

ENROLLED SENATE JOINT RESOLUTION NUMBER 2
ENACTED BY THE FIRST REGULAR SESSION OF THE
FORTIETH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE
LEGISLATIVE REFERENDUM NUMBER 255
STATE QUESTION NUMBER 591

RECEIVED: June 3, 1985

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 2

BY: BOATNER of the SENATE
and
CONVERSE of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION PROPOSED AMENDMENTS TO SECTIONS 3 AND 4 OF ARTICLE XXVIII OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATE TO MARKETING AND SALES OF ALCOHOLIC BEVERAGES; ALLOWING WINEMAKERS TO SELL WINE PRODUCED AT THE WINERY FROM GRAPES AND OTHER FRUITS OR BERRIES GROWN IN THIS STATE TO CONSUMERS ON THE PREMISES OF THE WINERY; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 40TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendments to Sections 3 and 4 of Article XXVIII of the Constitution of the State of Oklahoma to read as follows:

Section 3. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverages, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer who markets his product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors, ~~and all~~. Winemakers either within or without this state shall be required to sell wine they produce to every licensed wholesale distributor who desires to purchase the wine, but winemakers shall not be required to sell the wine they produce only to licensed wholesale distributors. Winemakers may sell wine, produced at the winery from grapes and other fruits or berries grown in this state, to consumers on the premises of the winery. All laws passed by the Legislature under the authority of the Article shall be consistent with this provision.

Section 4. Except as hereinafter provided, retail sales of alcoholic beverages shall be limited to the original sealed package, by privately owned and operated package stores, in cities and towns having a population in excess of two hundred (200) persons or by wineries; provided that wineries shall be able to sell only wine which has been produced on the winery premises. No goods, wares, or merchandise shall be sold and no services shall be rendered on the same premises on which retail package alcoholic beverages are sold. Said premises are herein defined to be the entire space in which retail package alcoholic beverages are sold or displayed and said

premises must be separated from any premises on which any other goods, wares, or merchandise are sold or services rendered by walls which may only be broken by a passageway to which the public is not admitted. Not more than one retail package license shall be issued to any person or general or limited partnership.

Retail sale of alcoholic beverages by the individual drink for on-premises consumption is hereby authorized within a county if the voters of such county have previously approved such retail sale at an election.

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend Sections 3 and 4 of Article XXVIII of the Oklahoma Constitution. These sections relate to sales of alcoholic beverages. The changes would allow winemakers to sell wine in sealed packages. The wine would be made at the winery. It would be made from grapes or fruits or berries grown in this state. Sales would be made only at the winery.

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

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

Correctly Enrolled _____

John R. Melius

Passed the Senate the 28th day of March, 1985.

ACTING

Herbert R. Zell
President of the Senate

Passed the House of Representatives the 30th day of May, 1985.

Jim Beck
Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

3rd day of June, 1985,

at 4:00 o'clock P. M.

Jeanette B. Edmondson

By: _____

ENR. S. J. R. NO. 2



MICHAEL C. TURPEN
ATTORNEY GENERAL

STATE OF OKLAHOMA
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105

RECEIVED

JUL - 3 1985

OKLAHOMA SECRETARY
OF STATE

July 3, 1985

The Honorable Jeannette B. Edmondson
Secretary of State
State Capitol
Oklahoma City, Oklahoma 73105

Re: Ballot Title for Legislative Referendum
No. 255, State Question No. 591

Dear Secretary Edmondson:

The Attorney General has received your letter dated July 2, 1985, requesting review of the proposed Ballot Title as required by 34 O.S.Supp.1984, § 9.

The Ballot Title as proposed by you and approved by the Superintendent of Public Instruction, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, reads as follows:

BALLOT TITLE

This measure would amend Section 3 and 4 of Article 28 of the Oklahoma Constitution. These two sections relate to the sale of spirits. The measure would require all winemakers to sell the wine they make to all licensed wholesale distributors in this state who want to buy the wine. Winemakers in the state and those outside the state must sell to distributors in this state. Winemakers in the state could also sell wine made at the winery to those who are not distributors. They could sell wine made at the winery from grapes and other fruits and berries grown in this state to persons on the grounds of the winery.

The Honorable Jeannette B. Edmondson
July 3, 1985
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SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

- () Yes, for the amendment
() No, against the amendment

The Attorney General has reviewed your proposed official Ballot Title for Legislative Referendum Number 255, State Question Number 591, and certifies that the Ballot Title is in legal form and in harmony with the law.

Sincerely,

A handwritten signature in black ink that reads "Michael C. Turpen". The signature is written in a cursive style with a large initial "M".

MICHAEL C. TURPEN
ATTORNEY GENERAL

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