

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1679

By: Hickman

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 Oklahoma Vehicle License and  
12 Registration Act fees; modifying apportionment of  
13 revenues to State Highway Construction and  
14 Maintenance Fund over three-year period; amending 68  
15 O.S. 2001, Sections 500.6, as last amended by Section  
16 3, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006  
17 and 500.7, as amended by Section 4, Chapter 45, 2nd  
18 Extraordinary Session, O.S.L. 2006 (68 O.S. Supp.  
19 2006, Sections 500.6 and 500.7), which relate to the  
20 Motor Fuel Tax Code; modifying the apportionment of  
21 the motor fuel tax on gasoline and diesel fuel;  
22 amending 68 O.S. 2001, Section 704, which relates to  
23 the Special Fuel Use Tax Code; modifying  
24 apportionment of revenue; providing an effective  
date; and declaring an 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. 2006, Section 1104), is amended to read  
as follows:

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

6 B. 1. ~~The following percentages of~~ Of the monies referred to  
7 in subsection A of this section, thirty-six and twenty one-  
8 hundredths percent (36.20%) shall be apportioned to the various  
9 school districts in accordance with paragraph 2 of this subsection:

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

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

- 21 a. except as otherwise provided in this subparagraph,  
22 each district shall receive the same amount of funds  
23 as such district received from the taxes and fees  
24 provided in this title in the corresponding month of

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

17 b. any funds remaining unallocated following the  
18 allocation provided in subparagraph a of this  
19 paragraph shall be apportioned to the various school  
20 districts so that each district shall first receive  
21 the cumulative total of the monthly apportionments for  
22 which it is otherwise eligible under subparagraph a of  
23 this paragraph and then an amount based upon the  
24 proportion that each district's average daily

1 attendance bears to the total average daily attendance  
2 of those districts entitled to receive funds pursuant  
3 to this section as certified by the State Department  
4 of Education.

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

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

13 C. 1. ~~The following percentages of~~ Of the monies referred to  
14 in subsection A of this section, forty-five and fifteen one-  
15 hundredths percent (45.15%) shall be remitted to the State Treasurer  
16 to be credited to the ~~General Revenue Fund of the State Treasury;~~  
17 State Highway Construction and Maintenance Fund of the Department of  
18 Transportation

- 19 a. ~~from October 1, 2000, until June 30, 2001, forty five~~  
20 ~~and ninety seven one hundredths percent (45.97%),~~  
21 b. ~~for the year beginning July 1, 2001, and ending June~~  
22 ~~30, 2002, forty five and twenty nine one hundredths~~  
23 ~~percent (45.29%),~~

- 1           c. ~~for the year beginning July 1, 2002, and for the~~  
2           ~~subsequent fiscal years ending June 30, 2007, forty~~  
3           ~~four and eighty four one hundredths percent (44.84%),~~  
4           d. ~~for the year beginning July 1, 2007, and ending June~~  
5           ~~30, 2008, thirty nine and eighty four one hundredths~~  
6           ~~percent (39.84%),~~  
7           e. ~~for the year beginning July 1, 2008, and ending June~~  
8           ~~30, 2009, thirty four and eighty four one hundredths~~  
9           ~~percent (34.84%), and~~  
10          f. ~~for the year beginning July 1, 2009, and all~~  
11          ~~subsequent years, twenty nine and eighty four one~~  
12          ~~hundredths percent (29.84%).~~

13           2. In the event that additional monies are necessary pursuant  
14 to subsection ~~N~~ M of this section, such additional monies shall be  
15 deducted from the monies apportioned to the ~~General Revenue Fund~~  
16 State Highway Construction and Maintenance Fund of the Department of  
17 Transportation.

