

1 ENGROSSED SENATE
2 BILL NO. 1479

By: Jech of the Senate

3 and

4 Newton of the House

5
6 An Act relating to the gross production tax code;
7 amending 68 O.S. 2021, Section 1004, which relates to
8 apportionment and use of proceeds of tax; extending
9 certain apportionments; delaying certain
10 apportionments; providing an effective date; and
11 declaring an emergency.

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

13 SECTION 1. AMENDATORY 68 O.S. 2021, Section 1004, is
14 amended to read as follows:

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

16 1. "Moving five-year average amount for gas" means, for
17 purposes of the apportionments prescribed by this section, the
18 amount of gross production tax on natural gas collected for each of
19 the five (5) complete fiscal years, as computed by the State Board
20 of Equalization pursuant to Section 34.103 of Title 62 of the
21 Oklahoma Statutes; and

22 2. "Moving five-year average amount for oil" means, for
23 purposes of the apportionments prescribed by this section, the
24 amount of gross production tax on oil collected for each of the five
(5) complete fiscal years, as computed by the State Board of

1 Equalization pursuant to Section 34.103 of Title 62 of the Oklahoma
2 Statutes.

3 B. Beginning July 1, 2017, the gross production tax provided
4 for in Section 1001 of this title is hereby levied and shall be
5 collected and apportioned as follows:

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

8 a. eighty-five and seventy-two one-hundredths percent
9 (85.72%) shall be paid to the State Treasurer of the
10 state to be placed in the General Revenue Fund of the
11 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 or asphalt or ores bearing uranium, lead, zinc,
17 jack, gold, silver or copper shall be paid to the
18 various county treasurers to be credited to the ~~County~~
19 ~~Highway Fund~~ county highway fund as follows: Each
20 county shall receive a proportionate share of the
21 funds available based upon the proportion of the total
22 value of production from such county in the
23 corresponding month of the preceding year, and
24

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

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

15 a. after the total revenue apportioned to the General
16 Revenue Fund as prescribed by subparagraph b of this
17 paragraph equals the moving five-year average amount
18 for gas as defined by paragraph 1 of subsection A of
19 this section, there shall be apportioned from the
20 gross production tax levy imposed pursuant to Section
21 1001 of this title on natural gas and/or casinghead
22 gas to the Revenue Stabilization Fund created by
23 Section 34.102 of Title 62 of the Oklahoma Statutes,
24 the amount of revenue, if any, which exceeds the

1 moving five-year average amount for gas as defined
2 pursuant to paragraph 1 of subsection A of this
3 section,

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

13 c. before any other apportionment of revenue has been
14 made pursuant to this paragraph, seven and fourteen
15 one-hundredths percent (7.14%) of the sum collected
16 from natural gas and/or casinghead gas shall be paid
17 to the various county treasurers to be credited to the
18 ~~County Highway Fund~~ 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 d. before any other apportionment of revenue has been
24 made pursuant to this paragraph, seven and fourteen

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

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

15 a. after the total revenue apportioned to the General
16 Revenue Fund as prescribed by subparagraph b of this
17 paragraph equals the moving five-year average amount
18 for gas as defined by paragraph 1 of subsection A of
19 this section, there shall be apportioned from the
20 gross production tax levy imposed pursuant to Section
21 1001 of this title on natural gas and/or casinghead
22 gas to the Revenue Stabilization Fund created pursuant
23 to Section 34.102 of Title 62 of the Oklahoma
24 Statutes, the amount of revenue, if any, which exceeds

1 the moving five-year average amount for gas as defined
2 pursuant to paragraph 1 of subsection A of this
3 section,

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

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

22 d. before any other apportionment of revenue has been
23 made pursuant to this paragraph, twelve and one-half
24 percent (12.5%) shall be allocated to each county as

provided for in subparagraph c 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;

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

- a. fifty percent (50%) of the sum collected from natural gas and/or casinghead gas shall be paid to the various county treasurers to be credited to the ~~County Highway Fund~~ 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
- b. fifty percent (50%) shall be allocated to each county as provided for in subparagraph a of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified

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

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

- 11 a. after the total revenue apportioned to the General
12 Revenue Fund as prescribed by subparagraph b of this
13 paragraph equals the moving five-year average amount
14 for gas as defined by paragraph 1 of subsection A of
15 this section, there shall be apportioned from the
16 gross production tax levy imposed pursuant to Section
17 1001 of this title on gas to the Revenue Stabilization
18 Fund created by Section 34.102 of Title 62 of the
19 Oklahoma Statutes, the amount of revenue, if any,
20 which exceeds the moving five-year average amount for
21 natural gas and/or casinghead gas as defined pursuant
22 to paragraph 1 of subsection A of this section,
- 23 b. until the apportionment to the General Revenue Fund
24 equals the moving five-year average amount for gas as

1 prescribed by paragraph 1 of subsection A of this
2 section, fifty percent (50%) shall be paid to the
3 State Treasurer to be placed in the General Revenue
4 Fund of the state and used for the general expense of
5 state government, to be paid out pursuant to direct
6 appropriation by the Legislature,

7 c. before any other apportionment of revenue has been
8 made pursuant to this paragraph, twenty-five percent
9 (25%) of the sum collected from natural gas and/or
10 casinghead gas shall be paid to the various county
11 treasurers to be credited to the ~~County Highway Fund~~
12 county highway fund as follows: Each county shall
13 receive a proportionate share of the funds available
14 based upon the proportion of the total value of
15 production from such county in the corresponding month
16 of the preceding year, and

17 d. before any other apportionment of revenue has been
18 made pursuant to this paragraph, twenty-five percent
19 (25%) shall be allocated to each county as provided
20 for in subparagraph c of this paragraph and shall be
21 apportioned on an average daily attendance per capita
22 distribution basis, as certified by the State
23 Superintendent of Public Instruction, to the school
24 districts of the county where such pupils attend

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

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

8 a. there shall be apportioned from the gross production
9 tax levy imposed pursuant to Section 1001 of this
10 title on oil to the Revenue Stabilization Fund created
11 by Section 34.102 of Title 62 of the Oklahoma
12 Statutes, after the applicable maximum amount
13 prescribed by subsection C of this section has been
14 deposited to the funds therein specified, the amount
15 of revenue, if any, which would otherwise be
16 apportioned to the General Revenue Fund and which
17 exceeds the moving five-year average amount for oil as
18 defined pursuant to paragraph 2 of subsection A of
19 this section,

20 b. 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 Common
24

- Education Technology Revolving Fund created in Section 34.90 of Title 62 of the Oklahoma Statutes,
- c. before any other apportionment of revenue has been made pursuant to this paragraph, twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Revolving Fund created in Section 34.91 of Title 62 of the Oklahoma Statutes,
- d. before any other apportionment of revenue has been made pursuant to this paragraph, twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Oklahoma Student Aid Revolving Fund created in Section 34.92 of Title 62 of the Oklahoma Statutes,
- e. before any other apportionment of revenue has been made pursuant to this paragraph, three and seven hundred forty-five one-thousandths percent (3.745%) shall be distributed to the various counties of the state for deposit into the County Bridge and Road Improvement Fund of each county based on a formula developed by the Department of Transportation and approved by the Department of Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be used for the

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

8 f. before any other apportionment of revenue has been
9 made pursuant to this paragraph, four and twenty-eight
10 one-hundredths percent (4.28%) shall be paid to the
11 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 ~~2022~~ June 30, 2027:

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, 2022~~ July 1, 2027, and for
9 each fiscal year thereafter,

10 g. 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 oil shall be paid to the various county
14 treasurers, to be credited to the County Highway Fund
15 as follows: Each county shall receive a proportionate
16 share of the funds available based upon the proportion
17 of the total value of production from such county in
18 the corresponding month of the preceding year,

19 h. before any other apportionment of revenue has been
20 made pursuant to this paragraph, seven and fourteen
21 one-hundredths percent (7.14%) shall be allocated to
22 each county as provided in subparagraph g of this
23 paragraph and shall be apportioned, on an average
24 daily attendance per capita distribution basis, as

