

1 ENGROSSED HOUSE
2 BILL NO. 1837

By: Osborn (Leslie) of the
House

3 and

4 David of the Senate
5
6

7 An Act relating to amusements and sports; amending 3A
8 O.S. 2011, Section 713, as amended by Section 27,
9 Chapter 304, O.S.L. 2012 (3A O.S. Supp. 2016, Section
10 713), which relates to the Oklahoma Education Lottery
11 Act; modifying provisions related to disposition of
12 net proceeds; requiring annual reports; setting
13 maximum percentage for administrative costs;
14 providing for disposition of net proceeds in excess
15 of designated amount; requiring appropriation;
16 specifying purpose of expenditures; and providing for
17 codification.

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

19 SECTION 1. AMENDATORY 3A O.S. 2011, Section 713, as
20 amended by Section 27, Chapter 304, O.S.L. 2012 (3A O.S. Supp. 2016,
21 Section 713), is amended to read as follows:

22 Section 713. A. All gross proceeds shall be the property of
23 the Oklahoma Lottery Commission. From its gross proceeds, the
24 Commission shall pay the operating expenses of the Commission. At
least forty-five percent (45%) of gross proceeds shall be made
available as prize money. However, the provisions of this
subsection shall be deemed not to create any lien, entitlement,

1 cause of action, or other private right, and any rights of holders
2 of tickets or shares shall be determined by the Commission in
3 setting the terms of its lottery or lotteries.

4 B. For each fiscal year, the first Fifty Million Dollars
5 (\$50,000,000.00) of net proceeds shall equal at least thirty-five
6 percent (35%) of the gross proceeds. However, for the purpose of
7 repaying indebtedness issued pursuant to Section 732 of this title,
8 for the first two (2) full fiscal years and any partial first fiscal
9 year of the Commission, net proceeds need only equal at least thirty
10 percent (30%) of the gross proceeds be transferred to the Oklahoma
11 Education Lottery Trust Fund.

12 C. All of the ~~net~~ proceeds remaining after the apportionment
13 required by subsection B of this section shall be transferred to the
14 Oklahoma Education Lottery Trust Fund as provided in ~~subsection B~~
15 Section 2 of this section act. The Oklahoma Lottery Commission
16 shall submit a written report of its findings and any
17 recommendations regarding the impact of having the net proceeds
18 minimum requirement set at a fixed dollar amount. The report shall
19 be submitted to the Governor, the Speaker of the Oklahoma House of
20 Representatives and the President Pro Tempore of the Oklahoma State
21 Senate not later than October 1, 2019, and annually thereafter.

22 ~~B.~~ D. There is hereby created in the State Treasury a fund to
23 be designated the "Oklahoma Education Lottery Trust Fund". Except
24 as otherwise provided in subsections ~~H~~ C, J and ~~I~~ K of this section,

1 on or before the fifteenth day of each calendar quarter, the
2 Commission shall transfer to the State Treasurer, for credit to the
3 Oklahoma Education Lottery Trust Fund, the amount of all net
4 proceeds accruing during the preceding calendar quarter.

5 Expenditures from the fund shall be made upon warrants issued by the
6 State Treasurer against claims filed as prescribed by law with the
7 Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 E. Upon their deposit into the State Treasury, any monies
10 representing a deposit of net proceeds shall then become the
11 unencumbered property of this state, and neither the Commission nor
12 the board of trustees shall have the power to agree or undertake
13 otherwise. The monies shall be invested by the State Treasurer in
14 accordance with state investment practices. All earnings
15 attributable to such investments shall likewise be the unencumbered
16 property of the state and shall accrue to the credit of the ~~fund~~
17 funds provided for in subsections B and C of this section.

18 ~~C.~~ F. Monies in the Oklahoma Education Lottery Trust Fund
19 deposited pursuant to subsection B of this section shall only be
20 appropriated as follows:

- 21 1. Forty-five percent (45%) for the following:
 - 22 a. kindergarten through twelfth grade public education,
23 including but not limited to compensation and benefits
24 for public school teachers and support employees, and

1 b. early childhood development programs, which shall
2 include but not be limited to costs associated with
3 prekindergarten and full-day kindergarten programs;

4 2. Forty-five percent (45%) for the following:

5 a. tuition grants, loans and scholarships to citizens of
6 this state to enable such citizens to attend colleges
7 and universities located within this state, regardless
8 of whether such colleges and universities are owned or
9 operated by the Oklahoma State Regents for Higher
10 Education, or to attend institutions operated under
11 the authority of the Oklahoma Department of Career and
12 Technology Education; provided such tuition grants,
13 loans and scholarships shall not be made to a citizen
14 of this state to attend a college or university which
15 is not accredited by the Oklahoma State Regents for
16 Higher Education,

