

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1256

By: Stanislawski

4
5
6 AS INTRODUCED

7 An Act relating to bridge funding; amending 47 O.S.
8 2011, Section 1104, which relates to apportionment of
9 revenues related to motor vehicles; modifying
10 apportionment of certain revenues; deleting obsolete
11 language; amending 69 O.S. 2011, Section 506, which
12 relates to the High Priority State Bridge Revolving
13 Fund; directing certain revenues to Fund; providing an
14 effective date; and 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~~ July 1, 2010, and July 1, 2011,

24

1 twenty-nine and eighty-four one-hundredths percent
2 (29.84%),

3 g. for the year beginning July 1, 2012, twenty-eight and
4 eighty-four one-hundredths percent (28.84%),

5 h. for the year beginning July 1, 2013, twenty-seven and
6 eighty-four one-hundredths percent (27.84%),

7 i. for the year beginning July 1, 2014, twenty-six and
8 eighty-four one-hundredths percent (26.84%),

9 j. for the year beginning July 1, 2015, twenty-five and
10 eighty-four one-hundredths percent (25.84%), and

11 k. for the year beginning July 1, 2016, and all
12 subsequent years, twenty-four and eighty-four one-
13 hundredths percent (24.84%).

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

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

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

22 2. For the year beginning July 1, 2001, and all subsequent
23 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%)~~ (0.03%) of
19 the monies referred to in subsection A of this section shall be
20 remitted to the State Treasurer to be credited to the Wildlife
21 Conservation Fund. Seventy-five percent (75%) of the funds shall be
22 used for fish habitat restoration and twenty-five percent (25%) of
23 the funds shall be used in the fish hatchery system for fish
24 production.

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 7 507 of ~~this act~~ Title 69 of the Oklahoma Statutes.

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 7 507 of ~~this act~~ Title 69 of the Oklahoma Statutes.

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 7 507 of ~~this act~~ Title 69 of the Oklahoma
16 Statutes.

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

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

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

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

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

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

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

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

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

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

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

1 Statutes and subsection M of Section 1104 of Title 47 of the
2 Oklahoma Statutes. All monies accruing to the credit of said fund
3 are hereby appropriated and may be budgeted and expended beginning
4 with the fiscal year ending June 30, 2008, and each fiscal year
5 thereafter pursuant to subsection B of this section. Expenditures
6 from said fund shall be made upon warrants issued by the State
7 Treasurer against claims filed as prescribed by law with the
8 Director of State Finance for approval and payment.

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

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

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

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