

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1050

By: Smalley

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicle taxes and fees;
8 amending 47 O.S. 2011, Section 1104, as last amended
9 by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp.
10 2015, Section 1104), which relates to apportionment;
11 modifying apportionment to General Revenue Fund after
12 specified fiscal year; setting specified limit on
13 apportionment of revenue and providing for
14 distribution of amounts in excess of limit; providing
15 an effective date; and declaring an emergency.

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

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

20 Section 1104. A. Unless otherwise provided by law, all fees,
21 taxes and penalties collected or received pursuant to the Oklahoma
22 Vehicle License and Registration Act or Section 1-101 et seq. of
23 this title shall be apportioned and distributed monthly by the
24 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, thirty-six and twenty one-hundredths
14 percent (36.20%), but in no event shall the amount
15 apportioned in any fiscal year pursuant to this
16 subparagraph exceed the total amount apportioned for
17 the fiscal year ending on June 30, 2015. Any amounts
18 in excess of such limitation shall be placed to the
19 credit of the General Revenue Fund.

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

23 a. except as otherwise provided in this subparagraph,
24 each district shall receive the same amount of funds

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

19 b. any funds remaining unallocated following the
20 allocation provided in subparagraph a of this
21 paragraph shall be apportioned to the various school
22 districts so that each district shall first receive
23 the cumulative total of the monthly apportionments for
24 which it is otherwise eligible under subparagraph a of

1 this paragraph and then an amount based upon the
2 proportion that each district's average daily
3 attendance bears to the total average daily attendance
4 of those districts entitled to receive funds pursuant
5 to this section as certified by the State Department
6 of Education.

7 Each district's allocation of funds shall be remitted to the
8 county treasurer of the county wherein the administrative
9 headquarters of the district are located.

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

15 C. 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 General Revenue Fund of the State
18 Treasury:

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

21 2. For the year beginning July 1, 2001, and ending June 30,
22 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

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

4 4. For the year beginning July 1, 2007, and ending June 30,
5 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

6 5. For the year beginning July 1, 2008, and ending June 30,
7 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

8 6. For the period beginning July 1, 2009, and ending December
9 31, 2012, twenty-nine and eighty-four one-hundredths percent
10 (29.84%);

11 7. For the period beginning January 1, 2013, and ending June
12 30, 2013, twenty-nine and thirty-four one-hundredths percent
13 (29.34%);

14 8. For the year beginning July 1, 2013, and ending June 30,
15 2014, twenty-six and eighty-four one-hundredths percent (26.84%);
16 ~~and~~

17 9. For the year beginning July 1, 2014, ~~and all subsequent~~
18 years through the year ending on June 30, 2015, twenty-four and
19 eighty-four one-hundredths percent (24.84%); and

20 10. For the year beginning July 1, 2016, and all subsequent
21 years, twenty-four and eighty-seven one-hundredths percent (24.87%).

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

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

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

5 3. For the year beginning July 1, 2015, and ~~all subsequent~~
6 years and ending June 30, 2016, thirty-one one-hundredths percent
7 (0.31%), but in no event shall the amount apportioned ~~in any fiscal~~
8 ~~year~~ pursuant to this paragraph exceed the total amount apportioned
9 for the fiscal year ending on June 30, 2015. Any amounts in excess
10 of such limitation shall be placed to the credit of the General
11 Revenue Fund; and

12 4. For the year beginning July 1, 2016, and all subsequent
13 years, thirty-one one-hundredths percent (0.31%), but in no event
14 shall the amount apportioned pursuant to this paragraph exceed the
15 total amount apportioned for the fiscal year ending on June 30,
16 2013. Any amounts in excess of such limitation shall be placed to
17 the credit of the General Revenue Fund.

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

21 a. from October 1, 2000, until June 30, 2001, seven and
22 nine one-hundredths percent (7.09%),
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- 1 b. for the year beginning July 1, 2001, and ending June
2 30, 2002, seven and eighteen one-hundredths percent
3 (7.18%),
- 4 c. for the year beginning July 1, 2002, through the year
5 ending on June 30, 2015, seven and twenty-four one-
6 hundredths percent (7.24%), ~~and~~
- 7 d. for the year beginning July 1, 2015, and ~~all~~
8 ~~subsequent years~~ ending on June 30, 2016, seven and
9 twenty-four one-hundredths percent (7.24%), but in no
10 event shall the amount apportioned ~~in any fiscal year~~
11 pursuant to this subparagraph exceed the total amount
12 apportioned for the fiscal year ending on June 30,
13 2015. Any amounts in excess of such limitation shall
14 be placed to the credit of the General Revenue Fund,
15 and
- 16 e. for the fiscal year beginning July 1, 2016, 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, 2013. Any amounts
22 in excess of this 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:
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- 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 ending on June 30, 2016~~, two and
11 fifty-nine one-hundredths percent (2.59%), but in no
12 event shall the amount apportioned ~~in any fiscal year~~
13 pursuant to this subparagraph exceed the total amount
14 apportioned for the fiscal year ending on June 30,
15 2015. Any amounts in excess of such limitation shall
16 be placed to the credit of the General Revenue Fund,
17 and
- 18 e. for the fiscal year beginning July 1, 2016, and all
19 subsequent years, two and fifty-nine one-hundredths
20 percent (2.59%), but in no event shall the amount
21 apportioned in any fiscal year pursuant to this
22 subparagraph exceed the total amount apportioned for
23 the fiscal year ending on June 30, 2013. Any amounts
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1 in excess of this limitation shall be placed to the
2 credit of the General Revenue Fund.

