

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 548

By: Anderson

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation and schools;
8 amending 68 O.S. 2001, Section 1004, as last amended
9 by Section 1, Chapter 43, O.S.L. 2006 (68 O.S. Supp.
10 2006, Section 1004), which relates to gross
11 production taxes; modifying apportionment of taxes;
12 creating School Nutrition Program Fund; providing
13 purpose and revenue source for fund; requiring
14 certain collaboration between the State Board of
15 Education and the Department of Human Services;
16 providing for codification; providing an effective
17 date; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1004, as
20 last amended by Section 1, Chapter 43, O.S.L. 2006 (68 O.S. Supp.
21 2006, Section 1004), is amended to read as follows:

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

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

1 a. eighty-five and seventy-two one-hundredths percent
2 (85.72%) shall be paid to the State Treasurer of the
3 state to be placed in the General Revenue Fund of the
4 state and used for the general expense of state
5 government, to be paid out pursuant to direct
6 appropriation by the Legislature,

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

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

1 the school district makes an ad valorem tax levy of
2 fifteen (15) mills for the current year and maintains
3 twelve (12) years of instruction;

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

7 a. ~~eighty-five and seventy-two one-hundredths percent~~
8 ~~(85.72%)~~ eighty-four and seventy-two one-hundredths
9 percent (84.72%) shall be paid to the State Treasurer
10 of the state to be placed in the General Revenue Fund
11 of the state and used for the general expense of state
12 government, to be paid out pursuant to direct
13 appropriation by the Legislature,

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

22 c. seven and fourteen one-hundredths percent (7.14%)
23 shall be allocated to each county as provided for in
24 subparagraph b of this paragraph and shall be

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

9 d. one percent (1%) shall be paid to the School Nutrition
10 Program Fund pursuant to Section 2 of this act;

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

14 a. ~~seventy five percent (75%)~~ seventy-four percent (74%)
15 shall be paid to the State Treasurer of the state to
16 be placed in the General Revenue Fund of the state and
17 used for the general expense of state government, to
18 be paid out pursuant to direct appropriation by the
19 Legislature,

20 b. twelve and one-half percent (12.5%) of the sum
21 collected from natural gas and/or casinghead gas shall
22 be paid to the various county treasurers to be
23 credited to the County Highway Fund as follows: Each
24 county shall receive a proportionate share of the

1 funds available based upon the proportion of the total
2 value of production from such county in the
3 corresponding month of the preceding year, ~~and~~

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

15 d. one percent (1%) shall be paid to the School Nutrition
16 Program Fund pursuant to Section 2 of this act;

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

20 a. fifty percent (50%) of the sum collected from natural
21 gas and/or casinghead gas shall be paid to the various
22 county treasurers to be credited to the County Highway
23 Fund as follows: Each county shall receive a
24 proportionate share of the funds available based upon

1 the proportion of the total value of production from
2 such county in the corresponding month of the
3 preceding year, and

- 4 b. fifty percent (50%) shall be allocated to each county
5 as provided for in subparagraph a of this paragraph
6 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;

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

- 17 a. twenty-five and seventy-two one-hundredths percent
18 (25.72%) shall be paid to the State Treasurer to be
19 placed in the Common Education Technology Revolving
20 Fund created in Section 41.29c of Title 62 of the
21 Oklahoma Statutes,

- 22 b. twenty-five and seventy-two one-hundredths percent
23 (25.72%) shall be paid to the State Treasurer to be
24 placed in the Higher Education Capital Revolving Fund

1 created in Section 41.29d of Title 62 of the Oklahoma
2 Statutes,

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

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

12 e. four and twenty-eight one-hundredths percent (4.28%)
13 shall be paid to the State Treasurer to be apportioned
14 to:

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

- 18 (a) thirty-three and one-third percent (33 1/3%)
19 to the Oklahoma Tourism and Recreation
20 Department Capital Expenditure Revolving
21 Fund created pursuant to Section ~~2~~ 2254.1 of
22 ~~this act~~ Title 74 of the Oklahoma Statutes,
- 23 (b) thirty-three and one-third percent (33 1/3%)
24 to the Oklahoma Conservation Commission

1 Infrastructure Revolving Fund created
2 pursuant to Section ~~3~~ 3-2-110 of ~~this act~~
3 Title 27A of the Oklahoma Statutes, and

4 (c) thirty-three and one-third percent (33 1/3%)
5 to the Community Water Infrastructure
6 Development Revolving Fund created pursuant
7 to Section 4 1085.7A of ~~this act~~ Title 82 of
8 the Oklahoma Statutes, and

