

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 1033, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Schulz

Schulz-JCR-FS-Req#38XX  
3/12/2018 10:32 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Extraordinary Session of the 56th Legislature (2017)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 1033

By: Wallace and Casey of the  
House

6 and

7 David and Fields of the  
8 House

9  
10 FLOOR SUBSTITUTE

11 An Act relating to revenue and taxation; stating  
12 purpose pursuant to the authority provided in Section  
13 57 of Article V of the Oklahoma Constitution;  
14 amending 68 O.S. 2011, Section 1354, as amended by  
15 Section 2, Chapter 323, O.S.L. 2012 (68 O.S. Supp.  
16 2017, Section 1354), which relates to sales tax;  
17 modifying amount of tax levy; amending 68 O.S. 2011,  
18 Section 1402, as amended by Section 4, Chapter 356,  
19 O.S.L. 2017 (68 O.S. Supp. 2017, Section 1402), which  
20 relates to use tax; modifying amount of tax levy;  
21 amending 68 O.S. 2011, Section 1001, as last amended  
22 by Section 1, Chapter 5, 1st Extraordinary Session  
23 O.S.L. 2017 (68 O.S. Supp. 2017, Section 1001), which  
24 relates to gross production tax; limiting time period  
during which certain rate is applicable; providing  
for rate applicable to specified production during  
certain time period; and providing for  
noncodification.

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

1 SECTION 1. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 The provisions of this measure are enacted pursuant to the  
4 authority provided in Section 57 of Article V of the Oklahoma  
5 Constitution for a general revenue bill.

6 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1354, as  
7 amended by Section 2, Chapter 323, O.S.L. 2012 (68 O.S. Supp. 2017,  
8 Section 1354), is amended to read as follows:

9 Section 1354. A. There is hereby levied upon all sales, not  
10 otherwise exempted in the Oklahoma Sales Tax Code, an excise tax of  
11 ~~four and one-half percent (4.5%)~~ five and one-half percent (5.5%) of  
12 the gross receipts or gross proceeds of each sale of the following:

13 1. Tangible personal property, except newspapers and  
14 periodicals;

15 2. Natural or artificial gas, electricity, ice, steam, or any  
16 other utility or public service, except water, sewage and refuse.

17 Provided, the rate of ~~four and one-half percent (4.5%)~~ five and one-  
18 half percent (5.5%) shall not apply to sales subject to the  
19 provisions of paragraph 6 of Section 1357 of this title;

20 3. Transportation for hire to persons by common carriers,  
21 including railroads both steam and electric, motor transportation  
22 companies, pullman car companies, airlines, and other means of  
23 transportation for hire, excluding:  
24

- 1 a. transportation services provided by a tourism service  
2 broker which are incidental to the rendition of  
3 tourism brokerage services by such broker to a  
4 customer regardless of whether or not such  
5 transportation services are actually owned and  
6 operated by the tourism service broker. For purposes  
7 of this subsection, "tourism service broker" means any  
8 person, firm, association or corporation or any  
9 employee of such person, firm, association or  
10 corporation which, for a fee, commission or other  
11 valuable consideration, arranges or offers to arrange  
12 trips, tours or other vacation or recreational travel  
13 plans for a customer, and
- 14 b. transportation services provided by a funeral  
15 establishment to family members and other persons for  
16 purposes of conducting a funeral in this state;

17 4. Intrastate, interstate and international telecommunications  
18 services sourced to this state in accordance with Section 1354.30 of  
19 this title and ancillary services. Provided:

- 20 a. the term "telecommunications services" shall mean the  
21 electronic transmission, conveyance, or routing of  
22 voice, data, audio, video, or any other information or  
23 signals to a point, or between or among points. The  
24 term "telecommunications services" includes such

1 transmission, conveyance, or routing in which computer  
2 processing applications are used to act on the form,  
3 code or protocol of the content for purposes of  
4 transmission, conveyance or routing without regard to  
5 whether such service is referred to as voice-over  
6 Internet protocol services or is classified by the  
7 Federal Communications Commission as enhanced or value  
8 added. "Telecommunications services" do not include:

- 9 (1) data processing and information services that  
10 allow data to be generated, acquired, stored,  
11 processed, or retrieved and delivered by an  
12 electronic transmission to a purchaser where such  
13 purchaser's primary purpose for the underlying  
14 transaction is the processed data or information,  
15 (2) installation or maintenance of wiring or  
16 equipment on a customer's premises,  
17 (3) tangible personal property,  
18 (4) advertising, including but not limited to  
19 directory advertising,  
20 (5) billing and collection services provided to third  
21 parties,  
22 (6) Internet access services,  
23 (7) radio and television audio and video programming  
24 services, regardless of the medium, including the

1                   furnishing of transmission, conveyance and  
2                   routing of such services by the programming  
3                   service provider. Radio and television audio and  
4                   video programming services shall include, but not  
5                   be limited to, cable service as defined in 47  
6                   U.S.C. 522(6) and audio and video programming  
7                   services delivered by commercial mobile radio  
8                   service providers, as defined in 47 C.F.R. 20.3;

9                   (8) ancillary services, or

10                   (9) digital products delivered electronically,  
11                   including but not limited to, software, music,  
12                   video, reading materials or ring tones,

13                   b. the term "interstate" means a "telecommunications  
14                   service" that originates in one United States state,  
15                   or a United States territory or possession, and  
16                   terminates in a different United States state or a  
17                   United States territory or possession,

18                   c. the term "intrastate" means a telecommunications  
19                   service that originates in one United States state or  
20                   a United States territory or possession, and  
21                   terminates in the same United States state or a United  
22                   States territory or possession,

23                   d. the term "ancillary services" means services that are  
24                   associated with or incidental to the provision of