17 b. construction of educational facilities for elementary
18 school districts, independent school districts, The
19 Oklahoma State System of Higher Education, and career
20 and technology education,

21 c. capital outlay projects for elementary school
22 districts, independent school districts, The Oklahoma
23 State System of Higher Education, and career and
24 technology education,

1 d. technology for public elementary school district,
2 independent school district, state higher education,
3 and career and technology education facilities, which
4 shall include but not be limited to costs of providing
5 to teachers at accredited public institutions who
6 teach levels kindergarten through twelfth grade,
7 personnel at technology centers under the authority of
8 the Oklahoma State Department of Career and Technology
9 Education, and professors and instructors within The
10 Oklahoma State System of Higher Education, the
11 necessary training in the use and application of
12 computers and advanced electronic instructional
13 technology to implement interactive learning
14 environments in the classroom and to access the ~~state-~~
15 ~~wide~~ statewide distance learning network and costs
16 associated with repairing and maintaining advanced
17 electronic instructional technology,

18 e. endowed chairs for professors at institutions of
19 higher education operated by The Oklahoma State System
20 of Higher Education, and

21 f. programs and personnel of the Oklahoma School for the
22 Deaf and the Oklahoma School for the Blind;

23 3. Five percent (5%) to the School Consolidation and Assistance
24 Fund. When the total amount in the School Consolidation and

1 Assistance Fund from all sources equals Five Million Dollars
2 (\$5,000,000.00), all monies appropriated pursuant to this paragraph
3 which would otherwise be deposited in the School Consolidation and
4 Assistance Fund in excess of Five Million Dollars (\$5,000,000.00)
5 shall be allocated by the State Department of Education to public
6 schools based on the audited end-of-year average daily membership in
7 grades 8 through 12 during the preceding school year for the purpose
8 of purchasing technology equipment in order to conduct on-line
9 testing as required by the Achieving Classroom Excellence Act of
10 2005. If at any time the total amount in the School Consolidation
11 and Assistance Fund drops below Five Million Dollars
12 (\$5,000,000.00), the monies appropriated pursuant to this paragraph
13 shall be deposited in the School Consolidation and Assistance Fund
14 until the Fund again reaches Five Million Dollars ~~(\$5,000,000~~
15 (\$5,000,000.00); and

16 4. Five percent (5%) to the Teachers' Retirement System
17 Dedicated Revenue Revolving Fund.

18 In no instance shall the annual maximum percentage for
19 administrative costs, not including marketing and advertising costs,
20 funds set aside for prizes, commissions paid to retailers, contract
21 fees paid to gaming system vendors and instant ticket providers or
22 emergency-related capital expenses, exceed three percent (3%) of
23 sales.

24

1 ~~D.~~ G. The Legislature shall appropriate funds from the Oklahoma
2 Education Lottery Trust Fund only for the purposes specified in
3 subsection ~~E~~ F of this section and Section 2 of this act. Even when
4 funds from the trust fund are used for these purposes, the
5 Legislature shall not use funds from the trust fund to supplant or
6 replace other state funds supporting common education, higher
7 education, or career and technology education.

8 ~~E.~~ H. In order to ensure that the funds from the trust fund are
9 used to enhance and not supplant funding for education, the State
10 Board of Equalization shall examine and investigate appropriations
11 from the trust fund each year. At the meeting of the State Board of
12 Equalization held within five (5) days after the monthly
13 apportionment in February of each year, the State Board of
14 Equalization shall issue a finding and report which shall state
15 whether appropriations from the trust fund were used to enhance or
16 supplant education funding. If the State Board of Equalization
17 finds that education funding was supplanted by funds from the trust
18 fund, the Board shall specify the amount by which education funding
19 was supplanted. In this event, the Legislature shall not make any
20 appropriations for the ensuing fiscal year until an appropriation in
21 that amount is made to replenish the trust fund.

22 ~~F.~~ I. Except as otherwise provided by this subsection, no
23 deficiency in the Oklahoma Education Lottery Trust Fund shall be
24 replenished by reducing any nonlottery funds, including specifically

1 but without limitation, the General Revenue Fund, the Constitutional
2 Reserve Fund or the Education Reform Revolving Fund of the State
3 Department of Education. No program or project started specifically
4 from lottery proceeds shall be continued from the General Revenue
5 Fund, the Constitutional Reserve Fund or the Education Reform
6 Revolving Fund of the State Department of Education. Such programs
7 must be adjusted or discontinued according to available lottery
8 proceeds unless the Legislature by general law establishes
9 eligibility requirements and appropriates specific funds therefor.
10 No surplus in the Oklahoma Education Lottery Trust Fund shall be
11 reduced or transferred to correct any nonlottery deficiencies in
12 sums available for general appropriations. The provisions of this
13 subsection shall not apply to bonds or other obligations issued
14 pursuant to or to the repayment of bonds or other obligations issued
15 pursuant to the Oklahoma Higher Education Promise of Excellence Act
16 of 2005.

