

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

House Bill No. 3342
As Amended

HOUSE BILL NO. 3342 - By: THOMPSON, LIEBMANN AND TERRILL of the House
and _____ of the Senate.

(roads, bridges and ferries - amending 69 O.S., Section 1521 - Rebuilding
Oklahoma Access and Driver Safety Fund - amending 47 O.S., Section 1104 -
apportionment of certain revenues - effective date –
emergency)

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

1 SECTION 1. AMENDATORY Section 1, Chapter 444, O.S.L. 2005, as amended
2 by Section 11, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (69 O.S. Supp. 2007,
3 Section 1521), is amended to read as follows:
4 Section 1521. A. There is hereby created in the State Treasury a fund to be known
5 as the “Rebuilding Oklahoma Access and Driver Safety Fund”. The fund shall be a
6 continuing fund, not subject to fiscal year limitations, and shall consist of all
7 appropriations and transfers made by the Legislature. All monies accruing to the credit
8 of said fund are hereby appropriated and may be budgeted and expended beginning with
9 the fiscal year ending June 30, 2006, and each fiscal year thereafter by the Department
10 of Transportation for the purposes authorized by subsection I of this section.
11 Expenditures from said fund shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of State Finance for approval
2 and payment.

3 B. There shall be apportioned to the funds specified in this subsection from the
4 monies that would otherwise be apportioned to the General Revenue Fund by Section
5 2352 of Title 68 of the Oklahoma Statutes from the revenues derived pursuant to
6 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as
7 follows:

- 8 1. For the fiscal year ending June 30, 2006:
 - 9 a. the first Fifteen Million Dollars (\$15,000,000.00) shall be apportioned
10 to the Rebuilding Oklahoma Access and Driver Safety Fund,
 - 11 b. the next Two Million Dollars (\$2,000,000.00) shall be apportioned to
12 the Oklahoma Tourism and Passenger Rail Revolving Fund created
13 pursuant to Section 325 of Title 66 of the Oklahoma Statutes to be
14 used for capital and operating costs for the “Heartland Flyer” rail
15 project,
 - 16 c. the next Five Hundred Thousand Dollars (\$500,000.00) shall be
17 apportioned to the Public Transit Revolving Fund created pursuant to
18 Section 4031 of this title to be used for purposes authorized by law
19 other than the purpose described by subparagraph b of this paragraph,
20 and

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 prescribed by division (2) of this subparagraph for a fiscal year
2 in which such amount is the maximum additional amount that
3 may be apportioned to the Rebuilding Oklahoma Access and
4 Driver Safety Fund, in order for the total apportionment for
5 such fiscal year to equal ~~Two Hundred Seventy Million Dollars~~
6 ~~(\$270,000,000.00), and~~

7 e. ~~all~~ Five Hundred Million Dollars (\$500,000,000.00).

8 All amounts apportioned pursuant to this paragraph shall be divided into twelve
9 equal amounts to be apportioned each month during the fiscal year;

10 3. For the fiscal year ending June 30, 2007, and for each fiscal year thereafter after
11 the apportionments required by paragraph ~~2~~ 1 of this subsection have been made:

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

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

21 e. ~~all~~

1 All amounts apportioned pursuant to this paragraph shall be divided into twelve
2 equal amounts to be apportioned each month during the fiscal year; and

3 4. For each fiscal year after the first fiscal year in which the total apportionment to
4 the Rebuilding Oklahoma Access and Driver Safety Fund as provided by paragraph ~~2~~ 1 of
5 this subsection equals ~~Two Hundred Seventy Million Dollars (\$270,000,000.00)~~ Five
6 Hundred Million Dollars (\$500,000,000.00), the first ~~Two Hundred Seventy Million~~
7 ~~Dollars (\$270,000,000.00)~~ Five Hundred Million Dollars (\$500,000,000.00) collected
8 pursuant to subsections A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes
9 and apportioned pursuant to Section 2352 of Title 68 of the Oklahoma Statutes that
10 would otherwise be apportioned to the General Revenue Fund shall be apportioned to the
11 Rebuilding Oklahoma Access and Driver Safety Fund. All amounts apportioned
12 pursuant to this paragraph shall be divided into twelve equal amounts to be apportioned
13 each month during the fiscal year.

