

**HB 3354** - By: Terrill of the House and Wilson of the Senate

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 22A to Article X; prohibiting applications for exemption from ad valorem taxation prior to certain filing; authorizing laws for purposes of implementation; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 amendment to the Constitution of the State of Oklahoma by adding a new Section 22A to Article X thereof, to read as follows:

Section 22A. No person, firm, corporation or other legal entity shall be allowed to file for any ad valorem tax exemption provided for in Article X of the Oklahoma Constitution, for any year or years prior to the person, firm, corporation or legal entity filing their original application for said exemption with the county assessor. Eligibility for the applicable exemption shall be established as required by law. The Legislature may pass any additional laws that may be required to implement the provisions of this section.

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

BALLOT TITLE

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

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would add a new Section 22A to Article 10. This section is related to the property tax system. There are certain types of exemptions from property tax. A person or a business might be required to file an application for an exemption. This section would require a person or a business to file an application the first time in order to have an exemption. A person or a business could not file and application late to obtain an exemption for a prior tax year. The Legislature would be given the authority to write laws to implement the provisions of this section.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall 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.

**SJR 29** - By: Ivester, Coates and Schulz of the Senate and Morgan, Kiesel, Collins, Hoskin and Roan of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 3 of Article XXVIII of the Oklahoma Constitution; making language gender neutral; clarifying who may be sold wine at wineries, festivals or trade shows; providing for direct sale of wine to retail package stores and restaurants by all wineries that produce no more than ten thousand gallons of wine annually; prohibiting use of a licensed wholesale distributor in certain circumstances; requiring wineries to sell wine to every package store and restaurant who desires to purchase the wine on the same price basis and without discrimination; prohibiting the use of

common or private contract carriers in certain circumstances; making provisions of the amendment nonseverable; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

SECTION 4. 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 amendment to Section 3 of Article XXVIII of the Constitution of the State of Oklahoma to read as follows:

Section 3. A. 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 or her 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. 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 either within or without this state may sell wine produced at the winery to adult consumers who are at least twenty-one (21) years of age and are physically present on the premises of the winery or at a festival or trade show. ~~Oklahoma winemakers~~ Winemakers either within or without this state that annually produce no more than ten thousand (10,000) gallons of wine may sell and ship only the wine they produce at wineries in this state directly to licensed retail package stores and restaurants in this state; provided, however, that any such winemaker which elects to directly sell its wine to package stores and restaurants shall not also use a licensed wholesale distributor as a means of distribution, and shall be required to sell its wines to every package store and restaurant licensee who desires to purchase the same, as supplies allow, on the same price basis and without discrimination. As used in this section, “restaurant” means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

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

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

SECTION 5. The Ballot Title for the proposed Constitutional amendment 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 amends Section 3 of Article 28 of the State Constitution. The measure clarifies who may purchase wine at a winery, festival or trade show. Also, currently, winemakers cannot sell wine directly to restaurants and retail package stores. This measure would allow winemakers from within this state and from without this state that produce up to ten thousand gallons of wine a year to sell wine directly to retail package stores and restaurants in this state. It would prohibit winemakers that sell directly to retail package stores and restaurants from using a licensed wholesale distributor as a means of distribution. It would require winemakers to sell wine to every retail package store or restaurant who wants to buy the wine. It would require the winemakers to sell the wine to every retail package store or restaurant on the same price basis and without discrimination. It would prohibit winemakers that sell wine directly to retail package stores or restaurants from using common or private carriers to distribute the wine. If any part of this amendment related to winemakers is found unconstitutional, then no winemaker shall be permitted to directly sell its wine to retail package stores or restaurants in this state.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

SECTION 6. 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.

**SJR 38** - By: Coffee, Rabon, Rice, Garrison, Ivester, Gumm, Sparks, Adelson, Paddack, Corn, Burrage, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Reynolds, Riley, Schulz, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Terrill, Billy, Brannon, Coody, Denney, Dorman, Duncan, Harrison, Hoskin, Jackson, Jett, Johnson (Dennis), Kern, Luttrell, Martin (Steve), McMullen, Renegar, Reynolds, Sears, Smithson, Thompson, Turner and Walker of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 36; recognizing certain right of the citizens of this state related to game and fish; granting the Wildlife Conservation Commission certain power and authority; allowing for the use of certain methods, practices and procedures to take certain wildlife; specifying preferred means of managing certain wildlife; providing for construction of law; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

*House Journal – Proposed Constitutional Amendments*

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 amendment to Article II of the Constitution of the State of Oklahoma by adding a new Section 36 to read as follows:

Section 36. All citizens of this state shall have a right to hunt, fish, trap, and harvest game and fish, subject only to reasonable regulation as prescribed by the Legislature and the Wildlife Conservation Commission. The Wildlife Conservation Commission shall have the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Traditional methods, practices and procedures shall be allowed for taking game and fish that are not identified as threatened by law or by the Commission. Hunting, fishing, and trapping shall be the preferred means of managing game and fish that are not identified as threatened by law or by the Commission. Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, or any other property rights.

SECTION 2. The Ballot Title for the proposed Constitutional amendment 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 adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL — YES**

**AGAINST THE PROPOSAL — NO**

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.