

1 ENGROSSED HOUSE
2 BILL NO. 1080

By: Sanders, Murphey, Lockhart,
Smalley, Hoskin and Sherrer
of the House

3
4 and

5 Griffin of the Senate

6
7
8 [motor vehicle collections - creating apportionment
9 for certain county roads - effective date -
10 emergency]

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12

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1104, as
15 amended by Section 1, Chapter 347, O.S.L. 2012 (47 O.S. Supp. 2012,
16 Section 1104), is amended to read as follows:

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

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

- a. from October 1, 2000, until June 30, 2001, thirty-five and forty-six one-hundredths percent (35.46%),
- b. for the year beginning July 1, 2001, and ending June 30, 2002, thirty-five and ninety-one one-hundredths percent (35.91%), and
- c. for the year beginning July 1, 2002, and all subsequent years, thirty-six and twenty one-hundredths percent (36.20%).

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

- a. except as otherwise provided in this subparagraph, each district shall receive the same amount of funds as such district received from the taxes and fees provided in this title in the corresponding month of the preceding year. Any district eligible for funds pursuant to the provisions of this section that was not eligible the preceding year shall receive an amount equal to the average daily attendance of the applicable year multiplied by the average daily attendance apportionment within such county for each appropriate month. For fiscal year 1995 and thereafter, any district which received less than twenty-five percent (25%) of the average apportionment

1 of the monies made to school districts in this state
2 based on average daily attendance in fiscal year 1995
3 shall receive an amount equal to the average daily
4 attendance in the 1994-1995 school year multiplied by
5 the average daily attendance apportionment within the
6 county in which the district is located for each
7 appropriate month, and

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

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

23 No district shall be eligible for the funds herein provided
24 unless the district makes an ad valorem tax levy of fifteen (15)

1 mills and maintains nine (9) years of instruction and pursuant to
2 the rules of the State Board of Education, is authorized to maintain
3 ten (10) years of instruction.

4 C. 1. The following percentages of the monies referred to in
5 subsection A of this section shall be remitted to the State
6 Treasurer to be credited to the General Revenue Fund of the State
7 Treasury:

- 8 a. from October 1, 2000, until June 30, 2001, forty-five
9 and ninety-seven one-hundredths percent (45.97%),
- 10 b. for the year beginning July 1, 2001, and ending June
11 30, 2002, forty-five and twenty-nine one-hundredths
12 percent (45.29%),
- 13 c. for the year beginning July 1, 2002, and for the
14 subsequent fiscal years ending June 30, 2007, forty-
15 four and eighty-four one-hundredths percent (44.84%),
- 16 d. for the year beginning July 1, 2007, and ending June
17 30, 2008, thirty-nine and eighty-four one-hundredths
18 percent (39.84%),
- 19 e. for the year beginning July 1, 2008, and ending June
20 30, 2009, thirty-four and eighty-four one-hundredths
21 percent (34.84%),
- 22 f. for the period beginning July 1, 2009, and ending
23 December 31, 2012, twenty-nine and eighty-four one-
24 hundredths percent (29.84%),

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

4 h. for the year beginning July 1, 2013, and ending June
5 30, 2014, ~~twenty-six and eighty-four one-hundredths~~
6 ~~percent (26.84%)~~ twenty-four and thirty-four one-
7 hundredths percent (24.34%), and

8 i. for the year beginning July 1, 2014, and all
9 subsequent years, ~~twenty-four and eighty-four one-~~
10 ~~hundredths percent (24.84%)~~ nineteen and eighty-four
11 one-hundredths percent (19.84%).

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

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

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

20 2. For the year beginning July 1, 2001, and all subsequent
21 years, thirty-one one-hundredths percent (0.31%).

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

- 1 a. from October 1, 2000, until June 30, 2001, seven and
2 nine one-hundredths percent (7.09%),
3 b. for the year beginning July 1, 2001, and ending June
4 30, 2002, seven and eighteen one-hundredths percent
5 (7.18%), and
6 c. for the year beginning July 1, 2002, and all
7 subsequent years, seven and twenty-four one-hundredths
8 percent (7.24%).

9 2. The monies apportioned pursuant to subparagraphs a through c
10 of paragraph 1 of this subsection shall be apportioned as follows:
11 forty percent (40%) of such sum shall be distributed to the various
12 counties in that proportion which the county road mileage of each
13 county bears to the entire state road mileage as certified by the
14 Transportation Commission and the remaining sixty percent (60%) of
15 such sum shall be distributed to the various counties on the basis
16 which the population and area of each county bears to the total
17 population and area of the state. The population shall be as shown
18 by the last Federal Census or the most recent annual estimate
19 provided by the United States Bureau of the Census. The funds shall
20 be used for the purpose of constructing and maintaining county
21 highways, provided, however, the county treasurer may deposit so
22 much of the funds in the sinking fund as may be necessary for the
23 retirement of interest and annual accrual of indebtedness created by
24 the issuance of county or township bonds for road purposes. Such

1 deposits to the sinking fund shall not exceed forty percent (40%) of
2 the funds allocated to a county pursuant to this paragraph.

3 F. 1. The following percentages of the monies referred to in
4 subsection A of this section shall be remitted to the county
5 treasurers of the respective counties and by them deposited in a
6 separate special revenue fund to be used by the county commissioners
7 in accordance with paragraph 2 of this subsection:

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

10 b. for the year beginning July 1, 2001, and ending June
11 30, 2002, two and fifty-six one-hundredths percent
12 (2.56%), and

13 c. for the year beginning July 1, 2002, and all
14 subsequent years, two and fifty-nine one-hundredths
15 percent (2.59%).

