

ENROLLED SENATE BILL 456

ENACTED BY THE SECOND REGULAR SESSION OF THE
47TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 688

LEGISLATIVE REFERENDUM NUMBER 317

RECEIVED: MARCH 9, 2000

An Act

ENROLLED SENATE
BILL NO. 456

By: Milacek, Douglass, Snyder,
Fisher, Kerr and Shurden
of the Senate

and

Roggow, Bryant, Hastings,
Ingmire, Newport, Pope
(Clay), Sellers,
Thornbrugh, Winchester,
Smith (Hopper) and Thomas
of the House

An Act 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; allowing Oklahoma winemakers to make direct sales to retail package stores and restaurants in this state; defining term; 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 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 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 to consumers on the premises of the winery. Oklahoma winemakers may sell and ship the wine they produce at

wineries in this state directly to retail package stores and restaurants in this state. 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. All laws passed by the Legislature under the authority of the Article shall be consistent with this provision.

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 State Constitution. It amends Section 3 of Article 28. Presently, wineries may sell their wine to consumers at the winery. They also may sell wine to wholesalers. They cannot sell wine to retail package stores. They cannot sell wine to restaurants. This act would allow Oklahoma wineries to sell their wine to retail package stores and restaurants in this state. They also could ship the wine directly to the retail package stores and restaurants.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

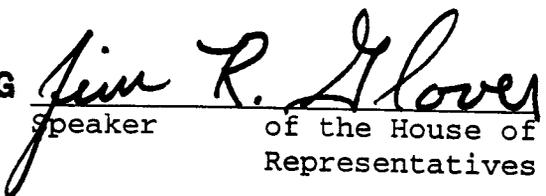
NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this act, 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 Senate the 8th day of March, 2000.

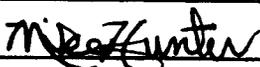
ACTING  President of the Senate

Passed the House of Representatives the 1st day of March, 2000.

ACTING  Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 9th day of March, 2000,
at 4:14 o'clock P.M.

By: 



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

March 17, 2000

Mr. Mike Hunter, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Stratton Taylor
President Pro Tempore
422 State Capitol Building
Oklahoma City, OK 73105

The Honorable Loyd Benson
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, OK 73105

FILED

MAR 17 2000

OKLAHOMA SECRETARY
OF STATE

**Re: Ballot Title for State Question No. 688 Legislative Referendum
No. 317**

Gentlemen:

We have, in accordance with 34 O.S.Supp.1999, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that the substance of the Ballot Title is not in harmony with the law and does not comply with the format requirements of 26 O.S.Supp.1999, § 6-113. Accordingly, we have, as required, prepared a Substitute Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General's opinion on the merits or constitutionality of the underlying changes in law. The Substitute Ballot Title reads as follows:



Substitute Ballot Title

This measure amends the State Constitution. It amends Section 3 of Article 28. Presently, wineries may sell their wine to consumers at the winery. They also may sell wine to wholesalers. They cannot sell wine to retail package stores. They cannot sell wine to restaurants. This act would allow Oklahoma wineries to sell their wine to retail package stores and restaurants in this state. They also could ship the wine directly to the retail package stores and restaurants that are licensed to sell liquor by the drink.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL _____ YES

AGAINST THE PROPOSAL _____ NO

Respectfully submitted,



W.A. DREW EDMONDSON
ATTORNEY GENERAL

ballot/687-365.ltr/rs



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 14, 2000

The Honorable Mike Hunter
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

FILED

NOV 14 2000

OKLAHOMA SECRETARY
OF STATE

Dear Mr. Hunter:

Enclosed please find a copy of the official returns of the vote at the General Election on November 7, 2000, on the following measures, as certified to the Governor of the State of Oklahoma:

State Question No. 684, Legislative Referendum No. 314

State Question No. 685, Legislative Referendum No. 315

State Question No. 686, Legislative Referendum No. 316

State Question No. 688, Legislative Referendum No. 317

State Question No. 690, Legislative Referendum No. 318

State Question No. 692, Legislative Referendum No. 320

Sincerely,

LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this 14th day of November, 2000.

By: _____

Time: _____

10:20



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 14, 2000

The Honorable Frank Keating
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

FILED

NOV 14 2000

OKLAHOMA SECRETARY
OF STATE

Dear Governor Keating:

Pursuant to the provisions of 26 O.S. 1991, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 7, 2000, on the following measures:

**STATE QUESTION No. 684
LEGISLATIVE REFERENDUM No. 314**

YES: 554,256
NO: 569,557

**STATE QUESTION No. 685
LEGISLATIVE REFERENDUM No. 315**

YES: 403,874
NO: 730,859

**STATE QUESTION No. 686
LEGISLATIVE REFERENDUM No. 316**

YES: 641,591
NO: 487,547

Governor Keating
November 14, 2000
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STATE QUESTION No. 688
LEGISLATIVE REFERENDUM No. 317

YES: 798,238
NO: 337,175

STATE QUESTION No. 690
LEGISLATIVE REFERENDUM No. 318

YES: 612,955
NO: 506,664

STATE QUESTION No. 692
LEGISLATIVE REFERENDUM No. 320

YES: 775,740
NO: 351,545

Sincerely,



LANCE WARD, Secretary
State Election Board

LW/mf

Receipt of the above hereby is acknowledged on this 14th day of November, 2000.

By: Umelissa Doan

Time: 9:34 a.m.