

1 ENGROSSED SENATE  
JOINT  
2 RESOLUTION NO. 17

By: Jolley of the Senate

3 and

4 Murphey of the House  
5  
6

7 [ Joint Resolution - proposed amendments to Article  
XXVIII of the Oklahoma Constitution - Alcoholic  
8 Beverage Laws Enforcement Commission - effective date  
- ballot title - filing ]  
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11 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
12 1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

13 SECTION 1. The Secretary of State shall refer to the people for  
14 their approval or rejection, as and in the manner provided by law,  
15 the repeal of Section 1.A of Article XXVIII of the Oklahoma  
16 Constitution.

17 SECTION 2. The Secretary of State shall refer to the people for  
18 their approval or rejection, as and in the manner provided by law,  
19 the following proposed amendments to Article XXVIII of the Oklahoma  
20 Constitution, by amending Sections 1 and 7 to read as follows:

21 Section 1. ~~There is hereby created the~~ The Alcoholic Beverage  
22 Laws Enforcement Commission is hereby reconstituted and renamed the  
23 Oklahoma Commission on Alcohol and Drug Enforcement. The purpose of  
24 the Commission shall be to enforce the alcoholic beverage and

1 controlled dangerous substance and drug laws of the State, and the  
2 Commission shall have such power and authority to enforce such laws,  
3 rules and regulations as shall be prescribed by the Legislature.

4 ~~The Commission shall consist of seven (7) members, to be~~  
5 ~~appointed by the Governor with the advice and consent of the State~~  
6 ~~Senate. Five (5) of the members shall be at-large members~~  
7 ~~representing the lay citizenry. The remaining two (2) members shall~~  
8 ~~be persons with law enforcement experience in the State. Any time~~  
9 ~~there is a vacancy on the Commission the Governor shall appoint a~~  
10 ~~replacement, with the advice and consent of the State Senate, within~~  
11 ~~ninety (90) days. Members of the Commission shall be appointed for a~~  
12 ~~term of five (5) years. The Commission shall appoint a Director,~~  
13 ~~whose duties shall be defined by the Legislature. No more than four~~  
14 ~~(4) members of the Commission shall be appointed from the same~~  
15 ~~political party. No more than two (2) members of the Commission~~  
16 ~~shall be appointed from the same federal congressional district.~~

17 No member of the Commission shall hold any license authorized by  
18 this Article, or have any interest in any capacity, in the  
19 manufacture, sale, distribution or transportation of alcoholic  
20 beverages.

21 ~~The members of the Commission shall be removable from office for~~  
22 ~~cause as other officers not subject to impeachment.~~

23 Section 7. The retail sale of alcoholic beverages shall be  
24 subject to the sales tax statutes enacted by the Legislature and in

1 addition thereto the Legislature may levy taxes upon the  
2 manufacture, possession and/or all sales of alcoholic beverages,  
3 including sales by retail package stores and sales by the individual  
4 drink for on-premises consumption, the proceeds of which, except  
5 sales tax, shall be distributed as follows:

6 (a) The Oklahoma Tax Commission shall collect and distribute  
7 the taxes collected under the terms of this Article and shall  
8 distribute ninety-seven percent (97%) of such taxes as are levied  
9 and as are attributable to retail sales by package stores as  
10 follows:

11 (1) One-third (1/3) of taxes attributable to sales by retail  
12 package stores shall be allocated to the counties of the State of  
13 Oklahoma on the basis of area and population (giving equal weight to  
14 area and population) and all of said funds shall be appropriated by  
15 the Board of County Commissioners in each county to all incorporated  
16 cities and towns in said county on the basis of population within  
17 each city and town on a per capita basis based on the last preceding  
18 Federal Decennial Census.

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

22 (b) The remaining three percent (3%) of taxes attributable to  
23 sales of alcoholic beverages by retail package stores; and up to  
24 (3%) of taxes attributable to sales of alcoholic beverages by the

1 individual drink for on-premises consumption, as shall be determined  
2 by the State Legislature; shall be paid to the State Treasurer and  
3 placed to the credit of the Oklahoma Tax Commission Fund, to be paid  
4 out of said fund pursuant to appropriations made by the State  
5 Legislature.

6 (c) The remaining taxes attributable to sales of alcoholic  
7 beverages by the individual drink for on-premises consumption, shall  
8 be credited to the General Revenue Fund of the State of Oklahoma.  
9 The State Legislature shall appropriate to the ~~Oklahoma Alcoholic~~  
10 ~~Beverage Laws Enforcement Commission~~ Oklahoma Commission on Alcohol  
11 and Drug Enforcement from all available taxes collected under this  
12 Article, whatever funds are necessary to provide for full  
13 enforcement of the alcoholic beverage laws of the State.

14 (d) All State license fees shall be collected ~~by the Oklahoma~~  
15 ~~Alcoholic Beverage Laws Enforcement Commission~~ as provided by law  
16 and deposited in the State Treasury and after the expenses of ~~the~~  
17 ~~Commission~~ collecting the fees, as approved by the Legislature, have  
18 been deducted, the balance shall be credited to the General Fund.

19 SECTION 3. This resolution shall become effective July 1, 2015,  
20 if approved by the people.

21 SECTION 4. The Ballot Title for the proposed Constitutional  
22 amendments as set forth in SECTIONS 1 and 2 of this resolution shall  
23 be in the following form:

24 BALLOT TITLE

1 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure amends the Oklahoma Constitution. It repeals  
4 Section 1.A of Article 28. It amends Sections 1 and 7 of  
5 Article 28. Article 28 deals with alcoholic beverages. The  
6 changes would rename and reconstitute the Alcoholic Beverage  
7 Laws Enforcement Commission as the Oklahoma Commission on  
8 Alcohol and Drug Enforcement. This measure changes the way  
9 certain license fees are collected. The fees will be collected  
10 as provided for by law. These changes to Article 28 would take  
11 effect on July 1, 2015.

12 SHALL THE PROPOSAL BE APPROVED?

13 FOR THE PROPOSAL - YES \_\_\_\_\_

14 AGAINST THE PROPOSAL - NO \_\_\_\_\_

15 SECTION 5. The President Pro Tempore of the Senate shall,  
16 immediately after the passage of this resolution, prepare and file  
17 one copy thereof, including the Ballot Title set forth in SECTION 4  
18 hereof, with the Secretary of State and one copy with the Attorney  
19 General.

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