

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 56th Legislature (2017)

3 HOUSE BILL 1008

By: Inman

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation, amending 68
8 O.S. 2011, Section 1001, as last amended by Section
9 1, Chapter 355, O.S.L. 2017 (68 O.S. Supp. 2017,
10 Section 1001), which relates to gross production tax;
11 limiting period where certain reduced rates are
12 applicable; implementing an additional reduced rate
13 for certain periods; amending 68 O.S. 2011, Section
14 1004, as last amended by Section 2, Chapter 355,
15 O.S.L. 2017 (68 O.S. Supp. 2017, Section 1004), which
16 relates to the apportionment and use of proceeds of
17 gross production tax; providing for apportionment of
18 certain tax proceeds; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1001, as
21 last amended by Section 1, Chapter 355, O.S.L. 2017 (68 O.S. Supp.
22 2017, Section 1001), is amended to read as follows:

23 Section 1001. A. There is hereby levied upon the production of
24 asphalt, ores bearing lead, zinc, jack and copper a tax equal to
three-fourths of one percent (3/4 of 1%) on the gross value thereof.

B. 1. Effective July 1, 2013, through June 30, 2015, except as
otherwise exempted pursuant to subsections D, E, F, G, H, I and J of

1 this section, there shall be levied upon the production of oil a tax
2 equal to seven percent (7%) of the gross value of the production of
3 oil based on a per barrel measurement of forty-two (42) U.S. gallons
4 of two hundred thirty-one (231) cubic inches per gallon, computed at
5 a temperature of sixty (60) degrees Fahrenheit.

6 2. Effective July 1, 2013, through June 30, 2015, except as
7 otherwise exempted pursuant to subsections D, E, F, G, H, I and J of
8 this section, there shall be levied a tax equal to seven percent
9 (7%) of the gross value of the production of gas.

10 3. Effective July 1, 2015, except as otherwise provided in this
11 section, there shall be levied a tax on the gross value of the
12 production of oil and gas as follows:

13 a. upon the production of oil a tax equal to seven
14 percent (7%) of the gross value of the production of
15 oil based on a per barrel measurement of forty-two
16 (42) U.S. gallons of two hundred thirty-one (231)
17 cubic inches per gallon, computed at a temperature of
18 sixty (60) degrees Fahrenheit,

19 b. upon the production of gas a tax equal to seven
20 percent (7%) of the gross value of the production of
21 gas, ~~and~~

22 c. notwithstanding the levies in subparagraphs a and b of
23 this paragraph, the production of oil, gas, or oil and
24 gas from wells spudded on or after July 1, 2015, and

1 prior to the effective date of this act, shall be
2 taxed at a rate of two percent (2%) commencing with
3 the month of first production for a period of thirty-
4 six (36) months; provided, however, such production
5 occurring on or after the effective date of this act
6 for the remainder of such thirty-six-month period
7 shall be subject to a reduced rate of five percent
8 (5%). Thereafter, the production shall be taxed as
9 provided in subparagraphs a and b of this paragraph,
10 and

11 d. notwithstanding the levies in subparagraphs a and b of
12 this paragraph, the production of oil, gas, or oil and
13 gas from wells spudded on or after the effective date
14 of this act, shall be subject to a reduced rate of
15 five percent (5%) commencing with the month of first
16 production for a period of thirty-six (36) months.

17 C. The taxes hereby levied shall also attach to, and are levied
18 on, what is known as the royalty interest, and the amount of such
19 tax shall be a lien on such interest.

20 D. 1. Except as otherwise provided in this section, for
21 secondary recovery projects approved or having an initial project
22 beginning date on or after July 1, 2000, and before July 1, 2017,
23 any incremental production attributable to the working interest
24 owners which results from such secondary recovery projects shall be

1 exempt from the gross production tax levied pursuant to this section
2 for a period not to exceed five (5) years from the initial project
3 beginning date or for a period ending upon the termination of the
4 secondary recovery process, whichever occurs first; provided
5 however, that the exemption provided by this paragraph shall not
6 apply to production occurring on or after July 1, 2017.

7 2. Except as otherwise provided in this section, for tertiary
8 recovery projects approved and having a project beginning date on or
9 after July 1, 1993, and before July 1, 2017, any incremental
10 production attributable to the working interest owners which results
11 from such tertiary recovery projects shall be exempt from the gross
12 production tax levied pursuant to this section from the project
13 beginning date until project payback is achieved, but not to exceed
14 a period of ten (10) years; provided however, that the exemption
15 provided by this paragraph shall not apply to production occurring
16 on or after July 1, 2017. Project payback pursuant to this
17 paragraph shall be determined by appropriate payback indicators
18 which will provide for the recovery of capital expenses and
19 operating expenses, excluding administrative expenses, in
20 determining project payback. The capital expenses of pipelines
21 constructed to transport carbon dioxide to a tertiary recovery
22 project shall not be included in determining project payback
23 pursuant to this paragraph.

24

1 3. The provisions of this subsection shall also not apply to
2 any enhanced recovery project using fresh water as the primary
3 injectant, except when using steam.

4 4. For purposes of this subsection:

- 5 a. "incremental production" means the amount of crude oil
6 or other liquid hydrocarbons which is produced during
7 an enhanced recovery project and which is in excess of
8 the base production amount of crude oil or other
9 liquid hydrocarbons. The base production amount shall
10 be the average monthly amount of production for the
11 twelve-month period immediately prior to the project
12 beginning date minus the monthly rate of production
13 decline for the project for each month beginning one
14 hundred eighty (180) days prior to the project
15 beginning date. The monthly rate of production
16 decline shall be equal to the average extrapolated
17 monthly decline rate for the twelve-month period
18 immediately prior to the project beginning date as
19 determined by the Corporation Commission based on the
20 production history of the field, its current status,
21 and sound reservoir engineering principles, and
- 22 b. "project beginning date" means the date on which the
23 injection of liquids, gases, or other matter begins on
24 an enhanced recovery project.

1 5. The Corporation Commission shall promulgate rules for the
2 qualification for this exemption which shall include, but not be
3 limited to, procedures for determining incremental production as
4 defined in subparagraph a of paragraph 4 of this subsection, and the
5 establishment of appropriate payback indicators as approved by the
6 Tax Commission for the determination of project payback for each of
7 the exemptions authorized by this subsection.

