

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1300

By: Standridge

4
5
6 AS INTRODUCED

7 An Act relating to apportionment of tax revenue;
8 amending 47 O.S. 2011, Section 1104, as last amended
9 by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp.
10 2015, Section 1104), which relates to apportionment
11 of motor vehicle taxes and fees; limiting specified
12 amounts apportioned on or after certain date;
13 providing for deposit of funds in excess of limit;
14 amending 68 O.S. 2011, Sections 302-5, 402-3, 500.6,
15 as amended by Section 4, Chapter 375, O.S.L. 2013,
16 500.7, 1004, as last amended by Section 3, Chapter
17 346, O.S.L. 2014, 1353, as last amended by Section 1,
18 Chapter 349, O.S.L. 2015 and 2352, as last amended by
19 Section 1, Chapter 253, O.S.L. 2013 (68 O.S. Supp.
20 2015, Sections 500.6, 1004, 1353 and 2352), which
21 relate to apportionment of cigarette, tobacco
22 products, gasoline, diesel, gross production, sales
23 and income taxes; limiting specified amounts
24 apportioned on or after certain date; providing for
deposit of funds in excess of limit; providing
exceptions; updating references; providing an
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1104, as
last amended by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp.
2015, Section 1104), is amended to read as follows:

1 Section 1104. A. Unless otherwise provided by law and except
2 as provided in subsection O of this section, all fees, taxes and
3 penalties collected or received pursuant to the Oklahoma Vehicle
4 License and Registration Act or Section 1-101 et seq. of this title
5 shall be apportioned and distributed monthly by the Oklahoma Tax
6 Commission in accordance with this section.

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

- 10 a. from October 1, 2000, until June 30, 2001, thirty-five
11 and forty-six one-hundredths percent (35.46%),
12 b. for the year beginning July 1, 2001, and ending June
13 30, 2002, thirty-five and ninety-one one-hundredths
14 percent (35.91%),
15 c. for the year beginning July 1, 2002, through the year
16 ending on June 30, 2015, thirty-six and twenty one-
17 hundredths percent (36.20%), and
18 d. for the year beginning July 1, 2015, and all
19 subsequent years, thirty-six and twenty one-hundredths
20 percent (36.20%), but in no event shall the amount
21 apportioned in any fiscal year pursuant to this
22 subparagraph exceed the total amount apportioned for
23 the fiscal year ending on June 30, 2015. Any amounts
24

1 in excess of such limitation shall be placed to the
2 credit of the General Revenue Fund.

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

6 a. except as otherwise provided in this subparagraph,
7 each district shall receive the same amount of funds
8 as such district received from the taxes and fees
9 provided in this title in the corresponding month of
10 the preceding year. Any district eligible for funds
11 pursuant to the provisions of this section that was
12 not eligible the preceding year shall receive an
13 amount equal to the average daily attendance of the
14 applicable year multiplied by the average daily
15 attendance apportionment within such county for each
16 appropriate month. For fiscal year 1995 and
17 thereafter, any district which received less than
18 twenty-five percent (25%) of the average apportionment
19 of the monies made to school districts in this state
20 based on average daily attendance in fiscal year 1995
21 shall receive an amount equal to the average daily
22 attendance in the 1994-1995 school year multiplied by
23 the average daily attendance apportionment within the
24

1 county in which the district is located for each
2 appropriate month, and

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

15 Each district's allocation of funds shall be remitted to the
16 county treasurer of the county wherein the administrative
17 headquarters of the district are located.

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

23 C. The following percentages of the monies referred to in
24 subsection A of this section shall be remitted to the State

1 Treasurer to be credited to the General Revenue Fund of the State
2 Treasury:

3 1. From October 1, 2000, until June 30, 2001, forty-five and
4 ninety-seven one-hundredths percent (45.97%);

5 2. For the year beginning July 1, 2001, and ending June 30,
6 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

7 3. For the year beginning July 1, 2002, and for the subsequent
8 fiscal years ending June 30, 2007, forty-four and eighty-four one-
9 hundredths percent (44.84%);

10 4. For the year beginning July 1, 2007, and ending June 30,
11 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

12 5. For the year beginning July 1, 2008, and ending June 30,
13 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

14 6. For the period beginning July 1, 2009, and ending December
15 31, 2012, twenty-nine and eighty-four one-hundredths percent
16 (29.84%);

17 7. For the period beginning January 1, 2013, and ending June
18 30, 2013, twenty-nine and thirty-four one-hundredths percent
19 (29.34%);

20 8. For the year beginning July 1, 2013, and ending June 30,
21 2014, twenty-six and eighty-four one-hundredths percent (26.84%);
22 and

23 9. For the year beginning July 1, 2014, and all subsequent
24 years, twenty-four and eighty-four one-hundredths percent (24.84%).

1 D. 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 State Transportation Fund:

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

6 2. For the year beginning July 1, 2001, through the year ending
7 on June 30, 2015, thirty-one one-hundredths percent (0.31%); and

8 3. For the year beginning July 1, 2015, and all subsequent
9 years, thirty-one one-hundredths percent (0.31%), but in no event
10 shall the amount apportioned in any fiscal year pursuant to this
11 paragraph exceed the total amount apportioned for the fiscal year
12 ending on June 30, 2015. Any amounts in excess of such limitation
13 shall be placed to the credit of the General Revenue Fund.

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%),

22 c. for the year beginning July 1, 2002, through the year
23 ending on June 30, 2015, seven and twenty-four one-
24 hundredths percent (7.24%), and

1 d. for the year beginning July 1, 2015, and all
2 subsequent years, seven and twenty-four one-hundredths
3 percent (7.24%), but in no event shall the amount
4 apportioned in any fiscal year pursuant to this
5 subparagraph exceed the total amount apportioned for
6 the fiscal year ending on June 30, 2015. Any amounts
7 in excess of such limitation shall be placed to the
8 credit of the General Revenue Fund.

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%),

13 c. for the year beginning July 1, 2002, through the year
14 ending on June 30, 2015, two and fifty-nine one-
15 hundredths percent (2.59%), and

16 d. for the year beginning July 1, 2015, and all
17 subsequent years, two and fifty-nine one-hundredths
18 percent (2.59%), but in no event shall the amount
19 apportioned in any fiscal year pursuant to this
20 subparagraph exceed the total amount apportioned for
21 the fiscal year ending on June 30, 2015. Any amounts
22 in excess of such limitation shall be placed to the
23 credit of the General Revenue Fund.
24

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

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

- 16 a. from October 1, 2000, until June 30, 2001, three and
17 fifty-five one-hundredths percent (3.55%),
- 18 b. for the year beginning July 1, 2001, and ending June
19 30, 2002, three and fifty-nine one-hundredths percent
20 (3.59%),
- 21 c. for the year beginning July 1, 2002, through the year
22 ending on June 30, 2015, three and sixty-two one-
23 hundredths percent (3.62%), and
24

1 d. for the year beginning July 1, 2015, and all
2 subsequent years, three and sixty-two one-hundredths
3 percent (3.62%), but in no event shall the amount
4 apportioned in any fiscal year pursuant to this
5 subparagraph exceed the total amount apportioned for
6 the fiscal year ending on June 30, 2015. Any amounts
7 in excess of such limitation shall be placed to the
8 credit of the General Revenue Fund.

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 c. for the year beginning July 1, 2002, through the year
6 ending on June 30, 2015, eighty-three one-hundredths
7 percent (0.83%), and
- 8 d. for the year beginning July 1, 2015, and all
9 subsequent years, eighty-three one-hundredths percent
10 (0.83%), but in no event shall the amount apportioned
11 in any fiscal year pursuant to this subparagraph
12 exceed the total amount apportioned for the fiscal
13 year ending on June 30, 2015. Any amounts in excess
14 of such limitation shall be placed to the credit of
15 the General Revenue Fund.

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 counties as follows:

- 19 a. each county shall receive the same amount of funds as
20 such county received from the taxes and fees provided
21 for in the 1985 fiscal year, and
- 22 b. any funds remaining unallocated following the
23 allocation provided in subparagraph a of this
24 paragraph shall be apportioned to the various counties

1 based upon the proportion that each county's
2 population bears to the total state population.

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

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

- 10 a. from October 1, 2000, until June 30, 2001, three and
11 four one-hundredths percent (3.04%),
- 12 b. for the year beginning July 1, 2001, and ending June
13 30, 2002, three and eight one-hundredths percent
14 (3.08%),
- 15 c. for the year beginning July 1, 2002, through the year
16 ending on June 30, 2015, three and ten one-hundredths
17 percent (3.10%), and
- 18 d. for the year beginning July 1, 2015, and all
19 subsequent years, three and ten one-hundredths percent
20 (3.10%), but in no event shall the amount apportioned
21 in any fiscal year pursuant to this subparagraph
22 exceed the total amount apportioned for the fiscal
23 year ending on June 30, 2015. Any amounts in excess
24

1 of such limitation shall be placed to the credit of
2 the General Revenue Fund.

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

16 J. 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 Oklahoma Law Enforcement Retirement
19 Fund:

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

22 2. For the year beginning July 1, 2001, and ending June 30,
23 2002, one and twenty-three one-hundredths percent (1.23%); and
24

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

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

9 L. 1. For the year beginning July 1, 2007, and ending June 30,
10 2008, five percent (5%) 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 2. For the year beginning July 1, 2008, and ending June 30,
15 2009, ten percent (10%) 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 3. For the period beginning July 1, 2009, and ending December
20 31, 2012, fifteen percent (15%) of monies referred to in subsection
21 A 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 4. For the period beginning January 1, 2013, and ending June
2 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of
3 monies referred to in subsection A of this section shall be remitted
4 to the State Treasurer to be credited to the County Improvements for
5 Roads and Bridges Fund as created in Section 507 of Title 69 of the
6 Oklahoma Statutes.

7 5. For the year beginning July 1, 2013, and ending June 30,
8 2014, eighteen percent (18%) of monies referred to in subsection A
9 of this section shall be remitted to the State Treasurer to be
10 credited to the County Improvements for Roads and Bridges Fund as
11 created in Section 507 of Title 69 of the Oklahoma Statutes.

