

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 3057

By: Steele

4  
5  
6 AS INTRODUCED

7 An Act relating to transportation funding; amending  
8 47 O.S. 2011, Section 1104, which relates to motor  
9 vehicle collections; modifying amount of certain  
10 apportionments; amending 69 O.S. 2011, Section 1521,  
11 which relates to the Rebuilding Oklahoma Access and  
12 Driver Safety Fund; increasing certain apportionment;  
13 raising cap on fund; providing an effective date; and  
14 declaring an emergency.

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

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

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

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

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

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

- a. except as otherwise provided in this subparagraph, each district shall receive the same amount of funds as such district received from the taxes and fees provided in this title in the corresponding month of the preceding year. Any district eligible for funds pursuant to the provisions of this section that was not eligible the preceding year shall receive an amount equal to the average daily attendance of the applicable year multiplied by the average daily attendance apportionment within such county for each appropriate month. For fiscal year 1995 and thereafter, any district which received less than twenty-five percent (25%) of the average apportionment

1 of the monies made to school districts in this state  
2 based on average daily attendance in fiscal year 1995  
3 shall receive an amount equal to the average daily  
4 attendance in the 1994-1995 school year multiplied by  
5 the average daily attendance apportionment within the  
6 county in which the district is located for each  
7 appropriate month, and

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

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

23 No district shall be eligible for the funds herein provided  
24 unless the district makes an ad valorem tax levy of fifteen (15)

1 mills and maintains nine (9) years of instruction and pursuant to  
2 the rules of the State Board of Education, is authorized to maintain  
3 ten (10) years of instruction.

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

- 8 a. from October 1, 2000, until June 30, 2001, forty-five  
9 and ninety-seven one-hundredths percent (45.97%),
- 10 b. for the year beginning July 1, 2001, and ending June  
11 30, 2002, forty-five and twenty-nine one-hundredths  
12 percent (45.29%),
- 13 c. for the year beginning July 1, 2002, and for the  
14 subsequent fiscal years ending June 30, 2007, forty-  
15 four and eighty-four one-hundredths percent (44.84%),
- 16 d. for the year beginning July 1, 2007, and ending June  
17 30, 2008, thirty-nine and eighty-four one-hundredths  
18 percent (39.84%),
- 19 e. for the year beginning July 1, 2008, and ending June  
20 30, 2009, thirty-four and eighty-four one-hundredths  
21 percent (34.84%), and
- 22 f. for the ~~year~~ years beginning July 1, 2009, and ~~all~~  
23 ~~subsequent years~~ ending June 30, 2012, twenty-nine and  
24 eighty-four one-hundredths percent (29.84%), and

1           g. for the year beginning July 1, 2012, and all  
2           subsequent years, twenty-four and eighty-four one-  
3           hundredths percent (24.84%).

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

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

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

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

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

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

19           b. for the year beginning July 1, 2001, and ending June  
20           30, 2002, seven and eighteen one-hundredths percent  
21           (7.18%), and

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

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

19           F. 1. The following percentages of the monies referred to in  
20 subsection A of this section shall be remitted to the county  
21 treasurers of the respective counties and by them deposited in a  
22 separate special revenue fund to be used by the county commissioners  
23 in accordance with paragraph 2 of this subsection:  
24

- 1           a.    from October 1, 2000, until June 30, 2001, two and  
2                    fifty-three one-hundredths percent (2.53%),  
3           b.    for the year beginning July 1, 2001, and ending June  
4                    30, 2002, two and fifty-six one-hundredths percent  
5                    (2.56%), and  
6           c.    for the year beginning July 1, 2002, and all  
7                    subsequent years, two and fifty-nine one-hundredths  
8                    percent (2.59%).

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

20           G. 1. The following percentages of the monies referred to in  
21           subsection A of this section shall be transmitted by the Tax  
22           Commission to the various counties as set forth in paragraph 2 of  
23           this subsection:  
24

- 1           a.    from October 1, 2000, until June 30, 2001, three and  
2                    fifty-five one-hundredths percent (3.55%),  
3           b.    for the year beginning July 1, 2001, and ending June  
4                    30, 2002, three and fifty-nine one-hundredths percent  
5                    (3.59%), and  
6           c.    for the year beginning July 1, 2002, and all  
7                    subsequent years, three and sixty-two one-hundredths  
8                    percent (3.62%).

