

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1329

By: Perryman

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 1104, as last amended by Section 1,
9 Chapter 350, O.S.L. 2015 (47 O.S. Supp. 2016, Section
10 1104), which relates to apportionment of motor
11 vehicle fees, taxes and penalties; modifying certain
12 apportionment schedules; providing certain deduction
13 for certain apportionment under certain conditions;
14 requiring certain minimum apportionments levels;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1104, as
19 last amended by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp.
20 2016, Section 1104), is amended to read as follows:

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

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

4 a. from October 1, 2000, until June 30, 2001, thirty-five
5 and forty-six one-hundredths percent (35.46%),

6 b. for the year beginning July 1, 2001, and ending June
7 30, 2002, thirty-five and ninety-one one-hundredths
8 percent (35.91%),

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

12 d. for the year beginning July 1, 2015, ~~and all~~
13 ~~subsequent years~~ through the year ending on June 30,
14 2017, thirty-six and twenty one-hundredths percent
15 (36.20%), but in no event shall the amount apportioned
16 in any fiscal year pursuant to this subparagraph
17 exceed the total amount apportioned for the fiscal
18 year ending on June 30, 2015. Any amounts in excess
19 of such limitation shall be placed to the credit of
20 the General Revenue Fund, and

21 e. for the year beginning July 1, 2017, and all
22 subsequent years, thirty-six and twenty one-hundredths
23 percent (36.20%).
24

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

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

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

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

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

21 C. 1. The following percentages of the monies referred to in
22 subsection A of this section shall be remitted to the State
23 Treasurer to be credited to the General Revenue Fund of the State
24 Treasury:

1 ~~1.~~ From

2 a. from October 1, 2000, until June 30, 2001, forty-five
3 and ninety-seven one-hundredths percent (45.97%)~~†~~†

4 ~~2.~~ For

5 b. for the year beginning July 1, 2001, and ending June
6 30, 2002, forty-five and twenty-nine one-hundredths
7 percent (45.29%)~~†~~†

8 ~~3.~~ For

9 c. for the year beginning July 1, 2002, and for the
10 subsequent fiscal years ending June 30, 2007, forty-
11 four and eighty-four one-hundredths percent (44.84%)~~†~~†

12 ~~4.~~ For

13 d. for the year beginning July 1, 2007, and ending June
14 30, 2008, thirty-nine and eighty-four one-hundredths
15 percent (39.84%)~~†~~†

16 ~~5.~~ For

17 e. for the year beginning July 1, 2008, and ending June
18 30, 2009, thirty-four and eighty-four one-hundredths
19 percent (34.84%)~~†~~†

20 ~~6.~~ For

21 f. for the period beginning July 1, 2009, and ending
22 December 31, 2012, twenty-nine and eighty-four one-
23 hundredths percent (29.84%)~~†~~†

24 ~~7.~~ For

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

5 4. For the year beginning July 1, 2017, and all subsequent
6 years, thirty-one one-hundredths percent (0.31%).

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

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

12 b. for the year beginning July 1, 2001, and ending June
13 30, 2002, seven and eighteen one-hundredths percent
14 (7.18%),

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

18 d. for the year beginning July 1, 2015, ~~and all~~
19 ~~subsequent years~~ through the year ending on June 30,
20 2017, seven and twenty-four one-hundredths percent
21 (7.24%), but in no event shall the amount apporportioned
22 in any fiscal year pursuant to this subparagraph
23 exceed the total amount apporportioned for the fiscal
24 year ending on June 30, 2015. Any amounts in excess

1 of such limitation shall be placed to the credit of
2 the General Revenue Fund, and
3 e. for the year beginning July 1, 2017, and all
4 subsequent years, seven and twenty-four one-hundredths
5 percent (7.24%).

