

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE  
4 FOR HOUSE JOINT  
5 RESOLUTION NO. 1020

By: Hickman

6  
7 COMMITTEE SUBSTITUTE

8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 3 of  
11 Article XXVIII of the Oklahoma Constitution;  
12 authorizing certain winemakers to sell and ship wine  
13 to consumers; providing that authorization would  
14 cease to have effect in certain circumstances;  
15 providing ballot title; and directing filing.

16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
17 1ST SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

18 SECTION 1. The Secretary of State shall refer to the people for  
19 their approval or rejection, as and in the manner provided by law,  
20 the following proposed amendment to Section 3 of Article XXVIII of  
21 the Constitution of the State of Oklahoma to read as follows:

22 Section 3. A. The Legislature shall enact laws providing for  
23 the strict regulation, control, licensing, and taxation of the  
24 manufacture, sale, distribution, possession, and transportation of  
alcoholic beverages, consistent with the provisions of this

1 Amendment. Provided, that any manufacturer, or subsidiary of any  
2 manufacturer who markets ~~his~~ a product solely through a subsidiary  
3 or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer,  
4 or importer of alcoholic beverages, bottled or made in a foreign  
5 country, either within or without this state, shall be required to  
6 sell such brands or kinds of alcoholic beverages to every licensed  
7 wholesale distributor who desires to purchase the same, on the same  
8 price basis and without discrimination, and shall further be  
9 required to sell such beverages only to those distributors licensed  
10 as wholesale distributors. Winemakers either within or without this  
11 state shall be required to sell wine they produce to every licensed  
12 wholesale distributor who desires to purchase the wine, but  
13 winemakers shall not be required to sell the wine they produce only  
14 to licensed wholesale distributors. Winemakers may sell wine  
15 produced at the winery to consumers on the premises of the winery.  
16 ~~Oklahoma winemakers may sell and ship the wine they produce at~~  
17 ~~wineries in this state directly to retail package stores and~~  
18 ~~restaurants in this state. As used in this section, "restaurant"~~  
19 ~~means an establishment that is licensed to sell alcoholic beverages~~  
20 ~~by the individual drink for on premises consumption and where food~~  
21 ~~is prepared and sold for immediate consumption on the premises~~  
22 B. Winemakers either within or outside of this state that  
23 produce less than eight thousand gallons of wine annually and that  
24 are licensed by the Oklahoma Alcoholic Beverage Laws Enforcement

1 Commission may receive orders for, sell and ship the wine they  
2 produce directly to consumers over the age of twenty-one years  
3 either within or outside of this state. If the provisions of this  
4 subsection are held to be unconstitutional by an appellate court of  
5 this state or a federal court, the provisions of this subsection  
6 shall cease to be in effect.

7 C. All laws passed by the Legislature under the authority of  
8 the Article shall be consistent with this provision.

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

12 BALLOT TITLE

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

14 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

15 This measure amends Section 3 of Article 28 of the State  
16 Constitution. It would allow some winemakers to sell and ship  
17 the wine to consumers. The winemakers could be in this state or  
18 outside this state. Only small wineries would be allowed to  
19 ship directly to the consumers. A winery would have to produce  
20 less than eight thousand gallons of wine to qualify. Any  
21 consumer must be 21 years old. The winemaker must be licensed  
22 by the Oklahoma Alcoholic Beverage Laws Enforcement Commission.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL - YES \_\_\_\_\_

1           AGAINST THE PROPOSAL – NO \_\_\_\_\_

2           SECTION 3. The Chief Clerk of the House of Representatives,  
3 immediately after the passage of this resolution, shall prepare and  
4 file one copy thereof, including the Ballot Title set forth in  
5 SECTION 2 hereof, with the Secretary of State and one copy with the  
6 Attorney General.

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8           51-1-7479           SD           03/05/07