

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HJR1077 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Trey Caldwell \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE JOINT  
6 RESOLUTION NO. 1077

By: Caldwell (Trey)

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Joint Resolution directing the Secretary of State  
10 to refer to the people for their approval or  
11 rejection a proposed amendment to Section 40 of  
12 Article X of the Constitution of the State of  
13 Oklahoma; allowing deposits of assets, stock, and  
14 other equity investments to the Tobacco Settlement  
15 Endowment Trust; eliminating the Board of Directors  
16 of the Tobacco Settlement Endowment Trust and all  
17 such duties; requiring the Board of Investors of the  
18 Tobacco Settlement Endowment Trust to annually  
19 distribute earnings to the benefit of the Trust, the  
20 Oklahoma Higher Learning Access Act, and the  
21 Education Reform Revolving Fund under certain  
22 distribution methodology; providing ballot title; and  
23 directing filing.  
24

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
19 2ND SESSION OF THE 60TH OKLAHOMA LEGISLATURE:

20 SECTION 1. 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 40 of Title X of the  
23 Constitution of the State of Oklahoma to read as follows:  
24

1 SECTION 40. A. There is hereby created a trust fund to be  
2 known as the "Tobacco Settlement Endowment Trust Fund". The trust  
3 fund principal shall consist of the portion of monies which are  
4 received by the State of Oklahoma on or after July 1, 2001, pursuant  
5 to any settlement with or judgment against any tobacco company or  
6 companies as provided by subsection B of this section, and any other  
7 monies, real property assets, stock, and other equity investments  
8 that may be appropriated or otherwise directed to the trust fund by  
9 the Legislature or this Constitution.

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

Fiscal Year	Minimum Percentage 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%

22 2. Deposits into the trust fund in subsequent fiscal years  
23 shall never be less than seventy-five percent (75%) of the payments.  
24

1           3. The monies received by the State of Oklahoma pursuant to any  
2 settlement with or judgment against any tobacco company or companies  
3 after June 30, 2001, not deposited into the trust fund as provided  
4 in this section, shall be deposited into a special fund established  
5 by the Legislature solely for the purpose of receiving the payments;  
6 provided, the Legislature may, by law, direct a certain portion of  
7 such monies to the Office of the Attorney General. The special fund  
8 shall be subject to legislative appropriations.

9           C. There is hereby created the Board of Investors of the  
10 Tobacco Settlement Endowment Trust Fund. The Board of Investors  
11 shall have the duty of investing, managing, and administering  
12 monies, real property assets, stock, and other equity investments in  
13 the trust fund, subject to restrictions and limitations provided by  
14 law for and in accordance with laws applicable to the investment of  
15 monies in state retirement funds.

16           The Board of Investors shall consist of five (5) members as  
17 follows:

- 18           1. The State Treasurer who shall be the chair;
- 19           2. An appointee of the Governor;
- 20           3. An appointee of the Speaker of the House of Representatives;
- 21           4. An appointee of the President Pro Tempore of the Senate; and
- 22           5. An appointee of the State Auditor and Inspector.

23           The initial appointees shall serve staggered terms of office as  
24 provided for by law. Thereafter, appointees shall serve four-year

1 terms of office. No more than two appointees shall be appointed  
2 from any single congressional district. All appointed members shall  
3 have demonstrated expertise in public or private investment funds  
4 management.

5 ~~D. There is hereby created the Board of Directors of the~~  
6 ~~Tobacco Settlement Endowment Trust Fund. The Board of Directors~~  
7 ~~shall consist of seven (7) members, one appointed by each of the~~  
8 ~~following appointing authorities:~~

- 9 ~~1. The Governor;~~
- 10 ~~2. The President Pro Tempore of the Senate;~~
- 11 ~~3. The Speaker of the House of Representatives;~~
- 12 ~~4. The Attorney General;~~
- 13 ~~5. The State Treasurer;~~
- 14 ~~6. The State Auditor and Inspector; and~~
- 15 ~~7. The State Superintendent of Public instruction.~~

16 ~~The initial appointed members shall serve staggered terms of~~  
17 ~~office as provided for by law. Thereafter, the appointed members of~~  
18 ~~the Board of Directors shall serve seven-year terms of office. At~~  
19 ~~least one appointee shall be appointed from each congressional~~  
20 ~~district, and not more than two appointees shall be appointed from~~  
21 ~~any single congressional district. Not more than four appointees~~  
22 ~~shall be members of the same political party. An appointee shall~~  
23 ~~have been a member of the political party to which the appointee~~  
24 ~~belongs for at least one (1) year prior to the date of appointment.~~

