

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE JOINT
4 RESOLUTION 28

By: Sykes

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection proposed amendments to the Oklahoma
10 Constitution by repealing Sections 1 and 1.A of
11 Article XXVIII, by adding a new Section 1B to Article
12 XXVIII, and by amending Section 7 of Article XXVIII;
13 abolishing the Alcoholic Beverage Laws Enforcement
14 Commission; providing for transfer of duties;
15 providing an effective date; providing ballot title;
16 and directing filing.

17 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
18 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

19 SECTION 1. The Secretary of State shall refer to the people for
20 their approval or rejection, as and in the manner provided by law,
21 the following proposed amendments to Article XXVIII of the Oklahoma
22 Constitution, repealing Sections 1 and 1.A, adding a new Section 1B,
23 and amending Section 7 to read as follows:

24 Section 1B. A. The Alcoholic Beverage Laws Enforcement
Commission is hereby abolished. All duties, powers, and

1 responsibilities of the Alcoholic Beverage Laws Enforcement
2 Commission shall be transferred as provided by law.

3 B. The provisions of the amendments to Article XXVIII of the
4 Oklahoma Constitution in this measure shall become effective July 1,
5 2011.

6 Section 7. The retail sale of alcoholic beverages shall be
7 subject to the sales tax statutes enacted by the Legislature and in
8 addition thereto the Legislature may levy taxes upon the
9 manufacture, possession and/or all sales of alcoholic beverages,
10 including sales by retail package stores and sales by the individual
11 drink for on-premises consumption, the proceeds of which, except
12 sales tax, shall be distributed as follows:

13 (a) The Oklahoma Tax Commission shall collect and distribute
14 the taxes collected under the terms of this Article and shall
15 distribute ninety-seven percent (97%) of such taxes as are levied
16 and as are attributable to retail sales by package stores as
17 follows:

18 (1) One-third (1/3) of taxes attributable to sales by retail
19 package stores shall be allocated to the counties of the State of
20 Oklahoma on the basis of area and population (giving equal weight to
21 area and population) and all of said funds shall be appropriated by
22 the Board of County Commissioners in each county to all incorporated
23 cities and towns in said county on the basis of population within
24

1 each city and town on a per capita basis based on the last preceding
2 Federal Decennial Census.

3 (2) Two-thirds (2/3) of taxes attributable to sales by retail
4 package stores shall be credited to the General Revenue Fund of the
5 State of Oklahoma.

6 (b) The remaining three percent (3%) of taxes attributable to
7 sales of alcoholic beverages by retail package stores; and up to
8 (3%) of taxes attributable to sales of alcoholic beverages by the
9 individual drink for on-premises consumption, as shall be determined
10 by the State Legislature; shall be paid to the State Treasurer and
11 placed to the credit of the Oklahoma Tax Commission Fund, to be paid
12 out of said fund pursuant to appropriations made by the State
13 Legislature.

14 (c) The remaining taxes attributable to sales of alcoholic
15 beverages by the individual drink for on-premises consumption, shall
16 be credited to the General Revenue Fund of the State of Oklahoma.
17 The State Legislature shall appropriate to the Oklahoma Alcoholic
18 Beverage Laws Enforcement Commission from all available taxes
19 collected under this Article, whatever funds are necessary to
20 provide for full enforcement of the alcoholic beverage laws of the
21 State.

22 (d) All State license fees shall be collected ~~by the Oklahoma~~
23 ~~Alcoholic Beverage Laws Enforcement Commission~~ as provided by law
24 and deposited in the State Treasury and after the expenses of ~~the~~

1 ~~Commission~~ collecting the fees, as approved by the Legislature, have
2 been deducted, the balance shall be credited to the General Fund.

3 SECTION 2. The Ballot Title for the proposed Constitutional
4 amendment as set forth in SECTION 1 of this resolution shall be in
5 the following form:

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends the Oklahoma Constitution. It repeals
10 Sections 1 and 1.A of Article 28. It adds a new Section 1B to
11 Article 28. It amends Section 7 of Article 28. Article 28
12 deals with alcoholic beverages. The changes would do away with
13 the Alcoholic Beverage Laws Enforcement Commission. The duties
14 of the Commission would be transferred as provided by law. This
15 measure changes the way certain license fees are collected. The
16 fees will be collected as provided for by law. These changes to
17 Article 28 would take effect on July 1, 2011.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES _____

20 AGAINST THE PROPOSAL - NO _____

21 SECTION 3. The President Pro Tempore of the Senate shall,
22 immediately after the passage of this resolution, prepare and file
23 one copy thereof, including the Ballot Title set forth in SECTION 2
24

1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

3

4 52-1-564 SCE 2/12/2009 8:35:25 PM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24