

3 **Senate Bill No. 1367**
4 **As Amended**

5 SENATE BILL NO. 1367 - By: HOBSON and JOHNSON (Constance) of the
6 Senate and ASKINS of the House.

7 [**energy assistance funding - HOPE Act - HOPE Revolving**
8 **Fund - apportionment - codification - effective date -**
9 **emergency]**

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

11 SECTION 1. NEW LAW A new section of law not to be
12 codified in the Oklahoma Statutes reads as follows:

13 This act shall be known and may be cited as the "Helping
14 Oklahomans Pay for Energy (HOPE) Act".

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 28.5 of Title 56, unless there
17 is created a duplication in numbering, reads as follows:

18 A. There is hereby created in the State Treasury a revolving
19 fund for the Department of Human Services to be designated the
20 "Helping Oklahomans Pay for Energy (HOPE) Revolving Fund". The fund
21 shall be a continuing fund, not subject to fiscal year limitations,
22 and shall consist of all monies designated for deposit thereto, and
23 may include public and private donations. All monies accruing to
24 the credit of the fund are hereby appropriated and may be budgeted
25 and expended by the Department exclusively for making payments to

1 provide financial assistance to residents of this state qualifying
2 for the Low-Income Home Energy Assistance Program (LIHEAP) or any
3 energy assistance program administered by the Department.
4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of State Finance for approval and payment.

7 B. In addition to any monies dedicated for deposit into the
8 HOPE Revolving Fund pursuant to this act, any person, private
9 corporate entity, or public entity may make donations to the fund.
10 Such donations shall be eligible for any state tax credit which is
11 available, or may become available following the enactment of this
12 act. Any public utility making a donation to the HOPE Revolving
13 Fund shall do so from shareholder proceeds, and such donation shall
14 not be included in the utility's operating expenses for ratemaking
15 purposes.

16 C. The Commission for Human Services is hereby authorized to
17 promulgate rules necessary to implement the provisions of this act.

18 SECTION 3. AMENDATORY 68 O.S. 2001, Section 1004, as
19 last amended by Section 2, Chapter 416, O.S.L. 2002 (68 O.S. Supp.
20 2005, Section 1004), is amended to read as follows:

21 Section 1004. Beginning July 1, 2002, the gross production tax
22 provided for in Section 1001 of this title is hereby levied and
23 shall be collected and apportioned as follows:

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

3 a. eighty-five and seventy-two one-hundredths percent
4 (85.72%) shall be paid to the State Treasurer of the
5 state to be placed in the General Revenue Fund of the
6 state and used for the general expense of state
7 government, to be paid out pursuant to direct
8 appropriation by the Legislature,

9 b. seven and fourteen one-hundredths percent (7.14%) of
10 the sum collected from natural gas and/or casinghead
11 gas or asphalt or ores bearing uranium, lead, zinc,
12 jack, gold, silver or copper shall be paid to the
13 various county treasurers to be credited to the County
14 Highway Fund as follows: Each county shall receive a
15 proportionate share of the funds available based upon
16 the proportion of the total value of production from
17 such county in the corresponding month of the
18 preceding year, and

19 c. seven and fourteen one-hundredths percent (7.14%)
20 shall be allocated to each county as provided for in
21 subparagraph b of this paragraph and shall be
22 apportioned, on an average daily attendance per capita
23 distribution basis, as certified by the State

1 Superintendent of Public Instruction to the school
2 districts of the county where such pupils attend
3 school regardless of residence of such pupil, provided
4 the school district makes an ad valorem tax levy of
5 fifteen (15) mills for the current year and maintains
6 twelve (12) years of instruction;

7 2. For all monies collected from the tax levied on natural gas
8 and/or casinghead gas at a tax rate of seven percent (7%) pursuant
9 to the provisions of subsection B of Section 1001 of this title:

10 a. ~~eighty-five and seventy-two one-hundredths percent~~
11 ~~(85.72%)~~ eighty-four and seventy-two one-hundredths
12 percent (84.72%) shall be paid to the State Treasurer
13 of the state to be placed in the General Revenue Fund
14 of the state and used for the general expense of state
15 government, to be paid out pursuant to direct
16 appropriation by the Legislature,

