

1 STATE OF OKLAHOMA

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

3 SENATE JOINT
4 RESOLUTION 62

By: Rice

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 a proposed amendment to Section 4 of
10 Article 28 of the Oklahoma Constitution; providing
11 ballot title; and directing filing.

12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

14 SECTION 1. The Secretary of State shall refer to the people for
15 their approval or rejection, as and in the manner provided by law,
16 the following proposed amendment to Section 4 of Article 28 of the
17 Oklahoma Constitution to read as follows:

18 Section 4. Except as hereinafter provided, retail sales of
19 alcoholic beverages shall be limited to the original sealed package,
20 by privately owned and operated package stores, in cities and towns
21 having a population in excess of two hundred (200) persons, by food
22 markets in cities and towns having a population in excess of three
23 hundred thousand (300,000) persons, or by wineries; provided that
24 wineries shall be able to sell only wine which has been produced on

1 the winery premises. ~~No~~ In package stores, no goods, wares, or
2 merchandise shall be sold and no services shall be rendered on the
3 same premises on which retail package alcoholic beverages are sold.
4 ~~Said~~ For package stores, "premises" are herein defined to be means
5 the entire space in which retail package alcoholic beverages are
6 sold or displayed and ~~said~~ the premises must be separated from any
7 premises on which any other goods, wares, or merchandise are sold or
8 services rendered by walls which may only be broken by a passageway
9 to which the public is not admitted; ~~provided, the~~ The restriction
10 on the sale of merchandise and rendering of services and the
11 definition of premises for package stores herein defined shall not
12 apply to the premises of a winery or food market. As used in this
13 section, "food market" means a grocery establishment whose primary
14 purpose is the retail sale to the public of fresh, frozen, canned,
15 packaged, imported, and prepared foods and beverages and the
16 incidental sale of household, floral, pet, clothing and personal
17 care products, and where the annual sale of food is at least eighty
18 percent (80%) of the gross sales of the establishment including the
19 sale of alcoholic beverages; provided, however, alcoholic beverages
20 sold in a food market shall consist only of wine and beer.

21 Not more than one retail package license shall be issued to any
22 person or general or limited partnership.

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

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Section 4 of Article 28 of the State
10 Constitution. Right now, only a liquor store can sell liquor.
11 A winery can sell the wine it makes. Liquor stores cannot sell
12 other items unless it is separated by walls. This measure does
13 not change that law. This measure allows a food market to sell
14 wine and beer. The food market must be located in a county of
15 three hundred thousand (300,000) persons, and have food sales of
16 eighty percent (80%) or more of its total sales. A food market
17 is a store that sells all types of foods and other items to the
18 public. This measure allows a food market to sell wine and beer
19 with other merchandise. It also allows the public to enter the
20 food market that sells wine and beer.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES _____

23 AGAINST THE PROPOSAL - NO _____

24

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

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