14 C. For the fiscal year ending June 30, 2007, and for each fiscal year thereafter, in
15 addition to the amount apportioned to the Rebuilding Oklahoma Access and Driver
16 Safety Fund pursuant to subparagraph a of paragraph 2 of subsection B of this section,
17 there shall be apportioned to such fund an additional amount of Seventeen Million Five
18 Hundred Thousand Dollars (\$17,500,000.00) for each year that the State Board of
19 Equalization determines that any increase between the final itemized estimate of
20 General Revenue Fund revenues made by the State Board at the February meeting
21 preceding the beginning of the fiscal year for which that estimate is made, which is the
22 same fiscal year during which the apportionment to the Rebuilding Oklahoma Access

1 and Driver Safety Fund is to be made, and the then current itemized estimate of General
2 Revenue Fund revenues made by the State Board of Equalization for the fiscal year
3 ending on June 30 immediately following such February meeting is less than three
4 percent (3%).

5 D. For the fiscal year ending June 30, 2007, and for each fiscal year thereafter, in
6 addition to the amount apportioned to the Rebuilding Oklahoma Access and Driver
7 Safety Fund pursuant to subparagraph a of paragraph 2 of subsection B of this section,
8 there shall be apportioned to such fund an additional amount of Fifty Million Dollars
9 (\$50,000,000.00) for each year that the State Board of Equalization determines that any
10 increase between the final itemized estimate of General Revenue Fund revenues made by
11 the State Board at the February meeting preceding the beginning of the fiscal year for
12 which that estimate is made, which is the same fiscal year during which the
13 apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund is to be
14 made, and the then current itemized estimate of General Revenue Fund revenues made
15 by the State Board of Equalization for the fiscal year ending on June 30 immediately
16 following such February meeting is three percent (3%) or greater.

17 E. The apportionments of revenues required by subparagraph a of paragraph 2 of
18 subsection B of this section and the apportionment of additional revenues required by
19 either division (1), (2) or (3) of subparagraph b of paragraph 2 of subsection B of this
20 section, as governed by the provisions of subsection C or subsection D of this section,
21 shall be made until the total annual apportionment to the Rebuilding Oklahoma Access
22 and Driver Safety Fund equals ~~Two Hundred Seventy Million Dollars (\$270,000,000.00)~~

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1 Five Hundred Million Dollars (\$500,000,000.00). After such annual apportionment level
2 is reached, the apportionment to the fund shall be governed by the provisions of
3 paragraph 4 of subsection B of this section.

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

7 G. In order to ensure that the funds from the ROADS Fund are used to enhance
8 and not supplant state funding for the Department of Transportation, the State Board of
9 Equalization shall examine and investigate expenditures from the fund each year. For
10 purposes of this examination, monies used to retire outstanding debt obligations for
11 which the Department of Transportation is responsible shall be excluded. At the meeting
12 of the State Board of Equalization held within five (5) days after the monthly
13 apportionment in February of each year, the State Board of Equalization shall issue a
14 finding and report which shall state whether expenditures from the ROADS Fund were
15 used to enhance or supplant state funding for the Department of Transportation. If the
16 State Board of Equalization finds that state funding for the Department of
17 Transportation was supplanted by funds from the ROADS Fund, the Board shall specify
18 the amount by which such funding was supplanted. In this event, the Legislature shall
19 not make any appropriations for the ensuing fiscal year until an appropriation in that
20 amount is made to replenish state funding for the Department of Transportation.

21 H. In the event that the Director of the Office of State Finance declares a General
22 Revenue Fund revenue failure pursuant to Section 41.9 of Title 62 of the Oklahoma

1 Statutes, and agency allocations are reduced pursuant to the provisions of Section 41.9 of
2 Title 62 of the Oklahoma Statutes, the amounts that would otherwise be apportioned to
3 the ROADS Fund by subparagraphs a, b and c of paragraph 1 and subparagraphs a and
4 b of paragraph 2 and paragraph 3 of subsection B of this section shall be reduced by a
5 percentage equal to that required of the General Revenue Fund appropriations to state
6 agencies and such reductions shall occur during the entire fiscal year and for any month
7 during which such reductions are required by the Office of State Finance and by the
8 same percentage as that required of the agencies for such General Revenue Fund
9 appropriations.