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

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

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

- 18 a. there shall be apportioned from the gross production
19 tax levy imposed pursuant to Section 1001 of this
20 title on oil to the Revenue Stabilization Fund created
21 by Section 34.102 of Title 62 of the Oklahoma
22 Statutes, after the applicable maximum amount
23 prescribed by subsection C of this section has been
24 deposited to the funds therein specified, the amount

1 of revenue, if any, which would otherwise be
2 apportioned to the General Revenue Fund and which
3 exceeds the moving five-year average amount for oil as
4 defined pursuant to paragraph 2 of subsection A of
5 this section,

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

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

18 d. before any other apportionment of revenue has been
19 made pursuant to this paragraph, twenty-two and one-
20 half percent (22.5%) shall be paid to the State
21 Treasurer to be placed in the Oklahoma Student Aid
22 Revolving Fund created in Section 34.92 of Title 62 of
23 the Oklahoma Statutes,
24

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

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

22 (1) the following sources and in the following
23 amounts through the fiscal year ending ~~June 30,~~
24 ~~2022~~ June 30, 2027:

1 (a) thirty-three and one-third percent (33 1/3%)

2 to the Oklahoma Tourism and Recreation

3 Department Capital Expenditure Revolving

4 Fund created pursuant to Section 2254.1 of

5 Title 74 of the Oklahoma Statutes,

6 (b) thirty-three and one-third percent (33 1/3%)

7 to the Oklahoma Conservation Commission

8 Infrastructure Revolving Fund created

9 pursuant to Section 3-2-110 of Title 27A of

10 the Oklahoma Statutes, and

11 (c) thirty-three and one-third percent (33 1/3%)

12 to the Community Water Infrastructure

13 Development Revolving Fund created pursuant

14 to Section 1085.7A of Title 82 of the

15 Oklahoma Statutes, and

16 (2) the Oklahoma Water Resources Board Rural Economic

17 Action Plan Water Projects Fund for the fiscal

18 year beginning ~~July 1, 2022~~ July 1, 2027, and for

19 each fiscal year thereafter,

20 g. before any other apportionment of revenue has been

21 made pursuant to this paragraph, twelve and one-half

22 percent (12.5%) of the sum collected from oil shall be

23 paid to the various county treasurers, to be credited

24 to the ~~County Highway Fund~~ county highway fund as

1 follows: Each county shall receive a proportionate
2 share of the funds available based upon the proportion
3 of the total value of production from such county in
4 the corresponding month of the preceding year,

5 h. before any other apportionment of revenue has been
6 made pursuant to this paragraph, twelve and one-half
7 percent (12.5%) shall be allocated to each county as
8 provided in subparagraph g of this paragraph and shall
9 be apportioned on an average daily attendance per
10 capita 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, and

17 i. before any other apportionment of revenue has been
18 made pursuant to this paragraph, forty-seven one-
19 hundredths percent (0.47%) of the levy shall be
20 transmitted by the Tax Commission to the Statewide
21 Circuit Engineering District Revolving Fund as created
22 in Section 687.2 of Title 69 of the Oklahoma Statutes;
23
24

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

- 4 a. fifty percent (50%) of the sum collected shall be paid
5 to the various county treasurers, to be credited to
6 the ~~County Highway Fund~~ county highway fund as
7 follows: Each county shall receive a proportionate
8 share of the funds available based upon the proportion
9 of the total value of production from such county in
10 the corresponding month of the preceding year, and
11 b. fifty percent (50%) shall be allocated to each county
12 as provided for in subparagraph a of this paragraph
13 and shall be apportioned on an average daily
14 attendance per capita distribution basis, as certified
15 by the State Superintendent of Public Instruction, to
16 the school districts of the county where such pupils
17 attend school regardless of residence of such pupil,
18 provided the school district makes an ad valorem tax
19 levy of fifteen (15) mills for the current year and
20 maintains twelve (12) years of instruction;

21 9. For all monies collected from the tax levied on oil at a tax
22 rate of two percent (2%) pursuant to the provisions of paragraph 3
23 of subsection B of Section 1001 of this title:
24

