

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 469

By: Brooks

AS INTRODUCED

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; removing certain prohibition on certain employees related to the Commission members; making prohibition apply to certain individuals; 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 or any partnership containing any partner who is related  
9 to any member ~~or employee~~ of the ABLE Commission or to the director  
10 or assistant director of the Commission by affinity or consanguinity  
11 within the third degree. ~~If a license is held in violation of the~~  
12 ~~provisions of this subsection, the~~ No member ~~or employee~~ of the ABLE  
13 Commission or director or assistant director of the Commission shall  
14 ~~not~~ be entitled to receive any compensation or other monies from the  
15 State of Oklahoma while a license is held in violation of the  
16 provisions of this subsection.

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

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

1 Thousand Dollars (\$5,000.00), or be imprisoned in the county jail  
2 for not more than one (1) year, or by both such fine and  
3 imprisonment. Any person found guilty of violating the provisions  
4 of this subsection shall, upon conviction, in addition to the  
5 criminal penalty imposed herein, be discharged from the office or  
6 position he or she holds and shall not be rehired to any state  
7 position.

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

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