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

- 12 1. The construction and maintenance of state roads, bridges and highways;
- 13 2. The direct expenses of operating and maintaining the state highway system,
14 including bridges;
- 15 3. Direct expenses incurred in constructing, repairing, and maintaining state
16 highways, farm-to-market roads, county highways and bridges as authorized by law;
- 17 4. Matching federal funds;
- 18 5. The purchase of materials, tools, machinery, motor vehicles, and equipment
19 necessary or convenient for the construction and maintenance of the state highway
20 system and bridges; and
- 21 6. Debt service incurred prior to January 1, 2006, for Capitol Improvement
22 Program bonds sold pursuant to Section 2001 of this title.

1 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1104, as last amended by
2 Section 1, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007,
3 Section 1104), is amended to read as follows:

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

8 B. 1. The following percentages of the monies referred to in subsection A of this
9 section shall be apportioned to the various school districts in accordance with paragraph
10 2 of this subsection:

- 11 a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-
12 hundredths percent (35.46%),
- 13 b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-
14 five and ninety-one one-hundredths percent (35.91%), and
- 15 c. for the year beginning July 1, 2002, and all subsequent years, thirty-
16 six and twenty one-hundredths percent (36.20%).

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

- 19 a. except as otherwise provided in this subparagraph, each district shall
20 receive the same amount of funds as such district received from the
21 taxes and fees provided in this title in the corresponding month of the
22 preceding year. Any district eligible for funds pursuant to the

1 provisions of this section that was not eligible the preceding year shall
2 receive an amount equal to the average daily attendance of the
3 applicable year multiplied by the average daily attendance
4 apportionment within such county for each appropriate month. For
5 fiscal year 1995 and thereafter, any district which received less than
6 twenty-five percent (25%) of the average apportionment of the monies
7 made to school districts in this state based on average daily attendance
8 in fiscal year 1995 shall receive an amount equal to the average daily
9 attendance in the 1994-1995 school year multiplied by the average
10 daily attendance apportionment within the county in which the district
11 is located for each appropriate month, and

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

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

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

5 C. 1. The following percentages of the monies referred to in subsection A of this
6 section shall be remitted to the State Treasurer to be credited to the General Revenue
7 Fund of the State Treasury:

- 8 a. from October 1, 2000, until June 30, 2001, forty-five and ninety-seven
9 one-hundredths percent (45.97%),
- 10 b. for the year beginning July 1, 2001, and ending June 30, 2002, forty-
11 five and twenty-nine one-hundredths percent (45.29%),
- 12 c. for the year beginning July 1, 2002, and for the subsequent fiscal years
13 ending June 30, 2007, forty-four and eighty-four one-hundredths
14 percent (44.84%),
- 15 d. for the year beginning July 1, 2007, and ending June 30, 2008, thirty-
16 nine and eighty-four one-hundredths percent (39.84%),
- 17 e. for the year beginning July 1, 2008, and ending June 30, 2009, ~~thirty-~~
18 ~~four and eighty-four one-hundredths percent (34.84%)~~ twenty-nine and
19 eighty-four one-hundredths percent (29.84%), and
- 20 f. for the year beginning July 1, 2009, and ~~all subsequent years, twenty-~~
21 ~~nine and eighty-four one-hundredths percent (29.84%)~~ ending June 30,
22 2010, nineteen and eighty-four one-hundredths percent (19.84%),

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

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

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

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

17 b. for the year beginning July 1, 2001, and ending June 30, 2002, eighty-
18 two one-hundredths percent (0.82%), and

19 c. for the year beginning July 1, 2002, and all subsequent years, eighty-
20 three one-hundredths percent (0.83%).

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

- 1 a. each county shall receive the same amount of funds as such county
2 received from the taxes and fees provided for in the 1985 fiscal year,
3 and
4 b. any funds remaining unallocated following the allocation provided in
5 subparagraph a of this paragraph shall be apportioned to the various
6 counties based upon the proportion that each county's population bears
7 to the total state population.

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

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

- 14 a. from October 1, 2000, until June 30, 2001, three and four one-
15 hundredths percent (3.04%),
16 b. for the year beginning July 1, 2001, and ending June 30, 2002, three
17 and eight one-hundredths percent (3.08%), and
18 c. for the year beginning July 1, 2002, and all subsequent years, three
19 and ten one-hundredths percent (3.10%).

