

A Resolution

ENROLLED SENATE JOINT
RESOLUTION NO. 1

BY: WILSON (Beckham), PAYNE and
MISKOVSKY of the SENATE
and
LOLLAR, HUSER and HAWORTH of
the HOUSE.

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE, FOR THEIR APPROVAL OR REJECTION, A PROPOSED AMENDMENT TO THE OKLAHOMA CONSTITUTION; REPEALING ARTICLE I, SECTION 7, OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; ADDING THERETO A NEW ARTICLE TO BE KNOWN AS ARTICLE XXVII; PROVIDING FOR THE CREATION OF THE OKLAHOMA ALCOHOLIC BEVERAGE CONTROL BOARD; EXEMPTING CERTAIN BEVERAGES FROM CONTROL; PROVIDING FOR THE LEGISLATURE TO ENACT LAWS FOR THE REGULATION, CONTROL, LICENSING AND TAXING OF THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND TRANSPORTATION OF ALCOHOLIC LIQUOR; PROHIBITING THE OPEN SALOON AND PROVIDING FOR PACKAGE SALES ONLY FROM PRIVATELY OWNED STORES; PROHIBITING THE SALE OF ALCOHOLIC LIQUOR TO CERTAIN PERSONS; PROHIBITING THE SALE OF ALCOHOLIC LIQUOR ON CERTAIN DAYS; PROHIBITING THE STATE OF OKLAHOMA FROM ENGAGING IN THE ALCOHOLIC LIQUOR BUSINESS; PROVIDING RESTRICTIONS ON THE PLACE OF SALE; PROVIDING OTHER RESTRICTIONS; PROVIDING FOR TAXATION AND LICENSING AND FOR DISTRIBUTION OF TAXES AND LICENSE FEES COLLECTED; PROVIDING FOR TAXATION BY CITIES AND TOWNS; AND ORDERING A SPECIAL ELECTION.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SEVENTH LEGISLATURE OF THE STATE OF OKLAHOMA:

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 following proposed amendment to the Constitution of Oklahoma, to be known as Article XXVII, Oklahoma Constitution:

ARTICLE XXVII

Section 1. There is hereby created the Oklahoma Alcoholic Beverage Control Board, the members of which shall be appointed by the Governor, with the advice and consent of the State Senate. The Board shall appoint a Director, with the advice and consent of the State Senate, whose duties shall be defined by the Legislature.

The Board shall have such power and authority to enforce said rules and regulations as may be prescribed by the Legislature.

The Board shall consist of five (5) members, and no two (2) members shall be appointed from any one Congressional District and no more than four (4) members of the Board shall belong to the same political party.

The members of the Board shall be appointed within sixty (60)

Correctly Enrolled *John R. B. B. B.* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

days after the passage of this Amendment, to serve the following terms from the date of appointment: _____

_____ One member for two (2) years; _____

_____ One member for three (3) years; _____

_____ One member for four (4) years; _____

_____ One member for six (6) years; and _____

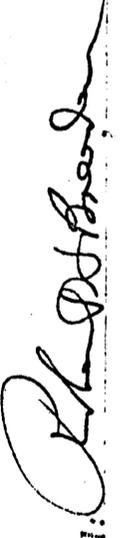
_____ One member for seven (7) years; _____

or until their successors are duly appointed and qualified; and, as the term of each member expires, a successor member shall be thereupon appointed by the Governor for a term of seven (7) years, with the advice and consent of the State Senate. The members of the Board shall be removable from office for cause as other officers not subject to impeachment. _____

Section 2. The terms and provisions of this Amendment, and laws enacted by the Legislature pursuant hereto, shall not include nor apply to any beer or cereal malt beverage containing not more than three and two-tenths per cent (3.2%) of alcohol by weight. _____

Section 3. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverage, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer who markets his product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or importer of alcoholic beverage, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors, and all laws passed by the Legislature under the authority of the Article shall be consistent with this provision. _____

Section 4. The open saloon, for the sale of alcoholic beverage, _____

Correctly Enrolled:  Chairman, COMMITTEE ON ENCLOSED AND ENROLLED BILLS

as commonly known prior to the adoption of the Eighteenth Article of Amendment to the Constitution of the United States of America, is hereby prohibited.

The words "open saloon" shall mean:

Any place, public or private, wherein alcoholic beverage is sold or offered for sale, by the drink; or, sold, offered for sale, or kept for sale, for consumption on the premises.

