

STATE OF OKLAHOMA

2nd Extraordinary Session of the 56th Legislature (2018)

HOUSE BILL 1032

By: Wallace and Casey of the
House

and

David and Fields of the
Senate

AS INTRODUCED

An Act relating to transportation funding; amending 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2017, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; modifying calculation of certain annual apportionments under certain conditions; referencing additional apportionments; providing for deposit of certain funds in fund under certain conditions; amending 47 O.S. 2011, Section 1104, as last amended by Section 1, Chapter 272, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1104), which relates to the apportionment of motor vehicle fees, taxes and penalties; modifying apportionments; providing certain amounts in excess of certain limits be credited to certain fund after a certain date; amending 68 O.S. 2011, Sections 500.6, as amended by Section 4, Chapter 375, O.S.L. 2013, 500.7, 704, 707.3 and 723, as amended by Section 8, Chapter 375, O.S.L. 2013 (68 O.S. Supp. 2017, Sections 500.6 and 723), which relate to apportionments of certain revenues; modifying destination fund for certain apportionments; providing for codification; providing an effective date; and providing for conditional effect.

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

1 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as
2 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
3 2017, Section 1521), is amended to read as follows:

4 Section 1521. A. There is hereby created in the State Treasury
5 a fund to be known as the "Rebuilding Oklahoma Access and Driver
6 Safety Fund". The fund shall be a continuing fund, not subject to
7 fiscal year limitations, and shall consist of all appropriations and
8 transfers made by the Legislature. All monies accruing to the
9 credit of the fund are hereby appropriated and may be budgeted and
10 expended each fiscal year by the Department of Transportation for
11 the purposes authorized by subsection G of this section.

12 Expenditures from the fund shall be made upon warrants issued by the
13 State Treasurer against claims filed as prescribed by law with the
14 Director of the Office of Management and Enterprise Services for
15 approval and payment.

16 B. ~~There~~ Beginning July 1, 2019, except for an amount
17 equivalent to the amount of revenue apportioned to the Rebuilding
18 Oklahoma Access and Driver Safety Fund pursuant to Section of
19 Enrolled House Bill No. of the 2nd Extraordinary Session of
20 the 56th Oklahoma Legislature and Section 1104 of Title 47 of the
21 Oklahoma Statutes, there shall be apportioned to the funds specified
22 in this subsection from the monies that would otherwise be
23 apportioned to the General Revenue Fund by Section 2352 of Title 68
24 of the Oklahoma Statutes from the revenues derived pursuant to

1 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
2 Statutes amounts as follows:

3 1. For each fiscal year, subject to the provisions of paragraph
4 3 of this subsection, and, except for the amount prescribed by
5 subparagraph a of this paragraph, subject to any reductions required
6 by subsection F of this section, there shall be apportioned to the
7 Rebuilding Oklahoma Access and Driver Safety Fund:

- 8 a. for the fiscal year beginning July 1, 2011, the first
9 Thirty-five Million Seven Hundred Thousand Dollars
10 (\$35,700,000.00), for the fiscal year beginning July
11 1, 2012, the first Forty-one Million Seven Hundred
12 Thousand Dollars (\$41,700,000.00) and for the fiscal
13 year beginning July 1, 2013, and for each fiscal year
14 thereafter, Fifty-nine Million Seven Hundred Thousand
15 Dollars (\$59,700,000.00), which shall be allocated and
16 used by the Department of Transportation first for the
17 purpose of making any required payments for principal,
18 interest or other costs of borrowing with respect to
19 the obligations issued pursuant to Section 341 of
20 Title 73 of the Oklahoma Statutes and after any such
21 required payment has been made then for the purposes
22 otherwise authorized by this section, plus
23 b. the total amount apportioned to the Rebuilding
24 Oklahoma Access and Driver Safety Fund for the

1 preceding fiscal year which, except for the amount
2 prescribed by subparagraph a of this paragraph, shall
3 be apportioned before any other amount is apportioned
4 pursuant to Section 2352 of Title 68 of the Oklahoma
5 Statutes, plus

- 6 c. an additional incremental amount which shall not be in
7 excess of the amount prescribed by subparagraph a of
8 this paragraph and that is required in order for the
9 total apportionment to the Rebuilding Oklahoma Access
10 and Driver Safety Fund from all sources for such
11 fiscal year to equal Five Hundred Seventy-five Million
12 Dollars (\$575,000,000.00).

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

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

- 21 a. the next Two Million Dollars (\$2,000,000.00) shall be
22 apportioned to the Oklahoma Tourism and Passenger Rail
23 Revolving Fund created pursuant to Section 325 of
24 Title 66 of the Oklahoma Statutes to be used for

capital and operating costs for the "Heartland Flyer" rail project, and

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

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

3. For each fiscal year after the first fiscal year in which the total apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund as provided by paragraph 1 of this subsection and from other sources equals Five Hundred Seventy-five Million Dollars (\$575,000,000.00), ~~the first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)~~ an amount in addition to the amount prescribed by subparagraph a of paragraph 1 of this subsection collected pursuant to subsections A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes and apportioned pursuant to Section 2352 of Title 68 of the Oklahoma Statutes that would otherwise be apportioned to the General Revenue Fund if needed shall be apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund which in conjunction with all other funds apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund by law for such

1 fiscal year shall equal Five Hundred Seventy-five Million Dollars
2 (\$575,000,000.00). With the exception of the amount prescribed by
3 subparagraph a of paragraph 1 of this subsection, all amounts
4 apportioned pursuant to this paragraph shall be divided into twelve
5 equal amounts to be apportioned each month during the fiscal year.