1 telecommunications services, including but not limited  
2 to "detailed telecommunications billing", "directory  
3 assistance", "vertical service", and "voice mail  
4 services",

5 e. in the case of a bundled transaction that includes  
6 telecommunication service, ancillary service, internet  
7 access or audio or video programming service:

8 (1) if the price is attributable to products that are  
9 taxable and products that are nontaxable, the  
10 portion of the price attributable to the  
11 nontaxable products may be subject to tax unless  
12 the provider can identify by reasonable and  
13 verifiable standards such portion for its books  
14 and records kept in the regular course of  
15 business for other purposes, including, but not  
16 limited to, nontax purposes, and

17 (2) the provisions of this paragraph shall apply  
18 unless otherwise provided by federal law, and

19 f. a sale of prepaid calling service or prepaid wireless  
20 calling service shall be taxable at the time of sale  
21 to the customer;

22 5. Telecommunications nonrecurring charges, which means an  
23 amount billed for the installation, connection, change or initiation  
24 of telecommunications services received by a customer;

1       6. Printing or printed matter of all types, kinds, or character  
2 and, except for services of printing, copying or photocopying  
3 performed by a privately owned scientific and educational library  
4 sustained by monthly or annual dues paid by members sharing the use  
5 of such services with students interested in the study of geology,  
6 petroleum engineering or related subjects, any service of printing  
7 or overprinting, including the copying of information by mimeograph,  
8 multigraph, or by otherwise duplicating written or printed matter in  
9 any manner, or the production of microfiche containing information  
10 from magnetic tapes or other media furnished by customers;

11       7. Service of furnishing rooms by hotel, apartment hotel,  
12 public rooming house, motel, public lodging house, or tourist camp;

13       8. Service of furnishing storage or parking privileges by auto  
14 hotels or parking lots;

15       9. Computer hardware, software, coding sheets, cards, magnetic  
16 tapes or other media on which prewritten programs have been coded,  
17 punched, or otherwise recorded, including the gross receipts from  
18 the licensing of software programs;

19       10. Foods, confections, and all drinks sold or dispensed by  
20 hotels, restaurants, or other dispensers, and sold for immediate  
21 consumption upon the premises or delivered or carried away from the  
22 premises for consumption elsewhere;

23       11. Advertising of all kinds, types, and characters, including  
24 any and all devices used for advertising purposes except those



1 specifically exempt pursuant to the provisions of Section 1357 of  
2 this title;

3 12. Dues or fees to clubs including free or complimentary dues  
4 or fees which have a value equivalent to the charge that would have  
5 otherwise been made, including any fees paid for the use of  
6 facilities or services rendered at a health spa or club or any  
7 similar facility or business;

8 13. Tickets for admission to or voluntary contributions made to  
9 places of amusement, sports, entertainment, exhibition, display, or  
10 other recreational events or activities, including free or  
11 complimentary admissions which have a value equivalent to the charge  
12 that would have otherwise been made;

13 14. Charges made for the privilege of entering or engaging in  
14 any kind of activity, such as tennis, racquetball, or handball, when  
15 spectators are charged no admission fee;

16 15. Charges made for the privilege of using items for  
17 amusement, sports, entertainment, or recreational activity, such as  
18 trampolines or golf carts;

19 16. The rental of equipment for amusement, sports,  
20 entertainment, or other recreational activities, such as bowling  
21 shoes, skates, golf carts, or other sports or athletic equipment;

22 17. The gross receipts from sales from any vending machine  
23 without any deduction for rental to locate the vending machine on  
24

1 the premises of a person who is not the owner or any other  
2 deductions therefrom;

3 18. The gross receipts or gross proceeds from the rental or  
4 lease of tangible personal property, including rental or lease of  
5 personal property when the rental or lease agreement requires the  
6 vendor to launder, clean, repair, or otherwise service the rented or  
7 leased property on a regular basis, without any deduction for the  
8 cost of the service rendered. If the rental or lease charge is  
9 based on the retail value of the property at the time of making the  
10 rental or lease agreement and the expected life of the property, and  
11 the rental or lease charge is separately stated from the service  
12 cost in the statement, bill, or invoice delivered to the consumer,  
13 the cost of services rendered shall be deducted from the gross  
14 receipts or gross proceeds;

15 19. Flowers, plants, shrubs, trees, and other floral items,  
16 whether or not produced by the vendor, sold by persons engaged in  
17 florist or nursery business in this state, including all orders  
18 taken by an Oklahoma business for delivery in another state. All  
19 orders taken outside this state for delivery within this state shall  
20 not be subject to the taxes levied in this section;

21 20. Tangible personal property sold to persons, peddlers,  
22 solicitors, or other salesmen, for resale when there is likelihood  
23 that this state will lose tax revenue due to the difficulty of  
24 enforcing the provisions of the Oklahoma Sales Tax Code because of:

- 1 a. the operation of the business,
- 2 b. the nature of the business,
- 3 c. the turnover of independent contractors,
- 4 d. the lack of place of business in which to display a
- 5 permit or keep records,
- 6 e. lack of adequate records,
- 7 f. the fact that the persons are minors or transients,
- 8 g. the fact that the persons are engaged in service
- 9 businesses, or
- 10 h. any other reasonable reason;

11 21. Any taxable services and tangible personal property  
12 including materials, supplies, and equipment sold to contractors for  
13 the purpose of developing and improving real estate even though said  
14 real estate is intended for resale as real property, hereby declared  
15 to be sales to consumers or users, however, taxable materials,  
16 supplies and equipment sold to contractors as provided by this  
17 subsection which are purchased as a result of and subsequent to the  
18 date of a contract entered into either prior to the effective date  
19 of any law increasing the rate of sales tax imposed by this article,  
20 or entered into prior to the effective date of an ordinance or other  
21 measure increasing the sales tax levy of a political subdivision  
22 shall be subject to the rate of sales tax applicable, as of the date  
23 such contract was entered into, to sales of such materials, supplies  
24 and equipment if such purchases are required in order to complete

