

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE JOINT
6 RESOLUTION 45

By: Brecheen

7 COMMITTEE SUBSTITUTE

8 [Joint Resolution - Constitutional Amendment -
9 Tobacco Settlement Endowment Trust Fund - directing
10 filing]
11

12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

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

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

1 monies that may be appropriated or otherwise directed to the trust
2 fund by the Legislature.

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

Minimum Percentage		
Fiscal Year	of Payments	
Ending June 30, 2002	50%	
Ending June 30, 2003	55%	
Ending June 30, 2004	60%	
Ending June 30, 2005	65%	
Ending June 30, 2006	70%	
Ending June 30, 2007	75%	

15 2. ~~Deposits~~ Beginning with the fiscal year ending June 30,
16 2020, and for each fiscal year thereafter, deposits into the trust
17 fund ~~in subsequent fiscal years~~ shall never be less than ~~seventy-~~
18 ~~five percent (75%)~~ fifty percent (50%) of the payments.

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

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
24

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.
24

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 programs for children;

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

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

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

22 7. Support for the Oklahoma State University College of
23 Osteopathic Medicine and the University of Oklahoma College of
24 Medicine.

1 F. Each fiscal year, the Board of Directors may expend up to
2 twenty-five percent (25%) of the amount of earnings which actually
3 accrued to the trust fund during the preceding fiscal year. Each
4 fiscal year, the Legislature may appropriate up to seventy-five
5 percent (75%) of the amount of earnings which actually accrued to
6 the trust fund during the preceding fiscal year to the Oklahoma
7 Health Care Authority for support of the Oklahoma State University
8 College of Osteopathic Medicine and the University of Oklahoma
9 College of Medicine. Any amount not so expended shall remain in the
10 trust fund. The Board ~~shall~~ may direct specific expenditures to be
11 made for the purposes specified in subsection E of this section from
12 the remaining amount not appropriated by the Legislature pursuant to
13 this subsection.

14 G. The Legislature may enact laws to further implement the
15 provisions of this section.

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 Section 40 of Article 10 of the Oklahoma
23 Constitution. This measure would allow earnings from the
24 Tobacco Settlement Endowment Trust Fund to be used to fund the

Oklahoma State University College of Osteopathic Medicine and
the University of Oklahoma College of Medicine. This measure
would also allow the Legislature to expend earnings from the
fund.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

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.

56-2-3425 LB 7/17/2018 10:02:05 AM