

CS for EHB 2940

THE STATE SENATE  
Monday, April 10, 2006

Committee Substitute for  
ENGROSSED

House Bill No. 2940

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2940 - By: LIOTTA,  
ARMES, BILLY, BINGMAN, DENNEY, DeWITT, DORMAN, ELLIS, GLENN,  
HICKMAN, LIEBMANN, PRUETT, ROGGOW, ROUSSELOT, WALKER, BALKMAN,  
BRADDOCK, CARGILL, DANK, JONES, McCARTER, NATIONS, PETERS, SMALIGO,  
TREBILCOCK, WINCHESTER, BENGE, ASKINS, AUFFET, BLACKBURN, COODY,  
COOKSEY, DePUE, DEUTSCHENDORF, DUNCAN, HIETT, JETT, JOHNSON, KERN,  
MARTIN, McMULLEN, PETERSON (Pam), RICHARDSON, SULLIVAN, TERRILL,  
THOMPSON, TIBBS, BRANNON and SMITHSON of the House and SHURDEN,  
MYERS, BRANAN, FORD, JOHNSON (Mike) and MAZZEI of the Senate.

[ transportation - amending 47 O.S., Section 1104 - fees -  
amending 68 O.S., Sections 500.6 and 1004 - Motor Fuel Tax  
Code - amending 69 O.S., Sections 636.1, 664 and 1521 -  
transportation financing - codification - effective date -  
emergency ]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1104, as  
amended by Section 1, Chapter 139, O.S.L. 2003 (47 O.S. Supp. 2005,  
Section 1104), is amended to read as follows:

Section 1104. A. Unless otherwise provided by law, all fees,  
taxes and penalties collected or received pursuant to the Oklahoma  
Vehicle License and Registration Act or Section 1-101 et seq. of  
this title shall be apportioned and distributed monthly by the  
Oklahoma Tax Commission in accordance with this section.

1           B. 1. The following percentages of the monies referred to in  
2 subsection A of this section shall be apportioned to the various  
3 school districts in accordance with paragraph 2 of this subsection:

4           a. from October 1, 2000, until June 30, 2001, thirty-five  
5 and forty-six one-hundredths percent (35.46%),

6           b. for the year beginning July 1, 2001, and ending June  
7 30, 2002, thirty-five and ninety-one one-hundredths  
8 percent (35.91%), and

9           c. for the year beginning July 1, 2002, and all  
10 subsequent years, thirty-six and twenty one-hundredths  
11 percent (36.20%).

12           2. The monies apportioned pursuant to subparagraphs a through c  
13 of paragraph 1 of this subsection shall be apportioned to the  
14 various school districts as follows:

15           a. except as otherwise provided in this subparagraph,  
16 each district shall receive the same amount of funds  
17 as such district received from the taxes and fees  
18 provided in this title in the corresponding month of  
19 the preceding year. Any district eligible for funds  
20 pursuant to the provisions of this section that was  
21 not eligible the preceding year shall receive an  
22 amount equal to the average daily attendance of the  
23 applicable year multiplied by the average daily

1 attendance apportionment within such county for each  
2 appropriate month. For fiscal year 1995 and  
3 thereafter, any district which received less than  
4 twenty-five percent (25%) of the average apportionment  
5 of the monies made to school districts in this state  
6 based on average daily attendance in fiscal year 1995  
7 shall receive an amount equal to the average daily  
8 attendance in the 1994-1995 school year multiplied by  
9 the average daily attendance apportionment within the  
10 county in which the district is located for each  
11 appropriate month, and

12 b. any funds remaining unallocated following the  
13 allocation provided in subparagraph a of this  
14 paragraph shall be apportioned to the various school  
15 districts so that each district shall first receive  
16 the cumulative total of the monthly apportionments for  
17 which it is otherwise eligible under subparagraph a of  
18 this paragraph and then an amount based upon the  
19 proportion that each district's average daily  
20 attendance bears to the total average daily attendance  
21 of those districts entitled to receive funds pursuant  
22 to this section as certified by the State Department  
23 of Education.

1 Each district's allocation of funds shall be remitted to the  
2 county treasurer of the county wherein the administrative  
3 headquarters of the district are located.

4 No district shall be eligible for the funds herein provided  
5 unless the district makes an ad valorem tax levy of fifteen (15)  
6 mills and maintains nine (9) years of instruction and pursuant to  
7 the rules of the State Board of Education, is authorized to maintain  
8 ten (10) years of instruction.

9 C. 1. The following percentages of the monies referred to in  
10 subsection A of this section shall be remitted to the State  
11 Treasurer to be credited to the General Revenue Fund of the State  
12 Treasury:

- 13 a. from October 1, 2000, until June 30, 2001, forty-five  
14 and ninety-seven one-hundredths percent (45.97%),  
15 b. for the year beginning July 1, 2001, and ending June  
16 30, 2002, forty-five and twenty-nine one-hundredths  
17 percent (45.29%), ~~and~~  
18 c. for the year beginning July 1, 2002, and ~~all~~  
19 ~~subsequent years~~ ending June 30, 2006, forty-four and  
20 eighty-four one-hundredths percent (44.84%), and  
21 d. for the year beginning July 1, 2006, and all  
22 subsequent years, twenty-nine and eighty-four one-  
23 hundredths percent (29.84%).

1           2. In the event that additional monies are necessary pursuant  
2 to subsection ~~M~~ N of this section, such additional monies shall be  
3 deducted from the monies apportioned to the General Revenue Fund.

4           D. The following percentages of the monies referred to in  
5 subsection A of this section shall be remitted to the State  
6 Treasurer to be credited to the State Transportation Fund:

7           1. From October 1, 2000, until June 30, 2001, thirty one-  
8 hundredths percent (0.30%); and

9           2. For the year beginning July 1, 2001, and all subsequent  
10 years, thirty-one one-hundredths percent (0.31%).

11          E. 1. The following percentages of the monies referred to in  
12 subsection A of this section shall be apportioned to the various  
13 counties as set forth in paragraph 2 of this section:

14           a. from October 1, 2000, until June 30, 2001, seven and  
15 nine one-hundredths percent (7.09%),

16           b. for the year beginning July 1, 2001, and ending June  
17 30, 2002, seven and eighteen one-hundredths percent  
18 (7.18%), and

19           c. for the year beginning July 1, 2002, and all  
20 subsequent years, seven and twenty-four one-hundredths  
21 percent (7.24%).

22          2. The monies apportioned pursuant to subparagraphs a through c  
23 of paragraph 1 of this subsection shall be apportioned as follows:

1 forty percent (40%) of such sum shall be distributed to the various  
2 counties in that proportion which the county road mileage of each  
3 county bears to the entire state road mileage as certified by the  
4 Transportation Commission and the remaining sixty percent (60%) of  
5 such sum shall be distributed to the various counties on the basis  
6 which the population and area of each county bears to the total  
7 population and area of the state. The population shall be as shown  
8 by the last Federal Census or the most recent annual estimate  
9 provided by the United States Bureau of the Census. The funds shall  
10 be used for the purpose of constructing and maintaining county  
11 highways, provided, however, the county treasurer may deposit so  
12 much of the funds in the sinking fund as may be necessary for the  
13 retirement of interest and annual accrual of indebtedness created by  
14 the issuance of county or township bonds for road purposes. Such  
15 deposits to the sinking fund shall not exceed forty percent (40%) of  
16 the funds allocated to a county pursuant to this paragraph.

17 F. 1. The following percentages of the monies referred to in  
18 subsection A of this section shall be remitted to the county  
19 treasurers of the respective counties and by them deposited in a  
20 separate special revenue fund to be used by the county commissioners  
21 in accordance with paragraph 2 of this subsection:

22 a. from October 1, 2000, until June 30, 2001, two and  
23 fifty-three one-hundredths percent (2.53%),

- 1           b.    for the year beginning July 1, 2001, and ending June  
2                    30, 2002, two and fifty-six one-hundredths percent  
3                    (2.56%), and  
4           c.    for the year beginning July 1, 2002, and all  
5                    subsequent years, two and fifty-nine one-hundredths  
6                    percent (2.59%).