17 ~~G.~~ J. There is hereby created in the State Treasury a revolving
18 fund to be designated the "Oklahoma Education Lottery Revolving
19 Fund". The fund shall be a continuing fund, not subject to fiscal
20 year limitations, and shall consist of all monies received by the
21 Commission. The Commission shall make payments of net proceeds from
22 the fund to the Oklahoma Education Lottery Trust Fund on or before
23 the fifteenth day of each calendar quarter as provided in subsection
24 ~~B.~~ D. of this section. All monies accruing to the credit of the

1 Oklahoma Education Lottery Revolving Fund are hereby appropriated
2 and may be budgeted and expended for the payment of net proceeds,
3 prizes, commissions to retailers, administrative expenses and all
4 other expenses arising out of the operation of the education
5 lottery, subject to the limitations provided in the Oklahoma
6 Education Lottery Act. Expenditures from the fund shall be made
7 upon warrants issued by the State Treasurer against claims filed as
8 prescribed by law with the Director of the Office of Management and
9 Enterprise Services for approval and payment.

10 The monies in the fund shall be invested by the State Treasurer
11 in accordance with state investment practices. All earnings
12 attributable to such investments shall likewise accrue to the credit
13 of the fund.

14 H. K. When appropriations from the Oklahoma Education Lottery
15 Trust Fund are made to common education pursuant to the provisions
16 of paragraph 1 of subsection G F of this section, the appropriations
17 shall be made available on a monthly basis. In addition to the
18 provisions of ~~subsection B~~ subsections D and E of this section, the
19 following process shall be used to ~~insure~~ ensure that the
20 appropriations are made available to common education in a timely
21 manner:

22 1. Beginning in July of the fiscal year in which appropriations
23 are made to common education from the Oklahoma Education Lottery
24 Trust Fund, the Commission, on or before the ninth day of each

1 month, shall transfer to the State Treasurer, for credit to the
2 Oklahoma Education Lottery Trust Fund, the amount of net proceeds
3 accruing during the preceding month equal to the amount of total
4 monthly collections due to common education as required by paragraph
5 1 of subsection ~~E~~ F of this section;

6 2. The Director of the Office of Management and Enterprise
7 Services shall allocate the transfers provided for in paragraph 1 of
8 this subsection to the State Department of Education on a monthly
9 basis, not to exceed one-twelfth (1/12) of the annual apportionment
10 for the fiscal year; and

11 3. The total amount of transfers to the Oklahoma Education
12 Lottery Trust Fund of net lottery proceeds made pursuant to this
13 subsection shall not exceed the total appropriations made to common
14 education from the Oklahoma Education Lottery Trust Fund for the
15 specific fiscal year.

16 ~~F~~ L. When appropriations from the Oklahoma Education Lottery
17 Trust Fund are made to The Oklahoma State System of Higher
18 Education, the appropriations shall be made available to the System
19 on a monthly basis. In addition to the provisions of ~~subsection B~~
20 subsections D and E of this section, the following process shall be
21 used to ensure that the appropriations are made available to The
22 Oklahoma State System of Higher Education in a timely manner:

23 1. Beginning in July of the fiscal year in which appropriations
24 are made to The Oklahoma State System of Higher Education from the

1 Oklahoma Education Lottery Trust Fund, the Commission, on or before
2 the ninth day of each month, shall transfer to the State Treasurer,
3 for credit to the Oklahoma Education Lottery Trust Fund, the amount
4 of net proceeds accruing during the preceding month equal to the
5 amount of total monthly collections due to the Oklahoma State
6 Regents for Higher Education as required by paragraph 2 of
7 subsection E of this section;

8 2. The Director of the Office of Management and Enterprise
9 Services shall allocate the transfers provided for in paragraph 1 of
10 this subsection to the Oklahoma State Regents for Higher Education
11 on a monthly basis, not to exceed one-twelfth (1/12) of the annual
12 apportionment for the fiscal year; and

13 3. The total amount of transfers to the Oklahoma Education
14 Lottery Trust Fund of net lottery proceeds made pursuant to this
15 subsection shall not exceed the total appropriations made to The
16 Oklahoma State System for Higher Education from the Oklahoma
17 Education Lottery Trust Fund for the specific fiscal year.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 713.1 of Title 3A, unless there
20 is created a duplication in numbering, reads as follows:

21 The portion of lottery annual net proceeds deposited to the
22 Oklahoma Education Lottery Trust Fund that exceeds Fifty Million
23 Dollars (\$50,000,000.00) shall be appropriated by the Legislature on
24 a cash basis to be allocated by the State Department of Education to

