

CS for SB 1396

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE STATE SENATE
Monday, February 25, 2008

Committee Substitute for
Senate Bill No. 1396

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1396 - By: BINGMAN of the Senate and THOMPSON of the House.

[roads, bridges and ferries; Rebuilding Oklahoma Access and Driver Safety Fund; apportionment of certain revenues; effective date; emergency]

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

SECTION 1. AMENDATORY Section 1, Chapter 444, O.S.L.

2005, as amended by Section 11, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (69 O.S. Supp. 2007, Section 1521), is amended to read as follows:

Section 1521. A. There is hereby created in the State Treasury a fund to be known as the "Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all appropriations and transfers made by the Legislature. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended ~~beginning with the fiscal year ending June 30, 2006, and~~ each fiscal year thereafter by the Department of Transportation for the purposes authorized by subsection ~~F~~ F of this section. Expenditures from said fund shall be made upon warrants

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

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

9 1. ~~For the fiscal year ending June 30, 2006:~~

10 a. ~~the first Fifteen Million Dollars (\$15,000,000.00)~~
11 ~~shall be apportioned to the Rebuilding Oklahoma Access~~
12 ~~and Driver Safety Fund,~~

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

19 c. ~~the next Five Hundred Thousand Dollars (\$500,000.00)~~
20 ~~shall be apportioned to the Public Transit Revolving~~
21 ~~Fund created pursuant to Section 4031 of this title to~~
22 ~~be used for purposes authorized by law other than the~~

1 ~~purpose described by subparagraph b of this paragraph,~~
2 ~~and~~

3 ~~d. all amounts apportioned pursuant to this paragraph~~
4 ~~shall be divided into twelve equal amounts to be~~
5 ~~apportioned each month during the fiscal year;~~

6 ~~2.~~ For the fiscal year ending ~~June 30, 2007~~ June 30, 2009, and
7 for each fiscal year thereafter, subject to the provisions of
8 paragraph ~~4~~ 3 of this subsection, and subject to any reductions
9 required by subsection ~~H~~ E of this section, there shall be
10 apportioned to the Rebuilding Oklahoma Access and Driver Safety
11 Fund:

12 a. ~~Seventy Million Dollars (\$70,000,000.00) plus~~ the
13 total amount apportioned to the Rebuilding Oklahoma
14 Access and Driver Safety Fund for the preceding fiscal
15 year, which shall be apportioned before any other
16 amount is apportioned pursuant to Section 2352 of
17 Title 68 of the Oklahoma Statutes, plus

18 b. ~~an additional amount which shall be either:~~
19 ~~(1) the next Seventeen Million Five Hundred Thousand~~
20 ~~Dollars (\$17,500,000.00) as provided by~~
21 ~~subsection C of this section, or~~
22 ~~(2) the next Fifty Million Dollars (\$50,000,000.00)~~
23 ~~as provided by subsection D of this section, or~~

1 ~~(3)~~ an amount which shall not be in excess of the
2 amount prescribed by ~~division (1) of this~~
3 ~~subparagraph~~ paragraph for a fiscal year ~~in which~~
4 ~~such amount is the maximum additional amount that~~
5 ~~may be apportioned to the Rebuilding Oklahoma~~
6 ~~Access and Driver Safety Fund and which shall not~~
7 ~~be in excess of the amount prescribed by division~~
8 ~~(2) of this subparagraph for a fiscal year in~~
9 ~~which such amount is the maximum additional~~
10 ~~amount that may be apportioned to the Rebuilding~~
11 ~~Oklahoma Access and Driver Safety Fund, in order~~
12 for the total apportionment for such fiscal year
13 to equal ~~Two Hundred Seventy Million Dollars~~
14 ~~(\$270,000,000.00), and~~
15 e. ~~all~~ Five Hundred Million Dollars
16 (\$500,000,000.00).