7           2.    The monies apportioned pursuant to subparagraphs a through c  
8 of paragraph 1 of this subsection shall be used for the primary  
9 purpose of matching federal funds for the construction of federal  
10 aid projects on county roads, or constructing and maintaining county  
11 or township highways and permanent bridges of such counties. The  
12 distribution of monies apportioned by this paragraph shall be made  
13 upon the basis of the current formula based upon road mileage, area  
14 and population as related to county road improvement and maintenance  
15 costs. Provided, however, the Department of Transportation may  
16 update the formula factors from time to time as necessary to account  
17 for changing conditions.

18           G. 1. The following percentages of the monies referred to in  
19 subsection A of this section shall be transmitted by the Tax  
20 Commission to the various counties as set forth in paragraph 2 of  
21 this subsection:

- 22           a.    from October 1, 2000, until June 30, 2001, three and  
23                    fifty-five one-hundredths percent (3.55%),

1           b.    for the year beginning July 1, 2001, and ending June  
2                    30, 2002, three and fifty-nine one-hundredths percent  
3                    (3.59%), and

4           c.    for the year beginning July 1, 2002, and all  
5                    subsequent years, three and sixty-two one-hundredths  
6                    percent (3.62%).

7           2.    The monies apportioned pursuant to subparagraphs a through c  
8 of paragraph 1 of this subsection shall be transmitted to the  
9 various counties on the basis of a formula to be developed by the  
10 Department of Transportation. Such formula shall be similar to that  
11 currently used for the distribution of County Bridge Program Funds,  
12 but also taking into consideration the effect of terrain and traffic  
13 volume as related to county road improvement and maintenance costs.  
14 Provided, however, the Department of Transportation may update the  
15 formula factors from time to time as necessary to account for  
16 changing conditions. The funds shall be transmitted to the various  
17 county treasurers to be deposited in the county highway fund of  
18 their respective counties.

19           H. 1. The following percentages of the monies referred to in  
20 subsection A of this section shall be apportioned to the various  
21 counties as set forth in paragraph 2 of this subsection:

22           a.    from October 1, 2000, until June 30, 2001, eighty-one  
23                    one-hundredths percent (0.81%),

- 1           b.    for the year beginning July 1, 2001, and ending June  
2                    30, 2002, eighty-two one-hundredths percent (0.82%),  
3                    and  
4           c.    for the year beginning July 1, 2002, and all  
5                    subsequent years, eighty-three one-hundredths percent  
6                    (0.83%).

7           2.    The monies apportioned pursuant to subparagraphs a through c  
8 of paragraph 1 of this subsection shall be apportioned to the  
9 various counties as follows:

- 10           a.    each county shall receive the same amount of funds as  
11                   such county received from the taxes and fees provided  
12                   for in the 1985 fiscal year, and  
13           b.    any funds remaining unallocated following the  
14                   allocation provided in subparagraph a of this  
15                   paragraph shall be apportioned to the various counties  
16                   based upon the proportion that each county's  
17                   population bears to the total state population.

18           Each county's allocation of funds shall be remitted to the  
19 various county treasurers to be deposited in the general fund of the  
20 county and used for the support of county government.

21           I.   1.   The following percentages of the monies referred to in  
22 subsection A of this section shall be apportioned to the various

1 cities and incorporated towns as set forth in this paragraph 2 of  
2 this subsection:

- 3 a. from October 1, 2000, until June 30, 2001, three and  
4 four one-hundredths percent (3.04%),
- 5 b. for the year beginning July 1, 2001, and ending June  
6 30, 2002, three and eight one-hundredths percent  
7 (3.08%), and
- 8 c. for the year beginning July 1, 2002, and all  
9 subsequent years, three and ten one-hundredths percent  
10 (3.10%).

11 2. The monies apportioned pursuant to subparagraphs a through c  
12 of paragraph 1 of this subsection shall be apportioned to the  
13 various cities and incorporated towns based upon the proportion that  
14 each city or incorporated town's population bears to the total  
15 population of all cities and incorporated towns in the state. Such  
16 funds shall be remitted to the various county treasurers for  
17 allocation to the various cities and incorporated towns. All such  
18 funds shall be used for the construction, maintenance, repair,  
19 improvement and lighting of streets and alleys. Provided, however,  
20 the governing board of any city or town may, with the approval of  
21 the county excise board, transfer any surplus funds to the general  
22 revenue fund of such city or town whenever an emergency requires  
23 such a transfer.

1 J. The following percentages of the monies referred to in  
2 subsection A of this section shall be remitted to the State  
3 Treasurer to be credited to the Oklahoma Law Enforcement Retirement  
4 Fund:

5 1. From October 1, 2000, until June 30, 2001, one and twenty-  
6 two one-hundredths percent (1.22%);

7 2. For the year beginning July 1, 2001, and ending June 30,  
8 2002, one and twenty-three one-hundredths percent (1.23%); and

9 3. For the year beginning July 1, 2002, and all subsequent  
10 years, one and twenty-four one-hundredths percent (1.24%).

11 K. Three one-hundredths of one percent (3/100 of 1%) of the  
12 monies referred to in subsection A of this section shall be remitted  
13 to the State Treasurer to be credited to the Wildlife Conservation  
14 Fund. Seventy-five percent (75%) of the funds shall be used for  
15 fish habitat restoration and twenty-five percent (25%) of the funds  
16 shall be used in the fish hatchery system for fish production.

17 L. Fifteen percent (15%) of monies referred to in subsection A  
18 of this section shall be remitted to the State Treasurer to be  
19 credited to the County Bridge and Road Improvement Fund.

20 M. Monies allocated to counties by this section may be  
21 estimated by the county excise board in the budget for the county as  
22 anticipated revenue to the extent of ninety percent (90%) of the

1 previous year's income from such source, provided, not more than  
2 fifteen percent (15%) can be encumbered during any month.

3 ~~M.~~ N. In no event shall the monies apportioned pursuant to  
4 subsections B, E, F, G, H, ~~and I~~ and L of this section be less than  
5 the monies apportioned in the previous fiscal year.

6 ~~N.~~ O. Notwithstanding any other provisions of this section, for  
7 the fiscal year beginning July 1, 2003, the first One Hundred  
8 Thousand Dollars (\$100,000.00) of the monies collected or received  
9 by the Tax Commission pursuant to the registration of motorcycles  
10 and mopeds in this state shall be placed to the credit of the  
11 Oklahoma Tax Commission Revolving Fund.

12 SECTION 2. AMENDATORY 62 O.S. 2001, Section 203, as last  
13 amended by Section 56, Chapter 3, O.S.L. 2003 (62 O.S. Supp. 2005,  
14 Section 203), is amended to read as follows:

15 Section 203. A. Except as otherwise provided by subsection B  
16 of this section, all monies that may come into the State Treasury,  
17 pursuant to the provisions of Section 201 et seq. of this title,  
18 together with all amounts that may be received by the State  
19 Treasurer as investment income or as interest on average daily bank  
20 balances, including investment income or interest on deposits from  
21 funds deposited to the credit of the Constitutional Reserve Fund  
22 created pursuant to Section 23 of Article X of the Oklahoma

1 Constitution, shall be apportioned and credited to the General  
2 Revenue Fund for the current year.

3 B. The provisions of subsection A of this section shall not  
4 apply to:

5 1. Interest received on deposits from funds under the control  
6 of the Commissioners of the Land Office;

7 2. Funds in the Department of Human Services Federal  
8 Disallowance Fund;

9 3. Interest received on deposits from funds under the control  
10 of the Santa Claus Commission;

11 4. The Risk Management Revolving Fund;

12 5. Investment income and interest received from funds in the  
13 Quartz Mountain Revolving Fund from insurance claims;

14 6. The Drinking Water Treatment Revolving Loan Account and the  
15 Drinking Water Treatment Loan Administrative Fund;

16 7. The Clean Water State Revolving Fund Loan Account and the  
17 Clean Water State Revolving Fund Loan Administrative Fund;

18 8. The State Infrastructure Bank Revolving Fund;

19 9. The Nursing Facility Quality of Care Fund;

20 10. The Oklahoma Tourism and Recreation Department Revolving  
21 Fund effective July 1, 2003; ~~and~~

22 11. The Golf Course Operations Revolving Fund effective July 1,  
23 2003; and

1        12. Interest received on investments from funds in the County  
2 Bridge and Road Improvement Fund and the County Road Machinery and  
3 Equipment Revolving Fund.