8 6. For new secondary recovery projects and tertiary recovery
9 projects approved by the Corporation Commission on or after July 1,
10 1993, and before July 1, 2017, such approval shall constitute
11 qualification for an exemption.

12 7. Any person seeking an exemption shall file an application
13 for such exemption with the Tax Commission which, upon determination
14 of qualification by the Corporation Commission, shall approve the
15 application for such exemption.

16 8. The Tax Commission may require any person requesting such
17 exemption to furnish information or records concerning the exemption
18 as is deemed necessary by the Tax Commission.

19 9. Upon the expiration of the exemption granted pursuant to
20 this subsection, the Tax Commission shall collect the gross
21 production tax levied pursuant to this section.

22 E. 1. Except as otherwise provided in this section, the
23 production of oil, gas or oil and gas from a horizontally drilled
24 well producing prior to July 1, 2011, which production commenced

1 after July 1, 2002, shall be exempt from the gross production tax
2 levied pursuant to subsection B of this section from the project
3 beginning date until project payback is achieved but not to exceed a
4 period of forty-eight (48) months commencing with the month of
5 initial production from the horizontally drilled well. For purposes
6 of subsection D of this section and this subsection, project payback
7 shall be determined as of the date of the completion of the well and
8 shall not include any expenses beyond the completion date of the
9 well, and subject to the approval of the Tax Commission.

10 2. Claims for refund for the production periods within the
11 fiscal years ending June 30, 2010, and June 30, 2011, shall be filed
12 and received by the Tax Commission no later than December 31, 2011.

13 3. For production commenced on or after July 1, 2011, and prior
14 to July 1, 2015, the tax levied pursuant to the provisions of this
15 section on the production of oil, gas or oil and gas from a
16 horizontally drilled well shall be reduced to a rate of one percent
17 (1%) for a period of forty-eight (48) months from the month of
18 initial production; provided ~~however~~, such production occurring on
19 or after July 1, 2017, and prior to the effective date of this act
20 for the remainder of such forty-eight-month period shall be subject
21 to a reduced rate of four percent (4%); further provided, such
22 production occurring on or after the effective date of this act for
23 the remainder of such forty-eight-month period shall be subject to a
24 reduced rate of five percent (5%). The taxes collected from the

1 production of oil shall be apportioned pursuant to the provisions of
2 paragraph 7 of subsection B of Section 1004 of this title. The
3 taxes collected from the production of gas shall be apportioned
4 pursuant to the provisions of paragraph 3 of subsection B of Section
5 1004 of this title.

6 4. The production of oil, gas or oil and gas on or after July
7 1, 2011, and prior to July 1, 2015, from these qualifying wells
8 shall be taxed at a rate of one percent (1%) until the expiration of
9 forty-eight (48) months commencing with the month of initial
10 production.

11 5. As used in this subsection, "horizontally drilled well"
12 shall mean an oil, gas or oil and gas well drilled or recompleted in
13 a manner which encounters and subsequently produces from a
14 geological formation at an angle in excess of seventy (70) degrees
15 from vertical and which laterally penetrates a minimum of one
16 hundred fifty (150) feet into the pay zone of the formation.

17 F. 1. Except as otherwise provided by this section, the
18 severance or production of oil, gas or oil and gas from an inactive
19 well shall be exempt from the gross production tax levied pursuant
20 to subsection B of this section for a period of twenty-eight (28)
21 months from the date upon which production is reestablished;
22 provided however, that the exemption provided by this paragraph
23 shall not apply to production occurring on or after July 1, 2017.
24 This exemption shall take effect July 1, 1994, and shall apply to

1 wells for which work to reestablish or enhance production began on
2 or after July 1, 1994, and for which production is reestablished
3 prior to July 1, 2017. For all such production, a refund against
4 gross production taxes shall be issued as provided in subsection L
5 of this section.

6 2. As used in this subsection, for wells for which production
7 is reestablished prior to July 1, 1997, "inactive well" means any
8 well that has not produced oil, gas or oil and gas for a period of
9 not less than two (2) years as evidenced by the appropriate forms on
10 file with the Corporation Commission reflecting the well's status.
11 As used in this subsection, for wells for which production is
12 reestablished on or after July 1, 1997, and prior to July 1, 2017,
13 "inactive well" means any well that has not produced oil, gas or oil
14 and gas for a period of not less than one (1) year as evidenced by
15 the appropriate forms on file with the Corporation Commission
16 reflecting the well's status. Wells which experience mechanical
17 failure or loss of mechanical integrity, as defined by the
18 Corporation Commission, including but not limited to, casing leaks,
19 collapse of casing or loss of equipment in a wellbore, or any
20 similar event which causes cessation of production, shall also be
21 considered inactive wells.

22 G. 1. Except as otherwise provided by this section, any
23 incremental production which results from a production enhancement
24 project shall be exempt from the gross production tax levied

1 pursuant to subsection B of this section for a period of twenty-
2 eight (28) months from the date of first sale after project
3 completion of the production enhancement project; provided however,
4 that the exemption provided by this paragraph shall not apply to
5 production occurring on or after July 1, 2017. This exemption shall
6 take effect July 1, 1994, and shall apply to production enhancement
7 projects having a project beginning date on or after July 1, 1994,
8 and prior to July 1, 2017. For all such production, a refund
9 against gross production taxes shall be issued as provided in
10 subsection L of this section.

11 2. As used in this subsection:

12 a. for production enhancement projects having a project
13 beginning date on or after July 1, 1997, and prior to
14 July 1, 2017, "production enhancement project" means
15 any workover as defined in this paragraph,
16 recompletion as defined in this paragraph, reentry of
17 plugged and abandoned wellbores, or addition of a well
18 or field compression,

19 b. "incremental production" means the amount of crude
20 oil, natural gas or other hydrocarbons which are
21 produced as a result of the production enhancement
22 project in excess of the base production,

23 c. "base production" means the average monthly amount of
24 production for the twelve-month period immediately

1 prior to the commencement of the project or the
2 average monthly amount of production for the twelve-
3 month period immediately prior to the commencement of
4 the project less the monthly rate of production
5 decline for the project for each month beginning one
6 hundred eighty (180) days prior to the commencement of
7 the project. The monthly rate of production decline
8 shall be equal to the average extrapolated monthly
9 decline rate for the twelve-month period immediately
10 prior to the commencement of the project based on the
11 production history of the well. If the well or wells
12 covered in the application had production for less
13 than the full twelve-month period prior to the filing
14 of the application for the production enhancement
15 project, the base production shall be the average
16 monthly production for the months during that period
17 that the well or wells produced,

