

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 92

By: Smalley

4
5
6 AS INTRODUCED

7 An Act relating to public service by teachers;
8 creating the Public Service Education Revolving Fund;
9 providing for deposits thereto and expenditures
10 therefrom; allowing certain teachers elected to
11 Legislature to continue employment under certain
12 circumstances; requiring application for payment of
13 compensation and benefits from Fund; providing for
14 operation and construction of certain provisions;
15 requiring apportionment of certain amounts in Fund;
16 requiring State Department of Education to promulgate
17 certain rules; amending 47 O.S. 2011, Section 1104,
18 as last amended by Section 1, Chapter 350, O.S.L.
19 2015 (47 O.S. Supp. 2016, Section 1104), which
20 relates to apportionment of motor vehicle revenues;
21 modifying apportionment; providing for codification;
22 and providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 6-101.9 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving
fund for the State Department of Education to be designated the
"Public Service Education Revolving Fund". The fund shall be a
continuing fund, not subject to fiscal year limitations, and shall

1 consist of all monies received by the Department pursuant to the
2 provisions of paragraph 3 of subsection B of Section 1104 of Title
3 47 of the Oklahoma Statutes. All monies accruing to the credit of
4 the fund are hereby appropriated and may be budgeted and expended by
5 the Department for the purpose set forth in subsection B of this
6 section. Expenditures from the fund shall be made upon warrants
7 issued by the State Treasurer against claims filed as prescribed by
8 law with the Director of the Office of Management and Enterprise
9 Services for approval and payment.

10 B. If a certified teacher employed by and under contract with a
11 public school district in this state is elected to the Legislature,
12 such teacher may continue such employment during the term of office,
13 but only during such periods when the Legislature is not in regular
14 session. If a school district and the teacher jointly desire to
15 continue such employment and contract as provided in this section,
16 the district shall make application to the State Department of
17 Education for payment of the compensation and any benefits accruing
18 to such teacher from the Public Service Education Revolving Fund.

19 C. Nothing in this section shall be construed to permit any
20 person serving in the Legislature, who was not employed by and under
21 contract with a public school district in this state at the time of
22 election, to be so employed or under contract during the term of
23 office.

24

1 D. Any amount remaining in the Public Service Education
2 Revolving Fund at the end of each fiscal year which is not otherwise
3 obligated for the purpose set forth in this section shall be
4 apportioned as provided in Section 1104 of Title 47 of the Oklahoma
5 Statutes.

6 E. The State Department of Education shall promulgate rules as
7 may be necessary to implement the provisions of this section.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1104, as
9 last amended by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp.
10 2016, Section 1104), is amended to read as follows:

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

16 B. 1. The Except as otherwise provided in paragraph 3 of this
17 subsection, the following percentages of the monies referred to in
18 subsection A of this section shall be apportioned to the various
19 school districts in accordance with paragraph 2 of this subsection:

- 20 a. from October 1, 2000, until June 30, 2001, thirty-five
21 and forty-six one-hundredths percent (35.46%),
22 b. for the year beginning July 1, 2001, and ending June
23 30, 2002, thirty-five and ninety-one one-hundredths
24 percent (35.91%),

1 c. for the year beginning July 1, 2002, through the year
2 ending on June 30, 2015, thirty-six and twenty one-
3 hundredths percent (36.20%), and

4 d. for the year beginning July 1, 2015, and all
5 subsequent years, thirty-six and twenty one-hundredths
6 percent (36.20%), but in no event shall the amount
7 apportioned in any fiscal year pursuant to this
8 subparagraph exceed the total amount apportioned for
9 the fiscal year ending on June 30, 2015. Any amounts
10 in excess of such limitation shall be placed to the
11 credit of the General Revenue Fund.

