

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3188

By: DeWitt

4  
5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68  
8 O.S. 2001, Section 1004, as last amended by Section  
9 55, Chapter 1, O.S.L. 2007 (68 O.S. Supp. 2007,  
10 Section 1004), which relates to the apportionment of  
11 gross production tax revenues; eliminating limitation  
12 upon revenue with respect to Rural Economic Action  
13 Plan Water Projects Fund; providing an effective  
14 date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1004, as  
16 last amended by Section 55, Chapter 1, O.S.L. 2007 (68 O.S. Supp.  
17 2007, Section 1004), is amended to read as follows:

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

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

23 a. eighty-five and seventy-two one-hundredths percent

24 (85.72%) shall be paid to the State Treasurer of the

1 state to be placed in the General Revenue Fund of the  
2 state and used for the general expense of state  
3 government, to be paid out pursuant to direct  
4 appropriation by the Legislature,

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

15 c. seven and fourteen one-hundredths percent (7.14%)  
16 shall be allocated to each county as provided for in  
17 subparagraph b of this paragraph and shall be  
18 apportioned, on an average daily attendance per capita  
19 distribution basis, as certified by the State  
20 Superintendent of Public Instruction to the school  
21 districts of the county where such pupils attend  
22 school regardless of residence of such pupil, provided  
23 the school district makes an ad valorem tax levy of  
24

1           fifteen (15) mills for the current year and maintains  
2           twelve (12) years of instruction;

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

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

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

20           c. seven and fourteen one-hundredths percent (7.14%)  
21           shall be allocated to each county as provided for in  
22           subparagraph b of this paragraph and shall be  
23           apportioned, on an average daily attendance per capita  
24           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 3. For all monies collected from the tax levied on natural gas  
8 and/or casinghead gas at a tax rate of four percent (4%) pursuant to  
9 the provisions of subsection B of Section 1001 of this title:

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

15 b. twelve and one-half percent (12.5%) of the sum  
16 collected from natural gas and/or casinghead gas shall  
17 be paid to the various county treasurers to be  
18 credited to the County Highway Fund as follows: Each  
19 county shall receive a proportionate share of the  
20 funds available based upon the proportion of the total  
21 value of production from such county in the  
22 corresponding month of the preceding year, and

23 c. twelve and one-half percent (12.5%) shall be allocated  
24 to each county as provided for in subparagraph b of

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

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

13 a. fifty percent (50%) of the sum collected from natural  
14 gas and/or casinghead gas shall be paid to the various  
15 county treasurers to be credited to the County Highway  
16 Fund as follows: Each county shall receive a  
17 proportionate share of the funds available based upon  
18 the proportion of the total value of production from  
19 such county in the corresponding month of the  
20 preceding year, and

21 b. fifty percent (50%) shall be allocated to each county  
22 as provided for in subparagraph a of this paragraph  
23 and shall be apportioned, on an average daily  
24 attendance per capita distribution basis, as certified

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

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

10 a. twenty-five and seventy-two one-hundredths percent  
11 (25.72%) shall be paid to the State Treasurer to be  
12 placed in the Common Education Technology Revolving  
13 Fund created in Section 41.29c of Title 62 of the  
14 Oklahoma Statutes,

15 b. twenty-five and seventy-two one-hundredths percent  
16 (25.72%) shall be paid to the State Treasurer to be  
17 placed in the Higher Education Capital Revolving Fund  
18 created in Section 41.29d of Title 62 of the Oklahoma  
19 Statutes,

20 c. twenty-five and seventy-two one-hundredths percent  
21 (25.72%) shall be paid to the State Treasurer to be  
22 placed in the Oklahoma Tuition Scholarship Revolving  
23 Fund created in Section 41.29e of Title 62 of the  
24 Oklahoma Statutes,

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

5 e. four and twenty-eight one-hundredths percent (4.28%)  
6 shall be paid to the State Treasurer to be apportioned  
7 to:

8 (1) the following sources and in the following  
9 amounts for the fiscal year ending June 30, 2007,  
10 through the fiscal year ending June 30, 2011:

11 (a) thirty-three and one-third percent (33 1/3%)  
12 to the Oklahoma Tourism and Recreation  
13 Department Capital Expenditure Revolving  
14 Fund created pursuant to Section 2 of this  
15 act,

16 (b) thirty-three and one-third percent (33 1/3%)  
17 to the Oklahoma Conservation Commission  
18 Infrastructure Revolving Fund created  
19 pursuant to Section 3 of this act, and

20 (c) thirty-three and one-third percent (33 1/3%)  
21 to the Community Water Infrastructure  
22 Development Revolving Fund created pursuant  
23 to Section 4 of this act, and  
24

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

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:  
23  
24

1 (1) the following sources and in the following  
2 amounts for the fiscal year ending June 30, 2007,  
3 through the fiscal year ending June 30, 2011:

4 (a) thirty-three and one-third percent (33 1/3%)  
5 to the Oklahoma Tourism and Recreation  
6 Department Capital Expenditure Revolving  
7 Fund created pursuant to Section 2 of this  
8 act,

9 (b) thirty-three and one-third percent (33 1/3%)  
10 to the Oklahoma Conservation Commission  
11 Infrastructure Revolving Fund created  
12 pursuant to Section 3 of this act, and

13 (c) thirty-three and one-third percent (33 1/3%)  
14 to the Community Water Infrastructure  
15 Development Revolving Fund created pursuant  
16 to Section 4 of this act, and

17 (2) the Oklahoma Water Resources Board Rural Economic  
18 Action Plan Water Projects Fund for the fiscal  
19 year ending June 30, 2012, and for each fiscal  
20 year thereafter,

21 f. twelve and one-half percent (12.5%) of the sum  
22 collected from oil shall be paid to the various county  
23 treasurers, to be credited to the County Highway Fund  
24 as follows: Each county shall receive a proportionate

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

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

17 a. fifty percent (50%) of the sum collected shall be paid  
18 to the various county treasurers, to be credited to  
19 the County Highway Fund as follows: Each county shall  
20 receive a proportionate share of the funds available  
21 based upon the proportion of the total value of  
22 production from such county in the corresponding month  
23 of the preceding year, and  
24

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

11            Provided, notwithstanding any other provision of this section,  
12   the total amounts deposited to the Common Education Technology  
13   Revolving Fund, the Higher Education Capital Revolving Fund, the  
14   Oklahoma Tuition Scholarship Revolving Fund, ~~the Rural Economic~~  
15   ~~Action Plan Water Projects Fund,~~ the Oklahoma Tourism and Recreation  
16   Department Capital Expenditure Revolving Fund, the Oklahoma  
17   Conservation Commission Infrastructure Revolving Fund and the  
18   Community Water Infrastructure Development Revolving Fund pursuant  
19   to paragraphs 5 and 6 of this section shall not exceed One Hundred  
20   Fifty Million Dollars (\$150,000,000.00) in any fiscal year. All  
21   sums in excess of One Hundred Fifty Million Dollars  
22   (\$150,000,000.00) in any fiscal year which would otherwise be  
23   deposited in such funds shall be placed by the State Treasurer in  
24   the General Revenue Fund of the state.

1 SECTION 2. This act shall become effective July 1, 2008.

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

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