

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 182

By: Johnson (Mike) and Myers of
the Senate

6 and

7 Miller and Martin (Scott)
8 of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to the Alcoholic Beverage Laws
11 Enforcement Commission; amending 37 O.S. 2001,
12 Section 518, as last amended by Section 1, Chapter
13 349, O.S.L. 2008 (37 O.S. Supp. 2008, Section 518),
14 which relates to license fees; increasing certain
15 fee; amending 37 O.S. 2001, Section 567, which
16 relates to monies collected by the agency; creating
17 the ABLE Commission Revolving Fund; providing sources
18 of funding; providing purpose; providing for credits
19 and expenditures; requiring deposit of certain funds
20 on a monthly basis; amending 37 O.S. 2001, Section
21 573, as amended by Section 8, Chapter 484, O.S.L.
22 2003 (37 O.S. Supp. 2008, Section 573), which relates
23 to brand registration fees; revising fee amounts;
24 creating certain classes of foreign wine;
establishing fees for foreign wine; making certain
wine exempt from fee; requiring deposit of fee
revenue to certain fund; providing an effective date;
and declaring an emergency.

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

SECTION 1. AMENDATORY 37 O.S. 2001, Section 518, as last
amended by Section 1, Chapter 349, O.S.L. 2008 (37 O.S. Supp. 2008,
Section 518), is amended to read as follows:

1 Section 518. A. Except as otherwise provided in this section,
2 the licenses issued by the Alcoholic Beverage Laws Enforcement
3 Commission, and the annual fees therefor, shall be as follows:

- 4 1. Brewer License..... \$1,250.00
- 5 2. Oklahoma Brewer License..... \$125.00
- 6 3. Distiller License
 - 7 a. For each fiscal year ending
 - 8 after June 30, 2010..... \$3,125.00
 - 9 b. For the fiscal years ending
 - 10 June 30, 2008, 2009 and 2010..... \$1,250.00
- 11 4. Winemaker License..... \$625.00
- 12 5. Oklahoma Winemaker License..... \$75.00
- 13 6. Rectifier License
 - 14 a. For each fiscal year ending
 - 15 after June 30, 2010..... \$3,125.00
 - 16 b. For the fiscal years ending
 - 17 June 30, 2008, 2009 and 2010..... \$1,250.00
- 18 7. Wholesaler License..... \$3,500.00
- 19 8. Class B Wholesaler License..... \$625.00

20 9. The following package store license fees shall
21 be determined by the latest Federal Decennial
22 Census:

1	a.	Package Store License for cities	
2		and towns from 200 to 2,500	
3		population.....	\$305.00
4	b.	Package Store License for cities	
5		and towns from 2,501 to 5,000	
6		population.....	\$605.00
7	c.	Package Store License for cities	
8		and towns over 5,000 population.....	\$905.00
9	10.	Mixed Beverage License.....	\$1,005.00
10			(initial license)
11			\$905.00
12			(renewal)
13	11.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
14	12.	Beer and Wine License.....	\$500.00
15			(initial license)
16			\$450.00
17			(renewal)
18	13.	Bottle Club License.....	\$1,000.00
19			(initial license)
20			\$900.00
21			(renewal)
22	14.	Caterer License.....	\$1,005.00
23			(initial license)
24			\$905.00

1		(renewal)	
2	15.	Annual Special Event License.....	\$55.00
3	16.	Quarterly Special Event License.....	\$55.00
4	17.	Hotel Beverage License.....	\$1,005.00
5		(initial license)	
6			\$905.00
7		(renewal)	
8	18.	Airline/Railroad Beverage License.....	\$1,005.00
9		(initial license)	
10			\$905.00
11		(renewal)	
12	19.	Agent License.....	\$55.00
13	20.	Employee License.....	\$30.00
14	21.	Industrial License.....	\$23.00
15	22.	Carrier License.....	\$23.00
16	23.	Private Carrier License.....	\$23.00
17	24.	Bonded Warehouse License.....	\$190.00
18	25.	Storage License.....	\$23.00
19	26.	Nonresident Seller License.....	\$750.00
20			<u>\$1,500.00</u>
21	27.	Manufacturers Agent License.....	\$55.00
22	28.	Sacramental Wine Supplier License.....	\$100.00
23	29.	Charitable Auction License.....	\$1.00
24	30.	Winemaker Self-distribution License.....	\$750.00