6 C. The apportionments of revenues required by subparagraphs a,
7 b and c of paragraph 1 of subsection B of this section shall be made
8 until the total annual apportionment from such sources in addition
9 to the apportionments made pursuant to Section of Enrolled
10 House Bill No. of the 2nd Extraordinary Session of the 56th
11 Oklahoma Legislature and Section 1104 of Title 47 of the Oklahoma
12 Statutes to the Rebuilding Oklahoma Access and Driver Safety Fund
13 equals Five Hundred Seventy-five Million Dollars (\$575,000,000.00).
14 After such annual apportionment level is reached, the apportionment
15 to the fund shall be governed by the provisions of paragraph 3 of
16 subsection B of this section; provided, that in no event shall the
17 total amount apportioned to the Rebuilding Oklahoma Access and
18 Driver Safety Fund in any fiscal year exceed Five Hundred Seventy-
19 five Million Dollars (\$575,000,000.00). Any amounts in excess of
20 such limitation shall be placed to the credit of the General Revenue
21 Fund.

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

1 E. In order to ensure that the funds from the ROADS Fund are
2 used to enhance and not supplant state funding for the Department of
3 Transportation, the State Board of Equalization shall examine and
4 investigate expenditures from the fund each year. For purposes of
5 this examination, monies used to retire outstanding debt obligations
6 for which the Department of Transportation is responsible shall be
7 excluded. At the meeting of the State Board of Equalization held
8 within five (5) days after the monthly apportionment in February of
9 each year, the State Board of Equalization shall issue a finding and
10 report which shall state whether expenditures from the ROADS Fund
11 were used to enhance or supplant state funding for the Department of
12 Transportation. If the State Board of Equalization finds that state
13 funding for the Department of Transportation was supplanted by funds
14 from the ROADS Fund, the Board shall specify the amount by which
15 such funding was supplanted. In this event, the Legislature shall
16 not make any appropriations for the ensuing fiscal year until an
17 appropriation in that amount is made to replenish state funding for
18 the Department of Transportation.

19 F. In the event that the Director of the Office of Management
20 and Enterprise Services declares a General Revenue Fund revenue
21 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
22 Statutes, and agency allocations are reduced pursuant to the
23 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
24

1 the amounts that would otherwise be apportioned to the ROADS Fund
2 by:

3 1. Subparagraph a of paragraph 1 of subsection B of this
4 section, only to the extent that the amount is not required for debt
5 service related to the obligations authorized pursuant to Section
6 341 of Title 73 of the Oklahoma Statutes;

7 2. Subparagraphs b and c of paragraph 1 of subsection B of this
8 section; and

9 3. Subparagraphs a and b of paragraph 2 of subsection B of this
10 section,
11 shall be reduced by a percentage equal to that required of the
12 General Revenue Fund appropriations to state agencies and such
13 reductions shall occur during the entire fiscal year and for any
14 month during which such reductions are required by the Office of
15 Management and Enterprise Services and by the same percentage as
16 that required of the agencies for such General Revenue Fund
17 appropriations.

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

20 1. The construction and maintenance of state roads, bridges and
21 highways;

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

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

4 4. Matching federal funds;

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

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

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

14 H. From the monies allocated pursuant to the provisions of
15 subparagraph a of paragraph 1 of subsection B of this section each
16 fiscal year, the Department of Transportation shall make payments
17 required for the payment of principal, interest and other costs
18 related to the obligations issued by the Oklahoma Capitol
19 Improvement Authority as authorized by Section 341 of Title 73 of
20 the Oklahoma Statutes and such payments shall be made by the
21 Department each fiscal year before such monies are used for any
22 other purpose.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 1104, as last amended by Section 1, Chapter 272, O.S.L. 2017 (47 O.S. Supp. 2017, Section 1104), is amended to read as follows:

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

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

- a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-hundredths percent (35.46%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-five and ninety-one one-hundredths percent (35.91%),
- c. for the year beginning July 1, 2002, through the year ending on June 30, 2015, thirty-six and twenty one-hundredths percent (36.20%), and
- d. for the year beginning July 1, 2015, ~~and all~~
subsequent years through the year ending on June 30,
2019, thirty-six and twenty one-hundredths percent (36.20%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph

1 exceed the total amount apportioned for the fiscal
2 year ending on June 30, 2015. Any amounts in excess
3 of such limitation shall be placed to the credit of
4 the General Revenue Fund, and

5 e. for the year beginning July 1, 2019, and all
6 subsequent years, thirty-six and twenty one-hundredths
7 percent (36.20%), but in no event shall the amount
8 apportioned in any fiscal year pursuant to this
9 subparagraph exceed the total amount apportioned for
10 the fiscal year ending on June 30, 2015. Any amounts
11 in excess of such limitation shall be placed to the
12 credit of the Rebuilding Oklahoma Access and Driver
13 Safety Fund created in Section 1521 of Title 69 of the
14 Oklahoma Statutes.

