

An Act

ENROLLED SENATE
BILL NO. 469

By: Brooks and Leewright of the
Senate

and

Kannady of the House

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 licensure of persons related to Commission members, Director and Assistant Director within third degree of certain relations; prohibiting licensure of persons related within first degree of certain relations to other employees of ABLE; and providing an effective date.

SUBJECT: ABLE Commission administration

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

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

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

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

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

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

7. Represent, directly or indirectly, any such licensee in any proceedings before the Director, the ABLE Commission or the Tax Commission within two (2) years following separation from the ABLE Commission.

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

C. No license of any kind shall be granted to or retained by any person or any partnership containing any partner who is related to any member ~~or employee~~ of the ABLE Commission or to the Director or Assistant Director by affinity or consanguinity within the third degree or who is related to any other employee of the ABLE

Commission by affinity or consanguinity in the first degree. If a license is held in violation of the provisions of this subsection, the member or employee of the ABLE Commission shall not be entitled to receive any compensation or other monies from the State of Oklahoma while a license is held in violation of the provisions of this subsection.

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

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

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

Passed the Senate the 12th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____