

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 557

By: Bice

4  
5  
6 AS INTRODUCED

7 An Act relating to the gross production tax code;  
8 amending 68 O.S. 2011, Section 1004, as last amended  
9 by Section 8, Chapter 8, 2nd Extraordinary Session,  
10 O.S.L. 2018 (68 O.S. Supp. 2018, Section 1004), which  
11 relates to apportionment and use of proceeds of tax;  
12 extending sunset date of certain apportionments;  
13 updating statutory references; providing an effective  
14 date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1004, as  
17 last amended by Section 8, Chapter 8, 2nd Extraordinary Session,  
18 O.S.L. 2018 (68 O.S. Supp. 2018, Section 1004), is amended to read  
19 as follows:

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

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

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

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

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

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

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

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

19                   the sum collected from natural gas and/or casinghead  
20 gas or asphalt or ores bearing uranium, lead, zinc,  
21 jack, gold, silver or copper shall be paid to the  
22 various county treasurers to be credited to the County  
23 Highway Fund as follows: Each county shall receive a  
24 proportionate share of the funds available based upon

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

- 4 c. seven and fourteen one-hundredths percent (7.14%)  
5 shall be allocated to each county as provided for in  
6 subparagraph b 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 2. For all monies collected from the tax levied on natural gas  
16 and/or casinghead gas at a tax rate of seven percent (7%) pursuant  
17 to the provisions of subsection B of Section 1001 of this title:

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

1 gas to the Revenue Stabilization Fund created by  
2 Section 34.102 of Title 62 of the Oklahoma Statutes,  
3 the amount of revenue, if any, which exceeds the  
4 moving five-year average amount for gas as defined  
5 pursuant to paragraph 1 of subsection A of this  
6 section,

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

16 c. before any other apportionment of revenue has been  
17 made pursuant to this paragraph, seven and fourteen  
18 one-hundredths percent (7.14%) of the sum collected  
19 from natural gas and/or casinghead gas shall be paid  
20 to the various county treasurers to be credited to the  
21 County Highway Fund as follows: Each county shall  
22 receive a proportionate share of the funds available  
23 based upon the proportion of the total value of  
24

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

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

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

19 a. after the total revenue apportioned to the General  
20 Revenue Fund as prescribed by subparagraph b of this  
21 paragraph equals the moving five-year average amount  
22 for gas as defined by paragraph 1 of subsection A of  
23 this section, there shall be apportioned from the  
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, seventy-five percent (75%) shall be paid to  
12 the State Treasurer of the state to be placed in the  
13 General Revenue Fund of the state and used for the  
14 general expense of state government, to be paid out  
15 pursuant to direct appropriation by the Legislature,

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

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

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

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

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

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

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

13 5. For all monies collected from the tax levied on natural gas  
14 and/or casinghead gas at a tax rate of two percent (2%) pursuant to  
15 the provisions of subparagraph c of paragraph 3 of subsection B of  
16 Section 1001 of this title:

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



1 Oklahoma Statutes, the amount of revenue, if any,  
2 which exceeds the moving five-year average amount for  
3 natural gas and/or casinghead gas as defined pursuant  
4 to paragraph 1 of subsection A of this section,

5 b. until the apportionment to the General Revenue Fund  
6 equals the moving five-year average amount for gas as  
7 prescribed by paragraph 1 of subsection A of this  
8 section, fifty percent (50%) shall be paid to the  
9 State Treasurer to be placed in the General Revenue  
10 Fund of the state and used for the general expense of  
11 state 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, twenty-five percent  
15 (25%) of the sum collected from natural gas and/or  
16 casinghead gas shall be paid to the various county  
17 treasurers to be credited to the County Highway Fund  
18 as follows: Each county shall receive a proportionate  
19 share of the funds available based upon the proportion  
20 of the total value of production from such county in  
21 the corresponding month of the preceding year, and

22 d. before any other apportionment of revenue has been  
23 made pursuant to this paragraph, twenty-five percent  
24 (25%) shall be allocated to each county as provided

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

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

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

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

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

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

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

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

12 f. before any other apportionment of revenue has been  
13 made pursuant to this paragraph, four and twenty-eight  
14 one-hundredths percent (4.28%) shall be paid to the  
15 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~~ 2023:

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,

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~~ 2023, and for each  
14 fiscal year thereafter,

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

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

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

21 7. For all monies collected from the tax levied on oil at a tax  
22 rate of four percent (4%) pursuant to the provisions of subsections  
23 B and E 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, after the applicable maximum amount  
6 prescribed by subsection C of this section has been  
7 deposited to the funds therein specified, the amount  
8 of revenue, if any, which would otherwise be  
9 apportioned to the General Revenue Fund and which  
10 exceeds the moving five-year average amount for oil as  
11 defined pursuant to paragraph 2 of subsection A of  
12 this section,

13 b. 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 Common Education  
17 Technology Revolving Fund created in Section 34.90 of  
18 Title 62 of the Oklahoma Statutes,

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

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

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



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

5 (1) the following sources and in the following  
6 amounts through the fiscal year ending June 30,  
7 ~~2019~~ 2023:

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

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

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

23 (2) the Oklahoma Water Resources Board Rural Economic  
24 Action Plan Water Projects Fund for the fiscal

1 year beginning July 1, ~~2019~~ 2023, and for each  
2 fiscal year thereafter,

3 g. 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 oil shall be  
6 paid to the various county treasurers, to be credited  
7 to the County Highway Fund as follows: Each county  
8 shall receive a proportionate share of the funds  
9 available based upon the proportion of the total value  
10 of production from such county in the corresponding  
11 month of the preceding year,

