

3 Senate Joint  
4 Resolution No. 52

5 SENATE JOINT RESOLUTION NO. 52 - By: COATES of the Senate and MADDUX  
6 of the House.

7 A Joint Resolution directing the Secretary of State to refer  
8 to the people for their approval or rejection a proposed  
9 amendment to Section 3 of Article XXVIII of the Oklahoma  
10 Constitution; making language gender neutral; modifying  
11 requirement for sales of certain wine to licensed wholesale  
12 distributors; providing for written and electronic orders  
13 for certain wine for delivery or shipping to consumers;  
14 providing ballot title; and directing filing.  
15

16 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
17 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

18 SECTION 1. The Secretary of State shall refer to the people for  
19 their approval or rejection, as and in the manner provided by law,  
20 the following proposed amendment to Section 3 of Article XXVIII of  
21 the Constitution of the State of Oklahoma to read as follows:

22 Section 3. The Legislature shall enact laws providing for the  
23 strict regulation, control, licensing, and taxation of the  
24 manufacture, sale, distribution, possession, and transportation of  
25 alcoholic beverages, consistent with the provisions of this  
26 Amendment. Provided, that any manufacturer, or subsidiary of any  
27 manufacturer who markets ~~his~~ a product solely through a subsidiary

1 or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer,  
2 or importer of alcoholic beverages, bottled or made in a foreign  
3 country, either within or without this state, shall be required to  
4 sell such brands or kinds of alcoholic beverages to every licensed  
5 wholesale distributor who desires to purchase the same, on the same  
6 price basis and without discrimination, and shall further be  
7 required to sell such beverages only to those distributors licensed  
8 as wholesale distributors. Winemakers either within or without this  
9 state ~~shall be required to~~ may sell wine they produce to ~~every~~ any  
10 licensed wholesale distributor who desires to purchase the wine, but  
11 winemakers shall not be required to sell the wine they produce only  
12 to licensed wholesale distributors. Winemakers may sell wine  
13 produced at the winery to consumers on the premises of the winery  
14 and receive orders for wine produced at the winery, in both written  
15 and electronic form, for delivery or shipping to consumers.  
16 Oklahoma winemakers may sell and ship the wine they produce at  
17 wineries in this state directly to retail package stores and  
18 restaurants in this state. As used in this section, "restaurant"  
19 means an establishment that is licensed to sell alcoholic beverages  
20 by the individual drink for on-premises consumption and where food  
21 is prepared and sold for immediate consumption on the premises. All  
22 laws passed by the Legislature under the authority of the Article  
23 shall be consistent with this provision.

1 SECTION 2. The Ballot Title for the proposed Constitutional  
2 amendment as set forth in SECTION 1 of this resolution shall be in  
3 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 Section 3 of Article 28 of the State  
8 Constitution. Currently, winemakers are required to sell wine  
9 they produce to every licensed wholesale distributor who wants  
10 to buy the wine. This measure would change that requirement.  
11 It would allow winemakers to sell wine they produce to any  
12 wholesale distributor. Presently, winemakers may only sell wine  
13 produced at the winery to consumers on the premises of the  
14 winery. This measure would allow winemakers to receive orders  
15 for wine to be delivered or shipped to consumers. The orders  
16 may be in written or electronic form.

17 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

18  YES, FOR THE AMENDMENT

19  NO, AGAINST THE AMENDMENT

20 SECTION 3. The President Pro Tempore of the Senate shall,  
21 immediately after the passage of this resolution, prepare and file  
22 one copy thereof, including the Ballot Title set forth in SECTION 2

1 hereof, with the Secretary of State and one copy with the Attorney  
2 General.  
3 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-9-04 -  
4 DO PASS, As Coauthored.