

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1050

By: Harris

7 AS INTRODUCED

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 40 of
11 Article X of the Constitution of the State of
12 Oklahoma; decreasing the term limit for board members
on the Board of Directors of the Tobacco Settlement
Endowment Trust Fund; authorizing the appointing
authority to remove members at will; providing ballot
title; and directing filing.

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15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 2ND SESSION OF THE 60TH OKLAHOMA LEGISLATURE:

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

21 Section 40. A. There is hereby created a trust fund to be
22 known as the "Tobacco Settlement Endowment Trust Fund". The trust
23 fund principal shall consist of the portion of monies which are
24 received by the State of Oklahoma on or after July 1, 2001, pursuant

1 to any settlement with or judgment against any tobacco company or
2 companies as provided by subsection B of this section, and any other
3 monies that may be appropriated or otherwise directed to the trust
4 fund by the Legislature.

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

9	Minimum Percentage	
10	Fiscal Year	of Payments
11	Ending June 30, 2002	50%
12	Ending June 30, 2003	55%
13	Ending June 30, 2004	60%
14	Ending June 30, 2005	65%
15	Ending June 30, 2006	70%
16	Ending June 30, 2007	75%

17 2. Deposits into the trust fund in subsequent fiscal years
18 shall never be less than seventy-five percent (75%) 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
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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~~ four-year terms of
13 office. Members shall be subject to removal, at will, by their
14 respective appointing authority. At least one appointee shall be
15 appointed from each congressional district, and not more than two
16 appointees shall be appointed from any single congressional
17 district. Not more than four appointees shall be members of the
18 same political party. An appointee shall have been a member of the
19 political party to which the appointee belongs for at least one (1)
20 year prior to the date of appointment. Appointees shall have
21 demonstrated expertise in public or private health care or programs
22 related to or for the benefit of children or senior adults.

23 The Board of Directors shall meet at least one time each
24 calendar quarter.

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.

22 F. Each fiscal year, the Board of Directors may expend the
23 amount of earnings which actually accrued to the trust fund during
24 the preceding fiscal year. Any amount not so expended shall remain

1 in the trust fund. The Board shall direct specific expenditures to
2 be made for the purposes specified in subsection E of this section.

3 G. The Legislature may enact laws to further implement the
4 provisions of this section.

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

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure amends the Oklahoma Constitution. The measure
12 amends Section 40 of Article 10. The measure changes the term
13 limit from seven (7) years to four (4) years to serve as a
14 member on the Board of Directors of the Tobacco Settlement
15 Endowment Trust Fund. The measure authorizes the appointing
16 authority of each member to be able to remove the member that
17 the appointing authority appointed.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES _____

20 AGAINST THE PROPOSAL - NO _____

21 SECTION 3. The Chief Clerk of the House of Representatives,
22 immediately after the passage of this resolution, shall prepare and
23 file one copy thereof, including the Ballot Title set forth in
24

1 SECTION 10 hereof, with the Secretary of State and one copy with the
2 Attorney General.

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