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

15 a. except as otherwise provided in this subparagraph,
16 each district shall receive the same amount of funds
17 as such district received from the taxes and fees
18 provided in this title in the corresponding month of
19 the preceding year. Any district eligible for funds
20 pursuant to the provisions of this section that was
21 not eligible the preceding year shall receive an
22 amount equal to the average daily attendance of the
23 applicable year multiplied by the average daily
24 attendance apportionment within such county for each

1 appropriate month. For fiscal year 1995 and
2 thereafter, any district which received less than
3 twenty-five percent (25%) of the average apportionment
4 of the monies made to school districts in this state
5 based on average daily attendance in fiscal year 1995
6 shall receive an amount equal to the average daily
7 attendance in the 1994-1995 school year multiplied by
8 the average daily attendance apportionment within the
9 county in which the district is located for each
10 appropriate month, and

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

1 Each district's allocation of funds shall be remitted to the
2 county treasurer of the county wherein the administrative
3 headquarters of the district are located.

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

9 3. For the fiscal year beginning July 1, 2018, and for each
10 fiscal year thereafter, the first Two Million Dollars
11 (\$2,000,000.00) of the monies referred to in subsection A of this
12 section collected each year shall be deposited to the Public Service
13 Education Revolving Fund created in Section 1 of this act.

14 C. The following percentages of the monies referred to in
15 subsection A of this section shall be remitted to the State
16 Treasurer to be credited to the General Revenue Fund of the State
17 Treasury:

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

20 2. For the year beginning July 1, 2001, and ending June 30,
21 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

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

1 4. For the year beginning July 1, 2007, and ending June 30,
2 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

3 5. For the year beginning July 1, 2008, and ending June 30,
4 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

5 6. For the period beginning July 1, 2009, and ending December
6 31, 2012, twenty-nine and eighty-four one-hundredths percent
7 (29.84%);

8 7. For the period beginning January 1, 2013, and ending June
9 30, 2013, twenty-nine and thirty-four one-hundredths percent
10 (29.34%);

11 8. For the year beginning July 1, 2013, and ending June 30,
12 2014, twenty-six and eighty-four one-hundredths percent (26.84%);
13 and

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

16 D. 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 State Transportation Fund:

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

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

23 3. For the year beginning July 1, 2015, and all subsequent
24 years, thirty-one one-hundredths percent (0.31%), but in no event

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

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

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

10 b. for the year beginning July 1, 2001, and ending June
11 30, 2002, seven and eighteen one-hundredths percent
12 (7.18%),

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

16 d. for the year beginning July 1, 2015, and all
17 subsequent years, seven and twenty-four one-hundredths
18 percent (7.24%), 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.

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

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

- 1 a. from October 1, 2000, until June 30, 2001, two and
2 fifty-three one-hundredths percent (2.53%),
3 b. for the year beginning July 1, 2001, and ending June
4 30, 2002, two and fifty-six one-hundredths percent
5 (2.56%),
6 c. for the year beginning July 1, 2002, through the year
7 ending on June 30, 2015, two and fifty-nine one-
8 hundredths percent (2.59%), and
9 d. for the year beginning July 1, 2015, and all
10 subsequent years, two and fifty-nine one-hundredths
11 percent (2.59%), but in no event shall the amount
12 apportioned in any fiscal year pursuant to this
13 subparagraph exceed the total amount apportioned for
14 the fiscal year ending on June 30, 2015. Any amounts
15 in excess of such limitation shall be placed to the
16 credit of the General Revenue Fund.

17 2. The monies apportioned pursuant to subparagraphs a through c
18 of paragraph 1 of this subsection shall be used for the primary
19 purpose of matching federal funds for the construction of federal
20 aid projects on county roads, or constructing and maintaining county
21 or township highways and permanent bridges of such counties. The
22 distribution of monies apportioned by this paragraph shall be made
23 upon the basis of the current formula based upon road mileage, area
24 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, three and sixty-two one-hundredths
18 percent (3.62%), 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.

