

ENROLLED HOUSE BILL 2022

ENACTED BY THE SECOND REGULAR SESSION OF THE
47TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 692

LEGISLATIVE REFERENDUM NUMBER 320

RECEIVED: MAY 26, 2000

An Act

ENROLLED HOUSE
BILL NO. 2022

By: Benson, Askins, Blackburn,
Braddock, Bonny, Covey,
Matlock, Glover, Collins,
Cox, Easley, Gilbert,
Lindley, McCarter,
Mitchell, Pope (Clay),
Roach, Roberts, Seikel,
Toure, Turner, Wells,
Paulk, Hilliard, Perry,
Pettigrew and Vaughn of the
House

and

Taylor, Leftwich and Monson
of the Senate

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 40 to Article X; creating the Tobacco Settlement Endowment Trust Fund; specifying content and deposits to the trust fund; designating deposit of certain monies in a special fund; providing for the investment of monies in the trust fund; creating a Board of Investors and procedures related thereto; providing for management of the trust fund; providing for a Board of Directors and procedures related thereto; specifying disposition of earnings of the trust fund; authorizing the Legislature to enact certain laws; providing ballot title; and directing filing

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 Article X of the Constitution of the State of Oklahoma by adding a new Section 40 to read as follows:

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

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

<u>Fiscal Year</u>	<u>Minimum Percentage of Payments</u>
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%

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

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

C. There is hereby created the Board of Investors of the Tobacco Settlement Endowment Trust Fund. The Board of Investors shall have the duty of investing monies in the trust fund, subject to restrictions and limitations provided by law for and in accordance with laws applicable to the investment of monies in state retirement funds.

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

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

The initial appointees shall serve staggered terms of office as provided for by law. Thereafter, appointees shall serve four-year terms of office. No more than two appointees shall be appointed from any single congressional district. All appointed members shall have demonstrated expertise in public or private investment funds management.

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

1. The Governor;
2. The President Pro Tempore of the Senate;
3. The Speaker of the House of Representatives;
4. The Attorney General;
5. The State Treasurer;
6. The State Auditor and Inspector; and
7. The State Superintendent of Public Instruction.

The initial appointed members shall serve staggered terms of office as provided for by law. Thereafter, the appointed members of the Board of Directors shall serve seven-year terms of office. At least one appointee shall be appointed from each congressional district, and not more than two appointees shall be appointed from any single congressional district. Not more than four appointees shall be members of the same political party. An appointee shall have been a member of the political party to which the appointee belongs for at least one (1) year prior to the date of appointment. Appointees shall have demonstrated expertise in public or private health care or programs related to or for the benefit of children or senior adults.

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

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

1. Clinical and basic research and treatment efforts in Oklahoma for the purpose of enhancing efforts to prevent and combat cancer and other tobacco-related diseases;
2. Cost-effective tobacco prevention and cessation programs;
3. Programs other than those specified in paragraph 1 of this subsection designed to maintain or improve the health of Oklahomans or to enhance the provision of health care services to Oklahomans, with particular emphasis on such programs for children;
4. Programs and services for the benefit of the children of Oklahoma, with particular emphasis on common and higher education, before- and after-school and pre-school programs, substance abuse prevention and treatment programs and other programs and services designed to improve the health and quality of life of children;
5. Programs designed to enhance the health and well-being of senior adults; and

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

F. Each fiscal year, the Board of Directors may expend the amount of earnings which actually accrued to the trust fund during the preceding fiscal year. Any amount not so expended shall remain in the trust fund. The Board shall direct specific expenditures to be made for the purposes specified in subsection E of this section.

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

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It adds Section 40 to Article 10. The measure creates the Tobacco Settlement Endowment Trust Fund. A percentage of the payments received by the state from tobacco companies shall be deposited in the trust fund. The percentage goes from 50% for the fiscal year ending June 30, 2002, to 75% for any fiscal year ending June 30, 2007, and after. Monies not deposited in the trust fund shall be subject to legislative appropriations. The trust fund would be managed by the Board of Directors. The Board of Directors would consist of members appointed by various state officials. The trust fund monies could be invested according to certain standards. A Board of Investors would have the duty of investing the trust fund monies. The chair of the Board of Investors would be the State Treasurer. Other members would be appointed by various state officials. The earnings from the trust fund may be expended by the Board of Directors for certain purposes. The purposes include tobacco prevention and cessation programs, health care, education, other children's services and programs for senior adults. The measure allows the Legislature to pass laws to further implement this section.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall 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 _____

Passed the House of Representatives the 25th day of May, 2000.

ACTING

Jim R. Glover
Speaker of the House of
Representatives

Passed the Senate the 26th day of May, 2000.

ACTING

Keith Bell
President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 26th
day of May, 2000,
at 6:14, o'clock P. M.

By: Mike Hunter



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 5, 2000

FILED

JUN 5 2000

CLERK OF THE SECRETARY
OF STATE

Mr. Mike Hunter, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Stratton Taylor
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Loyd Benson
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 692, Legislative Referendum No. 320

Gentlemen:

We have, in accordance with 34 O.S.Supp.1999, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is in harmony with the law. As a Title 34 Ballot Title review, this letter does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W.A. Edmondson", is written over a light blue horizontal line.

