State Question No. 222
Initiative Petition No. 151

WARNING

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or sign such petition when he is not a legal voter."

When signed and sworn to return to

GEO. A. HENSHAW
WALTER L. WILLIAMS
OKLAHOMA CITY, OKLAHOMA

809 COLCORD BUILDING

TO THE HONORABLE W. M. MARLAND,
Governor of Oklahoma:

We, the undersigned citizens and regular voters of the State of Oklahoma, respectfully order that the following proposed amendment to the Constitution of the State of Oklahoma shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election or at a special election called by you so as to be held on the first Tuesday in September next, and each for himself says:

That he has personally signed this petition; he is a legal voter of the State of Oklahoma; my residence and postoffice are correctly written after my name. The time for filing this petition expires ninety days from February 4th, 1936.

The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution of the State of Oklahoma be adopted:

"PROVIDING, REGULATING AND ENJOYING THE MANUFACTURE, SALE, AND TRANSPORTATION OF ALCOHOL AND ALCOHOLIC BEVERAGES IN OKLAHOMA, UNDER RULES AND REGULATIONS PREscribed BY A TEMPERANCE COMMISSION CREATED HEREBY; PROVIDING APPEAL TO A TEMPORARY HIGH COURT CREATED HEREBY, WHICH RULES AND REGULATIONS SHALL HAVE THE FORCE AND EFFECT OF LAW; PROVIDING REVENUE FOR DESIGNATED SPECIAL AND GENERAL PURPOSES; REPEALING PROHIBITION AMENDMENT AND SECTION SEVEN ARTICLE ONE OF THE CONSTITUTION AND ALL LAWS IN CONFLICT HERewith; PROVIDING PENALTIES; AUTHORIZING CREATION OF INDUSTRY, DEFINING POWERS AND DUTIES OF THE TEMPERANCE COMMISSION, AND PROVIDING FOR ENFORCEMENT OF THIS ENACTMENT CREATING A STATE MONOPOLY."

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

SECTION 1.—The policy of the State of Oklahoma is hereby declared to be:

That this amendment shall be deemed an exercise of police power of the State for the protection of the economic welfare, health, peace, and morals of the people of the State, and to prohibit forever open saloons, to eliminate the evils of the unlawful manufacture, selling, disposing, and transportation of alcoholic beverages. All alcohol and alcoholic beverages, as defined herein, shall be subject to provisions of this amendment, and all the provisions of this amendment shall be liberally construed for the accomplishment of these purposes and the promotion of temperance and temperate use of intoxicants among the people and to incite to a code of ethics, temperance, morals, and respect for law and order.

SECTION 2.—The traffic in alcoholic beverages in the State of Oklahoma, as herein provided, shall be a monopoly of the State in that the State reserves the absolute power to regulate and control the purchase and sale of all alcohol and alcoholic beverages within the State of Oklahoma.

SECTION 3.—It shall be unlawful for any person, firm, corporation, or other association to possess with intent to sell to traffic in, for any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means whatsoever, to procure or allow to be procured for any other person; and "sale" when so used, shall include every act of selling as above defined.

The words "Special Agency" or "Licensee" mean a person especially designated or authorized by the Commission to sell alcoholic beverages subject to the provisions of this amendment and the rules and regulations promulgated thereunder.

SECTION 4.—A Temperance Commission is hereby created consisting of three commissioners, to be appointed by the Governor, one commissioner to hold office for a period of two years; one commissioner to hold office for a period of four years; and one to hold office for a period of six years. The Governor shall designate one of the members as Chairman. At the expiration of the term of any Commissioner for the balance of the unexpired term, the members of said Commission shall be subject to removal from office only in the manner and for the cause now provided in Chapter 7 Article 4 of Compiled Oklahoma Statutes of 1921, and all provisions of said Article 4 Chapter 7 Compiled Oklahoma Statutes of 1921 are hereby made applicable to the members of said Commission, and each said member hereby declared to be subject to each and all of the provisions thereof. Jurisdiction of said proceedings shall be exercised by the District Court of Oklahoma County. No Commissioners shall have been connected with any phase of the alcohol liquor industry for a period of six months preceding his selection.