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

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

- 18 a. from October 1, 2000, until June 30, 2001, three and
19 fifty-five one-hundredths percent (3.55%),
20 b. for the year beginning July 1, 2001, and ending June
21 30, 2002, three and fifty-nine one-hundredths percent
22 (3.59%),
23
24

- 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~~ ending on June 30, 2016, three and
6 sixty-two one-hundredths percent (3.62%), but in no
7 event shall the amount apportioned ~~in any fiscal year~~
8 pursuant to this subparagraph exceed the total amount
9 apportioned for the fiscal year ending on June 30,
10 2015. Any amounts in excess of such limitation shall
11 be placed to the credit of the General Revenue Fund,
12 and
- 13 e. for the year beginning July 1, 2016, and all
14 subsequent years, three and sixty-two one-hundredths
15 percent (3.62%), but in no event shall the amount
16 apportioned in any fiscal year pursuant to this
17 subparagraph exceed the total amount apportioned for
18 the fiscal year ending on June 30, 2013. Any amounts
19 in excess of this limitation shall be placed to the
20 credit of the General Revenue Fund.

21 2. The monies apportioned pursuant to subparagraphs a through c
22 of paragraph 1 of this subsection shall be transmitted to the
23 various counties on the basis of a formula to be developed by the
24 Department of Transportation. Such formula shall be similar to that

1 currently used for the distribution of County Bridge Program Funds,
2 but also taking into consideration the effect of terrain and traffic
3 volume as related to county road improvement and maintenance costs.
4 Provided, however, the Department of Transportation may update the
5 formula factors from time to time as necessary to account for
6 changing conditions. The funds shall be transmitted to the various
7 county treasurers to be deposited in the county highway fund of
8 their respective counties.

9 H. 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 subsection:

- 12 a. from October 1, 2000, until June 30, 2001, eighty-one
13 one-hundredths percent (0.81%),
- 14 b. for the year beginning July 1, 2001, and ending June
15 30, 2002, eighty-two one-hundredths percent (0.82%),
- 16 c. for the year beginning July 1, 2002, through the year
17 ending on June 30, 2015, eighty-three one-hundredths
18 percent (0.83%), ~~and~~
- 19 d. for the year beginning July 1, 2015, and ~~all~~
20 ~~subsequent years~~ ending on June 30, 2016, eighty-three
21 one-hundredths percent (0.83%), but in no event shall
22 the amount apportioned ~~in any fiscal year~~ pursuant to
23 this subparagraph exceed the total amount apportioned
24 for the fiscal year ending on June 30, 2015. Any

1 amounts in excess of such limitation shall be placed
2 to the credit of the General Revenue Fund, and
3 e. for the year beginning July 1, 2016, and all
4 subsequent years, eighty-three one-hundredths percent
5 (0.83%), but in no event shall the amount apportioned
6 in any fiscal year pursuant to this subparagraph
7 exceed the total amount apportioned for the fiscal
8 year ending on June 30, 2013. Any amounts in excess
9 of this limitation shall be placed to the credit of
10 the General Revenue Fund.

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

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

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

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

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

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

7 b. for the year beginning July 1, 2001, and ending June
8 30, 2002, three and eight one-hundredths percent
9 (3.08%),

10 c. for the year beginning July 1, 2002, through the year
11 ending on June 30, 2015, three and ten one-hundredths
12 percent (3.10%), and

13 d. for the year beginning July 1, 2015, and ~~all~~
14 ~~subsequent years~~ ending on June 30, 2016, three and
15 ten one-hundredths percent (3.10%), but in no event
16 shall the amount apportioned ~~in any fiscal year~~
17 pursuant to this subparagraph exceed the total amount
18 apportioned for the fiscal year ending on June 30,
19 2015. Any amounts in excess of such limitation shall
20 be placed to the credit of the General Revenue Fund,
21 and

22 e. for the year beginning on July 1, 2016, and all
23 subsequent fiscal years, three and ten one-hundredths
24 percent (3.10%), but in no event shall the amount

1 apportioned pursuant to this subparagraph exceed the
2 total amount apportioned for the fiscal year ending on
3 June 30, 2013. Any amounts in excess of such
4 limitation shall be placed to the credit of the
5 General Revenue Fund.

6 2. The monies apportioned pursuant to subparagraphs a through c
7 of paragraph 1 of this subsection shall be apportioned to the
8 various cities and incorporated towns based upon the proportion that
9 each city or incorporated town's population bears to the total
10 population of all cities and incorporated towns in the state. Such
11 funds shall be remitted to the various county treasurers for
12 allocation to the various cities and incorporated towns. All such
13 funds shall be used for the construction, maintenance, repair,
14 improvement and lighting of streets and alleys. Provided, however,
15 the governing board of any city or town may, with the approval of
16 the county excise board, transfer any surplus funds to the general
17 revenue fund of such city or town whenever an emergency requires
18 such a transfer.

