

CS for SJR 2

1 THE STATE SENATE
2 Tuesday, February 23, 1999

3 Committee Substitute for
4 Senate Joint
5 Resolution No. 2

6 COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 2 - By: HERBERT
7 of the Senate and GLOVER and MITCHELL of the House.

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

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

28 Section 2. All proceeds of the sale of public lands that have
29 heretofore been or may be hereafter given by the United States for
30 the use and benefit of the common schools of this State, all such
31 per centum as may be granted by the United States on the sales of

(Bold face denotes Committee Amendments)

1 public lands, the sum of five million dollars appropriated to the
2 State for the use and benefit of the common schools in lieu of
3 sections sixteen and thirty-six, and other lands of the Indian
4 Territory, the proceeds of all property that shall fall to the State
5 by escheat, the proceeds of all gifts or donations to the State for
6 common schools not otherwise appropriated by the terms of the gifts,
7 and such other appropriations, gifts, or donations as shall be made
8 by the Legislature for the benefit of the common schools, shall
9 constitute the permanent school fund, ~~the income from which and all~~
10 earnings, including interest, dividends and capital gains from
11 investment of the fund shall be credited to the principal of the
12 fund. Distributions from the fund shall be used for the maintenance
13 of the common schools in the State. The principal shall be deemed a
14 trust fund held by the State, ~~and shall forever remain inviolate.~~
15 ~~It may be increased, but shall never be diminished.~~ The State shall
16 reimburse said permanent school fund for all losses thereof which
17 may in any manner occur, and no portion of said fund shall be
18 diverted for any other use or purpose.

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

1 Section 3. A. The ~~interest and income of~~ distributions from

2 the permanent school fund, the net income from the leasing of public

3 lands which have been or may be granted by the United States to the

4 State for the use and benefit of the common schools, together with

5 any revenues derived from taxes authorized to be levied for such

6 purposes, and any other sums which may be added thereto by law,

7 shall be used and applied each year for the benefit of the common

8 schools of the State, and shall be, for this purpose, apportioned

9 among and between all the several common school districts of the

10 State in proportion to the school population of the several

11 districts, and no part of the fund shall ever be diverted from this

12 purpose, or used for any other purpose than the support and

13 maintenance of common schools for the equal benefit of all the

14 people of the State.

15 B. The amount of the annual distribution shall be between four

16 and three-quarters percent (4¾%) and five and one-half percent (5½%)

17 of the average of the year-end market value of the funds for the

18 immediately preceding three (3) fiscal years.

19 C. The frequency of the distributions, percentage of

20 distributions and definition of market value pursuant to subsection

21 B of this section shall be as provided by law.

22 SECTION 3. The Secretary of State shall refer to the people for

23 their approval or rejection, as and in the manner provided by law,

1 the following proposed amendment to Section 5 of Article XI of the
2 Constitution of the State of Oklahoma to read as follows:

3 Section 5. Section thirteen in every portion of the State,
4 which has been granted to the State, shall be preserved for the
5 use and benefit of the University of Oklahoma and the University
6 Preparatory School, one-third; of the normal schools now
7 established, or hereafter to be established, one-third; and of
8 the Agricultural and Mechanical College and Colored Agricultural
9 and Normal University, one-third. The said lands or the proceeds
10 thereof as above apportioned to be divided between the
11 institutions as the Legislature may prescribe: Provided, That the
12 said lands so reserved, or the proceeds of the sale thereof, or
13 of any indemnity lands granted in lieu of section thirteen shall
14 be safely kept or invested and preserved by the State as a
15 trust, ~~which shall never be diminished, but may be added to, and~~
16 ~~the income thereof, interest, rentals, or otherwise, only~~
17 Distributions from the fund shall be used exclusively for the
18 benefit of said educational institutions. Such educational
19 institutions shall remain under the exclusive control of the
20 State and no part of the proceeds arising from the sale or
21 disposal of any lands granted for educational purposes, or the
22 income or rentals thereof, shall be used for the support of any
23 religious or sectarian school, college, or university, and no

1 portion of the funds arising from the sale of sections thirteen
2 or any indemnity lands selected in lieu thereof, either principal
3 or interest, shall ever be diverted, either temporarily or
4 permanently, from the purpose for which said lands were granted
5 to the State.

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

9 BALLOT TITLE

10 Legislative Referendum No. _____ State Question No. _____

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

1 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

2 YES, FOR THE AMENDMENT

3 NO, AGAINST THE AMENDMENT

4 SECTION 5. 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 4
7 hereof, with the Secretary of State and one copy with the Attorney
8 General.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-99 - DO
10 PASS, As Amended and Coauthored.