

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 3114, Page 1, Line 12½,

as follows:

By inserting new SECTIONS 1 and 2 to read as per attached and by renumbering subsequent sections.

Submitted by:

Senator Sparks

Sparks-JCR-FA-HB3114
5/19/2008 12:27 PM

1 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1004, as last amended by Section
2 55, Chapter 1, O.S.L. 2007 (68 O.S. Supp. 2007, Section 1004), is amended to read as follows:

3 Section 1004.

4
5 A. Beginning July 1, 2002, the gross production tax provided for in Section 1001 of this title is
6 hereby levied and shall be collected and apportioned as follows:

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

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

13 b. seven and fourteen one-hundredths percent (7.14%) of the sum collected from
14 natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc,
15 jack, gold, silver or copper shall be paid to the various county treasurers to be
16 credited to the County Highway Fund as follows: Each county shall receive a
17 proportionate share of the funds available based upon the proportion of the total
18 value of production from such county in the corresponding month of the
19 preceding year, and

20 c. seven and fourteen one-hundredths percent (7.14%) shall be allocated to each
21 county as provided for in subparagraph b of this paragraph and shall be
22 apportioned, on an average daily attendance per capita distribution basis, as
23 certified by the State Superintendent of Public Instruction to the school districts
24 of the county where such pupils attend school regardless of residence of such

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

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

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

9 b. seven and fourteen one-hundredths percent (7.14%) of the sum collected from
10 natural gas and/or casinghead gas shall be paid to the various county treasurers
11 to be credited to the County Highway Fund as follows: Each county shall
12 receive a proportionate share of the funds available based upon the proportion
13 of the total value of production from such county in the corresponding month of
14 the preceding year, and

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

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

1 a. seventy-five percent (75%) shall be paid to the State Treasurer of the state to be
2 placed in the General Revenue Fund of the state and used for the general
3 expense of state government, to be paid out pursuant to direct appropriation by
4 the Legislature,

5 b. twelve and one-half percent (12.5%) of the sum collected from natural gas
6 and/or casinghead gas shall be paid to the various county treasurers to be
7 credited to the County Highway Fund as follows: Each county shall receive a
8 proportionate share of the funds available based upon the proportion of the total
9 value of production from such county in the corresponding month of the
10 preceding year, and

11 c. twelve and one-half percent (12.5%) shall be allocated to each county as
12 provided for in subparagraph b of this paragraph and shall be apportioned, on
13 an average daily attendance per capita distribution basis, as certified by the
14 State Superintendent of Public Instruction to the school districts of the county
15 where such pupils attend school regardless of residence of such pupil, provided
16 the school district makes an ad valorem tax levy of fifteen (15) mills for the
17 current year and maintains twelve (12) years of instruction;

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

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

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

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

10 a. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to
11 the State Treasurer to be placed in the Common Education Technology
12 Revolving Fund created in Section 41.29c of Title 62 of the Oklahoma Statutes,

13 b. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to
14 the State Treasurer to be placed in the Higher Education Capital Revolving
15 Fund created in Section 41.29d of Title 62 of the Oklahoma Statutes,

16 c. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to
17 the State Treasurer to be placed in the Oklahoma Tuition Scholarship
18 Revolving Fund created in Section 41.29e of Title 62 of the Oklahoma Statutes,

19 d. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State
20 Treasurer to be apportioned to the County Bridge and Road Improvement Fund
21 of the State Treasury,

22 e. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State
23 Treasurer to be apportioned to:

24 (1) the following sources and in the following amounts for the fiscal year
25 ending June 30, 2007, through the fiscal year ending June 30, 2011:

1 (a) thirty-three and one-third percent (33 1/3%) to the Oklahoma
2 Tourism and Recreation Department Capital Expenditure
3 Revolving Fund created pursuant to Section 2 of this act,

4 (b) thirty-three and one-third percent (33 1/3%) to the Oklahoma
5 Conservation Commission Infrastructure Revolving Fund
6 created pursuant to Section 3 of this act, and

7 (c) thirty-three and one-third percent (33 1/3%) to the Community
8 Water Infrastructure Development Revolving Fund created
9 pursuant to Section 4 of this act, and

10 (2) the Oklahoma Water Resources Board Rural Economic Action Plan
11 Water Projects Fund for the fiscal year ending June 30, 2012, and for
12 each fiscal year thereafter,

13 f. seven and fourteen one-hundredths percent (7.14%) of the sum collected from
14 oil shall be paid to the various county treasurers, to be credited to the County
15 Highway Fund as follows: Each county shall receive a proportionate share of
16 the funds available based upon the proportion of the total value of production
17 from such county in the corresponding month of the preceding year, and

