

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE JOINT  
4 RESOLUTION 1028

By: Jackson

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 3 of  
10 Article XXVIII of the Constitution of the State of  
11 Oklahoma; clarifying language; providing ballot  
12 title; and directing filing.

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
14 1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

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

19 Section 3. A. The Legislature shall enact laws providing for  
20 the strict regulation, control, licensing, and taxation of the  
21 manufacture, sale, distribution, possession, and transportation of  
22 alcoholic beverages, consistent with the provisions of this

23 ~~Amendment~~ Article. Provided, that any manufacturer, or subsidiary  
24 of any manufacturer, who markets his or her product solely through a

1 subsidiary or subsidiaries, a distiller, rectifier, bottler,  
2 winemaker, brewer, or importer of alcoholic beverages, bottled or  
3 made in a foreign country, either within or without this state,  
4 shall be required to sell such brands or kinds of alcoholic  
5 beverages to every licensed wholesale distributor who desires to  
6 purchase the same, on the same price basis and without  
7 discrimination, and shall further be required to sell such beverages  
8 only to those distributors licensed as wholesale distributors.

9 Winemakers either within or without this state shall be required to  
10 sell wine they produce to every licensed wholesale distributor who  
11 desires to purchase the wine, but winemakers shall not be required  
12 to sell the wine they produce only to licensed wholesale  
13 distributors. Winemakers either within or without this state may  
14 sell wine produced at the winery to adult consumers who are at least  
15 twenty-one (21) years of age and are physically present on the  
16 premises of the winery or at a festival or trade show. Winemakers  
17 either within or without this state that annually produce no more  
18 than ten thousand (10,000) gallons of wine may sell and ship only  
19 the wine they produce directly to licensed retail package stores and  
20 restaurants in this state; provided, however, that any such  
21 winemaker which elects to directly sell its wine to package stores  
22 and restaurants shall not also use a licensed wholesale distributor  
23 as a means of distribution, and shall be required to sell its wines  
24 to every package store and restaurant licensee who desires to

1 purchase the same, as supplies allow, on the same price basis and  
2 without discrimination. As used in this section, "restaurant" means  
3 an establishment that is licensed to sell alcoholic beverages by the  
4 individual drink for on-premises consumption and where food is  
5 prepared and sold for immediate consumption on the premises.

6 B. Any winemaker within or without this state that annually  
7 produces no more than ten thousand (10,000) gallons of wine and  
8 elects to directly sell its wine to retail package stores and  
9 restaurants in this state must self-distribute the wine using only  
10 vehicle(s) owned or leased by the winemaker, and without the use of  
11 a common or private contract carrier.

12 C. All laws passed by the Legislature under the authority of  
13 the Article shall be consistent with this provision. All provisions  
14 of this amendment are declared to be interdependent. If any  
15 provision of this amendment applicable to winemakers is ruled to be  
16 unconstitutional by a court of competent jurisdiction, then no  
17 winemaker shall be permitted to directly sell its wine to retail  
18 package stores or restaurants in this state.

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

22 BALLOT TITLE

23 Legislative Referendum No. \_\_\_\_ State Question No. \_\_\_\_

24 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

1 This amendment clarifies language in Section 3 of Article 28 of  
2 the Oklahoma Constitution.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL - YES \_\_\_\_\_

5 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

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12 54-1-6246 CJB 01/03/13  
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