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~~ Of the monies referred to in  
2 subsection A of this section, seven and twenty-four one-hundredths  
3 percent (7.24%) shall be apportioned to the various counties as set  
4 forth in paragraph 2 of this section:

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

7 b. ~~for the year beginning July 1, 2001, and ending June~~  
8 ~~30, 2002, seven and eighteen one hundredths percent~~  
9 ~~(7.18%), and~~

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

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

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

7 ~~F. E.~~ 1. ~~The following percentages of~~ Of the monies referred  
8 to in subsection A of this section, two and fifty-nine one-  
9 hundredths percent (2.59%) shall be remitted to the county  
10 treasurers of the respective counties and by them deposited in a  
11 separate special revenue fund to be used by the county commissioners  
12 in accordance with paragraph 2 of this subsection:

13 a. ~~from October 1, 2000, until June 30, 2001, two and~~  
14 ~~fifty three one hundredths percent (2.53%),~~

15 b. ~~for the year beginning July 1, 2001, and ending June~~  
16 ~~30, 2002, two and fifty six one hundredths percent~~  
17 ~~(2.56%), and~~

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

21 2. The monies apportioned pursuant to ~~subparagraphs a through e~~  
22 ~~of~~ paragraph 1 of this subsection shall be used for the primary  
23 purpose of matching federal funds for the construction of federal  
24 aid projects on county roads, or constructing and maintaining county

1 or township highways and permanent bridges of such counties. The  
2 distribution of monies apportioned by this paragraph shall be made  
3 upon the basis of the current formula based upon road mileage, area  
4 and population as related to county road improvement and maintenance  
5 costs. Provided, however, the Department of Transportation may  
6 update the formula factors from time to time as necessary to account  
7 for changing conditions.

8 ~~G. F.~~ 1. ~~The following percentages of~~ Of the monies referred  
9 to in subsection A of this section, three and sixty-two one-  
10 hundredths percent (3.62%) shall be transmitted by the Tax  
11 Commission to the various counties as set forth in paragraph 2 of  
12 this subsection:

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

21 2. The monies apportioned pursuant to ~~subparagraphs a through e~~  
22 ~~of~~ paragraph 1 of this subsection shall be transmitted to the  
23 various counties on the basis of a formula to be developed by the  
24 Department of Transportation. Such formula shall be similar to that

1 currently used for the distribution of County Bridge Program Funds,  
2 but also taking into consideration the effect of terrain and traffic  
3 volume as related to county road improvement and maintenance costs.  
4 Provided, however, the Department of Transportation may update the  
5 formula factors from time to time as necessary to account for  
6 changing conditions. The funds shall be transmitted to the various  
7 county treasurers to be deposited in the county highway fund of  
8 their respective counties.

9 H. G. 1. ~~The following percentages of~~ Of the monies referred  
10 to in subsection A of this section, eighty-three one-hundredths  
11 percent (0.83%) shall be apportioned to the various counties as set  
12 forth in paragraph 2 of this subsection:

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

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

24

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

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

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

12 ~~I. H. 1. The following percentages of~~ Of the monies referred  
13 to in subsection A of this section, three and ten one-hundredths  
14 percent (3.10%) shall be apportioned to the various cities and  
15 incorporated towns as set forth in paragraph 2 of this subsection:

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

18 b. ~~for the year beginning July 1, 2001, and ending June~~  
19 ~~30, 2002, three and eight one-hundredths percent~~  
20 ~~(3.08%), and~~

21 c. ~~for the year beginning July 1, 2002, and all~~  
22 ~~subsequent years, three and ten one-hundredths percent~~  
23 ~~(3.10%).~~

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

14        ~~J. I. The following percentages of~~ Of the monies referred to in  
15 subsection A of this section, one and twenty-four one-hundredths  
16 percent (1.24%) shall be remitted to the State Treasurer to be  
17 credited to the Oklahoma Law Enforcement Retirement Fund+.

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

20        ~~2. For the year beginning July 1, 2001, and ending June 30,~~  
21 ~~2002, one and twenty-three one hundredths percent (1.23%); and~~

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

24

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

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

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

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

22       ~~M.~~ K. Monies allocated to counties by this section may be  
23 estimated by the county excise board in the budget for the county as  
24 anticipated revenue to the extent of ninety percent (90%) of the

1 previous year's income from such source, provided, not more than  
2 fifteen percent (15%) can be encumbered during any month.