6 2. The monies apportioned pursuant to subparagraphs a through c
7 of paragraph 1 of this subsection shall be apportioned as follows:
8 forty percent (40%) of such sum shall be distributed to the various
9 counties in that proportion which the county road mileage of each
10 county bears to the entire state road mileage as certified by the
11 Transportation Commission and the remaining sixty percent (60%) of
12 such sum shall be distributed to the various counties on the basis
13 which the population and area of each county bears to the total
14 population and area of the state. The population shall be as shown
15 by the last Federal Census or the most recent annual estimate
16 provided by the United States Bureau of the Census. The funds shall
17 be used for the purpose of constructing and maintaining county
18 highways, provided, however, the county treasurer may deposit so
19 much of the funds in the sinking fund as may be necessary for the
20 retirement of interest and annual accrual of indebtedness created by
21 the issuance of county or township bonds for road purposes. Such
22 deposits to the sinking fund shall not exceed forty percent (40%) of
23 the funds allocated to a county pursuant to this paragraph.
24

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

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

8 b. for the year beginning July 1, 2001, and ending June
9 30, 2002, two and fifty-six one-hundredths percent
10 (2.56%),

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

14 d. for the year beginning July 1, 2015, ~~and all~~
15 ~~subsequent years~~ through the year ending June 30,
16 2017, two and fifty-nine one-hundredths percent
17 (2.59%), but in no event shall the amount apportioned
18 in any fiscal year pursuant to this subparagraph
19 exceed the total amount apportioned for the fiscal
20 year ending on June 30, 2015. Any amounts in excess
21 of such limitation shall be placed to the credit of
22 the General Revenue Fund, and

1 e. for the year beginning July 1, 2017, and all
2 subsequent years, two and fifty-nine one-hundredths
3 percent (2.59%).

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

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

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

21 b. for the year beginning July 1, 2001, and ending June
22 30, 2002, three and fifty-nine one-hundredths percent
23 (3.59%),

- 1 c. for the year beginning July 1, 2002, through the year
2 ending on June 30, 2015, three and sixty-two one-
3 hundredths percent (3.62%), ~~and~~
- 4 d. for the year beginning July 1, 2015, ~~and all~~
5 ~~subsequent years~~ through the year ending on June 30
6 2017, three and sixty-two one-hundredths percent
7 (3.62%), but in no event shall the amount apportioned
8 in any fiscal year pursuant to this subparagraph
9 exceed the total amount apportioned for the fiscal
10 year ending on June 30, 2015. Any amounts in excess
11 of such limitation shall be placed to the credit of
12 the General Revenue Fund, and
- 13 e. for the year beginning July 1, 2017, and all
14 subsequent years, three and sixty-two one-hundredths
15 percent (3.62%).

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

1 changing conditions. The funds shall be transmitted to the various
2 county treasurers to be deposited in the county highway fund of
3 their respective counties.

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

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

9 b. for the year beginning July 1, 2001, and ending June
10 30, 2002, eighty-two one-hundredths percent (0.82%),

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

14 d. for the year beginning July 1, 2015, ~~and all~~
15 ~~subsequent years~~ through the year ending on June 30
16 2017, eighty-three one-hundredths percent (0.83%), but
17 in no event shall the amount apportioned in any fiscal
18 year pursuant to this subparagraph exceed the total
19 amount apportioned for the fiscal year ending on June
20 30, 2015. Any amounts in excess of such limitation
21 shall be placed to the credit of the General Revenue
22 Fund, and

1 e. for the year beginning July 1, 2017, and all
2 subsequent years, eighty-three one-hundredths percent
3 (0.83%).

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

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

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

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

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

22 a. from October 1, 2000, until June 30, 2001, three and
23 four one-hundredths percent (3.04%),
24

1 b. for the year beginning July 1, 2001, and ending June
2 30, 2002, three and eight one-hundredths percent
3 (3.08%),

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

7 d. for the year beginning July 1, 2015, ~~and all~~
8 ~~subsequent years~~ through the year ending on June 30
9 2017, three and ten one-hundredths percent (3.10%),
10 but in no event shall the amount apportioned in any
11 fiscal year pursuant to this subparagraph exceed the
12 total amount apportioned for the fiscal year ending on
13 June 30, 2015. Any amounts in excess of such
14 limitation shall be placed to the credit of the
15 General Revenue Fund, and

16 e. for the year beginning July 1, 2017, and all
17 subsequent years, three and ten one-hundredths percent
18 (3.10%).

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

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

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

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

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

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

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

24

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, 2017, 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, 2017, 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.
24

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

9 O. 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. This act shall become effective July 1, 2017.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20

21 56-1-6261 JM 12/13/16

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