

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2627

By: Henke

4
5
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; amending 37
8 O.S. 2011, Section 511, which relates to the
9 Alcoholic Beverage Laws Enforcement Commission and
10 personnel; modifying prohibition on certain
11 employment; and providing an effective date.

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

13 SECTION 1. AMENDATORY 37 O.S. 2011, Section 511, is
14 amended to read as follows:

15 Section 511. A. No member of the Alcoholic Beverage Laws
16 Enforcement Commission, Director, Assistant Director, or employee of
17 the ABLE Commission shall be appointed or serve who has been
18 convicted of a felony or of any violation of any federal or state
19 law relating to alcoholic beverages. No member of the ABLE
20 Commission, Director, Assistant Director, or employee of the ABLE
21 Commission shall directly or indirectly, individually or as a member
22 of a partnership, or as a shareholder of a corporation, have any
23 interest whatsoever in the manufacture, sale or distribution of
24 alcoholic beverages, nor receive any compensation or profit

1 therefrom, nor have any interest, directly or indirectly, in any
2 business authorized by a license issued pursuant to the provisions
3 of the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq.
4 of this title. The holding of membership or elective or appointed
5 office in fraternal organizations which obtain mixed beverage or
6 bottle club licenses shall not be considered to be engagement in the
7 alcoholic beverage business. No member of the ABLE Commission,
8 Director, Assistant Director, or employee of the ABLE Commission
9 shall solicit or accept any gift, gratuity, emolument, or employment
10 from any person subject to the provisions of the Oklahoma Alcoholic
11 Beverage Control Act, or from any officer, agent or employee
12 thereof, nor solicit, request from or recommend, directly or
13 indirectly, to any such person or to any officer, agent or employee
14 thereof, the appointment of any person to any place or position, and
15 every such person, and every officer, agent or employee thereof, is
16 hereby forbidden to offer to any member of the ABLE Commission, the
17 Director, Assistant Director, or to any employee of the ABLE
18 Commission, any gift, gratuity, emolument or employment. No member
19 of the ABLE Commission, Director, Assistant Director, or employee of
20 the ABLE Commission shall accept employment within the liquor
21 industry for any holder of a license issued pursuant to the
22 provisions of the Oklahoma Alcoholic Beverage Control Act, or
23 represent, directly or indirectly, any such licensee in any
24 proceedings before the Director or the ABLE Commission within ~~two~~

1 ~~(2) years~~ six (6) months following his separation from the ABLE
2 Commission. Violation of any provision of this subsection shall
3 constitute a misdemeanor. In addition to the penal provisions, any
4 person convicted shall be immediately removed from the office or
5 position he holds.

6 B. No license of any kind shall be granted to or retained by
7 any person or any partnership containing any partner who is related
8 to any member of the ABLE Commission or to the Director or Assistant
9 Director by affinity or consanguinity within the third degree. No
10 member of the ABLE Commission nor the Director or Assistant Director
11 shall be entitled to receive any compensation or other monies from
12 the State of Oklahoma while a license is held in violation of the
13 provisions of this subsection.

14 C. It shall be unlawful for any member of the ABLE Commission,
15 the Director, Assistant Director, any inspector, attorney or other
16 agent or employee of the ABLE Commission, to actively participate,
17 as a candidate or otherwise, in any political campaign held in this
18 state. Nor shall any such member of the ABLE Commission, Director,
19 Assistant Director, or other agent or employee of the ABLE
20 Commission lend, expend or contribute any money, funds, property or
21 other thing of value, or use his official position, for the purpose
22 of securing the nomination or election or the defeat of any
23 candidate for public office in the State of Oklahoma. Any person
24 who shall violate the provisions of this subsection shall, upon

1 conviction, be fined not less than Two Thousand Five Hundred Dollars
2 (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or
3 imprisoned in the county jail for not more than one (1) year, or
4 both such fine and imprisonment. Any person found guilty of
5 violating the provisions of this subsection shall, in addition to
6 the criminal penalty imposed herein, be discharged from the office
7 or position he holds upon conviction and shall not be rehired to any
8 state position.

9 D. If the voters of a county in which a state lodge is located
10 approve sale of alcoholic beverages by the individual drink for on-
11 premises consumption, then such sale of alcoholic beverages on the
12 premises of such lodge shall be authorized if a license for such
13 sale, issued pursuant to the provisions of the Oklahoma Alcoholic
14 Beverage Control Act, is obtained. Provided, further, that a bottle
15 club may be licensed on the premises of a state lodge located in a
16 county where sale of alcoholic beverages by the individual drink for
17 on-premises consumption is not authorized.

18 E. The provisions of subsection D of this section shall not
19 prohibit the state or a political subdivision of the state from
20 leasing a public building or facility to a person who obtains a
21 mixed beverage license, bottle club license, special event license,
22 contracts for the services of a licensed caterer, or subleases the
23 building or facility to a person who obtains a mixed beverage
24

1 license, bottle club license, special event license or contracts for
2 the services of a licensed caterer.

3 F. Provided, that nothing in this section shall prohibit the
4 sale of alcoholic beverage legally confiscated as provided by law.

5

6 54-2-9707 SD 01/07/14

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24