

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1769

By: Russ

6
7 COMMITTEE SUBSTITUTE

8 [revenue and taxation - apportionment of gross
9 production tax revenue - apportionment of gross
10 production tax revenues - Energy Revenue
11 Stabilization Fund - reporting duties on Oklahoma
12 Tax Commission - five-year average amounts -
13 effective dates]

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

17 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1004, as
18 last amended by Section 1, Chapter 205, O.S.L. 2012 (68 O.S. Supp.
19 2012, Section 1004), is amended to read as follows:

20 Section 1004. A. As used in this section:

21 1. "Moving five-year average amount for gas" means for purposes
22 of the apportionments prescribed by this section the amount of gross
23 production tax on natural gas collected for each of the five (5)
24 complete fiscal years prior to the beginning of each fiscal year for

1 which the five-year average is being computed and which was
2 apportioned to the General Revenue Fund during such period divided
3 by the whole number five (5); provided, however, that for purposes
4 of the computation of gross production tax on natural gas for the
5 fiscal years ending June 30, 2013, June 30, 2014, and June 30, 2015,
6 the amount of deferred refund payments with respect to production
7 periods beginning on or after July 1, 2009, and ending on or before
8 June 30, 2011, as authorized by subsection M of Section 1001 of this
9 title, shall be added to the total of such gross production tax
10 collections; and

11 2. "Moving five-year average amount for oil" means for purposes
12 of the apportionments prescribed by this section the amount of gross
13 production tax on oil collected for each of the five (5) complete
14 fiscal years prior to the beginning of each fiscal year for which
15 the five-year average is being computed and which was apportioned to
16 the General Revenue Fund during such period divided by the whole
17 number five (5); provided, however, that for purposes of the
18 computation of gross production tax on oil for the fiscal years
19 ending June 30, 2013, June 30, 2014, and June 30, 2015, the amount
20 of deferred refund payments with respect to production periods
21 beginning on or after July 1, 2009, and ending on or before June 30,
22 2011, as authorized by subsection M of Section 1001 of this title,
23 shall be added to the total of such gross production tax
24 collections.

1 B. Beginning July 1, ~~2002~~ 2015, the gross production tax
2 provided for in Section 1001 of this title is hereby levied and
3 shall be collected and apportioned as follows:

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

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 or asphalt or ores bearing uranium, lead, zinc,
15 jack, gold, silver or copper shall be paid to the
16 various county treasurers to be credited to the County
17 Highway Fund as follows: Each county shall receive a
18 proportionate share of the funds available based upon
19 the proportion of the total value of production from
20 such county in the corresponding month of the
21 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;

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

12 a. after the total revenue apportioned to the General
13 Revenue Fund as prescribed by subparagraph b of this
14 paragraph equals the moving five-year average amount
15 for gas as defined by paragraph 1 of subsection A of
16 this section, there shall be apportioned from the
17 gross production tax levy imposed pursuant to Section
18 1001 of this title on natural gas and/or casinghead
19 gas to the Energy Revenue Stabilization Fund created
20 by Section 2 of this act, the amount of revenue, if
21 any, which exceeds the moving five-year average amount
22 for gas as defined pursuant to paragraph 1 of
23 subsection A of this section,

1 b. until the apportionment to the General Revenue Fund
2 equals the moving five-year average amount for gas as
3 prescribed by paragraph 1 of subsection A of this
4 section, eighty-five and seventy-two one-hundredths
5 percent (85.72%) shall be paid to the State Treasurer
6 of the state to be placed in the General Revenue Fund
7 of the state and used for the general expense of state
8 government, to be paid out pursuant to direct
9 appropriation by the Legislature,

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

20 ~~e.~~ d. before any other apportionment of revenue has been
21 made pursuant to this paragraph, seven and fourteen
22 one-hundredths percent (7.14%) shall be allocated to
23 each county as provided for in subparagraph ~~b~~ c of
24 this paragraph and shall be apportioned, on an average