17 b. seven and fourteen one-hundredths percent (7.14%) of
18 the sum collected from natural gas and/or casinghead
19 gas shall be paid to the various county treasurers to
20 be credited to the County Highway Fund as follows:
21 Each county shall receive a proportionate share of the
22 funds available based upon the proportion of the total

1 value of production from such county in the
2 corresponding month of the preceding year, ~~and~~
3 c. seven and fourteen one-hundredths percent (7.14%)
4 shall be allocated to each county as provided for in
5 subparagraph b of this paragraph and shall be
6 apportioned, on an average daily attendance per capita
7 distribution basis, as certified by the State
8 Superintendent of Public Instruction to the school
9 districts of the county where such pupils attend
10 school regardless of residence of such pupil, provided
11 the school district makes an ad valorem tax levy of
12 fifteen (15) mills for the current year and maintains
13 twelve (12) years of instruction~~†~~, and
14 d. one percent (1.0%) of the sum collected from natural
15 gas and/or casinghead gas shall be paid to the State
16 Treasurer to be placed in the Helping Oklahomans Pay
17 for Energy (HOPE) Revolving Fund created pursuant to
18 Section 2 of this act;

19 3. For all monies collected from the tax levied on natural gas
20 and/or casinghead gas at a tax rate of four percent (4%) pursuant to
21 the provisions of subsection B of Section 1001 of this title:

22 a. seventy-five percent (75%) shall be paid to the State
23 Treasurer of the state to be placed in the General

1 Revenue Fund of the state and used for the general
2 expense of state government, to be paid out pursuant
3 to direct appropriation by the Legislature,
4 b. twelve and one-half percent (12.5%) of the sum
5 collected from natural gas and/or casinghead gas shall
6 be paid to the various county treasurers to be
7 credited to the County Highway Fund as follows: Each
8 county shall receive a proportionate share of the
9 funds available based upon the proportion of the total
10 value of production from such county in the
11 corresponding month of the preceding year, and
12 c. twelve and one-half percent (12.5%) shall be allocated
13 to each county as provided for in subparagraph b of
14 this paragraph and shall be apportioned, on an average
15 daily attendance per capita distribution basis, as
16 certified by the State Superintendent of Public
17 Instruction to the school districts of the county
18 where such pupils attend school regardless of
19 residence of such pupil, provided the school district
20 makes an ad valorem tax levy of fifteen (15) mills for
21 the current year and maintains twelve (12) years of
22 instruction;

1 4. For all monies collected from the tax levied on natural gas
2 and/or casinghead gas at a tax rate of one percent (1%) pursuant to
3 the provisions of subsection B of Section 1001 of this title:

4 a. fifty percent (50%) of the sum collected from natural
5 gas and/or casinghead gas shall be paid to the various
6 county treasurers to be credited to the County Highway
7 Fund as follows: Each county shall receive a
8 proportionate share of the funds available based upon
9 the proportion of the total value of production from
10 such county in the corresponding month of the
11 preceding year, and

12 b. fifty percent (50%) shall be allocated to each county
13 as provided for in subparagraph a of this paragraph
14 and shall be apportioned, on an average daily
15 attendance per capita distribution basis, as certified
16 by the State Superintendent of Public Instruction to
17 the school districts of the county where such pupils
18 attend school regardless of residence of such pupil,
19 provided the school district makes an ad valorem tax
20 levy of fifteen (15) mills for the current year and
21 maintains twelve (12) years of instruction;

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

4 a. twenty-five and seventy-two one-hundredths percent
5 (25.72%) shall be paid to the State Treasurer to be
6 placed in the Common Education Technology Revolving
7 Fund created in Section 41.29c of Title 62 of the
8 Oklahoma Statutes,

9 b. twenty-five and seventy-two one-hundredths percent
10 (25.72%) shall be paid to the State Treasurer to be
11 placed in the Higher Education Capital Revolving Fund
12 created in Section 41.29d of Title 62 of the Oklahoma
13 Statutes,

14 c. twenty-five and seventy-two one-hundredths percent
15 (25.72%) shall be paid to the State Treasurer to be
16 placed in the Oklahoma Tuition Scholarship Revolving
17 Fund created in Section 41.29e of Title 62 of the
18 Oklahoma Statutes,