1 There shall be added to the initial or renewal fees for a Mixed
2 Beverage License an administrative fee, which shall not be deemed to
3 be a license fee, in the amount of Five Hundred Dollars (\$500.00),
4 which shall be paid at the same time and in the same manner as the
5 license fees prescribed by paragraph 10 of this subsection;
6 provided, this fee shall not be assessed against service
7 organizations or fraternal beneficiary societies which are exempt
8 under Section 501(c)(19), (8) or (10) of the Internal Revenue Code.
9 There shall be added to the fee for a Mixed Beverage/Caterer
10 Combination License an administrative fee, which shall not be deemed
11 to be a license fee, in the amount of Two Hundred Fifty Dollars
12 (\$250.00), which shall be paid at the same time and in the same
13 manner as the license fee prescribed by paragraph 11 of this
14 subsection.

15 B. Notwithstanding the provisions of subsection A of this
16 section:

17 1. The license fee for a mixed beverage or bottle club license
18 for those service organizations or fraternal beneficiary societies
19 which are exempt under Section 501(c)(19), (8) or (10) of the
20 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
21 year;

22 2. The fees provided for in subsection A of this section for a
23 brewer license and for a Class B wholesaler license shall be reduced
24 by seventy-five percent (75%) if the applicant therefor is also the

1 holder of a license to manufacture or wholesale any low-point beer
2 as provided for in this title; and

3 3. The renewal fee for an airline/railroad beverage license
4 held by a railroad described in 49 U.S.C., Section 24301, shall be
5 One Hundred Dollars (\$100.00).

6 C. An applicant may apply for and receive both a beer and wine
7 license and a caterer license.

8 D. All licenses, except as otherwise provided, shall be valid
9 for one (1) year from date of issuance unless revoked or
10 surrendered. Provided, all employee licenses issued on or after
11 September 1, 1993, shall be valid for two (2) years.

12 E. The holder of a license, issued by the ABLE Commission, for
13 a bottle club located in a county of this state where the sale of
14 alcoholic beverages by the individual drink for on-premises
15 consumption has been authorized, may exchange the bottle club
16 license for a mixed beverage license or a beer and wine license and
17 operate the licensed premises as a mixed beverage establishment or a
18 beer and wine establishment subject to the provisions of the
19 Oklahoma Alcoholic Beverage Control Act. There shall be no
20 additional fee for such exchange and the mixed beverage license or
21 beer and wine license issued shall expire one (1) year from the date
22 of issuance of the original bottle club license.

23 SECTION 2. AMENDATORY 37 O.S. 2001, Section 567, is
24 amended to read as follows:

1 Section 567. A. There is hereby created in the State Treasury
2 a fund to be known as the Alcoholic Beverage Control Fund which
3 shall consist of revenues collected by the state from license and
4 registration fees, with any interest, fines or penalties levied and
5 collected by the Alcoholic Beverage Laws Enforcement Commission
6 pursuant to the provisions of the Oklahoma Alcoholic Beverage
7 Control Act. Any unappropriated balance in the Oklahoma Alcoholic
8 Beverage Control Fund at the close of each fiscal year shall revert
9 to the General Revenue Fund of the State of Oklahoma, except for the
10 amount necessary to satisfy any appropriations made or to be made
11 from said fund by the Oklahoma State Legislature for the ensuing
12 fiscal year.

13 Beginning July 1, 1984, all such monies collected by the
14 Alcoholic Beverage Laws Enforcement Commission pursuant to the
15 provisions of the Oklahoma Alcoholic Beverage Control Act shall be
16 deposited in the State Treasury for credit to the General Revenue
17 Fund of the state, except as provided in subsections B and C of this
18 section.

19 B. There is hereby created in the State Treasury a revolving
20 fund for the Oklahoma Alcoholic Beverage Laws Enforcement Commission
21 to be designated the "ABLE Commission Revolving Fund". The fund
22 shall be a continuing fund, not subject to fiscal year limitations,
23 and shall consist of any monies received from brand registration
24 fees and nonresident seller licensing fees collected by the agency

1 pursuant to the provisions of subsection D of Section 573 and
2 subsection A of Section 518 of this title. Except as provided in
3 subsection C of this section, all monies accruing to the credit of
4 said fund are hereby appropriated and may be budgeted and expended
5 by the Oklahoma Alcoholic Beverage Laws Enforcement Commission for
6 general operations of the agency. Expenditures from said fund shall
7 be made upon warrants issued by the State Treasurer against claims
8 filed as prescribed by law with the Director of State Finance for
9 approval and payment.