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

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

12 a. after the total revenue apportioned to the General
13 Revenue Fund as prescribed by subparagraph b of this
14 paragraph equals the moving five-year average amount
15 for gas as defined by paragraph 1 of subsection A of
16 this section, there shall be apportioned from the
17 gross production tax levy imposed pursuant to Section
18 1001 of this title on natural gas and/or casinghead
19 gas to the Energy Revenue Stabilization Fund created
20 pursuant to Section 2 of this act, the amount of
21 revenue, if any, which exceeds the moving five-year
22 average amount for gas as defined pursuant to
23 paragraph 1 of subsection A of this section,

1 **b.** until the apportionment to the General Revenue Fund
2 equals the moving five-year average amount for gas as
3 prescribed by paragraph 1 of subsection A of this
4 section, seventy-five percent (75%) shall be paid to
5 the State Treasurer of the state to be placed in the
6 General Revenue Fund of the state and used for the
7 general expense of state government, to be paid out
8 pursuant to direct appropriation by the Legislature,

9 ~~b.~~ **c.** before any other apportionment of revenue has been
10 made pursuant to this paragraph, twelve and one-half
11 percent (12.5%) of the sum collected from natural gas
12 and/or casinghead gas shall be paid to the various
13 county treasurers to be credited to the County Highway
14 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.~~ **d.** before any other apportionment of revenue has been
20 made pursuant to this paragraph, twelve and one-half
21 percent (12.5%) shall be allocated to each county as
22 provided for in subparagraph ~~b.~~ **c.** of this paragraph and
23 shall be apportioned, on an average daily attendance
24 per capita distribution basis, as certified by the

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

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

18 b. fifty percent (50%) shall be allocated to each county
19 as provided for in subparagraph a of this paragraph
20 and shall be apportioned, on an average daily
21 attendance per capita distribution basis, as certified
22 by the State Superintendent of Public Instruction to
23 the school districts of the county where such pupils
24 attend school regardless of residence of such pupil,

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

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

7 a. there shall be apportioned from the gross production
8 tax levy imposed pursuant to Section 1001 of this
9 title on oil to the Energy Revenue Stabilization Fund
10 created by Section 2 of this act, the amount of
11 revenue, if any, which exceeds the moving five-year
12 average amount for oil as defined pursuant to
13 paragraph 2 of subsection A of this section,

14 b. before any other apportionment of revenue has been
15 made pursuant to this paragraph, twenty-five and
16 seventy-two one-hundredths percent (25.72%) shall be
17 paid to the State Treasurer to be placed in the Common
18 Education Technology Revolving Fund created in Section
19 34.90 of Title 62 of the Oklahoma Statutes,

20 ~~b.~~ c. before any other apportionment of revenue has been
21 made pursuant to this paragraph, twenty-five and
22 seventy-two one-hundredths percent (25.72%) shall be
23 paid to the State Treasurer to be placed in the Higher
24

1 Education Capital Revolving Fund created in Section
2 34.91 of Title 62 of the Oklahoma Statutes,

3 ~~e.~~ d. before any other apportionment of revenue has been
4 made pursuant to this paragraph, twenty-five and
5 seventy-two one-hundredths percent (25.72%) shall be
6 paid to the State Treasurer to be placed in the
7 Oklahoma Student Aid Revolving Fund created in Section
8 34.92 of Title 62 of the Oklahoma Statutes,

9 ~~d.~~ e. before any other apportionment of revenue has been
10 made pursuant to this paragraph, three and seven
11 hundred forty-five one-thousandths percent (3.745%)
12 shall be distributed to the various counties of the
13 state for deposit into the County Bridge and Road
14 Improvement Fund of each county based on a formula
15 developed by the Department of Transportation and
16 approved by the Department of Transportation County
17 Advisory Board created pursuant to Section 302.1 of
18 Title 69 of the Oklahoma Statutes to be used for the
19 purposes set forth in the County Bridge and Road
20 Improvement Act. The formula shall be similar to the
21 formula currently used for the distribution of monies
22 in the County Bridge Program funds, but shall also
23 take into consideration the effect of the terrain and
24

1 traffic volume as related to county road improvement
2 and maintenance costs,

3 ~~e.~~ f. before any other apportionment of revenue has been
4 made pursuant to this paragraph, four and twenty-eight
5 one-hundredths percent (4.28%) shall be paid to the
6 State Treasurer to be apportioned to:

7 (1) the following sources and in the following
8 amounts through the fiscal year ending June 30,
9 2016:

10 (a) thirty-three and one-third percent (33 1/3%)
11 to the Oklahoma Tourism and Recreation
12 Department Capital Expenditure Revolving
13 Fund created pursuant to Section 2254.1 of
14 Title 74 of the Oklahoma 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 3-2-110 of Title 27A of
19 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 1085.7A of Title 82 of the
24 Oklahoma Statutes, and

1 (2) the Oklahoma Water Resources Board Rural Economic
2 Action Plan Water Projects Fund for the fiscal
3 year beginning July 1, 2016, and for each fiscal
4 year thereafter,

5 ~~f.~~ g. before any other apportionment of revenue has been
6 made pursuant to this paragraph, seven and fourteen
7 one-hundredths percent (7.14%) of the sum collected
8 from oil shall be paid to the various county
9 treasurers, to be credited to the County Highway Fund
10 as follows: Each county shall receive a proportionate
11 share of the funds available based upon the proportion
12 of the total value of production from such county in
13 the corresponding month of the preceding year,

14 ~~g.~~ h. before any other apportionment of revenue has been
15 made pursuant to this paragraph, seven and fourteen
16 one-hundredths percent (7.14%) shall be allocated to
17 each county as provided in subparagraph ~~f~~ g of this
18 paragraph and shall be apportioned, on an average
19 daily attendance per capita distribution basis, as
20 certified by the State Superintendent of Public
21 Instruction, to the school districts of the county
22 where such pupils attend school regardless of
23 residence of such pupil, provided the school district
24 makes an ad valorem tax levy of fifteen (15) mills for

1 the current year and maintains twelve (12) years of
2 instruction, and

3 ~~h.~~ i. before any other apportionment of revenue has been
4 made pursuant to this paragraph, five hundred thirty-
5 five one-thousandths percent (0.535%) of the levy
6 shall be transmitted by the Oklahoma Tax Commission to
7 the Statewide Circuit Engineering District Revolving
8 Fund as created in Section 687.2 of Title 69 of the
9 Oklahoma Statutes;

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

13 a. there shall be apportioned from the gross production
14 tax levy imposed pursuant to Section 1001 of this
15 title on oil to the Energy Revenue Stabilization Fund
16 created by Section 2 of this act, the amount of
17 revenue, if any, which exceeds the moving five-year
18 average amount for oil as defined pursuant to
19 paragraph 2 of subsection A of this section,

20 b. before any other apportionment of revenue has been
21 made pursuant to this paragraph, twenty-two and one-
22 half percent (22.5%) shall be paid to the State
23 Treasurer to be placed in the Common Education
24

1 Technology Revolving Fund created in Section 34.90 of
2 Title 62 of the Oklahoma Statutes,

3 ~~b.~~ c. before any other apportionment of revenue has been
4 made pursuant to this paragraph, twenty-two and one-
5 half percent (22.5%) shall be paid to the State
6 Treasurer to be placed in the Higher Education Capital
7 Revolving Fund created in Section 34.91 of Title 62 of
8 the Oklahoma Statutes,

9 ~~e.~~ d. before any other apportionment of revenue has been
10 made pursuant to this paragraph, twenty-two and one-
11 half percent (22.5%) shall be paid to the State
12 Treasurer to be placed in the Oklahoma Student Aid
13 Revolving Fund created in Section 34.92 of Title 62 of
14 the Oklahoma Statutes,

15 ~~d.~~ e. before any other apportionment of revenue has been
16 made pursuant to this paragraph, three and twenty-
17 eight one-hundredths percent (3.28%) shall be
18 distributed to the various counties of the state for
19 deposit into the County Bridge and Road Improvement
20 Fund of each county based on a formula developed by
21 the Department of Transportation and approved by the
22 Department of Transportation County Advisory Board
23 created pursuant to Section 302.1 of Title 69 of the
24 Oklahoma Statutes to be used for the purposes set

1 forth in the County Bridge and Road Improvement Act.
2 The formula shall be similar to the formula currently
3 used for the distribution of monies in the County
4 Bridge Program funds, but shall also take into
5 consideration the effect of the terrain and traffic
6 volume as related to county road improvement and
7 maintenance costs,

