

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 469

By: Brooks

COMMITTEE SUBSTITUTE

An Act relating to the Alcoholic Beverage Laws Enforcement Commission; amending Section 10, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 1-110), which relates to Commission members; prohibiting licensing spouse related to the Commission members; modifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 10, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 1-110), is amended to read as follows:

Section 1-110. A. No member or employee of the ABLE Commission shall:

1. Be appointed or serve who has been convicted of a felony or of any violation of any federal or state law relating to alcoholic beverages;

2. Directly or indirectly, individually or as a member of a partnership, or as a shareholder of a corporation, have any interest

1 whatsoever in the manufacture, sale or distribution of alcoholic
2 beverages;

3 3. Receive any compensation or profit therefrom, nor have any
4 interest, directly or indirectly, in any business authorized by a
5 license issued pursuant to the provisions of the Oklahoma Alcoholic
6 Beverage Control Act. The holding of membership or elective or
7 appointed office in fraternal organizations which obtain licenses
8 authorized by the Oklahoma Alcoholic Beverage Control Act shall not
9 be considered to be engagement in the alcoholic beverage business;

10 4. Solicit or accept any gift, gratuity, emolument or
11 employment from any person subject to the provisions of the Oklahoma
12 Alcoholic Beverage Control Act, or from any officer, agent or
13 employee thereof;

14 5. Solicit, request from or recommend, directly or indirectly,
15 to any such person or to any officer, agent or employee thereof, the
16 appointment of any person to any place or position, and every such
17 person, and every officer, agent or employee thereof, is hereby
18 forbidden to offer to any member or employee of the ABLE Commission
19 any gift, gratuity, emolument or employment;

20 6. Accept employment within the alcoholic beverage industry for
21 any holder of a license issued pursuant to the provisions of the
22 Oklahoma Alcoholic Beverage Control Act; or

23 7. Represent, directly or indirectly, any such licensee in any
24 proceedings before the Director, the ABLE Commission or the Tax

1 Commission within two (2) years following separation from the ABLE
2 Commission.

3 B. Violation of any provision of subsection A of this section
4 shall constitute a misdemeanor. In addition to the penal
5 provisions, any person convicted shall be immediately removed from
6 the office or position he or she holds.

7 C. No license of any kind shall be granted to or retained by
8 ~~any person~~ a spouse or any partnership containing any partner who is
9 ~~related to a spouse of~~ any member or employee of the ABLE Commission
10 ~~by affinity or consanguinity within the third degree~~. If a license
11 is held in violation of the provisions of this subsection, the
12 member or employee of the ABLE Commission shall not be entitled to
13 receive any compensation or other monies from the State of Oklahoma
14 while a license is held in violation of the provisions of this
15 subsection.

16 D. It shall be unlawful for any member or employee of the ABLE
17 Commission to lend, expend or contribute any money, funds, property
18 or other thing of value, or use his or her official position for the
19 purpose of securing the nomination or election or the defeat of any
20 candidate for public office in the State of Oklahoma.

21 E. Any person who shall violate the provisions of subsection D
22 of this section shall, upon conviction, be fined not less than Two
23 Thousand Five Hundred Dollars (\$2,500.00) nor more than Five
24 Thousand Dollars (\$5,000.00), or be imprisoned in the county jail

1 for not more than one (1) year, or by both such fine and
2 imprisonment. Any person found guilty of violating the provisions
3 of this subsection shall, upon conviction, in addition to the
4 criminal penalty imposed herein, be discharged from the office or
5 position he or she holds and shall not be rehired to any state
6 position.

7 SECTION 2. This act shall become effective November 1, 2019.

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