

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 469

 By: Brooks and Leewright of the
 Senate

6 and

7 Kannady of the House

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10 An Act relating to the Alcoholic Beverage Laws
11 Enforcement Commission; amending Section 10, Chapter
12 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 1-
13 110), which relates to Commission members;
14 prohibiting licensure of persons related to
15 Commission members, Director and Assistant Director
16 within third degree of certain relations; prohibiting
17 licensure of persons related within first degree of
18 certain relations to other employees of ABLE; and
19 providing an effective date.

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

23 SECTION 1. AMENDATORY Section 10, Chapter 366, O.S.L.
24 2016 (37A O.S. Supp. 2018, Section 1-110), is amended to read as
25 follows:

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

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

4 2. Directly or indirectly, individually or as a member of a
5 partnership, or as a shareholder of a corporation, have any interest
6 whatsoever in the manufacture, sale or distribution of alcoholic
7 beverages;

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

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

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

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

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

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

12 C. No license of any kind shall be granted to or retained by
13 any person or any partnership containing any partner who is related
14 to any member ~~or employee~~ of the ABLE Commission or to the Director
15 or Assistant Director by affinity or consanguinity within the third
16 degree or who is related to any other employee of the ABLE
17 Commission by affinity or consanguinity in the first degree. If a
18 license is held in violation of the provisions of this subsection,
19 the member or employee of the ABLE Commission shall not be entitled
20 to receive any compensation or other monies from the State of
21 Oklahoma while a license is held in violation of the provisions of
22 this subsection.

23 D. It shall be unlawful for any member or employee of the ABLE
24 Commission to lend, expend or contribute any money, funds, property

1 or other thing of value, or use his or her official position for the
2 purpose of securing the nomination or election or the defeat of any
3 candidate for public office in the State of Oklahoma.

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
17 03/27/2019 - DO PASS.
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