12 6. For the year beginning July 1, 2014, twenty percent (20%) of
13 monies referred to in subsection A of this section shall be remitted
14 to the State Treasurer to be credited to the County Improvements for
15 Roads and Bridges Fund as created in Section 507 of Title 69 of the
16 Oklahoma Statutes.

17 7. For the year beginning July 1, 2015, and all subsequent
18 years, twenty percent (20%) 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 507 of Title 69 of the Oklahoma Statutes, but in no event
22 shall the total amount apportioned in any fiscal year pursuant to
23 this paragraph exceed One Hundred Twenty Million Dollars
24 (\$120,000,000.00). Any amounts in excess of One Hundred Twenty

1 Million Dollars (\$120,000,000.00) shall be placed to the credit of
2 the General Revenue Fund.

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

14 O. In no event, for the fiscal year beginning on July 1, 2016,
15 and all subsequent fiscal years, shall the amounts apportioned
16 pursuant to subsections D through L of this section exceed the
17 amounts apportioned for the fiscal year ending on June 30, 2013.
18 Any amounts which exceed this limitation shall be placed to the
19 credit of the General Revenue Fund.

20 SECTION 2. AMENDATORY 68 O.S. 2011, Section 302-5, is
21 amended to read as follows:

22 Section 302-5. A. Effective January 1, 2005, in addition to
23 the tax levied in Sections 302, 302-1, 302-2, 302-3 and 302-4 of
24 this title, there is hereby levied upon the sale, use, gift,

1 possession, or consumption of cigarettes, as defined in Sections 301
2 through 325 of this title, within this state, a tax at the rate of
3 forty (40) mills per cigarette.

4 B. Except as provided in ~~subsection D~~ subsections D and G of
5 this section, the revenue resulting from the additional tax levied
6 in subsection A of this section shall be apportioned by the Oklahoma
7 Tax Commission and transmitted to the State Treasurer as follows:

8 1. Twenty-two and six-hundredths percent (22.06%) shall be
9 placed to the credit of the Health Employee and Economy Improvement
10 Act Revolving Fund created in Section 1010.1 of Title 56 of the
11 Oklahoma Statutes;

12 2. Three and nine-hundredths percent (3.09%) shall be placed to
13 the credit of the Comprehensive Cancer Center Debt Service Revolving
14 Fund created in Section 160.1 of Title 62 of the Oklahoma Statutes;

15 3. Before July 1, 2008, seven and fifty-hundredths percent
16 (7.50%) shall be placed to the credit of the Trauma Care Assistance
17 Revolving Fund created in Section 1-2530.9 of Title 63 of the
18 Oklahoma Statutes. On and after July 1, 2008, seven and fifty-
19 hundredths percent (7.50%) shall be allocated as follows:

20 a. every month, an amount equal to the actual amount
21 placed to the credit of the Trauma Care Assistance
22 Revolving Fund pursuant to this paragraph for the same
23 month of the 2008 fiscal year shall be credited to the
24 Trauma Care Assistance Revolving Fund,

1 b. every month, any amount over and above the amount
2 placed to the credit of the Trauma Care Assistance
3 Revolving Fund pursuant to subparagraph a of this
4 paragraph shall be credited to the Oklahoma Emergency
5 Response Systems Stabilization and Improvement
6 Revolving Fund as created in Section ~~§~~ 1-2512.1 of
7 ~~this act~~ Title 63 of the Oklahoma Statutes until the
8 combined amount credited to the Oklahoma Emergency
9 Response Systems Stabilization and Improvement
10 Revolving Fund pursuant to this section and Section
11 402-3 of this title is equal to a total of Two Million
12 Five Hundred Thousand Dollars (\$2,500,000.00) each
13 year, and

14 c. any additional revenue allocated pursuant to this
15 paragraph shall be placed to the credit of the Trauma
16 Care Assistance Revolving Fund;

17 4. Three and nine-hundredths percent (3.09%) shall be placed to
18 the credit of the Oklahoma State University College of Osteopathic
19 Medicine Revolving Fund created in Section 160.2 of Title 62 of the
20 Oklahoma Statutes;

21 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
22 shall be placed to the credit of the Oklahoma Health Care Authority
23 Medicaid Program Fund created in Section 5020 of Title 63 of the
24 Oklahoma Statutes for the purposes of maintaining programs and

1 services funded under the federal "Jobs and Growth Tax Relief
2 Reconciliation Act of 2003", reimbursing city/county-owned
3 hospitals, increasing emergency room physician rates, and providing
4 TEFRA 134, also known as "Katie Beckett" services;

5 6. Two and sixty-five-hundredths percent (2.65%) shall be
6 placed to the credit of the Department of Mental Health and
7 Substance Abuse Services Revolving Fund created in Section 2-303 of
8 Title 43A of the Oklahoma Statutes;

9 7. Forty-four-hundredths of one percent (0.44%) shall be placed
10 to the credit of the Belle Maxine Hilliard Breast and Cervical
11 Cancer Treatment Revolving Fund created in Section 1-559 of Title 63
12 of the Oklahoma Statutes;

13 8. One percent (1%) shall be placed to the credit of the
14 Teachers' Retirement System Revolving Fund created in Section 158 of
15 Title 62 of the Oklahoma Statutes;

16 9. Two and seven-hundredths percent (2.07%) shall be placed to
17 the credit of the Education Reform Revolving Fund created in Section
18 ~~41.29b~~ 34.89 of Title 62 of the Oklahoma Statutes;

19 10. Sixty-six-hundredths percent (0.66%) shall be placed to the
20 credit of the Tobacco Prevention and Cessation Revolving Fund
21 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

22 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
23 be placed to the credit of the General Revenue Fund; and
24

1 12. For fiscal years beginning July 1, 2004, and ending June
2 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
3 shall be apportioned to municipalities and counties that levy a
4 sales tax, in the proportions which total municipal and county sales
5 tax revenue was apportioned by the Tax Commission in the preceding
6 month.

7 For fiscal years beginning July 1, 2006, and thereafter, the
8 apportionment percentage specified in paragraph 12 of this
9 subsection will be adjusted by dividing the total municipal and
10 county sales tax revenue collected in the calendar year immediately
11 preceding the commencement of the fiscal year by the sum of the
12 state sales tax revenue and total municipal and county sales tax
13 revenue collected in the same year. This ratio shall be divided by
14 the ratio of the total municipal and county sales tax revenue
15 collected in the calendar year beginning January 1, 2004, and ending
16 December 31, 2004, divided by the sum of the state sales tax revenue
17 and total municipal and county sales tax revenue collected in the
18 same year. The resulting quotient shall be multiplied by fourteen
19 and twenty-three-hundredths percent (14.23%) to determine the
20 apportionment percentage for the fiscal year.

21 For fiscal years beginning July 1, 2006, and thereafter, any
22 adjustment to the percentage of revenues apportioned to
23 municipalities and counties shall be reflected in the percent of
24 revenues apportioned to the General Revenue Fund.

1 C. The tax shall be evidenced by tax stamps as now provided
2 for; however, as to cigarette packages of less than ten cigarettes
3 for free distribution as samples, the tax herein levied shall be
4 computed and paid as provided for other cigarette taxes without
5 affixing stamps on each such package.

6 D. The Except as provided in subsection G of this section, the
7 net amount of any revenue resulting from a payment in lieu of excise
8 taxes on cigarettes levied by this section, pursuant to a compact
9 with a federally recognized Indian tribe or nation after deductions
10 for deposits into trust accounts pursuant to such compacts, shall be
11 apportioned by the Tax Commission and transmitted to the State
12 Treasurer as follows:

13 1. Thirty-three and forty-nine-hundredths percent (33.49%)
14 shall be placed to the credit of the Health Employee and Economy
15 Improvement Act Revolving Fund created in Section 1010.1 of Title 56
16 of the Oklahoma Statutes;

17 2. Four and sixty-nine-hundredths percent (4.69%) shall be
18 placed to the credit of the Comprehensive Cancer Center Debt Service
19 Revolving Fund created in Section 160.1 of Title 62 of the Oklahoma
20 Statutes;

21 3. Before July 1, 2008, eleven and thirty-nine-hundredths
22 percent (11.39%) shall be placed to the credit of the Trauma Care
23 Assistance Revolving Fund created in Section ~~1-2522~~ 1-2530.9 of
24 Title 63 of the Oklahoma Statutes. On and after July 1, 2008,

1 eleven and thirty-nine-hundredths percent (11.39%) shall be
2 allocated as follows:

- 3 a. every month, an amount equal to the actual amount
4 placed to the credit of the Trauma Care Assistance
5 Revolving Fund pursuant to this paragraph for the same
6 month of the 2008 fiscal year shall be credited to the
7 Trauma Care Assistance Revolving Fund,
- 8 b. every month, any amount over and above the amount
9 placed to the credit of the Trauma Care Assistance
10 Revolving Fund pursuant to subparagraph a of this
11 paragraph shall be credited to the Oklahoma Emergency
12 Response Systems Stabilization and Improvement
13 Revolving Fund as created in Section ~~§~~ 1-2512.1 of
14 ~~this act~~ Title 63 of the Oklahoma Statutes until the
15 combined amount credited to the Oklahoma Emergency
16 Response Systems Stabilization and Improvement
17 Revolving Fund pursuant to this section and Section
18 402-3 of this title is equal to a total of Two Million
19 Five Hundred Thousand Dollars (\$2,500,000.00) each
20 year, and
- 21 c. any additional revenue allocated pursuant to this
22 paragraph shall be placed to the credit of the Trauma
23 Care Assistance Revolving Fund;
- 24

1 4. Four and sixty-nine-hundredths percent (4.69%) shall be
2 placed to the credit of the Oklahoma State University College of
3 Osteopathic Medicine Revolving Fund created in Section 160.2 of
4 Title 62 of the Oklahoma Statutes;

