

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

Committee Substitute for
ENGROSSED
Senate Joint
Resolution No. 29

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE JOINT RESOLUTION NO.
29 - By: IVESTER of the Senate and MORGAN AND KIESEL of the House.

(Joint Resolution – amendment to Section 3 of Article XXVIII of the Oklahoma
Constitution – direct sale of wine – ballot title –
filing)

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

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

5 Section 3. The Legislature shall enact laws providing for the strict regulation,
6 control, licensing, and taxation of the manufacture, sale, distribution, possession, and
7 transportation of alcoholic beverages, consistent with the provisions of this Amendment.
8 Provided, that any manufacturer, or subsidiary of any manufacturer, who markets his or
9 her product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler,

1 winemaker, brewer, or importer of alcoholic beverages, bottled or made in a foreign
2 country, either within or without this state, shall be required to sell such brands or kinds
3 of alcoholic beverages to every licensed wholesale distributor who desires to purchase the
4 same, on the same price basis and without discrimination, and shall further be required
5 to sell such beverages only to those distributors licensed as wholesale distributors.
6 Winemakers either within or without this state shall be required to sell wine they
7 produce to every licensed wholesale distributor who desires to purchase the wine, but
8 winemakers shall not be required to sell the wine they produce only to licensed wholesale
9 distributors. Winemakers either within or without this state may sell wine produced at
10 the winery to consumers on the premises of the winery. ~~Oklahoma winemakers~~ Unless,
11 distribution volume limits are ruled to be unconstitutional by an appellate court of this
12 state, a federal district court, a federal circuit court of appeals, or the United States
13 Supreme Court, winemakers either within or without this state may sell and ship the
14 wine they produce ~~at wineries in this state~~ directly to retail package stores and
15 restaurants in this state. As used in this section, “restaurant” means an establishment
16 that is licensed to sell alcoholic beverages by the individual drink for on-premises
17 consumption and where food is prepared and sold for immediate consumption on the
18 premises. All laws passed by the Legislature under the authority of the Article shall be
19 consistent with this provision.

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

22

BALLOT TITLE

SJR29 HFLR

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House of Representatives

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Legislative Referendum No. ____ State Question No. ____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure amends Section 3 of Article 28 of the State Constitution. At this time,
4 Oklahoma winemakers may sell wine directly to restaurants and retail package
5 stores in this state. This measure would change this requirement. It would allow
6 winemakers from within this state and from without this state to sell some wine
7 directly to retail package stores and restaurants in this state. The amount would be
8 limited to ten thousand gallons each year. The limit would not apply if certain
9 courts rule that it is unconstitutional.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL — YES _____

12 AGAINST THE PROPOSAL — NO _____

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

17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-04-08 - DO PASS, As
18 Amended and Coauthored.