1 the contract. Such rate shall be applicable to purchases made  
2 pursuant to the contract or any change order under the contract  
3 until the contract or any change order has been completed, accepted  
4 and the contractor has been discharged from any further obligation  
5 under the contract or change order or until two (2) years from the  
6 date on which the contract was entered into whichever occurs first.  
7 The increased sales tax rate shall be applicable to all such  
8 purchases at the time of sale and the contractor shall file a claim  
9 for refund before the expiration of three (3) years after the date  
10 of contract completion or five (5) years after the contract was  
11 entered into, whichever occurs earlier. However, the Oklahoma Tax  
12 Commission shall prescribe rules and regulations and shall provide  
13 procedures for the refund to a contractor of sales taxes collected  
14 on purchases eligible for the lower sales tax rate authorized by  
15 this subsection;

16 22. Any taxable services and tangible personal property sold to  
17 persons who are primarily engaged in selling their services, such as  
18 repairmen, hereby declared to be sales to consumers or users; and

19 23. Canoes and paddleboats as defined in Section 4002 of Title  
20 63 of the Oklahoma Statutes.

21 B. All solicitations or advertisements in print or electronic  
22 media by Group Three vendors, for the sale of tangible property to  
23 be delivered within this state, shall contain a notice that the sale

24

1 is subject to Oklahoma sales tax, unless the sale is exempt from  
2 such taxation.

3 SECTION 3. AMENDATORY 68 O.S. 2011, Section 1402, as  
4 amended by Section 4, Chapter 356, O.S.L. 2017 (68 O.S. Supp. 2017,  
5 Section 1402), is amended to read as follows:

6 Section 1402. There is hereby levied and there shall be paid by  
7 every person storing, using, or otherwise consuming within this  
8 state, tangible personal property purchased or brought into this  
9 state, an excise tax on the storage, use, or other consumption in  
10 this state of such property at the rate of ~~four and one-half percent~~  
11 ~~(4.5%)~~ five and one-half percent (5.5%) of the purchase price of  
12 such property. Said tax shall not be levied on tangible personal  
13 property intended solely for use in other states, but which is  
14 stored in Oklahoma pending shipment to such other states or which is  
15 temporarily retained in Oklahoma for the purpose of fabrication,  
16 repair, testing, alteration, maintenance, or other service. The tax  
17 in such instances shall be paid at the time of importation or  
18 storage of the property within the state and a subsequent credit  
19 shall be taken by the taxpayer for the amount so paid upon removal  
20 of the property from the state. Such tax is hereby levied and shall  
21 be paid in an amount equal to ~~four and one-half percent (4.5%)~~ five  
22 and one-half percent (5.5%) of the purchase price of such tangible  
23 personal property. Notwithstanding the provisions of this section,  
24 the tax associated with a motor vehicle shall be paid by the

1 consumer in the same manner and time as the motor vehicle excise tax  
2 for said motor vehicle is due.

3 SECTION 4. AMENDATORY 68 O.S. 2011, Section 1001, as  
4 last amended by Section 1, Chapter 5, 1st Extraordinary Session  
5 O.S.L. 2017 (68 O.S. Supp. 2017, Section 1001), is amended to read  
6 as follows:

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

10 B. 1. Effective July 1, 2013, through June 30, 2015, except as  
11 otherwise exempted pursuant to subsections D, E, F, G, H, I and J of  
12 this section, there shall be levied upon the production of oil a tax  
13 equal to seven percent (7%) of the gross value of the production of  
14 oil based on a per barrel measurement of forty-two (42) U.S. gallons  
15 of two hundred thirty-one (231) cubic inches per gallon, computed at  
16 a temperature of sixty (60) degrees Fahrenheit.

17 2. Effective July 1, 2013, through June 30, 2015, except as  
18 otherwise exempted pursuant to subsections D, E, F, G, H, I and J of  
19 this section, there shall be levied a tax equal to seven percent  
20 (7%) of the gross value of the production of gas.

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

24

- 1 a. upon the production of oil a tax equal to seven  
2 percent (7%) of the gross value of the production of  
3 oil based on a per barrel measurement of forty-two  
4 (42) U.S. gallons of two hundred thirty-one (231)  
5 cubic inches per gallon, computed at a temperature of  
6 sixty (60) degrees Fahrenheit,
- 7 b. upon the production of gas a tax equal to seven  
8 percent (7%) of the gross value of the production of  
9 gas, ~~and~~
- 10 c. notwithstanding the levies in subparagraphs a and b of  
11 this paragraph, the production of oil, gas, or oil and  
12 gas from wells spudded on or after July 1, 2015, and  
13 prior to the effective date, shall be taxed at a rate  
14 of two percent (2%) commencing with the month of first  
15 production for a period of thirty-six (36) months;  
16 provided however, such production occurring on or  
17 after the effective date of this act for the remainder  
18 of such thirty-six-month period shall be taxed at a  
19 rate of four percent (4%). Thereafter, the production  
20 shall be taxed as provided in subparagraphs a and b of  
21 this paragraph, and
- 22 d. 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 the effective date

1           of this act shall be taxed at a rate of four percent  
2           (4%) commencing with the month of first production for  
3           a period of thirty-six (36) months. Thereafter, the  
4           production shall be taxed as provided in subparagraphs  
5           a and b of this paragraph.

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

9           D. 1. Except as otherwise provided in this section, for  
10 secondary recovery projects approved or having an initial project  
11 beginning date on or after July 1, 2000, and before July 1, 2017,  
12 any incremental production attributable to the working interest  
13 owners which results from such secondary recovery projects shall be  
14 exempt from the gross production tax levied pursuant to this section  
15 for a period not to exceed five (5) years from the initial project  
16 beginning date or for a period ending upon the termination of the  
17 secondary recovery process, whichever occurs first; provided  
18 however, that the exemption provided by this paragraph shall not  
19 apply to production occurring on or after July 1, 2017.