5 5. Forty and six-hundredths percent (40.06%) shall be placed to
6 the credit of the Oklahoma Health Care Authority Medicaid Program
7 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
8 for the purposes of maintaining programs and services funded under
9 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
10 reimbursing city/county-owned hospitals, increasing emergency room
11 physician rates, and providing TEFRA 134, also known as "Katie
12 Beckett" services;

13 6. Four and one-hundredths percent (4.01%) shall be placed to
14 the credit of the Department of Mental Health and Substance Abuse
15 Services Revolving Fund created in Section 2-303 of Title 43A of the
16 Oklahoma Statutes;

17 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
18 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
19 Treatment Revolving Fund created in Section 1-559 of Title 63 of the
20 Oklahoma Statutes; and

21 8. One percent (1%) shall be placed to the credit of the
22 Tobacco Prevention and Cessation Revolving Fund created in Section
23 1-105d of Title 63 of the Oklahoma Statutes.
24

1 E. No part of the revenues resulting from the additional taxes
2 levied in this section shall be used in determining the amount of
3 cigarette tax collections to be paid into:

4 1. The State of Oklahoma Building Bonds of 1961 Sinking Fund
5 pursuant to the provisions of Sections 57.31 through 57.43 of Title
6 62 of the Oklahoma Statutes;

7 2. The State of Oklahoma Institutional Building Bonds of 1965
8 Sinking Fund pursuant to the provisions of Sections 57.61 through
9 57.73 of Title 62 of the Oklahoma Statutes;

10 3. The State of Oklahoma Institutional Building Bonds of 1965
11 Sinking Fund Series C and Series D pursuant to Sections 57.81
12 through 57.112 of Title 62 of the Oklahoma Statutes;

13 4. The State of Oklahoma Building Bonds of 1968 Sinking Fund
14 pursuant to the provisions of Sections 57.121 through 57.193 of
15 Title 62 of the Oklahoma Statutes; or

16 5. The Oklahoma Building Bonds of 1992 Sinking Fund pursuant to
17 the provisions of Sections 57.300 through 57.313 of Title 62 of the
18 Oklahoma Statutes.

19 F. The cigarette taxes levied in this section shall be
20 collected and administered in all respects not inconsistent with as
21 now or hereafter provided for by law for other cigarette taxes now
22 levied, collected, and administered pursuant to the provisions of
23 Sections 301 through 325 of this title.
24

1 G. In no event, for the fiscal year beginning on July 1, 2016,
2 and all subsequent fiscal years, shall the amounts apportioned
3 pursuant to each of the paragraphs 1 through 8, 10 and 12 of
4 subsection B and each of the paragraphs 1 through 8 of subsection D,
5 exceed the amounts apportioned to those paragraphs for the fiscal
6 year ending on June 30, 2013. Any amounts which exceed this
7 limitation shall be placed to the credit of the General Revenue
8 Fund.

9 SECTION 3. AMENDATORY 68 O.S. 2011, Section 402-3, is
10 amended to read as follows:

11 Section 402-3. A. In addition to the tax levied in Sections
12 402, 402-1 and 402-2 of this title, effective January 1, 2005, there
13 shall be levied, assessed, collected, and paid in respect to the
14 articles containing tobacco enumerated in Section 401 et seq. of
15 this title, a tax in the following amounts:

16 1. Little Cigars. Upon cigars of all descriptions made of
17 tobacco, or any substitute therefor, and weighing not more than
18 three (3) pounds per thousand, twenty-seven (27) mills for each
19 cigar. Provided, that the tax levied on the products coming under
20 this paragraph shall not apply if the tax on such products is
21 reported and paid as cigarette tax under Sections 301 through 325 of
22 this title;

23 2. Cigars. Upon all other cigars of all descriptions made of
24 tobacco, or any substitute therefor, and weighing more than three

1 (3) pounds per thousand, Ninety Dollars (\$90.00) per thousand. For
2 the purpose of computing the tax, cheroots, stogies, etc., are
3 hereby classed as cigars;

4 3. Smoking Tobacco. Upon all smoking tobacco including
5 granulated, plug cut, crimp cut, ready rubbed and other kinds and
6 forms of tobacco prepared in such manner as to be suitable for
7 smoking in a pipe or cigarette, the tax shall be forty percent (40%)
8 of the factory list price exclusive of any trade discount, special
9 discount or deals; and

10 4. Chewing Tobacco. Upon chewing tobacco, smokeless tobacco,
11 and snuff, the tax shall be thirty percent (30%) of the factory list
12 price exclusive of any trade discount, special discount or deals.

13 B. Except as provided in ~~subsection C~~ subsections C and E of
14 this section, the revenue resulting from the additional tax levied
15 in subsection A of this section shall be apportioned by the Oklahoma
16 Tax Commission and transmitted to the State Treasurer as follows:

17 1. Twenty-two and six-hundredths percent (22.06%) shall be
18 placed to the credit of the Health Employee and Economy Improvement
19 Act Revolving Fund created in Section 1010.1 of Title 56 of the
20 Oklahoma Statutes;

21 2. Three and nine-hundredths percent (3.09%) shall be placed to
22 the credit of the Comprehensive Cancer Center Debt Service Revolving
23 Fund created in Section 160.1 of Title 62 of the Oklahoma Statutes;
24

1 3. Before July 1, 2008, seven and fifty-hundredths percent
2 (7.50%) shall be placed to the credit of the Trauma Care Assistance
3 Revolving Fund created in Section ~~1-2522~~ 1-2530.9 of Title 63 of the
4 Oklahoma Statutes. On and after July 1, 2008, seven and fifty-
5 hundredths percent (7.50%) shall be allocated as follows:

6 a. every month, an amount equal to the actual amount
7 placed to the credit of the Trauma Care Assistance
8 Revolving Fund pursuant to this paragraph for the same
9 month of the 2008 fiscal year shall be credited to the
10 Trauma Care Assistance Revolving Fund,

11 b. every month, any amount over and above the amount
12 placed to the credit of the Trauma Care Assistance
13 Revolving Fund pursuant to subparagraph a of this
14 paragraph shall be credited to the Oklahoma Emergency
15 Response Systems Stabilization and Improvement
16 Revolving Fund as created in Section ~~8 of this act~~ 1-
17 2512.1 of Title 63 of the Oklahoma Statutes until the
18 combined amount credited to the Oklahoma Emergency
19 Response Systems Stabilization and Improvement
20 Revolving Fund pursuant to this section and Section
21 302-5 of this title is equal to Two Million Five
22 Hundred Thousand Dollars (\$2,500,000.00) each year,
23 and
24

1 c. any additional revenue allocated pursuant to this
2 paragraph shall be placed to the credit of the Trauma
3 Care Assistance Revolving Fund;

4 4. Three and nine-hundredths percent (3.09%) shall be placed to
5 the credit of the Oklahoma State University College of Osteopathic
6 Medicine Revolving Fund created in Section 160.2 of Title 62 of the
7 Oklahoma Statutes;

8 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
9 shall be placed to the credit of the Oklahoma Health Care Authority
10 Medicaid Program Fund created in Section 5020 of Title 63 of the
11 Oklahoma Statutes for the purposes of maintaining programs and
12 services funded under the federal "Jobs and Growth Tax Relief
13 Reconciliation Act of 2003", reimbursing city/county-owned
14 hospitals, increasing emergency room physician rates, and providing
15 TEFRA 134, also known as "Katie Beckett" services;

16 6. Two and sixty-five-hundredths percent (2.65%) shall be
17 placed to the credit of the Department of Mental Health and
18 Substance Abuse Services Revolving Fund created in Section 2-303 of
19 Title 43A of the Oklahoma Statutes;

20 7. Forty-four-hundredths of one percent (0.44%) shall be placed
21 to the credit of the Belle Maxine Hilliard Breast and Cervical
22 Cancer Treatment Revolving Fund created in Section 1-559 of Title 63
23 of the Oklahoma Statutes;

1 8. One percent (1%) shall be placed to the credit of the
2 Teachers' Retirement System Revolving Fund created in Section 158 of
3 Title 62 of the Oklahoma Statutes;

4 9. Two and seven-hundredths percent (2.07%) shall be placed to
5 the credit of the Education Reform Revolving Fund created in Section
6 ~~41.29b~~ 34.89 of Title 62 of the Oklahoma Statutes;

7 10. Sixty-six-hundredths percent (.66%) shall be placed to the
8 credit of the Tobacco Prevention and Cessation Revolving Fund
9 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

10 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
11 be placed to the credit of the General Revenue Fund; and

12 12. For fiscal years beginning July 1, 2004, and ending June
13 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
14 shall be apportioned to municipalities and counties that levy a
15 sales tax, in the proportions which total municipal and county sales
16 tax revenue was apportioned by the Tax Commission in the preceding
17 month.

18 For fiscal years beginning July 1, 2006, and thereafter, the
19 apportionment percentage specified in paragraph 12 of this
20 subsection will be adjusted by dividing the total municipal and
21 county sales tax revenue collected in the calendar year immediately
22 preceding the commencement of the fiscal year by the sum of the
23 state sales tax revenue and total municipal and county sales tax
24 revenue collected in the same year. This ratio shall be divided by

1 the ratio of the total municipal and county sales tax revenue
2 collected in the calendar year beginning January 1, 2004, and ending
3 December 31, 2004, divided by the sum of the state sales tax revenue
4 and total municipal and county sales tax revenue collected in the
5 same year. The resulting quotient shall be multiplied by fourteen
6 and twenty-three-hundredths percent (14.23%) to determine the
7 apportionment percentage for the fiscal year.

8 For fiscal years beginning July 1, 2006, and thereafter, any
9 adjustment to the percentage of revenues apportioned to
10 municipalities and counties shall be reflected in the percent of
11 revenues apportioned to the General Revenue Fund.