Retail sales of alcoholic beverage shall be limited to the original sealed package, by privately owned and operated package stores, in cities and towns having a population in excess of two hundred. No goods, wares or merchandise shall be sold and no services shall be rendered on the same premises on which alcoholic beverages are sold. Premises are herein defined to be the entire space in which alcoholic beverages are sold or displayed and said premises must be separated from any premises on which any other goods, wares or merchandise are sold or services rendered by walls which may only be broken by a passageway to which the public is not admitted. Not more than one retail license shall be issued to any person or general or limited partnership.

Section 5. It shall be unlawful for any licensee to sell or furnish any alcoholic beverage to:

A person under twenty-one (21) years of age; or

A person who has been adjudged insane or mentally deficient; or

A person who is intoxicated.

Sales, gifts or deliveries to persons under twenty-one (21) years of age shall be deemed a felony; and any license issued pursuant to any law, in compliance with this Amendment, shall be revoked, upon conviction for such sale, gift or delivery.

It shall be unlawful for any person, firm or corporation to advertise the sale of alcoholic beverage within the State of Oklahoma, except one sign at the retail outlet bearing the words "Retail Alcoholic Liquor Store."

Correctly Enrolled: *Robert D. Johnson* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Sales to insane, mentally deficient, or intoxicated persons shall be deemed a felony.

Any person under the age of twenty-one (21) years who misrepresents his age, for the purpose of obtaining the purchase of any alcoholic beverage, shall be guilty of a misdemeanor.

Section 6. It shall be unlawful for any person to sell, at retail, any alcoholic beverage:

- On the first day of the week, commonly called Sunday;
- On the day of any National, State, County or City Election, including Primary elections, during the hours the polls are open; and
- On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Any licensee or person violating the provisions of this Section shall be deemed guilty of a misdemeanor and any license issued pursuant to the provisions of this act shall be revoked upon conviction for such sale in violation of this section.

Section 7. The retail sale of intoxicating liquors shall be subject to the sales tax statutes enacted by the Legislature and in addition thereto the Legislature may levy taxes upon the manufacture, possession, and/or sale of intoxicating liquors, the proceeds of which, except sales tax, shall be distributed as follows:

(a) The Oklahoma Tax Commission shall collect and distribute the taxes collected under the terms of this Article and shall distribute ninety-seven percent (97%) of such taxes as are levied as follows:

- (1) One-third (1/3) shall be allocated to the counties of the State of Oklahoma on the basis of area and population (giving equal weight to area and population) wherein the sale of intoxicating liquors is lawful and all of said funds shall be appropriated by the Board of County Commissioners in each county to all incorporated cities and towns in said county on the basis of population within each city and town on a per capita basis based on the last preceding Federal Decennial Census.

(2) Two-thirds (2/3) shall be credited to the General Revenue Fund of the State of Oklahoma.

(b) The remaining three percent (3%) of such taxes collected under the provisions of this Act shall be paid to the State Treasurer and placed to the credit of the Oklahoma Tax Commission Fund, to be paid out of said fund pursuant to appropriations made by the State Legislature.

(c) All State license fees shall be collected by the Oklahoma Alcoholic Beverage Control Board and deposited in the State Treasury and after the expenses of the Board, as approved by the Legislature, have been deducted, the balance shall be credited to the General Fund.

Section 8. The State of Oklahoma, or any political subdivision thereof, or any board, commission, agent, or employee thereof, is hereby prohibited from engaging in any phase of the alcoholic beverage business, including the manufacture, sale, transportation, or distribution thereof, at wholesale or retail, and the maintenance, ownership, or operation of warehouses or alcoholic beverage stores.

Provided, that nothing herein shall prohibit the sale of alcoholic beverage legally confiscated as provided by law.

Section 9. Incorporated cities and towns, situated in counties wherein the sale of alcoholic beverage is lawful, may levy an occupation tax, not exceeding the amount of the State license fees, for the manufacture, distribution, or sale of alcoholic beverage.

Section 10. No retail or wholesale distributor's license shall be issued to:

(a) A corporation, business trust or secret partnership.

(b) A person or partnership unless such person or all of the copartners including limited partners shall have been residents of the State of Oklahoma for at least ten (10) years immediately preceding the date of application for such license.

(c) A person or a general or limited partnership containing a partner who has been convicted of a violation of a prohibitory

Robert J. B... Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

law relating to the sale, manufacture, or the transportation of alcoholic beverages which constituted a felony or misdemeanor.