- 1 a. there shall be apportioned from the gross production
2 tax levy imposed pursuant to Section 1001 of this
3 title on oil to the Revenue Stabilization Fund created
4 by Section 34.102 of Title 62 of the Oklahoma
5 Statutes, the amount of revenue, if any, which exceeds
6 the moving five-year average amount for oil as defined
7 pursuant to paragraph 2 of subsection A of this
8 section,
- 9 b. until the apportionment to the General Revenue Fund
10 equals the moving five-year average amount for oil as
11 prescribed by paragraph 2 of subsection A of this
12 section, fifty percent (50%) shall be paid to the
13 State Treasurer to be placed in the General Revenue
14 Fund of the state and used for the general expense of
15 state government, to be paid out pursuant to direct
16 appropriation by the Legislature,
- 17 c. before any other apportionment of revenue has been
18 made pursuant to this paragraph, twenty-five percent
19 (25%) of the sum collected from oil shall be paid to
20 the various county treasurers, to be credited to the
21 ~~County Highway Fund~~ county highway fund as follows:
22 Each 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 d. before any other apportionment of revenue has been
4 made pursuant to this paragraph, twenty-five percent
5 (25%) shall be allocated to each county as provided in
6 subparagraph c of this paragraph and shall be
7 apportioned on an average daily attendance per capita
8 distribution basis, as certified by the State
9 Superintendent of Public Instruction, to the school
10 districts of the county where such pupils attend
11 school regardless of residence of such pupil, provided
12 the school district makes an ad valorem tax levy of
13 fifteen (15) mills for the current year and maintains
14 twelve (12) years of instruction;

15 10. On or after June 28, 2018, the gross production tax levied
16 on natural gas or casinghead gas at the rate of five percent (5%)
17 provided for in paragraph 3 of subsection B of Section 1001 of this
18 title shall be apportioned as follows:

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
24 gross production tax levy imposed pursuant to Section

1 1001 of this title on natural gas and/or casinghead
2 gas to the Revenue Stabilization Fund created pursuant
3 to Section 34.102 of Title 62 of the Oklahoma
4 Statutes, the amount of revenue, if any, which exceeds
5 the moving five-year average amount for gas as defined
6 pursuant to paragraph 1 of subsection A of this
7 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, eighty percent (80%) shall be paid to the
12 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 c. before any other apportionment of revenue has been
17 made pursuant to this paragraph, ten percent (10%) of
18 the sum collected from natural gas and/or casinghead
19 gas shall be paid to the various county treasurers to
20 be credited to the ~~County Highway Fund~~ 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 d. before any other apportionment of revenue has been
4 made pursuant to this paragraph, ten percent (10%)
5 shall be allocated to each county as provided for in
6 subparagraph c of this paragraph and shall be
7 apportioned, on an average daily attendance per capita
8 distribution basis, as certified by the State
9 Superintendent of Public Instruction to the school
10 districts of the county where such pupils attend
11 school regardless of residence of such pupil, provided
12 the school district makes an ad valorem tax levy of
13 fifteen (15) mills for the current year and maintains
14 twelve (12) years of instruction; and

15 11. On or after June 28, 2018, the gross production tax on oil
16 levied at the rate of five percent (5%) provided for in paragraph 3
17 of subsection B of Section 1001 of this title shall be apportioned
18 as follows:

- 19 a. there shall be apportioned from the gross production
20 tax levy imposed pursuant to Section 1001 of this
21 title on oil to the Revenue Stabilization Fund created
22 by Section 34.102 of Title 62 of the Oklahoma
23 Statutes, after the applicable maximum amount
24 prescribed by subsection C of this section has been

1 deposited to the funds therein specified, the amount
2 of revenue, if any, which would otherwise be
3 apportioned to the General Revenue Fund and which
4 exceeds the moving five-year average amount for oil as
5 defined pursuant to paragraph 2 of subsection A of
6 this section,

7 b. before any other apportionment of revenue has been
8 made pursuant to this paragraph, twenty-three and
9 seventy-five one-hundredths percent (23.75%) shall be
10 paid to the State Treasurer to be placed in the Common
11 Education Technology Revolving Fund created in Section
12 34.90 of Title 62 of the Oklahoma Statutes,