12 C. The Except as provided in subsection E of this section, the
13 net amount of any revenue resulting from a payment in lieu of excise
14 taxes on little cigars, cigars, smoking tobacco and chewing tobacco
15 levied by this section, pursuant to a compact with a federally
16 recognized Indian tribe or nation after deductions for deposits into
17 trust accounts pursuant to such compacts, shall be apportioned by
18 the Tax Commission and transmitted to the State Treasurer as
19 follows:

20 1. Thirty-three and forty-nine-hundredths percent (33.49%)
21 shall be placed to the credit of the Health Employee and Economy
22 Improvement Act (HEEIA) Revolving Fund created in Section 1010.1 of
23 Title 56 of the Oklahoma Statutes;
24

1 2. Four and sixty-nine-hundredths percent (4.69%) shall be
2 placed to the credit of the Comprehensive Cancer Center Debt Service
3 Revolving Fund created in Section 160.1 of Title 62 of the Oklahoma
4 Statutes;

5 3. Before July 1, 2008, eleven and thirty-nine-hundredths
6 percent (11.39%) shall be placed to the credit of the Trauma Care
7 Assistance Revolving Fund created in Section ~~1-2522~~ 1-2530.9 of
8 Title 63 of the Oklahoma Statutes. On and after July 1, 2008,
9 eleven and thirty-nine-hundredths percent (11.39%) shall be
10 allocated as follows:

- 11 a. every month, an amount equal to the actual amount
12 placed to the credit of the Trauma Care Assistance
13 Revolving Fund pursuant to this paragraph for the same
14 month of the 2008 fiscal year shall be credited to the
15 Trauma Care Assistance Revolving Fund,
- 16 b. every month, any amount over and above the amount
17 placed to the credit of the Trauma Care Assistance
18 Revolving Fund pursuant to subparagraph a of this
19 paragraph shall be credited to the Oklahoma Emergency
20 Response Systems Stabilization and Improvement
21 Revolving Fund as created in Section ~~8 of this act~~ 1-
22 2512.1 of Title 63 of the Oklahoma Statutes until the
23 combined amount credited to the Oklahoma Emergency
24 Response Systems Stabilization and Improvement

1 Revolving Fund pursuant to this section and Section
2 302-5 of this title is equal to Two Million Five
3 Hundred Thousand Dollars (\$2,500,000.00) each year,
4 and

5 c. any additional revenue allocated pursuant to this
6 paragraph shall be placed to the credit of the Trauma
7 Care Assistance Revolving Fund;

8 4. Four and sixty-nine-hundredths percent (4.69%) shall be
9 placed to the credit of the Oklahoma State University College of
10 Osteopathic Medicine Revolving Fund created in Section 160.2 of
11 Title 62 of the Oklahoma Statutes;

12 5. Forty and six-hundredths percent (40.06%) shall be placed to
13 the credit of the Oklahoma Health Care Authority Medicaid Program
14 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
15 for the purposes of maintaining programs and services funded under
16 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
17 reimbursing city/county-owned hospitals, increasing emergency room
18 physician rates, and providing TEFRA 134, also known as "Katie
19 Beckett" services;

20 6. Four and one-hundredths percent (4.01%) shall be placed to
21 the credit of the Department of Mental Health and Substance Abuse
22 Services Revolving Fund created in Section 2-303 of Title 43A of the
23 Oklahoma Statutes;

1 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
2 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
3 Treatment Revolving Fund created in Section 1-559 of Title 63 of the
4 Oklahoma Statutes; and

5 8. One percent (1%) shall be placed to the credit of the
6 Tobacco Prevention and Cessation Revolving Fund created in Section
7 1-105d of Title 63 of the Oklahoma Statutes.

8 D. It shall not be permissible for a retailer to advertise that
9 the retailer will absorb the tax due on the taxable merchandise
10 described herein. Such tax shall be paid by the consumer.

11 E. In no event, for the fiscal year beginning on July 1, 2016,
12 and all subsequent fiscal years, shall the amounts apportioned
13 pursuant to each of the paragraphs 1 through 8, 10 and 12 of
14 subsection B of this section or each of the paragraphs 1 through 8
15 of subsection C of this section, exceed the amounts apportioned to
16 those paragraphs for the fiscal year ending on June 30, 2013. Any
17 amounts which exceed this limitation shall be placed to the credit
18 of the General Revenue Fund.

19 SECTION 4. AMENDATORY 68 O.S. 2011, Section 500.6, as
20 amended by Section 4, Chapter 375, O.S.L. 2013 (68 O.S. Supp. 2015,
21 Section 500.6), is amended to read as follows:

22 Section 500.6. A. The Except as provided in subsection E of
23 this section, the tax of sixteen cents (\$0.16) per gallon of
24 gasoline that is levied by paragraph 1 of subsection A of Section

1 500.4 of this title, the tax upon compressed natural gas levied by
2 paragraph 3 of subsection A of Section 500.4 of this title, the tax
3 upon liquefied natural gas levied by paragraph 4 of subsection A of
4 Section 500.4 of this title and the tax of two and eight one-
5 hundredths cents (\$0.0208) per gallon of gasoline that is levied by
6 subsection C of Section 500.4 of this title, and penalties and
7 interest thereon, collected by the Oklahoma Tax Commission under the
8 levy shall be apportioned and distributed monthly as follows:

9 1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00)
10 of the levy collected each month shall be deposited in the State
11 Treasury to the credit of the State Transportation Fund;

12 2. One and six hundred twenty-five one-thousandths percent
13 (1.625%) of the levy shall be remitted to the State Treasurer to the
14 credit of the High Priority State Bridge Revolving Fund as created
15 in Section 506 of Title 69 of the Oklahoma Statutes;

16 3. Sixty-three and seventy-five one-hundredths percent (63.75%)
17 of the levy shall be deposited in the State Treasury to the credit
18 of the State Transportation Fund to be apportioned as follows:

19 a. the first Eight Hundred Fifty Thousand Dollars
20 (\$850,000.00) collected each fiscal year shall be
21 transferred to the Public Transit Revolving Fund,
22 created in Section 4031 of Title 69 of the Oklahoma
23 Statutes, and
24

1 b. the second Eight Hundred Fifty Thousand Dollars
2 (\$850,000.00) collected each fiscal year shall be
3 transferred to the Oklahoma Tourism and Passenger Rail
4 Revolving Fund and shall be used by the Department of
5 Transportation:

6 (1) to contract railroad passenger services,
7 including but not limited to a route linking
8 stations in Oklahoma and Tulsa Counties with
9 other primary points in the national railroad
10 passenger system and passenger rail service
11 within the state, and a route beginning at a
12 station in Oklahoma County and extending north to
13 the Kansas state line in Kay County, and

14 (2) to provide necessary facility, signaling, and
15 track improvements for those contracted services,

16 c. forty-one and two-tenths percent (41.2%) of the monies
17 apportioned to the State Transportation Fund shall be
18 used for any purpose provided for in Section 1502 of
19 Title 69 of the Oklahoma Statutes,

20 d. nine and eight-tenths percent (9.8%) of the monies
21 apportioned to the State Transportation Fund shall be
22 used to provide funds for the construction and
23 maintenance of farm-to-market roads on the state
24

1 highway system, and other rural farm-to-market roads
2 and bridges, and

3 e. any remaining amount of the apportionment shall be
4 deposited into the State Transportation Fund;

5 4. Twenty-seven percent (27%) of the levy shall be transmitted
6 by the Tax Commission to the various counties of the state, to be
7 apportioned and used as follows:

8 a. sixty-five and three-tenths percent (65.3%) of the
9 monies apportioned under this paragraph shall be used
10 on the following basis:

11 (1) forty percent (40%) of such sum shall be
12 distributed to the various counties in the
13 proportion which the county road mileage of each
14 county bears to the entire state road mileage as
15 certified by the Transportation Commission, and

16 (2) the remaining sixty percent (60%) of such sum
17 shall be distributed to the various counties on
18 the basis which the population and area of each
19 county bears to the total population and area of
20 the state. The population shall be as shown by
21 the last Federal Decennial Census or the most
22 recent annual estimate provided by the U.S.
23 Bureau of the Census,
24

1 b. twenty-three and one-tenth percent (23.1%) of the
2 monies apportioned under this paragraph shall be
3 distributed to the counties in the following manner:
4 One-third (1/3) on area; one-third (1/3) on rural
5 population, defined as including the population of all
6 municipalities with a population of less than five
7 thousand (5,000) according to the latest Federal
8 Decennial Census; and one-third (1/3) on county road
9 mileage, as last certified by the Department of
10 Transportation, as each county bears to the entire
11 area, rural population and road mileage of the state,
12 and

13 c. eleven and six-tenths percent (11.6%) of the monies
14 apportioned under this paragraph shall be distributed
15 to the various counties of the state based on a
16 formula developed by the Department of Transportation
17 and approved by the Department of Transportation
18 County Advisory Board created pursuant to Section
19 302.1 of Title 69 of the Oklahoma Statutes. The
20 formula shall be similar to the formula currently used
21 for the distribution of monies in the County Bridge
22 Program funds, but shall also take into consideration
23 the effect of the terrain and traffic volume as
24

1 related to county road improvement and maintenance
2 costs;

3 5. Three and one hundred twenty-five one-thousandths percent
4 (3.125%) of the levy shall be distributed to the various counties of
5 the state based on a formula developed by the Department of
6 Transportation and approved by the Department of Transportation
7 County Advisory Board created pursuant to Section 302.1 of Title 69
8 of the Oklahoma Statutes. The formula shall be similar to the
9 formula currently used for the distribution of monies in the County
10 Bridge Program funds, but shall also take into consideration the
11 effect of the terrain and traffic volume as related to county road
12 improvement and maintenance costs;

13 6. Two and two hundred ninety-seven one-thousandths percent
14 (2.297%) of the levy shall be distributed to the various counties of
15 the state for deposit into the County Bridge and Road Improvement
16 Fund of each county based on a formula developed by the Department
17 of Transportation and approved by the Department of Transportation
18 County Advisory Board created pursuant to Section 302.1 of Title 69
19 of the Oklahoma Statutes to be used for the purposes set forth in
20 the County Bridge and Road Improvement Act. The formula shall be
21 similar to the formula currently used for the distribution of monies
22 in the County Bridge Program funds, but shall also take into
23 consideration the effect of the terrain and traffic volume as
24 related to county road improvement and maintenance costs;

1 7. One and eight hundred seventy-five one-thousandths percent
2 (1.875%) of the levy shall be transmitted by the Tax Commission to
3 the treasurers of the various incorporated cities and towns of the
4 state in the percentage which the population, as shown by the last
5 Federal Decennial Census or the most recent annual estimate provided
6 by the U.S. Bureau of the Census, bears to the total population of
7 all the incorporated cities and towns in this state. The funds
8 shall be expended for the construction, repair and maintenance of
9 the streets and alleys of the incorporated cities and towns of this
10 state; and

11 8. Three hundred twenty-eight one-thousandths percent (0.328%)
12 of the levy shall be transmitted by the Tax Commission to the
13 Statewide Circuit Engineering District Revolving Fund as created in
14 Section 687.2 of Title 69 of the Oklahoma Statutes.

