

1 STATE OF OKLAHOMA

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

3 SENATE JOINT  
4 RESOLUTION 1xx

By: Brecheen

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6  
7 AS INTRODUCED

8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 40 of  
11 Article X of the Oklahoma Constitution; broadening  
12 uses of certain fund to include certain purpose;  
13 authorizing the Legislature to appropriate certain  
14 funds; providing ballot title; and directing filing.

15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
16 2ND EXTRAORDINARY SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for  
18 their approval or rejection, as and in the manner provided by law,  
19 the following proposed amendment to Section 40 of Article X of the  
20 Oklahoma Constitution to read as follows:

21 Section 40. A. There is hereby created a trust fund to be  
22 known as the "Tobacco Settlement Endowment Trust Fund". The trust  
23 fund principal shall consist of the portion of monies which are  
24 received by the State of Oklahoma on or after July 1, 2001, pursuant  
to any settlement with or judgment against any tobacco company or

1 companies as provided by subsection B of this section, and any other  
2 monies that may be appropriated or otherwise directed to the trust  
3 fund by the Legislature.

4 B. 1. Deposits into the trust fund from monies which are  
5 received by the State of Oklahoma pursuant to any settlement with or  
6 judgment against any tobacco company or companies shall be based on  
7 the following schedule:

8 Minimum Percentage	
9 Fiscal Year	of Payments
10 Ending June 30, 2002	50%
11 Ending June 30, 2003	55%
12 Ending June 30, 2004	60%
13 Ending June 30, 2005	65%
14 Ending June 30, 2006	70%
15 Ending June 30, 2007	75%

16 2. Deposits into the trust fund in subsequent fiscal years  
17 shall never be less than seventy-five percent (75%) of the payments.

18 3. The monies received by the State of Oklahoma pursuant to any  
19 settlement with or judgment against any tobacco company or companies  
20 after June 30, 2001, not deposited into the trust fund as provided  
21 in this section, shall be deposited into a special fund established  
22 by the Legislature solely for the purpose of receiving the payments;  
23 provided, the Legislature may, by law, direct a certain portion of  
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1 such monies to the Office of the Attorney General. The special fund  
2 shall be subject to legislative appropriations.

3 C. There is hereby created the Board of Investors of the  
4 Tobacco Settlement Endowment Trust Fund. The Board of Investors  
5 shall have the duty of investing monies in the trust fund, subject  
6 to restrictions and limitations provided by law for and in  
7 accordance with laws applicable to the investment of monies in state  
8 retirement funds.

9 The Board of Investors shall consist of five (5) members as  
10 follows:

- 11 1. The State Treasurer who shall be the chair;
- 12 2. An appointee of the Governor;
- 13 3. An appointee of the Speaker of the House of Representatives;
- 14 4. An appointee of the President Pro Tempore of the Senate; and
- 15 5. An appointee of the State Auditor and Inspector.

16 The initial appointees shall serve staggered terms of office as  
17 provided for by law. Thereafter, appointees shall serve four-year  
18 terms of office. No more than two appointees shall be appointed  
19 from any single congressional district. All appointed members shall  
20 have demonstrated expertise in public or private investment funds  
21 management.

22 D. There is hereby created the Board of Directors of the  
23 Tobacco Settlement Endowment Trust Fund. The Board of Directors  
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1 shall consist of seven (7) members, one appointed by each of the  
2 following appointing authorities:

- 3 1. The Governor;
- 4 2. The President Pro Tempore of the Senate;
- 5 3. The Speaker of the House of Representatives;
- 6 4. The Attorney General;
- 7 5. The State Treasurer;
- 8 6. The State Auditor and Inspector; and
- 9 7. The State Superintendent of Public instruction.

10 The initial appointed members shall serve staggered terms of  
11 office as provided for by law. Thereafter, the appointed members of  
12 the Board of Directors shall serve seven-year terms of office. At  
13 least one appointee shall be appointed from each congressional  
14 district, and not more than two appointees shall be appointed from  
15 any single congressional district. Not more than four appointees  
16 shall be members of the same political party. An appointee shall  
17 have been a member of the political party to which the appointee  
18 belongs for at least one (1) year prior to the date of appointment.  
19 Appointees shall have demonstrated expertise in public or private  
20 health care or programs related to or for the benefit of children or  
21 senior adults.

22 The Board of Directors shall meet at least one time each  
23 calendar quarter.

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1 E. Earnings from the trust fund, including but not limited to  
2 interest, dividends, and realized capital gains from investments of  
3 the trust fund shall be expended as provided in subsection F of this  
4 section for the following purposes:

5 1. Clinical and basic research and treatment efforts in  
6 Oklahoma for the purpose of enhancing efforts to prevent and combat  
7 cancer and other tobacco-related diseases;

8 2. Cost-effective tobacco prevention and cessation programs;

9 3. Programs other than those specified in paragraph 1 of this  
10 subsection designed to maintain or improve the health of Oklahomans  
11 or to enhance the provision of health care services to Oklahomans,  
12 with particular emphasis on ~~such~~ the Oklahoma Medicaid Program and  
13 programs for children;

14 4. Programs and services for the benefit of the children of  
15 Oklahoma, with particular emphasis on common and higher education,  
16 before- and after-school and pre-school programs, substance abuse  
17 prevention and treatment programs and other programs and services  
18 designed to improve the health and quality of life of children;

19 5. Programs designed to enhance the health and well-being of  
20 senior adults; ~~and~~

21 6. Authorized administrative expenses of the Office of the  
22 State Treasurer and the Board of Directors; and

23 7. Funding for the Oklahoma Medicaid Program.  
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1 F. Each fiscal year, the ~~Board of Directors~~ Legislature may  
2 expend the amount of earnings which actually accrued to the trust  
3 fund during the preceding fiscal year for the purposes specified in  
4 subsection E of this section; provided, twenty-five percent (25%) of  
5 the earnings shall be expended solely for tobacco prevention and  
6 cessation programs administered by the Tobacco Settlement Endowment  
7 Trust. Any amount not so expended shall remain in the trust fund.  
8 The Board ~~shall~~ may direct specific expenditures to be made for the  
9 purposes specified in subsection E of this section from the  
10 remaining amount not appropriated by the Legislature pursuant to  
11 this subsection.

12 G. The Legislature may enact laws to further implement the  
13 provisions of this section.

14 SECTION 2. The Ballot Title for the proposed Constitutional  
15 amendment as set forth in SECTION 1 of this resolution shall be in  
16 the following form:

17 BALLLOT TITLE  
18 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

19 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

20 This measure amends Section 40 of Article 10 of the Oklahoma  
21 Constitution. This measure would allow earnings from the  
22 Tobacco Settlement Endowment Trust Fund to be used to fund the  
23 Oklahoma Medicaid Program. This measure would also allow the  
24 Legislature to expend earnings from the fund.

1 SHALL THE PROPOSAL BE APPROVED?

2 FOR THE PROPOSAL - YES \_\_\_\_\_

3 AGAINST THE PROPOSAL - NO \_\_\_\_\_

4 SECTION 3. The President Pro Tempore of the Senate shall,  
5 immediately after the passage of this resolution, prepare and file  
6 one copy thereof, including the Ballot Title set forth in SECTION 2  
7 hereof, with the Secretary of State and one copy with the Attorney  
8 General.

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