15 2. The monies apportioned pursuant to subparagraphs a through d
16 e of paragraph 1 of this subsection shall be apportioned to the
17 various school districts so that each district shall receive an
18 amount based upon the proportion that each district's average daily
19 attendance bears to the total average daily attendance of those
20 districts entitled to receive funds pursuant to this section as
21 certified by the State Department of Education.

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

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

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

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

12 2. For the year beginning July 1, 2001, and ending June 30,
13 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

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

17 4. For the year beginning July 1, 2007, and ending June 30,
18 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

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

21 6. For the period beginning July 1, 2009, and ending December
22 31, 2012, twenty-nine and eighty-four one-hundredths percent
23 (29.84%);
24

1 7. For the period beginning January 1, 2013, and ending June
2 30, 2013, twenty-nine and thirty-four one-hundredths percent
3 (29.34%);

4 8. For the year beginning July 1, 2013, and ending June 30,
5 2014, twenty-six and eighty-four one-hundredths percent (26.84%);
6 and

7 9. For the year beginning July 1, 2014, ~~and all subsequent~~
8 ~~years~~ through the year ending June 30, 2019, twenty-four and eighty-
9 four one-hundredths percent (24.84%).

10 D. The following percentages of the monies referred to in
11 subsection A of this section shall be remitted to the State
12 Treasurer to be credited to the State ~~Transportation~~ Highway
13 Construction and Maintenance Fund:

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

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

18 3. For the year beginning July 1, 2015, ~~and all subsequent~~
19 ~~years~~ through the year ending on June 30, 2019, thirty-one one-
20 hundredths percent (0.31%), but in no event shall the amount
21 apportioned in any fiscal year pursuant to this paragraph exceed the
22 total amount apportioned for the fiscal year ending on June 30,
23 2015. Any amounts in excess of such limitation shall be placed to
24 the credit of the General Revenue Fund; and

1 4. For the year beginning July 1, 2019, and all subsequent
2 years, thirty-one one-hundredths percent (0.31%), but in no event
3 shall the amount apportioned in any fiscal year pursuant to this
4 paragraph exceed the total amount apportioned for the fiscal year
5 ending on June 30, 2015. Any amounts in excess of such limitation
6 shall be placed to the credit of the Rebuilding Oklahoma Access and
7 Driver Safety Fund created in Section 1521 of Title 69 of the
8 Oklahoma Statutes.

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

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

14 b. for the year beginning July 1, 2001, and ending June
15 30, 2002, seven and eighteen one-hundredths percent
16 (7.18%),

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

20 d. for the year beginning July 1, 2015, ~~and all~~
21 ~~subsequent years~~ through the year ending on June 30,
22 2019, seven and twenty-four one-hundredths percent
23 (7.24%), but in no event shall the amount apportioned
24 in any fiscal year pursuant to this subparagraph

1 exceed the total amount apportioned for the fiscal
2 year ending on June 30, 2015. Any amounts in excess
3 of such limitation shall be placed to the credit of
4 the General Revenue Fund, and

5 e. for the year beginning July 1, 2019, and all
6 subsequent years, seven and twenty-four one-hundredths
7 percent (7.24%), but in no event shall the amount
8 apportioned in any fiscal year pursuant to this
9 subparagraph exceed the total amount apportioned for
10 the fiscal year ending on June 30, 2015. Any amounts
11 in excess of such limitation shall be placed to the
12 credit of the Rebuilding Oklahoma Access and Driver
13 Safety Fund created in Section 1521 of Title 69 of the
14 Oklahoma Statutes.

15 2. The monies apportioned pursuant to subparagraphs a through d
16 e of paragraph 1 of this subsection shall be apportioned as follows:
17 forty percent (40%) of such sum shall be distributed to the various
18 counties in that proportion which the county road mileage of each
19 county bears to the entire state road mileage as certified by the
20 Transportation Commission and the remaining sixty percent (60%) of
21 such sum shall be distributed to the various counties on the basis
22 which the population and area of each county bears to the total
23 population and area of the state. The population shall be as shown
24 by the last Federal Census or the most recent annual estimate

1 provided by the United States Bureau of the Census. The funds shall
2 be used for the purpose of constructing and maintaining county
3 highways; 7i provided, however, the county treasurer may deposit so
4 much of the funds in the sinking fund as may be necessary for the
5 retirement of interest and annual accrual of indebtedness created by
6 the issuance of county or township bonds for road purposes. Such
7 deposits to the sinking fund shall not exceed forty percent (40%) of
8 the funds allocated to a county pursuant to this paragraph.

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

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

16 b. for the year beginning July 1, 2001, and ending June
17 30, 2002, two and fifty-six one-hundredths percent
18 (2.56%),

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

22 d. for the year beginning July 1, 2015, ~~and all~~
23 ~~subsequent years~~ through the year ending on June 30,
24 2019, two and fifty-nine one-hundredths percent

(2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the General Revenue Fund, and

e. for the year beginning July 1, 2019, and all subsequent years, two and fifty-nine one-hundredths percent (2.59%), but in no event shall the amount apportioned in any fiscal year pursuant to this subparagraph exceed the total amount apportioned for the fiscal year ending on June 30, 2015. Any amounts in excess of such limitation shall be placed to the credit of the Rebuilding Oklahoma Access and Driver Safety Fund created in Section 1521 of Title 69 of the Oklahoma Statutes.

