

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT
RESOLUTION HJR1010

By: Vaughn

AS INTRODUCED

A Joint Resolution 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 41 to Article X; imposing additional taxes on various tobacco products; specifying purpose of additional taxes providing ballot title; directing filing; and ordering a special election.

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

Section 41. A. There is hereby imposed an excise tax upon a pack of twenty cigarettes of One Dollar (\$1.00), which shall be in addition to any additional excise tax imposed by the Legislature. The total excise tax imposed upon a pack of twenty cigarettes shall never be less than One Dollar and twenty-three cents (\$1.23).

B. There is hereby imposed an excise tax on smokeless tobacco, chewing tobacco and snuff of ten percent (10%) of the factory list price of such products, which tax shall be in addition to excise taxes imposed upon smokeless tobacco, chewing tobacco and snuff by the Legislature. The total excise tax imposed on smokeless tobacco, chewing tobacco and snuff shall never be less than forty percent (40%) of the factory list price of such product.

C. There is hereby imposed an excise tax of 3 mills each upon little cigars which shall be in addition to any excise tax imposed upon the little cigars by the Legislature. The total excise tax imposed upon little cigars shall never be less than 12 mills each. As used in this subsection, "little cigars" means cigars of all descriptions made of tobacco or any substitute therefor, and weighing not more than three (3) pounds per one thousand.

D. The excise taxes imposed by this section, when collected, shall be used to help fund the following health-related programs and services:

1. Through fiscal year 2010-2011, ten percent (10%) shall be used to implement the Oklahoma State Plan for Tobacco Use Prevention and Cessation proscribed by the Legislature or entity created by the Legislature for that purpose;

2. Through fiscal year 2010-2011, ninety percent (90%) shall be used only to provide medical services; and

3. Beginning fiscal year 2011-2012 and each year thereafter, one hundred percent (100%) shall be used only to provide medical services.

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. It adds additional taxes to certain tobacco products. It adds a \$1.00 tax on a pack of cigarettes. It increases the tax on smokeless tobacco, chewing tobacco and snuff by an amount equal to 10% of the factory list price of such tobacco. It adds a tax of 3 mills on little cigars. This measure sets minimum tax levels on the tobacco products affected

by this amendment. The minimum tax for a pack of cigarettes is set at \$1.23. The minimum tax on smokeless tobacco, chewing tobacco and snuff is set at 40% of the factory list price of the product. The minimum tax on little cigars is set at 12 mills per cigar. This measure states the purpose for which the monies raised pursuant to this section may be used. Until July 1, 2011, 10% of the monies must be used for the state plan for prevention of use of tobacco. During that time, the other 90% must be used for medical services. Beginning with fiscal year 2011-2012, all of the monies must be used for medical services.

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 resolution, 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.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next special election scheduled to be held throughout the state or the next general election, whichever is earliest, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

49-1-5993

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