20           2. Except as otherwise provided in this section, for tertiary  
21 recovery projects approved and having a project beginning date on or  
22 after July 1, 1993, and before July 1, 2017, any incremental  
23 production attributable to the working interest owners which results  
24 from such tertiary recovery projects shall be exempt from the gross



1 production tax levied pursuant to this section from the project  
2 beginning date until project payback is achieved, but not to exceed  
3 a period of ten (10) years; provided however, that the exemption  
4 provided by this paragraph shall not apply to production occurring  
5 on or after July 1, 2017. Project payback pursuant to this  
6 paragraph shall be determined by appropriate payback indicators  
7 which will provide for the recovery of capital expenses and  
8 operating expenses, excluding administrative expenses, in  
9 determining project payback. The capital expenses of pipelines  
10 constructed to transport carbon dioxide to a tertiary recovery  
11 project shall not be included in determining project payback  
12 pursuant to this paragraph.

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

16 4. For purposes of this subsection:

17 a. "incremental production" means the amount of crude oil  
18 or other liquid hydrocarbons which is produced during  
19 an enhanced recovery project and which is in excess of  
20 the base production amount of crude oil or other  
21 liquid hydrocarbons. The base production amount shall  
22 be the average monthly amount of production for the  
23 twelve-month period immediately prior to the project  
24 beginning date minus the monthly rate of production

1           decline for the project for each month beginning one  
2           hundred eighty (180) days prior to the project  
3           beginning date. The monthly rate of production  
4           decline shall be equal to the average extrapolated  
5           monthly decline rate for the twelve-month period  
6           immediately prior to the project beginning date as  
7           determined by the Corporation Commission based on the  
8           production history of the field, its current status,  
9           and sound reservoir engineering principles, and

10          b. "project beginning date" means the date on which the  
11           injection of liquids, gases, or other matter begins on  
12           an enhanced recovery project.

13          5. The Corporation Commission shall promulgate rules for the  
14           qualification for this exemption which shall include, but not be  
15           limited to, procedures for determining incremental production as  
16           defined in subparagraph a of paragraph 4 of this subsection, and the  
17           establishment of appropriate payback indicators as approved by the  
18           Tax Commission for the determination of project payback for each of  
19           the exemptions authorized by this subsection.

20          6. For new secondary recovery projects and tertiary recovery  
21           projects approved by the Corporation Commission on or after July 1,  
22           1993, and before July 1, 2017, such approval shall constitute  
23           qualification for an exemption.

1           7. Any person seeking an exemption shall file an application  
2 for such exemption with the Tax Commission which, upon determination  
3 of qualification by the Corporation Commission, shall approve the  
4 application for such exemption.

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

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

11           E. 1. Except as otherwise provided in this section, the  
12 production of oil, gas or oil and gas from a horizontally drilled  
13 well producing prior to July 1, 2011, which production commenced  
14 after July 1, 2002, shall be exempt from the gross production tax  
15 levied pursuant to subsection B of this section from the project  
16 beginning date until project payback is achieved but not to exceed a  
17 period of forty-eight (48) months commencing with the month of  
18 initial production from the horizontally drilled well. For purposes  
19 of subsection D of this section and this subsection, project payback  
20 shall be determined as of the date of the completion of the well and  
21 shall not include any expenses beyond the completion date of the  
22 well, and subject to the approval of the Tax Commission.

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

4           3. For production commenced on or after July 1, 2011, and prior  
5 to July 1, 2015, the tax levied pursuant to the provisions of this  
6 section on the production of oil, gas or oil and gas from a  
7 horizontally drilled well shall be reduced to a rate of one percent  
8 (1%) for a period of forty-eight (48) months from the month of  
9 initial production; provided however, such production occurring on  
10 or after July 1, 2017, for the remainder of such forty-eight-month  
11 period shall be subject to a reduced rate of four percent (4%);  
12 further provided, any reduced rate provided by this paragraph shall  
13 not apply to production occurring during or after the first full  
14 month following the effective date of this act. The taxes collected  
15 from the production of oil shall be apportioned pursuant to the  
16 provisions of paragraph 7 of subsection B of Section 1004 of this  
17 title. The taxes collected from the production of gas shall be  
18 apportioned pursuant to the provisions of paragraph 3 of subsection  
19 B of Section 1004 of this title.

20           4. The production of oil, gas or oil and gas on or after July  
21 1, 2011, and prior to July 1, 2015, from these qualifying wells  
22 shall be taxed at a rate of one percent (1%) until the expiration of  
23 forty-eight (48) months commencing with the month of initial  
24 production.

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

7           F. 1. Except as otherwise provided by this section, the  
8 severance or production of oil, gas or oil and gas from an inactive  
9 well shall be exempt from the gross production tax levied pursuant  
10 to subsection B of this section for a period of twenty-eight (28)  
11 months from the date upon which production is reestablished;  
12 provided however, that the exemption provided by this paragraph  
13 shall not apply to production occurring on or after July 1, 2017.  
14 This exemption shall take effect July 1, 1994, and shall apply to  
15 wells for which work to reestablish or enhance production began on  
16 or after July 1, 1994, and for which production is reestablished  
17 prior to July 1, 2017. For all such production, a refund against  
18 gross production taxes shall be issued as provided in subsection L  
19 of this section.

20           2. As used in this subsection, for wells for which production  
21 is reestablished prior to July 1, 1997, "inactive well" means any  
22 well that has not produced oil, gas or oil and gas for a period of  
23 not less than two (2) years as evidenced by the appropriate forms on  
24 file with the Corporation Commission reflecting the well's status.