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

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

12 SECTION 2. AMENDATORY 68 O.S. 2001, Section 500.6, as  
13 last amended by Section 3, Chapter 45, 2nd Extraordinary Session,  
14 O.S.L. 2006 (68 O.S. Supp. 2006, Section 500.6), is amended to read  
15 as follows:

16 Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon  
17 of gasoline that is levied by paragraph 1 of subsection A of Section  
18 500.4 of this title, and the tax of two and eight one-hundredths  
19 cents (\$0.0208) per gallon of gasoline that is levied by subsection  
20 C of Section 500.4 of this title, and penalties and interest  
21 thereon, collected by the Oklahoma Tax Commission under the levy  
22 shall be apportioned and distributed monthly as follows:

23

24

1           1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00)  
2 of the levy collected each month shall be deposited in the State  
3 Treasury to the credit of the State Transportation Fund;

4           2. ~~One and six hundred twenty five one thousandths percent~~  
5 ~~(1.625%) of the levy shall be remitted to the State Treasurer to the~~  
6 ~~credit of the High Priority State Bridge Revolving Fund as created~~  
7 ~~in Section 6 of this act;~~

8           3. ~~Sixty three and seventy five one hundredths percent (63.75%)~~  
9 Sixty-five and three hundred seventy-five one-thousandths percent  
10 (65.375%) of the levy shall be deposited in the State Treasury to  
11 the credit of the State Transportation Fund to be apportioned as  
12 follows:

13           a. the first Eight Hundred Fifty Thousand Dollars  
14               (\$850,000.00) collected each fiscal year shall be  
15 transferred to the Public Transit Revolving Fund,  
16 created in Section 4031 of Title 69 of the Oklahoma  
17 Statutes, and

18           b. the second Eight Hundred Fifty Thousand Dollars  
19               (\$850,000.00) collected each fiscal year shall be  
20 transferred to the Oklahoma Tourism and Passenger Rail  
21 Revolving Fund and shall be used by the Department of  
22 Transportation:

23               (1) to contract railroad passenger services,  
24                       including but not limited to a route linking

1 stations in Oklahoma and Tulsa Counties with  
2 other primary points in the national railroad  
3 passenger system and passenger rail service  
4 within the state, and a route beginning at a  
5 station in Oklahoma County and extending north to  
6 the Kansas state line in Kay County, and

7 (2) to provide necessary facility, signaling, and  
8 track improvements for those contracted services,

9 c. forty-one and two-tenths percent (41.2%) of the monies  
10 apportioned to the State Transportation Fund shall be  
11 used for any purpose provided for in Section 1502 of  
12 Title 69 of the Oklahoma Statutes,

13 d. nine and eight-tenths percent (9.8%) of the monies  
14 apportioned to the State Transportation Fund shall be  
15 used to provide funds for the construction and  
16 maintenance of farm-to-market roads on the state  
17 highway system, and other rural farm-to-market roads  
18 and bridges, and

19 e. any remaining amount of the apportionment shall be  
20 deposited into the State Transportation Fund;

21 ~~4.~~ 3. Twenty-seven percent (27%) of the levy shall be  
22 transmitted by the Tax Commission to the various counties of the  
23 state, to be apportioned and used as follows:  
24

1 a. sixty-five and three-tenths percent (65.3%) of the  
2 monies apportioned under this paragraph shall be used  
3 on the following basis:

4 (1) forty percent (40%) of such sum shall be  
5 distributed to the various counties in the  
6 proportion which the county road mileage of each  
7 county bears to the entire state road mileage as  
8 certified by the Transportation Commission, and

9 (2) the remaining sixty percent (60%) of such sum  
10 shall be distributed to the various counties on  
11 the basis which the population and area of each  
12 county bears to the total population and area of  
13 the state. The population shall be as shown by  
14 the last Federal Decennial Census or the most  
15 recent annual estimate provided by the U.S.  
16 Bureau of the Census,

17 b. twenty-three and one-tenth percent (23.1%) of the  
18 monies apportioned under this paragraph shall be  
19 distributed to the counties in the following manner:  
20 One-third (1/3) on area; one-third (1/3) on rural  
21 population, defined as including the population of all  
22 municipalities with a population of less than five  
23 thousand (5,000) according to the latest Federal  
24 Decennial Census; and one-third (1/3) on county road