17 Provided, for each year that the State Board of Equalization
18 determines that the final itemized estimate of General Revenue Fund
19 revenues made by the State Board at the February meeting preceding
20 the beginning of the fiscal year for which that estimate is made,
21 which is the same fiscal year during which the apportionment to the
22 Rebuilding Oklahoma Access and Driver Safety Fund is to be made, is
23 less than the itemized estimate of General Revenue Fund revenues

1 made by the State Board of Equalization for the fiscal year ending
2 on June 30 immediately following such February meeting, there shall
3 be apportioned to the Rebuilding Oklahoma Access and Driver Safety
4 Fund the total amount apportioned to the Fund for the preceding
5 fiscal year, which shall be apportioned before any other amount is
6 apportioned pursuant to Section 2352 of Title 68 of the Oklahoma
7 Statutes.

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

11 ~~3.~~ 2. For the fiscal year ending ~~June 30, 2007~~ June 30, 2009,
12 and for each fiscal year thereafter after the apportionments
13 required by paragraph ~~2~~ 1 of this subsection have been made:

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

20 b. the next Three Million Dollars (\$3,000,000.00) shall
21 be apportioned to the Public Transit Revolving Fund
22 created pursuant to Section 4031 of this title to be
23 used for purposes authorized by law other than the

1 purpose described by subparagraph a of this paragraph,
2 and.

3 e. ~~all~~

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

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

21 C. ~~For the fiscal year ending June 30, 2007, and for each~~
22 ~~fiscal year thereafter, in addition to the amount apportioned to the~~
23 ~~Rebuilding Oklahoma Access and Driver Safety Fund pursuant to~~

1 ~~subparagraph a of paragraph 2 of subsection B of this section, there~~
2 ~~shall be apportioned to such fund an additional amount of Seventeen~~
3 ~~Million Five Hundred Thousand Dollars (\$17,500,000.00) for each year~~
4 ~~that the State Board of Equalization determines that any increase~~
5 ~~between the final itemized estimate of General Revenue Fund revenues~~
6 ~~made by the State Board at the February meeting preceding the~~
7 ~~beginning of the fiscal year for which that estimate is made, which~~
8 ~~is the same fiscal year during which the apportionment to the~~
9 ~~Rebuilding Oklahoma Access and Driver Safety Fund is to be made, and~~
10 ~~the then current itemized estimate of General Revenue Fund revenues~~
11 ~~made by the State Board of Equalization for the fiscal year ending~~
12 ~~on June 30 immediately following such February meeting is less than~~
13 ~~three percent (3%).~~

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

1 ~~during which the apportionment to the Rebuilding Oklahoma Access and~~
2 ~~Driver Safety Fund is to be made, and the then current itemized~~
3 ~~estimate of General Revenue Fund revenues made by the State Board of~~
4 ~~Equalization for the fiscal year ending on June 30 immediately~~
5 ~~following such February meeting is three percent (3%) or greater.~~

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

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

20 ~~G. D. In order to ensure that the funds from the ROADS Fund are~~
21 ~~used to enhance and not supplant state funding for the Department of~~
22 ~~Transportation, the State Board of Equalization shall examine and~~
23 ~~investigate expenditures from the fund each year. For purposes of~~

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

15 ~~H. E.~~ In the event that the Director of the Office of State
16 Finance declares a General Revenue Fund revenue failure pursuant to
17 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency
18 allocations are reduced pursuant to the provisions of Section 41.9
19 of Title 62 of the Oklahoma Statutes, the amounts that would
20 otherwise be apportioned to the ROADS Fund by ~~subparagraphs a, b and~~
21 ~~e of paragraph 1 and subparagraphs a and b of paragraph 2 and~~
22 ~~paragraph 3 of subsection~~ subsections B and C of this section shall
23 be reduced by a percentage equal to that required of the General

1 Revenue Fund appropriations to state agencies and such reductions
2 shall occur during the entire fiscal year and for any month during
3 which such reductions are required by the Office of State Finance
4 and by the same percentage as that required of the agencies for such
5 General Revenue Fund appropriations.