4        SECTION 3.        AMENDATORY        68 O.S. 2001, Section 500.6, as  
5 last amended by Section 8, Chapter 472, O.S.L. 2003 (68 O.S. Supp.  
6 2005, Section 500.6), is amended to read as follows:

7        Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon  
8 of gasoline that is levied by paragraph 1 of subsection A of Section  
9 500.4 of this title, and the tax of two and eight one-hundredths  
10 cents (\$0.0208) per gallon of gasoline that is levied by subsection  
11 C of Section 500.4 of this title, and penalties and interest  
12 thereon, collected by the Oklahoma Tax Commission under the levy  
13 shall be apportioned and distributed monthly as follows:

14        1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00)  
15 of the levy collected each month shall be deposited in the State  
16 Treasury to the credit of the State Transportation Fund;

17        2. One and six hundred twenty-five one-thousandths percent  
18 (1.625%) of the levy shall be remitted to the State Treasurer to the  
19 credit of the ~~General Revenue Fund of the State Treasury~~ High  
20 Priority Bridge Fund as created in Section 6 of this act;

21        3. Sixty-three and seventy-five one-hundredths percent (63.75%)  
22 of the levy shall be deposited in the State Treasury to the credit  
23 of the State Transportation Fund to be apportioned as follows:

- 1           a.    the first Eight Hundred Fifty Thousand Dollars  
2                   (\$850,000.00) collected each fiscal year shall be  
3                   deposited into the Public Transit Revolving Fund,  
4                   created in Section 4031 of Title 69 of the Oklahoma  
5                   Statutes,  
6           b.    the second Eight Hundred Fifty Thousand Dollars  
7                   (\$850,000.00) collected each fiscal year shall be  
8                   deposited into the Oklahoma Tourism and Passenger Rail  
9                   Revolving Fund and shall be used by the Department of  
10                  Transportation:  
11                 (1)  to contract railroad passenger services,  
12                         including but not limited to a route linking  
13                         stations in Oklahoma and Tulsa Counties with  
14                         other primary points in the national railroad  
15                         passenger system and passenger rail service  
16                         within the state, and a route beginning at a  
17                         station in Oklahoma County and extending north to  
18                         the Kansas state line in Kay County, and  
19                 (2)  to provide necessary facility, signaling, and  
20                         track improvements for those contracted services,  
21           c.    forty-one and two-tenths percent (41.2%) of the monies  
22                   apportioned to the State Transportation Fund shall be

1 used for any purpose provided for in Section 1502 of  
2 Title 69 of the Oklahoma Statutes,

3 d. nine and eight-tenths percent (9.8%) of the monies  
4 apportioned to the State Transportation Fund shall be  
5 used to provide funds for the construction and  
6 maintenance of farm-to-market roads on the state  
7 highway system, and other rural farm-to-market roads  
8 and bridges, and

9 e. any remaining amount of the apportionment shall be  
10 deposited into the State Transportation Fund;

11 4. Twenty-seven percent (27%) of the levy shall be transmitted  
12 by the Tax Commission to the various counties of the state, to be  
13 apportioned and used as follows:

14 a. sixty-five and three-tenths percent (65.3%) of the  
15 monies apportioned under this paragraph shall be used  
16 on the following basis:

- 17 (1) forty percent (40%) of such sum shall be  
18 distributed to the various counties in the  
19 proportion which the county road mileage of each  
20 county bears to the entire state road mileage as  
21 certified by the Transportation Commission, and  
22 (2) the remaining sixty percent (60%) of such sum  
23 shall be distributed to the various counties on

1 the basis which the population and area of each  
2 county bears to the total population and area of  
3 the state. The population shall be as shown by  
4 the last Federal Decennial Census or the most  
5 recent annual estimate provided by the U.S.  
6 Bureau of the Census,

7 b. twenty-three and one-tenth percent (23.1%) of the  
8 monies apportioned under this paragraph shall be  
9 distributed to the counties in the following manner:  
10 One-third (1/3) on area; one-third (1/3) on rural  
11 population, defined as including the population of all  
12 municipalities with a population of less than five  
13 thousand (5,000) according to the latest Federal  
14 Decennial Census; and one-third (1/3) on county road  
15 mileage, as last certified by the Department of  
16 Transportation, as each county bears to the entire  
17 area, rural population and road mileage of the state,  
18 and

19 c. eleven and six-tenths percent (11.6%) of the monies  
20 apportioned under this paragraph shall be distributed  
21 to the various counties of the state based on a  
22 formula developed by the Department of Transportation  
23 and approved by the Department of Transportation

1 County Advisory Board created pursuant to Section  
2 302.1 of Title 69 of the Oklahoma Statutes. The  
3 formula shall be similar to the formula currently used  
4 for the distribution of monies in the County Bridge  
5 Program funds, but shall also take into consideration  
6 the effect of the terrain and traffic volume as  
7 related to county road improvement and maintenance  
8 costs. Any county may, by resolution of the board of  
9 county commissioners, direct the Tax Commission to  
10 deposit the funds apportioned pursuant to this  
11 subparagraph directly into the County Bridge and Road  
12 Improvement Fund to be used for the purposes set forth  
13 in the County Bridge and Road Improvement Act;

14 5. Three and one hundred twenty-five one-thousandths percent  
15 (3.125%) of the levy shall be distributed to the various counties of  
16 the state based on a formula developed by the Department of  
17 Transportation and approved by the Department of Transportation  
18 County Advisory Board created pursuant to Section 302.1 of Title 69  
19 of the Oklahoma Statutes. The formula shall be similar to the  
20 formula currently used for the distribution of monies in the County  
21 Bridge Program funds, but shall also take into consideration the  
22 effect of the terrain and traffic volume as related to county road  
23 improvement and maintenance costs. Any county may, by resolution

1 approved by a majority of the board of county commissioners and  
2 filed with the Tax Commission, direct the Tax Commission to deposit  
3 the funds apportioned pursuant to this paragraph directly into the  
4 County Bridge and Road Improvement Fund to be used for the purposes  
5 set forth in the County Bridge and Road Improvement Act;

6       6. Two and six hundred twenty-five one-thousandths percent  
7 (2.625%) of the levy shall be deposited in the County Bridge and  
8 Road Improvement Fund of the State Treasury to be used for the  
9 purposes set forth in the County Bridge and Road Improvement Act;  
10 and

11       7. One and eight hundred seventy-five one-thousandths percent  
12 (1.875%) of the levy shall be transmitted by the Tax Commission to  
13 the treasurers of the various incorporated cities and towns of the  
14 state in the percentage which the population, as shown by the last  
15 Federal Decennial Census or the most recent annual estimate provided  
16 by the U.S. Bureau of the Census, bears to the total population of  
17 all the incorporated cities and towns in this state. The funds  
18 shall be expended for the construction, repair and maintenance of  
19 the streets and alleys of the incorporated cities and towns of this  
20 state.

