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February 21, 2019

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 469

By: Brooks

[ Alcoholic Beverage Laws Enforcement Commission -  
licensing spouse related to the Commission members -  
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 whatsoever in the manufacture, sale or distribution of alcoholic beverages;

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

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

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

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

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

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

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

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

19 E. Any person who shall violate the provisions of subsection D  
20 of this section shall, upon conviction, be fined not less than Two  
21 Thousand Five Hundred Dollars (\$2,500.00) nor more than Five  
22 Thousand Dollars (\$5,000.00), or be imprisoned in the county jail  
23 for not more than one (1) year, or by both such fine and  
24 imprisonment. Any person found guilty of violating the provisions

1 of this subsection shall, upon conviction, in addition to the  
2 criminal penalty imposed herein, be discharged from the office or  
3 position he or she holds and shall not be rehired to any state  
4 position.

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

6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
7 February 21, 2019 - DO PASS AS AMENDED  
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