

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

House Bill No. 2553
As Amended

HOUSE BILL NO. 2553 - By: LIEBMANN of the House and _____ of the Senate.

(Public finance - changing name and purpose of the Community

Water Infrastructure Development Revolving Fund - effective date -

emergency)

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

1 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1004, as last amended by
2 Section 55, Chapter 1, O.S.L. 2007 (68 O.S. Supp. 2007, Section 1004), is amended to
3 read as follows:

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

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

9 a. eighty-five and seventy-two one-hundredths percent (85.72%) shall be
10 paid to the State Treasurer of the state to be placed in the General
11 Revenue Fund of the state and used for the general expense of state

1 government, to be paid out pursuant to direct appropriation by the
2 Legislature,
3 b. seven and fourteen one-hundredths percent (7.14%) of the sum
4 collected from natural gas and/or casinghead gas or asphalt or ores
5 bearing uranium, lead, zinc, jack, gold, silver or copper shall be paid to
6 the various county treasurers to be credited to the County Highway
7 Fund as follows: Each county shall receive a proportionate share of the
8 funds available based upon the proportion of the total value of
9 production from such county in the corresponding month of the
10 preceding year, and
11 c. seven and fourteen one-hundredths percent (7.14%) shall be allocated
12 to each county as provided for in subparagraph b of this paragraph and
13 shall be apportioned, on an average daily attendance per capita
14 distribution basis, as certified by the State Superintendent of Public
15 Instruction to the school districts of the county where such pupils
16 attend school regardless of residence of such pupil, provided the school
17 district makes an ad valorem tax levy of fifteen (15) mills for the
18 current year and maintains twelve (12) years of instruction;
19 2. For all monies collected from the tax levied on natural gas and/or casinghead gas
20 at a tax rate of seven percent (7%) pursuant to the provisions of subsection B of Section
21 1001 of this title:

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

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

4 a. seventy-five percent (75%) shall be paid to the State Treasurer of the
5 state to be placed in the General Revenue Fund of the state and used
6 for the general expense of state government, to be paid out pursuant to
7 direct appropriation by the Legislature,

8 b. twelve and one-half percent (12.5%) of the sum collected from natural
9 gas and/or casinghead gas shall be paid to the various county
10 treasurers to be credited to the County Highway Fund as follows:

11 Each county shall receive a proportionate share of the funds available
12 based upon the proportion of the total value of production from such
13 county in the corresponding month of the preceding year, and

14 c. twelve and one-half percent (12.5%) shall be allocated to each county
15 as provided for in subparagraph b of this paragraph and shall be
16 apportioned, on an average daily attendance per capita distribution
17 basis, as certified by the State Superintendent of Public Instruction to
18 the school districts of the county where such pupils attend school
19 regardless of residence of such pupil, provided the school district
20 makes an ad valorem tax levy of fifteen (15) mills for the current year
21 and maintains twelve (12) years of instruction;

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

- 4 a. fifty percent (50%) of the sum collected from natural gas and/or
5 casinghead gas shall be paid to the various county treasurers to be
6 credited to the County Highway Fund as follows: Each county shall
7 receive a proportionate share of the funds available based upon the
8 proportion of the total value of production from such county in the
9 corresponding month of the preceding year, and
- 10 b. fifty percent (50%) shall be allocated to each county as provided for in
11 subparagraph a of this paragraph and shall be apportioned, on an
12 average daily attendance per capita distribution basis, as certified by
13 the State Superintendent of Public Instruction to the school districts
14 of the county where such pupils attend school regardless of residence
15 of such pupil, provided the school district makes an ad valorem tax
16 levy of fifteen (15) mills for the current year and maintains twelve (12)
17 years of instruction;

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

- 20 a. twenty-five and seventy-two one-hundredths percent (25.72%) shall be
21 paid to the State Treasurer to be placed in the Common Education