1 mileage, as last certified by the Department of  
2 Transportation, as each county bears to the entire  
3 area, rural population and road mileage of the state,  
4 and

5 c. eleven and six-tenths percent (11.6%) of the monies  
6 apportioned under this paragraph shall be distributed  
7 to the various counties of the state based on a  
8 formula developed by the Department of Transportation  
9 and approved by the Department of Transportation  
10 County Advisory Board created pursuant to Section  
11 302.1 of Title 69 of the Oklahoma Statutes. The  
12 formula shall be similar to the formula currently used  
13 for the distribution of monies in the County Bridge  
14 Program funds, but shall also take into consideration  
15 the effect of the terrain and traffic volume as  
16 related to county road improvement and maintenance  
17 costs. Any county may, by resolution of the board of  
18 county commissioners, direct the Tax Commission to  
19 deposit the funds apportioned pursuant to this  
20 subparagraph directly into the County Bridge and Road  
21 Improvement Fund to be used for the purposes set forth  
22 in the County Bridge and Road Improvement Act;

23 ~~5.~~ 4. Three and one hundred twenty-five one-thousandths percent  
24 (3.125%) of the levy shall be distributed to the various counties of

1 the state based on a formula developed by the Department of  
2 Transportation and approved by the Department of Transportation  
3 County Advisory Board created pursuant to Section 302.1 of Title 69  
4 of the Oklahoma Statutes. The formula shall be similar to the  
5 formula currently used for the distribution of monies in the County  
6 Bridge Program funds, but shall also take into consideration the  
7 effect of the terrain and traffic volume as related to county road  
8 improvement and maintenance costs. Any county may, by resolution  
9 approved by a majority of the board of county commissioners and  
10 filed with the Tax Commission, direct the Tax Commission to deposit  
11 the funds apportioned pursuant to this paragraph directly into the  
12 County Bridge and Road Improvement Fund to be used for the purposes  
13 set forth in the County Bridge and Road Improvement Act;

14 ~~6.~~ 5. Two and six hundred twenty-five one-thousandths percent  
15 (2.625%) of the levy shall be deposited in the County Bridge and  
16 Road Improvement Fund of the State Treasury to be used for the  
17 purposes set forth in the County Bridge and Road Improvement Act;  
18 and

19 ~~7.~~ 6. One and eight hundred seventy-five one-thousandths  
20 percent (1.875%) of the levy shall be transmitted by the Tax  
21 Commission to the treasurers of the various incorporated cities and  
22 towns of the state in the percentage which the population, as shown  
23 by the last Federal Decennial Census or the most recent annual  
24 estimate provided by the U.S. Bureau of the Census, bears to the

1 total population of all the incorporated cities and towns in this  
2 state. The funds shall be expended for the construction, repair and  
3 maintenance of the streets and alleys of the incorporated cities and  
4 towns of this state.

5 B. 1. The funds apportioned or transmitted pursuant to  
6 subparagraphs a, b, and c of paragraph ~~4~~ 3 of subsection A of this  
7 section, subsection B of Section 500.7 of this title, subsection B  
8 of Section 704 of this title, Section 706 of this title, and  
9 paragraph 2 of subsection D of Section 707.3 of this title shall be  
10 sent to the respective county treasurers and deposited in the county  
11 highway fund to be used by the county commissioners for the purpose  
12 of constructing and maintaining county highways and bridges.

13 2. The funds received by any county shall not be diverted to  
14 any other county of the state, and shall only be expended under the  
15 direction and control of the board of county commissioners in the  
16 county to which the funds are appropriated. If any part of the  
17 funds is diverted for any other purpose, the county commissioners  
18 shall be liable on their bond for double the amount of the money so  
19 diverted. This paragraph shall not prohibit counties from entering  
20 into cooperative agreements pertaining to the maintenance and  
21 construction of roads and bridges.