18 d. for production enhancement projects having a project
19 beginning date on or after July 1, 1997, and prior to
20 July 1, 2017, "recompletion" means any downhole
21 operation in an existing oil or gas well that is
22 conducted to establish production of oil or gas from
23 any geologic interval not currently completed or
24

1 producing in such existing oil or gas well within the
2 same or a different geologic formation, and

3 e. "workover" means any downhole operation in an existing
4 oil or gas well that is designed to sustain, restore
5 or increase the production rate or ultimate recovery
6 in a geologic interval currently completed or
7 producing in the existing oil or gas well. For
8 production enhancement projects having a project
9 beginning date on or after July 1, 1997, and prior to
10 July 1, 2017, "workover" includes, but is not limited
11 to:

12 (1) acidizing,

13 (2) reperforating,

14 (3) fracture treating,

15 (4) sand/paraffin/scale removal or other wellbore
16 cleanouts,

17 (5) casing repair,

18 (6) squeeze cementing,

19 (7) installation of compression on a well or group of
20 wells or initial installation of artificial lifts
21 on gas wells, including plunger lifts, rod pumps,
22 submersible pumps and coiled tubing velocity
23 strings,
24

- 1 (8) downsizing existing tubing to reduce well
2 loading,
3 (9) downhole commingling,
4 (10) bacteria treatments,
5 (11) upgrading the size of pumping unit equipment,
6 (12) setting bridge plugs to isolate water production
7 zones, or
8 (13) any combination thereof.

9 "Workover" shall not mean the routine maintenance,
10 routine repair, or like for like replacement of
11 downhole equipment such as rods, pumps, tubing,
12 packers, or other mechanical devices.

13 H. 1. For purposes of this subsection, "depth" means the
14 length of the maximum continuous string of drill pipe utilized
15 between the drill bit face and the drilling rig's kelly bushing.

16 2. Except as otherwise provided in subsection K of this
17 section:

- 18 a. the production of oil, gas or oil and gas from wells
19 spudded between July 1, 1997, and July 1, 2005, and
20 drilled to a depth of twelve thousand five hundred
21 (12,500) feet or greater and wells spudded between
22 July 1, 2005, and July 1, 2015, and drilled to a depth
23 between twelve thousand five hundred (12,500) feet and
24 fourteen thousand nine hundred ninety-nine (14,999)

1 feet shall be exempt from the gross production tax
2 levied pursuant to subsection B of this section from
3 the date of first sales for a period of twenty-eight
4 (28) months; provided however, that the exemption
5 provided by this subparagraph shall not apply to
6 production occurring on or after July 1, 2017,

7 b. the production of oil, gas or oil and gas from wells
8 spudded between July 1, 2002, and July 1, 2005, and
9 drilled to a depth of fifteen thousand (15,000) feet
10 or greater and wells spudded between July 1, 2005, and
11 July 1, 2011, and drilled to a depth between fifteen
12 thousand (15,000) feet and seventeen thousand four
13 hundred ninety-nine (17,499) feet shall be exempt from
14 the gross production tax levied pursuant to subsection
15 B of this section from the date of first sales for a
16 period of forty-eight (48) months,

17 c. the production of oil, gas or oil and gas from wells
18 spudded between July 1, 2002, and July 1, 2011, and
19 drilled to a depth of seventeen thousand five hundred
20 (17,500) feet or greater shall be exempt from the
21 gross production tax levied pursuant to subsection B
22 of this section from the date of first sales for a
23 period of sixty (60) months,
24

1 d. the tax levied pursuant to the provisions of this
2 section on the production of oil, gas or oil and gas
3 from wells spudded between July 1, 2011, and July 1,
4 2015, and drilled to a depth between fifteen thousand
5 (15,000) feet and seventeen thousand four hundred
6 ninety-nine (17,499) feet shall be reduced to a rate
7 of four percent (4%) for a period of forty-eight (48)
8 months from the date of first sales; provided,
9 however, that such production occurring on or after
10 the effective date of this act for the remainder of
11 such forty-eight-month period shall be subject to a
12 reduced rate of five percent (5%). The taxes
13 collected from the production of oil shall be
14 apportioned pursuant to the provisions of paragraph 7
15 of subsection B of Section 1004 of this title. The
16 taxes collected from the production of gas shall be
17 apportioned pursuant to the provisions of paragraph 3
18 of subsection B of Section 1004 of this title,

19 e. the tax levied pursuant to the provisions of this
20 section on the production of oil, gas or oil and gas
21 from wells spudded between July 1, 2011, and July 1,
22 2015, and drilled to a depth of seventeen thousand
23 five hundred (17,500) feet or greater shall be reduced
24 to a rate of four percent (4%) for a period of sixty

1 (60) months from the date of first sales; provided,
2 however, that such production occurring on or after
3 the effective date of this act for the remainder of
4 such sixty-month period shall be subject to a reduced
5 rate of five percent (5%). The taxes collected from
6 the production of oil shall be apportioned pursuant to
7 the provisions of paragraph 7 of subsection B of
8 Section 1004 of this title. The taxes collected from
9 the production of gas shall be apportioned pursuant to
10 the provisions of paragraph 3 of subsection B of
11 Section 1004 of this title, and

12 f. the provisions of subparagraphs b and c of this
13 paragraph shall only apply to the production of wells
14 qualifying for the exemption provided under these
15 subparagraphs prior to July 1, 2011. The production
16 of oil, gas or oil and gas on or after July 1, 2011,
17 and before July 1, 2015, from wells qualifying under
18 subparagraph b of this paragraph shall be taxed at a
19 rate of four percent (4%) until the expiration of
20 forty-eight (48) months from the date of first sales
21 and the production of oil, gas or oil and gas on or
22 after July 1, 2011, and before July 1, 2015, from
23 wells qualifying under subparagraph c of this
24 paragraph shall be taxed at a rate of four percent

1 (4%) until the expiration of sixty (60) months from
2 the date of first sales.

3 3. Except as otherwise provided for in this subsection, for all
4 such wells spudded, a refund against gross production taxes shall be
5 issued as provided in subsection L of this section.

