

Amend HJR 85 (Senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Article XVI, Texas Constitution, is amended by adding Section 20a to read as follows:

Sec. 20a. (a) Notwithstanding any other provision of this article, a winery licensed or permitted to operate in this state by the Texas Alcoholic Beverage Commission or its successor may continue to operate in this state regardless of whether the winery is located in an area in which the possession or sale of intoxicating liquors is restricted or prohibited if:

(1) the winery was licensed or permitted on January 1, 2004; or

(2) the winery was licensed or permitted immediately before the possession or sale of intoxicating liquors became restricted or prohibited in the area in which winery is located.

(b) The Texas Alcoholic Beverage Commission or its successor may not suspend or cancel a winery's original or renewal license or permit or refuse to renew a winery's license or permit on the basis that the winery is located in a dry area.

(c) A winery located in an area in which the sale of wine has not been authorized by an election under Article XVI, Section 20(b), of this constitution, may only sell or dispense wine if the wine is manufactured in this state and at least 75 percent of its volume is derived from fermented juice of grapes or other fruit grown in this state.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held September 13, 2003. The ballot shall be printed to permit voting for or against the proposition: "A constitutional amendment to allow wineries to continue to operate in an area of this state where the sale of wine has not been authorized and to sell Texas wine on the wineries' premises."