6 ~~F.~~ F. The Department of Transportation shall use the monies in
7 the Rebuilding Oklahoma Access and Driver Safety Fund for:

8 1. The construction and maintenance of state roads, bridges and
9 highways;

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

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

15 4. Matching federal funds;

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

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

22 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1104, as
23 last amended by Section 1, Chapter 45, 2nd Extraordinary Session,

1 O.S.L. 2006 (47 O.S. Supp. 2007, Section 1104), is amended to read
2 as follows:

3 Section 1104. A. Unless otherwise provided by law, all fees,
4 taxes and penalties collected or received pursuant to the Oklahoma
5 Vehicle License and Registration Act or Section 1-101 et seq. of
6 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
9 subsection A of this section shall be apportioned to the various
10 school districts in accordance with paragraph 2 of this subsection:

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

13 b. for the year beginning July 1, 2001, and ending June
14 30, 2002, thirty-five and ninety-one one-hundredths
15 percent (35.91%), and

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

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

22 a. except as otherwise provided in this subparagraph,
23 each district shall receive the same amount of funds

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

19 b. any funds remaining unallocated following the
20 allocation provided in subparagraph a of this
21 paragraph shall be apportioned to the various school
22 districts so that each district shall first receive
23 the cumulative total of the monthly apportionments for

1 which it is otherwise eligible under subparagraph a of
2 this paragraph and then an amount based upon the
3 proportion that each district's average daily
4 attendance bears to the total average daily attendance
5 of those districts entitled to receive funds pursuant
6 to this section as certified by the State Department
7 of Education.

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

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

16 C. 1. The following percentages of the monies referred to in
17 subsection A of this section shall be remitted to the State
18 Treasurer to be credited to the General Revenue Fund of the State
19 Treasury:

20 a. from October 1, 2000, until June 30, 2001, forty-five
21 and ninety-seven one-hundredths percent (45.97%),

- 1 b. for the year beginning July 1, 2001, and ending June
2 30, 2002, forty-five and twenty-nine one-hundredths
3 percent (45.29%),
- 4 c. for the year beginning July 1, 2002, and for the
5 subsequent fiscal years ending June 30, 2007, forty-
6 four and eighty-four one-hundredths percent (44.84%),
- 7 d. for the year beginning July 1, 2007, and ending June
8 30, 2008, thirty-nine and eighty-four one-hundredths
9 percent (39.84%),
- 10 e. for the year beginning July 1, 2008, and ending June
11 30, 2009, thirty-four and eighty-four one-hundredths
12 percent (34.84%), ~~and~~
- 13 f. for the year beginning July 1, 2009, and all
14 subsequent years through the first fiscal year in
15 which the total apportionment to the Rebuilding
16 Oklahoma Access and Driver Safety Fund, as provided in
17 paragraph 3 of subsection B of Section 1521 of Title
18 69 of the Oklahoma Statutes equals Five Hundred
19 Million Dollars (\$500,000,000.00), twenty-nine and
20 eighty-four one-hundredths percent (29.84%),
- 21 g. for the first fiscal year after the first fiscal year
22 in which the total apportionment to the Rebuilding
23 Oklahoma Access and Driver Safety Fund, as provided in

