

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 1096

By: Herbert of the Senate

and

Paulk of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; ordering a legislative referendum pursuant to the Oklahoma Constitution; imposing tax on gasoline used or consumed in state for certain period; specifying that tax not be applicable under certain circumstances; providing for apportionment of revenue and associated penalties and interest; specifying purposes for which revenue may be used; providing certain limitations; creating Advisory Committee on Passenger Rail Services; providing for membership and duties thereof; providing for reimbursement of travel expenses; providing for codification; providing ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.4B of Title 68, unless there is created a duplication in numbering, reads as follows:

A. From January 1, 2001, through December 31, 2010, in addition to the tax levied in Section 500.4 of Title 68 of the Oklahoma Statutes, a tax is hereby imposed on all gasoline used or consumed in this state in the amount of one cent (\$0.01) per gallon.

B. The tax levied in subsection A of this section shall not apply to:

1. Gasoline sold for use as fuel to generate power in aircraft engines or for training, testing or research on aircraft engines;

2. Gasoline used or consumed for use as fuel for agricultural purposes; and

3. Gasoline which is not subject to the tax levied in Section 500.4 of Title 68 of the Oklahoma Statutes.

C. Revenue from the tax levied in this section, and penalties and interest collected with respect to such tax shall be apportioned monthly by the Oklahoma Tax Commission to a separate account within the Oklahoma Tourism and Passenger Rail Revolving Fund, which shall be used exclusively by the Department of Transportation for the purpose of extending Amtrak service and other feasible passenger rail services throughout this state, including but not limited to, the following:

1. Phase One: A route linking stations in Oklahoma and Tulsa Counties and Kansas City, Missouri, and a route linking a station in Oklahoma County with stations in Newton, Kansas, and Denver, Colorado, with further linkages on both such routes with other primary points in the national railroad passenger system located outside this state, and for operating expenses associated with the provision of passenger rail services; and

2. Phase Two: The establishment or enhancement of inter-city rail passenger services, including but not limited to, excursion and sight-seeing trains, in this state on existing rail lines, where feasible.

D. The Department shall be subject to the following limitations in the expenditure of revenue derived pursuant to the provisions of this section:

1. Priority shall be given to expenditures for the purpose of matching federal funds or other funding sources;

2. No such revenue shall be used for administrative expenses;  
and

3. Existing funding for passenger rail services shall not be reduced due to the availability of such revenue.

E. There is hereby created the Advisory Committee on Passenger Rail Services, which shall consist of the Chairs and Vice-Chairs of the Senate and House of Representatives Transportation Committees, the Chairs of the Subcommittees on Public Safety and Transportation of the Senate Appropriations Committee and the House of Representatives Appropriations and Budget Committee, two additional members of the Senate appointed by the President Pro Tempore of the Senate, two additional members of the House of Representatives appointed by the Speaker of the House of Representatives and five citizens appointed by the Governor. The Committee shall have the duty of overseeing the expenditure of state and federal funds, and funds from other sources, by the Department relating to passenger rail service in this state. Members shall be reimbursed for travel expenses in attending meetings of the Committee by the appropriate House of the Legislature or the Governor pursuant to the State Travel Reimbursement Act.

SECTION 3. The Ballot Title for the proposed statute as set forth in SECTION 2 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 levies a new tax on gasoline. The new tax will be one cent per gallon. The tax will be imposed for a ten-year period, from January 1, 2001, through December 31, 2010. Gasoline used in aircraft engines or for agricultural uses will not be subject to the tax. Gasoline not taxed under state law will not be subject to the tax. Revenue from the tax will be used

to extend Amtrak service and other feasible passenger rail service throughout this state in two phases:

1. A route linking stations in Oklahoma and Tulsa Counties and Kansas City, Missouri, and a route linking stations in Oklahoma county with stations in Newton, Kansas, and Denver, Colorado, with points out-of-state; and
2. the establishment or enhancement of certain in-state inter-city rail passenger services.

Priority must be given to matching other sources of funding. Revenue from the new tax may not be used for administration. Existing funding may not be reduced. The measure also creates an Advisory Committee on Passenger Rail Services to oversee uses of the revenues and other monies used for passenger rail service.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

- YES, FOR THE AMENDMENT
- NO, AGAINST THE AMENDMENT

SECTION 4. The President Pro Tempore of the Senate shall, immediately after the passage of this order for legislative referendum, shall prepare and file, in accordance with Section 3 of Article V of the Oklahoma Constitution, one copy thereof, including the Ballot Title set forth in SECTION 3 hereof, with the Secretary of State and one copy with the Attorney General.

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