributed, or withdrawn from storage within the state, for sale or use, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the sale or use of gasoline within this state. The

basis for computation of the amount due shall be one hundred percent (100%) of the net gallonage reported to the Tax Commission for taxation, after all deductions allowed by law have been made.

B. Gasoline which is used exclusively by the United States and gasoline which is exempt from tax pursuant to the provisions of Sections 507, 508, 509 and 527 of Title 68 of the Oklahoma Statutes shall be exempt from the tax levied pursuant to the provisions of this section.

C. The additional excise tax of two cents (\$0.02) per gallon of gasoline levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be deposited in the State Transportation Fund and shall be used for the purpose of obtaining federal matching funds.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 502.9 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. There is hereby levied an excise tax of two cents (\$0.02) upon the sale of every gallon of diesel fuel sold, or stored and distributed, or withdrawn from storage within the state, for sale or use, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the sale or use of diesel fuel within this state. The basis for computation of the amount due shall be one hundred percent (100%) of the net gallonage reported to the Tax Commission for taxation, after all deductions allowed by law have been made.

B. Diesel fuel which is used exclusively by the United States and diesel fuel which is exempt from tax pursuant to the provisions of Sections 507, 508, 509 and 527 of Title 68 of the Oklahoma Statutes shall be exempt from the tax levied pursuant to the provisions of this section.

C. The additional excise tax of two cents (\$0.02) per gallon of diesel fuel levied by this section, together with any interest and

penalties thereon, collected by the Oklahoma Tax Commission shall be deposited in the State Transportation Fund and shall be used for the purpose of obtaining federal matching funds.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 502.6, is amended to read as follows:

Section 502.6 A. In addition to the excise taxes levied by Sections 502, 502.2, 502.4, 516, 520 and 522 of this title and Section 2 of this act, there is hereby levied an excise tax of six cents (\$0.06) upon the sale of every gallon of gasoline sold, or stored and distributed, or withdrawn from storage within the state, for sale or use, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the sale or use of gasoline within this state. The basis for computation of the amount due shall be one hundred percent (100%) of the net gallonage reported to the Tax Commission for taxation, after all deductions allowed by law have been made.

B. Gasoline used exclusively by the United States and gasoline which is exempt from tax pursuant to the provisions of Sections 507, 508, 509 and 527 of this title shall be exempt from the tax levied pursuant to the provisions of this section.

C. It is hereby declared to be the intent of the Legislature that the total state excise tax, levied by this section and Sections 502, 502.2, 502.4, 516, 520 and 522 of this title and Section 2 of this act, shall be ~~sixteen cents (\$0.16)~~ eighteen cents (\$0.18) upon the sale or use of each gallon of gasoline within this state and that no gasoline shall be subject to said total tax more than one time.

D. The additional excise tax of six cents (\$0.06) per gallon of gasoline levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned monthly as follows:

1. Five cents (\$0.05) of the six cents (\$0.06), together with any interest and penalties thereon, shall be apportioned to the State Transportation Fund for any purpose provided for in Section 1502 of Title 69 of the Oklahoma Statutes; and

2. One cent (\$0.01) of the six cents (\$0.06), together with any interest and penalties thereon, shall be distributed to the various counties in the following manner: thirty percent (30%) based upon area, thirty percent (30%) based upon population according to the latest Federal Decennial Census or the most recent annual estimate provided by the U.S. Bureau of the Census and forty percent (40%) based upon county road mileage on the basis which the respective area, population and county road mileage of each county bear to the total area, population and county road mileage of the state. The funds so transmitted shall be sent to the respective county treasurers and by them deposited in the county highway fund to be used by the board of county commissioners for the purpose of construction, repair and maintenance of county roads and highways.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 502.7, is amended to read as follows:

Section 502.7 A. In addition to the excise taxes levied by Sections 502.1, 502.3, 502.5 and 522.1 of this title and Section 3 of this act, there is hereby levied an excise tax of three cents (\$0.03) upon the sale of each gallon of diesel fuel sold, or stored and distributed, or withdrawn from storage, within the state, for sale or use, which shall be reported and collected in the same manner as provided by law for the reporting and collecting of all other tax levies upon the sale or use of diesel fuel within this state. The basis for computation of the amount due shall be one hundred percent (100%) of the net gallonage reported to the Tax Commission for taxation, after all deductions allowed by law have been made.

B. Diesel fuel used exclusively by the United States and diesel fuel which is exempt from tax pursuant to the provisions of Sections 507, 508, 509 and 527 of this title shall be exempt from the tax levied pursuant to the provisions of this section.

C. It is hereby declared to be the intent of the Legislature that the total state excise tax levied by this section and Sections 502.1, 502.3, 502.5 and 522.1 of this title and Section 3 of this act, shall be ~~thirteen cents (\$0.13)~~ fifteen cents (\$0.15) upon the sale or use of each gallon of diesel fuel within this state and that no diesel fuel shall be subject to said total tax more than one time.

D. The additional excise tax of three cents (\$0.03) per gallon of diesel fuel levied by this section, together with any interest and penalties thereon, collected by the Oklahoma Tax Commission shall be apportioned monthly to the State Transportation Fund.

SECTION 6. Sections 2 through 5 of this act shall become effective October 1, 1993.

SECTION 7. The Ballot Title for the proposed act as set forth in Sections 2 through 6 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No.

_____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend Title 68 of the Oklahoma Statutes. It would increase the excise taxes on gasoline and diesel fuel by two cents per gallon. Gasoline and diesel fuel that is exempt from other taxes would be exempt from this increase as well. The revenue would be deposited to the State Transportation Fund. It would be used to obtain federal matching funds. The total tax on gasoline would go from sixteen cents to eighteen cents. The total tax on diesel fuel would go from thirteen cents to fifteen cents. The measure would be effective on October 1, 1993.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE ACT

 / NO, AGAINST THE ACT

SECTION 8. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 7 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 9. A special election is hereby ordered to be held throughout the State of Oklahoma on August 3, 1993, at which time the proposed act as set forth in Sections 2 through 6 of this act shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

Passed the Senate the 4th day of March, 1993.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1993.

Speaker of the House of
Representatives