

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE JOINT
RESOLUTION 29

By: Bullard

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Sections 2, 3 and 5 of Article 11 of the Oklahoma Constitution, which relate to the permanent school fund; providing for what constitutes the principal of the permanent school fund; removing language prohibiting the fund from being diminished; providing method for calculating the amount of annual distributions; directing the frequency of certain distributions, the percentage of distributions and certain definition to be provided for by law; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2ND SESSION OF THE 57TH 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 Section 2 of Article XI of the Oklahoma Constitution 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

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

20 SECTION 2. The Secretary of State shall refer to the people for
21 their approval or rejection, as and in the manner provided by law,
22 the following proposed amendment to Section 3 of Article XI of the
23 Oklahoma Constitution to read as follows:
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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 (4 3/4%) and five and one-half percent (5
17 1/2%) of the average 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
21 subsection 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,
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1 the following proposed amendment to Section 5 of Article XI of the
2 Oklahoma Constitution 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 use
5 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 the
8 Agricultural and Mechanical College and Colored Agricultural and
9 Normal University, one-third. The said lands or the proceeds
10 thereof as above apportioned to be divided between the institutions
11 as the Legislature may prescribe: Provided, That the said lands so
12 reserved, or the proceeds of the sale thereof, or of any indemnity
13 lands granted in lieu of section thirteen shall be safely kept or
14 invested and preserved by the State as a trust,~~which shall never be~~
15 ~~diminished, but may be added to, and the income thereof, interest,~~
16 ~~rentals, or otherwise, only.~~ Distributions from the fund shall be
17 used exclusively for the benefit of said educational institutions.
18 Such educational institutions shall remain under the exclusive
19 control of the State and no part of the proceeds arising from the
20 sale or disposal of any lands granted for educational purposes, or
21 the income or rentals thereof, shall be used for the support of any
22 religious or sectarian school, college, or university, and no
23 portion of the funds arising from the sale of sections thirteen or
24 any indemnity lands selected in lieu thereof, either principal or

1 interest, shall ever be diverted, either temporarily or permanently,
2 from the purpose for which said lands were granted to the State.

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

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Section 2 of Article 11 of the Oklahoma
10 Constitution. The measure clarifies what makes up the permanent
11 school fund. It removes language stating that the permanent
12 school fund can be increased but can never be diminished. This
13 measure also amends Section 3 of Article 11 of the Oklahoma
14 Constitution. The measure provides a method to calculate annual
15 distributions from the permanent school fund to certain
16 educational institutions. It also directs certain items to be
17 provided for by law. This measure also amends Section 5 of
18 Article 11 of the Oklahoma Constitution. It removes language
19 stating that the permanent school fund can be increased but can
20 never be diminished.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL — YES _____

23 AGAINST THE PROPOSAL — NO _____

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

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