19 J. The following percentages of the monies referred to in
20 subsection A of this section shall be remitted to the State
21 Treasurer to be credited to the Oklahoma Law Enforcement Retirement
22 Fund:

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

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

3 3. For the year beginning July 1, 2002, ~~and all subsequent~~
4 years through the year ending on June 30, 2016; and, one and twenty-
5 four one-hundredths percent (1.24%); and

6 4. For the year beginning July 1, 2016, and all subsequent
7 years, one and twenty-four one-hundredths percent (1.24%), but in no
8 event shall the amount apportioned in any fiscal year pursuant to
9 this paragraph exceed the total amount apportioned for the fiscal
10 year ending on June 30 2013. Any amounts in excess of such
11 limitation shall be placed to the credit of the General Revenue
12 Fund.

13 K. ~~Three~~ For fiscal years beginning before July 1, 2016, three
14 one-hundredths of one percent (3/100 of 1%) of the monies referred
15 to in subsection A of this section shall be remitted to the State
16 Treasurer to be credited to the Wildlife Conservation Fund.
17 Seventy-five percent (75%) of the funds shall be used for fish
18 habitat restoration and twenty-five percent (25%) of the funds shall
19 be used in the fish hatchery system for fish production.

20 L. 1. For the year beginning July 1, 2007, and ending June 30,
21 2008, five percent (5%) of monies referred to in subsection A of
22 this section shall be remitted to the State Treasurer to be credited
23 to the County Improvements for Roads and Bridges Fund as created in
24 Section 507 of Title 69 of the Oklahoma Statutes.

1 2. For the year beginning July 1, 2008, and ending June 30,
2 2009, ten percent (10%) 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 3. For the period beginning July 1, 2009, and ending December
7 31, 2012, fifteen percent (15%) of monies referred to in subsection
8 A of this section shall be remitted to the State Treasurer to be
9 credited to the County Improvements for Roads and Bridges Fund as
10 created in Section 507 of Title 69 of the Oklahoma Statutes.

11 4. For the period beginning January 1, 2013, and ending June
12 30, 2013, fifteen and fifty one-hundredths percent (15.50%) of
13 monies referred to in subsection A of this section shall be remitted
14 to the State Treasurer to be credited to the County Improvements for
15 Roads and Bridges Fund as created in Section 507 of Title 69 of the
16 Oklahoma Statutes.

17 5. For the year beginning July 1, 2013, and ending June 30,
18 2014, eighteen percent (18%) of monies referred to in subsection A
19 of this section shall be remitted to the State Treasurer to be
20 credited to the County Improvements for Roads and Bridges Fund as
21 created in Section 507 of Title 69 of the Oklahoma Statutes.

22 6. For the year beginning July 1, 2014, twenty percent (20%) of
23 monies referred to in subsection A of this section shall be remitted
24 to the State Treasurer to be credited to the County Improvements for

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

3 7. For the year beginning July 1, 2015, and ~~all subsequent~~
4 ~~years~~ ending June 30, 2016, twenty percent (20%) of monies referred
5 to in subsection A of this section shall be remitted to the State
6 Treasurer to be credited to the County Improvements for Roads and
7 Bridges Fund as created in Section 507 of Title 69 of the Oklahoma
8 Statutes, but in no event shall the total amount apportioned ~~in any~~
9 ~~fiscal year~~ pursuant to this paragraph exceed One Hundred Twenty
10 Million Dollars (\$120,000,000.00). Any amounts in excess of One
11 Hundred Twenty Million Dollars (\$120,000,000.00) shall be placed to
12 the credit of the General Revenue Fund.

13 8. For the year beginning July 1, 2016, and all subsequent
14 years, twenty percent (20%) of monies referred to in subsection A of
15 this section shall be remitted to the State Treasurer to be credited
16 to the County Improvements for Roads and Bridges Fund as created in
17 Section 507 of Title 69 of the Oklahoma Statutes, but in no event
18 shall the total amount apportioned in any fiscal year pursuant to
19 this paragraph exceed the amount apportioned for the fiscal year
20 ending on June 30, 2013. Any amounts in excess of such limitation
21 shall be placed to the credit of the General Revenue Fund.

22 M. Monies allocated to counties by this section may be
23 estimated by the county excise board in the budget for the county as
24 anticipated revenue to the extent of ninety percent (90%) of the

1 previous year's income from such source; provided, not more than
2 fifteen percent (15%) can be encumbered during any month.

3 N. Notwithstanding any other provisions of this section, for
4 the fiscal year beginning July 1, 2003, the first One Hundred
5 Thousand Dollars (\$100,000.00) of the monies collected or received
6 by the Tax Commission pursuant to the registration of motorcycles
7 and mopeds in this state shall be placed to the credit of the
8 Oklahoma Tax Commission Revolving Fund.

9 SECTION 2. This act shall become effective July 1, 2016.

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

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