1 ~~Appointees shall have demonstrated expertise in public or private~~  
2 ~~health care or programs related to or for the benefit of children or~~  
3 ~~senior adults.~~

4 ~~The Board of Directors shall meet at least one time each~~  
5 ~~calendar quarter.~~

6 ~~E.~~ Earnings from the trust fund, including but not limited to  
7 interest, dividends, and realized capital gains from investments of  
8 the trust fund shall be ~~expended~~ transferred as provided in  
9 subsection ~~F~~ E of this section ~~for the following purposes:~~

10 ~~1. Clinical and basic research and treatment efforts in~~  
11 ~~Oklahoma for the purpose of enhancing efforts to prevent and combat~~  
12 ~~cancer and other tobacco-related diseases;~~

13 ~~2. Cost-effective tobacco prevention and cessation programs;~~

14 ~~3. Programs other than those specified in paragraph 1 of this~~  
15 ~~subsection designed to maintain or improve the health of Oklahomans~~  
16 ~~or to enhance the provision of health care services to Oklahomans,~~  
17 ~~with particular emphasis on such programs for children;~~

18 ~~4. Programs and services for the benefit of the children of~~  
19 ~~Oklahoma, with particular emphasis on common and higher education,~~  
20 ~~before and after school and pre-school programs, substance abuse~~  
21 ~~prevention and treatment programs and other programs and services~~  
22 ~~designed to improve the health and quality of life of children;~~

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

1       ~~6. Authorized administrative expenses of the Office of the~~  
2 ~~State Treasurer and the Board of Directors.~~

3       ~~F. E. Each fiscal year, the Board of Directors may expend~~  
4 Investors shall distribute the amount of earnings which actually  
5 accrued to the trust fund during the preceding fiscal year, to the  
6 funds described and in the manner prescribed in subsection F of this  
7 section. Any amount not so expended shall remain in the trust fund.  
8 ~~The Board shall direct specific expenditures to be made for the~~  
9 ~~purposes specified in subsection E of this section.~~

10       F. Earnings as described in subsection D of this section shall  
11 be distributed in priority as follows:

12       1. Twenty percent (20%) shall be retained by the trust fund as  
13 principal;

14       2. The additional amount estimated annually by the Oklahoma  
15 State Regents of Higher Education, necessary to fully fund awards  
16 allowed pursuant to the Oklahoma Higher Learning Access Act, for the  
17 fiscal year which begins the following July 1, or all remaining  
18 earnings available for distribution if the entire amount of estimate  
19 is not available for distribution, to the State Regents of Higher  
20 Education for the support of the Oklahoma Higher Learning Access  
21 Act; and

22       3. All remaining funds after the distributions described in  
23 paragraphs 1 and 2 of this subsection have been made, if any, to the  
24 Education Reform Revolving Fund of the State Treasury.

1 G. The Legislature may enact laws to further implement the  
2 provisions of this section.

3 SECTION 2. The Ballot Title for the proposed Constitutional  
4 amendment as set forth in SECTION 1 of this resolution shall be in  
5 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 the Oklahoma Constitution. It amends  
10 Section 40 of Article 10. This measure would authorize real  
11 property assets, stock, and other equity investments, in  
12 addition to monies, be added to the Tobacco Settlement Endowment  
13 Trust. This measure would eliminate the Board of Directors of  
14 the Tobacco Settlement Endowment Trust Fund and its related  
15 duties associated with administering and distributing earnings  
16 from the Tobacco Settlement Endowment Trust. The measure would  
17 require the Board of Investors of the Tobacco Settlement  
18 Endowment Trust to annually distribute Trust earnings of twenty  
19 percent back into the Trust, and then use remaining earnings to  
20 fund awards of the Oklahoma Higher Learning Access Act, also  
21 known as Oklahoma's Promise Scholarships, and subsequently  
22 distribute remaining earnings to the Education Reform Revolving  
23 Fund of the State Treasury, also known as the 1017 Fund.

24 SHALL THE PROPOSAL BE APPROVED?

1 FOR THE PROPOSAL - YES \_\_\_\_\_

2 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

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