(d) A person or a general or limited partnership containing a partner who has been convicted of a felony or who has held a Federal Liquor Stamp while a resident of the State of Oklahoma prior to the adoption of this act, except those persons who have held said stamp on a military reservation or installation.

Section 11. The Prohibition Ordinance and Section 7, Article I of the Constitution of the State of Oklahoma are hereby repealed.

SECTION 2. The ballot title for said proposed amendment shall be in the following form:

BALLOT TITLE	REPEAL OF PROHIBITION
Legislative Referendum No. <u>386/21</u>	State Question No. <u>386</u>

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

REPEALING the PROHIBITION Ordinance and Article I, Section 7, of the Constitution of the State of Oklahoma; and amending the Constitution of the State of Oklahoma by adding a new Article to be known as Article XXVII, providing for the creation of the Oklahoma Alcoholic Beverage Control Board; providing for privately owned package stores; providing for regulations and restrictions on the manufacture, sale, distribution and taxation of alcoholic liquor in the State of Oklahoma

be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE ADOPTED?

NO

SECTION 3. The President of the Senate shall immediately after the adoption of this Resolution by the Legislature prepare and file one (1) copy thereof, including the above ballot title, with the Secretary of State, and one (1) copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held

Correctly Enrolled: *Richard D. Bruden* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

throughout the State on April 7, 1959. At said election the proposed amendment to the Constitution of the State of Oklahoma, set forth in SECTION 1 of this Resolution, shall be submitted to the electors of Oklahoma for their approval or rejection as and in the manner provided by law.

Passed the Senate the 11th day of February, 1959.

acting Fred M. Harris
President *Pro Tempore* of the Senate

Passed the House of Representatives the 18th day of February, 1959.

Clayton A. Tipton
Speaker of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this

34th day of February,
1959, at 3:10 o'clock P M.

By: Pat Wreghitt

APPROVED by the Governor of the State of Oklahoma the 25th
day of February, 1959, at 1:00 pm.

Howard Edwards
Governor of the State of Oklahoma.

OFFICE OF SECRETARY OF STATE

Received by the Secretary of State

this 25 day of February,
1959, at 2:30 o'clock P M.

John D. Brewer
By: A. Jones

Robert D. ... COMMITTEE ON ENGROSSED AND ENROLLED BILLS



MAC Q. WILLIAMSON
ATTORNEY GENERAL

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

March 3, 1959

Honorable John D. Conner
Secretary of State
State Capitol
Oklahoma City, Oklahoma

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O. S. 1951 § 9, he has examined the proposed ballot title of Senate Joint Resolution No. 1 of the Regular Session of the Twenty-seventh Legislature of the State of Oklahoma, which, together with a copy of said resolution, was delivered to him on March 3, 1959, by the Honorable George Nigh, President of the Senate, and from said examination finds that said ballot title is in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section, the Attorney General is submitting herewith, same to be filed in your office, the ballot title above referred to, same being as follows:

BALLOT TITLE

REPEAL OF PROHIBITION

Legislative Referendum No. 121

State Question No. 386

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

REPEALING the PROHIBITION Ordinance and Article I, Section 7, of the Constitution of the State of Oklahoma; and amending the Constitution of the State of Oklahoma, by adding a new Article to be known as Article XXVII, providing for the creation of the Oklahoma Alcoholic Beverage Control Board; providing for privately owned package stores; providing for regulations and restrictions on the manufacture, sale, distribution and taxation of alcoholic liquor in the State of Oklahoma

be approved by the people?

....
.: YES
....

SHALL THE PROPOSED AMENDMENT BE APPROVED?

....
.: NO.
....

Inasmuch as 34 O. S. 1951 § 9, supra, expressly provides that

"no appeal shall be allowed as to ballot titles of Constitutional or legislative enactments proposed by the Legislature which ballot titles have been approved or revised by the Attorney General.",

it is your duty, under the provisions of said section, to immediately

"transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including such approved title."