SECTION 5.—The Chairman of the Commission shall be designated by the Governor and shall receive a salary of $6,000.00 per annum and the two other members of the Commission shall each receive a compensation of $500.00 per annum when actually engaged in the discharge of the duties of his office. Each member of the Commission shall be allowed his actual and necessary traveling expenses while engaged in the performance of his official duties to be paid out of the funds of the Commission. A majority of the Commission shall be a quorum for the transaction of any business for the performance of any duty or the exercise of any power of the Commission. The Chairman of the Commission shall be the administrator and managing officer and shall make all contracts for and on behalf of the Commission subject to the approval of the Governor. The Chairman shall have the power to license all persons to sell, dispose of, or otherwise dispose of alcoholic beverages in the State of Oklahoma. The Commission shall have the power to license all persons or corporations to do business in the State of Oklahoma. The Commission shall have the power to license all people who shall be engaged in the manufacture, sale, transportation, handling, and other operations pertaining to the sale of alcoholic beverages; to issue licenses to manufacturers, distillers, wholesalers, and special agencies, and to revoke or change any license issued; to purchase alcoholic beverages for or on behalf of the State, either directly or by consignment to supply all liquor dispensers, or all licensees, or special agencies, and provide for a warehouse or warehouses in which all intoxicating beverages except farm wine and beer shall be deposited before sale or distribution within the State of Oklahoma. The Commission may fix all prices and profits accruing to the State of Oklahoma from permits, licensees, wholesalers, special agencies, retailers, dispensers, or manufacturers, and the amount of the State shall receive per gallon or otherwise, for such alcoholic beverages. Such charges and all rules and regulations of the Commission shall have the force and effect of law and shall be binding upon all persons doing business within the State of Oklahoma. The Commission shall fix the prices at which alcoholic beverages shall be sold at retail in original package, which price shall be uniform wherever sold at retail, and may issue uniform lists to govern all sales.
No alcoholic liquor shall be deposited in a state warehouse except under the supervision and consent of the Commission and can only be delivered therefrom to the Commission or an authorized dealer or agent of the State authorized to receive the same by the Commission, for consumption in the State of Oklahoma. Likewise, the Commission shall be the only authority to authorize deliveries from a warehouse, for sale out of the State.

The Governor and the Commission shall be charged with the duty of enforcing all provisions of this Amendment and rules and regulations, or laws, that may be promulgated or established under provisions of this Amendment, and each Commission shall be charged with the enforcement of such provisions and the Commission shall be required to give security in the form of an authorized bond, signed by the Governor as peace officers of the State, with the same power and authority now possessed by sheriffs in their respective counties, to enforce all laws pertaining to the unlawful sale or handling of intoxicating liquors, and to seize any illegal liquor found in the State of Oklahoma. Any liquor seized by any peace officer in the State shall be stored in a State warehouse for disposition or sale if fit for consumption, under rules and regulations of the Commission; and until otherwise provided by law, one half of the proceeds derived from the sale of captured alcoholic liquors in the State shall go to the officer capturing the liquor, and one half of the general fund of the State. It is further provided, that the Governor or the Governor, upon the request by the Governor or the Commission, to institute civil or criminal proceedings for the violation of any rules, regulations, or laws of the State of Oklahoma, in reference to the sale or transportation, and sale of intoxicating liquors, if, in the judgment of the Attorney General or the County Attorney, the facts or circumstances submitted by the commission warrant or justify such legal action.

No member of the Commission shall be directly or indirectly in the manufacture and sale of alcoholic beverages. The Commission and members of the Temperance Review Board shall not be personally liable for any action at law or damages sustained by any person because of any action performed by the Commission or the Review Board or the performance of their respective duties and shall carry out the provisions of this Amendment.

Warehouse receipts shall be issued by the Commission for all alcoholic liquors deposited in the State warehouse where warehouse certificates or receipts may be transferred under rules and regulations prescribed by the Commission.

The Commission shall have the authority to cooperate with the United States Government in the discretion of the Commission, in the occupation and operation of joint warehouses in Oklahoma.

SECTION 7.—The advertising of the sale of liquors by the Commission, or window displays in its stores and agencies, is prohibited, except that the Commission may provide for appropriate signs on windows denoting the fact it is a store or agency of the Temperance Commission and may post within such store or agency an appropriate price list and may otherwise provide for printed price lists.

All radio and television advertising of alcoholic beverages of any kind or description within the State is hereby prohibited. Newspaper and magazine advertisements may be permitted, provided that all advertisements be approved by the Commission before being published, and no pictures or illustrations of women or children, or any advertisements nor statements of health properties, nor pictures or statements tending to increase the consumption of alcoholic beverages nor any testimonials, prices, numbers, dates, nor blank, obsolete, or effective statements or pictures may be used in connection with the advertisement of alcoholic beverages and that the size of all advertisements of such product be uniform as specified by the Commission.

SECTION 8.—There is hereby created a Temperance Review Board whose duties shall be in the nature of a supreme temperance commission and shall be composed of nine district judges, one from each Supreme Judicial District, assigned to serve upon this Board from time to time by the Chief Justice of the Supreme Court, as district judges are being placed upon courts outside of their respective districts, provided that the assignment in each Supreme Judicial District shall be made by the Chief Justice on recommendation in writing of a majority or plurality of the district judges resident in said Supreme Judicial District. The district judges shall receive all traveling and other expenses while serving on the Board of Review, to be paid from the Commission out of funds credited heretofore for the general operating expenses of the Commission.

The members of the Temperature Review Board shall be paid and their performance herein provided shall be the same as the compensation of any county or by any city, town, or municipality in the State of Oklahoma.

