

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3508

			Of the printed Bill
Page	<u>1</u>	Section	<u>1</u>
		Lines	<u>14.5</u>
			Of the Engrossed Bill

By inserting a new section 1 to read as follows and renumbering subsequent sections:

"SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-811 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Work Zone Safety Division" means a division within the Department of Public Safety that is responsible for maintaining and deploying automated speed enforcement units as a means of speed enforcement for road construction work zones in this state;

2. "Automated speed enforcement unit" means a system of automatic number plate recognition (ANPR) cameras used to electronically record the speed of passing vehicles and issue tickets to the vehicles violating speed limit regulations; and

3. "Automatic number plate recognition (ANPR) camera" means a fixed or mobile speed camera system that measures the time taken by a vehicle to

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Avery Frix

Adopted: _____

Reading Clerk

travel between two or more points. The camera measures the speed of the passing vehicle and records license plate information from the vehicle.

B. The Department of Public Safety is authorized to promulgate any necessary rules to develop a Work Zone Safety Division. The division shall utilize automated speed enforcement units equipped with ANPR cameras to detect speeding motorists and issue violations in road construction zones in this state.

C. The Department shall fund the Work Zone Safety Division with its share of the assessment apportioned to it pursuant to paragraph 1 of subsection C of Section 327.1 of Title 17 of the Oklahoma Statutes."

On page 2, section 1, line 17.5 by inserting a new subsection D to read as follows:

"D. The Department shall fund the Smart Work Zone System with its share of the assessment apportioned to it pursuant to paragraph 2 of subsection C of Section 327.1 of Title 17 of the Oklahoma Statutes."; and

On page 2, section 2, line 18 by inserting a new section three to read as follows and by renumbering subsequent sections:

"SECTION 3. AMENDATORY Section 25, Chapter 27, O.S.L. 2018, as amended by Section 12, Chapter 82, O.S.L. 2019 (17 O.S. Supp. 2019, Section 327.1), is amended to read as follows:

Section 327.1 A. Except as otherwise provided by this section, there shall be an assessment of one cent (\$0.01) per gallon upon the sale of each gallon of motor fuel used or consumed in this state. The assessment imposed pursuant to the provisions of this section shall be for the purposes of providing revenue to:

1. The Corporation Commission Revolving Fund pursuant to subparagraph a of paragraph 4 ~~3~~ of subsection C of this section;

2. The Petroleum Storage Tank Indemnity Fund pursuant to ~~paragraphs~~ subparagraph d of paragraph 3 ~~and 4~~ of subsection C of this section;

3. The State Transportation Fund pursuant to division (2) of subparagraph b e of paragraph 5 3 of subsection C of this section and paragraph 2 of subsection C of this section;

4. The Corporation Commission Storage Tank Revolving Fund pursuant to division (1) of subparagraph a e of paragraph 5 3 of subsection C of this section;

5. The Department of Environmental Quality Revolving Fund pursuant to subparagraph b of paragraph 2 3 of subsection C of this section; and

6. The Weigh Station Improvement Revolving Fund pursuant to subparagraph c of paragraph 3 of subsection C of this section; and

7. The State Public Safety Fund pursuant to paragraph 1 of subsection C of this section.

The assessment shall be imposed at the time of the sale of the motor fuel and shall be precollected and remitted to the Oklahoma Tax Commission in accordance with Section 500.1 et seq. of Title 68 of the Oklahoma Statutes and as provided by Section 327.2 of this title.

B. 1. Exempt from the assessment imposed pursuant to subsection A of this section are:

- a. the state government,
- b. the federal government,
- c. Class I and Class II railroads, and
- d. sales for exportation outside of this state by a licensed exporter.

2. Exempt from the assessment imposed for purposes specified in paragraph 3 of subsection A of this section are sales of:

- a. motor fuel used solely and exclusively in district-owned or leased public school buses, FFA and 4-H Club trucks for the purposes of legally transporting public school children, or in the operation of vehicles used in driver training,
- b. motor fuels used solely and exclusively to propel motor vehicles on the public roads and highways of this state when leased or owned and being operated for the sole benefit of a county, city, town, volunteer fire department with a state certification and rating, rural electric cooperative, rural water and sewer district, rural ambulance service district, or federally recognized Indian tribe as specified by Section 500.10 of Title 68 of the Oklahoma Statutes,
- c. motor fuel to counties and cities and towns,
- d. diesel fuel for off-road purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes,
- e. motor fuel used for agricultural purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes, and
- f. motor fuel used in aircraft or in aircraft engines pursuant to Section 500.10 of Title 68 of the Oklahoma Statutes.