15 B. 1. The funds apportioned or transmitted pursuant to
16 subparagraphs a, b~~7~~ and c of paragraph 4 of subsection A of this
17 section, subsection B of Section 500.7 of this title, subsection B
18 of Section 704 of this title, Section 706 of this title, and
19 paragraph 2 of subsection D of Section 707.3 of this title shall be
20 sent to the respective county treasurers and deposited in the county
21 highway fund to be used by the county commissioners for the purpose
22 of constructing and maintaining county highways and bridges.

23 2. The funds received by any county shall not be diverted to
24 any other county of the state, and shall only be expended under the

1 direction and control of the board of county commissioners in the
2 county to which the funds are appropriated. If any part of the
3 funds is diverted for any other purpose, the county commissioners
4 shall be liable on their bond for double the amount of the money so
5 diverted. This paragraph shall not prohibit counties from entering
6 into cooperative agreements pertaining to the maintenance and
7 construction of roads and bridges.

8 3. Where any county highway has been laid out over a road
9 already constructed in any county by the use of money raised from
10 county bond issues for that purpose, either alone or by the use of
11 federal or state aid, or both, the county commissioners may set
12 aside out of the funds apportioned to that county, as provided in
13 this section, an amount of money equal to the value of any part
14 thereof, of the interest of such county in such highway or bridge,
15 which amount of money shall be considered by the excise board in
16 reducing the levy for the purpose of retiring the bonded
17 indebtedness and interest thereon of the county, and shall be used
18 for investment or deposit in the same manner as provided by law for
19 the disposition of other sinking fund money.

20 4. In all counties where the county excise board may find it
21 necessary, because of insufficient revenue, to maintain county
22 government out of the general fund, after a levy of ten (10) mills
23 has been made for any fiscal year, the county excise board may
24 appropriate out of any such funds apportioned to the county an

1 amount sufficient to pay the salaries of the county commissioners of
2 the county for the fiscal year.

3 5. Counties may use funds deposited in the county highway fund
4 for the purpose of matching federal or state funds, provided such
5 funds are available, as necessary to secure assistance in the
6 construction or improvement of the county road system.

7 C. With regards to the apportionment of the levy as set forth
8 in paragraph 5 of subsection A of this section, paragraph 5 of
9 subsection A of Section 500.7 of this title, and subsection C of
10 Section 707.2 of this title:

11 1. If any county has an accrued balance of funds which were
12 appropriated to or otherwise accrued in a restricted road
13 maintenance fund, such funds shall be deposited directly to the
14 county highway fund of the county;

15 2. If any county has an accrued balance of funds which were
16 appropriated to or otherwise accrued in the County Road Improvement
17 Fund, or the County Bridge Improvement Fund, such funds shall, by
18 resolution approved by a majority of the board of county
19 commissioners and filed with the Department of Transportation, be
20 deposited in the county highway fund of the county;

21 3. If any county has an accrued balance of funds which were
22 appropriated to or otherwise accrued in the County Bridge and Road
23 Improvement Fund, ninety-nine percent (99%) of such funds shall be
24 remitted to the respective county treasurer for deposit in the

1 appropriate County Bridge and Road Improvement Fund to be used for
2 the purpose set forth in the County Bridge and Road Improvement Act.
3 The remaining one percent (1%) of such funds will be remitted to the
4 Statewide Circuit Engineering District Revolving Fund; and

5 4. If any county has an advanced funding agreement with the
6 Department of Transportation, the Department of Transportation shall
7 notify the Tax Commission as to the amount the county is obligated
8 to pay according to the terms of the advanced funding agreement.
9 The obligated amount shall be transferred each month by the Tax
10 Commission to the Department of Transportation to the credit of the
11 County Bridge and Road Improvement Fund from the funds apportioned
12 to the county pursuant to paragraph 5 of subsection A of this
13 section. A county may elect to increase the monthly amount to be
14 repaid pursuant to the advanced funding agreement from the funds
15 apportioned to the county, but a county shall not be permitted to
16 reduce the amount agreed to pursuant to the advanced funding
17 agreement.

18 D. The tax levied on gasoline pursuant to Section 500.4A of
19 this title, and the penalties and interest thereon, collected by the
20 Tax Commission under the levy shall be apportioned and distributed
21 on a monthly basis to the State Highway Construction and Maintenance
22 Fund for the purposes authorized by Section 1502 of Title 69 of the
23 Oklahoma Statutes.
24

1 E. In no event, for the fiscal year beginning on July 1, 2016,
2 and all subsequent fiscal years, shall the amounts apportioned
3 pursuant to subsection A of this section exceed the amounts
4 apportioned for the fiscal year ending on June 30, 2013. Any
5 amounts which exceed this limitation shall be placed to the credit
6 of the General Revenue Fund.

7 SECTION 5. AMENDATORY 68 O.S. 2011, Section 500.7, is
8 amended to read as follows:

9 Section 500.7. A. ~~The~~ Except as provided in subsection D of
10 this section, the tax of thirteen cents (\$0.13) per gallon of diesel
11 fuel that is levied by Section 500.4 of this title, and all
12 penalties and interest thereon, collected by the Oklahoma Tax
13 Commission under the levy shall be apportioned and distributed
14 monthly as follows:

15 1. The first Eighty-three Thousand Three Hundred Thirty-three
16 Dollars and thirty-three cents (\$83,333.33) of the levy collected
17 each month shall be deposited in the State Treasury to the credit of
18 the State Transportation Fund;

19 2. One and thirty-nine one-hundredths percent (1.39%) of the
20 levy shall be paid by the Commission to the State Treasurer to the
21 credit of the High Priority State Bridge Revolving Fund as created
22 in Section 506 of Title 69 of the Oklahoma Statutes;

1 3. Sixty-four and thirty-four one-hundredths percent (64.34%)
2 of the levy shall be deposited in the State Treasury to the credit
3 of the State Transportation Fund;

4 4. Twenty-six and fifty-eight one-hundredths percent (26.58%)
5 of the levy shall be transmitted by the Commission to various
6 counties of the state, to be apportioned as follows:

7 a. forty-two and one-tenth percent (42.1%) of the monies
8 apportioned under this paragraph shall be transmitted
9 to the various counties in the percentage which the
10 population and area of each county bears to the
11 population and area of the entire state. The
12 population shall be as shown by the last Federal
13 Decennial Census or the most recent annual estimate
14 provided by the U.S. Bureau of the Census,

15 b. fourteen and five-tenths percent (14.5%) of the monies
16 apportioned under this paragraph shall be distributed
17 as follows:

18 Forty percent (40%) of such sum shall be distributed
19 to the various counties in that proportion which the
20 county road mileage of each county bears to the entire
21 state road mileage as certified by the Transportation
22 Commission, and the remaining sixty percent (60%) of
23 such sum shall be distributed to the various counties
24 on the basis which the population and area of each

1 county bears to the total population and area of the
2 state. The population shall be as shown by the last
3 Federal Decennial Census or the most recent annual
4 estimate provided by the U.S. Bureau of the Census,
5 c. twenty-eight and nine-tenths percent (28.9%) of the
6 monies apportioned under this paragraph shall be
7 distributed to the several counties in the following
8 manner: one-third (1/3) on area, one-third (1/3) on
9 rural population (defined as including the population
10 of all municipalities with a population of less than
11 five thousand (5,000) according to the latest Federal
12 Decennial Census), and one-third (1/3) on county road
13 mileage, as last certified by the Department of
14 Transportation, as each county bears to the entire
15 area, rural population and road mileage of the state,
16 and
17 d. fourteen and five-tenths percent (14.5%) of the monies
18 apportioned under this paragraph shall be distributed
19 to the various counties of the state based on a
20 formula developed by the Department of Transportation
21 and approved by the Department of Transportation
22 County Advisory Board created pursuant to Section
23 302.1 of Title 69 of the Oklahoma Statutes. The
24 formula shall be similar to the formula currently used

1 for the distribution of the County Bridge Program
2 funds, but shall also take into consideration the
3 effect of the terrain and traffic volume as related to
4 the county road improvement and maintenance costs;

5 5. Three and eighty-five one-hundredths percent (3.85%) of the
6 levy shall be distributed based on a formula developed by the
7 Department of Transportation and approved by the Department of
8 Transportation County Advisory Board created pursuant to Section
9 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be
10 similar to the formula currently used for the distribution of the
11 County Bridge Program funds, but shall also take into consideration
12 the effect of the terrain and traffic volume as related to the
13 county road improvement and maintenance costs. The apportionment of
14 the levy as set forth in this paragraph shall be subject to the
15 provisions of subsection C of Section 500.6 of this title; and

16 6. Three and thirty-six one-hundredths percent (3.36%) of the
17 levy shall be distributed to the various counties of the state for
18 deposit into the County Bridge and Road Improvement Fund of each
19 county based on a formula developed by the Department of
20 Transportation and approved by the Department of Transportation
21 County Advisory Board created pursuant to Section 302.1 of Title 69
22 of the Oklahoma Statutes to be used for the purposes set forth in
23 the County Bridge and Road Improvement Act. The formula shall be
24 similar to the formula currently used for the distribution of monies

1 in the County Bridge Program funds, but shall also take into
2 consideration the effect of the terrain and traffic volume as
3 related to county road improvement and maintenance costs; and

4 7. Forty-eight one-hundredths percent (0.48%) of the levy shall
5 be transmitted by the Tax Commission to the Statewide Circuit
6 Engineering District Revolving Fund as created in Section 687.2 of
7 Title 69 of the Oklahoma Statutes.