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

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

- 1           a.    from October 1, 2000, until June 30, 2001, eighty-one  
2                    one-hundredths percent (0.81%),  
3           b.    for the year beginning July 1, 2001, and ending June  
4                    30, 2002, eighty-two one-hundredths percent (0.82%),  
5                    and  
6           c.    for the year beginning July 1, 2002, and all  
7                    subsequent years, eighty-three one-hundredths percent  
8                    (0.83%).

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

- 12           a.    each county shall receive the same amount of funds as  
13                    such county received from the taxes and fees provided  
14                    for in the 1985 fiscal year, and  
15           b.    any funds remaining unallocated following the  
16                    allocation provided in subparagraph a of this  
17                    paragraph shall be apportioned to the various counties  
18                    based upon the proportion that each county's  
19                    population bears to the total state population.

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

23           I.    1.    The following percentages of the monies referred to in  
24 subsection A of this section shall be apportioned to the various

1 cities and incorporated towns as set forth in paragraph 2 of this  
2 subsection:

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

5 b. for the year beginning July 1, 2001, and ending June  
6 30, 2002, three and eight one-hundredths percent  
7 (3.08%), and

8 c. for the year beginning July 1, 2002, and all  
9 subsequent years, three and ten one-hundredths percent  
10 (3.10%).

11 2. The monies apportioned pursuant to subparagraphs a through c  
12 of paragraph 1 of this subsection shall be apportioned to the  
13 various cities and incorporated towns based upon the proportion that  
14 each city or incorporated town's population bears to the total  
15 population of all cities and incorporated towns in the state. Such  
16 funds shall be remitted to the various county treasurers for  
17 allocation to the various cities and incorporated towns. All such  
18 funds shall be used for the construction, maintenance, repair,  
19 improvement and lighting of streets and alleys. Provided, however,  
20 the governing board of any city or town may, with the approval of  
21 the county excise board, transfer any surplus funds to the general  
22 revenue fund of such city or town whenever an emergency requires  
23 such a transfer.

24

1 J. The following percentages of the monies referred to in  
2 subsection A of this section shall be remitted to the State  
3 Treasurer to be credited to the Oklahoma Law Enforcement Retirement  
4 Fund:

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

7 2. For the year beginning July 1, 2001, and ending June 30,  
8 2002, one and twenty-three one-hundredths percent (1.23%); and

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

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

17 L. 1. For the year beginning July 1, 2007, and ending June 30,  
18 2008, five percent (5%) of monies referred to in subsection A of  
19 this section shall be remitted to the State Treasurer to be credited  
20 to the County Improvements for Roads and Bridges Fund as created in  
21 Section 7 507 of ~~this act~~ Title 69 of the Oklahoma Statutes.

22 2. For the year beginning July 1, 2008, and ending June 30,  
23 2009, ten percent (10%) 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 3. For the ~~year~~ years beginning July 1, 2009, and ~~all~~  
4 ~~subsequent years~~ ending June 30, 2012, fifteen percent (15%) of  
5 monies referred to in subsection A of this section shall be remitted  
6 to the State Treasurer to be credited to the County Improvements for  
7 Roads and Bridges Fund as created in Section 7 507 of ~~this act~~ Title  
8 69 of the Oklahoma Statutes.

9 4. For the year beginning July 1, 2012, and all subsequent  
10 years, twenty percent (20%) of monies referred to in subsection A of  
11 this section shall be remitted to the State Treasurer to be credited  
12 to the County Improvements for Roads and Bridges Fund as created in  
13 Section 507 of Title 69 of the Oklahoma Statutes.

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

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

22 O. Notwithstanding any other provisions of this section, for  
23 the fiscal year beginning July 1, 2003, the first One Hundred  
24 Thousand Dollars (\$100,000.00) of the monies collected or received

1 by the Tax Commission pursuant to the registration of motorcycles  
2 and mopeds in this state shall be placed to the credit of the  
3 Oklahoma Tax Commission Revolving Fund.

4 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1521, is  
5 amended to read as follows:

6 Section 1521. A. There is hereby created in the State Treasury  
7 a fund to be known as the "Rebuilding Oklahoma Access and Driver  
8 Safety Fund". The fund shall be a continuing fund, not subject to  
9 fiscal year limitations, and shall consist of all appropriations and  
10 transfers made by the Legislature. All monies accruing to the  
11 credit of the fund are hereby appropriated and may be budgeted and  
12 expended each fiscal year by the Department of Transportation for  
13 the purposes authorized by subsection G of this section.  
14 Expenditures from the fund shall be made upon warrants issued by the  
15 State Treasurer against claims filed as prescribed by law with the  
16 Director of the Office of State Finance for approval and payment.