13 c. before any other apportionment of revenue has been
14 made pursuant to this paragraph, twenty-three and
15 seventy-five one-hundredths percent (23.75%) shall be
16 paid to the State Treasurer to be placed in the Higher
17 Education Capital Revolving Fund created in Section
18 34.91 of Title 62 of the Oklahoma Statutes,

19 d. before any other apportionment of revenue has been
20 made pursuant to this paragraph, twenty-three and
21 seventy-five one-hundredths percent (23.75%) shall be
22 paid to the State Treasurer to be placed in the
23 Oklahoma Student Aid Revolving Fund created in Section
24 34.92 of Title 62 of the Oklahoma Statutes,

- e. before any other apportionment of revenue has been made pursuant to this paragraph, three and twenty-eight one-hundredths percent (3.28%) shall be distributed to the various counties of the state for deposit into the County Bridge and Road Improvement Fund of each county based on a formula developed by the Department of Transportation and approved by the Department of Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be used for the purposes set forth in the County Bridge and Road Improvement Act. The formula shall be similar to the formula currently used for the distribution of monies in the County Bridge Program funds, but shall also take into consideration the effect of the terrain and traffic volume as related to county road improvement and maintenance costs,
- f. before any other apportionment of revenue has been made pursuant to this paragraph, five percent (5%) shall be paid to the State Treasurer to be apportioned to:
- (1) the following sources and in the following amounts through the fiscal year ending ~~June 30,~~ 2022 June 30, 2027:

1 (a) thirty-three and one-third percent (33 1/3%)

2 to the Oklahoma Tourism and Recreation

3 Department Capital Expenditure Revolving

4 Fund created pursuant to Section 2254.1 of

5 Title 74 of the Oklahoma Statutes,

6 (b) thirty-three and one-third percent (33 1/3%)

7 to the Oklahoma Conservation Commission

8 Infrastructure Revolving Fund created

9 pursuant to Section 3-2-110 of Title 27A of

10 the Oklahoma Statutes, and

11 (c) thirty-three and one-third percent (33 1/3%)

12 to the Community Water Infrastructure

13 Development Revolving Fund created pursuant

14 to Section 1085.7A of Title 82 of the

15 Oklahoma Statutes, and

16 (2) the Oklahoma Water Resources Board Rural Economic

17 Action Plan Water Projects Fund for the fiscal

18 year beginning ~~July 1, 2022~~ July 1, 2027, and for

19 each fiscal year thereafter,

20 g. before any other apportionment of revenue has been

21 made pursuant to this paragraph, ten percent (10%) of

22 the sum collected from oil shall be paid to the

23 various county treasurers, to be credited to the

24 ~~County Highway Fund~~ county highway fund as follows:

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

5 h. before any other apportionment of revenue has been
6 made pursuant to this paragraph, ten percent (10%)
7 shall be allocated to each county as provided in
8 subparagraph g 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, and

17 i. before any other apportionment of revenue has been
18 made pursuant to this paragraph, forty-seven one-
19 hundredths percent (0.47%) of the levy shall be
20 transmitted by the Tax Commission to the Statewide
21 Circuit Engineering District Revolving Fund as created
22 in Section 687.2 of Title 69 of the Oklahoma Statutes.

23 C. Provided, notwithstanding any other provision of this
24 section, the total amounts deposited to the Common Education

1 Technology Revolving Fund, the Higher Education Capital Revolving
2 Fund, the Oklahoma Student Aid Revolving Fund, the Rural Economic
3 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation
4 Department Capital Expenditure Revolving Fund, the Oklahoma
5 Conservation Commission Infrastructure Revolving Fund and the
6 Community Water Infrastructure Development Revolving Fund pursuant
7 to paragraphs 6, 7 and 11 of subsection B of this section shall not
8 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any
9 fiscal year. Except as otherwise provided in this subsection, all
10 sums in excess of One Hundred Fifty Million Dollars
11 (\$150,000,000.00) in any fiscal year which would otherwise be
12 deposited in such funds shall be apportioned by the Oklahoma Tax
13 Commission to the General Revenue Fund of the state.

14 SECTION 2. This act shall become effective July 1, 2022.

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

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1 Passed the Senate the 22nd day of March, 2022.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7
8 _____
9 Presiding Officer of the House
10 of Representatives