

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1769

By: Russ

7  
8                                   COMMITTEE SUBSTITUTE

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

15  
16  
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18                   SECTION 1.            AMENDATORY           68 O.S. 2011, Section 1004, as  
19                   last amended by Section 1, Chapter 205, O.S.L. 2012 (68 O.S. Supp.  
20                   2012, Section 1004), is amended to read as follows:

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

22                   1. "Moving five-year average amount for gas" means for purposes  
23                   of the apportionments prescribed by this section the amount of gross

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

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

24

1 2011, as authorized by subsection M of Section 1001 of this title,  
2 shall be added to the total of such gross production tax  
3 collections.

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

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

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 or asphalt or ores bearing uranium, lead, zinc,  
18 jack, gold, silver or copper shall be paid to the  
19 various county treasurers to be credited to the County  
20 Highway 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

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

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

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

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

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

1 gas to the Energy Revenue Stabilization Fund created  
2 by Section 2 of this act, the amount of revenue, if  
3 any, which exceeds the moving five-year average amount  
4 for gas as defined pursuant to paragraph 1 of  
5 subsection A of this section,

6 b. until the apportionment to the General Revenue Fund  
7 equals the moving five-year average amount for gas as  
8 prescribed by paragraph 1 of subsection A of this  
9 section, eighty-five and seventy-two one-hundredths  
10 percent (85.72%) shall be paid to the State Treasurer  
11 of the state to be placed in the General Revenue Fund  
12 of the 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.~~ c. before any other apportionment of revenue has been  
16 made pursuant to this paragraph, seven and fourteen  
17 one-hundredths percent (7.14%) of the sum collected  
18 from natural gas and/or casinghead gas shall be paid  
19 to the various county treasurers to be credited to the  
20 County Highway Fund as follows: Each county shall  
21 receive a proportionate share of the funds available  
22 based upon the proportion of the total value of

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

3 ~~e.~~ d. before any other apportionment of revenue has been  
4 made pursuant to this paragraph, seven and fourteen  
5 one-hundredths percent (7.14%) shall be allocated to  
6 each county as provided for in subparagraph ~~b~~ c of  
7 this paragraph and shall be apportioned, on an average  
8 daily attendance per capita distribution basis, as  
9 certified by the State Superintendent of Public  
10 Instruction to the school districts of the county  
11 where such pupils attend school regardless of  
12 residence of such pupil, provided the school district  
13 makes an ad valorem tax levy of fifteen (15) mills for  
14 the current year and maintains twelve (12) years of  
15 instruction;

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

19 a. after the total revenue apportioned to the General  
20 Revenue Fund as prescribed by subparagraph b of this  
21 paragraph equals the moving five-year average amount  
22 for gas as defined by paragraph 1 of subsection A of  
23 this section, there shall be apportioned from the

1 gross production tax levy imposed pursuant to Section  
2 1001 of this title on natural gas and/or casinghead  
3 gas to the Energy Revenue Stabilization Fund created  
4 pursuant to Section 2 of this act, the amount of  
5 revenue, if any, which exceeds the moving five-year  
6 average amount for gas as defined pursuant to  
7 paragraph 1 of subsection A of this section,

8 b. until the apportionment to the General Revenue Fund  
9 equals the moving five-year average amount for gas as  
10 prescribed by paragraph 1 of subsection A of this

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

16 ~~b.~~ c. before any other apportionment of revenue has been  
17 made pursuant to this paragraph, twelve and one-half  
18 percent (12.5%) of the sum collected from natural gas  
19 and/or casinghead gas shall be paid to the various  
20 county treasurers to be credited to the County Highway  
21 Fund as follows: Each county shall receive a  
22 proportionate share of the funds available based upon  
23 the proportion of the total value of production from  
24

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

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

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

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

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

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

13 5. For all monies collected from the tax levied on oil at a tax  
14 rate of seven percent (7%) pursuant to the provisions of subsection  
15 B 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 for oil as defined pursuant to  
22 paragraph 2 of subsection A of this section,