17 B. There shall be apportioned to the funds specified in this  
18 subsection from the monies that would otherwise be apportioned to  
19 the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma  
20 Statutes from the revenues derived pursuant to subsections A, B and  
21 E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as  
22 follows:

23 1. For each fiscal year, subject to the provisions of paragraph  
24 3 of this subsection, and, except for the amount prescribed by

1 subparagraph a of this paragraph, subject to any reductions required  
2 by subsection F of this section, there shall be apportioned to the  
3 Rebuilding Oklahoma Access and Driver Safety Fund:

4 a. for the fiscal year beginning July 1, 2011, the first  
5 Thirty-five Million Seven Hundred Thousand Dollars  
6 (\$35,700,000.00) and for the fiscal year beginning  
7 July 1, 2012, and for each fiscal year thereafter, the  
8 first ~~Forty-one Million Seven Hundred Thousand Dollars~~  
9 ~~(\$41,700,000.00)~~ Fifty-six Million Seven Hundred  
10 Thousand Dollars (\$56,700,000.00), which shall be  
11 allocated and used by the Department of Transportation  
12 first for the purpose of making any required payments  
13 for principal, interest or other costs of borrowing  
14 with respect to the obligations issued pursuant to  
15 Section 341 of Title 73 of the Oklahoma Statutes and  
16 after any such required payment has been made then for  
17 the purposes otherwise authorized by this section,  
18 plus

19 b. the total amount apportioned to the Rebuilding  
20 Oklahoma Access and Driver Safety Fund for the  
21 preceding fiscal year which, except for the amount  
22 prescribed by subparagraph a of this paragraph, shall  
23 be apportioned before any other amount is apportioned  
24

1           pursuant to Section 2352 of Title 68 of the Oklahoma  
2           Statutes, plus

3           c.    an additional incremental amount which shall not be in  
4           excess of the amount prescribed by subparagraph a of  
5           this paragraph and that is required in order for the  
6           total apportionment for such fiscal year to equal ~~Four~~  
7           ~~Hundred Thirty-five Million Dollars (\$435,000,000.00),~~  
8           ~~and~~ Five Hundred Fifty Million Dollars  
9           (\$550,000,000.00).

10          ~~d.~~   all

11 All amounts apportioned pursuant to this paragraph shall be divided  
12 into twelve equal amounts to be apportioned each month during the  
13 fiscal year except the amount specified in subparagraph a of this  
14 paragraph which amount shall be allocated in its full amount in cash  
15 not later than July 30 each year or such later date as may be  
16 required in order for the amount to be allocated in cash;

17          2.   For each fiscal year after the apportionments required by  
18 paragraph 1 of this subsection have been made:

19          a.   the next Two Million Dollars (\$2,000,000.00) shall be  
20               apportioned to the Oklahoma Tourism and Passenger Rail  
21               Revolving Fund created pursuant to Section 325 of  
22               Title 66 of the Oklahoma Statutes to be used for  
23               capital and operating costs for the "Heartland Flyer"  
24               rail project, and

1           b.    the next Three Million Dollars (\$3,000,000.00) shall  
2                    be apportioned to the Public Transit Revolving Fund  
3                    created pursuant to Section 4031 of this title to be  
4                    used for purposes authorized by law other than the  
5                    purpose described by subparagraph a of this paragraph,  
6                    and.

7           c.    all

8 All amounts apportioned pursuant to this paragraph shall be divided  
9 into twelve equal amounts to be apportioned each month during the  
10 fiscal year; and

11           3.    For each fiscal year after the first fiscal year in which  
12 the total apportionment to the Rebuilding Oklahoma Access and Driver  
13 Safety Fund as provided by paragraph 1 of this subsection equals  
14 ~~Four Hundred Thirty-five Million Dollars (\$435,000,000.00)~~ Five  
15 Hundred Fifty Million Dollars (\$550,000,000.00), the first ~~Four~~  
16 ~~Hundred Thirty-five Million Dollars (\$435,000,000.00)~~ Five Hundred  
17 Fifty Million Dollars (\$550,000,000.00) collected pursuant to  
18 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma  
19 Statutes and apportioned pursuant to Section 2352 of Title 68 of the  
20 Oklahoma Statutes that would otherwise be apportioned to the General  
21 Revenue Fund shall be apportioned to the Rebuilding Oklahoma Access  
22 and Driver Safety Fund. With the exception of the amount prescribed  
23 by subparagraph a of paragraph 1 of this subsection, all amounts

1 apportioned pursuant to this paragraph shall be divided into twelve  
2 equal amounts to be apportioned each month during the fiscal year.