6 I. Except as otherwise provided by this section, the production
7 of oil, gas or oil and gas from wells spudded or reentered between
8 July 1, 1995, and July 1, 2015, which qualify as a new discovery
9 pursuant to this subsection shall be exempt from the gross
10 production tax levied pursuant to subsection B of this section from
11 the date of first sales for a period of twenty-eight (28) months;
12 provided however, that the exemption provided by this subsection
13 shall not apply to production occurring on or after July 1, 2017.
14 For all such wells spudded or reentered, a refund against gross
15 production taxes shall be issued as provided in subsection L of this
16 section. As used in this subsection, "new discovery" means
17 production of oil, gas or oil and gas from:

18 1. For wells spudded or reentered on or after July 1, 1997, and
19 prior to July 1, 2015, a well that discovers crude oil in paying
20 quantities that is more than one (1) mile from the nearest oil well
21 producing from the same producing interval of the same formation;

22 2. For wells spudded or reentered on or after July 1, 1997, and
23 prior to July 1, 2015, a well that discovers crude oil in paying
24 quantities beneath current production in a deeper producing interval

1 that is more than one (1) mile from the nearest oil well producing
2 from the same deeper producing interval;

3 3. For wells spudded or reentered on or after July 1, 1997, and
4 prior to July 1, 2015, a well that discovers natural gas in paying
5 quantities that is more than two (2) miles from the nearest gas well
6 producing from the same producing interval; or

7 4. For wells spudded or reentered on and after July 1, 1997,
8 and prior to July 1, 2015, a well that discovers natural gas in
9 paying quantities beneath current production in a deeper producing
10 interval that is more than two (2) miles from the nearest gas well
11 producing from the same deeper producing interval.

12 J. Except as otherwise provided by this section, the production
13 of oil, gas or oil and gas from any well, drilling of which is
14 commenced after July 1, 2000, and prior to July 1, 2015, located
15 within the boundaries of a three-dimensional seismic shoot and
16 drilled based on three-dimensional seismic technology, shall be
17 exempt from the gross production tax levied pursuant to subsection B
18 of this section from the date of first sales as follows:

19 1. If the three-dimensional seismic shoot is shot prior to July
20 1, 2000, for a period of eighteen (18) months; and

21 2. If the three-dimensional seismic shoot is shot on or after
22 July 1, 2000, for a period of twenty-eight (28) months; provided
23 however, that the exemption provided by this subsection shall not
24 apply to production occurring on or after July 1, 2017. For all

1 such production, a refund against gross production taxes shall be
2 issued as provided in subsection L of this section.

3 K. 1. The exemptions provided for in subsections F, G, I and J
4 of this section, the exemption provided for in subparagraph a of
5 paragraph 2 of subsection H of this section, and the exemptions
6 provided for in subparagraphs b and c of paragraph 2 of subsection H
7 of this section for production from wells spudded before July 1,
8 2005, shall not apply:

9 a. to the severance or production of oil, upon
10 determination by the Tax Commission that the average
11 annual index price of Oklahoma oil exceeds Thirty
12 Dollars (\$30.00) per barrel calculated on an annual
13 calendar year basis, as adjusted for inflation using
14 the Consumer Price Index-All Urban Consumers (CPI-U)
15 as published by the Bureau of Labor Statistics of the
16 U.S. Department of Labor or its successor agency.
17 Such adjustment shall be based on the most current
18 data available for the preceding twelve-month period
19 and shall be applied for the fiscal year which begins
20 on the July 1 date immediately following the release
21 of the CPI-U data by the Bureau of Statistics.

22 (1) The "average annual index price" will be
23 calculated by multiplying the West Texas
24 Intermediate closing price by the "index price

1 ratio". The index price ratio is defined as the
2 immediate preceding three-year historical average
3 ratio of the actual weighted average wellhead
4 price to the West Texas Intermediate close price
5 published on the last business day of each month.

6 (2) The average annual index price will be updated
7 annually by the Oklahoma Tax Commission no later
8 than March 31 of each year.

9 (3) If the West Texas Intermediate Crude price is
10 unavailable for any reason, an industry benchmark
11 price may be substituted and used for the
12 calculation of the index price as determined by
13 the Tax Commission,

14 b. to the severance or production of oil or gas upon
15 which gross production taxes are paid at a rate of one
16 percent (1%) pursuant to the provisions of subsection
17 B of this section, and

18 c. to the severance or production of gas, upon
19 determination by the Tax Commission that the average
20 annual index price of Oklahoma gas exceeds Five
21 Dollars (\$5.00) per thousand cubic feet (mcf)
22 calculated on an annual calendar year basis as
23 adjusted for inflation using the Consumer Price Index-
24 All Urban Consumers (CPI-U) as published by the Bureau

1 of Labor Statistics of the U.S. Department of Labor or
2 its successor agency. Such adjustment shall be based
3 on the most current data available for the preceding
4 twelve-month period and shall be applied for the
5 fiscal year which begins on the July 1 date
6 immediately following the release of the CPI-U data by
7 the Bureau of Statistics.

8 (1) The "average annual index price" will be
9 calculated by multiplying the Henry Hub 3-Day
10 Average Close price by the "index price ratio".
11 The index price ratio is defined as the immediate
12 preceding three-year historical average ratio of
13 the actual weighted average wellhead price to the
14 Henry Hub 3-Day Average Close price published on
15 the last business day of each month.

16 (2) The average annual index price will be updated
17 annually by the Oklahoma Tax Commission no later
18 than March 31 of each year.

19 (3) If the Henry Hub 3-Day Average Close price is
20 unavailable for any reason, an industry benchmark
21 price may be substituted and used for the
22 calculation of the index price as determined by
23 the Tax Commission.
24

1 2. Notwithstanding the exemptions granted pursuant to
2 subsections F, G, I, J, paragraph 1 of subsection E, and
3 subparagraph a of paragraph 2 of subsection H of this section, there
4 shall continue to be levied upon the production of petroleum or
5 other crude or mineral oil or natural gas or casinghead gas, as
6 provided in subsection B of this section, from any wells provided
7 for in subsections F, G, I, J, paragraph 1 of subsection E, and
8 subparagraph a of paragraph 2 of subsection H of this section, a tax
9 equal to one percent (1%) of the gross value of the production of
10 petroleum or other crude or mineral oil or natural gas or casinghead
11 gas. The tax hereby levied shall be apportioned as follows:

12 a. fifty percent (50%) of the sum collected shall be
13 apportioned to the County Highway Fund as provided in
14 subparagraph b of paragraph 1 of subsection B of
15 Section 1004 of this title, and

16 b. fifty percent (50%) of the sum collected shall be
17 apportioned to the appropriate school district as
18 provided in subparagraph c of paragraph 1 of
19 subsection B of Section 1004 of this title.