21       Provided, for the fiscal year beginning July 1, 2002, the first  
22 Two Hundred Thousand Dollars (\$200,000.00) of such revenues shall be  
23 apportioned to the Education Reform Revolving Fund.

1        B. 1. The funds apportioned or transmitted pursuant to  
2 subparagraphs a, b, and c of paragraph 4 of subsection A of this  
3 section, subsection B of Section 500.7 of this title, subsection B  
4 of Section 704 of this title, Section 706 of this title, and  
5 paragraph 2 of subsection D of Section 707.3 of this title shall be  
6 sent to the respective county treasurers and deposited in the county  
7 highway fund to be used by the county commissioners for the purpose  
8 of constructing and maintaining county highways and bridges.

9        2. The funds received by any county shall not be diverted to  
10 any other county of the state, and shall only be expended under the  
11 direction and control of the board of county commissioners in the  
12 county to which the funds are appropriated. If any part of the  
13 funds is diverted for any other purpose, the county commissioners  
14 shall be liable on their bond for double the amount of the money so  
15 diverted. This paragraph shall not prohibit counties from entering  
16 into cooperative agreements pertaining to the maintenance and  
17 construction of roads and bridges.

18        3. Where any county highway has been laid out over a road  
19 already constructed in any county by the use of money raised from  
20 county bond issues for that purpose, either alone or by the use of  
21 federal or state aid, or both, the county commissioners may set  
22 aside out of the funds apportioned to that county, as provided in  
23 this section, an amount of money equal to the value of any part

1 thereof, of the interest of such county in such highway or bridge,  
2 which amount of money shall be considered by the excise board in  
3 reducing the levy for the purpose of retiring the bonded  
4 indebtedness and interest thereon of the county, and shall be used  
5 for investment or deposit in the same manner as provided by law for  
6 the disposition of other sinking fund money.

7 4. In all counties where the county excise board may find it  
8 necessary, because of insufficient revenue, to maintain county  
9 government out of the general fund, after a levy of ten (10) mills  
10 has been made for any fiscal year, the county excise board may  
11 appropriate out of any such funds apportioned to the county an  
12 amount sufficient to pay the salaries of the county commissioners of  
13 the county for the fiscal year.

14 5. Counties may use funds deposited in the county highway fund  
15 for the purpose of matching federal or state funds, provided such  
16 funds are available, as necessary to secure assistance in the  
17 construction or improvement of the county road system.

18 C. With regards to the apportionment of the levy as set forth  
19 in paragraph 5 of subsection A of this section, paragraph 5 of  
20 subsection A of Section 500.7 of this title, and subsection C of  
21 Section 707.2 of this title:

22 1. If any county has an accrued balance of funds which were  
23 appropriated to or otherwise accrued in a restricted road

1 maintenance fund, such funds shall be deposited directly to the  
2 county highway fund of the county;

3 2. If any county has an accrued balance of funds which were  
4 appropriated to or otherwise accrued in the County Road Improvement  
5 Fund, or the County Bridge Improvement Fund, such funds shall, by  
6 resolution approved by a majority of the board of county  
7 commissioners and filed with the Department of Transportation, be  
8 deposited in the county highway fund of the county or shall be  
9 deposited to the County Bridge and Road Improvement Fund to be used  
10 for the purposes set forth in the County Bridge and Road Improvement  
11 Act; and

12 3. If any county has an advanced funding agreement with the  
13 Department of Transportation, the Department of Transportation shall  
14 notify the Tax Commission as to the amount the county is obligated  
15 to pay according to the terms of the advanced funding agreement.  
16 The obligated amount shall be transferred each month by the Tax  
17 Commission to the Department of Transportation to the credit of the  
18 County Bridge and Road Improvement Fund from the funds apportioned  
19 to the county pursuant to paragraph 5 of subsection A of this  
20 section. A county may elect to increase the monthly amount to be  
21 repaid pursuant to the advanced funding agreement from the funds  
22 apportioned to the county, but a county shall not be permitted to

1 reduce the amount agreed to pursuant to the advanced funding  
2 agreement.

3 D. The tax levied on gasoline pursuant to Section 500.4A of  
4 this title, and the penalties and interest thereon, collected by the  
5 Tax Commission under the levy shall be apportioned and distributed  
6 on a monthly basis to the State Highway Construction and Maintenance  
7 Fund for the purposes authorized by Section 1502 of Title 69 of the  
8 Oklahoma Statutes.

9 SECTION 4. AMENDATORY 68 O.S. 2001, Section 500.7, is  
10 amended to read as follows:

11 Section 500.7 A. The tax of thirteen cents (\$0.13) per gallon  
12 of diesel fuel that is levied by Section 500.4 of this title, and  
13 all penalties and interest thereon, collected by the Oklahoma Tax  
14 Commission under the levy shall be apportioned and distributed  
15 monthly as follows:

16 1. The first Eighty-three Thousand Three Hundred Thirty-three  
17 Dollars and thirty-three cents (\$83,333.33) of the levy collected  
18 each month shall be deposited in the State Treasury to the credit of  
19 the State Transportation Fund;

20 2. One and thirty-nine one-hundredths percent (1.39%) of the  
21 levy shall be paid by the Commission to the State Treasurer to the  
22 credit of the ~~General Revenue Fund of the State Treasury~~ High  
23 Priority Bridge Fund as created in Section 6 of this act;

1           3. Sixty-four and thirty-four one-hundredths percent (64.34%)  
2 of the levy shall be deposited in the State Treasury to the credit  
3 of the State Transportation Fund;

4           4. Twenty-six and fifty-eight one-hundredths percent (26.58%)  
5 of the levy shall be transmitted by the Commission to various  
6 counties of the state, to be apportioned as follows:

7           a. forty-two and one-tenth percent (42.1%) of the monies  
8 apportioned under this paragraph shall be transmitted  
9 to the various counties in the percentage which the  
10 population and area of each county bears to the  
11 population and area of the entire state. The  
12 population shall be as shown by the last Federal  
13 Decennial Census or the most recent annual estimate  
14 provided by the U.S. Bureau of the Census,

15           b. fourteen and five-tenths percent (14.5%) of the monies  
16 apportioned under this paragraph shall be distributed  
17 as follows:

18           Forty percent (40%) of such sum shall be distributed  
19 to the various counties in that proportion which the  
20 county road mileage of each county bears to the entire  
21 state road mileage as certified by the Transportation  
22 Commission, and the remaining sixty percent (60%) of  
23 such sum shall be distributed to the various counties

1 on the basis which the population and area of each  
2 county bears to the total population and area of the  
3 state. The population shall be as shown by the last  
4 Federal Decennial Census or the most recent annual  
5 estimate provided by the U.S. Bureau of the Census,  
6 c. twenty-eight and nine-tenths percent (28.9%) of the  
7 monies apportioned under this paragraph shall be  
8 distributed to the several counties in the following  
9 manner: one-third (1/3) on area, one-third (1/3) on  
10 rural population (defined as including the population  
11 of all municipalities with a population of less than  
12 five thousand (5,000) according to the latest Federal  
13 Decennial Census), and one-third (1/3) on county road  
14 mileage, as last certified by the Oklahoma Department  
15 of Transportation, as each county bears to the entire  
16 area, rural population and road mileage of the state,  
17 and  
18 d. fourteen and five-tenths percent (14.5%) of the monies  
19 apportioned under this paragraph shall be distributed  
20 to the various counties of the state based on a  
21 formula developed by the Oklahoma Department of  
22 Transportation and approved by the Department of  
23 Transportation County Advisory Board created pursuant