22 3. Where any county highway has been laid out over a road  
23 already constructed in any county by the use of money raised from  
24 county bond issues for that purpose, either alone or by the use of

1 federal or state aid, or both, the county commissioners may set  
2 aside out of the funds apportioned to that county, as provided in  
3 this section, an amount of money equal to the value of any part  
4 thereof, of the interest of such county in such highway or bridge,  
5 which amount of money shall be considered by the excise board in  
6 reducing the levy for the purpose of retiring the bonded  
7 indebtedness and interest thereon of the county, and shall be used  
8 for investment or deposit in the same manner as provided by law for  
9 the disposition of other sinking fund money.

10 4. In all counties where the county excise board may find it  
11 necessary, because of insufficient revenue, to maintain county  
12 government out of the general fund, after a levy of ten (10) mills  
13 has been made for any fiscal year, the county excise board may  
14 appropriate out of any such funds apportioned to the county an  
15 amount sufficient to pay the salaries of the county commissioners of  
16 the county for the fiscal year.

17 5. Counties may use funds deposited in the county highway fund  
18 for the purpose of matching federal or state funds, provided such  
19 funds are available, as necessary to secure assistance in the  
20 construction or improvement of the county road system.

21 C. With regards to the apportionment of the levy as set forth  
22 in paragraph 5 4 of subsection A of this section, paragraph 5 4 of  
23 subsection A of Section 500.7 of this title, and subsection C of  
24 Section 707.2 of this title:

1           1. If any county has an accrued balance of funds which were  
2 appropriated to or otherwise accrued in a restricted road  
3 maintenance fund, such funds shall be deposited directly to the  
4 county highway fund of the county;

5           2. If any county has an accrued balance of funds which were  
6 appropriated to or otherwise accrued in the County Road Improvement  
7 Fund, or the County Bridge Improvement Fund, such funds shall, by  
8 resolution approved by a majority of the board of county  
9 commissioners and filed with the Department of Transportation, be  
10 deposited in the county highway fund of the county or shall be  
11 deposited to the County Bridge and Road Improvement Fund to be used  
12 for the purposes set forth in the County Bridge and Road Improvement  
13 Act; and

14           3. If any county has an advanced funding agreement with the  
15 Department of Transportation, the Department of Transportation shall  
16 notify the Tax Commission as to the amount the county is obligated  
17 to pay according to the terms of the advanced funding agreement.  
18 The obligated amount shall be transferred each month by the Tax  
19 Commission to the Department of Transportation to the credit of the  
20 County Bridge and Road Improvement Fund from the funds apportioned  
21 to the county pursuant to paragraph ~~5~~ 4 of subsection A of this  
22 section. A county may elect to increase the monthly amount to be  
23 repaid pursuant to the advanced funding agreement from the funds  
24 apportioned to the county, but a county shall not be permitted to

1 reduce the amount agreed to pursuant to the advanced funding  
2 agreement.

3 D. The tax levied on gasoline pursuant to Section 500.4A of  
4 this title, and the penalties and interest thereon, collected by the  
5 Tax Commission under the levy shall be apportioned and distributed  
6 on a monthly basis to the State Highway Construction and Maintenance  
7 Fund for the purposes authorized by Section 1502 of Title 69 of the  
8 Oklahoma Statutes.

9 SECTION 3. AMENDATORY 68 O.S. 2001, Section 500.7, as  
10 amended by Section 4, Chapter 45, 2nd Extraordinary Session, O.S.L.  
11 2006 (68 O.S. Supp. 2006, Section 500.7), is amended to read as  
12 follows:

13 Section 500.7 A. The tax of thirteen cents (\$0.13) per gallon  
14 of diesel fuel that is levied by Section 500.4 of this title, and  
15 all penalties and interest thereon, collected by the Oklahoma Tax  
16 Commission under the levy shall be apportioned and distributed  
17 monthly as follows:

18 1. The first Eighty-three Thousand Three Hundred Thirty-Three  
19 Dollars and Thirty-Three Cents (\$83,333.33) of the levy collected  
20 each month shall be deposited in the State Treasury to the credit of  
21 the State Transportation Fund;

22 2. ~~One and thirty nine one hundredths percent (1.39%) of the~~  
23 ~~levy shall be paid by the Commission to the State Treasurer to the~~