20 Upon the expiration of the exemption granted pursuant to
21 subsection E, F, G, H, I or J of this section, the provisions of
22 this paragraph shall have no force or effect.

23 L. 1. Prior to July 1, 2015, and except as provided in
24 subsection M of this section, for all oil and gas production exempt

1 from gross production taxes pursuant to subsections E, F, G, H, I
2 and J of this section during a given fiscal year, a refund of gross
3 production taxes shall be issued to the well operator or a designee
4 in the amount of such gross production taxes paid during such
5 period, subject to the following provisions:

6 a. a refund shall not be claimed until after the end of
7 such fiscal year. As used in this subsection, a
8 fiscal year shall be deemed to begin on July 1 of one
9 calendar year and shall end on June 30 of the
10 subsequent calendar year,

11 b. unless otherwise specified, no claims for refunds
12 pursuant to the provisions of this subsection shall be
13 filed more than eighteen (18) months after the first
14 day of the fiscal year in which the refund is first
15 available,

16 c. no claims for refunds pursuant to the provisions of
17 this subsection shall be filed by or on behalf of
18 persons other than the operator or a working interest
19 owner of record at the time of production,

20 d. no refunds shall be claimed or paid pursuant to the
21 provisions of this subsection for oil or gas
22 production upon which a tax is paid at a rate of one
23 percent (1%) as specified in subsection B of this
24 section, and

1 e. no refund shall be paid unless the person making the
2 claim for refund demonstrates by affidavit or other
3 means prescribed by the Tax Commission that an amount
4 equal to or greater than the amount of the refund has
5 been invested in the exploration for or production of
6 crude oil or natural gas in this state by such person
7 not more than three (3) years prior to the date of the
8 claim. No amount of investment used to qualify for a
9 refund pursuant to the provisions of this subsection
10 may be used to qualify for another refund pursuant to
11 the provisions of this subsection.

12 If there are insufficient funds collected from the production of
13 oil to satisfy the refunds claimed for oil production pursuant to
14 subsection E, F, G, H, I or J of this section, the Tax Commission
15 shall pay the balance of the refund claims out of the gross
16 production taxes collected from the production of gas.

17 2. On or after July 1, 2015, for all oil and gas production
18 exempt from gross production taxes pursuant to subsections F and G
19 of this section during a given fiscal year, a refund of gross
20 production taxes shall be issued to the well operator or a designee
21 in the amount of such gross production taxes paid during such
22 period, subject to the following provisions:

23 a. a refund shall not be claimed until after the end of
24 such fiscal year. As used in this subsection, a

1 fiscal year shall be deemed to begin on July 1 of one
2 calendar year and shall end on June 30 of the
3 subsequent calendar year,

4 b. unless otherwise specified, no claims for refunds
5 pursuant to the provisions of this subsection shall be
6 filed more than eighteen (18) months after the first
7 day of the fiscal year in which the refund is first
8 available, or September 30, 2017, whichever is sooner,

9 c. no claims for refunds pursuant to the provisions of
10 this subsection shall be filed by or on behalf of
11 persons other than the operator or a working interest
12 owner of record at the time of production,

13 d. no refunds shall be claimed or paid pursuant to the
14 provisions of this subsection for oil or gas
15 production upon which a tax is paid at a rate of two
16 percent (2%), and

17 e. no refund shall be paid unless the person making the
18 claim for refund demonstrates by affidavit or other
19 means prescribed by the Tax Commission that an amount
20 equal to or greater than the amount of the refund has
21 been invested in the exploration for or production of
22 crude oil or natural gas in this state by such person
23 not more than three (3) years prior to the date of the
24 claim. No amount of investment used to qualify for a

1 refund pursuant to the provisions of this paragraph
2 may be used to qualify for another refund pursuant to
3 the provisions of this paragraph.

4 If there are insufficient funds collected from the production of
5 oil or gas to satisfy the refunds claimed for oil or gas production
6 pursuant to subsection F or G of this section, the Tax Commission
7 shall pay the balance of the refund claims out of the gross
8 production taxes collected from either the production of oil or gas,
9 as necessary.

10 3. Notwithstanding any other provisions of law, after the
11 effective date of this act, no refund of gross production taxes
12 shall be claimed for oil and gas production exempt from gross
13 production taxes pursuant to subsections E, F, G, H, I and J of this
14 section for production occurring prior to July 1, 2003.

15 4. Notwithstanding any other provision of this section, no
16 claims for refunds pursuant to the provisions of subsections F, G, I
17 and J and subparagraph a of paragraph 2 of subsection H of this
18 section shall be filed or accepted on or after October 1, 2017.

19 M. Claims for refunds pursuant to the provisions of subsections
20 F, G, I and J and subparagraph a of paragraph 2 of subsection H of
21 this section for production periods ending on or before June 30,
22 2017, shall be paid pursuant to the provisions of this subsection.
23 The claims for refunds referenced herein shall be paid in equal
24 payments over a period of thirty-six (36) months. The first payment

1 shall be made after July 1, 2018, but prior to August 1, 2018. The
2 Tax Commission shall provide, not later than June 30, 2018, to the
3 operator or designated interest owner, a schedule of rebates to be
4 paid out over the thirty-six-month period.

5 N. 1. The Corporation Commission and the Tax Commission shall
6 promulgate joint rules for the qualification for the exemptions
7 provided for in this section and the rules shall contain provisions
8 for verification of any wells from which production may be qualified
9 for the exemptions. The Tax Commission shall adopt rules and
10 regulations which establish guidelines for production of oil or gas
11 after July 1, 2011, which is exempt from tax pursuant to the
12 provisions of paragraph 1 of subsection E and subparagraphs b and c
13 of paragraph 2 of subsection H of this section to remit tax at the
14 reduced rate provided in paragraph 2 of subsection E and
15 subparagraphs d and e of paragraph 2 of subsection H of this section
16 until the end of the qualifying exemption period.

17 2. Any person requesting any exemption shall file an
18 application for qualification for the exemption with the Corporation
19 Commission which, upon finding that the well meets the requirements
20 of this section, shall approve the application for qualification.

21 3. Any person seeking an exemption shall:

22 a. file an application for the exemption with the Tax
23 Commission which, upon determination of qualification
24

1 by the Corporation Commission, shall approve the
2 application for an exemption, and

3 b. provide a copy of the approved application to the
4 remitter of the gross production tax.