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

12 G. 1. Except as otherwise provided by this section, any  
13 incremental production which results from a production enhancement  
14 project shall be exempt from the gross production tax levied  
15 pursuant to subsection B of this section for a period of twenty-  
16 eight (28) months from the date of first sale after project  
17 completion of the production enhancement project; provided however,  
18 that the exemption provided by this paragraph shall not apply to  
19 production occurring on or after July 1, 2017. This exemption shall  
20 take effect July 1, 1994, and shall apply to production enhancement  
21 projects having a project beginning date on or after July 1, 1994,  
22 and prior to July 1, 2017. For all such production, a refund  
23 against gross production taxes shall be issued as provided in  
24 subsection L of this section.

1        2. As used in this subsection:

2            a. for production enhancement projects having a project  
3            beginning date on or after July 1, 1997, and prior to  
4            July 1, 2017, "production enhancement project" means  
5            any workover as defined in this paragraph,  
6            recompletion as defined in this paragraph, reentry of  
7            plugged and abandoned wellbores, or addition of a well  
8            or field compression,

9            b. "incremental production" means the amount of crude  
10           oil, natural gas or other hydrocarbons which are  
11           produced as a result of the production enhancement  
12           project in excess of the base production,

13           c. "base production" means the average monthly amount of  
14           production for the twelve-month period immediately  
15           prior to the commencement of the project or the  
16           average monthly amount of production for the twelve-  
17           month period immediately prior to the commencement of  
18           the project less the monthly rate of production  
19           decline for the project for each month beginning one  
20           hundred eighty (180) days prior to the commencement of  
21           the project. The monthly rate of production decline  
22           shall be equal to the average extrapolated monthly  
23           decline rate for the twelve-month period immediately  
24           prior to the commencement of the project based on the

1 production history of the well. If the well or wells  
2 covered in the application had production for less  
3 than the full twelve-month period prior to the filing  
4 of the application for the production enhancement  
5 project, the base production shall be the average  
6 monthly production for the months during that period  
7 that the well or wells produced,

8 d. for production enhancement projects having a project  
9 beginning date on or after July 1, 1997, and prior to  
10 July 1, 2017, "recompletion" means any downhole  
11 operation in an existing oil or gas well that is  
12 conducted to establish production of oil or gas from  
13 any geologic interval not currently completed or  
14 producing in such existing oil or gas well within the  
15 same or a different geologic formation, and

16 e. "workover" means any downhole operation in an existing  
17 oil or gas well that is designed to sustain, restore  
18 or increase the production rate or ultimate recovery  
19 in a geologic interval currently completed or  
20 producing in the existing oil or gas well. For  
21 production enhancement projects having a project  
22 beginning date on or after July 1, 1997, and prior to  
23 July 1, 2017, "workover" includes, but is not limited  
24 to:



- 1 (1) acidizing,
- 2 (2) reperforating,
- 3 (3) fracture treating,
- 4 (4) sand/paraffin/scale removal or other wellbore
- 5 cleanouts,
- 6 (5) casing repair,
- 7 (6) squeeze cementing,
- 8 (7) installation of compression on a well or group of
- 9 wells or initial installation of artificial lifts
- 10 on gas wells, including plunger lifts, rod pumps,
- 11 submersible pumps and coiled tubing velocity
- 12 strings,
- 13 (8) downsizing existing tubing to reduce well
- 14 loading,
- 15 (9) downhole commingling,
- 16 (10) bacteria treatments,
- 17 (11) upgrading the size of pumping unit equipment,
- 18 (12) setting bridge plugs to isolate water production
- 19 zones, or
- 20 (13) any combination thereof.

21 "Workover" shall not mean the routine maintenance,  
22 routine repair, or like for like replacement of  
23 downhole equipment such as rods, pumps, tubing,  
24 packers, or other mechanical devices.

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

4 2. Except as otherwise provided in subsection K of this  
5 section:

6 a. the production of oil, gas or oil and gas from wells  
7 spudded between July 1, 1997, and July 1, 2005, and  
8 drilled to a depth of twelve thousand five hundred  
9 (12,500) feet or greater and wells spudded between  
10 July 1, 2005, and July 1, 2015, and drilled to a depth  
11 between twelve thousand five hundred (12,500) feet and  
12 fourteen thousand nine hundred ninety-nine (14,999)  
13 feet shall be exempt from the gross production tax  
14 levied pursuant to subsection B of this section from  
15 the date of first sales for a period of twenty-eight  
16 (28) months; provided however, that the exemption  
17 provided by this subparagraph shall not apply to  
18 production occurring on or after July 1, 2017,

19 b. the production of oil, gas or oil and gas from wells  
20 spudded between July 1, 2002, and July 1, 2005, and  
21 drilled to a depth of fifteen thousand (15,000) feet  
22 or greater and wells spudded between July 1, 2005, and  
23 July 1, 2011, and drilled to a depth between fifteen  
24 thousand (15,000) feet and seventeen thousand four

1 hundred ninety-nine (17,499) feet shall be exempt from  
2 the gross production tax levied pursuant to subsection  
3 B of this section from the date of first sales for a  
4 period of forty-eight (48) months,

5 c. the production of oil, gas or oil and gas from wells  
6 spudded between July 1, 2002, and July 1, 2011, and  
7 drilled to a depth of seventeen thousand five hundred  
8 (17,500) feet or greater shall be exempt from the  
9 gross production tax levied pursuant to subsection B  
10 of this section from the date of first sales for a  
11 period of sixty (60) months,