The Governor shall act as the Chairman of the Supreme Court, with authority to appoint an adequate number of clerks for the Supreme Court and such other officers as may be necessary, and the Clerk of the Supreme Court, under some simple and adequate procedure adopted by the Commission, which procedure may be changed or modified by the Temperature Review Board. It shall be the duty of the Chief Justice of the Supreme Court to keep himself informed as to the number and character of appeals and he shall by special order assemble said Temperature Review Board at any time that the number, urgency, or importance of said appeals shall demand. The assignment to any district judge to serve upon the Board and in no case for any term exceeding one year, unless the Chief Justice of the Supreme Court shall act as Chairman of the Temperature Review Board.

The Governor shall, in order to suit the same into law by applying to the Commission for permit for which he shall pay not less than $1.00 per year and not less than 1 cent per gallon for all unfermented wine made and which may be authorized to sell under rules and regulations prescribed by the Commission. Forfeited wines mean wines to which has been added alcohol. When farm wines are forfeited they shall be subject to the same manufacturer's license, and shall only be sold as other wines are authorized to be sold by the Commission.

SECTION 10.—The Commission shall permit, under rules and regulations prescribed by it, the sale of beer, wine, ale and other alcoholic beverages to be served for consumption with meals in bona fide hotels, duks, and restaurants or dining cars in trains, approved as such by the Commission. The alcoholic content of such alcoholic beverages served with meals, as herein provided, shall be under the rules and regulations prescribed by the Commission. Such rules and regulations shall strictly provide against the establishment of such sales directly or indirectly by subterfuge.

All alcoholic liquors shall be sold only in original packages, containing not less than one-half of one pint, for consumption off the premises where sold. Apartments and rooms in regular hotels rented by a bona fide occupant shall be considered off the premises. The Commission shall, out of the funds accruing to the State, deposit the same in the State Treasury on account of the Commission until a revolving fund is thus created in such reasonable amount as may be necessary for the Commission to establish warehouses, state dispensers, and licenses to provide funds to carry out the provisions of this Act, and the Commission is hereby authorized, with the approval of the Governor, to borrow money for the initial expenses of starting the operation of the liquor control system hereinafter provided and to pledge the income of the State accruing by virtue of the operations under this Amendment to guarantee the repayment thereof, but no such indebtedness shall become a general obligation of the State and the sum borrowed shall not exceed at any one time $400,000.00.

SECTION 11.—The Legislature may enact laws extending the powers of the Commission and prescribe penalties for the violation of any of the provisions of this Amendment or rules and regulations having the effect of law.

SECTION 12.—The Governor and the Commission in the enforcement of the provisions of this Amendment, rules and regulations thereunder, and any other law of the State regulating or controlling the illegal transportation or manufacture of alcoholic beverages in this State. The Commission shall from time to time hold meetings with those officers in groups, or State as a whole, for the purpose of perfecting an organization for a complete and understanding cooperation. All traveling expenses incurred outside counties in which such officers reside, attending meetings or other duties, shall be paid by the Commission out of the funds herein provided.

In the event an officer is killed in the enforcement of the Temperance laws of this State, the Governor is hereby authorized to offer an appropriate reward for the capture and conviction of any person or persons under the provisions of this Act, and the Governor is hereby authorized, with the approval of the Governor, to borrow money for the initial expenses of starting the operation of the liquor control system hereinafter provided and to pledge the income of the State accruing by virtue of the operations under this Amendment to guarantee the repayment thereof, but such indebtedness shall become a general obligation of the State and the sum borrowed shall not exceed at any one time $400,000.00.

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Honorable Frank Carter  
Secretary of State  
Building  

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by Section 5875, Oklahoma Statutes 1931, he has examined the proposed Ballot Title of State Question No. 222, Initiative Petition No. 151, which, together with a copy of said petition, was delivered to him at 11:30 o'clock, a.m. Monday, June 8, 1936, by the Honorable Geo. A. Henshaw and Walter L. Williams, proponents of said petition, and from said examination the Attorney General finds that said Ballot Title is not in legal form and in harmony with the law.

Therefore, pursuant to the provisions of said Section 5875, the Attorney General has prepared and is submitting here-with, same to be filed in your office, a ballot title for said petition which in his opinion does conform to the law. Said ballot title is as follows:

"BALLOT TITLE  
"State Question No. 222  
Initiative Petition No. 151  

THE GIST OF THE PROPOSITION IS:

A Constitutional Amendment repealing prohibition provisions of Oklahoma Constitution; authorizing manufacture, sale and transportation of alcohol and alcoholic beverages in Oklahoma under rules and regulations, having effect of law, of Commission appointed by Governor; prescribing Commission's duties; authorizing Commission to appoint and fix compensation of employees deemed necessary, borrow not exceeding $400,000.00 for initial expenses, establish State liquor system, funds derived therefrom to be used in administering system, repayment of borrowed money, balance, if any, credited, until otherwise provided by law, to Old Age Pension Fund; creating a review board and law enforcement organization; prescribing their duties; providing penalties.
"Shall it be adopted?"

YES:

NO:

Yours very truly,
FOR THE ATTORNEY GENERAL

Fred Hansen
Assistant Attorney General