

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 316

By: Bingman

4
5
6 AS INTRODUCED

7 An Act relating to public finance; amending 68 O.S.
8 2001, Section 1004, as last amended by Section 55,
Chapter 1, O.S.L. 2007 (68 O.S. Supp. 2008, Section
9 1004), which relates to gross production tax revenue;
removing termination for certain funding; amending
10 Section 2, Chapter 43, 2nd Extraordinary Session,
O.S.L. 2006 (74 O.S. Supp. 2008, Section 2254.1),
11 which relates to tourism and recreation; removing
termination date for certain funding; amending
12 Section 3, Chapter 43, 2nd Extraordinary Session,
O.S.L. 2006 (27A O.S. Supp. 2008, Section 3-2-110),
13 which relates to the Oklahoma Conservation
Commission; removing termination date for certain
14 funding; amending Section 4, Chapter 43, 2nd
Extraordinary Session, O.S.L. 2006 (82 O.S. Supp.
15 2008, Section 1085.7A), which relates to the Oklahoma
Water Resources Board; removing termination date for
16 certain funding; and declaring an emergency.

17
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 55, Chapter 1, O.S.L. 2007 (68 O.S. Supp.
21 2008, 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 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
24 Superintendent of Public Instruction to the school

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

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

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

10 (85.72%) shall be paid to the State Treasurer of the
11 state to be placed in the General Revenue Fund of the
12 state and used for the general expense of state
13 government, to be paid out pursuant to direct
14 appropriation by the Legislature,

15 b. seven and fourteen one-hundredths percent (7.14%) of

16 the sum collected from natural gas and/or casinghead
17 gas shall be paid to the various county treasurers to
18 be credited to the County Highway Fund as follows:

19 Each 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. seven and fourteen one-hundredths percent (7.14%)

24 shall be allocated to each county as provided for in

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

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

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

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

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

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

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

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

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

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

19 b. twenty-five and seventy-two one-hundredths percent
20 (25.72%) shall be paid to the State Treasurer to be
21 placed in the Higher Education Capital Revolving Fund
22 created in Section 41.29d of Title 62 of the Oklahoma
23 Statutes,

1 c. twenty-five and seventy-two one-hundredths percent
2 (25.72%) shall be paid to the State Treasurer to be
3 placed in the Oklahoma Tuition Scholarship Revolving
4 Fund created in Section 41.29e of Title 62 of the
5 Oklahoma Statutes,

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

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

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

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

22 (b) thirty-three and one-third percent (33 1/3%)
23 to the Oklahoma Conservation Commission
24 Infrastructure Revolving Fund created

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

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

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 of this~~
13 ~~act~~ 2254.1 of Title 74 of the Oklahoma
14 Statutes,

15 (b) thirty-three and one-third percent (33 1/3%)
16 to the Oklahoma Conservation Commission
17 Infrastructure Revolving Fund created
18 pursuant to Section ~~3 of this act~~ 3-2-110 of
19 Title 27A of the Oklahoma Statutes, 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~~ 1085.7A of Title 82
24 of the Oklahoma Statutes, and

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

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

7. 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:

- 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 Rural Economic~~
22 ~~Action Plan Water Projects Fund,~~ the Oklahoma Tourism and Recreation
23 Department Capital Expenditure Revolving Fund, the Oklahoma
24 Conservation Commission Infrastructure Revolving Fund and the

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

8 SECTION 2. AMENDATORY Section 2, Chapter 43, 2nd
9 Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2008, Section
10 2254.1), is amended to read as follows:

11 Section 2254.1 A. There is hereby created in the State
12 Treasury a revolving fund for the Oklahoma Tourism and Recreation
13 Department to be designated the "Oklahoma Tourism and Recreation
14 Department Capital Expenditure Revolving Fund".

15 B. The fund shall be a continuing fund, not subject to fiscal
16 year limitations, and shall consist of all monies received by the
17 Oklahoma Tourism and Recreation Department from the apportionment of
18 gross production tax revenues as prescribed by Section 1004 of Title
19 68 of the Oklahoma Statutes.

20 C. All monies accruing to the credit of said fund are hereby
21 appropriated and may be budgeted and expended by the Oklahoma
22 Tourism and Recreation Department for the purpose of one-time
23 capital expenditures for capital assets owned, managed or controlled
24 by the Oklahoma Tourism and Recreation Department.

1 D. Expenditures from said fund shall be made upon warrants
2 issued by the State Treasurer against claims filed as prescribed by
3 law with the Director of State Finance for approval and payment.

4 E. No monies in the fund shall be used for the payment of
5 administrative expenses, salary or any other continuing obligation
6 of the Oklahoma Tourism and Recreation Department.

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

12 SECTION 3. AMENDATORY Section 3, Chapter 43, 2nd
13 Extraordinary Session, O.S.L. 2006 (27A O.S. Supp. 2008, Section 3-
14 2-110), is amended to read as follows:

15 Section 3-2-110. A. There is hereby created in the State
16 Treasury a revolving fund for the Oklahoma Conservation Commission
17 to be designated the "Oklahoma Conservation Commission
18 Infrastructure Revolving Fund".

19 B. The fund shall be a continuing fund, not subject to fiscal
20 year limitations, and shall consist of all monies received by the
21 Oklahoma Conservation Commission from the apportionment of gross
22 production tax revenues as prescribed by Section 1004 of Title 68 of
23 the Oklahoma Statutes.

1 C. All monies accruing to the credit of said fund are hereby
2 appropriated and may be budgeted and expended by the Oklahoma
3 Conservation Commission for the purpose of the rehabilitation of
4 watershed dams and, subsequent to those required expenditures, for
5 the Conservation Cost Share Program and the Conservation Reserve
6 Enhancement Program.

7 D. Expenditures from said fund shall be made upon warrants
8 issued by the State Treasurer against claims filed as prescribed by
9 law with the Director of State Finance for approval and payment.

10 E. No more than twenty percent (20%) of the monies in the fund
11 shall be used for the payment of administrative expenses, salary or
12 any other continuing obligation of the Oklahoma Conservation
13 Commission.

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

19 SECTION 4. AMENDATORY Section 4, Chapter 43, 2nd
20 Extraordinary Session, O.S.L. 2006 (82 O.S. Supp. 2008, Section
21 1085.7A), is amended to read as follows:

22 Section 1085.7A A. There is hereby created in the State
23 Treasury a revolving fund for the Oklahoma Water Resources Board to
24

1 be designated the "Community Water Infrastructure Development
2 Revolving Fund".

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

8 C. All monies accruing to the credit of said fund are hereby
9 appropriated and may be budgeted and expended by the Oklahoma Water
10 Resources Board for the purpose of establishing and maintaining
11 critical water infrastructure in all areas of the state.

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

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

19 F. Other than expenditures directly related to activities
20 authorized in subsection D of this section, no monies in the fund
21 shall be used for the payment of administrative expenses, salary or
22 any other continuing obligation of the Oklahoma Water Resources
23 Board.

24

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

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

52-1-690 MJM 3/6/2009 3:47:10 AM