20 2. The monies apportioned pursuant to subparagraphs a through c of paragraph 1
21 of this subsection shall be apportioned to the various cities and incorporated towns based
22 upon the proportion that each city or incorporated town's population bears to the total

1 population of all cities and incorporated towns in the state. Such funds shall be remitted
2 to the various county treasurers for allocation to the various cities and incorporated
3 towns. All such funds shall be used for the construction, maintenance, repair,
4 improvement and lighting of streets and alleys. Provided, however, the governing board
5 of any city or town may, with the approval of the county excise board, transfer any
6 surplus funds to the general revenue fund of such city or town whenever an emergency
7 requires such a transfer.

8 J. The following percentages of the monies referred to in subsection A of this
9 section shall be remitted to the State Treasurer to be credited to the Oklahoma Law
10 Enforcement Retirement Fund:

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

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

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

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

1 L. 1. For the year beginning July 1, 2007, and ending June 30, 2008, five percent
2 (5%) of monies referred to in subsection A of this section shall be remitted to the State
3 Treasurer to be credited to the County Improvements for Roads and Bridges Fund as
4 created in Section ~~7 507 of this act~~ Title 69 of the Oklahoma Statutes.

5 2. For the year beginning July 1, 2008, and ending June 30, 2009, ten percent
6 (10%) of monies referred to in subsection A of this section shall be remitted to the State
7 Treasurer to be credited to the County Improvements for Roads and Bridges Fund as
8 created in Section ~~7 507 of this act~~ Title 69 of the Oklahoma Statutes.

9 3. For the year beginning July 1, 2009, and all subsequent years, fifteen percent
10 (15%) of monies referred to in subsection A of this section shall be remitted to the State
11 Treasurer to be credited to the County Improvements for Roads and Bridges Fund as
12 created in Section ~~7 507 of this act~~ Title 69 of the Oklahoma Statutes.

13 M. 1. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, five
14 percent (5%) of monies referred to in subsection A of this section shall be remitted to the
15 State Transportation Fund as created in Section 1501.1 of Title 69 of the Oklahoma
16 Statutes.

17 2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, ten percent
18 (10%) of monies referred to in subsection A of this section shall be remitted to the State
19 Transportation Fund as created in Section 1501.1 of Title 69 of the Oklahoma Statutes.

20 3. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, fifteen
21 percent (15%) of monies referred to in subsection A of this section shall be remitted to the

1 State Transportation Fund as created in Section 1501.1 of Title 69 of the Oklahoma
2 Statutes.

3 4. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, twenty
4 percent (20%) of monies referred to in subsection A of this section shall be remitted to the
5 State Transportation Fund as created in Section 1501.1 of Title 69 of the Oklahoma
6 Statutes.

7 5. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, twenty-five
8 percent (25%) of monies referred to in subsection A of this section shall be remitted to the
9 State Transportation Fund as created in Section 1501.1 of Title 69 of the Oklahoma
10 Statutes.

11 6. For the fiscal year beginning July 1, 2013, and all subsequent years, twenty-nine
12 and eighty-four one-hundredths percent (29.84%) of monies referred to in subsection A of
13 this section shall be remitted to the State Transportation Fund as created in Section
14 1501.1 of Title 69 of the Oklahoma Statutes.

15 N. Monies allocated to counties by this section may be estimated by the county
16 excise board in the budget for the county as anticipated revenue to the extent of ninety
17 percent (90%) of the previous year's income from such source, provided, not more than
18 fifteen percent (15%) can be encumbered during any month.

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

21 ~~O.~~ P. Notwithstanding any other provisions of this section, for the fiscal year
22 beginning July 1, 2003, the first One Hundred Thousand Dollars (\$100,000.00) of the

1 monies collected or received by the Tax Commission pursuant to the registration of
2 motorcycles and mopeds in this state shall be placed to the credit of the Oklahoma Tax
3 Commission Revolving Fund.

4 SECTION 3. This act shall become effective July 1, 2008.

5 SECTION 4. It being immediately necessary for the preservation of the public
6 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
7 this act shall take effect and be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
9 dated 2-27-08 - DO PASS, As Amended and Coauthored.