24

1 ~~credit of the High Priority State Bridge Revolving Fund as created~~  
2 ~~in Section 6 of this act;~~

3 ~~3. Sixty-four and thirty-four one-hundredths percent (64.34%)~~  
4 Sixty-five and seventy-three one-hundredths percent (65.73%) of the  
5 levy shall be deposited in the State Treasury to the credit of the  
6 State Transportation Fund;

7 4. 3. Twenty-six and fifty-eight one-hundredths percent  
8 (26.58%) of the levy shall be transmitted by the Commission to  
9 various counties of the state, to be apportioned as follows:

10 a. forty-two and one-tenth percent (42.1%) of the monies  
11 apportioned under this paragraph shall be transmitted  
12 to the various counties in the percentage which the  
13 population and area of each county bears to the  
14 population and area of the entire state. The  
15 population shall be as shown by the last Federal  
16 Decennial Census or the most recent annual estimate  
17 provided by the U.S. Bureau of the Census,

18 b. fourteen and five-tenths percent (14.5%) of the monies  
19 apportioned under this paragraph shall be distributed  
20 as follows:

21 Forty percent (40%) of such sum shall be distributed  
22 to the various counties in that proportion which the  
23 county road mileage of each county bears to the entire  
24 state road mileage as certified by the Transportation

1 Commission, and the remaining sixty percent (60%) of  
2 such sum shall be distributed to the various counties  
3 on the basis which the population and area of each  
4 county bears to the total population and area of the  
5 state. The population shall be as shown by the last  
6 Federal Decennial Census or the most recent annual  
7 estimate provided by the U.S. Bureau of the Census,

8 c. twenty-eight and nine-tenths percent (28.9%) of the  
9 monies apportioned under this paragraph shall be  
10 distributed to the several counties in the following  
11 manner: one-third (1/3) on area, one-third (1/3) on  
12 rural population (defined as including the population  
13 of all municipalities with a population of less than  
14 five thousand (5,000) according to the latest Federal  
15 Decennial Census), and one-third (1/3) on county road  
16 mileage, as last certified by the Oklahoma Department  
17 of Transportation, as each county bears to the entire  
18 area, rural population and road mileage of the state,  
19 and

20 d. fourteen and five-tenths percent (14.5%) of the monies  
21 apportioned under this paragraph shall be distributed  
22 to the various counties of the state based on a  
23 formula developed by the Oklahoma Department of  
24 Transportation and approved by the Department of

1 Transportation County Advisory Board created pursuant  
2 to Section 302.1 of Title 69 of the Oklahoma Statutes.  
3 The formula shall be similar to the formula currently  
4 used for the distribution of the County Bridge Program  
5 funds, but shall also take into consideration the  
6 effect of the terrain and traffic volume as related to  
7 the county road improvement and maintenance costs.  
8 Any county may, by resolution approved by a majority  
9 of the board of county commissioners and filed with  
10 the Oklahoma Tax Commission, direct the ~~Oklahoma~~ Tax  
11 Commission to deposit the funds so apportioned by this  
12 subparagraph directly into the County Bridge and Road  
13 Improvement Fund to be used for the purposes set forth  
14 in the County Bridge and Road Improvement Act;

15 ~~5.~~ 4. Three and eighty-five one-hundredths percent (3.85%) of  
16 the levy shall be distributed based on a formula developed by the  
17 Oklahoma Department of Transportation and approved by the Department  
18 of Transportation County Advisory Board created pursuant to Section  
19 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be  
20 similar to the formula currently used for the distribution of the  
21 County Bridge Program funds, but shall also take into consideration  
22 the effect of the terrain and traffic volume as related to the  
23 county road improvement and maintenance costs. Any county may, by  
24 resolution approved by a majority of the board of county

1 commissioners and filed with the Oklahoma Tax Commission, direct the  
2 Oklahoma Tax Commission to deposit the funds so apportioned by this  
3 paragraph directly into the County Bridge and Road Improvement Fund  
4 to be used for the purposes set forth in the County Bridge and Road  
5 Improvement Act. The apportionment of the levy as set forth in this  
6 paragraph shall be subject to the provisions of subsection C of  
7 Section 500.6 of this title; and

8 ~~6.~~ 5. Three and eighty-four one-hundredths percent (3.84%) of  
9 the levy shall be deposited in the County Bridge and Road  
10 Improvement Fund of the State Treasury to be used for the purposes  
11 set forth in the County Bridge and Road Improvement Act.

