

SB 1767

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THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 1767  
As Amended

SENATE BILL NO. 1767 - By: BALLENGER of the Senate and MARTIN (Steve) of the House.

[ motor vehicles - apportionment of certain revenues - effective date - emergency ]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1104, as last amended by Section 1, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, 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.

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

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



1 based on average daily attendance in fiscal year 1995  
2 shall receive an amount equal to the average daily  
3 attendance in the 1994-1995 school year multiplied by  
4 the average daily attendance apportionment within the  
5 county in which the district is located for each  
6 appropriate month, and

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

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

22 No district shall be eligible for the funds herein provided  
23 unless the district makes an ad valorem tax levy of fifteen (15)

1 mills and maintains nine (9) years of instruction and pursuant to  
2 the rules of the State Board of Education, is authorized to maintain  
3 ten (10) years of instruction.

4 C. 1. 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 General Revenue Fund of the State  
7 Treasury:

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



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

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

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

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

10          b. for the year beginning July 1, 2001, and ending June  
11 30, 2002, seven and eighteen one-hundredths percent  
12 (7.18%), and

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

16          2. The monies apportioned pursuant to subparagraphs a through c  
17 of paragraph 1 of this subsection shall be apportioned as follows:  
18 forty percent (40%) of such sum shall be distributed to the various  
19 counties in that proportion which the county road mileage of each  
20 county bears to the entire state road mileage as certified by the  
21 Transportation Commission and the remaining sixty percent (60%) of  
22 such sum shall be distributed to the various counties on the basis  
23 which the population and area of each county bears to the total

1 population and area of the state. The population shall be as shown  
2 by the last Federal Census or the most recent annual estimate  
3 provided by the United States Bureau of the Census. The funds shall  
4 be used for the purpose of constructing and maintaining county  
5 highways, provided, however, the county treasurer may deposit so  
6 much of the funds in the sinking fund as may be necessary for the  
7 retirement of interest and annual accrual of indebtedness created by  
8 the issuance of county or township bonds for road purposes. Such  
9 deposits to the sinking fund shall not exceed forty percent (40%) of  
10 the funds allocated to a county pursuant to this paragraph.

11 F. 1. The following percentages of the monies referred to in  
12 subsection A of this section shall be remitted to the county  
13 treasurers of the respective counties and by them deposited in a  
14 separate special revenue fund to be used by the county commissioners  
15 in accordance with paragraph 2 of this subsection:

- 16 a. from October 1, 2000, until June 30, 2001, two and  
17 fifty-three one-hundredths percent (2.53%),  
18 b. for the year beginning July 1, 2001, and ending June  
19 30, 2002, two and fifty-six one-hundredths percent  
20 (2.56%), and  
21 c. for the year beginning July 1, 2002, and all  
22 subsequent years, two and fifty-nine one-hundredths  
23 percent (2.59%).

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

12           G. 1. The following percentages of the monies referred to in  
13 subsection A of this section shall be transmitted by the Tax  
14 Commission to the various counties as set forth in paragraph 2 of  
15 this subsection:

- 16           a. from October 1, 2000, until June 30, 2001, three and  
17           fifty-five one-hundredths percent (3.55%),  
18           b. for the year beginning July 1, 2001, and ending June  
19           30, 2002, three and fifty-nine one-hundredths percent  
20           (3.59%), and  
21           c. for the year beginning July 1, 2002, and all  
22           subsequent years, three and sixty-two one-hundredths  
23           percent (3.62%).

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

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

- 16           a. from October 1, 2000, until June 30, 2001, eighty-one  
17           one-hundredths percent (0.81%),  
18           b. for the year beginning July 1, 2001, and ending June  
19           30, 2002, eighty-two one-hundredths percent (0.82%),  
20           and  
21           c. for the year beginning July 1, 2002, and all  
22           subsequent years, eighty-three one-hundredths percent  
23           (0.83%).

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

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

7           b. any funds remaining unallocated following the  
8 allocation provided in subparagraph a of this  
9 paragraph shall be apportioned to the various counties  
10 based upon the proportion that each county's  
11 population bears to the total state population.