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

- 1 6. For all monies collected from the tax levied on oil at a tax rate of four percent (4%)
2 pursuant to the provisions of subsection B of Section 1001 of this title:
- 3 a. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to
4 be placed in the Common Education Technology Revolving Fund created in
5 Section 41.29c of Title 62 of the Oklahoma Statutes,
- 6 b. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to
7 be placed in the Higher Education Capital Revolving Fund created in Section
8 41.29d of Title 62 of the Oklahoma Statutes,
- 9 c. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to
10 be placed in the Oklahoma Tuition Scholarship Revolving Fund created in
11 Section 41.29e of Title 62 of the Oklahoma Statutes,
- 12 d. three and seventy-five one-hundredths percent (3.75%) shall be paid to the
13 State Treasurer to be apportioned to the County Bridge and Road Improvement
14 Fund of the State Treasury,
- 15 e. three and seventy-five one-hundredths percent (3.75%) shall be paid to the
16 State Treasurer to be apportioned to:
- 17 (1) the following sources and in the following amounts for the fiscal year
18 ending June 30, 2007, through the fiscal year ending June 30, 2011:
- 19 (a) thirty-three and one-third percent (33 1/3%) to the Oklahoma
20 Tourism and Recreation Department Capital Expenditure
21 Revolving Fund created pursuant to Section 2 of this act,
- 22 (b) thirty-three and one-third percent (33 1/3%) to the Oklahoma
23 Conservation Commission Infrastructure Revolving Fund
24 created pursuant to Section 3 of this act, and

1 (c) thirty-three and one-third percent (33 1/3%) to the Community
2 Water Infrastructure Development Revolving Fund created
3 pursuant to Section 4 of this act, and

4 (2) the Oklahoma Water Resources Board Rural Economic Action Plan
5 Water Projects Fund for the fiscal year ending June 30, 2012, and for
6 each fiscal year thereafter,

7 f. twelve and one-half percent (12.5%) of the sum collected from oil shall be paid
8 to the various county treasurers, to be credited to the County Highway Fund as
9 follows: Each county shall receive a proportionate share of the funds available
10 based upon the proportion of the total value of production from such county in
11 the corresponding month of the preceding year, and

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

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

21 a. fifty percent (50%) of the sum collected shall be paid to the various county
22 treasurers, to be credited to the County Highway Fund as follows: Each county
23 shall receive a proportionate share of the funds available based upon the
24 proportion of the total value of production from such county in the
25 corresponding month of the preceding year, and

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

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

18
19 C. 1. Beginning July 1, 2009, prior to the apportionment of any tax as provided for in subsection
20 A of this section, an amount specified in paragraph 2 of this subsection of the gross production tax
21 levied and collected pursuant to Section 1001 of this title shall be paid to the State Treasurer to be
22 placed in the Bootstrap Endowment Fund as created in Section 2 of this act.

23 2. As provided in paragraph 1 of this subsection, a portion of the gross production tax shall
24 be placed in the Bootstrap Endowment Fund as follows:

25 a. One percent (1%) for the fiscal year beginning on July 1, 2009;

- 1 b. Two percent (2%) for the fiscal year beginning on July 1, 2010;
- 2 c. Three percent (3%) for the fiscal year beginning on July 1, 2011;
- 3 d. Four percent (4%) for the fiscal year beginning on July 1, 2012; and
- 4 e. Five percent (5%) for the fiscal year beginning on July 1, 2013 and all fiscal years
- 5 thereafter.

6
7 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes
8 as Section 53 of Title 62, unless there is created a duplication in numbering, reads as follows:

9 A. There is hereby created an endowment fund to be known as the “Bootstrap Endowment
10 Fund”. The endowment fund principal shall consist of funds apportioned pursuant to subsection C
11 of Section 1004 of Title 68 of the Oklahoma Statutes for the purpose of creating an endowment for
12 the operations of state government. Notwithstanding any other provisions of law, income and
13 investment return on endowment fund principal shall accrue to the endowment fund.

14 B. The Bootstrap Endowment Fund shall be invested by the State Treasurer as authorized in
15 Section 89.2 of Title 62 of the Oklahoma Statutes; provided, investments in obligations of state and
16 local governments, pursuant to paragraph 6 of subsection A of Section 89.2, shall not exceed five
17 percent (5%) of the cash available for investment.

18 C. There is hereby created in the State Treasury a revolving fund to be designated the
19 "Bootstrap Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year
20 limitations, and shall consist of all such transfers made pursuant to subsection D of this section. All
21 monies accruing to the credit of such fund are hereby appropriated and may be budgeted and
22 expended beginning with the fiscal year beginning July 1, 2025, and each fiscal year thereafter, for
23 operations of state government in the same manner as the General Revenue Fund is budgeted and
24 expended. No more than five percent (5%) of monies from the Bootstrap Revolving Fund shall be
25 budgeted or expended for debt service payments of principal and interest due on outstanding bonds

1 or other financing instruments issued by the State of Oklahoma, any Oklahoma counties,
2 municipalities, state agencies, authorities, commissions, political subdivisions or any other
3 governmental entities. Monies from the Bootstrap Revolving Fund shall not be dedicated or
4 earmarked for a specific use outside the appropriations process. Expenditures from such fund shall
5 be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with
6 the Director of State Finance for approval and payment.

7 D. On July 1, 2025, and on July 1 each year thereafter, four percent (4%) of the total balance
8 of the Bootstrap Endowment Fund shall be transferred to the Bootstrap Revolving Fund and shall be
9 certified by the State Board of Equalization as part of the total amount of revenue which will accrue
10 during the last applicable fiscal year.

11