5 4. The Tax Commission may require any person requesting an
6 exemption to furnish necessary financial and other information or
7 records in order to determine and justify the refund.

8 5. Upon the expiration of an exemption granted pursuant to this
9 section, the Tax Commission shall collect the gross production tax
10 levied pursuant to this section. If a person who qualifies for the
11 exemption elects to remit his or her own gross production tax during
12 the exemption period, the first purchaser shall not be liable to
13 withhold or remit the tax until the first day of the month following
14 the receipt of written notification from the person who is qualified
15 for such exemption stating that such exemption has expired and
16 directing the first purchaser to resume tax remittance on his or her
17 behalf.

18 O. 1. Prior to July 1, 2015, persons shall only be entitled to
19 either the exemption granted pursuant to subsection D of this
20 section or the exemption granted pursuant to subsection E, F, G, H,
21 I or J of this section for each oil, gas or oil and gas well drilled
22 or recompleted in this state. However, any person who qualifies for
23 the exemption granted pursuant to subsection E, F, G, H, I or J of
24 this section shall not be prohibited from qualification for the

1 exemption granted pursuant to subsection D of this section, if the
2 exemption granted pursuant to subsection E, F, G, H, I or J of this
3 section has expired.

4 2. On or after July 1, 2015, all persons shall only be entitled
5 to either the exemption granted pursuant to subsection D of this
6 section or the exemption granted pursuant to subsection F or G of
7 this section for each oil, gas, or oil and gas well drilled or
8 recompleted in this state. However, any person who qualifies for
9 the exemption granted pursuant to subsections F and G of this
10 section shall not be prohibited from qualification for the exemption
11 granted pursuant to subsection D of this section if the exemption
12 granted pursuant to subsection F or G of this section has expired.
13 Further, the exemption granted pursuant to subsection D of this
14 section shall not apply to any production upon which a tax is paid
15 at a rate of two percent (2%).

16 P. The Tax Commission shall have the power to require any such
17 person engaged in mining or the production or the purchase of such
18 asphalt, mineral ores aforesaid, oil, or gas, or the owner of any
19 royalty interest therein to furnish any additional information by it
20 deemed to be necessary for the purpose of correctly computing the
21 amount of the tax; and to examine the books, records and files of
22 such person; and shall have power to conduct hearings and compel the
23 attendance of witnesses, and the production of books, records and
24 papers of any person.

1 Q. Any person or any member of any firm or association, or any
2 officer, official, agent or employee of any corporation who shall
3 fail or refuse to testify; or who shall fail or refuse to produce
4 any books, records or papers which the Tax Commission shall require;
5 or who shall fail or refuse to furnish any other evidence or
6 information which the Tax Commission may require; or who shall fail
7 or refuse to answer any competent questions which may be put to him
8 or her by the Tax Commission, touching the business, property,
9 assets or effects of any such person relating to the gross
10 production tax imposed by this article or exemption authorized
11 pursuant to this section or other laws, shall be guilty of a
12 misdemeanor, and, upon conviction thereof, shall be punished by a
13 fine of not more than Five Hundred Dollars (\$500.00), or
14 imprisonment in the jail of the county where such offense shall have
15 been committed, for not more than one (1) year, or by both such fine
16 and imprisonment; and each day of such refusal on the part of such
17 person shall constitute a separate and distinct offense.

18 R. The Tax Commission shall have the power and authority to
19 ascertain and determine whether or not any report herein required to
20 be filed with it is a true and correct report of the gross products,
21 and of the value thereof, of such person engaged in the mining or
22 production or purchase of asphalt and ores bearing minerals
23 aforesaid and of oil and gas. If any person has made an untrue or
24 incorrect report of the gross production or value or volume thereof,

1 or shall have failed or refused to make such report, the Tax
2 Commission shall, under the rules prescribed by it, ascertain the
3 correct amount of either, and compute the tax.

4 S. The payment of the taxes herein levied shall be in full, and
5 in lieu of all taxes by the state, counties, cities, towns, school
6 districts and other municipalities upon any property rights attached
7 to or inherent in the right to the minerals, upon producing leases
8 for the mining of asphalt and ores bearing lead, zinc, jack or
9 copper, or for oil, or for gas, upon the mineral rights and
10 privileges for the minerals aforesaid belonging or appertaining to
11 land, upon the machinery, appliances and equipment used in and
12 around any well producing oil, or gas, or any mine producing asphalt
13 or any of the mineral ores aforesaid and actually used in the
14 operation of such well or mine. The payment of gross production tax
15 shall also be in lieu of all taxes upon the oil, gas, asphalt or
16 ores bearing minerals hereinbefore mentioned during the tax year in
17 which the same is produced, and upon any investment in any of the
18 leases, rights, privileges, minerals or other property described
19 herein. Any interest in the land, other than that herein
20 enumerated, and oil in storage, asphalt and ores bearing minerals
21 hereinbefore named, mined, produced and on hand at the date as of
22 which property is assessed for general and ad valorem taxation for
23 any subsequent tax year, shall be assessed and taxed as other

24

1 property within the taxing district in which such property is
2 situated at the time.

3 T. No equipment, material or property shall be exempt from the
4 payment of ad valorem tax by reason of the payment of the gross
5 production tax except such equipment, machinery, tools, material or
6 property as is actually necessary and being used and in use in the
7 production of asphalt or of ores bearing lead, zinc, jack or copper
8 or of oil or gas. Provided, the exemption shall include the
9 wellbore and non-recoverable down-hole material, including casing,
10 actually used in the disposal of waste materials produced with such
11 oil or gas. It is expressly declared that no ice plants, hospitals,
12 office buildings, garages, residences, gasoline extraction or
13 absorption plants, water systems, fuel systems, rooming houses and
14 other buildings, nor any equipment or material used in connection
15 therewith, shall be exempt from ad valorem tax.

16 U. The exemption from ad valorem tax set forth in subsections S
17 and T of this section shall continue to apply to all property from
18 which production of oil, gas or oil and gas is exempt from gross
19 production tax pursuant to subsection D, E, F, G, H, I or J of this
20 section.

