

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2249

6 By: Shannon, Lockhart and
7 Murphey of the House

8 and

9 Marlatt and Stanislawski of
10 the Senate

11 [motor vehicles - motor vehicle collections -
12 apportionments - effective date - emergency]

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1104, is
15 amended to read as follows:

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

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

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

1 b. for the year beginning July 1, 2001, and ending June
2 30, 2002, thirty-five and ninety-one one-hundredths
3 percent (35.91%), and

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

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

10 a. except as otherwise provided in this subparagraph,
11 each district shall receive the same amount of funds
12 as such district received from the taxes and fees
13 provided in this title in the corresponding month of
14 the preceding year. Any district eligible for funds
15 pursuant to the provisions of this section that was
16 not eligible the preceding year shall receive an
17 amount equal to the average daily attendance of the
18 applicable year multiplied by the average daily
19 attendance apportionment within such county for each
20 appropriate month. For fiscal year 1995 and
21 thereafter, any district which received less than
22 twenty-five percent (25%) of the average apportionment
23 of the monies made to school districts in this state
24 based on average daily attendance in fiscal year 1995

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

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

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

21 No district shall be eligible for the funds herein provided
22 unless the district makes an ad valorem tax levy of fifteen (15)
23 mills and maintains nine (9) years of instruction and pursuant to
24

1 the rules of the State Board of Education, is authorized to maintain
2 ten (10) years of instruction.

3 C. 1. The following percentages of the monies referred to in
4 subsection A of this section shall be remitted to the State
5 Treasurer to be credited to the General Revenue Fund of the State
6 Treasury:

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

9 b. for the year beginning July 1, 2001, and ending June
10 30, 2002, forty-five and twenty-nine one-hundredths
11 percent (45.29%),

12 c. for the year beginning July 1, 2002, and for the
13 subsequent fiscal years ending June 30, 2007, forty-
14 four and eighty-four one-hundredths percent (44.84%),

15 d. for the year beginning July 1, 2007, and ending June
16 30, 2008, thirty-nine and eighty-four one-hundredths
17 percent (39.84%),

18 e. for the year beginning July 1, 2008, and ending June
19 30, 2009, thirty-four and eighty-four one-hundredths
20 percent (34.84%), and

21 f. for the ~~year~~ years beginning July 1, 2009, and ~~all~~
22 ~~subsequent years~~ ending June 30, 2012, twenty-nine and
23 eighty-four one-hundredths percent (29.84%),
24

- 1 g. for the year beginning July 1, 2012, and ending June
2 30, 2013, twenty-eight and eighty-four one-hundredths
3 percent (28.84%),
- 4 h. for the year beginning July 1, 2013, and ending June
5 30, 2014, twenty-six and eighty-four one-hundredths
6 percent (26.84%), and
- 7 i. for the year beginning July 1, 2014, and all
8 subsequent years, twenty-four and eighty-four one-
9 hundredths percent (24.84%).

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

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

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

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

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

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

1 b. for the year beginning July 1, 2001, and ending June
2 30, 2002, seven and eighteen one-hundredths percent
3 (7.18%), and

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

7 2. The monies apportioned pursuant to subparagraphs a through c
8 of paragraph 1 of this subsection shall be apportioned as follows:
9 forty percent (40%) of such sum shall be distributed to the various
10 counties in that proportion which the county road mileage of each
11 county bears to the entire state road mileage as certified by the
12 Transportation Commission and the remaining sixty percent (60%) of
13 such sum shall be distributed to the various counties on the basis
14 which the population and area of each county bears to the total
15 population and area of the state. The population shall be as shown
16 by the last Federal Census or the most recent annual estimate
17 provided by the United States Bureau of the Census. The funds shall
18 be used for the purpose of constructing and maintaining county
19 highways, provided, however, the county treasurer may deposit so
20 much of the funds in the sinking fund as may be necessary for the
21 retirement of interest and annual accrual of indebtedness created by
22 the issuance of county or township bonds for road purposes. Such
23 deposits to the sinking fund shall not exceed forty percent (40%) of
24 the funds allocated to a county pursuant to this paragraph.

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

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

8 b. for the year beginning July 1, 2001, and ending June
9 30, 2002, two and fifty-six one-hundredths percent
10 (2.56%), and

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

14 2. The monies apportioned pursuant to subparagraphs a through c
15 of paragraph 1 of this subsection shall be used for the primary
16 purpose of matching federal funds for the construction of federal
17 aid projects on county roads, or constructing and maintaining county
18 or township highways and permanent bridges of such counties. The
19 distribution of monies apportioned by this paragraph shall be made
20 upon the basis of the current formula based upon road mileage, area
21 and population as related to county road improvement and maintenance
22 costs. Provided, however, the Department of Transportation may
23 update the formula factors from time to time as necessary to account
24 for changing conditions.