12 d. the tax levied pursuant to the provisions of this  
13 section on the production of oil, gas or oil and gas  
14 from wells spudded between July 1, 2011, and July 1,  
15 2015, and drilled to a depth between fifteen thousand  
16 (15,000) feet and seventeen thousand four hundred  
17 ninety-nine (17,499) feet shall be reduced to a rate  
18 of four percent (4%) for a period of forty-eight (48)  
19 months from the date of first sales; provided, the  
20 reduced rate provided by this subparagraph shall not  
21 apply to production occurring during or after the  
22 first full month following the effective date of this  
23 act. The taxes collected from the production of oil  
24 shall be apportioned pursuant to the provisions of

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

6 e. the tax levied pursuant to the provisions of this  
7 section on the production of oil, gas or oil and gas  
8 from wells spudded between July 1, 2011, and July 1,  
9 2015, and drilled to a depth of seventeen thousand  
10 five hundred (17,500) feet or greater shall be reduced  
11 to a rate of four percent (4%) for a period of sixty  
12 (60) months from the date of first sales; provided  
13 however, the reduced rate provided by this  
14 subparagraph shall not apply to production occurring  
15 during or after the first full month following the  
16 effective date of this act. The taxes collected from  
17 the production of oil shall be apportioned pursuant to  
18 the provisions of paragraph 7 of subsection B of  
19 Section 1004 of this title. The taxes collected from  
20 the production of gas shall be apportioned pursuant to  
21 the provisions of paragraph 3 of subsection B of  
22 Section 1004 of this title, and

23 f. the provisions of subparagraphs b and c of this  
24 paragraph shall only apply to the production of wells

1           qualifying for the exemption provided under these  
2           subparagraphs prior to July 1, 2011. The production  
3           of oil, gas or oil and gas on or after July 1, 2011,  
4           and before July 1, 2015, from wells qualifying under  
5           subparagraph b of this paragraph shall be taxed at a  
6           rate of four percent (4%) until the expiration of  
7           forty-eight (48) months from the date of first sales  
8           and the production of oil, gas or oil and gas on or  
9           after July 1, 2011, and before July 1, 2015, from  
10          wells qualifying under subparagraph c of this  
11          paragraph shall be taxed at a rate of four percent  
12          (4%) until the expiration of sixty (60) months from  
13          the date of first sales.

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

17          I. Except as otherwise provided by this section, the production  
18          of oil, gas or oil and gas from wells spudded or reentered between  
19          July 1, 1995, and July 1, 2015, which qualify as a new discovery  
20          pursuant to this subsection shall be exempt from the gross  
21          production tax levied pursuant to subsection B of this section from  
22          the date of first sales for a period of twenty-eight (28) months;  
23          provided however, that the exemption provided by this subsection  
24          shall not apply to production occurring on or after July 1, 2017.

1 For all such wells spudded or reentered, a refund against gross  
2 production taxes shall be issued as provided in subsection L of this  
3 section. As used in this subsection, "new discovery" means  
4 production of oil, gas or oil and gas from:

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

9 2. For wells spudded or reentered on or after July 1, 1997, and  
10 prior to July 1, 2015, a well that discovers crude oil in paying  
11 quantities beneath current production in a deeper producing interval  
12 that is more than one (1) mile from the nearest oil well producing  
13 from the same deeper producing interval;

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

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

23 J. Except as otherwise provided by this section, the production  
24 of oil, gas or oil and gas from any well, drilling of which is

1 commenced after July 1, 2000, and prior to July 1, 2015, located  
2 within the boundaries of a three-dimensional seismic shoot and  
3 drilled based on three-dimensional seismic technology, shall be  
4 exempt from the gross production tax levied pursuant to subsection B  
5 of this section from the date of first sales as follows:

6 1. If the three-dimensional seismic shoot is shot prior to July  
7 1, 2000, for a period of eighteen (18) months; and

8 2. If the three-dimensional seismic shoot is shot on or after  
9 July 1, 2000, for a period of twenty-eight (28) months; provided  
10 however, that the exemption provided by this subsection shall not  
11 apply to production occurring on or after July 1, 2017. For all  
12 such production, a refund against gross production taxes shall be  
13 issued as provided in subsection L of this section.

14 K. 1. The exemptions provided for in subsections F, G, I and J  
15 of this section, the exemption provided for in subparagraph a of  
16 paragraph 2 of subsection H of this section, and the exemptions  
17 provided for in subparagraphs b and c of paragraph 2 of subsection H  
18 of this section for production from wells spudded before July 1,  
19 2005, shall not apply:

20 a. to the severance or production of oil, upon  
21 determination by the Tax Commission that the average  
22 annual index price of Oklahoma oil exceeds Thirty  
23 Dollars (\$30.00) per barrel calculated on an annual  
24 calendar year basis, as adjusted for inflation using

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

9 (1) The "average annual index price" will be  
10 calculated by multiplying the West Texas  
11 Intermediate closing price by the "index price  
12 ratio". The index price ratio is defined as the  
13 immediate preceding three-year historical average  
14 ratio of the actual weighted average wellhead  
15 price to the West Texas Intermediate close price  
16 published on the last business day of each month.

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

20 (3) If the West Texas Intermediate Crude price is  
21 unavailable for any reason, an industry benchmark  
22 price may be substituted and used for the  
23 calculation of the index price as determined by  
24 the Tax Commission,



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

5           c.    to the severance or production of gas, upon  
6                    determination by the Tax Commission that the average  
7                    annual index price of Oklahoma gas exceeds Five  
8                    Dollars (\$5.00) per thousand cubic feet (mcf)  
9                    calculated on an annual calendar year basis as  
10                   adjusted for inflation using the Consumer Price Index-  
11                   All Urban Consumers (CPI-U) as published by the Bureau  
12                   of Labor Statistics of the U.S. Department of Labor or  
13                   its successor agency. Such adjustment shall be based  
14                   on the most current data available for the preceding  
15                   twelve-month period and shall be applied for the  
16                   fiscal year which begins on the July 1 date  
17                   immediately following the release of the CPI-U data by  
18                   the Bureau of Statistics.

