

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE JOINT
4 RESOLUTION 27

By: Coates

5
6 AS INTRODUCED

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

19
20 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
21 1ST SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

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

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 beverages, consistent with the provisions of this

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

1 consumption on the premises. All laws passed by the Legislature
2 under the authority of the Article shall be consistent with this
3 provision.

4 SECTION 2. The Ballot Title for the proposed Constitutional
5 amendment as set forth in SECTION 1 of this resolution shall be in
6 the following form:

7 BALLOT TITLE

8 Legislative Referendum No. _____ State Question No. _____

9 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

10 This measure amends Section 3 of Article 28 of the State
11 Constitution. At this time, winemakers are required to sell
12 wine they produce to every licensed wholesale distributor who
13 wants to buy the wine. This measure would change that
14 requirement. It would allow winemakers to sell wine they
15 produce to any wholesale distributor. At this time, winemakers
16 may only sell wine produced at the winery to consumers on the
17 premises of the winery. This measure would change that
18 requirement. It would allow winemakers to receive orders for
19 wine to be delivered or shipped to consumers. The orders may be
20 in written or electronic form. At this time, Oklahoma
21 winemakers may sell wine directly to restaurants and retail
22 package stores in this state. This measure would change this
23 requirement. It would allow winemakers from within this state

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1 and from without this state to sell wine directly to retail
2 package stores and restaurants in this state.

3 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

4 YES, FOR THE AMENDMENT

5 NO, AGAINST THE AMENDMENT

6 SECTION 3. The President Pro Tempore of the Senate shall,
7 immediately after the passage of this resolution, prepare and file
8 one copy thereof, including the Ballot Title set forth in SECTION 2
9 hereof, with the Secretary of State and one copy with the Attorney
10 General.

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