2. The monies apportioned pursuant to subparagraphs a through ~~e~~ e of paragraph 1 of this subsection shall be used for the primary purpose of matching federal funds for the construction of federal aid projects on county roads, or constructing and maintaining county or township highways and permanent bridges of such counties. The distribution of monies apportioned by this paragraph shall be made upon the basis of the current formula based upon road mileage, area and population as related to county road improvement and maintenance

1 costs. Provided, however, the Department of Transportation may
2 update the formula factors from time to time as necessary to account
3 for changing conditions.

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

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

10 b. for the year beginning July 1, 2001, and ending June
11 30, 2002, three and fifty-nine one-hundredths percent
12 (3.59%),

13 c. for the year beginning July 1, 2002, through the year
14 ending on June 30, 2015, three and sixty-two one-
15 hundredths percent (3.62%), ~~and~~

16 d. for the year beginning July 1, 2015, ~~and all~~
17 ~~subsequent years~~ through the year ending on June 30,
18 2019, three and sixty-two one-hundredths percent
19 (3.62%), but in no event shall the amount apportioned
20 in any fiscal year pursuant to this subparagraph
21 exceed the total amount apportioned for the fiscal
22 year ending on June 30, 2015. Any amounts in excess
23 of such limitation shall be placed to the credit of
24 the General Revenue Fund, and

1 e. for the year beginning July 1, 2019, 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 Rebuilding Oklahoma Access and Driver
9 Safety Fund created in Section 1521 of Title 69 of the
10 Oklahoma Statutes.

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

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

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

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

8 c. for the year beginning July 1, 2002, through the year
9 ending on June 30, 2015, eighty-three one-hundredths
10 percent (0.83%), ~~and~~

11 d. for the year beginning July 1, 2015, ~~and all~~
12 ~~subsequent years~~ through the year ending on June 30,
13 2019, eighty-three one-hundredths percent (0.83%), but
14 in no event shall the amount apportioned in any fiscal
15 year pursuant to this subparagraph exceed the total
16 amount apportioned for the fiscal year ending on June
17 30, 2015. Any amounts in excess of such limitation
18 shall be placed to the credit of the General Revenue
19 Fund, and

20 e. for the year beginning July 1, 2019, and all
21 subsequent years, eighty-three one-hundredths percent
22 (0.83%), but in no event shall the amount apportioned
23 in any fiscal year pursuant to this subparagraph
24 exceed the total amount apportioned for the fiscal

1 year ending on June 30, 2015. Any amounts in excess
2 of such limitation shall be placed to the credit of
3 the Rebuilding Oklahoma Access and Driver Safety Fund
4 created in Section 1521 of Title 69 of the Oklahoma
5 Statutes.

6 2. The monies apportioned pursuant to subparagraphs a through d
7 e of paragraph 1 of this subsection shall be apportioned to the
8 various counties based upon the proportion that each county's
9 population bears to the total state population.

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

13 I. 1. The following percentages of the monies referred to in
14 subsection A of this section shall be apportioned to the various
15 cities and incorporated towns as set forth in paragraph 2 of this
16 subsection:

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

19 b. for the year beginning July 1, 2001, and ending June
20 30, 2002, three and eight one-hundredths percent
21 (3.08%),

22 c. for the year beginning July 1, 2002, through the year
23 ending on June 30, 2015, three and ten one-hundredths
24 percent (3.10%), ~~and~~

1 d. for the year beginning July 1, 2015, ~~and all~~
2 ~~subsequent years~~ through the year ending on June 30,
3 2019, three and ten one-hundredths percent (3.10%),
4 but in no event shall the amount apportioned in any
5 fiscal year pursuant to this subparagraph exceed the
6 total amount apportioned for the fiscal year ending on
7 June 30, 2015. Any amounts in excess of such
8 limitation shall be placed to the credit of the
9 General Revenue Fund, and

10 e. for the year beginning July 1, 2019, and all
11 subsequent years, three and ten one-hundredths percent
12 (3.10%), but in no event shall the amount apportioned
13 in any fiscal year pursuant to this subparagraph
14 exceed the total amount apportioned for the fiscal
15 year ending on June 30, 2015. Any amounts in excess
16 of such limitation shall be placed to the credit of
17 the Rebuilding Oklahoma Access and Driver Safety Fund
18 created in Section 1521 of Title 69 of the Oklahoma
19 Statutes.

20 2. The monies apportioned pursuant to subparagraphs a through ~~e~~
21 e of paragraph 1 of this subsection shall be apportioned to the
22 various cities and incorporated towns based upon the proportion that
23 each city or incorporated town's population bears to the total
24 population of all cities and incorporated towns in the state. Such

1 funds shall be remitted to the various county treasurers for
2 allocation to the various cities and incorporated towns. All such
3 funds shall be used for the construction, maintenance, repair,
4 improvement and lighting of streets and alleys. Provided, however,
5 the governing board of any city or town may, with the approval of
6 the county excise board, transfer any surplus funds to the general
7 revenue fund of such city or town whenever an emergency requires
8 such a transfer.