1 to Section 302.1 of Title 69 of the Oklahoma Statutes.  
2 The formula shall be similar to the formula currently  
3 used for the distribution of the County Bridge Program  
4 funds, but shall also take into consideration the  
5 effect of the terrain and traffic volume as related to  
6 the county road improvement and maintenance costs.  
7 Any county may, by resolution approved by a majority  
8 of the board of county commissioners and filed with  
9 the Oklahoma Tax Commission, direct the Oklahoma Tax  
10 Commission to deposit the funds so apportioned by this  
11 subparagraph directly into the County Bridge and Road  
12 Improvement Fund to be used for the purposes set forth  
13 in the County Bridge and Road Improvement Act;

14 5. Three and eighty-five one-hundredths percent (3.85%) of the  
15 levy shall be distributed based on a formula developed by the  
16 Oklahoma Department of Transportation and approved by the Department  
17 of Transportation County Advisory Board created pursuant to Section  
18 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be  
19 similar to the formula currently used for the distribution of the  
20 County Bridge Program funds, but shall also take into consideration  
21 the effect of the terrain and traffic volume as related to the  
22 county road improvement and maintenance costs. Any county may, by  
23 resolution approved by a majority of the board of county

1 commissioners and filed with the Oklahoma Tax Commission, direct the  
2 Oklahoma Tax Commission to deposit the funds so apportioned by this  
3 paragraph directly into the County Bridge and Road Improvement Fund  
4 to be used for the purposes set forth in the County Bridge and Road  
5 Improvement Act. The apportionment of the levy as set forth in this  
6 paragraph shall be subject to the provisions of subsection C of  
7 Section 500.6 of this title; and

8       6. Three and eighty-four one-hundredths percent (3.84%) of the  
9 levy shall be deposited in the County Bridge and Road Improvement  
10 Fund of the State Treasury to be used for the purposes set forth in  
11 the County Bridge and Road Improvement Act.

12       B. The funds apportioned or transmitted pursuant to the  
13 provisions of subparagraphs a, b, and c of paragraph 4 of subsection  
14 A of this section shall be used in accordance with and subject to  
15 the provisions of subsection B of Section 500.6 of this title.

16       C. The tax levied on diesel fuel pursuant to Section 500.4A of  
17 this title, and all penalties and interest thereon, collected by the  
18 Commission under the levy shall be apportioned and distributed on a  
19 monthly basis to the State Highway Construction and Maintenance Fund  
20 for the purposes authorized by Section 1502 of Title 69 of the  
21 Oklahoma Statutes.

1 SECTION 5. AMENDATORY 68 O.S. 2001, Section 1004, as  
2 amended by Section 2, Chapter 416, O.S.L. 2002 (68 O.S. Supp. 2005,  
3 Section 1004), is amended to read as follows:

4 Section 1004. Beginning July 1, 2002, the gross production tax  
5 provided for in Section 1001 of this title is hereby levied and  
6 shall be collected and apportioned as follows:

7 1. For all monies collected from the tax levied on asphalt or  
8 ores bearing uranium, lead, zinc, jack, gold, silver or copper:

- 9 a. eighty-five and seventy-two one-hundredths percent  
10 (85.72%) shall be paid to the State Treasurer of the  
11 state to be placed in the General Revenue Fund of the  
12 state and used for the general expense of state  
13 government, to be paid out pursuant to direct  
14 appropriation by the Legislature,
- 15 b. seven and fourteen one-hundredths percent (7.14%) of  
16 the sum collected from natural gas and/or casinghead  
17 gas or asphalt or ores bearing uranium, lead, zinc,  
18 jack, gold, silver or copper shall be paid to the  
19 various county treasurers to be credited to the County  
20 Highway Fund as follows: Each county shall receive a  
21 proportionate share of the funds available based upon  
22 the proportion of the total value of production from

1           such county in the corresponding month of the  
2           preceding year, and  
3           c.    seven and fourteen one-hundredths percent (7.14%)  
4           shall be allocated to each county as provided for in  
5           subparagraph b of this paragraph and shall be  
6           apportioned, on an average daily attendance per capita  
7           distribution basis, as certified by the State  
8           Superintendent of Public Instruction to the school  
9           districts of the county where such pupils attend  
10          school regardless of residence of such pupil, provided  
11          the school district makes an ad valorem tax levy of  
12          fifteen (15) mills for the current year and maintains  
13          twelve (12) years of instruction;

14          2.   For all monies collected from the tax levied on natural gas  
15          and/or casinghead gas at a tax rate of seven percent (7%) pursuant  
16          to the provisions of subsection B of Section 1001 of this title:

17               a.   eighty-five and seventy-two one-hundredths percent  
18               (85.72%) shall be paid to the State Treasurer of the  
19               state to be placed in the General Revenue Fund of the  
20               state and used for the general expense of state  
21               government, to be paid out pursuant to direct  
22               appropriation by the Legislature,

1           b.    seven and fourteen one-hundredths percent (7.14%) of  
2                   the sum collected from natural gas and/or casinghead  
3                   gas shall be paid to the various county treasurers to  
4                   be credited to the County Highway Fund as follows:  
5                   Each county shall receive a proportionate share of the  
6                   funds available based upon the proportion of the total  
7                   value of production from such county in the  
8                   corresponding month of the preceding year, and  
9           c.    seven and fourteen one-hundredths percent (7.14%)  
10                   shall be allocated to each county as provided for in  
11                   subparagraph b of this paragraph and shall be  
12                   apportioned, on an average daily attendance per capita  
13                   distribution basis, as certified by the State  
14                   Superintendent of Public Instruction to the school  
15                   districts of the county where such pupils attend  
16                   school regardless of residence of such pupil, provided  
17                   the school district makes an ad valorem tax levy of  
18                   fifteen (15) mills for the current year and maintains  
19                   twelve (12) years of instruction;  
20           3.    For all monies collected from the tax levied on natural gas  
21                   and/or casinghead gas at a tax rate of four percent (4%) pursuant to  
22                   the provisions of subsection B of Section 1001 of this title:

- 1           a.    seventy-five percent (75%) shall be paid to the State  
2                    Treasurer of the state to be placed in the General  
3                    Revenue Fund of the state and used for the general  
4                    expense of state government, to be paid out pursuant  
5                    to direct appropriation by the Legislature,
- 6           b.    twelve and one-half percent (12.5%) of the sum  
7                    collected from natural gas and/or casinghead gas shall  
8                    be paid to the various county treasurers to be  
9                    credited to the County Highway Fund as follows: Each  
10                   county shall receive a proportionate share of the  
11                   funds available based upon the proportion of the total  
12                   value of production from such county in the  
13                   corresponding month of the preceding year, and
- 14           c.    twelve and one-half percent (12.5%) shall be allocated  
15                   to each county as provided for in subparagraph b of  
16                   this paragraph and shall be apportioned, on an average  
17                   daily attendance per capita distribution basis, as  
18                   certified by the State Superintendent of Public  
19                   Instruction to the school districts of the county  
20                   where such pupils attend school regardless of  
21                   residence of such pupil, provided the school district  
22                   makes an ad valorem tax levy of fifteen (15) mills for

1           the current year and maintains twelve (12) years of  
2           instruction;

3           4. For all monies collected from the tax levied on natural gas  
4 and/or casinghead gas at a tax rate of one percent (1%) pursuant to  
5 the provisions of subsection B of Section 1001 of this title:

6           a. fifty percent (50%) of the sum collected from natural  
7 gas and/or casinghead gas shall be paid to the various  
8 county treasurers to be credited to the County Highway  
9 Fund as follows: Each county shall receive a  
10 proportionate share of the funds available based upon  
11 the proportion of the total value of production from  
12 such county in the corresponding month of the  
13 preceding year, and

14           b. fifty percent (50%) shall be allocated to each county  
15 as provided for in subparagraph a of this paragraph  
16 and shall be apportioned, on an average daily  
17 attendance per capita distribution basis, as certified  
18 by the State Superintendent of Public Instruction to  
19 the school districts of the county where such pupils  
20 attend school regardless of residence of such pupil,  
21 provided the school district makes an ad valorem tax  
22 levy of fifteen (15) mills for the current year and  
23 maintains twelve (12) years of instruction;

