

ENROLLED SENATE
BILL NO. 980

By: Haney and Hobson of the
Senate

and

Settle and Begley of the
House

An Act relating to state finance; amending Section 4, Chapter 1, 1st Extraordinary Session, O.S.L. 1999 (62 O.S. Supp. 1999, Section 41.29c), which relates to the Common Education Technology Fund; making fund a revolving fund; establishing budgeting and expenditure procedures; deleting obsolete statutory references; amending Section 5, Chapter 1, 1st Extraordinary Session, O.S.L. 1999 (62 O.S. Supp. 1999, Section 41.29d), which relates to the Higher Education Capital Fund; making fund a revolving fund; establishing budgeting and expenditure procedures; deleting obsolete statutory references; amending Section 6, Chapter 1, 1st Extraordinary Session, O.S.L. 1999 (62 O.S. Supp. 1999, Section 41.29e), which relates to the Oklahoma Tuition Scholarship Fund; making fund a revolving fund; establishing budgeting and expenditure procedures; deleting obsolete statutory references; amending 68 O.S. 1991, Section 1004, as last amended by Section 6, Chapter 254, O.S.L. 1999 (68 O.S. Supp. 1999, Section 1004), which relates to gross production tax apportionment; modifying fund references; deleting obsolete language; modifying statutory references; authorizing the State Board of Education to expend certain funds; stating purpose; authorizing the Oklahoma State Regents for Higher Education to expend certain funds; stating purposes; repealing Sections 3, 4, 5, 21, 22 and 23 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 4, Chapter 1, 1st Extraordinary Session, O.S.L. 1999 (62 O.S. Supp. 1999, Section 41.29c), is amended to read as follows:

Section 41.29c There is hereby created in the State Treasury a revolving fund for the State Department of Education to be designated the "Common Education Technology Revolving Fund". The

fund shall be a continuing fund, not subject to legislative appropriation fiscal year limitations, and shall consist of all monies received pursuant to the provisions of subparagraph a of paragraph 6 and subparagraph a of paragraph 7 of subsection A and subparagraph a of paragraph 2 and subparagraph a of paragraph 3 of subsection B of Section 1004 of Title 68 of the Oklahoma Statutes and any funds previously deposited in the Common Education Technology Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Education as authorized by the Oklahoma Legislature. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 2. AMENDATORY Section 5, Chapter 1, 1st Extraordinary Session, O.S.L. 1999 (62 O.S. Supp. 1999, Section 41.29d), is amended to read as follows:

Section 41.29d There is hereby created in the State Treasury a revolving fund for the Oklahoma State Regents for Higher Education to be designated the "Higher Education Capital Revolving Fund". The fund shall be a continuing fund not subject to legislative appropriation fiscal year limitations, and shall consist of all monies received pursuant to the provisions of subparagraph b of paragraph 6 and subparagraph b of paragraph 7 of subsection A and subparagraph b of paragraph 2 and subparagraph b of paragraph 3 of subsection B of Section 1004 of Title 68 of the Oklahoma Statutes and any funds previously deposited in the Higher Education Capital Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Regents for Higher Education as authorized by the Oklahoma Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. AMENDATORY Section 6, Chapter 1, 1st Extraordinary Session, O.S.L. 1999 (62 O.S. Supp. 1999, Section 41.29e), is amended to read as follows:

Section 41.29e There is hereby created in the State Treasury a revolving fund for the Oklahoma State Regents for Higher Education to be designated the "Oklahoma Tuition Scholarship Revolving Fund". The fund shall be a continuing fund, not subject to legislative appropriation fiscal year limitations, and shall consist of all monies received pursuant to the provisions of subparagraph c of paragraph 6 and subparagraph c of paragraph 7 of subsection A and subparagraph c of paragraph 2 and subparagraph c of paragraph 3 of subsection B of Section 1004 of Title 68 of the Oklahoma Statutes and any funds previously deposited in the Oklahoma Tuition Scholarship Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma State Regents for Higher Education as authorized by the Oklahoma Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 1004, as last amended by Section 6, Chapter 254, O.S.L. 1999 (68 O.S. Supp. 1999, Section 1004), is amended to read as follows:

Section 1004. A. ~~Until June 30, 1999, the gross production tax provided for in Section 1001 of this title is hereby levied and shall be collected and apportioned as follows:~~

~~1. Eighty-five and seventy-two hundredths percent (85.72%) of all monies collected hereunder from the tax levied on asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper shall be paid to the State Treasurer of the state to be placed in the General Revenue Fund of the state and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature;~~

