

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1542

			Of the printed Bill
Page	<u>17</u>	Section	<u>7</u>
		Lines	<u>7 1/2</u>
			Of the Engrossed Bill

By inserting a new Section 7 to read as follows:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chris Kannady

Adopted: _____

Reading Clerk

1 "SECTION 7. AMENDATORY Section 58, Chapter 366, O.S.L.

2 2016 (37A O.S. Supp. 2017, Section 2-146), is amended to read as
3 follows:

4 Section 2-146. A. The ABLE Commission shall refuse to issue a
5 wine and spirits wholesaler, beer distributor, retail spirits,
6 retail wine or retail beer license, either on an original
7 application or a renewal application, if it has reasonable grounds
8 to believe and finds any of the following to be true:

9 1. Except in the case of a beer distributor, that the applicant
10 is not a citizen of the United States or is not a qualified elector
11 in this state, or has not been a continuous resident of this state
12 for the five (5) years next preceding the application for the
13 license;

14 2. That the applicant is under twenty-one (21) years of age;

15 3. That the applicant or any partner, or spouse of the
16 applicant or any partner, has been convicted of a felony;

17 4. That the applicant or any partner, or spouse of the
18 applicant or any partner, has been convicted of a violation of any
19 state or federal law relating to alcoholic beverages, has forfeited
20 a bond while any charge of such violation was pending, nor may any
21 license be granted for any purpose under the Oklahoma Alcoholic
22 Beverage Control Act to an Oklahoma resident, who has held or whose
23 spouse has held a Federal Liquor Stamp in Oklahoma before the
24 adoption of Article XXVIII A of the Oklahoma Constitution unless the

1 Liquor Stamp was granted for supplying alcoholic beverages to a
2 federal military installation, or was granted under the Oklahoma
3 Alcoholic Beverage Control Act;

4 5. That the applicant or any partner has, within twelve (12)
5 months next preceding the date of the application, violated any
6 provision of the Oklahoma Alcoholic Beverage Control Act or rule of
7 the ABLE Commission promulgated pursuant hereto. Provided, however,
8 that if the ABLE Commission has, during such twelve-month period,
9 suspended any license sought to be renewed, such renewal application
10 may be approved if the term of the suspension has been completed and
11 the applicant has complied with any special conditions imposed in
12 connection with the suspension;

13 6. That the applicant is not of good moral character, or that
14 the applicant is in the habit of using alcoholic beverages to
15 excess, or is mentally incapacitated. Provided, that the record in
16 any municipal court showing a conviction of violation of any
17 municipal ordinances or state statutes involving moral character or
18 public nuisance obtained after passage and approval of the Oklahoma
19 Alcoholic Beverage Control Act shall be received in evidence by the
20 ABLE Commission;

21 7. That the applicant does not own or have a written lease for
22 the premises for which a license is sought;

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1 8. That the applicant, within twelve (12) months next preceding
2 the date of application, has been the holder of a license revoked
3 for cause;

4 9. That the applicant is not the real party in interest, or
5 intends to carry on the business authorized by the license as the
6 agent of another;

7 10. That the applicant, in the case of an application for
8 renewal of any license, would not be eligible for such license on a
9 first application;

10 11. That the applicant is a person who appoints or is a law
11 enforcement official or is an employee of the ABLE Commission;

12 12. That the proposed location of the licensed premises would
13 violate a valid municipal nondiscriminatory zoning ordinance;

14 13. That, in the case of an application for a wine and spirits
15 wholesaler license or beer distributor license, any manufacturer,
16 including an officer, director or principal stockholder thereof or
17 any partner, has any financial interest in the business to be
18 conducted under the license, unless otherwise permitted by law;

19 14. That the issuance of the license applied for would result
20 in a violation of any provision of the Oklahoma Alcoholic Beverage
21 Control Act;

22 15. That, in the case of an application for a wine and spirits
23 wholesaler or beer distributor license, the applicant or any
24 partner, or spouse of the applicant or any partner, is the holder or

1 partner of the holder of any other class of license issued under the
2 provisions of the Oklahoma Alcoholic Beverage Control Act, other
3 than an agent or employee license for employment by the applicant,
4 or a storage license, bonded warehouse license, carrier license or
5 private carrier license; provided, nothing shall prohibit a wine and
6 spirits wholesaler, who is otherwise qualified, from maintaining
7 beer distributor licenses in the state, nor a beer distributor, who
8 is otherwise qualified, from maintaining a wine and spirits
9 wholesaler license in the state;

10 16. That, in the case of an application for a retail spirits,
11 ~~retail wine or retail beer~~ license, the applicant or any partner is
12 the holder or partner of the holder, or employee of such holder of
13 any other class of license issued under the provisions of the
14 Oklahoma Alcoholic Beverage Control Act, other than a storage
15 license or an employee license for the proposed licensed premises of
16 the applicant; or

17 17. That the applicant or any partner, spouse, employee or
18 other person affiliated with the applicant is not in compliance with
19 the tax laws of this state as required in Article XXVIII A of the
20 Oklahoma Constitution.

21 B. The provisions of this section shall not operate to prohibit
22 the issuance of a beer distributor license to a corporation."
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