W.A. DREW EDMONDSON
ATTORNEY GENERAL

ballot/692-ltr/rs





Frank Keating

Governor

EXECUTIVE DEPARTMENT

FILED

JUL 14 2000

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE PROCLAMATION

I, FRANK KEATING, Governor of the State of Oklahoma, pursuant to the provisions of Section 1 of Article XXIV of the Oklahoma Constitution, and Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State in the absence of any election date being set by the Legislature, hereby declare that Legislative Referendum Number 320, State Question 692, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 7, 2000.

The official ballot title for State Question 692, is as follows:

The measure amends the Oklahoma Constitution. It adds Section 40 to Article 10. The measure creates the Tobacco Settlement Endowment Trust Fund. A percentage of the payments received by the state from tobacco companies shall be deposited in the trust fund. The percentage goes from 50% for the fiscal year ending June 30, 2002, to 75% for any fiscal year ending June 30, 2007, and after. Monies not deposited in the trust fund shall be subject to legislative appropriations. The trust fund would be managed by the Board of Directors. The Board of Directors would consist of members appointed by various state officials. The trust fund monies could be invested according to certain standards. A Board of Investors would have the duty of investing the trust fund monies. The chair of the Board of Investors would be the State Treasurer. Other members would be appointed by various state officials. The earnings from the trust fund may be expended by the Board of Directors for certain purposes. The purposes include tobacco prevention and cessation programs, health care, education, other children's services and programs for senior adults. The measure allows the Legislature to pass laws to further implement this section.

Copies of this Executive Proclamation shall be delivered to Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 14th day of July, 2000.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

A large, stylized handwritten signature in black ink, appearing to read "F. Keating", written over a horizontal line.

Attest:

A handwritten signature in black ink, appearing to read "Dawn Amundson", written over a horizontal line.

ASSISTANT Secretary of State



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK. 73105-4897

405-521-3911

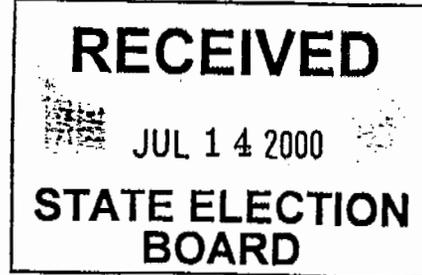
Fax # (405) 521-3771

Mike Hunter
Secretary of State

Frank Keating
Governor

July 14, 2000

The Honorable Lance Ward, Secretary
Oklahoma State Election Board
Room 3, State Capitol
Oklahoma City, Oklahoma 73105



Dear Secretary Ward:

Attached is a copy of the Governor's Proclamation calling for the election on State Question 690, Legislative Referendum Number 318 and State Question 692, Legislative Referendum 320. The Governor has declared that the State Questions be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 7, 2000.

I herewith submit an attested copy of the proclamation calling for said election, pursuant to the provisions of Title 34 O.S. § 12.

If there are any questions or if our office may be of further assistance, please do not hesitate to let us know.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Amundsen".

Dawn Amundsen
Assistant Secretary of State

DA/kj



Frank Keating
Governor

FILED

DEC 5 2000

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, FRANK KEATING, by virtue of the authority vested in me by the Office of the Governor by Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, hereby proclaim State Question 692 to have passed. The results of the election held on November 7, 2000, on State Question 692, Legislative Referendum Number 320 are as follows:

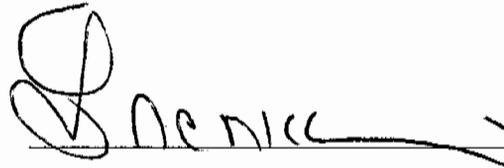
Total Votes - 1,127,285

YES - 775,740

NO - 351,545

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 5th day of December, 2000.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



Attest:


Secretary of State



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 14, 2000

The Honorable Mike Hunter
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

FILED

NOV 14 2000

OKLAHOMA SECRETARY
OF STATE

Dear Mr. Hunter:

Enclosed please find a copy of the official returns of the vote at the General Election on November 7, 2000, on the following measures, as certified to the Governor of the State of Oklahoma:

State Question No. 684, Legislative Referendum No. 314

State Question No. 685, Legislative Referendum No. 315

State Question No. 686, Legislative Referendum No. 316

State Question No. 688, Legislative Referendum No. 317

State Question No. 690, Legislative Referendum No. 318

State Question No. 692, Legislative Referendum No. 320

Sincerely,

LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this 14th day of November, 2000.

By:

Time: 10:20



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 14, 2000

The Honorable Frank Keating
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

FILED

NOV 14 2000

OKLAHOMA SECRETARY
OF STATE

Dear Governor Keating:

Pursuant to the provisions of 26 O.S. 1991, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 7, 2000, on the following measures:

**STATE QUESTION No. 684
LEGISLATIVE REFERENDUM No. 314**

YES: 554,256
NO: 569,557

**STATE QUESTION No. 685
LEGISLATIVE REFERENDUM No. 315**

YES: 403,874
NO: 730,859

**STATE QUESTION No. 686
LEGISLATIVE REFERENDUM No. 316**

YES: 641,591
NO: 487,547

Governor Keating
November 14, 2000
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STATE QUESTION No. 688
LEGISLATIVE REFERENDUM No. 317

YES: 798,238
NO: 337,175

STATE QUESTION No. 690
LEGISLATIVE REFERENDUM No. 318

YES: 612,955
NO: 506,664

STATE QUESTION No. 692
LEGISLATIVE REFERENDUM No. 320

YES: 775,740
NO: 351,545

Sincerely,



LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this 14th day of November, 2000.

By: Umelissa Doan

Time: 9:34 a.m.