19           (1)   The "average annual index price" will be  
20                    calculated by multiplying the Henry Hub 3-Day  
21                    Average Close price by the "index price ratio".  
22                    The index price ratio is defined as the immediate  
23                    preceding three-year historical average ratio of  
24                    the actual weighted average wellhead price to the

1 Henry Hub 3-Day Average Close price published on  
2 the last business day of each month.

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

6 (3) If the Henry Hub 3-Day Average Close price is  
7 unavailable for any reason, an industry benchmark  
8 price may be substituted and used for the  
9 calculation of the index price as determined by  
10 the Tax Commission.

11 2. Notwithstanding the exemptions granted pursuant to  
12 subsections F, G, I, J, paragraph 1 of subsection E, and  
13 subparagraph a of paragraph 2 of subsection H of this section, there  
14 shall continue to be levied upon the production of petroleum or  
15 other crude or mineral oil or natural gas or casinghead gas, as  
16 provided in subsection B of this section, from any wells provided  
17 for in subsections F, G, I, J, paragraph 1 of subsection E, and  
18 subparagraph a of paragraph 2 of subsection H of this section, a tax  
19 equal to one percent (1%) of the gross value of the production of  
20 petroleum or other crude or mineral oil or natural gas or casinghead  
21 gas. The tax hereby levied shall be apportioned as follows:

22 a. fifty percent (50%) of the sum collected shall be  
23 apportioned to the County Highway Fund as provided in  
24

1           subparagraph b of paragraph 1 of subsection B of  
2           Section 1004 of this title, and

- 3           b.   fifty percent (50%) of the sum collected shall be  
4           apportioned to the appropriate school district as  
5           provided in subparagraph c of paragraph 1 of  
6           subsection B of Section 1004 of this title.

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

10          L.   1.   Prior to July 1, 2015, and except as provided in  
11          subsection M of this section, for all oil and gas production exempt  
12          from gross production taxes pursuant to subsections E, F, G, H, I  
13          and J of this section during a given fiscal year, a refund of gross  
14          production taxes shall be issued to the well operator or a designee  
15          in the amount of such gross production taxes paid during such  
16          period, subject to the following provisions:

- 17           a.   a refund shall not be claimed until after the end of  
18           such fiscal year. As used in this subsection, a  
19           fiscal year shall be deemed to begin on July 1 of one  
20           calendar year and shall end on June 30 of the  
21           subsequent calendar year,  
22           b.   unless otherwise specified, no claims for refunds  
23           pursuant to the provisions of this subsection shall be  
24           filed more than eighteen (18) months after the first

1 day of the fiscal year in which the refund is first  
2 available,

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

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

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

23 If there are insufficient funds collected from the production of  
24 oil to satisfy the refunds claimed for oil production pursuant to

1 subsection E, F, G, H, I or J of this section, the Tax Commission  
2 shall pay the balance of the refund claims out of the gross  
3 production taxes collected from the production of gas.

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

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

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

20 c. no claims for refunds pursuant to the provisions of  
21 this subsection shall be filed by or on behalf of  
22 persons other than the operator or a working interest  
23 owner of record at the time of production,  
24

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

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

16          If there are insufficient funds collected from the production of  
17          oil or gas to satisfy the refunds claimed for oil or gas production  
18          pursuant to subsection F or G of this section, the Tax Commission  
19          shall pay the balance of the refund claims out of the gross  
20          production taxes collected from either the production of oil or gas,  
21          as necessary.

22          3. Notwithstanding any other provisions of law, after the  
23          effective date of this act, no refund of gross production taxes  
24          shall be claimed for oil and gas production exempt from gross

1 production taxes pursuant to subsections E, F, G, H, I and J of this  
2 section for production occurring prior to July 1, 2003.

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

7 M. Claims for refunds pursuant to the provisions of subsections  
8 F, G, I and J and subparagraph a of paragraph 2 of subsection H of  
9 this section for production periods ending on or before June 30,  
10 2017, shall be paid pursuant to the provisions of this subsection.  
11 The claims for refunds referenced herein shall be paid in equal  
12 payments over a period of thirty-six (36) months. The first payment  
13 shall be made after July 1, 2018, but prior to August 1, 2018. The  
14 Tax Commission shall provide, not later than June 30, 2018, to the  
15 operator or designated interest owner, a schedule of rebates to be  
16 paid out over the thirty-six-month period.

17 N. 1. The Corporation Commission and the Tax Commission shall  
18 promulgate joint rules for the qualification for the exemptions  
19 provided for in this section and the rules shall contain provisions  
20 for verification of any wells from which production may be qualified  
21 for the exemptions. The Tax Commission shall adopt rules and  
22 regulations which establish guidelines for production of oil or gas  
23 after July 1, 2011, which is exempt from tax pursuant to the  
24 provisions of paragraph 1 of subsection E and subparagraphs b and c

1 of paragraph 2 of subsection H of this section to remit tax at the  
2 reduced rate provided in paragraph 2 of subsection E and  
3 subparagraphs d and e of paragraph 2 of subsection H of this section  
4 until the end of the qualifying exemption period.

5 2. Any person requesting any exemption shall file an  
6 application for qualification for the exemption with the Corporation  
7 Commission which, upon finding that the well meets the requirements  
8 of this section, shall approve the application for qualification.

9 3. Any person seeking an exemption shall:

10 a. file an application for the exemption with the Tax  
11 Commission which, upon determination of qualification  
12 by the Corporation Commission, shall approve the  
13 application for an exemption, and

14 b. provide a copy of the approved application to the  
15 remitter of the gross production tax.