1 paragraph 3 of subsection B of Section 1521 of Title
2 69 of the Oklahoma Statutes equals Five Hundred
3 Million Dollars (\$500,000,000.00), twenty-four and
4 eighty-four one-hundredths percent (24.84%),
5 h. for the second fiscal year after the first fiscal year
6 in which the total apportionment to the Rebuilding
7 Oklahoma Access and Driver Safety Fund, as provided in
8 paragraph 3 of subsection B of Section 1521 of Title
9 69 of the Oklahoma Statutes equals Five Hundred
10 Million Dollars (\$500,000,000.00), nineteen and
11 eighty-four one-hundredths percent (19.84%),
12 i. for the third fiscal year after the first fiscal year
13 in which the total apportionment to the Rebuilding
14 Oklahoma Access and Driver Safety Fund, as provided in
15 paragraph 3 of subsection B of Section 1521 of Title
16 69 of the Oklahoma Statutes equals Five Hundred
17 Million Dollars (\$500,000,000.00), fourteen and
18 eighty-four one-hundredths percent (14.84%),
19 j. for the fourth fiscal year after the first fiscal year
20 in which the total apportionment to the Rebuilding
21 Oklahoma Access and Driver Safety Fund, as provided in
22 paragraph 3 of subsection B of Section 1521 of Title
23 69 of the Oklahoma Statutes equals Five Hundred

1 Million Dollars (\$500,000,000.00), nine and eighty-
2 four one-hundredths percent (9.84%), and
3 k. for the fifth fiscal year after the first fiscal year
4 in which the total apportionment to the Rebuilding
5 Oklahoma Access and Driver Safety Fund, as provided in
6 paragraph 3 of subsection B of Section 1521 of Title
7 69 of the Oklahoma Statutes equals Five Hundred
8 Million Dollars (\$500,000,000.00), four and eighty-
9 four one-hundredths percent (4.84%).

10 2. In the event that additional monies are necessary pursuant
11 to subsection N of this section, such additional monies shall be
12 deducted from the monies apportioned to the General Revenue Fund.

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

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

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

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

- 1 a. from October 1, 2000, until June 30, 2001, seven and
2 nine one-hundredths percent (7.09%),
3 b. for the year beginning July 1, 2001, and ending June
4 30, 2002, seven and eighteen one-hundredths percent
5 (7.18%), and
6 c. for the year beginning July 1, 2002, and all
7 subsequent years, seven and twenty-four one-hundredths
8 percent (7.24%).

9 2. The monies apportioned pursuant to subparagraphs a through c
10 of paragraph 1 of this subsection shall be apportioned as follows:
11 forty percent (40%) of such sum shall be distributed to the various
12 counties in that proportion which the county road mileage of each
13 county bears to the entire state road mileage as certified by the
14 Transportation Commission and the remaining sixty percent (60%) of
15 such sum shall be distributed to the various counties on the basis
16 which the population and area of each county bears to the total
17 population and area of the state. The population shall be as shown
18 by the last Federal Census or the most recent annual estimate
19 provided by the United States Bureau of the Census. The funds shall
20 be used for the purpose of constructing and maintaining county
21 highways, provided, however, the county treasurer may deposit so
22 much of the funds in the sinking fund as may be necessary for the
23 retirement of interest and annual accrual of indebtedness created by

1 the issuance of county or township bonds for road purposes. Such
2 deposits to the sinking fund shall not exceed forty percent (40%) of
3 the funds allocated to a county pursuant to this paragraph.

4 F. 1. The following percentages of the monies referred to in
5 subsection A of this section shall be remitted to the county
6 treasurers of the respective counties and by them deposited in a
7 separate special revenue fund to be used by the county commissioners
8 in accordance with paragraph 2 of this subsection:

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

11 b. for the year beginning July 1, 2001, and ending June
12 30, 2002, two and fifty-six one-hundredths percent
13 (2.56%), and

14 c. for the year beginning July 1, 2002, and all
15 subsequent years, two and fifty-nine one-hundredths
16 percent (2.59%).

17 2. The monies apportioned pursuant to subparagraphs a through c
18 of paragraph 1 of this subsection shall be used for the primary
19 purpose of matching federal funds for the construction of federal
20 aid projects on county roads, or constructing and maintaining county
21 or township highways and permanent bridges of such counties. The
22 distribution of monies apportioned by this paragraph shall be made
23 upon the basis of the current formula based upon road mileage, area

1 and population as related to county road improvement and maintenance
2 costs. Provided, however, the Department of Transportation may
3 update the formula factors from time to time as necessary to account
4 for changing conditions.

