

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE JOINT
4 RESOLUTION 1049

By: Morrissette

5
6 AS INTRODUCED
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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 41 of
11 Article X of the Constitution of the State of
12 Oklahoma; authorizing lawsuits in Oklahoma Supreme
13 Court or district court; authorizing issuance of writ
14 of mandamus directed to State Treasurer; requiring
15 deposit of revenues from the General Revenue Fund to
16 the Oklahoma Education Lottery Trust Fund; providing
17 ballot title; and directing filing.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
21 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for
23 their approval or rejection, as and in the manner provided by law,
24 the following proposed amendment to Section 41 of Article X of the
25 Constitution of the State of Oklahoma to read as follows:

26 Section 41. A. There is hereby created a trust fund to be
27 known as the "Oklahoma Education Lottery Trust Fund". The trust
28 fund shall consist of the funds transferred to it from the Oklahoma
29 Education Lottery.
30

1 B. Monies in the Oklahoma Education Lottery Trust Fund shall
2 only be expended for the following educational purposes and
3 programs:

4 1. Kindergarten through twelfth grade public education,
5 including but not limited to compensation and benefits for public
6 school teachers and support employees;

7 2. Early childhood development programs;

8 3. Tuition grants, loans and scholarships to citizens of this
9 state to enable such citizens to attend colleges and universities
10 located within this state which are accredited by the Oklahoma State
11 Regents for Higher Education or to attend institutions operated
12 under the authority of the Oklahoma Department of Career and
13 Technology Education;

14 4. Construction of educational facilities for elementary school
15 districts, independent school districts, the Oklahoma State System
16 of Higher Education, and career and technology education;

17 5. Capital outlay projects for elementary school districts,
18 independent school districts, the Oklahoma State System of Higher
19 Education, and career and technology education;

20 6. Technology for public elementary school district,
21 independent school district, state higher education, and career and
22 technology education facilities;

23 7. Endowed chairs for professors at institutions of higher
24 education operated by the Oklahoma State System of Higher Education;

1 8. Programs and personnel of the Oklahoma School for the Deaf
2 and the Oklahoma School for the Blind;

3 9. The School Consolidation and Assistance Fund; and

4 10. The Teachers' Retirement System Dedicated Revenue Revolving
5 Fund.

6 C. The Legislature shall appropriate funds from the Oklahoma
7 Education Lottery Trust Fund only for the purposes specified in
8 subsection B of this section. Even when the funds from the trust
9 fund are used for these purposes, the Legislature shall not use
10 funds from the trust fund to supplant or replace other state funds
11 supporting common education, higher education, or career and
12 technology education.

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

1 ~~appropriations for the ensuing fiscal year until an appropriation in~~
2 ~~that amount is made to replenish the trust fund~~ be required to make
3 an appropriation to replace the supplanted funds before making any
4 other appropriation for any other purpose. Any resident of the
5 State of Oklahoma shall have standing to file an original action in
6 the Oklahoma Supreme Court or in any district court of the state to
7 enforce the requirement for such appropriation and the Oklahoma
8 Supreme Court or any district court shall have the power to issue a
9 writ of mandamus directed to the State Treasurer to cause the
10 supplanted amount of revenue to be transferred from the General
11 Revenue Fund of the State to the Oklahoma Education Lottery Trust
12 Fund.

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

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

19 BALLOT TITLE

20 Legislative Referendum No. _____ State Question No. _____

21 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

22 This measure amends the Oklahoma Constitution. It amends
23 Section 41 of Article 10. This section creates the Oklahoma
24 Education Lottery Trust Fund. The Constitution requires the

1 money in the Lottery Trust Fund to be used for education
2 purposes. The purposes are described in this section of the
3 Oklahoma Constitution. This section also prohibits the
4 Legislature from using the lottery revenues as a substitute for
5 other monies appropriated or made available for education.
6 This measure would allow any resident of the State of Oklahoma
7 to file a lawsuit if the Legislature misused the lottery
8 revenues. The lawsuit could be filed in the Oklahoma Supreme
9 Court. The lawsuit could be filed in a district court. Either
10 the Oklahoma Supreme Court or a district court could issue a
11 special type of order. The order would require the State
12 Treasurer to take money from the General Revenue Fund and
13 deposit the money into the Oklahoma Education Lottery Trust Fund
14 to replace money that had been misused.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

18 SECTION 3. The Chief Clerk of the House of Representatives,
19 immediately after the passage of this resolution, shall prepare and
20 file one copy thereof, including the Ballot Title set forth in
21 SECTION 2 hereof, with the Secretary of State and one copy with the
22 Attorney General.

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24 55-2-7729 MAH 01/20/16