21 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1004, as
22 last amended by Section 2, Chapter 355, O.S.L. 2017 (68 O.S. Supp.
23 2017, Section 1004), is amended to read as follows:

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

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

7 2. "Moving five-year average amount for oil" means, for
8 purposes of the apportionments prescribed by this section, the
9 amount of gross production tax on oil collected for each of the five
10 (5) complete fiscal years, as computed by the State Board of
11 Equalization pursuant to Section 34.103 of Title 62 of the Oklahoma
12 Statutes.

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

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

18 a. eighty-five and seventy-two one-hundredths percent
19 (85.72%) shall be paid to the State Treasurer of the
20 state to be placed in the General Revenue Fund of the
21 state and used for the general expense of state
22 government, to be paid out pursuant to direct
23 appropriation by the Legislature,

24

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

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

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

1 a. after the total revenue apportioned to the General
2 Revenue Fund as prescribed by subparagraph b of this
3 paragraph equals the moving five-year average amount
4 for gas as defined by paragraph 1 of subsection A of
5 this section, there shall be apportioned from the
6 gross production tax levy imposed pursuant to Section
7 1001 of this title on natural gas and/or casinghead
8 gas to the Revenue Stabilization Fund created by
9 Section 34.102 of Title 62 of the Oklahoma Statutes,
10 the amount of revenue, if any, which exceeds the
11 moving five-year average amount for gas as defined
12 pursuant to paragraph 1 of subsection A of this
13 section,

14 b. until the apportionment to the General Revenue Fund
15 equals the moving five-year average amount for gas as
16 prescribed by paragraph 1 of subsection A of this
17 section, eighty-five and seventy-two one-hundredths
18 percent (85.72%) shall be paid to the State Treasurer
19 of the state to be placed in the General Revenue Fund
20 of the state and used for the general expense of state
21 government, to be paid out pursuant to direct
22 appropriation by the Legislature,

23 c. before any other apportionment of revenue has been
24 made pursuant to this paragraph, seven and fourteen

1 one-hundredths percent (7.14%) of the sum collected
2 from natural gas and/or casinghead gas shall be paid
3 to the various county treasurers to be credited to the
4 County Highway Fund as follows: Each county shall
5 receive a proportionate share of the funds available
6 based upon the proportion of the total value of
7 production from such county in the corresponding month
8 of the preceding year, and

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

22 3. For all monies collected from the tax levied on natural gas
23 and/or casinghead gas at a tax rate of four percent (4%) pursuant to
24 the provisions of subsections B and E, and subparagraphs d and e of

1 paragraph 2 of subsection H of Section 1001 of this title and five
2 percent (5%) pursuant to the provisions of subsection E and
3 subparagraphs d and e of paragraph 2 of subsection H of Section 1001
4 of this title:

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

18 b. until the apportionment to the General Revenue Fund
19 equals the moving five-year average amount for gas as
20 prescribed by paragraph 1 of subsection A of this
21 section, seventy-five percent (75%) shall be paid to
22 the State Treasurer of the state to be placed in the
23 General Revenue Fund of the state and used for the
24

- 1 general expense of state government, to be paid out
2 pursuant to direct appropriation by the Legislature,
3 c. before any other apportionment of revenue has been
4 made pursuant to this paragraph, twelve and one-half
5 percent (12.5%) of the sum collected from natural gas
6 and/or casinghead gas shall be paid to the various
7 county treasurers to be credited to the County Highway
8 Fund as follows: Each county shall receive a
9 proportionate share of the funds available based upon
10 the proportion of the total value of production from
11 such county in the corresponding month of the
12 preceding year, and
- 13 d. before any other apportionment of revenue has been
14 made pursuant to this paragraph, twelve and one-half
15 percent (12.5%) shall be allocated to each county as
16 provided for in subparagraph c of this paragraph and
17 shall be apportioned, on an average daily attendance
18 per capita distribution basis, as certified by the
19 State Superintendent of Public Instruction to the
20 school districts of the county where such pupils
21 attend school regardless of residence of such pupil,
22 provided the school district makes an ad valorem tax
23 levy of fifteen (15) mills for the current year and
24 maintains twelve (12) years of instruction;

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

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

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

22 5. For all monies collected from the tax levied on natural gas
23 and/or casinghead gas at a tax rate of two percent (2%) or five
24 percent (5%) pursuant to the provisions of ~~subparagraph~~

1 subparagraphs c and d of paragraph 3 of subsection B of Section 1001
2 of this title:

- 3 a. after the total revenue apportioned to the General
4 Revenue Fund as prescribed by subparagraph b of this
5 paragraph equals the moving five-year average amount
6 for gas as defined by paragraph 1 of subsection A of
7 this section, there shall be apportioned from the
8 gross production tax levy imposed pursuant to Section
9 1001 of this title on gas to the Revenue Stabilization
10 Fund created by Section 34.102 of Title 62 of the
11 Oklahoma Statutes, the amount of revenue, if any,
12 which exceeds the moving five-year average amount for
13 natural gas and/or casinghead gas as defined pursuant
14 to paragraph 1 of subsection A of this section,
- 15 b. until the apportionment to the General Revenue Fund
16 equals the moving five-year average amount for gas as
17 prescribed by paragraph 1 of subsection A of this
18 section, fifty percent (50%) shall be paid to the
19 State Treasurer to be placed in the General Revenue
20 Fund of the state and used for the general expense of
21 state government, to be paid out pursuant to direct
22 appropriation by the Legislature,
- 23 c. before any other apportionment of revenue has been
24 made pursuant to this paragraph, twenty-five percent

1 (25%) of the sum collected from natural gas and/or
2 casinghead gas shall be paid to the various county
3 treasurers to be credited to the County Highway Fund
4 as follows: Each county shall receive a proportionate
5 share of the funds available based upon the proportion
6 of the total value of production from such county in
7 the corresponding month of the preceding year, and

8 d. before any other apportionment of revenue has been
9 made pursuant to this paragraph, twenty-five percent
10 (25%) shall be allocated to each county as provided
11 for in subparagraph c 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 6. For all monies collected from the tax levied on oil at a tax
21 rate of seven percent (7%) pursuant to the provisions of subsection
22 B of Section 1001 of this title:

23 a. there shall be apportioned from the gross production
24 tax levy imposed pursuant to Section 1001 of this

1 title on oil to the Revenue Stabilization Fund created
2 by Section 34.102 of Title 62 of the Oklahoma
3 Statutes, after the applicable maximum amount
4 prescribed by subsection C of this section has been
5 deposited to the funds therein specified, the amount
6 of revenue, if any, which would otherwise be
7 apportioned to the General Revenue Fund and which
8 exceeds the moving five-year average amount for oil as
9 defined pursuant to paragraph 2 of subsection A of
10 this section,