12 B. The funds apportioned or transmitted pursuant to the  
13 provisions of subparagraphs a, b, and c of paragraph ~~4~~ 3 of  
14 subsection A of this section shall be used in accordance with and  
15 subject to the provisions of subsection B of Section 500.6 of this  
16 title.

17 C. The tax levied on diesel fuel pursuant to Section 500.4A of  
18 this title, and all penalties and interest thereon, collected by the  
19 Commission under the levy shall be apportioned and distributed on a  
20 monthly basis to the State Highway Construction and Maintenance Fund  
21 for the purposes authorized by Section 1502 of Title 69 of the  
22 Oklahoma Statutes.

23 SECTION 4. AMENDATORY 68 O.S. 2001, Section 704, is  
24 amended to read as follows:

1 Section 704. A. The purpose of Section 701 et seq. of this  
2 title is to provide revenue for general governmental functions of  
3 state government and for the construction and maintenance of state  
4 and county highways and bridges. The tax, including penalties and  
5 interest collected under the levy in Section 703 of this title,  
6 shall be apportioned monthly for use as follows:

7 1. An amount equal to the revenue, including penalties and  
8 interest thereon, accruing from four cents (\$0.04) per gallon of the  
9 five and one-half cents (\$0.055) per gallon collected of the tax  
10 levied by Section 703 of this title, shall be apportioned monthly  
11 and used for the following purposes:

12 a. ~~three percent (3%) shall be paid by the Tax Commission~~  
13 ~~to the State Treasurer and placed to the credit of the~~  
14 ~~General Revenue Fund of the State Treasury,~~

15 ~~b. seventy-two and three-fourths percent (72 3/4%)~~  
16 seventy-five and three-fourths percent (75 3/4%) shall  
17 be deposited in the State Treasury to the credit of  
18 the State Transportation Fund, and

19 ~~e.~~ b. twenty-four and one-fourth percent (24 1/4%) shall be  
20 transmitted by the Tax Commission to various counties  
21 of the state, in the percentage which the population  
22 and area of each county bears to the population and  
23 area of the entire state. The population shall be as  
24 shown by the last Federal Census or the most recent

1           annual estimate provided by the U.S. Bureau of the  
2           Census;

3           2. An amount equal to the revenue, including penalties and  
4 interest thereon, accruing from one cent (\$0.01) per gallon of the  
5 five and one-half cents (\$0.055) per gallon collected of the tax  
6 levied by Section 703 of this title, shall be apportioned monthly  
7 and shall be deposited in the State Treasury to the credit of the  
8 State Transportation Fund; and

9           3. An amount equal to the revenue, including penalties and  
10 interest thereon, accruing from one-half cent (\$0.005) per gallon of  
11 the five and one-half cents (\$0.055) per gallon collected of the tax  
12 levied by Section 703 of this title, shall be apportioned monthly  
13 and distributed as follows:

14           Forty percent (40%) of such sum shall be distributed to the  
15 various counties in that proportion which the county road mileage of  
16 each county bears to the entire state road mileage as certified by  
17 the State Transportation Commission, and the remaining sixty percent  
18 (60%) of such sum shall be distributed to the various counties on  
19 the basis which the population and area of each county bears to the  
20 total population and area of the state. The population shall be as  
21 shown by the last Federal Census or the most recent annual estimate  
22 provided by the U.S. Bureau of the Census.

23           B. The funds apportioned or transmitted pursuant to the  
24 provisions of subparagraph e b of paragraph 1 of subsection A of

1 this section and paragraph 3 of subsection A of this section shall  
2 be used in accordance with and subject to the provisions of  
3 subsection B of Section 500.6 of this title.

4 SECTION 5. This act shall become effective July 1, 2007.

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

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