9 J. The following percentages of the monies referred to in
10 subsection A of this section shall be remitted to the State
11 Treasurer to be credited to the Oklahoma Law Enforcement Retirement
12 Fund:

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

15 2. For the year beginning July 1, 2001, and ending June 30,
16 2002, one and twenty-three one-hundredths percent (1.23%); and

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

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

1 L. 1. For the year beginning July 1, 2007, and ending June 30,
2 2008, five percent (5%) of monies referred to in subsection A of
3 this section shall be remitted to the State Treasurer to be credited
4 to the County Improvements for Roads and Bridges Fund as created in
5 Section 507 of Title 69 of the Oklahoma Statutes.

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

11 3. For the period beginning July 1, 2009, and ending December
12 31, 2012, fifteen percent (15%) of monies referred to in subsection
13 A of this section shall be remitted to the State Treasurer to be
14 credited to the County Improvements for Roads and Bridges Fund as
15 created in Section 507 of Title 69 of the Oklahoma Statutes.

16 4. For the period beginning January 1, 2013, and ending June
17 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of
18 monies referred to in subsection A of this section shall be remitted
19 to the State Treasurer to be credited to the County Improvements for
20 Roads and Bridges Fund as created in Section 507 of Title 69 of the
21 Oklahoma Statutes.

22 5. For the year beginning July 1, 2013, and ending June 30,
23 2014, eighteen percent (18%) of monies referred to in subsection A
24 of this section shall be remitted to the State Treasurer to be

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

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

8 7. For the year beginning July 1, 2015, ~~and all subsequent~~
9 years through the year ending on June 30, 2019, twenty percent (20%)
10 of monies referred to in subsection A of this section shall be
11 remitted to the State Treasurer to be credited to the County
12 Improvements for Roads and Bridges Fund as created in Section 507 of
13 Title 69 of the Oklahoma Statutes, but in no event shall the total
14 amount apportioned in any fiscal year pursuant to this paragraph
15 exceed One Hundred Twenty Million Dollars (\$120,000,000.00). Any
16 amounts in excess of One Hundred Twenty Million Dollars
17 (\$120,000,000.00) shall be placed to the credit of the General
18 Revenue Fund.

19 8. For the year beginning July 1, 2019, and all subsequent
20 years, twenty percent (20%) of monies referred to in subsection A of
21 this section shall be remitted to the State Treasurer to be credited
22 to the County Improvements for Roads and Bridges Fund as created in
23 Section 507 of Title 69 of the Oklahoma Statutes, but in no event
24 shall the total amount apportioned in any fiscal year pursuant to

1 this paragraph exceed One Hundred Twenty Million Dollars
2 (\$120,000,000.00). Any amounts in excess of One Hundred Twenty
3 Million Dollars (\$120,000,000.00) shall be placed to the credit of
4 the Rebuilding Oklahoma Access and Driver Safety Fund created in
5 Section 1521 of Title 69 of the Oklahoma Statutes.

6 M. Twenty-four and eighty-four one-hundredths percent (24.84%)
7 of the monies referred to in subsection A of this section shall be
8 remitted to the State Treasurer to be credited to the Rebuilding
9 Oklahoma Access and Driver Safety Fund created in Section 1521 of
10 Title 69 of the Oklahoma Statutes.

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

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

22 SECTION 3. AMENDATORY 68 O.S. 2011, Section 500.6, as
23 amended by Section 4, Chapter 375, O.S.L. 2013 (68 O.S. Supp. 2017,
24 Section 500.6), is amended to read as follows:

1 Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon
2 of gasoline that is levied by paragraph 1 of subsection A of Section
3 500.4 of this title, the tax upon compressed natural gas levied by
4 paragraph 3 of subsection A of Section 500.4 of this title, the tax
5 upon liquefied natural gas levied by paragraph 4 of subsection A of
6 Section 500.4 of this title and the tax of two and eight one-
7 hundredths cents (\$0.0208) per gallon of gasoline that is levied by
8 subsection C of Section 500.4 of this title, and penalties and
9 interest thereon, collected by the Oklahoma Tax Commission under the
10 levy shall be apportioned and distributed monthly as follows:

11 1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00)
12 of the levy collected each month shall be deposited in the State
13 Treasury to the credit of the State ~~Transportation~~ Highway
14 Construction and Maintenance Fund;

15 2. One and six hundred twenty-five one-thousandths percent
16 (1.625%) of the levy shall be remitted to the State Treasurer to the
17 credit of the High Priority State Bridge Revolving Fund as created
18 in Section 506 of Title 69 of the Oklahoma Statutes;

19 3. Sixty-three and seventy-five one-hundredths percent (63.75%)
20 of the levy shall be deposited in the State Treasury to the credit
21 of the State ~~Transportation~~ Highway Construction and Maintenance
22 Fund to be apportioned as follows:

23 a. the first Eight Hundred Fifty Thousand Dollars
24 (\$850,000.00) collected each fiscal year shall be

1 transferred to the Public Transit Revolving Fund,
2 created in Section 4031 of Title 69 of the Oklahoma
3 Statutes, ~~and~~

