

SJR 58

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THE STATE SENATE
Wednesday, March 1, 2006

Senate Joint
Resolution No. 58
As Amended

SENATE JOINT RESOLUTION NO. 58 - By: CORN of the Senate and MORGAN (Danny) of the House.

[constitutional amendment - motor fuel tax revenue - Oklahoma Safe Roads Trust Fund - transportation-related purposes - ballot title - filing]

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article X of the Constitution of the State of Oklahoma by adding a new Section 44 to read as follows:

A. No revenue from taxes levied upon the sale of motor fuel shall be used for any purpose other than for the construction, maintenance and improvement of roads, bridges and highways in this state.

B. There is hereby created a trust fund to be known as the "Oklahoma Safe Roads Trust Fund". The trust fund shall consist of all revenues from taxes on motor fuel apportioned thereto, or which otherwise accrue to the state, other than revenues apportioned to

1 local governments for the purpose of construction, maintenance and
2 improvement of roads, bridges and highways in this state under the
3 control of such local governments.

4 B. Monies in the Oklahoma Safe Roads Trust Fund shall only be
5 expended for the following purposes and programs:

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.

17 C. The Legislature shall appropriate funds from the Oklahoma
18 Safe Roads Trust Fund only for the purposes specified in subsection
19 B of this section. Even when the funds from the trust fund are used
20 for these purposes, the Legislature shall not use funds from the
21 trust fund to supplant or replace other state funds supporting
22 transportation purposes.

1 D. In order to ensure that the funds from the trust fund are
2 used to enhance and not supplant funding for transportation
3 purposes, the State Board of Equalization shall examine and
4 investigate appropriations from the trust fund each year. At the
5 meeting of the State Board of Equalization held within five (5) days
6 after the monthly apportionment in February of each year, the State
7 Board of Equalization shall issue a finding and report which shall
8 state whether appropriations from the trust fund were used to
9 enhance or supplant transportation funding. If the State Board of
10 Equalization finds that transportation funding was supplanted by
11 funds from the trust fund, the Board shall specify the amount by
12 which transportation funding was supplanted. In this event, the
13 Legislature shall not make any appropriations for the ensuing fiscal
14 year until an appropriation in that amount is made to replenish the
15 trust fund.

16 E. The provisions of this section shall not be construed to
17 prohibit the state from entering into compacts or other agreements
18 with Indian tribes or nations in this state which provide for the
19 apportionment of motor fuel tax revenues to such tribes or nations.

20 SECTION 2. The Ballot Title for the proposed Constitutional
21 amendment as set forth in SECTION 1 of this resolution shall be in
22 the following form:

23 BALLOT TITLE

1 Legislative Referendum No. _____ State Question No. _____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure amends the Oklahoma Constitution. It adds a new
4 Section 44 to Article 10. This measure would create the
5 Oklahoma Safe Roads Trust Fund. The trust fund shall consist of
6 monies from motor fuel taxes. The monies of the trust fund may
7 only be used for certain purposes. All of the purposes for
8 which the trust fund may be used relate to transportation. The
9 monies in the trust fund may not be used to replace other state
10 funds used to support transportation. The State Board of
11 Equalization will determine if any of the monies in the trust
12 fund are being used to replace state funding of transportation.
13 If such a finding is made, the Legislature may not make any
14 appropriations until the amount of replaced funding is returned
15 to the trust fund. The state will still be able to enter into
16 compacts or other agreements with Indian tribes or nations which
17 would direct money from motor fuel taxes to them.

18 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

19 YES, FOR THE AMENDMENT

20 NO, AGAINST THE AMENDMENT

21 SECTION 3. The President Pro Tempore of the Senate shall,
22 immediately after the passage of this resolution, prepare and file
23 one copy thereof, including the Ballot Title set forth in SECTION 2

1 hereof, with the Secretary of State and one copy with the Attorney
2 General.
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
4 PASS, As Amended and Coauthored.