3 C. The apportionments of revenues required by subparagraphs a,  
4 b and c of paragraph 1 of subsection B of this section shall be made  
5 until the total annual apportionment to the Rebuilding Oklahoma  
6 Access and Driver Safety Fund equals ~~Four Hundred Thirty-five~~  
7 ~~Million Dollars (\$435,000,000.00)~~ Five Hundred Fifty Million Dollars  
8 (\$550,000.000.00). After such annual apportionment level is  
9 reached, the apportionment to the fund shall be governed by the  
10 provisions of paragraph 3 of subsection B of this section.

11 D. The monies apportioned to the Rebuilding Oklahoma Access and  
12 Driver Safety Fund shall not be used to supplant or replace existing  
13 state funds used for transportation purposes.

14 E. In order to ensure that the funds from the ROADS Fund are  
15 used to enhance and not supplant state funding for the Department of  
16 Transportation, the State Board of Equalization shall examine and  
17 investigate expenditures from the fund each year. For purposes of  
18 this examination, monies used to retire outstanding debt obligations  
19 for which the Department of Transportation is responsible shall be  
20 excluded. At the meeting of the State Board of Equalization held  
21 within five (5) days after the monthly apportionment in February of  
22 each year, the State Board of Equalization shall issue a finding and  
23 report which shall state whether expenditures from the ROADS Fund  
24 were used to enhance or supplant state funding for the Department of

1 Transportation. If the State Board of Equalization finds that state  
2 funding for the Department of Transportation was supplanted by funds  
3 from the ROADS Fund, the Board shall specify the amount by which  
4 such funding was supplanted. In this event, the Legislature shall  
5 not make any appropriations for the ensuing fiscal year until an  
6 appropriation in that amount is made to replenish state funding for  
7 the Department of Transportation.

8 F. In the event that the Director of the Office of State  
9 Finance declares a General Revenue Fund revenue failure pursuant to  
10 Section ~~41.9~~ 34.49 of Title 62 of the Oklahoma Statutes, and agency  
11 allocations are reduced pursuant to the provisions of Section ~~41.9~~  
12 34.49 of Title 62 of the Oklahoma Statutes, the amounts that would  
13 otherwise be apportioned to the ROADS Fund by:

14 1. Subparagraph a of paragraph 1 of subsection B of this  
15 section, only to the extent that the amount is not required for debt  
16 service related to the obligations authorized pursuant to Section  
17 341 of Title 73 of the Oklahoma Statutes;

18 2. Subparagraphs b and c of paragraph 1 of subsection B of this  
19 section; and

20 3. Subparagraphs a and b of paragraph 2 of subsection B of this  
21 section,  
22 shall be reduced by a percentage equal to that required of the  
23 General Revenue Fund appropriations to state agencies and such  
24 reductions shall occur during the entire fiscal year and for any

1 month during which such reductions are required by the Office of  
2 State Finance and by the same percentage as that required of the  
3 agencies for such General Revenue Fund appropriations.

4 G. The Department of Transportation shall use the monies in the  
5 Rebuilding Oklahoma Access and Driver Safety Fund for:

6 1. The construction and maintenance of state roads, bridges and  
7 highways;

8 2. The direct expenses of operating and maintaining the state  
9 highway system, including bridges;

10 3. Direct expenses incurred in constructing, repairing, and  
11 maintaining state highways, farm-to-market roads, county highways  
12 and bridges as authorized by law;

13 4. Matching federal funds;

14 5. The purchase of materials, tools, machinery, motor vehicles,  
15 and equipment necessary or convenient for the construction and  
16 maintenance of the state highway system and bridges;

17 6. Debt service incurred prior to January 1, 2006, for Capital  
18 Improvement Program bonds sold pursuant to Section 2001 of this  
19 title; and

20 7. Debt service incurred on or after July 1, 2009, with respect  
21 to obligations authorized to be issued pursuant to Section 341 of  
22 Title 73 of the Oklahoma Statutes.

23 H. From the monies allocated pursuant to the provisions of  
24 subparagraph a of paragraph 1 of subsection B of this section each

1 fiscal year, the Department of Transportation shall make payments  
2 required for the payment of principal, interest and other costs  
3 related to the obligations issued by the Oklahoma Capitol  
4 Improvement Authority as authorized by Section 341 of Title 73 of  
5 the Oklahoma Statutes and such payments shall be made by the  
6 Department each fiscal year before such monies are used for any  
7 other purpose.

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

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

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14 53-2-9164 CJB 01/18/12

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