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

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

- 16 a. from October 1, 2000, until June 30, 2001, eighty-one
17 one-hundredths percent (0.81%),
- 18 b. for the year beginning July 1, 2001, and ending June
19 30, 2002, eighty-two one-hundredths percent (0.82%),
- 20 c. for the year beginning July 1, 2002, through the year
21 ending on June 30, 2015, eighty-three one-hundredths
22 percent (0.83%), and
- 23 d. for the year beginning July 1, 2015, and all
24 subsequent years, eighty-three one-hundredths percent

1 (0.83%), but in no event shall the amount apportioned
2 in any fiscal year pursuant to this subparagraph
3 exceed the total amount apportioned for the fiscal
4 year ending on June 30, 2015. Any amounts in excess
5 of such limitation shall be placed to the credit of
6 the General Revenue Fund.

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

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

13 b. any funds remaining unallocated following the
14 allocation provided in subparagraph a of this
15 paragraph shall be apportioned to the various counties
16 based upon the proportion that each county's
17 population bears to the total state population.

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

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

- 1 a. from October 1, 2000, until June 30, 2001, three and
2 four one-hundredths percent (3.04%),
3 b. for the year beginning July 1, 2001, and ending June
4 30, 2002, three and eight one-hundredths percent
5 (3.08%),
6 c. for the year beginning July 1, 2002, through the year
7 ending on June 30, 2015, three and ten one-hundredths
8 percent (3.10%), and
9 d. for the year beginning July 1, 2015, and all
10 subsequent years, three and ten one-hundredths percent
11 (3.10%), but in no event shall the amount apportioned
12 in any fiscal year pursuant to this subparagraph
13 exceed the total amount apportioned for the fiscal
14 year ending on June 30, 2015. Any amounts in excess
15 of such limitation shall be placed to the credit of
16 the General Revenue Fund.

17 2. The monies apportioned pursuant to subparagraphs a through c
18 of paragraph 1 of this subsection shall be apportioned to the
19 various cities and incorporated towns based upon the proportion that
20 each city or incorporated town's population bears to the total
21 population of all cities and incorporated towns in the state. Such
22 funds shall be remitted to the various county treasurers for
23 allocation to the various cities and incorporated towns. All such
24 funds shall be used for the construction, maintenance, repair,

1 improvement and lighting of streets and alleys. Provided, however,
2 the governing board of any city or town may, with the approval of
3 the county excise board, transfer any surplus funds to the general
4 revenue fund of such city or town whenever an emergency requires
5 such a transfer.

6 J. 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 Oklahoma Law Enforcement Retirement
9 Fund:

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

12 2. For the year beginning July 1, 2001, and ending June 30,
13 2002, one and twenty-three one-hundredths percent (1.23%); and

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

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

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

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

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

8 3. For the period beginning July 1, 2009, and ending December
9 31, 2012, fifteen percent (15%) of monies referred to in subsection
10 A of this section shall be remitted to the State Treasurer to be
11 credited to the County Improvements for Roads and Bridges Fund as
12 created in Section 507 of Title 69 of the Oklahoma Statutes.

13 4. For the period beginning January 1, 2013, and ending June
14 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of
15 monies referred to in subsection A of this section shall be remitted
16 to the State Treasurer to be credited to the County Improvements for
17 Roads and Bridges Fund as created in Section 507 of Title 69 of the
18 Oklahoma Statutes.

19 5. For the year beginning July 1, 2013, and ending June 30,
20 2014, eighteen percent (18%) of monies referred to in subsection A
21 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.

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

6 7. For the year beginning July 1, 2015, and all subsequent
7 years, twenty percent (20%) 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, but in no event
11 shall the total amount apportioned in any fiscal year pursuant to
12 this paragraph exceed One Hundred Twenty Million Dollars
13 (\$120,000,000.00). Any amounts in excess of One Hundred Twenty
14 Million Dollars (\$120,000,000.00) shall be placed to the credit of
15 the General Revenue Fund.

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

21 N. Notwithstanding any other provisions of this section, for
22 the fiscal year beginning July 1, 2003, the first One Hundred
23 Thousand Dollars (\$100,000.00) of the monies collected or received
24 by the Tax Commission pursuant to the registration of motorcycles

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

3 SECTION 3. This act shall become effective November 1, 2017.

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