THE STATE SENATE
Monday, February 24, 2003

Committee Substitute for

Senate Joint Resolution No. 22

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 22 - By: HOBSON of the Senate and KIRBY of the House.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article X to be designated as Section 41; creating the Oklahoma Education Lottery Trust Fund; requiring the trust fund to be expended only for certain education-related purposes; prohibiting the Legislature from using the trust fund to replace other funds supporting education purposes; requiring the State Board of Equalization to examine appropriations from the trust fund; providing appropriation procedure under certain circumstances; providing ballot title; directing filing; and ordering a special election.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

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 Article X of the Constitution of the State of Oklahoma by adding a new Section 41 to read as follows:

Section 41. A. There is hereby created a trust fund to be known as the "Oklahoma Education Lottery Trust Fund". The trust fund shall consist of the funds transferred to it from the Oklahoma Education Lottery.

B. The trust fund, including any earnings thereon, shall be expended only for the following educational purposes and programs:

1. Tuition grants, loans, and scholarships for postsecondary students;

2. Construction of educational facilities for public schools and institutions of common education, higher education, and career and technology education;

3. Capital outlay projects for public schools and institutions of common education, higher education, and career and technology education;

4. Technology for public common education, higher education, and career and technology education facilities;

5. Early childhood development programs;

6. Endowed chairs for professors at institutions of higher education operated by The Oklahoma State System of Higher Education; and

7. Compensation and benefits for public school teachers.

C. The Legislature shall appropriate funds from the Oklahoma Education Lottery Trust Fund only for the purposes specified in subsection B of this section. Even when the funds from the trust fund are used for these purposes, the Legislature shall not use funds from the trust fund to supplant or replace other state funds

supporting common education, higher education, or career and technology education.

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

E. The provisions of this section shall not become effective if Enrolled House Bill No. 1278 of the 1st Session of the 49th Oklahoma Legislature is not approved by the people of this state.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 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 amends the Oklahoma Constitution. It adds a new Section 41 to Article 10. This measure would create the Oklahoma Education Lottery Trust Fund. The trust fund shall consist of monies from the Oklahoma Education Lottery. The monies of the trust fund may only be used for certain purposes. All of the purposes for which the trust fund may be used relate to education. The monies in the trust fund may not be used to replace other state funds used to support education. The State Board of Equalization will determine if any of the monies in the trust fund are being used to replace state funding of education. If such a finding is made, the Legislature may not make any appropriations until the amount of replaced funding is returned to the trust fund. This measure would only become effective if voters approved the lottery contained in House Bill No. 1278.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE AMENDMENT

☐ NO, AGAINST THE AMENDMENT

SECTION 3. 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 2

hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date set by the Governor at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in Section 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-18-03 - DO PASS, As Amended and Coauthored.