

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1333

By: Murphey

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 1104, as last amended by Section 1,  
9 Chapter 45, 2nd Extraordinary Session, O.S.L. 2006  
10 (47 O.S. Supp. 2006, Section 1104), which relates to  
11 apportionment of fees; modifying apportionment of  
12 certain funds; creating High Use County Road  
13 Revolving Fund; stating purpose; providing for  
14 apportionment of funds; establishing eligibility  
15 criteria; providing for codification; and providing  
16 an effective date.

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

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

22 Section 1104. A. Unless otherwise provided by law, all fees,  
23 taxes and penalties collected or received pursuant to the Oklahoma  
24 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  
24 attendance apportionment within such county for each

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

11 b. any funds remaining unallocated following the  
12 allocation provided in subparagraph a of this  
13 paragraph shall be apportioned to the various school  
14 districts so that each district shall first receive  
15 the cumulative total of the monthly apportionments for  
16 which it is otherwise eligible under subparagraph a of  
17 this paragraph and then an amount based upon the  
18 proportion that each district's average daily  
19 attendance bears to the total average daily attendance  
20 of those districts entitled to receive funds pursuant  
21 to this section as certified by the State Department  
22 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%),
- 18 c. for the year beginning July 1, 2002, and for the  
19 subsequent fiscal years ending June 30, 2007, forty-  
20 four and eighty-four one-hundredths percent (44.84%),
- 21 d. for the year beginning July 1, 2007, and ending June  
22 30, 2008, thirty-nine and eighty-four one-hundredths  
23 percent (39.84%),

24

1 e. except as provided in paragraph 2 of this subsection,  
2 for the year beginning July 1, 2008, and ending June  
3 30, 2009, thirty-four and eighty-four one-hundredths  
4 percent (34.84%), and

5 f. except as provided in paragraph 2 of this subsection,  
6 for the year beginning July 1, 2009, and all  
7 subsequent years, twenty-nine and eighty-four one-  
8 hundredths percent (29.84%).

9 2. For the fiscal year beginning July 1, 2008, and concluding  
10 with the fiscal year beginning July 1, 2022, the first Eight Hundred  
11 Thirty-three Thousand Three Hundred Thirty-three Dollars and thirty-  
12 three cents (\$833,333.33) per month apportioned pursuant to this  
13 subsection shall be placed in the High Use County Road Revolving  
14 Fund created in Section 2 of this act.

15 3. In the event that additional monies are necessary pursuant  
16 to subsection N of this section, such additional monies shall be  
17 deducted from the monies apportioned to the General Revenue Fund.

18 D. 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 State Transportation Fund:

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

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

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

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

6 b. for the year beginning July 1, 2001, and ending June  
7 30, 2002, seven and eighteen one-hundredths percent  
8 (7.18%), and

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

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

1 much of the funds in the sinking fund as may be necessary for the  
2 retirement of interest and annual accrual of indebtedness created by  
3 the issuance of county or township bonds for road purposes. Such  
4 deposits to the sinking fund shall not exceed forty percent (40%) of  
5 the funds allocated to a county pursuant to this paragraph.

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

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

13 b. for the year beginning July 1, 2001, and ending June  
14 30, 2002, two and fifty-six one-hundredths percent  
15 (2.56%), and

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

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

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

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

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

12 b. for the year beginning July 1, 2001, and ending June  
13 30, 2002, three and fifty-nine one-hundredths percent  
14 (3.59%), and

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

18 2. The monies apportioned pursuant to subparagraphs a through c  
19 of paragraph 1 of this subsection shall be transmitted to the  
20 various counties on the basis of a formula to be developed by the  
21 Department of Transportation. Such formula shall be similar to that  
22 currently used for the distribution of County Bridge Program Funds,  
23 but also taking into consideration the effect of terrain and traffic  
24 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
- 23 b. any funds remaining unallocated following the  
24 allocation provided in subparagraph a of this

1 paragraph shall be apportioned to the various counties  
2 based upon the proportion that each county's  
3 population bears to the total state population.

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

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

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

13 b. for the year beginning July 1, 2001, and ending June  
14 30, 2002, three and eight one-hundredths percent  
15 (3.08%), and

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

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 cities and incorporated towns based upon the proportion that  
22 each city or incorporated town's population bears to the total  
23 population of all cities and incorporated towns in the state. Such  
24 funds shall be remitted to the various county treasurers for

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

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

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

14 2. For the year beginning July 1, 2001, and ending June 30,  
15 2002, one and twenty-three one-hundredths percent (1.23%); and

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

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

24

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

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

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

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

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

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

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1104.16 of Title 47, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. There is hereby created in the State Treasury a revolving  
11 fund for the Department of Transportation to be designated the "High  
12 Use County Road Revolving Fund". The fund shall be a continuing  
13 fund, not subject to fiscal year limitations, and shall consist of  
14 all monies received by the Department of Transportation pursuant to  
15 paragraph 2 of subsection C of Section 1104 of Title 47 of the  
16 Oklahoma Statutes. All monies accruing to the credit of said fund  
17 are hereby appropriated and may be budgeted and expended by the  
18 Department of Transportation for the purpose of maintaining and  
19 improving county roads in accordance with the guidelines set forth  
20 in subsection B of this section. Expenditures from said fund shall  
21 be made upon warrants issued by the State Treasurer against claims  
22 filed as prescribed by law with the Director of State Finance for  
23 approval and payment.

24

1 B. The funds that are apportioned to the High Use County Road  
2 Revolving Fund pursuant to Section 1104 of Title 47 of the Oklahoma  
3 Statutes shall be disbursed by the Department of Transportation to  
4 those counties that apply and qualify with the Department according  
5 to the requirements included in this subsection and any rules  
6 promulgated by the Department of Transportation. An application and  
7 criteria shall be developed by the Department of Transportation.  
8 The eligibility criteria established for consideration shall include  
9 the following requirements:

10 1. Applicants shall spend the funds on "Collector" roads, as  
11 reflected by the National Functional Classification System, located  
12 outside the municipal boundaries of any chartered municipality of  
13 the state;

14 2. Applicants shall be required to share a common geographic  
15 border of at least five (5) miles with those counties having a  
16 population in excess of five hundred thousand (500,000) according to  
17 the latest Federal Decennial Census;

18 3. Applicants' county population shall have increased a minimum  
19 of fifteen percent (15%) over the last ten (10) years according to  
20 the latest Annual Approved Census Estimate provided by the United  
21 States Bureau of the Census;

22 4. The Annual Average Daily Traffic Count (AADT) on any given  
23 part of an eligible road shall be at least five hundred (500)  
24 vehicles per day; and

1       5. Applicants shall agree to spend funds only on the upgrade of  
2 road surface from unpaved or paved surface in poor condition to  
3 paved surface, including associated drainage, engineering, base  
4 preparation, and bridge replacement costs, and to spend said funds  
5 on roads located no more than eight (8) miles from the county line  
6 of the border county having a population in excess of five hundred  
7 thousand (500,000) according to the latest Federal Decennial Census.

8       SECTION 3. This act shall become effective November 1, 2007.

9

10       51-1-5446           CJB       01/14/07

11

12

13

14

15

16

17

18

19

20

21

22

23

24