1           5. For all monies collected from the tax levied on oil at a tax  
2 rate of seven percent (7%) pursuant to the provisions of subsection  
3 B of Section 1001 of this title:

4           a. twenty-five and seventy-two one-hundredths percent  
5                 (25.72%) shall be paid to the State Treasurer to be  
6                 placed in the Common Education Technology Revolving  
7                 Fund created in Section 41.29c of Title 62 of the  
8                 Oklahoma Statutes,

9           b. twenty-five and seventy-two one-hundredths percent  
10                (25.72%) shall be paid to the State Treasurer to be  
11                placed in the Higher Education Capital Revolving Fund  
12                created in Section 41.29d of Title 62 of the Oklahoma  
13                Statutes,

14           c. twenty-five and seventy-two one-hundredths percent  
15                (25.72%) shall be paid to the State Treasurer to be  
16                placed in the Oklahoma Tuition Scholarship Revolving  
17                Fund created in Section 41.29e of Title 62 of the  
18                Oklahoma Statutes,

19           d. four and twenty-eight one-hundredths percent (4.28%)  
20                shall be paid to the State Treasurer to be apportioned  
21                to the County Bridge and Road Improvement Fund of the  
22                State Treasury,

- 1 e. four and twenty-eight one-hundredths percent (4.28%)  
2 shall be paid to the State Treasurer to be apportioned  
3 to the Oklahoma Water Resources Board Rural Economic  
4 Action Plan Water Projects Fund,
- 5 f. seven and fourteen one-hundredths percent (7.14%) of  
6 the sum collected from oil shall be paid to the  
7 various county treasurers, to be credited to the  
8 County Highway Fund as follows: Each county shall  
9 receive a proportionate share of the funds available  
10 based upon the proportion of the total value of  
11 production from such county in the corresponding month  
12 of the preceding year, and
- 13 g. seven and fourteen one-hundredths percent (7.14%)  
14 shall be allocated to each county as provided in  
15 subparagraph f of this paragraph and shall be  
16 apportioned, on an average daily attendance per capita  
17 distribution basis, as certified by the State  
18 Superintendent of Public Instruction, to the school  
19 districts of the county where such pupils attend  
20 school regardless of residence of such pupil, provided  
21 the school district makes an ad valorem tax levy of  
22 fifteen (15) mills for the current year and maintains  
23 twelve (12) years of instruction;

1           6. For all monies collected from the tax levied on oil at a tax  
2 rate of four percent (4%) pursuant to the provisions of subsection B  
3 of Section 1001 of this title:

4           a. twenty-two and one-half percent (22.5%) shall be paid  
5 to the State Treasurer to be placed in the Common  
6 Education Technology Revolving Fund created in Section  
7 41.29c of Title 62 of the Oklahoma Statutes,

8           b. twenty-two and one-half percent (22.5%) shall be paid  
9 to the State Treasurer to be placed in the Higher  
10 Education Capital Revolving Fund created in Section  
11 41.29d of Title 62 of the Oklahoma Statutes,

12           c. twenty-two and one-half percent (22.5%) shall be paid  
13 to the State Treasurer to be placed in the Oklahoma  
14 Tuition Scholarship Revolving Fund created in Section  
15 41.29e of Title 62 of the Oklahoma Statutes,

16           d. three and seventy-five one-hundredths percent (3.75%)  
17 shall be paid to the State Treasurer to be apportioned  
18 to the County Bridge and Road Improvement Fund of the  
19 State Treasury,

20           e. three and seventy-five one-hundredths percent (3.75%)  
21 shall be paid to the State Treasurer to be apportioned  
22 to the Oklahoma Water Resources Board Rural Economic  
23 Action Plan Water Projects Fund,

- 1           f.    twelve and one-half percent (12.5%) of the sum  
2                   collected from oil shall be paid to the various county  
3                   treasurers, to be credited to the County Highway Fund  
4                   as follows: Each county shall receive a proportionate  
5                   share of the funds available based upon the proportion  
6                   of the total value of production from such county in  
7                   the corresponding month of the preceding year, and
- 8           g.    twelve and one-half percent (12.5%) shall be allocated  
9                   to each county as provided in subparagraph f of this  
10                  paragraph and shall be apportioned on an average daily  
11                  attendance per capita distribution basis, as certified  
12                  by the State Superintendent of Public Instruction, to  
13                  the school districts of the county where such pupils  
14                  attend school regardless of residence of such pupil,  
15                  provided the school district makes an ad valorem tax  
16                  levy of fifteen (15) mills for the current year and  
17                  maintains twelve (12) years of instruction; and

18           7. For all monies collected from the tax levied on oil at a tax  
19 rate of one percent (1%) pursuant to the provisions of subsection B  
20 of Section 1001 of this title:

- 21           a.    fifty percent (50%) of the sum collected shall be paid  
22                   to the various county treasurers, to be credited to  
23                   the County Highway Fund as follows: Each county shall

1 receive a proportionate share of the funds available  
2 based upon the proportion of the total value of  
3 production from such county in the corresponding month  
4 of the preceding year, and

5 b. fifty percent (50%) shall be allocated to each county  
6 as provided for in subparagraph a of this paragraph  
7 and shall be apportioned on an average daily  
8 attendance per capita distribution basis, as certified  
9 by the State Superintendent of Public Instruction, to  
10 the school districts of the county where such pupils  
11 attend school regardless of residence of such pupil,  
12 provided the school district makes an ad valorem tax  
13 levy of fifteen (15) mills for the current year and  
14 maintains twelve (12) years of instruction.

15 Provided, notwithstanding any other provision of this section,  
16 the total amounts deposited to the Common Education Technology  
17 Revolving Fund, the Higher Education Capital Revolving Fund, the  
18 Oklahoma Tuition Scholarship Revolving Fund, ~~the County Bridge and~~  
19 ~~Road Improvement Fund~~ and the Rural Economic Action Plan Water  
20 Projects Fund pursuant to paragraphs 5 and 6 of this section shall  
21 not exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in  
22 any fiscal year. All sums in excess of One Hundred Fifty Million  
23 Dollars (\$150,000,000.00) in any fiscal year which would otherwise

1 be deposited in such funds shall be placed by the State Treasurer in  
2 the General Revenue Fund of the state.

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 506 of Title 69, unless there is  
5 created a duplication in numbering, reads as follows:

6 A. There is hereby created in the State Treasury a revolving  
7 fund to be known as the "High Priority Bridge Revolving Fund". The  
8 fund shall be a continuing fund, not subject to fiscal year  
9 limitations, and shall consist of all appropriations and transfers  
10 made by the Legislature and the apportionments made pursuant to  
11 Sections 500.6 and 500.7 of Title 68 of the Oklahoma Statutes. All  
12 monies accruing to the credit of said fund are hereby appropriated  
13 and may be budgeted and expended beginning with the fiscal year  
14 ending June 30, 2007, and each fiscal year thereafter pursuant to  
15 subsection B of this section. Expenditures from said fund shall be  
16 made upon warrants issued by the State Treasurer against claims  
17 filed as prescribed by law with the Director of State Finance for  
18 approval and payment.

19 B. The funds apportioned pursuant to subsection A of this  
20 section shall be in equal amounts to the various State  
21 Transportation Commission districts. The funds shall be used for  
22 the sole purpose of reconstructing, rehabilitating and maintaining  
23 county bridges on the county highway system that are of the highest

1 priority. The counties located within each of the various districts  
2 may apply to their respective district for such apportioned funds.  
3 The Transportation Commission shall promulgate rules for the  
4 administration, application and approval process, and the  
5 development of criteria for determining the level of priority for  
6 projects.