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

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

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

19 c. forty-one and two-tenths percent (41.2%) of the monies
20 apportioned to the State ~~Transportation~~ Highway
21 Construction and Maintenance Fund shall be used for
22 any purpose provided for in Section 1502 of Title 69
23 of the Oklahoma Statutes,
24

- d. nine and eight-tenths percent (9.8%) of the monies apportioned to the State ~~Transportation~~ Highway Construction and Maintenance Fund shall be used to provide funds for the construction and maintenance of farm-to-market roads on the state highway system, and other rural farm-to-market roads and bridges, and
- e. any remaining amount of the apportionment shall be deposited into the State ~~Transportation~~ Highway Construction and Maintenance Fund;

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

- a. sixty-five and three-tenths percent (65.3%) of the monies apportioned under this paragraph shall be used on the following basis:
- (1) forty percent (40%) of such sum shall be distributed to the various counties in the proportion which the county road mileage of each county bears to the entire state road mileage as certified by the Transportation Commission, and
 - (2) the remaining sixty percent (60%) of such sum shall be distributed to the various counties on the basis which the population and area of each county bears to the total population and area of

1 the state. The population shall be as shown by
2 the last Federal Decennial Census or the most
3 recent annual estimate provided by the U.S.
4 Bureau of the Census,

5 b. twenty-three and one-tenth percent (23.1%) of the
6 monies apportioned under this paragraph shall be
7 distributed to the counties in the following manner:
8 One-third (1/3) on area; one-third (1/3) on rural
9 population, defined as including the population of all
10 municipalities with a population of less than five
11 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 c. eleven and six-tenths percent (11.6%) 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 monies in the County Bridge
2 Program funds, but shall also take into consideration
3 the effect of the terrain and traffic volume as
4 related to county road improvement and maintenance
5 costs;

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

16 6. Two and two hundred ninety-seven one-thousandths percent
17 (2.297%) of the levy shall be distributed to the various counties of
18 the state for deposit into the County Bridge and Road Improvement
19 Fund of each county based on a formula developed by the Department
20 of 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;

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

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

18 B. 1. The funds apportioned or transmitted pursuant to
19 subparagraphs a, b, and c of paragraph 4 of subsection A of this
20 section, subsection B of Section 500.7 of this title, subsection B
21 of Section 704 of this title, Section 706 of this title, and
22 paragraph 2 of subsection D of Section 707.3 of this title shall be
23 sent to the respective county treasurers and deposited in the county
24

1 highway fund to be used by the county commissioners for the purpose
2 of constructing and maintaining county highways and bridges.

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

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

1 4. In all counties where the county excise board may find it
2 necessary, because of insufficient revenue, to maintain county
3 government out of the general fund, after a levy of ten (10) mills
4 has been made for any fiscal year, the county excise board may
5 appropriate out of any such funds apportioned to the county an
6 amount sufficient to pay the salaries of the county commissioners of
7 the county for the fiscal year.

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

12 C. With regards to the apportionment of the levy as set forth
13 in paragraph 5 of subsection A of this section, paragraph 5 of
14 subsection A of Section 500.7 of this title, and subsection C of
15 Section 707.2 of this title:

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

20 2. If any county has an accrued balance of funds which were
21 appropriated to or otherwise accrued in the County Road Improvement
22 Fund, or the County Bridge Improvement Fund, such funds shall, by
23 resolution approved by a majority of the board of county
24

1 commissioners and filed with the Department of Transportation, be
2 deposited in the county highway fund of the county;

3 3. If any county has an accrued balance of funds which were
4 appropriated to or otherwise accrued in the County Bridge and Road
5 Improvement Fund, ninety-nine percent (99%) of such funds shall be
6 remitted to the respective county treasurer for deposit in the
7 appropriate County Bridge and Road Improvement Fund to be used for
8 the purpose set forth in the County Bridge and Road Improvement Act.
9 The remaining one percent (1%) of such funds will be remitted to the
10 Statewide Circuit Engineering District Revolving Fund; and

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

1 D. The tax levied on gasoline pursuant to Section 500.4A of
2 this title, and the penalties and interest thereon, collected by the
3 Tax Commission under the levy shall be apportioned and distributed
4 on a monthly basis to the State Highway Construction and Maintenance
5 Fund for the purposes authorized by Section 1502 of Title 69 of the
6 Oklahoma Statutes.

7 SECTION 4. AMENDATORY 68 O.S. 2011, Section 500.7, is
8 amended to read as follows:

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

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

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

22 3. Sixty-four and thirty-four one-hundredths percent (64.34%)
23 of the levy shall be deposited in the State Treasury to the credit
24

1 of the State ~~Transportation~~ Highway Construction and Maintenance
2 Fund;

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

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

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

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

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

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

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

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

1 consideration the effect of the terrain and traffic volume as
2 related to county road improvement and maintenance costs; and

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

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

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

17 SECTION 5. AMENDATORY 68 O.S. 2011, Section 704, is
18 amended to read as follows:

19 Section 704. A. The purpose of Section 701 et seq. of this
20 title is to provide revenue for general governmental functions of
21 state government and for the construction and maintenance of state
22 and county highways and bridges. The tax, including penalties and
23 interest collected under the levy in Section 703 of this title,
24 shall be apportioned monthly for use as follows:

1 1. An amount equal to the revenue, including penalties and
2 interest thereon, accruing from four cents (\$0.04) per gallon of the
3 five and one-half cents (\$0.055) per gallon collected of the tax
4 levied by Section 703 of this title, shall be apportioned monthly
5 and used for the following purposes:

6 a. three percent (3%) shall be paid by the Tax Commission
7 to the State Treasurer and placed to the credit of the
8 General Revenue Fund of the State Treasury,

9 b. seventy-two and three-fourths percent (72 3/4%) shall
10 be deposited in the State Treasury to the credit of
11 the State ~~Transportation~~ Highway Construction and
12 Maintenance Fund, and

13 c. twenty-four and one-fourth percent (24 1/4%) shall be
14 transmitted by the Tax Commission to various counties
15 of the state, in the percentage which the population
16 and area of each county bears to the population and
17 area of the entire state. The population shall be as
18 shown by the last Federal Census or the most recent
19 annual estimate provided by the U.S. Bureau of the
20 Census;

21 2. An amount equal to the revenue, including penalties and
22 interest thereon, accruing from one cent (\$0.01) per gallon of the
23 five and one-half cents (\$0.055) per gallon collected of the tax
24 levied by Section 703 of this title, shall be apportioned monthly

1 and shall be deposited in the State Treasury to the credit of the
2 State ~~Transportation~~ Highway Construction and Maintenance Fund; and

3 3. An amount equal to the revenue, including penalties and
4 interest thereon, accruing from one-half cent (\$0.005) per gallon of
5 the five and one-half cents (\$0.055) per gallon collected of the tax
6 levied by Section 703 of this title, shall be apportioned monthly
7 and distributed as follows:

8 Forty percent (40%) of such sum shall be distributed to the
9 various counties in that proportion which the county road mileage of
10 each county bears to the entire state road mileage as certified by
11 the State Transportation Commission, and the remaining sixty percent
12 (60%) of such sum shall be distributed to the various counties on
13 the basis which the population and area of each county bears to the
14 total population and area of the state. The population shall be as
15 shown by the last Federal Census or the most recent annual estimate
16 provided by the U.S. Bureau of the Census.

17 B. The funds apportioned or transmitted pursuant to the
18 provisions of subparagraph c of paragraph 1 of subsection A of this
19 section and paragraph 3 of subsection A of this section shall be
20 used in accordance with and subject to the provisions of subsection
21 B of Section 500.6 of this title.

22 SECTION 6. AMENDATORY 68 O.S. 2011, Section 707.3, is
23 amended to read as follows:
24

1 Section 707.3 A. In addition to the excise taxes levied by
2 Sections 703, 705, 707.1 and 707.2 of this title, there is hereby
3 levied an excise tax of six cents (\$0.06) upon the use within this
4 state of each and every gallon of special fuel, which shall be
5 reported and collected in the same manner as provided by law for the
6 reporting and collecting of all other tax levies upon the use of
7 special fuel within this state. The basis for computation of the
8 amount due shall be one hundred percent (100%) of the net gallonage
9 reported to the Tax Commission for taxation, after all deductions
10 allowed by law have been made.

11 B. The tax levied by this section shall not apply to special
12 fuel which is exempt from tax pursuant to the provisions of Section
13 708 of this title.

14 C. It is hereby declared to be the intent of the Legislature
15 that the total state excise tax, levied by this section and Sections
16 703, 705, 707.1 and 707.2 of this title, shall be sixteen cents
17 (\$0.16) upon each gallon of special fuel used within Oklahoma and
18 that no special fuel shall be subject to the total tax more than one
19 time.

20 D. The additional excise tax of six cents (\$0.06) per gallon of
21 special fuel levied by this section, together with any interest and
22 penalties thereon, collected by the Tax Commission shall be
23 apportioned monthly as follows:
24

1 1. Five cents (\$0.05) of the six cents (\$0.06), together with
2 any interest and penalties thereon, shall be apportioned to the
3 State ~~Transportation~~ Highway Construction and Maintenance Fund; and

4 2. One cent (\$0.01) of the six cents (\$0.06), together with any
5 interest and penalties thereon, shall be distributed to the various
6 counties in the following manner: thirty percent (30%) based upon
7 area, thirty percent (30%) based upon population according to the
8 latest Federal Decennial Census or the most recent annual estimate
9 provided by the U.S. Bureau of the Census and forty percent (40%)
10 based upon county road mileage on the basis which the respective
11 area, population and county road mileage of each county bear to the
12 total area, population and county road mileage of the state. The
13 funds so transmitted shall be used in accordance with and subject to
14 the provisions of subsection B of Section 500.6 of this title.

15 SECTION 7. AMENDATORY 68 O.S. 2011, Section 723, as
16 amended by Section 8, Chapter 375, O.S.L. 2013 (68 O.S. Supp. 2017,
17 Section 723), is amended to read as follows:

18 Section 723. A. In lieu of the special fuel tax imposed by
19 Sections 703, 705, 707.1, 707.2 and 707.3 of this title, there is
20 hereby levied a flat fee of Fifty Dollars (\$50.00) on each passenger
21 automobile, and on each pickup truck or van not exceeding one (1)
22 ton in capacity, using liquefied petroleum gas or natural gas as
23 fuel, except that no such fee shall be levied on any vehicle which
24 is the subject of an exemption pursuant to Section 708 of this

1 title. Provided that, should the passenger automobile, pickup truck
2 or van have been acquired or should the liquefied petroleum gas or
3 natural gas system be installed on or after July 1, the flat fee
4 shall be Twenty-five Dollars (\$25.00) for the remainder of the
5 calendar year, except as hereinafter provided.

