STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 540 By: Bass

AS INTRODUCED

An Act relating to Alcoholic Beverage Laws Enforcement Commission; amending 37 O.S. 2001, Section 513a, which relates to employment of attorneys; requiring payment of assessment as part of certain settlement agreements; creating revolving fund; providing for deposit to and expenditures from fund; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 37 O.S. 2001, Section 513a, is amended to read as follows:

Section 513a. A. The Director may employ attorneys, who shall be unclassified employees of the state, or contract with attorneys, as needed. These attorneys may advise the Director, the Alcoholic Beverage Laws Enforcement Commission and Commission personnel on all legal matters and shall appear for and represent the Director, the Commission and Commission personnel in all administrative hearings and all litigation or other proceedings which may arise in the discharge of their duties. At the request of the Alcoholic Beverage Laws Enforcement Commission, such attorney shall assist the district attorney in prosecuting charges of violators of the Oklahoma Alcoholic Beverage Control Act. Provided, if a conflict of interest would be created by such attorney representing the Director, the Commission or Commission personnel, additional counsel may be hired upon approval of the Alcoholic Beverage Laws Enforcement Commission.

B. Every settlement agreement entered into by an attorney on behalf of the Alcoholic Beverage Laws Commission shall include a

requirement for the payment of a Twenty-five-Dollar assessment which shall be deposited into the ABLE Agent Equipment Revolving Fund created in Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 513b of Title 37, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Alcoholic Beverage Laws Enforcement Commission to be designated the "ABLE Agent Equipment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Alcoholic Beverage Laws Enforcement Commission from the assessment on settlement agreements imposed pursuant to Section 513a of Title 37 of the Oklahoma Statutes. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Alcoholic Beverage Laws Enforcement Commission for the purpose of providing and maintaining equipment for agents of the ABLE Commission including, but not limited to, vests, semiautomatic pistols, uniforms, laptop computers and handheld radios. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. This act shall become effective November 1, 2005.

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