

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE JOINT
RESOLUTION 35

By: Robinson

AS INTRODUCED

A Joint Resolution relating to revenue and taxation; ordering a legislative referendum pursuant to the Oklahoma Constitution; imposing additional tax on sale, use, gift, possession, or consumption of cigarettes; stating amount and apportionment of tax; providing procedures; prohibiting use of revenues for certain purposes; creating certain revolving fund; providing an effective date; providing for codification; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2ND SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the next General Election.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 302-5 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. In addition to the tax levied in Sections 302, 302-1, 302-2, 302-3 and 302-4 of Title 68 of the Oklahoma Statutes, there is hereby levied upon the sale, use, gift, possession, or consumption of cigarettes, as defined in Sections 301 through 325 of Title 68 of the Oklahoma Statutes, within this state, a tax at the rate of _____ cents (\$_.__) per cigarette. The tax shall be evidenced by tax stamps as now provided for; however, as to cigarette packages of

less than ten cigarettes for free distribution as samples, the tax herein levied shall be computed and paid as provided for other cigarette taxes without affixing stamps on each such package.

B. The revenues resulting from the additional tax levied in this section shall be apportioned as provided in subsection D of this section. No part of the revenues resulting from the additional tax levied in this section shall be used in determining the amount of cigarette tax collections to be paid into the State of Oklahoma Building Bonds of 1961 Sinking Fund pursuant to the provisions of Sections 57.31 through 57.43 of Title 62 of the Oklahoma Statutes, the State of Oklahoma Building Bonds of 1965 Sinking Fund pursuant to the provisions of Sections 57.61 through 57.73 of Title 62 of the Oklahoma Statutes, the State of Oklahoma Building Bonds of 1968 Reserve Fund, the Oklahoma Building Bonds of 1992 Sinking Fund or the General Revenue Fund.

C. The cigarette tax levied in this section shall be collected and administered in all respects not inconsistent with as now or hereafter provided for by law for other cigarette taxes now levied, collected, and administered pursuant to the provisions of Sections 301 through 325 of Title 68 of the Oklahoma Statutes.

D. Revenues from the tax levied pursuant to the provisions of this section shall be apportioned as follows:

1. _____ percent (___%) of such monies shall be apportioned to the Oklahoma Health Care Authority Medicaid Program Fund created in Section 5020 of Title 63 of the Oklahoma Statutes, to be used exclusively for the purpose of matching federal funds. If the Oklahoma Health Care Authority Board deems it necessary to separate such funds from other monies in the Oklahoma Health Care Authority Medicaid Program Fund to ensure that funds apportioned pursuant to the provisions of this paragraph are used exclusively for such purpose, it shall create a separate account in the Oklahoma Health

Care Authority Medicaid Program Fund and apportion such revenues thereto;

2. _____ percent (___%) of such monies shall be apportioned to the Oklahoma Department of Mental Health and Substance Abuse Services Revolving Fund created in Section 2-303 of Title 43A of the Oklahoma Statutes;

3. _____ percent (___%) of such monies shall be apportioned to the Public Health Special Fund created in Section 1-107 of Title 63 of the Oklahoma Statutes; and

4. _____ percent (___%) of such monies shall be apportioned to the University of Oklahoma Cancer Treatment and Prevention Center Revolving Fund, which is hereby created in the State Treasury. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the University of Oklahoma pursuant to the provisions of this paragraph and all other monies directed thereto by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the University of Oklahoma for the purpose of developing and constructing a facility for the treatment and prevention of cancer in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. This act shall become effective January 1, 2003, upon approval by the people.

SECTION 4. The Ballot Title for the proposed 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 levies a tax on the sale, use, gift, possession, or consumption of cigarettes. The new tax

would be in addition to existing taxes. It would be in the amount of ____ cents per cigarette. The revenues from the new tax would be deposited to the Oklahoma Health Care Authority Medicaid Program Fund (__%), the Oklahoma Department of Mental Health and Substance Abuse Services Revolving Fund (__%), the Public Health Special Fund (__%) and the University of Oklahoma Cancer Treatment and Prevention Revolving Fund (__%). The measure would become effective January 1, 2003, if approved by the people.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 5. The President Pro Tempore of the Senate shall, immediately after the passage of this order for legislative referendum, prepare and file in accordance with Section 3 of Article V of the Oklahoma Constitution, one copy of this order for legislative referendum, including the Ballot Title set forth in SECTION 4, with the Secretary of State and one copy with the Attorney General.

48-2-1870

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