

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 JOINT

6 RESOLUTION NO. 1045

By: Nelson, Thomsen and Roberts
(Sean) of the House

and

David and Fields of the
Senate

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10 [Constitution of the State of Oklahoma - requiring
11 certain percentage or amount of earnings directed for
12 certain purpose be made available for pediatric
cancer research - ballot title - filing]

13
14 ~~BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE~~
15 ~~2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:~~

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

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

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

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

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

18 3. The monies received by the State of Oklahoma pursuant to any
19 settlement with or judgment against any tobacco company or companies
20 after June 30, 2001, not deposited into the trust fund as provided
21 in this section, shall be deposited into a special fund established
22 by the Legislature solely for the purpose of receiving the payments;
23 provided, the Legislature may, by law, direct a certain portion of
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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 terms of office. At
13 least one appointee shall be appointed from each congressional
14 district, and not more than two appointees shall be appointed from
15 any single congressional district. Not more than four appointees
16 shall be members of the same political party. An appointee shall
17 have been a member of the political party to which the appointee
18 belongs for at least one (1) year prior to the date of appointment.
19 Appointees shall have demonstrated expertise in public or private
20 health care or programs related to or for the benefit of children or
21 senior adults.

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

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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; provided,
13 that a minimum of ten percent (10%) or One Million Dollars
14 (\$1,000,000.00), whichever is greater, of earnings directed for
15 clinical and basic research and treatment efforts shall be made
16 available for pediatric cancer research annually, unless doing so
17 will result in the reduction of any grants funded from earnings
18 already committed on the effective date of this provision, in one or
19 more of the following areas in order to:

20 a. improve the treatment of childhood cancer,

21 b. enhance the provision of childhood cancer treatment
22 services within the state and reduce the need for
23 children to seek treatment outside the state, and

1 This resolution amends Section 40 of Article 10 of the Oklahoma
2 Constitution which relates to earnings from the tobacco
3 settlement. It provides that a minimum of ten percent (10%) or
4 One Million Dollars (\$1,000,000.00), whichever is greater, of
5 earnings directed for research and treatment efforts be made
6 available for pediatric cancer research. It will not result in
7 the reduction of funding of existing grants.

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL - YES _____

10 AGAINST THE PROPOSAL - NO _____

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

16 COMMITTEE REPORT BY: COMMITTEE ON RULES
17 April 6, 2016 - DO PASS AS AMENDED
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