ENGROSSED SENATE
JOINT
RESOLUTION NO. 4

By: Herbert and Muegge of the Senate

and

Nations of the House

A Joint Resolution relating to railroad funding; 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 RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

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 at the next General Election.

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, 2003, through December 31, 2012, 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 passenger rail services throughout this state, including but not limited to, a route linking stations in Oklahoma and Tulsa Counties 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. 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.

D. 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. Citizen members shall be reimbursed for travel expenses in attending meetings of the Committee by the Office of the Governor pursuant to the State Travel Reimbursement Act. Legislative members shall be reimbursed for travel expenses in attending meetings of the Committee by the appropriate house of the Legislature pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 3. The Ballot Title for the proposed 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, 2003, through December 31, 2012. 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 passenger rail service throughout this state. This will include a route linking stations in Oklahoma and Tulsa Counties with points out of state. 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 ACT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE ACT

☐ NO, AGAINST THE ACT

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

Passed the Senate the 13th day of March, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2001.

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Presiding Officer of the House
of Representatives