

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1498

By: Bice of the Senate

and

Mulready of the House

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

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

19 SECTION 1. AMENDATORY Section 73, Chapter 366, O.S.L.
20 2016 (37A O.S. Supp. 2017, Section 3-103), is amended to read as
21 follows:

22 Section 3-103. All rules of the ABLE Commission shall be
23 promulgated and filed pursuant to the provisions of the
24 Administrative Procedures Act, and also shall be filed with the
25 Secretary of State and the State Librarian pursuant to the
26 provisions of Sections 251 through 253 of Title 75 of the Oklahoma

1 Statutes. Copies of all rules shall be made available to each
2 county clerk, district attorney, sheriff and chief of police in the
3 state upon request.

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

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

20 For any applicant for a license issued pursuant to the
21 provisions of the Oklahoma Alcoholic Beverage Control Act whose
22 place of business for which the license is being sought is located
23 outside of the incorporated boundaries of a city or town, the ABLE
24 Commission shall mail a notice of application to the board of county

1 commissioners of the county in which the place of business is
2 located, the sheriff of the county and the district attorney of the
3 county. The board of county commissioners shall make
4 recommendations on whether or not the applicant should be issued a
5 license by the ABLE Commission within twenty (20) days after the
6 date the copies of the application were mailed.

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

13 SECTION 2. This act shall become effective October 1, 2018.
14

15 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
16 04/04/2018 - DO PASS.
17
18
19
20
21
22
23
24