

1 **SENATE FLOOR VERSION**

2 February 28, 2012

3 As Amended

4 SENATE BILL NO. 1256

By: Stanislawski of the Senate

and

Cockroft of the House

5  
6  
7  
8 **[ bridge funding - apportionment of revenues related**  
9 **to motor vehicles - effective date -**  
10 **emergency ]**

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

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

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

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

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

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~~ July 1, 2010, and July 1, 2011,  
23 twenty-nine and eighty-four one-hundredths percent  
24 (29.84%),

- 1           g. for the year beginning July 1, 2012, twenty-eight and  
2           eighty-four one-hundredths percent (28.84%),  
3           h. for the year beginning July 1, 2013, twenty-seven and  
4           eighty-four one-hundredths percent (27.84%),  
5           i. for the year beginning July 1, 2014, twenty-six and  
6           eighty-four one-hundredths percent (26.84%),  
7           j. for the year beginning July 1, 2015, twenty-five and  
8           eighty-four one-hundredths percent (25.84%), and  
9           k. for the year beginning July 1, 2016, and all  
10           subsequent years, twenty-four and eighty-four one-  
11           hundredths percent (24.84%).

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

15           D. 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 State Transportation Fund:

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

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

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

- 1 a. from October 1, 2000, until June 30, 2001, seven and  
2 nine one-hundredths percent (7.09%),  
3 b. for the year beginning July 1, 2001, and ending June  
4 30, 2002, seven and eighteen one-hundredths percent  
5 (7.18%), and  
6 c. for the year beginning July 1, 2002, and all  
7 subsequent years, seven and twenty-four one-hundredths  
8 percent (7.24%).

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

1 deposits to the sinking fund shall not exceed forty percent (40%) of  
2 the funds allocated to a county pursuant to this paragraph.

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

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

10 b. for the year beginning July 1, 2001, and ending June  
11 30, 2002, two and fifty-six one-hundredths percent  
12 (2.56%), and

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

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

1 update the formula factors from time to time as necessary to account  
2 for changing conditions.

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

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

9 b. for the year beginning July 1, 2001, and ending June  
10 30, 2002, three and fifty-nine one-hundredths percent  
11 (3.59%), and

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

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

1 county treasurers to be deposited in the county highway fund of  
2 their respective counties.

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

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

8 b. for the year beginning July 1, 2001, and ending June  
9 30, 2002, eighty-two one-hundredths percent (0.82%),  
10 and

11 c. for the year beginning July 1, 2002, and all  
12 subsequent years, eighty-three one-hundredths percent  
13 (0.83%).

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

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

20 b. any funds remaining unallocated following the  
21 allocation provided in subparagraph a of this  
22 paragraph shall be apportioned to the various counties  
23 based upon the proportion that each county's  
24 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%)~~ (0.03%) of  
16 the monies referred to in subsection A of this section shall be  
17 remitted to the State Treasurer to be credited to the Wildlife  
18 Conservation Fund. Seventy-five percent (75%) of the funds shall be  
19 used for fish habitat restoration and twenty-five percent (25%) of  
20 the funds shall be used in the fish hatchery system for fish  
21 production.

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

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

14 M. The following percentages of the monies referred to in  
15 subsection A of this section shall be remitted to the State  
16 Treasurer to be credited to the High Priority State Bridge Revolving  
17 Fund created in Section 506 of Title 69 of the Oklahoma Statutes:

18 1. For the year beginning July 1, 2012, one percent (1%);

19 2. For the year beginning July 1, 2013, two percent (2%);

20 3. For the year beginning July 1, 2014, three percent (3%);

21 4. For the year beginning July 1, 2015, four percent (4%); and

22 5. For the year beginning July 1, 2016, and for all subsequent  
23 years, five percent (5%).

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

6        ~~N.~~ O. In no event shall the monies apportioned pursuant to  
7 subsections B, E, F, G, H, I ~~and~~, L and M of this section be less  
8 than the monies apportioned in the previous fiscal year.

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

15        SECTION 2.        AMENDATORY        69 O.S. 2011, Section 506, is  
16 amended to read as follows:

17        Section 506. A. There is hereby created in the State Treasury  
18 a revolving fund to be known as the "High Priority State Bridge  
19 Revolving Fund". The fund shall be a continuing fund, not subject  
20 to fiscal year limitations, and shall consist of all appropriations  
21 and transfers made by the Legislature and the apportionments made  
22 pursuant to Sections 500.6 and 500.7 of Title 68 of the Oklahoma  
23 Statutes and subsection M of Section 1104 of Title 47 of the  
24 Oklahoma Statutes. All monies accruing to the credit of said fund

1 are hereby appropriated and may be budgeted and expended beginning  
2 with the fiscal year ending June 30, 2008, and each fiscal year  
3 thereafter pursuant to subsection B of this section. Expenditures  
4 from said fund shall be made upon warrants issued by the State  
5 Treasurer against claims filed as prescribed by law with the  
6 Director of State Finance for approval and payment.

7 B. The funds shall be used for the sole purpose of construction  
8 or reconstruction of bridges on the state highway system that are of  
9 the highest priority as defined by the Transportation Commission.  
10 The fund shall be invested in whatever instruments are authorized by  
11 law for investments by the State Treasurer and the interest earned  
12 by any investment of monies from the fund shall be credited to the  
13 fund which shall earn the same, if there is any unexpended balance  
14 of such fund to which to credit the interest.

15 SECTION 3. This act shall become effective July 1, 2012.

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-12 - DO  
21 PASS, As Amended and Coauthored.

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