8 B. The funds apportioned or transmitted pursuant to the
9 provisions of subparagraphs a, b, and c of paragraph 4 of subsection
10 A of this section shall be used in accordance with and subject to
11 the provisions of subsection B of Section 500.6 of this title.

12 C. The tax levied on diesel fuel pursuant to Section 500.4A of
13 this title, and all penalties and interest thereon, collected by the
14 Commission under the levy shall be apportioned and distributed on a
15 monthly basis to the State Highway Construction and Maintenance Fund
16 for the purposes authorized by Section 1502 of Title 69 of the
17 Oklahoma Statutes.

18 D. In no event, for the fiscal year beginning on July 1, 2016,
19 and all subsequent fiscal years, shall the amounts apportioned
20 pursuant to subsection A of this section exceed the amounts
21 apportioned for the fiscal year ending on June 30, 2013. Any
22 amounts which exceed this limitation shall be placed to the credit
23 of the General Revenue Fund.
24

1 SECTION 6. AMENDATORY 68 O.S. 2011, Section 1004, as
2 last amended by Section 3, Chapter 346, O.S.L. 2014 (68 O.S. Supp.
3 2015, Section 1004), is amended to read as follows:

4 Section 1004. A. ~~Beginning July 1, 2002, the~~ Except as
5 provided in subsection C of this section, the gross production tax
6 provided for in Section 1001 of this title is hereby levied and
7 shall be collected and apportioned as follows:

8 1. For all monies collected from the tax levied on asphalt or
9 ores bearing uranium, lead, zinc, jack, gold, silver or copper:

10 a. eighty-five and seventy-two one-hundredths percent

11 (85.72%) shall be paid to the State Treasurer of the

12 state to be placed in the General Revenue Fund of the

13 state and used for the general expense of state

14 government, to be paid out pursuant to direct

15 appropriation by the Legislature,

16 b. seven and fourteen one-hundredths percent (7.14%) of

17 the sum collected from natural gas and/or casinghead

18 gas or asphalt or ores bearing uranium, lead, zinc,

19 jack, gold, silver or copper shall be paid to the

20 various county treasurers to be credited to the County

21 Highway Fund as follows: Each county shall receive a

22 proportionate share of the funds available based upon

23 the proportion of the total value of production from
24

1 such county in the corresponding month of the
2 preceding year, and

- 3 c. seven and fourteen one-hundredths percent (7.14%)
4 shall be allocated to each county as provided for in
5 subparagraph b of this paragraph and shall be
6 apportioned, on an average daily attendance per capita
7 distribution basis, as certified by the State
8 Superintendent of Public Instruction to the school
9 districts of the county where such pupils attend
10 school regardless of residence of such pupil, provided
11 the school district makes an ad valorem tax levy of
12 fifteen (15) mills for the current year and maintains
13 twelve (12) years of instruction;

14 2. For all monies collected from the tax levied on natural gas
15 and/or casinghead gas at a tax rate of seven percent (7%) pursuant
16 to the provisions of subsection B of Section 1001 of this title:

- 17 a. eighty-five and seventy-two one-hundredths percent
18 (85.72%) shall be paid to the State Treasurer of the
19 state to be placed in the General Revenue Fund of the
20 state and used for the general expense of state
21 government, to be paid out pursuant to direct
22 appropriation by the Legislature,
23 b. seven and fourteen one-hundredths percent (7.14%) of
24 the sum collected from natural gas and/or casinghead

1 gas shall be paid to the various county treasurers to
2 be credited to the County Highway Fund as follows:
3 Each county shall receive a proportionate share of the
4 funds available based upon the proportion of the total
5 value of production from such county in the
6 corresponding month of the preceding year, and

7 c. seven and fourteen one-hundredths percent (7.14%)
8 shall be allocated to each county as provided for in
9 subparagraph b of this paragraph and shall be
10 apportioned, on an average daily attendance per capita
11 distribution basis, as certified by the State
12 Superintendent of Public Instruction to the school
13 districts of the county where such pupils attend
14 school regardless of residence of such pupil, provided
15 the school district makes an ad valorem tax levy of
16 fifteen (15) mills for the current year and maintains
17 twelve (12) years of instruction;

18 3. For all monies collected from the tax levied on natural gas
19 and/or casinghead gas at a tax rate of four percent (4%) pursuant to
20 the provisions of subsection B of Section 1001 of this title:

21 a. seventy-five percent (75%) shall be paid to the State
22 Treasurer of the state to be placed in the General
23 Revenue Fund of the state and used for the general
24

1 expense of state government, to be paid out pursuant
2 to direct appropriation by the Legislature,

3 b. twelve and one-half percent (12.5%) of the sum
4 collected from natural gas and/or casinghead gas shall
5 be paid to the various county treasurers to be
6 credited to the County Highway Fund as follows: Each
7 county shall receive a proportionate share of the
8 funds available based upon the proportion of the total
9 value of production from such county in the
10 corresponding month of the preceding year, and

11 c. twelve and one-half percent (12.5%) shall be allocated
12 to each county as provided for in subparagraph b of
13 this paragraph and shall be apportioned, on an average
14 daily attendance per capita distribution basis, as
15 certified by the State Superintendent of Public
16 Instruction to the school districts of the county
17 where such pupils attend school regardless of
18 residence of such pupil, provided the school district
19 makes an ad valorem tax levy of fifteen (15) mills for
20 the current year and maintains twelve (12) years of
21 instruction;

22 4. For all monies collected from the tax levied on natural gas
23 and/or casinghead gas at a tax rate of one percent (1%) pursuant to
24 the provisions of subsection B of Section 1001 of this title:

1 a. fifty percent (50%) of the sum collected from natural
2 gas and/or casinghead gas shall be paid to the various
3 county treasurers to be credited to the County Highway
4 Fund as follows: Each county shall receive a
5 proportionate share of the funds available based upon
6 the proportion of the total value of production from
7 such county in the corresponding month of the
8 preceding year, and

9 b. fifty percent (50%) shall be allocated to each county
10 as provided for in subparagraph a of this paragraph
11 and shall be apportioned, on an average daily
12 attendance per capita distribution basis, as certified
13 by the State Superintendent of Public Instruction to
14 the school districts of the county where such pupils
15 attend school regardless of residence of such pupil,
16 provided the school district makes an ad valorem tax
17 levy of fifteen (15) mills for the current year and
18 maintains twelve (12) years of instruction;

19 5. For all monies collected from the tax levied on natural gas
20 and/or casinghead gas at a tax rate of two percent (2%) pursuant to
21 the provisions of subparagraph c of paragraph 3 of subsection B of
22 Section 1001 of this title:

23 a. fifty percent (50%) shall be paid to the State
24 Treasurer to be placed in the General Revenue Fund of

1 the state and used for the general expense of state
2 government, to be paid out pursuant to direct
3 appropriation by the Legislature,

4 b. twenty-five percent (25%) of the sum collected from
5 natural gas and/or casinghead gas shall be paid to the
6 various county treasurers to be credited to the County
7 Highway Fund as follows: Each county shall receive a
8 proportionate share of the funds available based upon
9 the proportion of the total value of production from
10 such county in the corresponding month of the
11 preceding year, and

12 c. twenty-five percent (25%) shall be allocated to each
13 county as provided for in subparagraph b of this
14 paragraph and shall be apportioned on an average daily
15 attendance per capita distribution basis, as certified
16 by the State Superintendent of Public Instruction, to
17 the school districts of the county where such pupils
18 attend school regardless of residence of such pupil,
19 provided the school district makes an ad valorem tax
20 levy of fifteen (15) mills for the current year and
21 maintains twelve (12) years of instruction;

22 6. For all monies collected from the tax levied on oil at a tax
23 rate of seven percent (7%) pursuant to the provisions of subsection
24 B of Section 1001 of this title:

- 1 a. twenty-five and seventy-two one-hundredths percent
2 (25.72%) shall be paid to the State Treasurer to be
3 placed in the Common Education Technology Revolving
4 Fund created in Section 34.90 of Title 62 of the
5 Oklahoma Statutes,
- 6 b. twenty-five and seventy-two one-hundredths percent
7 (25.72%) shall be paid to the State Treasurer to be
8 placed in the Higher Education Capital Revolving Fund
9 created in Section 34.91 of Title 62 of the Oklahoma
10 Statutes,
- 11 c. twenty-five and seventy-two one-hundredths percent
12 (25.72%) shall be paid to the State Treasurer to be
13 placed in the Oklahoma Student Aid Revolving Fund
14 created in Section 34.92 of Title 62 of the Oklahoma
15 Statutes,
- 16 d. three and seven hundred forty-five one-thousandths
17 percent (3.745%) shall be distributed to the various
18 counties of the state for deposit into the County
19 Bridge and Road Improvement Fund of each county based
20 on a formula developed by the Department of
21 Transportation and approved by the Department of
22 Transportation County Advisory Board created pursuant
23 to Section 302.1 of Title 69 of the Oklahoma Statutes
24 to be used for the purposes set forth in the County

1 Bridge and Road Improvement Act. The formula shall be
2 similar to the formula currently used for the
3 distribution of monies in the County Bridge Program
4 funds, but shall also take into consideration the
5 effect of the terrain and traffic volume as related to
6 county road improvement and maintenance costs,

7 e. four and twenty-eight one-hundredths percent (4.28%)
8 shall be paid to the State Treasurer to be apportioned
9 to:

10 (1) the following sources and in the following
11 amounts through the fiscal year ending June 30,
12 2016:

13 (a) thirty-three and one-third percent (33 1/3%)
14 to the Oklahoma Tourism and Recreation
15 Department Capital Expenditure Revolving
16 Fund created pursuant to Section 2254.1 of
17 Title 74 of the Oklahoma Statutes,