~~2. Fifty-five and seventy-two hundredths percent (55.72%) of all monies levied and collected pursuant to Section 1001 of this title from the tax on natural gas and/or casinghead gas shall be paid to the State Treasurer of the state and distributed among the funds referred to in Section 17-108 of Title 70 of the Oklahoma Statutes, as directed by the Board of Trustees of the Oklahoma Teachers' Retirement System;~~

~~3. Seven and fourteen one-hundredths percent (7.14%) of the sum collected from each county where the natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper was produced shall be paid to the county treasurer of such county, to be credited by said county treasurer of such county to the County Highway Fund;~~

~~4. Seven and fourteen one-hundredths percent (7.14%) of the sum collected from each county where the natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper or other mineral or substance covered hereby was produced shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;~~

~~5. Thirty percent (30%) of all monies collected from the tax upon natural gas and casinghead gas shall be placed to the credit of the General Revenue Fund of the State Treasury;~~

~~6. For all monies collected from the tax levied on oil at a tax rate of seven percent (7%) pursuant to the provisions of subsection B of Section 1001 of this title:~~

~~a. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Common Education Technology Fund created in Section 4 of Enrolled House Bill No. 1003 of the~~

~~1st Extraordinary Session of the 47th Oklahoma Legislature,~~

~~b. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Fund created in Section 5 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature,~~

~~c. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Oklahoma Tuition Scholarship Fund created in Section 6 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature,~~

~~d. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State Treasurer to be apportioned to the County Bridge and Road Improvement Fund of the State Treasury,~~

~~e. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State Treasurer to be apportioned to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund,~~

~~f. seven and fourteen one-hundredths percent (7.14%) of the sum collected from each county where the oil was produced shall be paid to the county treasurer of such county, to be credited by the county treasurer of such county to the County Highway Fund, and~~

~~g. seven and fourteen one-hundredths percent (7.14%) of the sum collected from each county where the oil was produced shall be apportioned on an average daily attendance per capita distribution basis as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;~~

~~7. For all monies collected from the tax levied on oil at a tax rate of four percent (4%) pursuant to the provisions of subsection B of Section 1001 of this title:~~

~~a. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Common Education Technology Fund created in Section 4 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature,~~

~~b. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Fund created in Section 5 of~~

~~Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature,~~

~~c. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Oklahoma Tuition Scholarship Fund created in Section 6 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature,~~

~~d. three and seventy-five one-hundredths percent (3.75%) shall be paid to the State Treasurer to be apportioned to the County Bridge and Road Improvement Fund of the State Treasury,~~

~~e. three and seventy-five one-hundredths percent (3.75%) shall be paid to the State Treasurer to be apportioned to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund,~~

~~f. twelve and one-half percent (12.5%) of the sum collected from each county where the oil was produced shall be paid to the county treasurer of such county, to be credited by the county treasurer of such county to the County Highway Fund, and~~

~~g. twelve and one-half percent (12.5%) of the sum collected from each county where the oil was produced shall be apportioned on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction; and~~

~~8. For all monies collected from the tax levied on oil at a tax rate of one percent (1%) pursuant to the provisions of subsection B of Section 1001 of this title:~~

~~a. fifty percent (50%) of the sum collected from each county where the oil was produced shall be paid to the county treasurer of such county, to be credited by the county treasurer of such county to the County Highway Fund, and~~

~~b. fifty percent (50%) of the sum collected from each county where the oil was produced shall be apportioned on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction.~~

~~B.~~ Beginning July 1, 1999, the gross production tax provided for in Section 1001 of this title is hereby levied and shall be collected and apportioned as follows:

1. For all monies collected from the tax levied on natural gas and/or casinghead gas, asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper:

- a. eighty-five and seventy-two one-hundredths percent (85.72%) shall be paid to the State Treasurer of the state to be placed in the General Revenue Fund of the state and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature,
- b. seven and fourteen one-hundredths percent (7.14%) of the sum collected from natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper shall be paid to the various county treasurers to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- c. seven and fourteen one-hundredths percent (7.14%) shall be allocated to each county as provided for in subparagraph b of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;

2. For all monies collected from the tax levied on oil at a tax rate of seven percent (7%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Common Education Technology Revolving Fund created in Section 4 ~~of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature~~ 41.29c of Title 62 of the Oklahoma Statutes,
- b. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Revolving Fund created in Section 5 ~~of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature~~ 41.29d of Title 62 of the Oklahoma Statutes,

