

1 ENGROSSED SENATE
2 BILL NO. 1498

By: Bice of the Senate

3 and

4 Mulready of the House
5

6 An Act relating to alcoholic beverages; amending
7 Section 73, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
8 2017, Section 3-103), which relates to the Alcoholic
9 Beverage Control Act; modifying persons to whom
10 certain notice of application must be sent; providing
11 for consideration of political subdivision as
12 interested party to certain proceedings and providing
13 for right to appeal licensure; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY Section 73, Chapter 366, O.S.L.
17 2016 (37A O.S. Supp. 2017, Section 3-103), is amended to read as
18 follows:

19 Section 3-103. All rules of the ABLE Commission shall be
20 promulgated and filed pursuant to the provisions of the
21 Administrative Procedures Act, and also shall be filed with the
22 Secretary of State and the State Librarian pursuant to the
23 provisions of Sections 251 through 253 of Title 75 of the Oklahoma
24 Statutes. Copies of all rules shall be made available to each
county clerk, district attorney, sheriff and chief of police in the
state upon request.

1 The ABLE Commission shall send a notice of application for a
2 license to sell alcohol, alcoholic beverage, wine or beer under the
3 Oklahoma Alcoholic Beverage Control Act to the district attorney of
4 the county wherein the premises is located at least fifteen (15)
5 days prior to the approval or disapproval of the application.

6 For any applicant for a license issued pursuant to the
7 provisions of the Oklahoma Alcoholic Beverage Control Act whose
8 place of business for which the license is being sought is located
9 in a city or town, the ABLE Commission shall mail a notice of
10 application to the chief of police of the city or town, the sheriff
11 of the county in which the city or town is located, and the district
12 attorney of the county in which the city or town is located. The
13 city or town may make recommendations on whether or not the
14 applicant should be issued a license by the ABLE Commission within
15 twenty (20) days after the date the copies of the application were
16 mailed.

17 For any applicant for a license issued pursuant to the
18 provisions of the Oklahoma Alcoholic Beverage Control Act whose
19 place of business for which the license is being sought is located
20 outside of the incorporated boundaries of a city or town, the ABLE
21 Commission shall mail a notice of application to the board of county
22 commissioners of the county in which the place of business is
23 located, the sheriff of the county and the district attorney of the
24 county. The board of county commissioners shall make

1 recommendations on whether or not the applicant should be issued a
2 license by the ABLE Commission within twenty (20) days after the
3 date the copies of the application were mailed.

4 Any political subdivision which is entitled to notice of an
5 application for a license shall be considered an interested party to
6 the proceeding and shall be given notice of any issuance of license.
7 The political subdivision shall be entitled to appeal any such
8 issuance in the same manner as the applicant would be entitled to
9 appeal a denial of the license application.

10 SECTION 2. This act shall become effective October 1, 2018.

11 Passed the Senate the 13th day of March, 2018.

12
13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2018.

17
18 _____
19 Presiding Officer of the House
20 of Representatives
21
22
23
24