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THE STATE SENATE
Wednesday, March 1, 2006

Committee Substitute for
Senate Joint
Resolution No. 41

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 41 - By: COATES
of the Senate and MORGAN (Danny) of the House.

[proposed amendment to Section 3 of Article XXVIII of the
Oklahoma Constitution - sale and shipment of wine - ballot
title - directing filing]

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2ND SESSION OF THE 50TH 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 amendment to Section 3 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~~ a 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

(Bold face denotes Committee Amendments)

1 sell such brands or kinds of alcoholic beverages to every licensed
2 wholesale distributor who desires to purchase the same, on the same
3 price basis and without discrimination, and shall further be
4 required to sell such beverages only to those distributors licensed
5 as wholesale distributors. Winemakers either within or without this
6 state shall be required to sell wine they produce to every licensed
7 wholesale distributor who desires to purchase the wine, but
8 winemakers shall not be required to sell the wine they produce only
9 to licensed wholesale distributors. Winemakers may sell wine
10 produced at the winery to consumers on the premises of the winery.
11 ~~Oklahoma winemakers may sell and ship the wine they produce at~~
12 ~~wineries in this state directly to retail package stores and~~
13 ~~restaurants in this state. As used in this section, "restaurant"~~
14 ~~means an establishment that is licensed to sell alcoholic beverages~~
15 ~~by the individual drink for on-premises consumption and where food~~
16 ~~is prepared and sold for immediate consumption on the premises~~
17 Winemakers either within or without this state that produce ten
18 thousand (10,000) gallons of wine or less per year, and who are
19 licensed by the Oklahoma Alcoholic Beverage Laws Commission, may
20 receive orders for, sell and ship the wine they produce directly to
21 consumers over the age of twenty-one (21) years either within or
22 outside this state subject to any monthly or other limits or
23 quantities as the Legislature shall determine. All laws passed by

1 the Legislature under the authority of the Article shall be
2 consistent with this provision.

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

6 BALLOT TITLE
7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Section 3 of Article 28 of the State
10 Constitution. Presently, winemakers in this state may sell and
11 ship their wines to retail package stores. They may sell and
12 ship their wines to restaurants. This measure would change
13 this. It would allow winemakers either in or out of this state
14 who produce 10,000 gallons or less to sell and ship the wine to
15 consumers. Any consumer must be 21 years old. The winemaker
16 must be licensed by the Oklahoma Alcoholic Beverage Laws
17 Commission. The sale or shipment of the wine would be subject
18 to any limits the Legislature may set.

19 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

20 YES, FOR THE AMENDMENT

21 NO, AGAINST THE AMENDMENT

22 SECTION 3. The President Pro Tempore of the Senate shall,
23 immediately after the passage of this resolution, prepare and file

1 one copy thereof, including the Ballot Title set forth in SECTION 2
2 hereof, with the Secretary of State and one copy with the Attorney
3 General.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 2-27-06
5 - DO PASS, As Amended and Coauthored.