

1 **SENATE FLOOR VERSION**

2 February 15, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 476

By: Thompson of the Senate

and

Sears of the House

6  
7  
8 **[ motor vehicle taxes and fees - apportionment -**  
9 **effective date -**  
10 **emergency ]**

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1104, as  
14 last amended by Section 1, Chapter 350, O.S.L. 2015 (47 O.S. Supp.  
15 2016, Section 1104), is amended to read as follows:

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

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

- 1 a. from October 1, 2000, until June 30, 2001, thirty-five  
2 and forty-six one-hundredths percent (35.46%),  
3 b. for the year beginning July 1, 2001, and ending June  
4 30, 2002, thirty-five and ninety-one one-hundredths  
5 percent (35.91%),  
6 c. for the year beginning July 1, 2002, through the year  
7 ending on June 30, 2015, thirty-six and twenty one-  
8 hundredths percent (36.20%), and  
9 d. for the year beginning July 1, 2015, and all  
10 subsequent years, thirty-six and twenty one-hundredths  
11 percent (36.20%), 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 e  
18 d of paragraph 1 of this subsection shall be apportioned to the  
19 ~~various school districts as follows:~~

- 20 ~~a. except as otherwise provided in this subparagraph,~~  
21 ~~each district shall receive the same amount of funds~~  
22 ~~as such district received from the taxes and fees~~  
23 ~~provided in this title in the corresponding month of~~  
24 ~~the preceding year. Any district eligible for funds~~

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

16 ~~b. any funds remaining unallocated following the~~  
17 ~~allocation provided in subparagraph a of this~~  
18 ~~paragraph shall be apportioned to the various school~~  
19 ~~districts so that each district shall first receive~~  
20 ~~the cumulative total of the monthly apportionments for~~  
21 ~~which it is otherwise eligible under subparagraph a of~~  
22 ~~this paragraph and then an amount based upon the~~  
23 ~~proportion that each district's average daily~~  
24 ~~attendance bears to the total average daily attendance~~

1 of those districts entitled to receive funds pursuant  
2 to this section as certified by the State Department  
3 of Education.

4 Each district's allocation of funds shall be remitted to the  
5 county treasurer of the county wherein the administrative  
6 headquarters of the district are located.

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

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

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

18 2. For the year beginning July 1, 2001, and ending June 30,  
19 2002, forty-five and twenty-nine one-hundredths percent (45.29%);

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

23 4. For the year beginning July 1, 2007, and ending June 30,  
24 2008, thirty-nine and eighty-four one-hundredths percent (39.84%);

1 5. For the year beginning July 1, 2008, and ending June 30,  
2 2009, thirty-four and eighty-four one-hundredths percent (34.84%);

3 6. For the period beginning July 1, 2009, and ending December  
4 31, 2012, twenty-nine and eighty-four one-hundredths percent  
5 (29.84%);

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

9 8. For the year beginning July 1, 2013, and ending June 30,  
10 2014, twenty-six and eighty-four one-hundredths percent (26.84%);  
11 and

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

14 D. 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 State Transportation Fund:

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

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

21 3. For the year beginning July 1, 2015, and all subsequent  
22 years, thirty-one one-hundredths percent (0.31%), but in no event  
23 shall the amount apportioned in any fiscal year pursuant to this  
24 paragraph exceed the total amount apportioned for the fiscal year

1 ending on June 30, 2015. Any amounts in excess of such limitation  
2 shall be placed to the credit of the General Revenue Fund.

3 E. 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 section:

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

8 b. for the year beginning July 1, 2001, and ending June  
9 30, 2002, seven and eighteen one-hundredths percent  
10 (7.18%),

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

14 d. for the year beginning July 1, 2015, and all  
15 subsequent years, seven and twenty-four one-hundredths  
16 percent (7.24%), but in no event shall the amount  
17 apportioned in any fiscal year pursuant to this  
18 subparagraph exceed the total amount apportioned for  
19 the fiscal year ending on June 30, 2015. Any amounts  
20 in excess of such limitation shall be placed to the  
21 credit of the General Revenue Fund.

22 2. The monies apportioned pursuant to subparagraphs a through e  
23 d of paragraph 1 of this subsection shall be apportioned as follows:  
24 forty percent (40%) of such sum shall be distributed to the various

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

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

21 a. from October 1, 2000, until June 30, 2001, two and  
22 fifty-three one-hundredths percent (2.53%),  
23  
24

1           b.    for the year beginning July 1, 2001, and ending June  
2                    30, 2002, two and fifty-six one-hundredths percent  
3                    (2.56%),

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

7           d.    for the year beginning July 1, 2015, and all  
8                    subsequent years, two and fifty-nine one-hundredths  
9                    percent (2.59%), but in no event shall the amount  
10                   apportioned in any fiscal year pursuant to this  
11                   subparagraph exceed the total amount apportioned for  
12                   the fiscal year ending on June 30, 2015. Any amounts  
13                   in excess of such limitation shall be placed to the  
14                   credit of the General Revenue Fund.

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



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%),

12 c. for the year beginning July 1, 2002, through the year  
13 ending on June 30, 2015, three and sixty-two one-  
14 hundredths percent (3.62%), and

15 d. for the year beginning July 1, 2015, and all  
16 subsequent years, three and sixty-two one-hundredths  
17 percent (3.62%), but in no event shall the amount  
18 apportioned in any fiscal year pursuant to this  
19 subparagraph exceed the total amount apportioned for  
20 the fiscal year ending on June 30, 2015. Any amounts  
21 in excess of such limitation shall be placed to the  
22 credit of the General Revenue Fund.

23 2. The monies apportioned pursuant to subparagraphs a through e  
24 d of paragraph 1 of this subsection shall be transmitted to the

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

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

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

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

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

8 ~~a. each county shall receive the same amount of funds as~~  
9 ~~such county received from the taxes and fees provided~~  
10 ~~for in the 1985 fiscal year, 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 counties~~  
14 based upon the proportion that each county's  
15 population bears to the total state population.

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

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

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

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

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

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

4 J. 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 Oklahoma Law Enforcement Retirement  
7 Fund:

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

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

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

14 K. Three one-hundredths of one percent (3/100 of 1%) of the  
15 monies referred to in subsection A of this section shall be remitted  
16 to the State Treasurer to be credited to the Wildlife Conservation  
17 Fund. Seventy-five percent (75%) of the funds shall be used for  
18 fish habitat restoration and twenty-five percent (25%) of the funds  
19 shall 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, twenty percent (20%) 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, but in no event  
8 shall the total amount apportioned in any fiscal year pursuant to  
9 this paragraph exceed One Hundred Twenty Million Dollars  
10 (\$120,000,000.00). Any amounts in excess of One Hundred Twenty  
11 Million Dollars (\$120,000,000.00) shall be placed to the credit of  
12 the General Revenue Fund.

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

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

24 ~~**SECTION 2. This act shall become effective July 1, 2017.**~~

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
6 February 15, 2017 - DO PASS AS AMENDED  
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