

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR SENATE JOINT
RESOLUTION 2

By: Herbert

COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 2, 3 and 5 of Article XI of the Constitution of the State of Oklahoma; removing restrictions on the permanent school fund for common schools; changing nature of funds which may be distributed from certain permanent fund; removing requirement that certain monies be held as trust funds; authorizing revenue from certain sources to be placed in permanent school fund; authorizing distribution; specifying formula for distribution; removing restrictions on the permanent fund for universities and colleges; providing ballot title; and directing filing.

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 2 of Article XI of the Constitution of the State of Oklahoma to read as follows:

Section 2. All proceeds of the sale of public lands that have heretofore been or may be hereafter given by the United States for the use and benefit of the common schools of this State, all such per centum as may be granted by the United States on the sales of public lands, the sum of five million dollars appropriated to the State for the use and benefit of the common schools in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory, the proceeds of all property that shall fall to the State by escheat, the proceeds of all gifts or donations to the State for common schools not otherwise appropriated by the terms of the gifts, and such other appropriations, gifts, or donations as shall be made by the Legislature for the benefit of the common schools, shall

constitute the permanent school fund, ~~the income from which and all earnings, including interest, dividends and capital gains from investment of the fund shall be credited to the principal of the fund. Distributions from the fund shall be used for the maintenance of the common schools in the State. The principal shall be deemed a trust fund held by the State, and shall forever remain inviolate. It may be increased, but shall never be diminished.~~ The State shall reimburse said permanent school fund for all losses thereof which may in any manner occur, and no portion of said fund shall be diverted for any other use or purpose.

SECTION 2. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 3 of Article XI of the Constitution of the State of Oklahoma to read as follows:

Section 3. A. ~~The interest and income of~~ distributions from the permanent school fund, the net income from the leasing of public lands which have been or may be granted by the United States to the State for the use and benefit of the common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sums which may be added thereto by law, shall be used and applied each year for the benefit of the common schools of the State, and shall be, for this purpose, apportioned among and between all the several common school districts of the State in proportion to the school population of the several districts, and no part of the fund shall ever be diverted from this purpose, or used for any other purpose than the support and maintenance of common schools for the equal benefit of all the people of the State.

B. The amount of the annual distribution shall be between four and three-quarters percent (4¾%) and five and one-half percent (5½%) of the average of the year-end market value of the funds for the immediately preceding three (3) fiscal years.

C. The frequency of the distributions, percentage of distributions and definition of market value pursuant to subsection B of this section shall be as provided by law.

SECTION 3. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 5 of Article XI of the Constitution of the State of Oklahoma to read as follows:

Section 5. Section thirteen in every portion of the State, which has been granted to the State, shall be preserved for the use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established, or hereafter to be established, one-third; and of the Agricultural and Mechanical College and Colored Agricultural and Normal University, one-third. The said lands or the proceeds thereof as above apportioned to be divided between the institutions as the Legislature may prescribe: Provided, That the said lands so reserved, or the proceeds of the sale thereof, or of any indemnity lands granted in lieu of section thirteen shall be safely kept or invested and preserved by the State as a trust, ~~which shall never be diminished, but may be added to, and the income thereof, interest, rentals, or otherwise, only~~ Distributions from the fund shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of the State and no part of the proceeds arising from the sale or disposal of any lands granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university, and no portion of the funds arising from the sale of sections thirteen or any indemnity lands selected in lieu thereof, either principal or interest, shall ever be diverted, either temporarily or

permanently, from the purpose for which said lands were granted to the State.

SECTION 4. The Ballot Title for the proposed Constitutional amendment as set forth in SECTIONS 1, 2 and 3 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend the State Constitution. It would amend Sections 2,3 and 5 of Article 11. These sections deal with school lands. At this time the Commissioners of the Land Office are allowed to divide and send the income on the school land funds to common schools and certain universities each year. This measure would allow them to add the income to the funds. They would then decide what amount to send to the schools and universities each year. The amount to be sent to the common schools must be between 4¾% and 5½% of the market value of the school fund for the last three years. The amount to be sent to the universities is not set in this measure.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

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

47-1-1138 AP 6/11/2015 8:30:12 PM