12 h. before any other apportionment of revenue has been  
13 made pursuant to this paragraph, twelve and one-half  
14 percent (12.5%) shall be allocated to each county as  
15 provided in subparagraph g of this paragraph and shall  
16 be apportioned on an average daily attendance per  
17 capita distribution basis, as certified by the State  
18 Superintendent of Public Instruction, to the school  
19 districts of the county where such pupils attend  
20 school regardless of residence of such pupil, provided  
21 the school district makes an ad valorem tax levy of  
22 fifteen (15) mills for the current year and maintains  
23 twelve (12) years of instruction, and

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

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

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

1           levy of fifteen (15) mills for the current year and  
2           maintains twelve (12) years of instruction;

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

6           a. there shall be apportioned from the gross production  
7 tax levy imposed pursuant to Section 1001 of this  
8 title on oil to the Revenue Stabilization Fund created  
9 by Section 34.102 of Title 62 of the Oklahoma  
10 Statutes, the amount of revenue, if any, which exceeds  
11 the moving five-year average amount for oil as defined  
12 pursuant to paragraph 2 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 oil as  
16 prescribed by paragraph 2 of subsection A of this  
17 section, fifty percent (50%) shall be paid to the  
18 State Treasurer to be placed in the General Revenue  
19 Fund of the state and used for the general expense of  
20 state government, to be paid out pursuant to direct  
21 appropriation by the Legislature,

22           c. before any other apportionment of revenue has been  
23 made pursuant to this paragraph, twenty-five percent  
24 (25%) of the sum collected from oil shall be paid to  
25

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

- 7 d. before any other apportionment of revenue has been  
8 made pursuant to this paragraph, twenty-five percent  
9 (25%) shall be allocated to each county as provided in  
10 subparagraph c of this paragraph and shall be  
11 apportioned on an average daily attendance per capita  
12 distribution basis, as certified by the State  
13 Superintendent of Public Instruction, to the school  
14 districts of the county where such pupils attend  
15 school regardless of residence of such pupil, provided  
16 the school district makes an ad valorem tax levy of  
17 fifteen (15) mills for the current year and maintains  
18 twelve (12) years of instruction;

19 10. On or after ~~the effective date of this act~~ July 17, 2018,  
20 the gross production tax levied on natural gas or casinghead gas at  
21 the rate of five percent (5%) provided for in paragraph 3 of  
22 subsection B of Section 1001 of this title shall be apportioned as  
23 follows:  
24

- 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 pursuant  
9 to Section 34.102 of Title 62 of the Oklahoma  
10 Statutes, the amount of revenue, if any, which exceeds  
11 the 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 percent (80%) shall be paid to the  
18 State Treasurer of the state to be placed in the  
19 General Revenue Fund of the state and used for the  
20 general expense of state government, to be paid out  
21 pursuant to direct appropriation by the Legislature,
- 22 c. before any other apportionment of revenue has been  
23 made pursuant to this paragraph, ten percent (10%) of  
24 the sum collected from natural gas and/or casinghead

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

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

19 11. On or after ~~the effective date of this act~~ July 17, 2018,  
20 the gross production tax on oil levied at the rate of five percent  
21 (5%) provided for in paragraph 3 of subsection B of this title shall  
22 be apportioned as follows:

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-three and  
13 seventy-five one-hundredths percent (23.75%) 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-three and  
19 seventy-five one-hundredths percent (23.75%) 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-three and



1           seventy-five one-hundredths percent (23.75%) 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 twenty-  
7           eight one-hundredths percent (3.28%) shall be  
8           distributed to the various counties of the state for  
9           deposit into the County Bridge and Road Improvement  
10          Fund of each county based on a formula developed by  
11          the Department of Transportation and approved by the  
12          Department of Transportation County Advisory Board  
13          created pursuant to Section 302.1 of Title 69 of the  
14          Oklahoma Statutes to be used for the purposes set  
15          forth in the County Bridge and Road Improvement Act.  
16          The formula shall be similar to the formula currently  
17          used for the distribution of monies in the County  
18          Bridge Program funds, but shall also take into  
19          consideration the effect of the terrain and traffic  
20          volume as related to county road improvement and  
21          maintenance costs,

22          f.   before any other apportionment of revenue has been  
23          made pursuant to this paragraph, five percent (5%)

1 shall be paid to the State Treasurer to be apportioned  
2 to:

3 (1) the following sources and in the following  
4 amounts through the fiscal year ending June 30,  
5 ~~2019~~ 2023:

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~~ 2023, and for each  
24 fiscal year thereafter,

1 g. before any other apportionment of revenue has been  
2 made pursuant to this paragraph, ten percent (10%) of  
3 the sum collected from oil shall be paid to the  
4 various county treasurers, to be credited to the  
5 County Highway Fund as follows: Each county shall  
6 receive a proportionate share of the funds available  
7 based upon the proportion of the total value of  
8 production from such county in the corresponding month  
9 of the preceding year,

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

22 i. before any other apportionment of revenue has been  
23 made pursuant to this paragraph, forty-seven one-  
24 hundredths percent (0.47%) of the levy shall be

1 transmitted by the Tax Commission to the Statewide  
2 Circuit Engineering District Revolving Fund as created  
3 in Section 687.2 of Title 69 of the Oklahoma Statutes.

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

19 SECTION 2. This act shall become effective July 1, 2019.

20 SECTION 3. It being immediately necessary for the preservation  
21 of the public peace, health or safety, an emergency is hereby  
22  
23  
24

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.

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