7 SECTION 7. AMENDATORY 69 O.S. 2001, Section 636.1, is  
8 amended to read as follows:

9 Section 636.1 There is hereby created in the State Treasury a  
10 revolving fund to be known and designated the "County Road Machinery  
11 and Equipment Revolving Fund", which shall consist of all  
12 appropriations and deposits made for the purposes hereinafter  
13 designated and shall also include all proceeds resulting from the  
14 lease, lease-purchase, sale or resale of equipment purchased out of  
15 monies in the revolving fund. The revolving fund shall be a  
16 continuing fund and shall be nonfiscal in character. The fund shall  
17 be invested in whatever instruments are authorized by law for  
18 investments by the State Treasurer and the interest earned by any  
19 investment of monies from the fund shall be credited to the fund for  
20 expenditure as provided by law.

21 SECTION 8. AMENDATORY 69 O.S. 2001, Section 664, is  
22 amended to read as follows:

1       Section 664. A. There is hereby created in the State Treasury  
2 a special fund to be designated as the "County Bridge and Road  
3 Improvement Fund". The fund shall consist of monies, ~~if any, which~~  
4 ~~have accrued to the State General Revenue Fund at the close of the~~  
5 ~~fiscal years ending June 30, 1980, June 30, 1981 and June 30, 1982,~~  
6 ~~in excess of the amounts required to satisfy all appropriations made~~  
7 ~~from the State General Revenue Fund for the then current fiscal year~~  
8 ~~together with all other statutory obligations. Provided, the amount~~  
9 ~~apportioned to the county bridge and road improvement fund by the~~  
10 ~~Director of State Finance at the close of each of the above-~~  
11 ~~mentioned fiscal years shall not exceed the sum of Twelve Million~~  
12 ~~Dollars (\$12,000,000.00) for each fiscal year~~ apportioned as  
13 provided by law. Revenues to this fund shall be expended ~~only~~  
14 pursuant to legislative appropriation for implementation of the  
15 County Bridge and Road Improvement Act as set forth in the County  
16 Bridge and Road Improvement Act, except as provided in subsection B  
17 of this section. The fund shall be invested in whatever instruments  
18 are authorized by law for investments by the State Treasurer and the  
19 interest earned by any investment of monies from the fund shall be  
20 credited to the Circuit Engineering District Revolving Fund created  
21 by Section 687.2 of this title for expenditure as provided by law.  
22       B. In addition to the monies credited to the County Bridge and  
23 Road Improvement Fund in subsection A of this section, the fund

1 shall consist of monies apportioned to the credit of the County  
2 Bridge and Road Improvement Fund pursuant to Section 1104 of Title  
3 47 of the Oklahoma Statutes. Revenues credited pursuant to this  
4 subsection shall be allocated as follows:

5 1. The funds apportioned pursuant to subsection L of Section  
6 1104 of Title 47 of the Oklahoma Statutes shall be in equal amounts  
7 to the various State Transportation Commission districts. The funds  
8 shall be used for the sole purpose of reconstructing, rehabilitating  
9 and maintaining county roads and bridges on the county highway  
10 system that are of the highest priority. The counties located  
11 within each of the various districts may apply to their respective  
12 district for such apportioned funds. The Transportation Commission  
13 shall promulgate rules for the administration, application and  
14 approval process, and the development of criteria for determining  
15 the level of priority for projects; and

16 2. The Transportation Commission shall administer, by rule, a  
17 method of full or partial awards for purposes of qualifying a  
18 project for federal matching funds, or for multiyear or higher-cost  
19 projects. In no event shall the method provide for a single project  
20 to receive partial awards for more than a five-year period.

21 SECTION 9. AMENDATORY Section 1, Chapter 444, O.S.L.  
22 2005 (69 O.S. Supp. 2005, Section 1521), is amended to read as  
23 follows:

1 Section 1521. A. There is hereby created in the State Treasury  
2 a fund to be known as the "Rebuilding Oklahoma Access and Driver  
3 Safety Fund". The fund shall be a continuing fund, not subject to  
4 fiscal year limitations, and shall consist of all appropriations and  
5 transfers made by the Legislature. All monies accruing to the  
6 credit of said fund are hereby appropriated and may be budgeted and  
7 expended beginning with the fiscal year ending June 30, 2006, and  
8 each fiscal year thereafter by the Department of Transportation for  
9 the purposes authorized by subsection I of this section.  
10 Expenditures from said fund shall be made upon warrants issued by  
11 the State Treasurer against claims filed as prescribed by law with  
12 the Director of State Finance for approval and payment.

13 B. There shall be apportioned to the funds specified in this  
14 subsection from the monies that would otherwise be apportioned to  
15 the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma  
16 Statutes from the revenues derived pursuant to subsections A, B and  
17 E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as  
18 follows:

- 19 1. For the fiscal year ending June 30, 2006:
  - 20 a. the first Fifteen Million Dollars (\$15,000,000.00)  
21 shall be apportioned to the Rebuilding Oklahoma Access  
22 and Driver Safety Fund,

- 1           b.    the next Two Million Dollars (\$2,000,000.00) shall be  
2                    apportioned to the Oklahoma Tourism and Passenger Rail  
3                    Revolving Fund created pursuant to Section 325 of  
4                    Title 66 of the Oklahoma Statutes to be used for  
5                    capital and operating costs for the "Heartland Flyer"  
6                    rail project, ~~and~~
- 7           c.    the next Five Hundred Thousand Dollars (\$500,000.00)  
8                    shall be apportioned to the Public Transit Revolving  
9                    Fund created pursuant to Section 4031 of ~~Title 69 of~~  
10                   ~~the Oklahoma Statutes~~ this title to be used for  
11                    purposes authorized by law other than the purpose  
12                    described by subparagraph b of this paragraph, and
- 13           d.    all amounts apportioned pursuant to this paragraph  
14                    shall be divided into twelve equal amounts to be  
15                    apportioned each month during the fiscal year;

16           2.    For the fiscal year ending June 30, 2007, and for each  
17           fiscal year thereafter, subject to the provisions of paragraph 4 of  
18           this subsection, and subject to any reductions required by  
19           subsection H of this section, there shall be apportioned to the  
20           Rebuilding Oklahoma Access and Driver Safety Fund:

- 21           a.    Seventy Million Dollars (\$70,000,000.00) plus the  
22                    total amount apportioned to the Rebuilding Oklahoma  
23                    Access and Driver Safety Fund for the preceding fiscal

1 year which shall be apportioned before any other  
2 amount is apportioned pursuant to Section 2352 of  
3 Title 68 of the Oklahoma Statutes, plus  
4 b. an additional amount which shall be either:  
5 (1) the next Seventeen Million Five Hundred Thousand  
6 Dollars (\$17,500,000.00) as provided by  
7 subsection C of this section, or  
8 (2) the next ~~Thirty-five Million Dollars~~  
9 ~~(\$35,000,000.00)~~ Fifty Million Dollars  
10 (\$50,000,000.00) as provided by subsection D of  
11 this section, or  
12 (3) an amount which shall not be in excess of the  
13 amount prescribed by division (1) of this  
14 subparagraph for a fiscal year in which such  
15 amount is the maximum additional amount that may  
16 be apportioned to the Rebuilding Oklahoma Access  
17 and Driver Safety Fund and which shall not be in  
18 excess of the amount prescribed by division (2)  
19 of this subparagraph for a fiscal year in which  
20 such amount is the maximum additional amount that  
21 may be apportioned to the Rebuilding Oklahoma  
22 Access and Driver Safety Fund, in order for the  
23 total apportionment for such fiscal year to equal

1 ~~One Hundred Seventy Million Dollars~~

2 ~~(\$170,000,000.00)~~ Two Hundred Seventy Million

3 Dollars (\$270,000,000.00), and

- 4 c. all amounts apportioned pursuant to this paragraph  
5 shall be divided into twelve equal amounts to be  
6 apportioned each month during the fiscal year;