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

- 1 e. four and twenty-eight one-hundredths percent (4.28%)
2 shall be paid to the State Treasurer to be apportioned
3 to the Oklahoma Water Resources Board Rural Economic
4 Action Plan Water Projects Fund,
- 5 f. seven and fourteen one-hundredths percent (7.14%) of
6 the sum collected from oil shall be paid to the
7 various county treasurers, to be credited to the
8 County Highway Fund as follows: Each county shall
9 receive a proportionate share of the funds available
10 based upon the proportion of the total value of
11 production from such county in the corresponding month
12 of the preceding year, and
- 13 g. seven and fourteen one-hundredths percent (7.14%)
14 shall be allocated to each county as provided in
15 subparagraph f of this paragraph and shall be
16 apportioned, on an average daily attendance per capita
17 distribution basis, as certified by the State
18 Superintendent of Public Instruction, to the school
19 districts of the county where such pupils attend
20 school regardless of residence of such pupil, provided
21 the school district makes an ad valorem tax levy of
22 fifteen (15) mills for the current year and maintains
23 twelve (12) years of instruction;

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

4 a. twenty-two and one-half percent (22.5%) shall be paid
5 to the State Treasurer to be placed in the Common
6 Education Technology Revolving Fund created in Section
7 41.29c of Title 62 of the Oklahoma Statutes,

8 b. twenty-two and one-half percent (22.5%) shall be paid
9 to the State Treasurer to be placed in the Higher
10 Education Capital Revolving Fund created in Section
11 41.29d of Title 62 of the Oklahoma Statutes,

12 c. twenty-two and one-half percent (22.5%) shall be paid
13 to the State Treasurer to be placed in the Oklahoma
14 Tuition Scholarship Revolving Fund created in Section
15 41.29e of Title 62 of the Oklahoma Statutes,

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

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

- 1 f. twelve and one-half percent (12.5%) of the sum
2 collected from oil shall be paid to the various county
3 treasurers, to be credited to the County Highway Fund
4 as follows: Each county shall receive a proportionate
5 share of the funds available based upon the proportion
6 of the total value of production from such county in
7 the corresponding month of the preceding year, and
8 g. twelve and one-half percent (12.5%) shall be allocated
9 to each county as provided in subparagraph f of this
10 paragraph and shall be apportioned on an average daily
11 attendance per capita distribution basis, as certified
12 by the State Superintendent of Public Instruction, to
13 the school districts of the county where such pupils
14 attend school regardless of residence of such pupil,
15 provided the school district makes an ad valorem tax
16 levy of fifteen (15) mills for the current year and
17 maintains twelve (12) years of instruction; and

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

- 21 a. fifty percent (50%) of the sum collected shall be paid
22 to the various county treasurers, to be credited to
23 the County Highway Fund as follows: Each county shall

1 receive a proportionate share of the funds available
2 based upon the proportion of the total value of
3 production from such county in the corresponding month
4 of the preceding year, and
5 b. fifty percent (50%) shall be allocated to each county
6 as provided for in subparagraph a of this paragraph
7 and shall be apportioned on an average daily
8 attendance per capita distribution basis, as certified
9 by the State Superintendent of Public Instruction, to
10 the school districts of the county where such pupils
11 attend school regardless of residence of such pupil,
12 provided the school district makes an ad valorem tax
13 levy of fifteen (15) mills for the current year and
14 maintains twelve (12) years of instruction.

15 Provided, notwithstanding any other provision of this section,
16 the total amounts deposited to the Common Education Technology
17 Revolving Fund, the Higher Education Capital Revolving Fund, the
18 Oklahoma Tuition Scholarship Revolving Fund, the County Bridge and
19 Road Improvement Fund and the Rural Economic Action Plan Water
20 Projects Fund pursuant to paragraphs 5 and 6 of this section shall
21 not exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in
22 any fiscal year. All sums in excess of One Hundred Fifty Million
23 Dollars (\$150,000,000.00) in any fiscal year which would otherwise

1 be deposited in such funds shall be placed by the State Treasurer in
2 the General Revenue Fund of the state.

3 SECTION 4. This act shall become effective July 1, 2006.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
9 PASS, As Amended and Coauthored.