

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE JOINT
4 RESOLUTION 38

By: Dahm

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 XXVIII-A of the Oklahoma Constitution;
11 removing residency requirement for retail spirits
12 license and wine and spirits wholesaler license;
13 providing ballot title; and directing filing.

14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
15 2ND SESSION OF THE 57TH OKLAHOMA LEGISLATURE:

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

20 Section 4. A. A Retail Spirits License shall only be issued to
21 a sole proprietor ~~who has been a resident of this state for at least~~
22 ~~five (5) years immediately preceding the date of application for~~
23 ~~such license,~~ or a partnership ~~in which all the partners have~~
24 ~~satisfied the same residency requirement.~~ A Retail Spirits License
shall not be issued to a corporation, limited liability company or

1 similar business entity, and no person shall have an ownership
2 interest in more than two (2) Retail Spirits Licenses.

3 B. A Wine and Spirits Wholesaler's License shall only be issued
4 to a sole proprietor ~~who has been a resident of this state for at~~
5 ~~least five (5) years immediately preceding the date of application~~
6 ~~for such license,~~ or a partnership in which all the partners have
7 ~~satisfied the same residency requirement,~~ except as otherwise
8 provided in this section. A Wine and Spirits Wholesaler's License
9 shall not be issued to a corporation, limited liability company or
10 similar business entity, except as otherwise provided in this
11 section.

12 C. The holder of a license specified in subsection B of this
13 section may enter into an agreement with a corporation, limited
14 liability company or similar business entity that would otherwise be
15 prohibited from obtaining a license in this state under this
16 section, provided that the corporation, limited liability company or
17 similar business entity:

18 1. Has operated as the holder of a substantially equivalent
19 license in another state for at least one (1) year immediately
20 preceding its application to be added as a corporate partner;

21 2. Will actively participate in the day-to-day operations of
22 the license holder;

23 3. Will secure all necessary permits with the state; and
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1 4. Will not maintain more than a fifty percent (50%) equity
2 interest in the license holder at any time.

3 D. The provisions of subsection B of this section shall not
4 apply to beer wholesalers. A wholesaler of beer shall not be
5 ~~subject to any residency requirements and shall not be~~ limited in
6 the types of entities which may own such wholesalers.

7 E. The State of Oklahoma shall not issue a license to any
8 person who has been convicted of a felony, or to any entity if any
9 individual, partner, director or officer who maintains an ownership
10 interest in the entity, has been convicted of a felony, unless
11 otherwise provided by law.

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

15 BALLOT TITLE

16 Legislative Referendum No. _____ State Question No. _____

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

18 This amends Section 4 of Article 28A of the Oklahoma
19 Constitution to remove the Oklahoma residency requirement for
20 Retail Spirits Licenses and Wine and Spirits Wholesaler's
21 licenses and deletes all references to a residency requirement
22 for wholesalers of beer. Under this amendment there will be no
23 Oklahoma residency requirement for retail spirit licenses, wine
24 and spirit wholesaler's licenses or beer wholesaler's licenses.