18 (b) thirty-three and one-third percent (33 1/3%)
19 to the Oklahoma Conservation Commission
20 Infrastructure Revolving Fund created
21 pursuant to Section 3-2-110 of Title 27A of
22 the Oklahoma Statutes, and

23 (c) thirty-three and one-third percent (33 1/3%)
24 to the Community Water Infrastructure

1 Development Revolving Fund created pursuant
2 to Section 1085.7A of Title 82 of the
3 Oklahoma Statutes, and

4 (2) the Oklahoma Water Resources Board Rural Economic
5 Action Plan Water Projects Fund for the fiscal
6 year beginning July 1, 2016, and for each fiscal
7 year thereafter,

8 f. seven and fourteen one-hundredths percent (7.14%) of
9 the sum collected from oil shall be paid to the
10 various county treasurers, to be credited to the
11 County Highway Fund as follows: Each county shall
12 receive a proportionate share of the funds available
13 based upon the proportion of the total value of
14 production from such county in the corresponding month
15 of the preceding year,

16 g. seven and fourteen one-hundredths percent (7.14%)
17 shall be allocated to each county as provided in
18 subparagraph f of this paragraph and shall be
19 apportioned, on an average daily attendance per capita
20 distribution basis, as certified by the State
21 Superintendent of Public Instruction, to the school
22 districts of the county where such pupils attend
23 school regardless of residence of such pupil, provided
24 the school district makes an ad valorem tax levy of

1 fifteen (15) mills for the current year and maintains
2 twelve (12) years of instruction, and

3 h. five hundred thirty-five one-thousandths percent
4 (0.535%) of the levy shall be transmitted by the
5 Oklahoma Tax Commission to the Statewide Circuit
6 Engineering District Revolving Fund as created in
7 Section 687.2 of Title 69 of the Oklahoma Statutes;

8 7. For all monies collected from the tax levied on oil at a tax
9 rate of four percent (4%) pursuant to the provisions of subsection B
10 of Section 1001 of this title:

11 a. twenty-two and one-half percent (22.5%) shall be paid
12 to the State Treasurer to be placed in the Common
13 Education Technology Revolving Fund created in Section
14 34.90 of Title 62 of the Oklahoma Statutes,

15 b. twenty-two and one-half percent (22.5%) shall be paid
16 to the State Treasurer to be placed in the Higher
17 Education Capital Revolving Fund created in Section
18 34.91 of Title 62 of the Oklahoma Statutes,

19 c. twenty-two and one-half percent (22.5%) shall be paid
20 to the State Treasurer to be placed in the Oklahoma
21 Student Aid Revolving Fund created in Section 34.92 of
22 Title 62 of the Oklahoma Statutes,

23 d. three and twenty-eight one-hundredths percent (3.28%)
24 shall be distributed to the various counties of the

1 state for deposit into the County Bridge and Road
2 Improvement Fund of each county based on a formula
3 developed by the Department of Transportation and
4 approved by the Department of Transportation County
5 Advisory Board created pursuant to Section 302.1 of
6 Title 69 of the Oklahoma Statutes to be used for the
7 purposes set forth in the County Bridge and Road
8 Improvement Act. The formula shall be similar to the
9 formula currently used for the distribution of monies
10 in the County Bridge Program funds, but shall also
11 take into consideration the effect of the terrain and
12 traffic volume as related to county road improvement
13 and maintenance costs,

14 e. three and seventy-five one-hundredths percent (3.75%)
15 shall be paid to the State Treasurer to be apportioned
16 to:

17 (1) the following sources and in the following
18 amounts through the fiscal year ending June 30,
19 2016:

20 (a) thirty-three and one-third percent (33 1/3%)
21 to the Oklahoma Tourism and Recreation
22 Department Capital Expenditure Revolving
23 Fund created pursuant to Section 2254.1 of
24 Title 74 of the Oklahoma Statutes,

1 (b) thirty-three and one-third percent (33 1/3%)
2 to the Oklahoma Conservation Commission
3 Infrastructure Revolving Fund created
4 pursuant to Section 3-2-110 of Title 27A of
5 the Oklahoma Statutes, and

6 (c) thirty-three and one-third percent (33 1/3%)
7 to the Community Water Infrastructure
8 Development Revolving Fund created pursuant
9 to Section 1085.7A of Title 82 of the
10 Oklahoma Statutes, and

11 (2) the Oklahoma Water Resources Board Rural Economic
12 Action Plan Water Projects Fund for the fiscal
13 year beginning July 1, 2016, and for each fiscal
14 year thereafter,

15 f. twelve and one-half percent (12.5%) of the sum
16 collected from oil shall be paid to the various county
17 treasurers, to be credited to the County Highway Fund
18 as follows: Each county shall receive a proportionate
19 share of the funds available based upon the proportion
20 of the total value of production from such county in
21 the corresponding month of the preceding year,

22 g. twelve and one-half percent (12.5%) shall be allocated
23 to each county as provided in subparagraph f of this
24 paragraph and shall be apportioned on an average daily

1 attendance per capita distribution basis, as certified
2 by the State Superintendent of Public Instruction, to
3 the school districts of the county where such pupils
4 attend school regardless of residence of such pupil,
5 provided the school district makes an ad valorem tax
6 levy of fifteen (15) mills for the current year and
7 maintains twelve (12) years of instruction, and

- 8 h. forty-seven one-hundredths percent (0.47%) of the levy
9 shall be transmitted by the Tax Commission to the
10 Statewide Circuit Engineering District Revolving Fund
11 as created in Section 687.2 of Title 69 of the
12 Oklahoma Statutes;

13 8. For all monies collected from the tax levied on oil at a tax
14 rate of one percent (1%) pursuant to the provisions of subsection B
15 of Section 1001 of this title:

- 16 a. fifty percent (50%) of the sum collected shall be paid
17 to the various county treasurers, to be credited to
18 the County Highway Fund as follows: Each county shall
19 receive a proportionate share of the funds available
20 based upon the proportion of the total value of
21 production from such county in the corresponding month
22 of the preceding year, and
23 b. fifty percent (50%) shall be allocated to each county
24 as provided for in subparagraph a of this paragraph

1 and shall be apportioned on an average daily
2 attendance per capita distribution basis, as certified
3 by the State Superintendent of Public Instruction, to
4 the school districts of the county where such pupils
5 attend school regardless of residence of such pupil,
6 provided the school district makes an ad valorem tax
7 levy of fifteen (15) mills for the current year and
8 maintains twelve (12) years of instruction;

9 9. For all monies collected from the tax levied on oil at a tax
10 rate of two percent (2%) pursuant to the provisions of subparagraph
11 c of paragraph 3 of subsection B of Section 1001 of this title:

12 a. fifty percent (50%) shall be paid to the State
13 Treasurer to be placed in the General Revenue Fund of
14 the state and used for the general expense of state
15 government, to be paid out pursuant to direct
16 appropriation by the Legislature,

17 b. twenty-five percent (25%) of the sum collected from
18 oil shall be paid to the various county treasurers, to
19 be credited to the County Highway Fund as follows:
20 Each county shall receive a proportionate share of the
21 funds available based upon the proportion of the total
22 value of production from such county in the
23 corresponding month of the preceding year, and
24

1 c. twenty-five percent (25%) shall be allocated to each
2 county as provided in subparagraph b of this paragraph
3 and shall be apportioned on an average daily
4 attendance per capita distribution basis, as certified
5 by the State Superintendent of Public Instruction, to
6 the school districts of the county where such pupils
7 attend school regardless of residence of such pupil,
8 provided the school district makes an ad valorem tax
9 levy of fifteen (15) mills for the current year and
10 maintains twelve (12) years of instruction.

11 B. Provided, notwithstanding any other provision of this
12 section, the total amounts deposited to the Common Education
13 Technology Revolving Fund, the Higher Education Capital Revolving
14 Fund, the Oklahoma Student Aid Revolving Fund, the Rural Economic
15 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation
16 Department Capital Expenditure Revolving Fund, the Oklahoma
17 Conservation Commission Infrastructure Revolving Fund and the
18 Community Water Infrastructure Development Revolving Fund pursuant
19 to paragraphs 6 and 7 of subsection A of this section shall not
20 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any
21 fiscal year. Except as otherwise provided in this subsection, all
22 sums in excess of One Hundred Fifty Million Dollars
23 (\$150,000,000.00) in any fiscal year which would otherwise be
24

1 deposited in such funds shall be apportioned by the Oklahoma Tax
2 Commission to the General Revenue Fund of the state.

3 C. In no event, for the fiscal year beginning on July 1, 2016,
4 and all subsequent fiscal years, shall the amounts apportioned
5 pursuant to subparagraphs b of paragraph 1, b of paragraph 2, b of
6 paragraph 3, a of paragraph 4, b of paragraph 5, d through f and h
7 of paragraph 6, d through f and h of paragraph 7, a of paragraph 8
8 and b of paragraph 9 of subsection A of this section exceed the
9 amounts apportioned for the fiscal year ending on June 30, 2013.
10 Any amounts which exceed this limitation shall be placed to the
11 credit of the General Revenue Fund.

