

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2107

By: Bass

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 47
8 O.S. 2001, Section 1104, as last amended by Section
9 1, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006
10 (47 O.S. Supp. 2009, Section 1104) and 68 O.S. 2001,
11 Sections 1353 and 2352, as last amended by Sections 8
12 and 10, Chapter 278, O.S.L. 2008 (68 O.S. Supp. 2009,
13 Sections 1353 and 2352), which relate to
14 apportionment of state revenues; modifying
15 apportionment of certain revenues; creating Federal
16 Impact Aid Revolving Fund; providing for deposits
17 thereto and expenditures therefrom; specifying
18 certain duties of Director of Oklahoma Department of
19 Commerce; providing for allocation of certain funds
20 to certain political subdivisions; providing
21 procedures; creating federal impact aid committee and
22 providing for membership; providing for codification;
23 providing an effective date; and declaring an
24 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. 2009, Section 1104), is amended to read
as follows:

Section 1104. A. 1. Unless otherwise provided by law and
except as otherwise provided in paragraph 2 of this subsection, all

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

5 2. One-half (1/2) of any amount in excess of the amount so
6 apportioned and distributed in fiscal year 2010 shall be apportioned
7 to the Federal Impact Aid Revolving Fund created in Section 4 of
8 this act.

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

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

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

- 23 a. except as otherwise provided in this subparagraph,
24 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
24 which it is otherwise eligible under subparagraph a of

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

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

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

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

- 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%),
24

- 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 of this section, such additional monies shall be
15 deducted from the monies apportioned to the General Revenue Fund.

16 D. 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 State Transportation Fund:

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

21 2. For the year beginning July 1, 2001, and all subsequent
22 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 of this act.

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 of this act.

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 of this act.

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

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

24

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. AMENDATORY 68 O.S. 2001, Section 1353, as
8 last amended by Section 8, Chapter 278, O.S.L. 2008 (68 O.S. Supp.
9 2009, Section 1353), is amended to read as follows:

10 Section 1353. A. It is hereby declared to be the purpose of
11 the Oklahoma Sales Tax Code to provide funds for the financing of
12 the program provided for by the Oklahoma Social Security Act and to
13 provide revenues for the support of the functions of the state
14 government of Oklahoma, and for this purpose it is hereby expressly
15 provided that, revenues derived pursuant to the provisions of the
16 Oklahoma Sales Tax Code, subject to the apportionment requirements
17 for the Oklahoma Tax Commission and Office of State Finance Joint
18 Computer Enhancement Fund provided by Section ~~6~~ 265 of this ~~act~~
19 title, and except as otherwise provided in paragraph 6 of this
20 subsection, shall be apportioned as follows:

21 1. a. the following amounts shall be paid to the State
22 Treasurer to be placed to the credit of the General
23 Revenue Fund to be paid out pursuant to direct
24 appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 and each fiscal year thereafter	83.61%

b. in the event that additional monies are necessary pursuant to paragraph 5 of this section, such additional monies shall be deducted in the proportion determined by the State Board of Equalization pursuant to paragraph 3 of Section 2355.1B of this title from the monies apportioned to the General Revenue Fund;

2. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-hundredths percent (10.42%), shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education and for FY 2006 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education;

3. The following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund:

1	Fiscal Year	Amount
2	FY 2003 and FY 2004	3.54%
3	FY 2005	3.75%
4	FY 2006	4.0%
5	FY 2007	4.5%
6	FY 2008 and each fiscal	
7	year thereafter	5.0%

8 4. For the fiscal year beginning July 1, 2007, and for each
9 fiscal year thereafter, ninety-three one-hundredths percent (0.93%)
10 shall be paid to the State Treasurer to be further apportioned as
11 follows:

- 12 a. thirty-six percent (36%) shall be placed to the credit
13 of the Oklahoma Tourism Promotion Revolving Fund, and
- 14 b. sixty-four percent (64%) shall be placed to the credit
15 of the Oklahoma Tourism Capital Improvement Revolving
16 Fund; ~~and~~

17 5. During the first fiscal year after the State Board of
18 Equalization has made a determination as provided in Section 2355.1B
19 of this title, regarding a baseline amount of revenue apportioned
20 pursuant to paragraph 3 of this section, and for each fiscal year
21 thereafter, in no event shall monies apportioned pursuant to
22 paragraph 3 of this section, paragraph 3 of Section 1403 of this
23 title and subparagraph c of paragraph 1 of Section 2352 of this
24 title be less than such baseline amount; and

1 6. One-half of any amount in excess of the amount so
2 apportioned in fiscal year 2010 shall be apportioned to the Federal
3 Impact Aid Revolving Fund created in Section 4 of this act.

