

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1801

By: Branan

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5
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; amending 37
8 O.S. 2001, Section 563, as amended by Section 17,
9 Chapter 426, O.S.L. 2009 (37 O.S. Supp. 2009, Section
10 563), which relates to the Oklahoma Alcoholic
11 Beverage Control Act; modifying the basis on which
12 certain excise tax is distributed; providing an
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 37 O.S. 2001, Section 563, as
16 amended by Section 17, Chapter 426, O.S.L. 2009 (37 O.S. Supp. 2009,
17 Section 563), is amended to read as follows:

18 Section 563. All revenue accruing from the excise tax levied by
19 Section 553 of this title shall be collected by the Oklahoma Tax
20 Commission and distributed as follows:

21 1. Two-thirds of ninety-seven percent (2/3 of 97%) of such tax
22 revenue shall be paid to the State Treasurer and placed to the
23 credit of the General Revenue Fund of the state; provided, beginning
24 July 1, 2010, any amounts derived from the tax levied pursuant to
paragraphs 2 and 3 of subsection A of Section 553 of this title that

1 exceed an amount equal to the total amount collected from such tax
2 levy for the fiscal year ending on June 30, 2010, shall be
3 distributed to the Oklahoma Viticulture and Enology Center
4 Development Revolving Fund created pursuant to Section 16 of this
5 act, but in no event shall the distribution to the Oklahoma
6 Viticulture and Enology Center Development Revolving Fund in any
7 fiscal year exceed Three Hundred Fifty Thousand Dollars
8 (\$350,000.00);

9 2. One-third of ninety-seven percent (1/3 of 97%) of such
10 revenue is hereby allocated to the counties of this state and shall
11 be paid to the county treasurers on the basis of area and population
12 of the incorporated areas of the county (giving equal weight to area
13 and population of the incorporated areas) wherein the sale of
14 alcoholic beverages is lawful, and all of said funds shall be
15 appropriated by the county commissioners of each county and
16 apportioned by the county treasurer to all incorporated cities and
17 towns in said county on the basis of population within each city and
18 town on a per capita basis based on the last preceding Federal
19 Decennial Census. For the purpose of appropriating and paying the
20 excise taxes collected under the Oklahoma Alcoholic Beverage Control
21 Act, or any act which is amendatory thereof or supplemental thereto,
22 to the incorporated cities and towns in any county, city or town,
23 the corporate limits of which include territory within more than one
24 county, shall be considered and treated as being a city or town in

1 only the county within which more than fifty percent (50%) of the
2 entire population of such city or town, as shown by the last
3 preceding Federal Decennial Census, reside, and, for such purpose,
4 shall not be considered or treated as being a city or town in any
5 other county; and, in the event that the last preceding Federal
6 Decennial Census fails to disclose information from which such fact
7 may be determined by the board of county commissioners which is
8 appropriating the tax money then involved to the cities and towns in
9 its county, said board of county commissioners shall make an
10 estimate, from the best information then available to it, as to the
11 percentage of the entire population of such city or town then
12 residing in said county. If such board of county commissioners
13 determines, either from information disclosed by the last preceding
14 Federal Decennial Census, or from the best information then
15 available to said board (when such information is not disclosed by
16 the last preceding Federal Decennial Census), that more than fifty
17 percent (50%) of the population of such a city or town resides in
18 that county, such city or town shall receive its pro rata share of
19 such tax money, on the basis of its entire population according to
20 the last preceding Federal Decennial Census; but if such board of
21 county commissioners so determines that more than fifty percent
22 (50%) of the population of such city or town does not reside in that
23 county, no part of such tax money shall be appropriated or paid to
24 such city or town; and

1 3. The remaining three percent (3%) of such excise tax revenue
2 shall be paid to the State Treasurer and placed to the credit of the
3 Oklahoma Tax Commission Fund to be paid out of said fund pursuant to
4 appropriations made by the State Legislature.

5 SECTION 2. This act shall become effective July 1, 2010.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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