

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 16

BY: EASLEY

AS INTRODUCED

AN ACT RELATING TO INTOXICATING LIQUORS; AMENDING SECTION 6, CHAPTER 6, O.S.L. 1985, AS AMENDED BY SECTION 16, CHAPTER 178, O.S.L. 1985 (37 O.S. SUPP. 1990, SECTION 506.1), WHICH RELATES TO THE ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION; REQUIRING OFFICES OF COMMISSION TO BE IN OKLAHOMA CITY AND TULSA; PROVIDING FOR AND LIMITING THE TRANSFER OF CERTAIN EMPLOYEES; REQUIRING THAT CERTAIN VACANCIES BE FILLED THROUGH ACCRUED VACANCIES WITHIN THE COMMISSION OR AS PROVIDED BY LEGISLATURE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 6, Chapter 6, O.S.L. 1985, as amended by Section 16, Chapter 178, O.S.L. 1985 (37 O.S. Supp. 1990, Section 506.1), is amended to read as follows:

Section 506.1 A. The Alcoholic Beverage Laws Enforcement Commission, also referred to in the Oklahoma Alcoholic Beverage Control Act as the ABLE Commission, created pursuant to the provisions of Section 1 of Article XXVIII of the Oklahoma Constitution, as the successor to the Oklahoma Alcoholic Beverage Control Board, shall be organized as follows:

1. The five (5) members serving on the Oklahoma Alcoholic Beverage Control Board on September 18, 1984, shall serve as the five (5) at-large members of the ABLE Commission until the dates on which their terms of office on the Oklahoma Alcoholic Beverage Control Board would have expired. Thereafter, the term of office of a member appointed at-large to the ABLE Commission shall be five (5) years.

2. Within ninety (90) days after September 18, 1984, the two members required by the provisions of Article XXVIII of the Oklahoma Constitution to have law enforcement experience in this state shall be appointed. The terms of office of these members and of successors to these positions shall be five (5) years. Members with law enforcement experience shall meet the qualifications for permanent appointment of police or peace officers provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

B. Members of the ABLE Commission shall be citizens of the United States, shall be qualified electors in this state, shall have been residents of this state for at least ten (10) consecutive years immediately preceding the date of their appointment and qualification, and shall be persons of outstanding character, experienced, efficient, and successful in business affairs, and of good reputation in their communities. Said members shall execute the loyalty oath required by law for elected state officials before assuming the duties of their office. No person shall be appointed who has been convicted of or shall have pleaded guilty to a felony, or of any violation of any federal or state law concerning the

manufacture or sale of alcoholic beverage or cereal malt beverages prior or subsequent to the passage of the Oklahoma Alcoholic Beverage Control Act, or who has paid a fine or penalty in settlement in any prosecution against him in any violation of such laws, or who shall have forfeited his bond to appear in court to answer charges for any such violation. No appointee shall serve if he or any person related to him in the third degree by consanguinity or affinity is an officer, director, employee, or stockholder in any corporation or partnership which has as its business the manufacture, sale, or distribution of an alcoholic beverage. ABLE Commission members shall not own, mortgage, or lease any retail or wholesale store or warehouse, any establishment selling alcoholic beverages by the individual drink for on-premises consumption, any establishment operated by a caterer who provides alcoholic beverages by the individual drink pursuant to a caterer's license, or any bottle club as provided in the alcoholic beverage control laws of this state. The provisions of the Oklahoma Alcoholic Beverage Control Act shall not prevent any member of the ABLE Commission from purchasing and keeping in his possession, for his own use or use by the members of his family or any guests, any alcoholic beverage which may be purchased or kept by any person by virtue of the provisions of the Oklahoma Alcoholic Beverage Control Act.

C. A majority of the members of the ABLE Commission shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of said Commission, and every act of a majority of the members shall be deemed to be the act of the ABLE Commission. The ABLE Commission shall appoint the Director as secretary who shall keep a record of all proceedings and official acts of the Commission and who shall be the custodian of all records and perform such other duties as the ABLE Commission shall prescribe.

D. Each member of the ABLE Commission shall receive reimbursement for travel expenses incurred in attending meetings as provided for in the State Travel Reimbursement Act.

E. ~~The office of the~~ ABLE Commission shall ~~be~~ have offices in Oklahoma City and in Tulsa in office space provided by the Office of Public Affairs. The ABLE Commission shall transfer only those employees requesting to be transferred to the Tulsa office, provided the employee meets the criteria established by the ABLE Commission for positions to be placed in the Tulsa office, and shall fill any remaining positions at the Tulsa office through accrued vacancies within the ABLE Commission or as otherwise provided by the Legislature. All meetings of the ABLE Commission shall be open to the public and all records of the ABLE Commission shall be public records and open for public inspection. The ABLE Commission shall hold regular meetings at least once a month at its office, and may hold such special meetings as it deems necessary at any time and at any place within the state. The ABLE Commission, for authentication of its records, process, and proceedings, may adopt, keep, and use a common seal, of which seal judicial notice shall be taken in all the courts of the state. Any process, notice, or other paper which the ABLE Commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of the ABLE Commission and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of the ABLE Commission, and all reports and documents filed with the ABLE Commission may be proved in any court of this state by copy thereof certified by the secretary of the ABLE Commission with the seal of the ABLE Commission attached. The ABLE Commission shall not adopt or promulgate any rule or regulation inconsistent with the provisions of the Oklahoma Alcoholic Beverage Control Act or any law of this state.

F. All unexpended funds, property, records, personnel, and outstanding financial obligations and encumbrances of the Oklahoma Alcoholic Beverage Control Board shall be transferred to the Alcoholic Beverage Laws Enforcement Commission.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-159

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