

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1042

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~~ pass
20 legislation providing for the strict regulation, control, licensing,
21 and taxation of the manufacture, sale, distribution, possession, and
22 transportation of alcoholic beverages, consistent with the
23 provisions of this Amendment. Provided, that any manufacturer, or
24 subsidiary of any manufacturer, who markets his or her product

1 solely through a subsidiary or subsidiaries, a distiller, rectifier,
2 bottler, winemaker, brewer, or importer of alcoholic beverages,
3 bottled or made in a foreign country, either within or without this
4 state, 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 54-1-5898 CJB 01/11/13
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