- 1 Technology Revolving Fund created in Section 41.29c of Title 62 of the
2 Oklahoma Statutes,
- 3 b. twenty-five and seventy-two one-hundredths percent (25.72%) shall be
4 paid to the State Treasurer to be placed in the Higher Education
5 Capital Revolving Fund created in Section 41.29d of Title 62 of the
6 Oklahoma Statutes,
- 7 c. twenty-five and seventy-two one-hundredths percent (25.72%) shall be
8 paid to the State Treasurer to be placed in the Oklahoma ~~Tuition~~
9 ~~Scholarship~~ Student Aid Revolving Fund created in Section 41.29e of
10 Title 62 of the Oklahoma Statutes,
- 11 d. four and twenty-eight one-hundredths percent (4.28%) shall be paid to
12 the State Treasurer to be apportioned to the County Bridge and Road
13 Improvement Fund of the State Treasury,
- 14 e. four and twenty-eight one-hundredths percent (4.28%) shall be paid to
15 the State Treasurer to be apportioned to:
- 16 ~~(1)~~ the following sources and in the following amounts ~~for the fiscal~~
17 ~~year ending June 30, 2007, through the fiscal year ending June~~
18 ~~30, 2011:~~
- 19 ~~(a)~~
- 20 (1) thirty-three and one-third percent (33 1/3%) to the Oklahoma
21 Tourism and Recreation Department Capital Expenditure

1 g. seven and fourteen one-hundredths percent (7.14%) shall be allocated
2 to each county as provided in subparagraph f of this paragraph and
3 shall be apportioned, on an average daily attendance per capita
4 distribution basis, as certified by the State Superintendent of Public
5 Instruction, to the school districts of the county where such pupils
6 attend school regardless of residence of such pupil, provided the school
7 district makes an ad valorem tax levy of fifteen (15) mills for the
8 current year and maintains twelve (12) years of instruction;

9 6. For all monies collected from the tax levied on oil at a tax rate of four percent
10 (4%) pursuant to the provisions of subsection B of Section 1001 of this title:

- 11 a. twenty-two and one-half percent (22.5%) shall be paid to the State
12 Treasurer to be placed in the Common Education Technology
13 Revolving Fund created in Section 41.29c of Title 62 of the Oklahoma
14 Statutes,
- 15 b. twenty-two and one-half percent (22.5%) shall be paid to the State
16 Treasurer to be placed in the Higher Education Capital Revolving
17 Fund created in Section 41.29d of Title 62 of the Oklahoma Statutes,
- 18 c. twenty-two and one-half percent (22.5%) shall be paid to the State
19 Treasurer to be placed in the Oklahoma ~~Tuition Scholarship~~ Student
20 Aid Revolving Fund created in Section 41.29e of Title 62 of the
21 Oklahoma Statutes,

- 1 d. three and seventy-five one-hundredths percent (3.75%) shall be paid to
2 the State Treasurer to be apportioned to the County Bridge and Road
3 Improvement Fund of the State Treasury,
- 4 e. three and seventy-five one-hundredths percent (3.75%) shall be paid to
5 the State Treasurer to be apportioned to:
- 6 ~~(1)~~ the following sources and in the following amounts ~~for the fiscal~~
7 ~~year ending June 30, 2007, through the fiscal year ending June~~
8 ~~30, 2011:~~
- 9 ~~(a)~~
- 10 (1) thirty-three and one-third percent (33 1/3%) to the Oklahoma
11 Tourism and Recreation Department Capital Expenditure
12 Revolving Fund created pursuant to Section ~~2~~ 2254.1 of ~~this act~~
13 Title 74 of the Oklahoma Statutes,
- 14 ~~(b)~~
- 15 (2) thirty-three and one-third percent (33 1/3%) to the Oklahoma
16 Conservation Commission Infrastructure Revolving Fund
17 created pursuant to Section ~~3~~ 3-2-110 of ~~this act~~ Title 27A of the
18 Oklahoma Statutes, and
- 19 ~~(c)~~
- 20 (3) thirty-three and one-third percent (33 1/3%) to the ~~Community~~
21 Second Century Water Infrastructure Planning and

1 Development Revolving Fund created pursuant to Section 4
2 1085.7A of this act Title 82 of the Oklahoma Statutes, and

3 ~~(2) the Oklahoma Water Resources Board Rural Economic Action~~
4 ~~Plan Water Projects Fund for the fiscal year ending June 30,~~
5 ~~2012, and for each fiscal year thereafter,~~