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

17 c. before any other apportionment of revenue has been
18 made pursuant to this paragraph, twenty-five and
19 seventy-two one-hundredths percent (25.72%) shall be
20 paid to the State Treasurer to be placed in the Higher
21 Education Capital Revolving Fund created in Section
22 34.91 of Title 62 of the Oklahoma Statutes,

23 d. before any other apportionment of revenue has been
24 made pursuant to this paragraph, twenty-five and

1 seventy-two one-hundredths percent (25.72%) shall be
2 paid to the State Treasurer to be placed in the
3 Oklahoma Student Aid Revolving Fund created in Section
4 34.92 of Title 62 of the Oklahoma Statutes,

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

22 f. before any other apportionment of revenue has been
23 made pursuant to this paragraph, four and twenty-eight
24

1 one-hundredths percent (4.28%) shall be paid to the
2 State Treasurer to be apportioned to:

3 (1) the following sources and in the following
4 amounts through the fiscal year ending June 30,
5 2019:

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

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

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

21 (2) the Oklahoma Water Resources Board Rural Economic
22 Action Plan Water Projects Fund for the fiscal
23 year beginning July 1, 2019, and for each fiscal
24 year thereafter,

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

10 h. before any other apportionment of revenue has been
11 made pursuant to this paragraph, seven and fourteen
12 one-hundredths percent (7.14%) shall be allocated to
13 each county as provided in subparagraph g of this
14 paragraph and shall be apportioned, on an average
15 daily attendance per capita distribution basis, as
16 certified by the State Superintendent of Public
17 Instruction, to the school districts of the county
18 where such pupils attend school regardless of
19 residence of such pupil, provided the school district
20 makes an ad valorem tax levy of fifteen (15) mills for
21 the current year and maintains twelve (12) years of
22 instruction, and

23 i. before any other apportionment of revenue has been
24 made pursuant to this paragraph, five hundred thirty-

1 five one-thousandths percent (0.535%) of the levy
2 shall be transmitted by the Oklahoma Tax Commission to
3 the Statewide Circuit Engineering District Revolving
4 Fund as created in Section 687.2 of Title 69 of the
5 Oklahoma Statutes;

6 7. For all monies collected from the tax levied on oil at a tax
7 rate of four percent (4%) pursuant to the provisions of subsections
8 B and E, and subparagraphs d and e of paragraph 2 of subsection H of
9 Section 1001 of this title and five percent (5%) pursuant to the
10 provisions of subsection E and subparagraphs d and e of paragraph 2
11 of subsection H 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 Revenue Stabilization Fund created
15 by Section 34.102 of Title 62 of the Oklahoma
16 Statutes, after the applicable maximum amount
17 prescribed by subsection C of this section has been
18 deposited to the funds therein specified, the amount
19 of revenue, if any, which would otherwise be
20 apportioned to the General Revenue Fund and which
21 exceeds the moving five-year average amount for oil as
22 defined pursuant to paragraph 2 of subsection A of
23 this section,
24

1 b. 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 Common Education
5 Technology Revolving Fund created in Section 34.90 of
6 Title 62 of the Oklahoma Statutes,

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

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

19 e. before any other apportionment of revenue has been
20 made pursuant to this paragraph, three and twenty-
21 eight one-hundredths percent (3.28%) shall be
22 distributed to the various counties of the state for
23 deposit into the County Bridge and Road Improvement
24 Fund of each county based on a formula developed by

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

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

16 (1) the following sources and in the following
17 amounts through the fiscal year ending June 30,
18 2019:

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

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

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

11 (2) the Oklahoma Water Resources Board Rural Economic
12 Action Plan Water Projects Fund for the fiscal
13 year beginning July 1, 2019, and for each fiscal
14 year thereafter,

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

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

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

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

22 a. fifty percent (50%) of the sum collected shall be paid
23 to the various county treasurers, to be credited to
24 the County Highway Fund as follows: Each county shall

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

5 b. fifty percent (50%) shall be allocated to each county
6 as provided for in subparagraph a of this paragraph
7 and shall be apportioned on an average daily
8 attendance per capita distribution basis, as certified
9 by the State Superintendent of Public Instruction, to
10 the 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 9. For all monies collected from the tax levied on oil at a tax
16 rate of two percent (2%) or five percent (5%) pursuant to the
17 provisions of ~~subparagraph~~ subparagraphs c and d of paragraph 3 of
18 subsection B of Section 1001 of this title:

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, the amount of revenue, if any, which exceeds
24 the moving five-year average amount for oil as defined

1 pursuant to paragraph 2 of subsection A of this
2 section,

3 b. until the apportionment to the General Revenue Fund
4 equals the moving five-year average amount for oil as
5 prescribed by paragraph 2 of subsection A of this
6 section, fifty percent (50%) shall be paid to the
7 State Treasurer to be placed in the General Revenue
8 Fund of the state and used for the general expense of
9 state government, to be paid out pursuant to direct
10 appropriation by the Legislature,

11 c. before any other apportionment of revenue has been
12 made pursuant to this paragraph, twenty-five percent
13 (25%) of the sum collected from oil shall be paid to
14 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 d. before any other apportionment of revenue has been
21 made pursuant to this paragraph, twenty-five percent
22 (25%) shall be allocated to each county as provided in
23 subparagraph c of this paragraph and shall be
24 apportioned on an average daily attendance per capita

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

8 C. Provided, notwithstanding any other provision of this
9 section, the total amounts deposited to the Common Education
10 Technology Revolving Fund, the Higher Education Capital Revolving
11 Fund, the Oklahoma Student Aid Revolving Fund, the Rural Economic
12 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation
13 Department Capital Expenditure Revolving Fund, the Oklahoma
14 Conservation Commission Infrastructure Revolving Fund and the
15 Community Water Infrastructure Development Revolving Fund pursuant
16 to paragraphs 6 and 7 of subsection B of this section shall not
17 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any
18 fiscal year. Except as otherwise provided in this subsection, all
19 sums in excess of One Hundred Fifty Million Dollars
20 (\$150,000,000.00) in any fiscal year which would otherwise be
21 deposited in such funds shall be apportioned by the Oklahoma Tax
22 Commission to the General Revenue Fund of the state.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 56-1EX-50016 JM 09/22/17

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24