16 2. The monies apportioned pursuant to subparagraphs a through c
17 of paragraph 1 of this subsection shall be used for the primary
18 purpose of matching federal funds for the construction of federal
19 aid projects on county roads, or constructing and maintaining county
20 or township highways and permanent bridges of such counties. The
21 distribution of monies apportioned by this paragraph shall be made
22 upon the basis of the current formula based upon road mileage, area
23 and population as related to county road improvement and maintenance
24 costs. Provided, however, the Department of Transportation may

1 update the formula factors from time to time as necessary to account
2 for changing conditions.

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

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

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

12 c. for the year beginning July 1, 2002, and all
13 subsequent years, three and sixty-two one-hundredths
14 percent (3.62%).

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

1 county treasurers to be deposited in the county highway fund of
2 their respective counties.

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

- 6 a. from October 1, 2000, until June 30, 2001, eighty-one
7 one-hundredths percent (0.81%),
- 8 b. for the year beginning July 1, 2001, and ending June
9 30, 2002, eighty-two one-hundredths percent (0.82%),
10 and
- 11 c. for the year beginning July 1, 2002, and all
12 subsequent years, eighty-three one-hundredths percent
13 (0.83%).

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

- 17 a. each county shall receive the same amount of funds as
18 such county received from the taxes and fees provided
19 for in the 1985 fiscal year, and
- 20 b. any funds remaining unallocated following the
21 allocation provided in subparagraph a of this
22 paragraph shall be apportioned to the various counties
23 based upon the proportion that each county's
24 population bears to the total state population.

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

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

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

10 b. for the year beginning July 1, 2001, and ending June
11 30, 2002, three and eight one-hundredths percent
12 (3.08%), and

13 c. for the year beginning July 1, 2002, and all
14 subsequent years, three and ten one-hundredths percent
15 (3.10%).

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

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

5 J. The following percentages of the monies referred to in
6 subsection A of this section shall be remitted to the State
7 Treasurer to be credited to the Oklahoma Law Enforcement Retirement
8 Fund:

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

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

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

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

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

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, and all subsequent
2 years, twenty percent (20%) 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 M. 1. The following percentages of the monies referred to in
7 subsection A of this section shall be transmitted by the Tax
8 Commission to the various counties as set forth in paragraph 2 of
9 this subsection:

10 a. for the year beginning July 1, 2013, and ending June
11 30, 2014, two and fifty one-hundredths percent
12 (2.50%), and

13 b. for the year beginning July 1, 2014, and all
14 subsequent years, five percent (5%).

15 2. The monies apportioned pursuant to subparagraphs a and b of
16 paragraph 1 of this subsection shall be transmitted to the various
17 counties of the state for deposit into the County Bridge and Road
18 Improvement Fund of each county based upon the annual proportion
19 that the rural major collector mileage of each county bears to the
20 total statewide rural major collector mileage as determined by the
21 Department of Transportation. The purpose of these funds shall be
22 the maintenance, preservation and construction of the rural major
23 collector system of each county.

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

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

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

15 SECTION 2. AMENDATORY 69 O.S. 2011, Section 665, is
16 amended to read as follows:

17 Section 665. A. All consulting engineering contracts for
18 services referred to in this act may be reviewed by the Department
19 of Transportation except those contracts entered into pursuant to
20 the provisions of Section 687.1 of this title or by the county or
21 circuit engineer. The Department, county or circuit engineer shall
22 make findings on all contracts reviewed that the cost is reasonable
23 and the firm involved is capable of performing the service within a
24 reasonable period of time.

1 B. Expenditures which may be allowed pursuant to the provisions
2 of this act shall include the following:

3 1. The cost of county bridge inspections, classifications, and
4 evaluations, and county road inspections, classifications and
5 evaluations for federal and state purposes and to match federal or
6 state funds, provided the applicable federal or state funds are
7 available;

8 2. Project engineering costs;

9 3. The cost of rights-of-way acquired for projects pursuant to
10 the provisions of this act and the cost of the relocation of
11 utilities from the rights-of-way so acquired;

12 4. The cost of reconstruction or replacement of roadway
13 structures which may be less than twenty (20) feet in length;

14 5. Any cost or expense for administration, program management,
15 engineering, including the development of appropriate local road
16 standards which shall apply only to those roads reconstructed,
17 maintained, or otherwise constructed pursuant to this act, or
18 construction supervision necessarily incurred by the Department of
19 Transportation or Circuit Engineering Districts in fulfilling its
20 duties and responsibilities pursuant to this act;

21 6. Any cost or expense related to a comprehensive plan for
22 signing or inventory of signs on the county road system;

23 7. The expense and related costs of employing an engineer to
24 assist a county or counties in carrying out the daily operations of

1 road and bridge maintenance and construction, including the
2 employment of a circuit engineer; ~~and~~

3 8. All costs associated with constructing a bituminous surface
4 treatment or gravel roadway; and

5 9. Pursuant to subsection M of Section 1104 of Title 47 of the
6 Oklahoma Statutes, all costs associated with maintaining, preserving
7 and constructing the rural major collector system of a county.

8 SECTION 3. This act shall become effective July 1, 2013.

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

13 Passed the House of Representatives the 11th day of March, 2013.

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Presiding Officer of the House
of Representatives

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17 Passed the Senate the ___ day of _____, 2013.

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Presiding Officer of the Senate

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