6 f. twelve and one-half percent (12.5%) of the sum collected from oil shall
7 be paid to the various county treasurers, to be credited to the County
8 Highway Fund as follows: Each county shall receive a proportionate
9 share of the funds available based upon the proportion of the total
10 value of production from such county in the corresponding month of
11 the preceding year, and

12 g. twelve and one-half percent (12.5%) shall be allocated to each county
13 as provided in subparagraph f of this paragraph and shall be
14 apportioned on an average daily attendance per capita distribution
15 basis, as certified by the State Superintendent of Public Instruction, to
16 the school districts of the county where such pupils attend school
17 regardless of residence of such pupil, provided the school district
18 makes an ad valorem tax levy of fifteen (15) mills for the current year
19 and maintains twelve (12) years of instruction; and

20 7. For all monies collected from the tax levied on oil at a tax rate of one percent
21 (1%) pursuant to the provisions of subsection B of Section 1001 of this title:

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

15 Provided, notwithstanding any other provision of this section, the total amounts
16 deposited to the Common Education Technology Revolving Fund, the Higher Education
17 Capital Revolving Fund, and the Oklahoma Tuition Scholarship Student Aid Revolving
18 Fund, ~~the Rural Economic Action Plan Water Projects Fund, the Oklahoma Tourism and~~
19 ~~Recreation Department Capital Expenditure Revolving Fund, the Oklahoma~~
20 ~~Conservation Commission Infrastructure Revolving Fund and the Community Water~~
21 ~~Infrastructure Development Revolving Fund~~ pursuant to paragraphs 5 and 6 of this
22 section shall not exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any

1 fiscal year. All sums in excess of One Hundred Fifty Million Dollars (\$150,000,000.00) in
2 any fiscal year which would otherwise be deposited in such funds shall be placed by the
3 State Treasurer in the General Revenue Fund of the state.

4 SECTION 2. AMENDATORY Section 4, Chapter 43, 2nd Extraordinary
5 Session, O.S.L. 2006 (82 O.S. Supp. 2007, Section 1085.7A), is amended to read as
6 follows:

7 Section 1085.7A A. There is hereby created in the State Treasury a revolving fund
8 for the Oklahoma Water Resources Board to be designated the “~~Community~~ Second
9 Century Water Infrastructure Planning and Development Revolving Fund”.

10 B. The fund shall be a continuing fund, not subject to fiscal year limitations, and
11 shall consist of all monies received by the Oklahoma Water Resources Board from the
12 apportionment of gross production tax revenues as prescribed by Section 1004 of Title 68
13 of the Oklahoma Statutes.

14 C. All monies accruing to the credit of said fund are hereby appropriated and may
15 be budgeted and expended by the Oklahoma Water Resources Board for the ~~purpose of~~
16 ~~establishing and maintaining critical water infrastructure in all areas of the state~~
17 following purposes:

- 18 1. Update and implementation of the Oklahoma Comprehensive Water Plan; and
19 2. Transfer to the Statewide Water Development Revolving Fund for financial
20 assistance programs administered by the Oklahoma Water Resources Board.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 D. ~~Of the monies accruing to the credit of said fund, fifty percent (50%) of these~~
2 ~~funds, or so much thereof as may be necessary, shall be used to accomplish all phases~~
3 ~~and funding needs for the Oklahoma Comprehensive Water Plan.~~

4 E. Expenditures from said fund shall be made upon warrants issued by the State
5 Treasurer against claims filed as prescribed by law with the Director of State Finance for
6 approval and payment.

7 ~~F. Other than expenditures directly related to activities authorized in subsection D~~
8 ~~of this section, no monies in the fund shall be used for the payment of administrative~~
9 ~~expenses, salary or any other continuing obligation of the Oklahoma Water Resources~~
10 ~~Board.~~

11 G. ~~The provisions of this section shall cease to have the force and effect of law on~~
12 ~~July 1, 2011. Any monies remaining in the fund created by this section on July 1, 2011,~~
13 ~~which have been encumbered, but not expended, may be expended according to the terms~~
14 ~~pursuant to which the monies were encumbered.~~

15 SECTION 3. This act shall become effective July 1, 2008.

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

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
20 dated 2-27-08 - DO PASS, As Amended.