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

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

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

21           b. for the year beginning July 1, 2001, and ending June  
22 30, 2002, three and eight one-hundredths percent  
23 (3.08%), and

1           c.    for the year beginning July 1, 2002, and all  
2                    subsequent years, three and ten one-hundredths percent  
3                    (3.10%).

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

17           J.    The following percentages of the monies referred to in  
18 subsection A of this section shall be remitted to the State  
19 Treasurer to be credited to the Oklahoma Law Enforcement Retirement  
20 Fund:

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

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

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

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

11           L. ~~1. For~~ The following percentages of the monies referred to  
12 in subsection A of this section shall be remitted, in equal amounts,  
13 to each of the seventy-seven counties of this state for deposit to  
14 the county highway fund, to be used exclusively for maintenance and  
15 operations with respect to county roads and highways:

16           1. For the year beginning July 1, 2007, and ending June 30,  
17 2008, five percent (5%) ~~of monies referred to in subsection A of~~  
18 ~~this section shall be remitted to the State Treasurer to be credited~~  
19 ~~to the County Improvements for Roads and Bridges Fund as created in~~  
20 ~~Section 7 of this act.;~~

21           2. For the year beginning July 1, 2008, and ending June 30,  
22 2009, ten percent (10%) ~~of monies referred to in subsection A of~~  
23 ~~this section shall be remitted to the State Treasurer to be credited~~

1 ~~to the County Improvements for Roads and Bridges Fund as created in~~  
2 ~~Section 7 of this act.;~~

3 3. For the year beginning July 1, 2009, ~~and all subsequent~~  
4 ~~years, fifteen percent (15%) of monies referred to in subsection A~~  
5 ~~of this section shall be remitted to the State Treasurer to be~~  
6 ~~credited to the County Improvements for Roads and Bridges Fund as~~  
7 ~~created in Section 7 of this act;~~

8 4. For the year beginning July 1, 2010, eighteen percent (18%);

9 5. For the year beginning July 1, 2011, twenty-one percent  
10 (21%);

11 6. For the year beginning July 1, 2012, twenty-four percent  
12 (24%);

13 7. For the year beginning July 1, 2013, twenty-seven percent  
14 (27%); and

15 8. For the year beginning July 1, 2014, and for following  
16 fiscal years, twenty-nine and ninety-two one-hundredths percent  
17 (29.92%).

18 M. The following percentages of the monies referred to in  
19 subsection A of this section shall be remitted to the State  
20 Treasurer to be credited to the Rebuilding Oklahoma Access and  
21 Driver Safety Fund as created in Section 1521 of Title 69 of the  
22 Oklahoma Statutes:

23 1. For the year beginning July 1, 2010, three percent (3%);

1        2. For the year beginning July 1, 2011, six percent (6%);

2        3. For the year beginning July 1, 2012, nine percent (9%);

3        4. For the year beginning July 1, 2013, twelve percent (12%);

4        and

5        5. For the year beginning July 1, 2014, and for following

6        fiscal years, fourteen and ninety-two one-hundredths percent

7        (14.92%).

8        N. Monies allocated to counties by this section may be

9        estimated by the county excise board in the budget for the county as

10       anticipated revenue to the extent of ninety percent (90%) of the

11       previous year's income from such source, provided, not more than

12       fifteen percent (15%) can be encumbered during any month.

13       ~~N.~~ In O. Except as provided in subsection C of this section,

14       in no event shall the monies apportioned pursuant to subsections B,

15       E, F, G, H, I and L of this section be less than the monies

16       apportioned in the previous fiscal year.

17       ~~O.~~ P. Notwithstanding any other provisions of this section, for

18       the fiscal year beginning July 1, 2003, the first One Hundred

19       Thousand Dollars (\$100,000.00) of the monies collected or received

20       by the Tax Commission pursuant to the registration of motorcycles

21       and mopeds in this state shall be placed to the credit of the

22       Oklahoma Tax Commission Revolving Fund.

23       SECTION 2. This act shall become effective July 1, 2008.

1           SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO  
6 PASS, As Amended and Coauthored.