1           **b.**   before any other apportionment of revenue has been  
2                   made pursuant to this paragraph, twenty-five and  
3                   seventy-two one-hundredths percent (25.72%) shall be  
4                   paid to the State Treasurer to be placed in the Common  
5                   Education Technology Revolving Fund created in Section  
6                   34.90 of Title 62 of the Oklahoma Statutes,

7           ~~b.~~ **c.**   before any other apportionment of revenue has been  
8                   made pursuant to this paragraph, twenty-five and  
9                   seventy-two one-hundredths percent (25.72%) shall be  
10                  paid to the State Treasurer to be placed in the Higher  
11                  Education Capital Revolving Fund created in Section  
12                  34.91 of Title 62 of the Oklahoma Statutes,

13          ~~e.~~ **d.**   before any other apportionment of revenue has been  
14                  made pursuant to this paragraph, twenty-five and  
15                  seventy-two one-hundredths percent (25.72%) shall be  
16                  paid to the State Treasurer to be placed in the  
17                  Oklahoma Student Aid Revolving Fund created in Section  
18                  34.92 of Title 62 of the Oklahoma Statutes,

19          ~~d.~~ **e.**   before any other apportionment of revenue has been  
20                  made pursuant to this paragraph, three and seven  
21                  hundred forty-five one-thousandths percent (3.745%)  
22                  shall be distributed to the various counties of the  
23                  state for deposit into the County Bridge and Road

24

1 Improvement Fund of each county based on a formula  
2 developed by the Department of Transportation and  
3 approved by the Department of Transportation County  
4 Advisory Board created pursuant to Section 302.1 of  
5 Title 69 of the Oklahoma Statutes to be used for the  
6 purposes set forth in the County Bridge and Road  
7 Improvement Act. The formula shall be similar to the  
8 formula currently used for the distribution of monies  
9 in the County Bridge Program funds, but shall also  
10 take into consideration the effect of the terrain and  
11 traffic volume as related to county road improvement  
12 and maintenance costs,

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

17 (1) the following sources and in the following  
18 amounts through the fiscal year ending June 30,  
19 2016:

20 (a) thirty-three and one-third percent (33 1/3%)  
21 to the Oklahoma Tourism and Recreation  
22 Department Capital Expenditure Revolving  
23  
24

1 Fund created pursuant to Section 2254.1 of  
2 Title 74 of the Oklahoma Statutes,

3 (b) thirty-three and one-third percent (33 1/3%)  
4 to the Oklahoma Conservation Commission  
5 Infrastructure Revolving Fund created  
6 pursuant to Section 3-2-110 of Title 27A of  
7 the Oklahoma Statutes, and

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

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

17 ~~f.~~ g. before any other apportionment of revenue has been  
18 made pursuant to this paragraph, seven and fourteen  
19 one-hundredths percent (7.14%) of the sum collected  
20 from oil shall be paid to the various county  
21 treasurers, to be credited to the County Highway Fund  
22 as follows: Each county shall receive a proportionate  
23 share of the funds available based upon the proportion

1 of the total value of production from such county in  
2 the corresponding month of the preceding year,  
3 ~~g.~~ h. before any other apportionment of revenue has been  
4 made pursuant to this paragraph, seven and fourteen  
5 one-hundredths percent (7.14%) shall be allocated to  
6 each county as provided in subparagraph ~~f~~ g of this  
7 paragraph and shall be apportioned, on an average  
8 daily attendance per capita distribution basis, as  
9 certified by the State Superintendent of Public  
10 Instruction, to the school districts of the county  
11 where such pupils attend school regardless of  
12 residence of such pupil, provided the school district  
13 makes an ad valorem tax levy of fifteen (15) mills for  
14 the current year and maintains twelve (12) years of  
15 instruction, and

16 ~~h.~~ i. before any other apportionment of revenue has been  
17 made pursuant to this paragraph, five hundred thirty-  
18 five one-thousandths percent (0.535%) of the levy  
19 shall be transmitted by the Oklahoma Tax Commission to  
20 the Statewide Circuit Engineering District Revolving  
21 Fund as created in Section 687.2 of Title 69 of the  
22 Oklahoma Statutes;