5 G. 1. The following percentages of the monies referred to in
6 subsection A of this section shall be transmitted by the Tax
7 Commission to the various counties as set forth in paragraph 2 of
8 this subsection:

- 9 a. from October 1, 2000, until June 30, 2001, three and
10 fifty-five one-hundredths percent (3.55%),
11 b. for the year beginning July 1, 2001, and ending June
12 30, 2002, three and fifty-nine one-hundredths percent
13 (3.59%), and
14 c. for the year beginning July 1, 2002, and all
15 subsequent years, three and sixty-two one-hundredths
16 percent (3.62%).

17 2. The monies apportioned pursuant to subparagraphs a through c
18 of paragraph 1 of this subsection shall be transmitted to the
19 various counties on the basis of a formula to be developed by the
20 Department of Transportation. Such formula shall be similar to that
21 currently used for the distribution of County Bridge Program Funds,
22 but also taking into consideration the effect of terrain and traffic
23 volume as related to county road improvement and maintenance costs.

1 Provided, however, the Department of Transportation may update the
2 formula factors from time to time as necessary to account for
3 changing conditions. The funds shall be transmitted to the various
4 county treasurers to be deposited in the county highway fund of
5 their respective counties.

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

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

11 b. for the year beginning July 1, 2001, and ending June
12 30, 2002, eighty-two one-hundredths percent (0.82%),
13 and

14 c. for the year beginning July 1, 2002, and all
15 subsequent years, eighty-three one-hundredths percent
16 (0.83%).

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

20 a. each county shall receive the same amount of funds as
21 such county received from the taxes and fees provided
22 for in the 1985 fiscal year, and

1 b. any funds remaining unallocated following the
2 allocation provided in subparagraph a of this
3 paragraph shall be apportioned to the various counties
4 based upon the proportion that each county's
5 population bears to the total state population.

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

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

13 a. from October 1, 2000, until June 30, 2001, three and
14 four one-hundredths percent (3.04%),

15 b. for the year beginning July 1, 2001, and ending June
16 30, 2002, three and eight one-hundredths percent
17 (3.08%), and

18 c. for the year beginning July 1, 2002, and all
19 subsequent years, three and ten one-hundredths percent
20 (3.10%).

21 2. The monies apportioned pursuant to subparagraphs a through c
22 of paragraph 1 of this subsection shall be apportioned to the
23 various cities and incorporated towns based upon the proportion that

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

11 J. The following percentages of the monies referred to in
12 subsection A of this section shall be remitted to the State
13 Treasurer to be credited to the Oklahoma Law Enforcement Retirement
14 Fund:

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

17 2. For the year beginning July 1, 2001, and ending June 30,
18 2002, one and twenty-three one-hundredths percent (1.23%); and

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

21 K. Three one-hundredths of one percent (3/100 of 1%) of the
22 monies referred to in subsection A of this section shall be remitted
23 to the State Treasurer to be credited to the Wildlife Conservation

1 Fund. Seventy-five percent (75%) of the funds shall be used for
2 fish habitat restoration and twenty-five percent (25%) of the funds
3 shall be used in the fish hatchery system for fish production.

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

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

14 3. For the year beginning July 1, 2009, and all subsequent
15 years until the year specified in paragraph 4 of this subsection,
16 fifteen percent (15%) of monies referred to in subsection A of this
17 section shall be remitted to the State Treasurer to be credited to
18 the County Improvements for Roads and Bridges Fund as created in
19 Section 7 507 of ~~this act~~ Title 69 of the Oklahoma Statutes.

