

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE JOINT
6 RESOLUTION NO. 17

By: Jolley of the Senate

and

Murphey of the House

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9 [Joint Resolution - proposed amendments to Article
10 XXVIII of the Oklahoma Constitution - Alcoholic
11 Beverage Laws Enforcement Commission - effective date
12 - ballot title - filing]

13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
14 1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

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

19 SECTION 2. 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, by amending Sections 1 and 7 to read as follows:

23 Section 1. ~~There is hereby created the~~ The Alcoholic Beverage
24 Laws Enforcement Commission is hereby reconstituted and renamed the

1 Oklahoma Commission on Alcohol and Drug Enforcement. The purpose of
2 the Commission shall be to enforce the alcoholic beverage and
3 controlled dangerous substance and drug laws of the State, and the
4 Commission shall have such power and authority to enforce such laws,
5 rules and regulations as shall be prescribed by the Legislature.

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

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

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

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

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

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

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

24

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

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

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

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

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

16 SHALL THE PROPOSAL BE APPROVED?

17 FOR THE PROPOSAL - YES _____

18 AGAINST THE PROPOSAL - NO _____

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

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1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 20, 2013 - DO PASS AS AMENDED

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