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

11           b. before any other apportionment of revenue has been  
12 made pursuant to this paragraph, twenty-two and one-  
13 half percent (22.5%) shall be paid to the State  
14 Treasurer to be placed in the Common Education  
15 Technology Revolving Fund created in Section 34.90 of  
16 Title 62 of the Oklahoma Statutes,

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

1 e. d. before any other apportionment of revenue has been  
2 made pursuant to this paragraph, twenty-two and one-  
3 half percent (22.5%) shall be paid to the State  
4 Treasurer to be placed in the Oklahoma Student Aid  
5 Revolving Fund created in Section 34.92 of Title 62 of  
6 the Oklahoma Statutes,

7 ~~d.~~ e. before any other apportionment of revenue has been  
8 made pursuant to this paragraph, three and twenty-  
9 eight one-hundredths percent (3.28%) shall be  
10 distributed to the various counties of the state for  
11 deposit into the County Bridge and Road Improvement  
12 Fund of each county based on a formula developed by  
13 the Department of Transportation and approved by the  
14 Department of Transportation County Advisory Board  
15 created pursuant to Section 302.1 of Title 69 of the  
16 Oklahoma Statutes to be used for the purposes set  
17 forth in the County Bridge and Road Improvement Act.  
18 The formula shall be similar to the formula currently  
19 used for the distribution of monies in the County  
20 Bridge Program funds, but shall also take into  
21 consideration the effect of the terrain and traffic  
22 volume as related to county road improvement and  
23 maintenance costs,

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

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

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

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

18 (c) thirty-three and one-third percent (33 1/3%)  
19 to the Community Water Infrastructure  
20 Development Revolving Fund created pursuant  
21 to Section 1085.7A of Title 82 of the  
22 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, twelve and one-half  
7 percent (12.5%) of the sum collected from oil shall be  
8 paid to the various county treasurers, to be credited  
9 to the County Highway Fund as follows: Each county  
10 shall receive a proportionate share of the funds  
11 available based upon the proportion of the total value  
12 of production from such county in the corresponding  
13 month of the preceding year,

14 ~~g.~~ h. before any other apportionment of revenue has been  
15 made pursuant to this paragraph, twelve and one-half  
16 percent (12.5%) shall be allocated to each county as  
17 provided in subparagraph ~~f.~~ g. of this paragraph and  
18 shall be apportioned on an average daily attendance  
19 per capita distribution basis, as certified by the  
20 State Superintendent of Public Instruction, to the  
21 school districts of the county where such pupils  
22 attend school regardless of residence of such pupil,  
23 provided the school district makes an ad valorem tax  
24

1           levy of fifteen (15) mills for the current year and  
2           maintains twelve (12) years of instruction, and  
3       ~~h.~~ i.   before any other apportionment of revenue has been  
4           made pursuant to this paragraph, forty-seven one-  
5           hundredths percent (0.47%) of the levy shall be  
6           transmitted by the Tax Commission to the Statewide  
7           Circuit Engineering District Revolving Fund as created  
8           in Section 687.2 of Title 69 of the Oklahoma Statutes;

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

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

19           b.   before any other apportionment of revenue has been  
20           made pursuant to this paragraph, fifty percent (50%)  
21           of the sum collected shall be paid to the various  
22           county treasurers, to be credited to the County  
23           Highway Fund as follows: Each county shall receive a  
24

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

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

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

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

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

15 1. ~~Thirty-seven Million Six Hundred Thousand Dollars~~  
16 ~~(\$37,600,000.00) to the State Department of Education disbursing~~  
17 ~~fund authorized by the Office of State Finance pursuant to the~~  
18 ~~provisions of Section 34.48 of Title 62 of the Oklahoma Statutes, to~~  
19 ~~be used for the purpose of funding the certified employee and~~  
20 ~~support personnel health benefit allowance;~~

21 2. ~~Fourteen Million Eight Hundred Forty-five Thousand Seven~~  
22 ~~Hundred Dollars (\$14,845,700.00) to the State Department of~~  
23 ~~Education disbursing fund authorized by the Office of State Finance~~

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

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

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

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

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

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.

3  
4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
5 02/28/2013 - DO PASS, As Amended.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24