

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
3/13/2018 4:07 AM

(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
FOR ENGROSSED
4 HOUSE BILL NO. 1033

By: Wallace and Casey of the
House

5 and

6 David and Fields of the
7 House

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;
amending 68 O.S. 2011, Section 1354, as amended by
14 Section 2, Chapter 323, O.S.L. 2012 (68 O.S. Supp.
2017, Section 1354), which relates to sales tax;
modifying amount of tax levy; amending 68 O.S. 2011,
15 Section 1402, as amended by Section 4, Chapter 356,
O.S.L. 2017 (68 O.S. Supp. 2017, Section 1402), which
relates to use tax; modifying amount of tax levy;
amending 68 O.S. 2011, Section 1001, as last amended
16 by Section 1, Chapter 5, 1st Extraordinary Session
O.S.L. 2017 (68 O.S. Supp. 2017, Section 1001), which
relates to gross production tax; limiting time period
17 during which certain rate is applicable; providing
for rate applicable to specified production during
certain time period; and providing for
noncodification.

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23 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:

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. Intrapstate, 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

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

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

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

(8) ancillary services, or

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

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

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

d. the term "ancillary services" means services that are 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
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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

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 ($\frac{3}{4}$ 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:

- 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; provided however, such production occurring on or
16 after the effective date of this act for the remainder
17 of such thirty-six-month period shall be taxed at a
18 rate of four percent (4%). Thereafter, the production
19 shall be taxed as provided in subparagraphs a and b of
20 this paragraph, and
21 d. notwithstanding the levies in subparagraphs a and b of
22 this paragraph, the production of oil, gas or oil and
23 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.

24

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

"Workover" shall not mean the routine maintenance, routine repair, or like for like replacement of downhole equipment such as rods, pumps, tubing, 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

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

- c. the production of oil, gas or oil and gas from wells spudded between July 1, 2002, and July 1, 2011, and drilled to a depth of seventeen thousand five hundred (17,500) feet or greater shall be exempt from the gross production tax levied pursuant to subsection B of this section from the date of first sales for a period of sixty (60) months,
 - d. the tax levied pursuant to the provisions of this section on the production of oil, gas or oil and gas from wells spudded between July 1, 2011, and July 1, 2015, and drilled to a depth between fifteen thousand (15,000) feet and seventeen thousand four hundred ninety-nine (17,499) feet shall be reduced to a rate of four percent (4%) for a period of forty-eight (48) months from the date of first sales; provided, the reduced rate provided by this subparagraph shall not apply to production occurring during or after the first full month following the effective date of this act. The taxes collected from the production of oil 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,

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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