

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3344
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Christian

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3344

6 By: Christian

7 FLOOR SUBSTITUTE

8 An Act relating to intoxicating liquors; creating
9 Oklahoma Charity Games Act Revenue Revolving Fund;
10 stating authorized revenue sources for fund;
11 authorizing expenditures by Alcoholic Beverage Laws
12 Enforcement Commission; amending 37 O.S. 2001,
13 Section 514, which relates to the ABLE Commission;
14 expanding the disciplinary powers of the ABLE
15 Commission; allowing recoupment of certain costs;
16 providing for codification; and providing an
17 effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 402-1A of Title 3A, unless there
21 is created a duplication in numbering, reads as follows:

22 There is hereby created in the State Treasury a revolving fund
23 for the Alcoholic Beverage Laws Enforcement Commission to be
24 designated the "Oklahoma Charity Games Act Revenue Revolving Fund".
The fund shall be a continuing fund, not subject to fiscal year
limitations, and shall consist of all monies received by the

1 Alcoholic Beverage Laws Enforcement Commission from such sources as
2 may be prescribed by the Oklahoma Charity Games Act or any
3 administrative rule promulgated pursuant thereto. All monies
4 accruing to the credit of said fund are hereby appropriated and may
5 be budgeted and expended by the Alcoholic Beverage Laws Enforcement
6 Commission for the purpose of paying such administrative costs of
7 the Commission as may be authorized by law. Expenditures from said
8 fund shall be made upon warrants issued by the State Treasurer
9 against claims filed as prescribed by law with the Director of the
10 Office of State Finance for approval and payment.

11 SECTION 2. AMENDATORY 37 O.S. 2001, Section 514, is
12 amended to read as follows:

13 Section 514. The Alcoholic Beverage Laws Enforcement Commission
14 shall have the following powers and duties:

15 1. To supervise, inspect, and regulate every phase of the
16 business of manufacturing, importing, exporting, transporting,
17 storing, selling, distributing, and possessing for the purpose of
18 sale, all alcoholic beverages which shall be necessary and proper to
19 carry out the purposes of the Oklahoma Alcoholic Beverage Control
20 Act;

21 2. To promulgate rules and regulations, in the manner herein
22 provided, to carry out the purposes of the Oklahoma Alcoholic
23 Beverage Control Act;

24

1 3. To have the sole authority to issue any license provided for
2 in the Oklahoma Alcoholic Beverage Control Act;

3 4. To refuse to issue any license provided for in the Oklahoma
4 Alcoholic Beverage Control Act for cause provided for in said act;

5 5. To revoke ~~or~~, suspend, reprimand, fine or take whatever
6 disciplinary action it deems appropriate, for cause after hearing,
7 against any license issued under the authority of the Oklahoma
8 Alcoholic Beverage Control Act, which shall include the power to
9 assess costs against a respondent in order to recoup investigative
10 and administrative costs incurred by the Commission in connection
11 with the administrative hearing;

12 6. To prescribe the forms of applications for licenses and the
13 information to be shown thereon, and of all reports which it deems
14 necessary in administering the Oklahoma Alcoholic Beverage Control
15 Act;

16 7. To fix standards, not in conflict with those prescribed by
17 any law of this state or of the United States, to secure the use of
18 proper ingredients and methods of manufacture and dispensing of
19 alcoholic beverages;

20 8. To make seizures of alcoholic beverages manufactured, sold,
21 possessed, imported, or transported in violation of the Oklahoma
22 Alcoholic Beverage Control Act, and apply for the confiscation
23 thereof whenever required by said act, and cooperate in the
24 prosecution of offenders before any court of competent jurisdiction;

1 9. To submit to the Governor and members of the State
2 Legislature annual or semiannual reports upon request of the
3 Governor;

4 10. To inspect or cause to be inspected any premises where
5 alcoholic beverages are manufactured, stored, distributed, sold,
6 dispensed or served;

7 11. In the conduct of any hearing authorized to be held by the
8 ABLE Commission, to examine or cause to be examined, under oath, any
9 person, and to examine or cause to be examined books and records of
10 any licensee; to hear testimony and take proof material for the ABLE
11 Commission's information and the discharge of its duties hereunder;
12 to administer or cause to be administered oaths; and for any such
13 purposes to issue subpoenas for the attendance of witnesses and the
14 production of books or records which shall be effective in any part
15 of the state; and any district court or any judge thereof, either in
16 term or vacation, may by order duly entered require the attendance
17 of witnesses and the production of relevant books or records
18 subpoenaed by the ABLE Commission, and the court or judge may compel
19 obedience to its or his order by proceedings for contempt;

20 12. To prescribe the kind and size of retail containers of
21 alcoholic beverages other than beer which may be purchased,
22 possessed and sold by a licensee;

23 13. To prescribe by regulations, in addition to those herein
24 required, the kinds of records to be kept and reports to be rendered

1 by licensees, and the information to be shown therein; provided,
2 that the period for which all such records and reports be retained
3 shall not be less than five (5) years;

4 14. To gather, compile and print such statistical data as may
5 in the opinion of the ABLE Commission be needed or useful, and
6 prescribe charges or fees to be collected from any person or company
7 to whom such data shall be provided. No reports shall contain sales
8 information of either wholesalers, retailers, mixed beverage
9 licensees, caterers or special event licensees by name or license
10 number;

11 15. To educate persons employed by licensees to serve alcoholic
12 beverages as to the provisions of Article XXVIII of the Oklahoma
13 Constitution and the Oklahoma Alcoholic Beverage Control Act, with
14 emphasis on recognizing and preventing intoxication and particular
15 emphasis on those provisions prohibiting the serving of alcoholic
16 beverages to minors. The ABLE Commission may contract with one or
17 more persons to perform the duties specified in this paragraph; and

18 16. To exercise all other powers and duties conferred by the
19 Oklahoma Alcoholic Beverage Control Act, and all powers incidental,
20 convenient or necessary to enable it to administer or carry out any
21 of the provisions of the Oklahoma Alcoholic Beverage Control Act.

22 SECTION 3. This act shall become effective November 1, 2010.

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24 52-2-10288 MAH 03/09/10

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