ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1066

By: Voskuhl of the House

and

Long (Ed) of the Senate

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; removing requirement that wine sold at wineries be produced from grapes, fruit and berries grown in this state; clarifying that restriction on sale of nonalcoholic items and rendering of services does not apply to wineries; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 44TH 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. 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<u>; provided, the restriction on the sale of merchandise and rendering of services shall not apply to the premises of a winery</u>.

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 the Oklahoma Constitution. It would change the Article on alcoholic beverages. The changes deal with wineries. The changes would let wineries make wine with grapes, fruit and berries grown outside this state. The changes also would make it clear that the section of the Constitution that prevents providing services and selling items other than alcoholic beverages applies only to retail package stores. As amended, the restriction would not apply to wineries.

SHALL THESE AMENDMENTS BE APPROVED BY THE PEOPLE?

/___/ YES, FOR THE AMENDMENTS

/___/ NO, AGAINST THE AMENDMENTS

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

Passed the House of Representatives the 23rd day of February, 1994.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1994.

President of the Senate