

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE JOINT
4 RESOLUTION 17

By: Jolley

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 the repeal of Section 1.A of Article XXVIII
10 of the Oklahoma Constitution, and proposed amendments
11 to Article XXVIII of the Oklahoma Constitution by
12 adding a new Section 1B, and by amending Section 7;
13 renaming the Alcoholic Beverage Laws Enforcement
14 Commission; providing for additional duties;
15 providing an effective date; providing ballot title;
16 and directing filing.

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BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 54TH 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 repeal of Section 1.A of Article XXVIII of the Oklahoma
Constitution.

SECTION 2. 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 amendments to Article XXVIII of the Oklahoma
Constitution, by amending Sections 1 and 7 to read as follows:

1 Section 1. ~~There is hereby created the~~ The Alcoholic Beverage
2 Laws Enforcement Commission is hereby reconstituted and renamed the
3 Oklahoma Bureau of Alcohol and Drug Enforcement. The purpose of the
4 Commission shall be to enforce the alcoholic beverage and controlled
5 dangerous substance and drug laws of the State, and the Commission
6 shall have such power and authority to enforce such laws, rules and
7 regulations as shall be prescribed by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

3 SECTION 4. The Ballot Title for the proposed Constitutional
4 amendments as set forth in SECTIONS 1 and 2 of this resolution shall
5 be in 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 Section 1.A of Article 28. It amends Sections 1 and 7 of
11 Article 28. Article 28 deals with alcoholic beverages. The
12 changes would rename the Alcoholic Beverage Laws Enforcement
13 Commission as the Oklahoma Bureau of Alcohol and Drug
14 Enforcement. This measure changes the way certain license fees
15 are collected. The fees will be collected as provided for by
16 law. These changes to Article 28 would take effect on July 1,
17 2015.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES _____

20 AGAINST THE PROPOSAL - NO _____

21 SECTION 5. 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 4
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1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

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