8 ~~e.~~ f. before any other apportionment of revenue has been
9 made pursuant to this paragraph, three and seventy-
10 five one-hundredths percent (3.75%) shall be paid to
11 the State Treasurer to be apportioned to:

12 (1) the following sources and in the following
13 amounts through the fiscal year ending June 30,
14 2016:

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

20 (b) thirty-three and one-third percent (33 1/3%)
21 to the Oklahoma Conservation Commission
22 Infrastructure Revolving Fund created
23 pursuant to Section 3-2-110 of Title 27A of
24 the Oklahoma Statutes, and

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

6 (2) the Oklahoma Water Resources Board Rural Economic
7 Action Plan Water Projects Fund for the fiscal
8 year beginning July 1, 2016, and for each fiscal
9 year thereafter,

10 ~~f.~~ g. before any other apportionment of revenue has been
11 made pursuant to this paragraph, twelve and one-half
12 percent (12.5%) of the sum collected from oil shall be
13 paid to the various county treasurers, to be credited
14 to the County Highway Fund as follows: Each county
15 shall receive a proportionate share of the funds
16 available based upon the proportion of the total value
17 of production from such county in the corresponding
18 month of the preceding year,

19 ~~g.~~ h. before any other apportionment of revenue has been
20 made pursuant to this paragraph, twelve and one-half
21 percent (12.5%) shall be allocated to each county as
22 provided in subparagraph ~~f.~~ g. of this paragraph and
23 shall be apportioned on an average daily attendance
24 per capita distribution basis, as certified by the

1 State Superintendent of Public Instruction, to the
2 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, and

7 ~~h.~~ i. before any other apportionment of revenue has been
8 made pursuant to this paragraph, forty-seven one-
9 hundredths percent (0.47%) of the levy shall be
10 transmitted by the Tax Commission to the Statewide
11 Circuit Engineering District Revolving Fund as created
12 in Section 687.2 of Title 69 of the Oklahoma Statutes;

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

16 a. there shall be apportioned from the gross production
17 tax levy imposed pursuant to Section 1001 of this
18 title on oil to the Energy Revenue Stabilization Fund
19 created by Section 2 of this act, the amount of
20 revenue, if any, which exceeds the moving five-year
21 average amount as defined pursuant to paragraph 2 of
22 subsection A of this section,

23 b. before any other apportionment of revenue has been
24 made pursuant to this paragraph, fifty percent (50%)

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

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

20 B. Provided, notwithstanding any other provision of this
21 section, the total amounts deposited to the Common Education
22 Technology Revolving Fund, the Higher Education Capital Revolving
23 Fund, the Oklahoma Student Aid Revolving Fund, the Rural Economic
24 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation

1 Department Capital Expenditure Revolving Fund, the Oklahoma
2 Conservation Commission Infrastructure Revolving Fund and the
3 Community Water Infrastructure Development Revolving Fund pursuant
4 to paragraphs 5 and 6 of subsection A of this section shall not
5 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any
6 fiscal year. Except as otherwise provided in this subsection, all
7 sums in excess of One Hundred Fifty Million Dollars
8 (\$150,000,000.00) in any fiscal year which would otherwise be
9 deposited in such funds shall be apportioned by the Oklahoma Tax
10 Commission to the General Revenue Fund of the state or, if
11 authorized by subsection A of this section, to the Energy Revenue
12 Stabilization Fund created pursuant to Section 2 of this act.

13 ~~Provided, amounts which would otherwise be apportioned by the~~
14 ~~Oklahoma Tax Commission to the General Revenue Fund for the fiscal~~
15 ~~year ending on June 30, 2012, pursuant to this subsection, shall be~~
16 ~~apportioned as follows:~~

17 1. ~~Thirty seven Million Six Hundred Thousand Dollars~~
18 ~~(\$37,600,000.00) to the State Department of Education disbursing~~
19 ~~fund authorized by the Office of State Finance pursuant to the~~
20 ~~provisions of Section 34.48 of Title 62 of the Oklahoma Statutes, to~~
21 ~~be used for the purpose of funding the certified employee and~~
22 ~~support personnel health benefit allowance;~~

23 2. ~~Fourteen Million Eight Hundred Forty five Thousand Seven~~
24 ~~Hundred Dollars (\$14,845,700.00) to the State Department of~~