12 SECTION 7. AMENDATORY 68 O.S. 2011, Section 1353, as
13 last amended by Section 1, Chapter 349, O.S.L. 2015 (68 O.S. Supp.
14 2015, Section 1353), is amended to read as follows:

15 Section 1353. A. ~~It~~ Except as otherwise provided in subsection
16 C of this section, it is hereby declared to be the purpose of the
17 Oklahoma Sales Tax Code to provide funds for the financing of the
18 program provided for by the Oklahoma Social Security Act and to
19 provide revenues for the support of the functions of the state
20 government of Oklahoma, and for this purpose it is hereby expressly
21 provided that, revenues derived pursuant to the provisions of the
22 Oklahoma Sales Tax Code, subject to the apportionment requirements
23 for the Oklahoma Tax Commission and Office of Management and
24

1 Enterprise Services Joint Computer Enhancement Fund provided by
2 Section 265 of this title, shall be apportioned as follows:

- 3 1. a. the following amounts shall be paid to the State
4 Treasurer to be placed to the credit of the General
5 Revenue Fund to be paid out pursuant to direct
6 appropriation by the Legislature:

7 Fiscal Year	Amount
8 FY 2003 and FY 2004	86.04%
9 FY 2005	85.83%
10 FY 2006	85.54%
11 FY 2007	85.04%
12 FY 2008 and each fiscal 13 year thereafter	83.61%

- 14 b. in the event that additional monies are necessary
15 pursuant to paragraph 6 of this subsection, such
16 additional monies shall be deducted in the proportion
17 determined by the State Board of Equalization pursuant
18 to paragraph 3 of Section 2355.1B of this title from
19 the monies apportioned to the General Revenue Fund;

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

1 shall be paid to the State Treasurer to be placed to the credit of
2 the Education Reform Revolving Fund of the State Department of
3 Education;

4 3. The following amounts shall be paid to the State Treasurer
5 to be placed to the credit of the Teachers' Retirement System
6 Dedicated Revenue Revolving Fund; provided, for fiscal years
7 beginning on or after July 1, 2016, any amounts which exceed the
8 amount apportioned for the fiscal year ending on June 30, 2013,
9 shall be placed to the credit of the General Revenue 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%

17 4. a. except as otherwise provided in subparagraph b of this
18 paragraph, for the fiscal year beginning July 1, 2015,
19 and for each fiscal year thereafter, eighty-seven one-
20 hundredths percent (0.87%) shall be paid to the State
21 Treasurer to be further apportioned as follows:

22 (1) thirty-six percent (36%) shall be placed to the
23 credit of the Oklahoma Tourism Promotion
24 Revolving Fund, but in no event shall such

1 apportionment for the fiscal year beginning on
2 July 1, 2015, exceed Five Million Dollars
3 (\$5,000,000.00) ~~in any fiscal year,~~ or the
4 apportionment for fiscal years beginning on or
5 after July 1, 2016, exceed the amount apportioned
6 for the fiscal year ending on June 30, 2013, and

7 (2) sixty-four percent (64%) shall be placed to the
8 credit of the Oklahoma Tourism Capital

9 Improvement Revolving Fund, but in no event shall
10 such apportionment for the fiscal year beginning
11 on July 1, 2015, exceed Nine Million Dollars
12 (\$9,000,000.00) ~~in any fiscal year,~~ or the
13 apportionment for fiscal years beginning on or
14 after July 1, 2016, exceed the amount apportioned
15 for the fiscal year ending on June 30, 2013, and

16 b. any amounts which exceed the limitations of
17 subparagraph a of this paragraph shall be placed to
18 the credit of the General Revenue Fund;

19 5. For the fiscal year beginning July 1, 2015, and for each
20 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
21 placed to the credit of the Oklahoma Historical Society Capital
22 Improvement and Operations Revolving Fund, but in no event shall
23 ~~such apportionment~~ the apportionment for the fiscal year beginning
24 on July 1, 2015, exceed the total amount apportioned pursuant to

1 this paragraph for the fiscal year ending on June 30, 2015. For
2 fiscal years beginning on or after July 1, 2016, in no event shall
3 the amount apportioned for the fiscal year exceed the amount
4 apportioned for the fiscal year ending on June 30, 2013. Any
5 amounts which exceed the limitations of this paragraph shall be
6 placed to the credit of the General Revenue Fund; and

7 6. During the first fiscal year after the State Board of
8 Equalization has made a determination as provided in Section 2355.1B
9 of this title, regarding a baseline amount of revenue apportioned
10 pursuant to paragraph 3 of this subsection, and for each fiscal year
11 thereafter, in no event shall monies apportioned pursuant to
12 paragraph 3 of this subsection, paragraph 3 of Section 1403 of this
13 title and subparagraph c of paragraph 1 of Section 2352 of this
14 title be less than such baseline amount or the amount apportioned
15 for the fiscal year fiscal year ending on June 30, 2013, whichever
16 is greater.

17 B. Provided, for the fiscal year beginning July 1, 2007, and
18 every fiscal year thereafter, an amount of revenue shall be
19 apportioned to each municipality or county which levies a sales tax
20 subject to the provisions of Section 1357.10 of this title and
21 subsection F of Section 2701 of this title equal to the amount of
22 sales tax revenue of such municipality or county exempted by the
23 provisions of Section 1357.10 of this title and subsection F of
24 Section 2701 of this title. In no event shall the amount

1 apportioned pursuant to this subsection exceed the amount
2 apportioned for the fiscal year ending on June 30, 2013. The
3 Oklahoma Tax Commission shall promulgate and adopt rules necessary
4 to implement the provisions of this subsection.

5 C. In no event, for the fiscal year beginning on July 1, 2016,
6 and all subsequent fiscal years, shall the amounts apportioned to
7 the Oklahoma Tax Commission and Office of Management and Enterprise
8 Services Joint Computer Enhancement Fund exceed the amounts
9 apportioned for the fiscal year ending on June 30, 2013. Any
10 amounts which exceed this limitation shall be placed to the credit
11 of the General Revenue Fund.

12 SECTION 8. AMENDATORY 68 O.S. 2011, Section 2352, as
13 last amended by Section 1, Chapter 253, O.S.L. 2013 (68 O.S. Supp.
14 2015, Section 2352), is amended to read as follows:

15 Section 2352. ~~It~~ Except as otherwise provided in paragraph 4 of
16 this Section, it is hereby declared to be the purpose of Section
17 2351 et seq. of this title to provide revenue for general
18 governmental functions of state government; and, for that purpose
19 and to that end, it is expressly declared that the revenue derived
20 herefrom and penalties and interest thereon, subject to the
21 apportionment requirements for the Rebuilding Oklahoma Access and
22 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
23 Revolving Fund and the Public Transit Revolving Fund to be derived
24 from income tax revenue that would otherwise be apportioned to the

1 General Revenue Fund as provided by Section 1521 of Title 69 of the
2 Oklahoma Statutes, subject to the apportionment requirements for the
3 Oklahoma Tax Commission and Office of Management and Enterprise
4 Services Joint Computer Enhancement Fund provided by Section 265 of
5 this title, ~~and subject to the apportionment requirements for the~~
6 ~~Oklahoma State Capitol Building Repair and Restoration Fund provided~~
7 ~~by Section 4 of this act~~, shall 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%

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; provided, for fiscal years beginning on or after July 1, 2016, any amounts which exceed the amount apportioned for the fiscal year ending on June 30, 2013, shall be placed to the credit of the General Revenue Fund;

2. Beginning July 1, 2003, for any period of time as certified by the Oklahoma Development Finance Authority and the Oklahoma Department of Commerce to be necessary for the repayment of obligations issued by the Oklahoma Development Finance Authority pursuant to Section 3654 of this title if the other sources of revenue paid to or apportioned to the Quality Jobs Program Incentive Leverage Fund are not adequate, including the proceeds from payment pursuant to the guaranty required by subsection M of Section 3654 of this title, an amount certified by the Oklahoma Development Finance Authority to the Oklahoma Tax Commission shall be apportioned to the Quality Jobs Program Incentive Leverage Fund before any other apportionments are made as otherwise authorized by this paragraph.

1 The Oklahoma Development Finance Authority shall certify to the
2 Oklahoma Tax Commission the time as of which the revenue authorized
3 for apportionment pursuant to this paragraph is no longer required.
4 After the certification, the revenue derived from the income tax
5 shall be apportioned in the manner otherwise provided by this
6 section. Except as otherwise provided by this paragraph, for the
7 fiscal year beginning July 1, 2002, the first Forty-One Million One
8 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
9 revenue derived pursuant to the provisions of subsections D and E of
10 Section 2355 of this title shall be apportioned to the Education
11 Reform Revolving Fund. The remainder of such revenue for the fiscal
12 year beginning July 1, 2002, and all such revenue for each fiscal
13 year thereafter, subject to the apportionment requirements for the
14 Oklahoma Tax Commission and Office of Management and Enterprise
15 Services Joint Computer Enhancement Fund provided by Section 265 of
16 this title, shall be apportioned monthly as follows:

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

22 Fiscal Year	Amount
23 FY 2003 and FY 2004	78.96%
24 FY 2005	78.75%

FY 2006	78.50%
FY 2007	78.0%
FY 2008 and each fiscal year thereafter	77.50%

b. for FY 2003 and each fiscal year thereafter, sixteen and five-tenths percent (16.5%) 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,

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; provided, for fiscal years beginning on or after July 1, 2016, any amounts which exceed the amount apportioned for the fiscal year ending on June 30, 2013, shall be placed to the credit of the General Revenue 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%

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; provided, for fiscal years
4 beginning on or after July 1, 2016, any amounts which
5 exceed the amount apportioned for the fiscal year
6 ending on June 30, 2013, shall be placed to the credit
7 of the General Revenue Fund; and

8 3. During the first fiscal year after the State Board of
9 Equalization has made a determination as provided in Section 2355.1B
10 of this title, regarding a baseline amount of revenue apportioned
11 pursuant to subparagraph c of paragraph 1 of this section, and for
12 each fiscal year thereafter, in no event shall monies apportioned
13 pursuant to subparagraph c of paragraph 1 of this section, paragraph
14 3 of Section 1353 of this title and paragraph 3 of Section 1403 of
15 this title be less than such baseline amount or the amount
16 apportioned for the fiscal year ending on June 30, 2013, whichever
17 is greater.

18 4. For the fiscal year beginning on July 1, 2016, and all
19 subsequent fiscal years, and notwithstanding the provisions of
20 Section 1521 of Title 69 of the Oklahoma Statutes, in no event shall
21 the amounts apportioned to the Oklahoma Tax Commission and Office of
22 Management and Enterprise Services Joint Computer Enhancement Fund,
23 the Rebuilding Oklahoma Access and Driver Safety Fund, the Oklahoma
24 Tourism and Passenger Rail Revolving Fund and the Public Transit

1 Revolving Fund exceed the amounts apportioned for the fiscal year
2 ending on June 30, 2013. Any amounts which exceed this limitation
3 shall be placed to the credit of the General Revenue Fund.

4 SECTION 9. This act shall become effective July 1, 2016.

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

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