

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE JOINT  
4 RESOLUTION 1059

By: McAffrey

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 proposed amendments to Sections 4 and 10 of  
10 Article XXVIII of the Constitution of the State of  
11 Oklahoma; authorizing passageways between certain  
12 establishments; authorizing package store licenses  
13 for corporations that are grocery stores; providing  
14 ballot title; and directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
16 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for  
18 their approval or rejection, as and in the manner provided by law,  
19 the following proposed amendments to Sections 4 and 10 of Article  
20 XXVIII of the Constitution of the State of Oklahoma to read as  
21 follows:

22 Section 4. Except as hereinafter provided, retail sales of  
23 alcoholic beverages shall be limited to the original sealed package,  
24 by privately owned and operated package stores, in cities and towns  
having a population in excess of two hundred (200) persons or by

1 wineries; provided that wineries shall be able to sell only wine  
2 which has been produced on the winery premises. No goods, wares, or  
3 merchandise shall be sold and no services shall be rendered on the  
4 same premises on which retail package alcoholic beverages are sold.  
5 Said premises are herein defined to be the entire space in which  
6 retail package alcoholic beverages are sold or displayed and said  
7 premises must be separated from any premises on which any other  
8 goods, wares, or merchandise are sold or services rendered by walls  
9 which may ~~only~~ be broken by a no more than one passageway to which  
10 the public is ~~not~~ admitted; provided, the restriction on the sale of  
11 merchandise and rendering of services shall not apply to the  
12 premises of a winery.

13 Not more than one retail package license shall be issued to any  
14 person or general or limited partnership. A corporation whose  
15 primary business is the retail sale of food for off-premises human  
16 consumption may be issued retail package licenses for retail package  
17 stores located immediately adjacent to the primary businesses of the  
18 corporation which sell food for off-premises human consumption. The  
19 Legislature shall enact laws for the implementation and regulation  
20 of corporate retail package store licensing. For the purposes of  
21 this section, "immediately adjacent" means two businesses which  
22 share at least one common wall.

23 Retail sale of alcoholic beverages by the individual drink for  
24 on-premises consumption is hereby authorized within a county if the

1 voters of such county have previously approved such retail sale at  
2 an election.

3 Section 10. ~~No~~ A. 1. Except as provided in subsection B of  
4 this section, no retail package store or wholesale distributor's  
5 license shall be issued to:

6 ~~(a)~~ a. a corporation, business trust or secret partnership~~,~~

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

12 ~~(c)~~ c. a person or a general or limited partnership  
13 containing a partner who has been convicted of a  
14 violation of a prohibitory law relating to the sale,  
15 manufacture, or the transportation of alcoholic  
16 beverages which constituted a felony or misdemeanor~~,~~  
17 or

18 ~~(d)~~ d. a person or a general or limited partnership  
19 containing a partner who has been convicted of a  
20 felony.

21 2. No license to sell alcoholic beverages by the individual  
22 drink for on-premises consumption shall be issued to:

23 ~~(a)~~ a. a person or a general or limited partnership  
24 containing a partner who has been convicted of a

1 violation of a prohibitory law relating to the sale,  
2 manufacture, or the transportation of alcoholic  
3 beverages which constituted a felony~~-,~~

4 ~~(b)~~ b. a person or a general or limited partnership  
5 containing a partner who has been convicted of a  
6 felony~~-,~~

7 ~~(e)~~ c. a corporation which has an officer or director who has  
8 been convicted of a violation of a prohibitory law  
9 relating to the sale, manufacture, or the  
10 transportation of alcoholic beverages which  
11 constituted a felony~~-,~~ or

12 ~~(d)~~ d. a corporation which has an officer or director who has  
13 been convicted of a felony.

14 B. Retail package store licenses may be issued to a corporation  
15 whose primary business is the retail sale of food for off-premises  
16 human consumption for retail package stores located immediately  
17 adjacent to the primary businesses of the corporation which sell  
18 food for off-premises human consumption. The Legislature shall  
19 enact laws for the implementation and regulation of corporate retail  
20 package store licensing. For the purposes of this section,  
21 "immediately adjacent" means two businesses which share at least one  
22 common wall.

1 SECTION 2. The Ballot Title for the proposed Constitutional  
2 amendments 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 bill changes the Constitution. The measure would allow a  
8 public door between a liquor store and a grocery store. It  
9 would also allow a corporation that owns grocery stores to own  
10 liquor stores next to its grocery stores.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL - YES \_\_\_\_\_

13 AGAINST THE PROPOSAL - NO \_\_\_\_\_

14 SECTION 3. The Chief Clerk of the House of Representatives,  
15 immediately after the passage of this resolution, shall prepare and  
16 file one copy thereof, including the Ballot Title set forth in  
17 SECTION 2 hereof, with the Secretary of State and one copy with the  
18 Attorney General.

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20 52-2-8101 CJB 01/11/10

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