STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 285

By: Helton of the Senate

and

Kirby of the House

COMMITTEE SUBSTITUTE

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Section 518.2, as last amended by Section 5, Chapter 361, O.S.L. 1994 (37 O.S. Supp. 1996, Section 518.2), which relates to the location of certain liquor establishments; modifying list of properties concerning such prohibitions; prohibiting issuance of license for certain locations and providing exception for renewal of license; providing for protests of licensing of certain liquor establishments by certain parties; stating protest requirements; requiring hearing by ABLE Commission under certain circumstances; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37 O.S. 1991, Section 518.2, as last amended by Section 5, Chapter 361, O.S.L. 1994 (37 O.S. Supp. 1996, Section 518.2), is amended to read as follows:

Section 518.2 A. 1. The location of a retail package store, mixed beverage establishment, or bottle club shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such entities is specifically prohibited within three hundred (300) feet ~~from~~ of any church property primarily and regularly used for worship services and religious activities, or public or state-accredited private school~~.~~ ~~Provided~~; provided, ~~that~~ if any such church~~,~~ or school~~,~~ shall be established within three hundred (300) feet of any licensed premises after ~~such~~ the premises have been licensed, this subsection shall not be a bar to the renewal of ~~such~~ the license ~~so long as~~ if it has been in continuous force and effect. A license shall not be issued for a location on any city or town block where a school or church is located; provided, that this shall not bar the renewal of the license if it has been in continuous force and effect on the date of this act.

2. The ~~distance~~ distances indicated in paragraph 1 of this subsection shall be measured from the nearest property line of ~~such~~ the church or school to the nearest public entrance door of the premises of ~~such~~ the package store, mixed beverage establishment, or bottle club along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from ~~such~~ the church or school shall be considered as if it were located on the same side of the street with ~~such~~ the church or school. ~~Furthermore, a license shall not be issued for a location on any city or town block where a school or church is located. Provided, the above~~

3. Nothing shall ~~not~~ bar the future issuance or renewal of a retail package store license to any retail package store license holder or subsequent transferee of any ~~said~~ license holder for a retail package store location that was approved and licensed by ~~the~~

~~predecessor of the ABLE Commission,~~ the Oklahoma Alcoholic Beverage Control Board~~,~~ prior to January 7, 1976, ~~so long as such~~ if the license has been in continuous force and effect. ~~Provided further, the above~~

4. Nothing shall ~~not~~ bar the issuance or renewal of a mixed beverage or bottle club license to any mixed beverage or bottle club license holder or applicant for a mixed beverage or bottle club license for any location that was approved and licensed as a private club by a city or town prior to ~~the effective date of this act,~~ March 14, 1985, ~~so long as~~ if a municipal license, bottle club license, or mixed beverage license covering any portion of ~~such~~ the premises or location has been in continuous force and effect.

B. 1. The location of a beer and wine establishment shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and any such ordinance shall provide that the location of a beer and wine establishment shall not be within three hundred (300) feet of any church property primarily and regularly used for worship services and religious activities, or public or private school~~. Provided~~; provided, ~~that~~ if any such church~~,~~ or school~~,~~ shall be established within three hundred (300) feet of any licensed premises of a beer and wine establishment after ~~such~~ the premises have been licensed, this subsection shall not be a bar to the renewal of ~~such~~ the license ~~so long as~~ if it has been in continuous force and effect. ~~Provided further, this subsection~~

2. Nothing shall ~~not~~ bar the future issuance or renewal of a beer and wine license to any beer and wine license holder or subsequent transferee of any ~~said~~ license holder for a beer and wine location that ~~was~~ has been approved and licensed by the ABLE Commission.

3. The distance indicated in paragraph 1 of this subsection shall be measured from the nearest property line of ~~such~~ the church or school to the nearest public entrance door of the premises of

~~such~~ the beer and wine establishment along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from ~~such~~ the church or school shall be considered as if it were located on the same side of the street with ~~such~~ the church or school.

C. The principal of a school or the executive officer of the governing body of a church may protest an application for the granting of an original package store or beer and wine license for any proposed location that is alleged to be closer to the church or school than is allowed by this section. The protest shall:

1. Be submitted to the ABLE Commission in writing;

2. Be signed by the person protesting;

3. Contain the official mailing address of the person protesting;

4. Contain the title of the person protesting; and

5. Contain a concise statement as to why the application is being protested.

D. Within thirty (30) days of the receipt of the written protest, the ABLE Commission shall conduct a hearing on any protest which meets the requirements of subsection C of this section.

SECTION 2. This act shall become effective November 1, 1997.

46-1-7193 MCD