10 C. The Alcoholic Beverage Laws Enforcement Commission shall
11 remit seventy-one percent (71%) of any monies received from brand
12 registration fees and fifty percent (50%) of any monies received
13 from nonresident seller licensing fees to the General Revenue Fund
14 of the State Treasury on a monthly basis.

15 SECTION 3. AMENDATORY 37 O.S. 2001, Section 573, as
16 amended by Section 8, Chapter 484, O.S.L. 2003 (37 O.S. Supp. 2008,
17 Section 573), is amended to read as follows:

18 Section 573. A. Except as provided in subsection D of this
19 section, no liquor, wine, or beer shall be labeled, offered or
20 advertised for sale unless in accordance with such regulations and
21 unless the brand label shall have been registered with and approved
22 by the Alcoholic Beverage Laws Enforcement Commission and the
23 appropriate fee paid as provided for in this section.

24

1 B. An application for registration of a brand label shall be
2 filed by the owner of the brand if such owner is licensed by the
3 ABLE Commission, however, if the owner is not licensed but is
4 represented by a licensed nonresident seller, the nonresident seller
5 licensee shall submit each label for each product he offers for sale
6 in this state. Cordials and wines which differ only as to age or
7 vintage year, as defined by such regulations, shall be considered
8 the same brand; and those that differ as to type or class may be
9 considered the same brand by the ABLE Commission where consistent
10 with the purposes of this section.

11 C. The application for registration of a brand label shall be
12 filed on a form prescribed by the ABLE Commission, and shall contain
13 such information as the ABLE Commission shall require. Such
14 application shall be accompanied by a certified check, bank
15 officers' check or draft, or money order in the amount of the annual
16 registration fee prescribed by this section.

17 D. The annual fee for registration of any brand label for
18 liquor shall be ~~Three Hundred Seventy five Dollars (\$375.00)~~ Four
19 Hundred seventy-five Dollars (\$475.00); the annual fee for
20 registration of any brand label for beer shall be ~~Two Hundred~~
21 ~~Dollars (\$200.00)~~ Three Hundred Dollars (\$300.00); the annual fee
22 for registration of any brand label for wine produced in the United
23 States shall be ~~Two Hundred Dollars (\$200.00)~~ Two Hundred Seventy-
24 five Dollars (\$275.00); the annual fee for registration of wine

1 produced outside of the United States shall be Two Hundred Seventy-
2 five Dollars (\$275.00) for each class of foreign wine exported by
3 its country of origin and Ten Dollars (\$10.00) for every label of
4 foreign wine exported within each class. For purposes of this
5 subsection, there shall be six classes of foreign wine as follows:

- 6 1. Light red wine;
- 7 2. Light rose wine;
- 8 3. Light white wine;
- 9 4. Fortified wine;
- 10 5. Sparkling wine; and
- 11 6. Specialties.

12 Beer and wine manufactured in this state shall be exempt from
13 brand label registration fees. All monies received from brand
14 registration fees shall be deposited in the ABLE Commission
15 Revolving Fund.

16 Each brand label registered and approved pursuant to this
17 section shall be valid for a term which shall run concurrently with
18 the term of the license of the brand owner, or nonresident seller
19 representing the brand owner, registering such label and shall be
20 valid for such licensee and shall not be transferable.

21 E. If the ABLE Commission shall deny the application for
22 registration of a brand label it shall return the registration fee
23 to the applicant, less twenty-five percent (25%) of such fee.

24

1 F. The ABLE Commission may at any time exempt any discontinued
2 brand from fee provisions of this section where a manufacturer or
3 wholesaler has an inventory of one hundred cases or less of liquor
4 or wine and five hundred cases or less of beer, and certifies to the
5 ABLE Commission in writing that such brand is being discontinued.

6 SECTION 4. This act shall become effective July 1, 2009.

7 SECTION 5. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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