

ENROLLED SENATE JOINT RESOLUTION NO. 22
ENACTED BY THE FIRST REGULAR SESSION OF THE
49TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
STATE QUESTION NUMBER 706
LEGISLATIVE REFERENDUM NUMBER 331

RECEIVED: April 28, 2003

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 22

By: Hobson of the Senate

and

Kirby of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article X to be designated as Section 41; creating the Oklahoma Education Lottery Trust Fund; requiring the trust fund to be expended only for certain education-related purposes; prohibiting the Legislature from using the trust fund to replace other funds supporting education purposes; requiring the State Board of Equalization to examine appropriations from the trust fund; providing appropriation procedure under certain circumstances; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 49TH 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 Article X of the Constitution of the State of Oklahoma by adding a new Section 41 to read as follows:

Section 41. A. There is hereby created a trust fund to be known as the "Oklahoma Education Lottery Trust Fund". The trust fund shall consist of the funds transferred to it from the Oklahoma Education Lottery.

B. Monies in the Oklahoma Education Lottery Trust Fund shall only be expended for the following educational purposes and programs:

1. Kindergarten through twelfth grade public education, including but not limited to compensation and benefits for public school teachers and support employees;

2. Early childhood development programs;

3. Tuition grants, loans and scholarships to citizens of this state to enable such citizens to attend colleges and universities located within this state which are accredited by the Oklahoma State Regents for Higher Education or to attend institutions operated

under the authority of the Oklahoma Department of Career and Technology Education;

4. Construction of educational facilities for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education;

5. Capital outlay projects for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education;

6. Technology for public elementary school district, independent school district, state higher education, and career and technology education facilities;

7. Endowed chairs for professors at institutions of higher education operated by the Oklahoma State System of Higher Education;

8. Programs and personnel of the Oklahoma School for the Deaf and the Oklahoma School for the Blind;

9. The School Consolidation and Assistance Fund; and

10. The Teachers' Retirement System Dedicated Revenue Revolving Fund.

C. The Legislature shall appropriate funds from the Oklahoma Education Lottery Trust Fund only for the purposes specified in subsection B of this section. Even when the funds from the trust fund are used for these purposes, the Legislature shall not use funds from the trust fund to supplant or replace other state funds supporting common education, higher education, or career and technology education.

D. In order to ensure that the funds from the trust fund are used to enhance and not supplant funding for education, the State Board of Equalization shall examine and investigate appropriations from the trust fund each year. At the meeting of the State Board of Equalization held within five (5) days after the monthly apportionment in February of each year, the State Board of Equalization shall issue a finding and report which shall state whether appropriations from the trust fund were used to enhance or supplant education funding. If the State Board of Equalization finds that education funding was supplanted by funds from the trust fund, the Board shall specify the amount by which education funding was supplanted. In this event, the Legislature shall not make any appropriations for the ensuing fiscal year until an appropriation in that amount is made to replenish the trust fund.

E. The provisions of this section shall not become effective if Enrolled House Bill No. 1278 of the 1st Session of the 49th Oklahoma Legislature is not approved by the people of this state.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution 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 a new Section 41 to Article 10. This measure would create the Oklahoma Education Lottery Trust Fund. The trust fund shall consist of monies from the Oklahoma Education Lottery. The monies of the trust fund may only be used for certain purposes. All of the purposes for which the trust fund may be used relate to education. The monies in the trust fund may not be used to replace other state funds used to support education. The State Board of Equalization will determine if any of the monies in the trust fund are being used to replace state funding of education. If such a finding is made, the Legislature may not make any appropriations until the amount of replaced funding is returned to the trust fund. This measure would only become effective if voters approved the lottery contained in House Bill No. 1278.

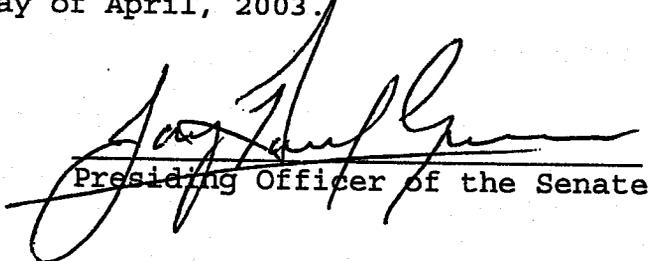
SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

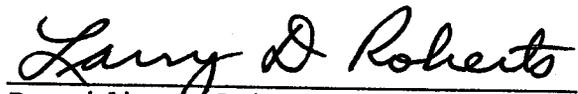
NO, AGAINST THE AMENDMENT

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.

Passed the Senate the 24th day of April, 2003.


Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2003.


Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
28th day of April, 2003,
at 4:30 o'clock P. M.

By: M. Brian Swartz



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 5, 2003

M. Susan Savage, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Cal Hobson
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Larry E. Adair
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

FILED

MAY 5 2003

**OKLAHOMA SECRETARY
OF STATE**

Re: Ballot Title for State Question No. 706, Legislative Referendum No. 331

Ladies and Gentlemen:

We have, in accordance with provisions of 34 O.S.2001, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is in harmony with the law. We point out, however, that the bold language following the actual language of the Ballot Title does not fully comply with the requirements of 26 O.S.2001, § 6-113, which requires the following language to follow the substantive language of the Ballot Title:

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO



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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,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:rjs



F I L E D

AUG 18 2004

OKLAHOMA SECRETARY
OF STATE

Brad Henry
Governor
EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and 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 do hereby declare that Legislative Referendum Number 331, State Question 706, 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 2, 2004.

The substance of the measure is as follows:

This measure amends the Oklahoma Constitution. It adds a new Section 41 to Article 10. This measure would create the Oklahoma Education Lottery Trust Fund. The trust fund shall consist of monies from the Oklahoma Education Lottery. The monies of the trust fund may only be used for certain purposes. All of the purposes for which the trust fund may be used relate to education. The monies in the trust fund may not be used to replace other state funds used to support education. The State Board of Equalization will determine if any of the monies in the trust fund are being used to replace state funding of education. If such a finding is made, the Legislature may not make any appropriations until the amount of replaced funding is returned to the trust fund. This measure would only become effective if voters approved the lottery contained in House Bill No. 1278 (State Question 705).

Copies of this Executive Proclamation shall be delivered to the 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 17th day of August, 2004.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Brad Henry

ATTEST:

SECRETARY OF STATE