20 4. For the first fiscal year after the first fiscal year in
21 which the total apportionment to the Rebuilding Oklahoma Access and
22 Driver Safety Fund, as provided in paragraph 3 of subsection B of
23 Section 1521 of Title 69 of the Oklahoma Statutes equals Five

1 Hundred Million Dollars (\$500,000,000.00), twenty percent (20%) of
2 monies referred to in subsection A of this section shall be remitted
3 to the State Treasurer to be credited to the County Improvements for
4 Roads and Bridges Fund as created in Section 507 of Title 69 of the
5 Oklahoma Statutes.

6 5. For the second fiscal year after the first fiscal year in
7 which the total apportionment to the Rebuilding Oklahoma Access and
8 Driver Safety Fund, as provided in paragraph 3 of subsection B of
9 Section 1521 of Title 69 of the Oklahoma Statutes equals Five
10 Hundred Million Dollars (\$500,000,000.00), twenty-five percent (25%)
11 of monies referred to in subsection A of this section shall be
12 remitted to the State Treasurer to be credited to the County
13 Improvements for Roads and Bridges Fund as created in Section 507 of
14 Title 69 of the Oklahoma Statutes.

15 6. For the third fiscal year after the first fiscal year in
16 which the total apportionment to the Rebuilding Oklahoma Access and
17 Driver Safety Fund, as provided in paragraph 3 of subsection B of
18 Section 1521 of Title 69 of the Oklahoma Statutes equals Five
19 Hundred Million Dollars (\$500,000,000.00), thirty percent (30%) of
20 monies referred to in subsection A of this section shall be remitted
21 to the State Treasurer to be credited to the County Improvements for
22 Roads and Bridges Fund as created in Section 507 of Title 69 of the
23 Oklahoma Statutes.

1 7. For the fourth fiscal year after the first fiscal year in
2 which the total apportionment to the Rebuilding Oklahoma Access and
3 Driver Safety Fund, as provided in paragraph 3 of subsection B of
4 Section 1521 of Title 69 of the Oklahoma Statutes equals Five
5 Hundred Million Dollars (\$500,000,000.00), thirty-five percent (35%)
6 of monies referred to in subsection A of this section shall be
7 remitted to the State Treasurer to be credited to the County
8 Improvements for Roads and Bridges Fund as created in Section 507 of
9 Title 69 of the Oklahoma Statutes.

10 8. For the fifth fiscal year after the first fiscal year in
11 which the total apportionment to the Rebuilding Oklahoma Access and
12 Driver Safety Fund, as provided in paragraph 3 of subsection B of
13 Section 1521 of Title 69 of the Oklahoma Statutes equals Five
14 Hundred Million Dollars (\$500,000,000.00), forty percent (40%) of
15 monies referred to in subsection A of this section shall be remitted
16 to the State Treasurer to be credited to the County Improvements for
17 Roads and Bridges Fund as created in Section 507 of Title 69 of the
18 Oklahoma Statutes.

19 9. For the sixth fiscal year after the first fiscal year in
20 which the total apportionment to the Rebuilding Oklahoma Access and
21 Driver Safety Fund, as provided in paragraph 3 of subsection B of
22 Section 1521 of Title 69 of the Oklahoma Statutes equals Five
23 Hundred Million Dollars (\$500,000,000.00), and for subsequent fiscal

1 years, forty-four and eighty-four one-hundredths percent (44.84%) of
2 monies referred to in subsection A of this section shall be remitted
3 to the State Treasurer to be credited to the County Improvements for
4 Roads and Bridges Fund as created in Section 507 of Title 69 of the
5 Oklahoma Statutes.

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

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

14 O. Notwithstanding any other provisions of this section, for
15 the fiscal year beginning July 1, 2003, the first One Hundred
16 Thousand Dollars (\$100,000.00) of the monies collected or received
17 by the Tax Commission pursuant to the registration of motorcycles
18 and mopeds in this state shall be placed to the credit of the
19 Oklahoma Tax Commission Revolving Fund.

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

21 SECTION 4. 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 APPROPRIATIONS, dated 2-20-08 - DO
4 PASS, As Amended and Coauthored.