C. The assessment imposed by subsection A of this section shall be distributed in the following manner:

- 1. The Ten percent (10%) of the assessment shall be deposited into the State Public Safety Fund created in Section 2-147 of Title 47 of the Oklahoma Statutes for development and maintenance of the Department of Public Safety Work Zone Safety Division;

2. Ten percent (10%) of the assessment shall be deposited into the State Highway Construction and Maintenance Fund created in Section 1501.1 of Title 69 of the Oklahoma Statutes for development and maintenance of the Oklahoma Department of Transportation Smart Work Zone System;

3. Eighty percent (80%) of the assessment shall be distributed as follows:

a. the first One Million Dollars (\$1,000,000.00) collected during each fiscal year shall be deposited into the Corporation Commission Revolving Fund created in Section 180.7 of Title 17 of the Oklahoma Statutes~~7,~~

~~2. After~~

b. after deduction of the amount required pursuant to ~~paragraph 1~~ subparagraph a of this subsection paragraph, eight percent (8%) of the remainder of the revenue collected during each fiscal year shall be deposited into the Department of Environmental Quality Revolving Fund created in Section 2-3-401 of Title 27A of the Oklahoma Statutes~~7,~~

~~3. Until~~

c. until the total amount deposited since July 1, 2008, in the Weigh Station Improvement Revolving Fund totals Eighty-one Million Dollars (\$81,000,000.00), Five Hundred Thousand Dollars (\$500,000.00) per month of all revenue from the assessment received over the amount required by ~~paragraphs 1 and 2 of this subsection~~ subparagraphs a and b of this paragraph shall be deposited in the Weigh Station Improvement Revolving Fund, created in Section 1167 of Title

47 of the Oklahoma Statutes and shall be used solely for the purpose of constructing weigh stations~~7, 1~~

~~4. After~~

d. after the total amount deposited in the Weigh Station Improvement Revolving Fund totals Eighty-one Million Dollars (\$81,000,000.00), any revenue from the assessment received over the amounts required in ~~paragraphs 1 and 2 of this subsection~~ subparagraphs a and b of this paragraph shall be deposited in the Petroleum Storage Tank Indemnity Fund as provided in this section in amounts necessary to maintain the maintenance level of the Indemnity Fund pursuant to subsection D of this section~~7, 1~~ and

~~5. The~~

e. the balance of any revenue from the assessment remaining above the amount required in ~~paragraphs 1 through 4 of this subsection~~ subparagraphs a through d of this paragraph shall be deposited as follows:

~~a.~~

(1) the first One Million Dollars (\$1,000,000.00) collected during each fiscal year shall be deposited in the Corporation Commission Storage Tank Revolving Fund for the purpose of implementing the provisions of the Oklahoma Petroleum Storage Tank Consolidation Act and the rules promulgated thereunder, and

~~b.~~

(2) the balance of the monies collected during each fiscal year shall be deposited in the State Transportation Fund and shall be used solely for the purpose of matching Federal-Aid funds for the construction of highways and roads in this state. The distribution required by this division shall be in addition to the distribution made under paragraph 2 of this subsection.

D. 1. If at any time the Petroleum Storage Tank Indemnity Fund falls below the required maintenance level on or before December 31, 2032, the Administrator shall notify the Tax Commission that the Indemnity Fund has fallen below the required maintenance level and that the assessment is to be deposited into the Indemnity Fund for at least three (3) calendar months pursuant to the provisions of paragraph 2 of this subsection.

2. At least fifteen (15) days prior to the calendar month in which the assessment is to be collected for credit to the Indemnity Fund, the Tax Commission, upon notification by the Administrator that the Indemnity Fund has fallen below the required maintenance level, shall notify the suppliers, licensed importers or other appropriate persons that the assessment is being imposed for purposes of maintaining the Indemnity Fund. The notice shall include a date certain upon which to begin collecting the assessment for credit to the Indemnity Fund and a date certain for ending the assessment for credit to the Indemnity Fund. Upon notice by the Tax Commission that the assessment imposed is for credit to the Indemnity Fund, the supplier, licensed importer or other appropriate person shall also assess, for the specified period required by the Tax Commission, the sales of:

- a. motor fuel used solely and exclusively in district-owned or lleased public school buses, FFA and 4-H Club trucks for the purposes of legally transporting public school children or in the operation of vehicles used in driver's training,
- b. motor fuels used solely and exclusively to propel motor vehicles on the public roads and highways of the state when leased or owned and being operated for the sole benefit of a county, city or town, volunteer fire department with a state certification and rating, rural electric cooperative, rural water and sewer district, rural ambulance service district, or federally recognized Indian tribe as specified by Section 500.10 of Title 68 of the Oklahoma Statutes,
- c. motor fuel to counties and cities and towns,
- d. diesel fuel for off-road purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes,
- e. motor fuel used for agricultural purposes specified by Section 500.10 of Title 68 of the Oklahoma Statutes, and
- f. motor fuel used in aircraft and aircraft engines pursuant to Section 500.10 of Title 68 of the Oklahoma Statutes.

3. After the collection period required by this subsection has expired, the revenue collected from the assessment shall be again deposited in the Corporation Commission Storage Tank Revolving Fund and the State Transportation Fund as provided in subparagraph e of paragraph 5 3 of subsection C of this section."