1 ~~Education disbursing fund authorized by the Office of State Finance~~
2 ~~pursuant to the provisions of Section 34.48 of Title 62 of the~~
3 ~~Oklahoma Statutes, to be used for the purpose of providing bonuses~~
4 ~~to teachers who have achieved National Board certification, to~~
5 ~~school psychologists who have been designated as Nationally~~
6 ~~Certified School Psychologists by the National School Psychology~~
7 ~~Certification Board, and to speech-language pathologists and~~
8 ~~audiologists who hold a Certificate of Clinical Competence awarded~~
9 ~~by the American Speech Language Hearing Association, pursuant to the~~
10 ~~Education Leadership Oklahoma Act;~~

11 ~~3. Five Million Dollars (\$5,000,000.00) to the Department of~~
12 ~~Public Safety Patrol Academy Revolving Fund created in Section 2-146~~
13 ~~of Title 47 of the Oklahoma Statutes;~~

14 ~~4. One Million Dollars (\$1,000,000.00) to the Chief Medical~~
15 ~~Examiner Revolving Fund created in Section 954 of Title 63 of the~~
16 ~~Oklahoma Statutes;~~

17 ~~5. Thirty-four Million One Hundred Forty-five Thousand Seven~~
18 ~~Hundred Six Dollars (\$34,145,706.00) to the State Emergency Fund~~
19 ~~created in Section 139.42 of Title 62 of the Oklahoma Statutes; and~~

20 ~~6. All funds except those deposited pursuant to the provisions~~
21 ~~of paragraphs 1 through 5 of this subsection to the General Revenue~~
22 ~~Fund.~~

23
24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 53 of Title 62, unless there is
3 created a duplication in numbering, reads as follows:

4 A. There is hereby created in the State Treasury a fund to be
5 designated the "Energy Revenue Stabilization Fund". The fund shall
6 be a continuing fund, not subject to fiscal year limitations, and
7 shall consist of all monies apportioned to the fund pursuant to
8 Section 1004 of Title 68 of the Oklahoma Statutes.

9 B. The monies in the Energy Revenue Stabilization Fund shall be
10 subject to legislative appropriation if the amount of gross
11 production tax revenues apportioned to the General Revenue Fund of
12 the State Treasury for the most recently completed fiscal year from
13 a combination of both natural gas and oil declined by five
14 percentage points or more compared to the immediately preceding
15 fiscal year. The comparison required by this subsection shall be
16 made by the Oklahoma Tax Commission and reported to the Governor,
17 the Speaker of the Oklahoma House of Representatives and the
18 President Pro Tempore of the Oklahoma State Senate not later than
19 the first Monday of February each year. The Legislature shall be
20 authorized to appropriate money from the Energy Revenue
21 Stabilization Fund according to the requirements of this section for
22 the fiscal year beginning July 1 immediately following such February
23 reporting date each year.

24

1 C. The Legislature shall not appropriate more than fifty
2 percent (50%) of the balance in the Energy Revenue Stabilization
3 Fund for any one (1) fiscal year.

4 D. Monies in the Energy Revenue Stabilization Fund shall be
5 invested in the same manner as other state funds under the direction
6 and control of the State Treasurer.

7 E. All interest earned from the investment of the principal
8 amount of the Energy Revenue Stabilization Fund shall become part of
9 the total balance of the fund.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1004.1-1 of Title 68, unless
12 there is created a duplication in numbering, reads as follows:

13 A. The Oklahoma Tax Commission shall report to the Governor,
14 the Speaker of the House of Representatives and the President Pro
15 Tempore of the Oklahoma State Senate not later than January 31 each
16 year the moving five-year average amount for both oil and gas as
17 defined by paragraphs 1 and 2 of subsection A of Section 1004 of
18 Title 68 of the Oklahoma Statutes.

19 B. The Tax Commission shall make the first report required by
20 this section not later than January 31, 2015, and not later than
21 January 31 of each succeeding year.

22 SECTION 4. Section 3 of this act shall become effective January
23 1, 2015.

1 SECTION 5. Section 1 of this act shall become effective July 1,
2 2015.

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4 54-1-7446 CJB 02/28/13

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