9 (2) the Oklahoma Water Resources Board Rural Economic
10 Action Plan Water Projects Fund for the fiscal
11 year ending June 30, 2012, and for each fiscal
12 year thereafter,

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

21 g. seven and fourteen one-hundredths percent (7.14%)
22 shall be allocated to each county as provided in
23 subparagraph f of this paragraph and shall be
24 apportioned, on an average daily attendance per capita

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

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

- 11 a. twenty-two and one-half percent (22.5%) shall be paid
12 to the State Treasurer to be placed in the Common
13 Education Technology Revolving Fund created in Section
14 41.29c of Title 62 of the Oklahoma Statutes,
- 15 b. twenty-two and one-half percent (22.5%) shall be paid
16 to the State Treasurer to be placed in the Higher
17 Education Capital Revolving Fund created in Section
18 41.29d of Title 62 of the Oklahoma Statutes,
- 19 c. twenty-two and one-half percent (22.5%) shall be paid
20 to the State Treasurer to be placed in the Oklahoma
21 Tuition Scholarship Revolving Fund created in Section
22 41.29e of Title 62 of the Oklahoma Statutes,
- 23 d. three and seventy-five one-hundredths percent (3.75%)
24 shall be paid to the State Treasurer to be apportioned

1 to the County Bridge and Road Improvement Fund of the
2 State Treasury,

3 e. three and seventy-five one-hundredths percent (3.75%)
4 shall be paid to the State Treasurer to be apportioned
5 to:

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

9 (a) thirty-three and one-third percent (33 1/3%)
10 to the Oklahoma Tourism and Recreation
11 Department Capital Expenditure Revolving
12 Fund created pursuant to Section ~~2~~ 2254.1 of
13 ~~this act~~ Title 74 of the Oklahoma Statutes,

14 (b) thirty-three and one-third percent (33 1/3%)
15 to the Oklahoma Conservation Commission
16 Infrastructure Revolving Fund created
17 pursuant to Section ~~3~~ 3-2-110 of ~~this act~~
18 Title 27A of the Oklahoma Statutes, and

19 (c) thirty-three and one-third percent (33 1/3%)
20 to the Community Water Infrastructure
21 Development Revolving Fund created pursuant
22 to Section ~~4~~ 1085.7A of ~~this act~~ Title 82 of
23 the Oklahoma Statutes, and

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

12 g. twelve and one-half percent (12.5%) shall be allocated
13 to each county as provided in subparagraph f of this
14 paragraph 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; and

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

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

8 b. fifty percent (50%) shall be allocated to each county
9 as provided for in subparagraph a of this paragraph
10 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.

18 Provided, notwithstanding any other provision of this section,
19 the total amounts deposited to the Common Education Technology
20 Revolving Fund, the Higher Education Capital Revolving Fund, the
21 Oklahoma Tuition Scholarship Revolving Fund, the County Bridge and
22 Road Improvement Fund, the Rural Economic Action Plan Water Projects
23 Fund, the Oklahoma Tourism and Recreation Department Capital
24 Expenditure Revolving Fund, the Oklahoma Conservation Commission

1 Infrastructure Revolving Fund and the Community Water Infrastructure
2 Development Revolving Fund pursuant to paragraphs 5 and 6 of this
3 section shall not exceed One Hundred Fifty Million Dollars
4 (\$150,000,000.00) in any fiscal year. All sums in excess of One
5 Hundred Fifty Million Dollars (\$150,000,000.00) in any fiscal year
6 which would otherwise be deposited in such funds shall be placed by
7 the State Treasurer in the General Revenue Fund of the state.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3-119.1 of Title 70, unless
10 there is created a duplication in numbering, reads as follows:

11 There is hereby created in the State Treasury a fund for the
12 State Board of Education to be designated the School Nutrition
13 Program Fund. The fund shall be used to support programs which
14 provide food for school-aged children who qualify for free and
15 reduced school lunch programs and may be utilized for programs which
16 include, but are not limited to, school lunch and food distribution
17 programs. The fund shall be subject to legislative appropriation
18 and shall consist of funds apportioned pursuant to Section 1004 of
19 Title 68 of the Oklahoma Statutes. By January 1, 2008, the State
20 Board of Education, in collaboration with the Department of Human
21 Services, shall develop and implement a plan to utilize monies
22 accruing in the School Nutrition Program Fund. The State Board of
23 Education shall adopt such rules as may be necessary to implement
24 this section.

1 SECTION 3. This act shall become effective July 1, 2007.

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

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