4 B. Provided, for the fiscal year beginning July 1, 2007, and
5 every fiscal year thereafter, an amount of revenue shall be
6 apportioned to each municipality or county which levies a sales tax
7 subject to the provisions of Section 1357.10 of this title and
8 subsection F of Section 2701 of this title equal to the amount of
9 sales tax revenue of such municipality or county exempted by the
10 provisions of Section 1357.10 of this title and subsection F of
11 Section 2701 of this title. The Oklahoma Tax Commission shall
12 promulgate and adopt rules necessary to implement the provisions of
13 this subsection.

14 SECTION 3. AMENDATORY 68 O.S. 2001, Section 2352, as
15 last amended by Section 10, Chapter 278, O.S.L. 2008 (68 O.S. Supp.
16 2009, Section 2352), is amended to read as follows:

17 Section 2352. It is hereby declared to be the purpose of
18 Section 2351 et seq. of this title to provide revenue for general
19 governmental functions of state government; and, for that purpose
20 and to that end, it is expressly declared that the revenue derived
21 herefrom and penalties and interest thereon, subject to the
22 apportionment requirements for the Rebuilding Oklahoma Access and
23 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
24 Revolving Fund and the Public Transit Revolving Fund to be derived

1 from income tax revenue that would otherwise be apportioned to the
2 General Revenue Fund as provided by Section 1521 of Title 69 of the
3 Oklahoma Statutes, subject to the apportionment requirements for the
4 Oklahoma Tax Commission and Office of State Finance Joint Computer
5 Enhancement Fund provided by Section ~~6~~ 265 of this ~~act~~ title, and
6 except as otherwise provided in paragraph 4 of this section, shall
7 be distributed as follows:

8 1. For the fiscal year beginning July 1, 2002, the first Five
9 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue
10 derived pursuant to the provisions of subsections A, B and E of
11 Section 2355 of this title shall be apportioned to the Education
12 Reform Revolving Fund. The remainder of such revenue for the fiscal
13 year beginning July 1, 2002, and all such revenue for each fiscal
14 year thereafter shall be apportioned monthly as follows:

15 a. (1) the following amounts shall be paid to the State
16 Treasurer to be placed to the credit of the
17 General Revenue Fund of the state for such fiscal
18 year for the support of the state government to
19 be paid out only pursuant to appropriation by the
20 Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	87.12%
FY 2005	86.91%
FY 2006	86.66%

1 FY 2007 86.16%

2 FY 2008 and each fiscal

3 year thereafter 85.66%

4 (2) in the event that additional monies are necessary
5 pursuant to paragraph 3 of this section, such
6 additional monies shall be deducted in the
7 proportion determined by the State Board of
8 Equalization pursuant to paragraph 3 of Section
9 2355.1B of this title from the monies apportioned
10 to the General Revenue Fund,

11 b. for FY 2003 and each fiscal year thereafter, eight and
12 thirty-four one-hundredths percent (8.34%) shall be
13 paid to the State Treasurer to be placed to the credit
14 of the Education Reform Revolving Fund,

15 c. the following amounts shall be paid to the State
16 Treasurer to be placed to the credit of the Teachers'
17 Retirement System Dedicated Revenue Revolving Fund:

18 Fiscal Year	Amount
19 FY 2003 and FY 2004	3.54%
20 FY 2005	3.75%
21 FY 2006	4.0%
22 FY 2007	4.5%
23 FY 2008 and each fiscal	
24 year thereafter	5.0%

1 d. for FY 2003 and each fiscal year thereafter, one
2 percent (1%) shall be placed to the credit of the Ad
3 Valorem Reimbursement Fund;

4 2. Beginning July 1, 2003, for any period of time as certified
5 by the Oklahoma Development Finance Authority and the Oklahoma
6 Department of Commerce to be necessary for the repayment of
7 obligations issued by the Oklahoma Development Finance Authority
8 pursuant to Section 3654 of this title if the other sources of
9 revenue paid to or apportioned to the Quality Jobs Program Incentive
10 Leverage Fund are not adequate, including the proceeds from payment
11 pursuant to the guaranty required by subsection M of Section 3654 of
12 this title, an amount certified by the Oklahoma Development Finance
13 Authority to the Oklahoma Tax Commission shall be apportioned to the
14 Quality Jobs Program Incentive Leverage Fund before any other
15 apportionments are made as otherwise authorized by this paragraph.
16 The Oklahoma Development Finance Authority shall certify to the
17 Oklahoma Tax Commission the time as of which the revenue authorized
18 for apportionment pursuant to this paragraph is no longer required.
19 After the certification, the revenue derived from the income tax
20 shall be apportioned in the manner otherwise provided by this
21 section. Except as otherwise provided by this paragraph, for the
22 fiscal year beginning July 1, 2002, the first Forty-One Million One
23 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
24 revenue derived pursuant to the provisions of subsections C and D of