6 B. Beginning January 1, 1991, in lieu of the special fuel tax
7 imposed by Sections 703, 705, 707.1, 707.2 and 707.3 of this title,
8 there is hereby levied a flat fee of One Hundred Dollars (\$100.00)
9 on each passenger automobile, and on each pickup truck or van not
10 exceeding one (1) ton in capacity, using methanol or "M-85" which is
11 a mixture of methanol and gasoline containing at least eighty-five
12 percent (85%) methanol as fuel, except that no such fee shall be
13 levied on any vehicle which is the subject of an exemption pursuant
14 to Section 708 of this title. Provided that, should the passenger
15 automobile, pickup truck or van have been acquired or should
16 methanol or "M-85" system be installed on or after July 1, the flat
17 fee shall be Fifty Dollars (\$50.00) for the remainder of the
18 calendar year, except as hereinafter provided.

19 C. In lieu of the special fuel tax imposed by Sections 703,
20 705, 707.1, 707.2 and 707.3 of this title, there is hereby levied a
21 flat fee of One Hundred Fifty Dollars (\$150.00) on each vehicle
22 exceeding one (1) ton in capacity, using liquefied petroleum gas,
23 methanol or "M-85" as fuel, except that no such fee shall be levied
24 on any vehicle which is the subject of an exemption pursuant to

1 Section 708 of this title. Provided that, should the vehicle be
2 acquired or should the methanol or "M-85" system be installed on or
3 after July 1, the flat fee shall be Seventy-five Dollars (\$75.00)
4 for the remainder of the calendar year, except as hereinafter
5 provided.

6 D. Every person operating a vehicle using liquefied petroleum
7 gas, methanol or "M-85" as fuel shall make application for and
8 obtain a decal to be issued on a yearly basis by the Oklahoma Tax
9 Commission on forms prescribed and furnished by the Tax Commission.

10 E. Every person required to make application for and receive a
11 decal under this section shall, at the time of making said
12 application, remit to the Tax Commission the total amount of the fee
13 due.

14 F. Each decal issued by the Tax Commission pursuant to the
15 provisions of this section, shall expire on December 31 of every
16 year, and in addition thereto said decals shall be displayed in the
17 lower right hand corner of the front windshield of said vehicle.
18 Upon receipt of satisfactory proof by the Tax Commission that it has
19 become necessary to replace the windshield of the vehicle for which
20 the decal was issued, another decal shall be issued by the Tax
21 Commission as a replacement for a fee of One Dollar (\$1.00).

22 G. When any vehicle using liquefied petroleum gas, methanol or
23 "M-85" as fuel and displaying a current decal as provided in this
24 section is sold, such decal shall remain with the vehicle sold,

1 unless the equipment installed to enable the vehicle to use
2 liquefied petroleum gas, methanol or "M-85" has been removed from
3 the vehicle before the sale.

4 H. When the aforementioned equipment has been removed before
5 the sale, the seller of the vehicle shall also remove the decal
6 required of vehicles using liquefied petroleum gas, methanol or "M-
7 85". The removed decal, a receipt from the Oklahoma Tax Commission
8 showing that the fee required has been paid for the current year,
9 and the payment of a one-dollar fee for duplicate decal shall
10 entitle the seller to make application for and obtain a new decal to
11 be used for the remainder of the year on any vehicle using liquefied
12 petroleum gas, methanol or "M-85" in accordance with the provisions
13 of this section.

14 I. Provisions contained in Sections 701 through 721 of this
15 title shall not apply to any vehicle using liquefied petroleum gas,
16 methanol or "M-85".

17 J. All funds derived from the fee imposed by subsection A of
18 this section shall be deposited annually in the General Revenue Fund
19 of the State Treasury by the Tax Commission. When any person fails
20 to obtain a current decal within thirty (30) days of the date said
21 decal is required as provided in this section, there shall become
22 due and payable a penalty of twenty percent (20%) of the fee in
23 addition to the fee. Said penalty to be deposited in the same
24 manner as the fee pursuant to this subsection.

1 K. All funds derived from the fee imposed by subsections B and
2 C of this section shall be collected by the Oklahoma Tax Commission
3 and apportioned annually to the State ~~Transportation~~ Highway
4 Construction and Maintenance Fund. When any person fails to obtain
5 a current decal within thirty (30) days of the date such decal is
6 required as provided in this section, there shall become due and
7 payable a penalty of twenty percent (20%) of the fee in addition to
8 the fee. Such penalty shall be deposited in the same manner as the
9 fee pursuant to this subsection.

10 SECTION 8. This act shall become effective July 1, 2019.

11 SECTION 9. The provisions of this act shall be contingent upon
12 the enactment of the provisions of Enrolled House Bill No. _____ of
13 the 2nd Extraordinary Session of the 56th Oklahoma Legislature and
14 shall not become operative as law otherwise.

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16 56-2EX-50341 JM 02/05/18
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