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

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

7 b. for the year beginning July 1, 2001, and ending June
8 30, 2002, three and fifty-nine one-hundredths percent
9 (3.59%), and

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

13 2. The monies apportioned pursuant to subparagraphs a through c
14 of paragraph 1 of this subsection shall be transmitted to the
15 various counties on the basis of a formula to be developed by the
16 Department of Transportation. Such formula shall be similar to that
17 currently used for the distribution of County Bridge Program Funds,
18 but also taking into consideration the effect of terrain and traffic
19 volume as related to county road improvement and maintenance costs.
20 Provided, however, the Department of Transportation may update the
21 formula factors from time to time as necessary to account for
22 changing conditions. The funds shall be transmitted to the various
23 county treasurers to be deposited in the county highway fund of
24 their respective counties.

1 H. 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 subsection:

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

6 b. for the year beginning July 1, 2001, and ending June
7 30, 2002, eighty-two one-hundredths percent (0.82%),
8 and

9 c. for the year beginning July 1, 2002, and all
10 subsequent years, eighty-three one-hundredths percent
11 (0.83%).

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 counties as follows:

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

18 b. any funds remaining unallocated following the
19 allocation provided in subparagraph a of this
20 paragraph shall be apportioned to the various counties
21 based upon the proportion that each county's
22 population bears to the total state population.

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

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

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

10 b. for the year beginning July 1, 2001, and ending June
11 30, 2002, three and eight one-hundredths percent
12 (3.08%), and

13 c. for the year beginning July 1, 2002, and all
14 subsequent years, three and ten one-hundredths percent
15 (3.10%).

16 2. The monies apportioned pursuant to subparagraphs a through c
17 of paragraph 1 of this subsection shall be apportioned to the
18 various cities and incorporated towns based upon the proportion that
19 each city or incorporated town's population bears to the total
20 population of all cities and incorporated towns in the state. Such
21 funds shall be remitted to the various county treasurers for
22 allocation to the various cities and incorporated towns. All such
23 funds shall be used for the construction, maintenance, repair,
24 improvement and lighting of streets and alleys. Provided, however,

1 the governing board of any city or town may, with the approval of
2 the county excise board, transfer any surplus funds to the general
3 revenue fund of such city or town whenever an emergency requires
4 such a transfer.

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

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

11 2. For the year beginning July 1, 2001, and ending June 30,
12 2002, one and twenty-three one-hundredths percent (1.23%); and

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

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

21 L. 1. For the year beginning July 1, 2007, and ending June 30,
22 2008, five percent (5%) of monies referred to in subsection A of
23 this section shall be remitted to the State Treasurer to be credited
24

1 to the County Improvements for Roads and Bridges Fund as created in
2 Section 7 507 of ~~this act~~ Title 69 of the Oklahoma Statutes.

3 2. For the year beginning July 1, 2008, and ending June 30,
4 2009, ten percent (10%) of monies referred to in subsection A of
5 this section shall be remitted to the State Treasurer to be credited
6 to the County Improvements for Roads and Bridges Fund as created in
7 Section 7 507 of ~~this act~~ Title 69 of the Oklahoma Statutes.

8 3. For the ~~year~~ years beginning July 1, 2009, and ~~all~~
9 ~~subsequent years~~ ending June 30, 2012, fifteen percent (15%) of
10 monies referred to in subsection A of this section shall be remitted
11 to the State Treasurer to be credited to the County Improvements for
12 Roads and Bridges Fund as created in Section 7 507 of ~~this act~~ Title
13 69 of the Oklahoma Statutes.

14 4. For the year beginning July 1, 2012, and ending June 30,
15 2013, sixteen percent (16%) of monies referred to in subsection A of
16 this section shall be remitted to the State Treasurer to be credited
17 to the County Improvements for Roads and Bridges Fund as created in
18 Section 507 of Title 69 of the Oklahoma Statutes.

19 5. For the year beginning July 1, 2013, and ending June 30,
20 2014, eighteen percent (18%) of monies referred to in subsection A
21 of this section shall be remitted to the State Treasurer to be
22 credited to the County Improvements for Roads and Bridges Fund as
23 created in Section 507 of Title 69 of the Oklahoma Statutes.

1 6. For the year beginning July 1, 2014, and all subsequent
2 years, twenty percent (20%) 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 507 of Title 69 of the Oklahoma Statutes.

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

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

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

20 SECTION 2. This act shall become effective July 1, 2012.

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

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO
2 PASS, As Amended and Coauthored.

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