

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1535

By: Easley and Monson of the
Senate

and

Easley of the House

COMMITTEE SUBSTITUTE

An Act relating to intoxicating liquors; amending Section 4, Chapter 391, O.S.L. 1999 (37 O.S. Supp. 1999, Section 518.3), which relates to location of mixed beverage establishments and bottle clubs with respect to schools and churches; making certain beer and wine establishments and retail package stores subject to same distance restrictions as mixed beverage establishments and bottle clubs; modifying date; reinstating protest procedure; and defining term.

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

SECTION 1. AMENDATORY Section 4, Chapter 391, O.S.L. 1999 (37 O.S. Supp. 1999, Section 518.3), is amended to read as follows:

Section 518.3 A. It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club which has been licensed by the Alcoholic Beverage Laws Enforcement Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or any retail package store, to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage

establishment ~~or~~, beer and wine establishment, bottle club, or retail package store which has been licensed to sell alcoholic beverages. The provisions of this section shall not apply to mixed beverage establishments, beer and wine establishments, or bottle clubs which have been licensed to sell alcoholic beverages for on-premises consumption, or retail package stores, licensed prior to ~~the effective date of this act~~ July 1, 2000. If any school or church shall be established within three hundred (300) feet of any mixed beverage establishment ~~or~~, beer and wine establishment, bottle club, or retail package store subject to the provisions of this section after such mixed beverage establishment ~~or~~, beer and wine establishment, bottle club, or retail package store has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days. When any mixed beverage establishment, beer and wine establishment, or bottle club subject to the provisions of this section which has a license to sell alcoholic beverages for on-premises consumption, or any retail package store, changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if ~~he or she~~ the new owner or operator is otherwise qualified.

B. 1. Any interested party may protest the application for or granting of an original package store, mixed beverage, bottle club, or beer and wine license based on an alleged violation of this section. To be considered by the ABLE Commission, the protest must:

- a. be submitted in writing,
- b. be signed by the person protesting,
- c. contain the mailing address and address of residence, if different from the mailing address, of the protester,

- d. contain the title of the person signing the protest, if the person is acting in an official capacity as a church or school official, and
- e. contain a concise statement explaining why the application is being protested.

2. Within thirty (30) days of the date of receipt of a written protest, the ABLE Commission shall conduct a hearing on the protest if the protest meets the requirements of paragraph 1 of this subsection.

3. As used in this subsection, "interested party" means:

- a. a parent or legal guardian whose child or children attend the church or school which is alleged to be closer to the package store, mixed beverage establishment, bottle club, or beer and wine establishment than is allowed by this section,
- b. an official of a church which is alleged to be closer to the package store, mixed beverage establishment, bottle club, or beer and wine establishment than is allowed by this section, or
- c. an official of a school which is alleged to be closer to the package store, mixed beverage establishment, bottle club, or beer and wine establishment than is allowed by this section.