1 Section 2355 of this title shall be apportioned to the Education
2 Reform Revolving Fund. The remainder of such revenue for the fiscal
3 year beginning July 1, 2002, and all such revenue for each fiscal
4 year thereafter, subject to the apportionment requirements for the
5 Oklahoma Tax Commission and Office of State Finance Joint Computer
6 Enhancement Fund provided by Section ~~6~~ 265 of this ~~act~~ title, shall
7 be apportioned monthly as follows:

8 a. the following amounts shall be paid to the State
9 Treasurer to be placed to the credit of the General
10 Revenue Fund of the state for such fiscal year for the
11 support of the state government to be paid out only
12 pursuant to appropriation by the Legislature:

13 Fiscal Year	Amount
14 FY 2003 and FY 2004	78.96%
15 FY 2005	78.75%
16 FY 2006	78.50%
17 FY 2007	78.0%
18 FY 2008 and each fiscal 19 year thereafter	77.50%

20 b. for FY 2003 and each fiscal year thereafter, sixteen
21 and five-tenths percent (16.5%) shall be paid to the
22 State Treasurer to be placed to the credit of the
23 Education Reform Revolving Fund of the State
24 Department of Education,

c. the following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 and each fiscal year thereafter	5.0%

d. for FY 2003 and each fiscal year thereafter, one percent (1%) shall be placed to the credit of the Ad Valorem Reimbursement Fund; ~~and~~

3. During the first fiscal year after the State Board of Equalization has made a determination as provided in Section 2355.1B of this title, regarding a baseline amount of revenue apportioned pursuant to subparagraph c of paragraph 1 of this section, and for each fiscal year thereafter, in no event shall monies apportioned pursuant to subparagraph c of paragraph 1 of this section, paragraph 3 of Section 1353 of this title and paragraph 3 of Section 1403 of this title be less than such baseline amount; and

4. One-half of any amount in excess of the amount so apportioned in fiscal year 2010 shall be apportioned to the Federal Impact Aid Revolving Fund created in Section 4 of this act.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5004.2 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created in the State Treasury a revolving
5 fund for the Oklahoma Department of Commerce to be designated the
6 "Federal Impact Aid Revolving Fund". The fund shall be a continuing
7 fund, not subject to fiscal year limitations, and shall consist of
8 all monies received by the Department as provided in Section 1104 of
9 Title 47 and Sections 1353 and 2352 of Title 68 of the Oklahoma
10 Statutes. All monies accruing to the credit of the fund are hereby
11 appropriated and may be budgeted and expended by the Department as
12 provided in subsection B of this section. Expenditures from the
13 fund shall be made upon warrants issued by the State Treasurer
14 against claims filed as prescribed by law with the Director of State
15 Finance for approval and payment.

16 B. Funds in the Federal Impact Aid Revolving Fund shall be
17 returned on a pro rata basis to county treasurers of counties in
18 which federal military installations are located. The Director of
19 the Department of Commerce shall annually determine which counties
20 are eligible to receive such funds and the amount to be returned to
21 each. Once such funds are returned to the county treasurer, fifty
22 percent (50%) shall be further distributed to school districts in
23 the county in the same proportion that ad valorem revenues are
24 distributed. Fifty percent (50%) shall be allocated to municipal

1 governments of municipalities located in the county and to the
2 county general fund in proportions to be determined by a joint
3 municipal and county federal impact aid committee. Such committee
4 shall consist of five (5) members which shall include a
5 representative of the largest municipality in the county, a designee
6 of the board of county commissioners, a designee of the Governor who
7 shall be a private citizen residing in the county, a designee of the
8 cabinet secretary with responsibility for the Oklahoma Department of
9 Commerce who shall be a private citizen residing in the county and
10 who has economic development experience, and a designee of the
11 Oklahoma Municipal League who shall be a representative of a
12 municipality in the county other than the largest.

13 SECTION 5. This act shall become effective July 1, 2010.

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

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