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

19 5. Upon the expiration of an exemption granted pursuant to this  
20 section, the Tax Commission shall collect the gross production tax  
21 levied pursuant to this section. If a person who qualifies for the  
22 exemption elects to remit his or her own gross production tax during  
23 the exemption period, the first purchaser shall not be liable to  
24 withhold or remit the tax until the first day of the month following



1 the receipt of written notification from the person who is qualified  
2 for such exemption stating that such exemption has expired and  
3 directing the first purchaser to resume tax remittance on his or her  
4 behalf.

5 O. 1. Prior to July 1, 2015, persons shall only be entitled to  
6 either the exemption granted pursuant to subsection D of this  
7 section or the exemption granted pursuant to subsection E, F, G, H,  
8 I or J of this section for each oil, gas or oil and gas well drilled  
9 or recompleted in this state. However, any person who qualifies for  
10 the exemption granted pursuant to subsection E, F, G, H, I or J of  
11 this section shall not be prohibited from qualification for the  
12 exemption granted pursuant to subsection D of this section, if the  
13 exemption granted pursuant to subsection E, F, G, H, I or J of this  
14 section has expired.

15 2. On or after July 1, 2015, all persons shall only be entitled  
16 to either the exemption granted pursuant to subsection D of this  
17 section or the exemption granted pursuant to subsection F or G of  
18 this section for each oil, gas, or oil and gas well drilled or  
19 recompleted in this state. However, any person who qualifies for  
20 the exemption granted pursuant to subsections F and G of this  
21 section shall not be prohibited from qualification for the exemption  
22 granted pursuant to subsection D of this section if the exemption  
23 granted pursuant to subsection F or G of this section has expired.  
24 Further, the exemption granted pursuant to subsection D of this

1 section shall not apply to any production upon which a tax is paid  
2 at a rate of two percent (2%).

3 P. The Tax Commission shall have the power to require any such  
4 person engaged in mining or the production or the purchase of such  
5 asphalt, mineral ores aforesaid, oil, or gas, or the owner of any  
6 royalty interest therein to furnish any additional information by it  
7 deemed to be necessary for the purpose of correctly computing the  
8 amount of the tax; and to examine the books, records and files of  
9 such person; and shall have power to conduct hearings and compel the  
10 attendance of witnesses, and the production of books, records and  
11 papers of any person.

12 Q. Any person or any member of any firm or association, or any  
13 officer, official, agent or employee of any corporation who shall  
14 fail or refuse to testify; or who shall fail or refuse to produce  
15 any books, records or papers which the Tax Commission shall require;  
16 or who shall fail or refuse to furnish any other evidence or  
17 information which the Tax Commission may require; or who shall fail  
18 or refuse to answer any competent questions which may be put to him  
19 or her by the Tax Commission, touching the business, property,  
20 assets or effects of any such person relating to the gross  
21 production tax imposed by this article or exemption authorized  
22 pursuant to this section or other laws, shall be guilty of a  
23 misdemeanor, and, upon conviction thereof, shall be punished by a  
24 fine of not more than Five Hundred Dollars (\$500.00), or

1 imprisonment in the jail of the county where such offense shall have  
2 been committed, for not more than one (1) year, or by both such fine  
3 and imprisonment; and each day of such refusal on the part of such  
4 person shall constitute a separate and distinct offense.

5 R. The Tax Commission shall have the power and authority to  
6 ascertain and determine whether or not any report herein required to  
7 be filed with it is a true and correct report of the gross products,  
8 and of the value thereof, of such person engaged in the mining or  
9 production or purchase of asphalt and ores bearing minerals  
10 aforesaid and of oil and gas. If any person has made an untrue or  
11 incorrect report of the gross production or value or volume thereof,  
12 or shall have failed or refused to make such report, the Tax  
13 Commission shall, under the rules prescribed by it, ascertain the  
14 correct amount of either, and compute the tax.

15 S. The payment of the taxes herein levied shall be in full, and  
16 in lieu of all taxes by the state, counties, cities, towns, school  
17 districts and other municipalities upon any property rights attached  
18 to or inherent in the right to the minerals, upon producing leases  
19 for the mining of asphalt and ores bearing lead, zinc, jack or  
20 copper, or for oil, or for gas, upon the mineral rights and  
21 privileges for the minerals aforesaid belonging or appertaining to  
22 land, upon the machinery, appliances and equipment used in and  
23 around any well producing oil, or gas, or any mine producing asphalt  
24 or any of the mineral ores aforesaid and actually used in the

1 operation of such well or mine. The payment of gross production tax  
2 shall also be in lieu of all taxes upon the oil, gas, asphalt or  
3 ores bearing minerals hereinbefore mentioned during the tax year in  
4 which the same is produced, and upon any investment in any of the  
5 leases, rights, privileges, minerals or other property described  
6 herein. Any interest in the land, other than that herein  
7 enumerated, and oil in storage, asphalt and ores bearing minerals  
8 hereinbefore named, mined, produced and on hand at the date as of  
9 which property is assessed for general and ad valorem taxation for  
10 any subsequent tax year, shall be assessed and taxed as other  
11 property within the taxing district in which such property is  
12 situated at the time.

13 T. No equipment, material or property shall be exempt from the  
14 payment of ad valorem tax by reason of the payment of the gross  
15 production tax except such equipment, machinery, tools, material or  
16 property as is actually necessary and being used and in use in the  
17 production of asphalt or of ores bearing lead, zinc, jack or copper  
18 or of oil or gas. Provided, the exemption shall include the  
19 wellbore and non-recoverable down-hole material, including casing,  
20 actually used in the disposal of waste materials produced with such  
21 oil or gas. It is expressly declared that no ice plants, hospitals,  
22 office buildings, garages, residences, gasoline extraction or  
23 absorption plants, water systems, fuel systems, rooming houses and  
24

1 other buildings, nor any equipment or material used in connection  
2 therewith, shall be exempt from ad valorem tax.

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

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