Yours very truly

FOR THE ATTORNEY GENERAL

Sam H. Lattimore

Sam H. Lattimore
Assistant Attorney General

APPROVED BY ATTORNEY GENERAL 3-4-1959

SHL

SHL:LW

S T A T E O F O K L A H O M A

EXECUTIVE DEPARTMENT

P R O C L A M A T I O N

WHEREAS, the people of the State of Oklahoma, by Legislative Referendum No. 121, proposed an amendment to the Constitution of Oklahoma by repealing the Prohibition Ordinance and Article I, Section 7 thereof and adding a new article to be known as Article XXVII, providing for the creation of the Oklahoma Alcoholic Beverage Control Board, providing for privately owned package stores, providing for regulations and restrictions on the manufacture, sale, distribution and taxation of alcoholic liquor in the State of Oklahoma, and

WHEREAS, said proposed amendment was submitted to the people for their approval or rejection at a special election held throughout the State of Oklahoma on April 7, 1959, and the question as to whether said proposed constitutional amendment should be approved appeared on the ballots for said election as State Question No. 386, Legislative Referendum No. 121 under the following ballot title:

Shall a Constitutional Amendment

REPEALING the PROHIBITION Ordinance and Article I, Section 7, of the Constitution of the State of Oklahoma; and amending the Constitution of the State of Oklahoma by adding a new Article to be known as Article XXVII, providing for the creation of the Oklahoma Alcoholic Beverage Control Board; providing for privately owned package stores; providing for regulations and restrictions on the manufacture, sale, distribution and taxation of alcoholic liquor in the State of Oklahoma

be approved by the people?

WHEREAS, the people of the State of Oklahoma, by Legislative Referendum No. 122, proposed an Amendment to the Constitution by adding a new article to be known as Article XXVIII to the Oklahoma Constitution providing county option upon alcoholic beverages, and

WHEREAS, the said proposed amendment was submitted to the people for their approval or rejection at a special election held throughout the State of Oklahoma on April 7, 1959 and the question as to whether the proposed constitutional amendment should be approved appeared on the ballots for said election as State Question No. 387, Legislative Referendum No. 122 under the following ballot title:

Shall a Constitutional amendment adding a new Article XXVIII to the Oklahoma Constitution providing COUNTY OPTION upon alcoholic beverages, defining terms and providing: for elections in counties upon the proposition of whether the manufacture, sale and distribution of alcoholic beverages shall be legal therein; limitations on the frequency of such elections; that with certain exceptions existing prohibitory statutes concerning alcoholic beverages shall be in effect in dry counties; penalties; that said Article shall be self executing and fully operative on the date Article XXVII, Oklahoma Constitution, proposed by the Twenty-Seventh Oklahoma Legislature, is approved, be approved by the people?

NOW, THEREFORE, by virtue of the authority vested in me, I, J. Howard Edmondson, Governor of the State of Oklahoma, do hereby declare and proclaim that I have received from the State Election Board the following certificate, to-wit:

THIS IS TO CERTIFY, That, at the Special Election held throughout the State of Oklahoma on April 7, 1959, on STATE QUESTION NO. 386 - LEGISLATIVE REFERENDUM NO. 121, the returns of the several county election boards of the State show that

396,845 votes

were cast to approve said proposed measure; that

314,380 votes

were cast to disapprove said measure, and that

711,225

was the total number of electors voting on State Question No. 386 -
Legislative Referendum No. 121.

THIS IS TO FURTHER CERTIFY That, at a Special Election held
throughout the State of Oklahoma on April 7, 1959, on STATE QUES-
TION NO. 387 - LEGISLATIVE REFERENDUM NO. 122, the returns of the
several county election boards of the State show that

221,404 votes

were cast to approve said proposed measure; that

469,503 votes

were case to disapprove said measure, and that

690,907

was the total number of electors voting on State Question No. 387 -
Legislative Referendum No. 122.

IN TESTIMONY WHEREOF, We hereunto set our hands and cause to
be affixed the Seal of the State Election Board, on this
_____ day of April, 1959.

STATE ELECTION BOARD:

(Signed) George D. Key, Chairman

(SEAL)

ATTEST:

Leo Winters, Secretary

And by virtue of the authority vested in me, I, J. Howard
Edmondson, Governor of the State of Oklahoma, do further declare
that by reason of said State Question No. 386 - Legislative
Referendum No. 121, having received a majority vote of all elec-
tors voting on said question at said special election on April 7,
1959, was adopted;

And that by virtue of the authority vested in me, I, J. Howard Edmondson, Governor of the State of Oklahoma, do further declare that by reason of said State Question No. 387 - Legislative Referendum No. 122, having failed to receive a majority vote of all electors voting on said question at said election was rejected.

IN WITNESS WHEREOF, I have hereunto set my hand in Oklahoma City, Oklahoma, and caused to be affixed the Great Seal of the State of Oklahoma on the 21 day of April, 1959.



GOVERNOR OF THE STATE OF OKLAHOMA

ATTEST:



SECRETARY OF STATE

By _____
ASSISTANT SECRETARY OF STATE