- c. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Oklahoma Tuition Scholarship Revolving Fund created in Section ~~6 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature~~ 41.29e of Title 62 of the Oklahoma Statutes,
- d. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State Treasurer to be apportioned to the County Bridge and Road Improvement Fund of the State Treasury,
- e. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State Treasurer to be apportioned to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund,
- f. seven and fourteen one-hundredths percent (7.14%) of the sum collected from oil shall be paid to the various county treasurers, to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- g. seven and fourteen one-hundredths percent (7.14%) shall be allocated to each county as provided in subparagraph f of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;

3. For all monies collected from the tax levied on oil at a tax rate of four percent (4%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Common Education Technology Revolving Fund created in Section ~~4 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature~~ 41.29c of Title 62 of the Oklahoma Statutes,
- b. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Revolving Fund created in Section ~~5 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature~~ 41.29d of Title 62 of the Oklahoma Statutes,

- c. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Oklahoma Tuition Scholarship Revolving Fund created in Section ~~6 of Enrolled House Bill No. 1003 of the 1st Extraordinary Session of the 47th Oklahoma Legislature~~ 41.29e of Title 62 of the Oklahoma Statutes,
- d. three and seventy-five one-hundredths percent (3.75%) shall be paid to the State Treasurer to be apportioned to the County Bridge and Road Improvement Fund of the State Treasury,
- e. three and seventy-five one-hundredths percent (3.75%) shall be paid to the State Treasurer to be apportioned to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund,
- f. twelve and one-half percent (12.5%) of the sum collected from oil shall be paid to the various county treasurers, to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- g. twelve and one-half percent (12.5%) shall be allocated to each county as provided in subparagraph f of this paragraph and shall be apportioned on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction; and

4. For all monies collected from the tax levied on oil at a tax rate of one percent (1%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. fifty percent (50%) of the sum collected shall be paid to the various county treasurers, to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- b. fifty percent (50%) shall be allocated to each county as provided for in subparagraph a of this paragraph and shall be apportioned on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax

levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction.

Provided, notwithstanding any other provision of this ~~subsection~~ section, the total amounts deposited to the Common Education Technology Revolving Fund, the Higher Education Capital Revolving Fund, the Oklahoma Tuition Scholarship Revolving Fund, the County Bridge and Road Improvement Fund and the Rural Economic Action Plan Water Projects Fund pursuant to paragraphs 2 and 3 of this ~~subsection~~ section shall not exceed One Hundred Million Dollars (\$100,000,000.00) in any fiscal year. All sums in excess of One Hundred Million Dollars (\$100,000,000.00) in any fiscal year which would otherwise be deposited in such funds shall be placed by the State Treasurer in the General Revenue Fund of the state.

SECTION 5. The State Board of Education is hereby authorized to expend during the fiscal year ending June 30, 2001, from the Common Education Technology Revolving Fund of the State Treasury, the sum of Forty-six Million One Hundred Sixty-three Thousand Six Hundred Thirty-six Dollars (\$46,163,636.00) or so much thereof as may be necessary for the financial support of public schools.

SECTION 6. The Oklahoma State Regents for Higher Education are hereby authorized to expend during the fiscal year ending June 30, 2001, the sum of Forty-six Million One Hundred Sixty-three Thousand Six Hundred Thirty-six Dollars (\$46,163,636.00) from the Higher Education Capital Revolving Fund of the State Treasury for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operating budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education.

SECTION 7. The Oklahoma State Regents for Higher Education are hereby authorized to expend during the fiscal year ending June 30, 2001, the sum of Forty-six Million One Hundred Sixty-three Thousand Six Hundred Thirty-six Dollars (\$46,163,636.00) from the Oklahoma Tuition Scholarship Revolving Fund of the State Treasury for allocation by the Oklahoma State Regents for Higher Education pursuant to the provisions of Article XIII-A of the Oklahoma Constitution for the education and general operating budgets of the institutions and for other programs, construction, renovations or repairs administered by the Oklahoma State Regents for Higher Education.

SECTION 8. REPEALER Sections 3, 4, 5, 21, 22 and 23 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature are hereby repealed.

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

Passed the Senate the 23rd day of May, 2000.

President of the Senate

Passed the House of Representatives the 24th day of , 2000.

Speaker of the House of
Representatives