7 3. For the fiscal year ending June 30, 2007, and for each  
8 fiscal year thereafter after the apportionments required by  
9 paragraph 2 of this subsection have been made:

- 10 a. the next Two Million Dollars (\$2,000,000.00) shall be  
11 apportioned to the Oklahoma Tourism and Passenger Rail  
12 Revolving Fund created pursuant to Section 325 of  
13 Title 66 of the Oklahoma Statutes to be used for  
14 capital and operating costs for the "Heartland Flyer"  
15 rail project, ~~and~~

- 16 b. the next Three Million Dollars (\$3,000,000.00) shall  
17 be apportioned to the Public Transit Revolving Fund  
18 created pursuant to Section 4031 of ~~Title 69 of the~~  
19 ~~Oklahoma Statutes~~ this title to be used for purposes  
20 authorized by law other than the purpose described by  
21 subparagraph a of this paragraph, ~~and~~ and

1           c.    all amounts apportioned pursuant to this paragraph  
2                   shall be divided into twelve equal amounts to be  
3                   apportioned each month during the fiscal year; and  
4           4.    For each fiscal year after the first fiscal year in which  
5   the total apportionment to the Rebuilding Oklahoma Access and Driver  
6   Safety Fund as provided by paragraph 2 of this subsection equals ~~One~~  
7   ~~Hundred Seventy Million Dollars (\$170,000,000.00)~~ Two Hundred  
8   Seventy Million Dollars (\$270,000,000.00), the first ~~One Hundred~~  
9   ~~Seventy Million Dollars (\$170,000,000.00)~~ Two Hundred Seventy  
10 Million Dollars (\$270,000,000.00) collected pursuant to subsections  
11 A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes and  
12 apportioned pursuant to Section 2352 of Title 68 of the Oklahoma  
13 Statutes that would otherwise be apportioned to the General Revenue  
14 Fund shall be apportioned to the Rebuilding Oklahoma Access and  
15 Driver Safety Fund. All amounts apportioned pursuant to this  
16 paragraph shall be divided into twelve equal amounts to be  
17 apportioned each month during the fiscal year.

18           C.    For the fiscal year ending June 30, 2007, and for each  
19   fiscal year thereafter, in addition to the amount apportioned to the  
20   Rebuilding Oklahoma Access and Driver Safety Fund pursuant to  
21   subparagraph a of paragraph 2 of subsection B of this section, there  
22   shall be apportioned to such fund an additional amount of Seventeen  
23   Million Five Hundred Thousand Dollars (\$17,500,000.00) for each year

1 that the State Board of Equalization determines that any increase  
2 between the final itemized estimate of General Revenue Fund revenues  
3 made by the State Board at the February meeting preceding the  
4 beginning of the fiscal year for which that estimate is made, which  
5 is the same fiscal year during which the apportionment to the  
6 Rebuilding Oklahoma Access and Driver Safety Fund is to be made, and  
7 the then current itemized estimate of General Revenue Fund revenues  
8 made by the State Board of Equalization for the fiscal year ending  
9 on June 30 immediately following such February meeting is less than  
10 three percent (3%).

11 D. For the fiscal year ending June 30, 2007, and for each  
12 fiscal year thereafter, in addition to the amount apportioned to the  
13 Rebuilding Oklahoma Access and Driver Safety Fund pursuant to  
14 subparagraph a of paragraph 2 of subsection B of this section, there  
15 shall be apportioned to such fund an additional amount of ~~Thirty~~  
16 ~~five Million Dollars (\$35,000,000.00)~~ Fifty Million Dollars  
17 (\$50,000,000.00) for each year that the State Board of Equalization  
18 determines that any increase between the final itemized estimate of  
19 General Revenue Fund revenues made by the State Board at the  
20 February meeting preceding the beginning of the fiscal year for  
21 which that estimate is made, which is the same fiscal year during  
22 which the apportionment to the Rebuilding Oklahoma Access and Driver  
23 Safety Fund is to be made, and the then current itemized estimate of

1 General Revenue Fund revenues made by the State Board of  
2 Equalization for the fiscal year ending on June 30 immediately  
3 following such February meeting is three percent (3%) or greater.

4 E. The apportionments of revenues required by subparagraph a of  
5 paragraph 2 of subsection B of this section and the apportionment of  
6 additional revenues required by either division (1), (2) or (3) of  
7 subparagraph b of paragraph 2 of subsection B of this section, as  
8 governed by the provisions of subsection C or subsection D of this  
9 section, shall be made until the total annual apportionment to the  
10 Rebuilding Oklahoma Access and Driver Safety Fund equals ~~One Hundred~~  
11 ~~Seventy Million Dollars (\$170,000,000.00)~~ Two Hundred Seventy  
12 Million Dollars (\$270,000,000.00). After such annual apportionment  
13 level is reached, the apportionment to the fund shall be governed by  
14 the provisions of paragraph 4 of subsection B of this section.

15 F. The monies apportioned to the Rebuilding Oklahoma Access and  
16 Driver Safety Fund shall not be used to supplant or replace existing  
17 state funds used for transportation purposes.

18 G. In order to ensure that the funds from the ROADS Fund are  
19 used to enhance and not supplant state funding for the Department of  
20 Transportation, the State Board of Equalization shall examine and  
21 investigate expenditures from the fund each year. For purposes of  
22 this examination, monies used to retire outstanding debt obligations  
23 for which the Department of Transportation is responsible shall be

1 excluded. At the meeting of the State Board of Equalization held  
2 within five (5) days after the monthly apportionment in February of  
3 each year, the State Board of Equalization shall issue a finding and  
4 report which shall state whether expenditures from the ROADS Fund  
5 were used to enhance or supplant state funding for the Department of  
6 Transportation. If the State Board of Equalization finds that state  
7 funding for the Department of Transportation was supplanted by funds  
8 from the ROADS Fund, the Board shall specify the amount by which  
9 such funding was supplanted. In this event, the Legislature shall  
10 not make any appropriations for the ensuing fiscal year until an  
11 appropriation in that amount is made to replenish state funding for  
12 the Department of Transportation.

13 H. In the event that the Director of the Office of State  
14 Finance declares a General Revenue Fund revenue failure pursuant to  
15 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency  
16 allocations are reduced pursuant to the provisions of Section 41.9  
17 of Title 62 of the Oklahoma Statutes, the amounts that would  
18 otherwise be apportioned to the ROADS Fund by subparagraphs a, b and  
19 c of paragraph 1 and subparagraphs a and b of paragraph 2 and  
20 paragraph 3 of subsection B of this section shall be reduced by a  
21 percentage equal to that required of the General Revenue Fund  
22 appropriations to state agencies and such reductions shall occur  
23 during the entire fiscal year and for any month during which such

1 reductions are required by the Office of State Finance and by the  
2 same percentage as that required of the agencies for such General  
3 Revenue Fund appropriations.

4 I. The Department of Transportation shall use the monies in the  
5 Rebuilding Oklahoma Access and Driver Safety Fund for:

6 1. The construction and maintenance of state roads, bridges and  
7 highways;

8 2. The direct expenses of operating and maintaining the state  
9 highway system, including bridges;

10 3. Direct expenses incurred in constructing, repairing, and  
11 maintaining state highways, farm-to-market roads, county highways  
12 and bridges as authorized by law;

13 4. Matching federal funds; ~~and~~

14 5. The purchase of materials, tools, machinery, motor vehicles,  
15 and equipment necessary or convenient for the construction and  
16 maintenance of the state highway system and bridges; and

17 6. Debt service incurred prior to January 1, 2006, for Capitol  
18 Improvement Program bonds sold pursuant to Section 2001 of this  
19 title.

20 SECTION 10. This act shall become effective July 1, 2006.

21 SECTION 11. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
3 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 4-4-06 - DO PASS,  
4 As Amended and Coauthored.