

1 **SENATE FLOOR VERSION**

2 March 25, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3354

By: Marti of the House

5 and

6 Coleman of the Senate

7
8 An Act relating to alcoholic beverages; amending 37A
9 O.S. 2021, Section 1-105, which relates to the
10 Oklahoma Alcoholic Laws Enforcement Commission;
removing requirement of meeting location; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-105, is
15 amended to read as follows:

16 Section 1-105. A. Members of the ABLE Commission shall:

17 1. Be citizens of the United States;

18 2. Be qualified electors in this state;

19 3. Have been residents of this state for at least ten (10)

20 consecutive years immediately preceding the date of their
21 appointment and qualification; and

22 4. Be persons of outstanding character, experienced, efficient
23 and successful in business affairs and of good reputation in their
24 communities.

1 B. Members shall execute the loyalty oath required by law for
2 elected state officials before assuming the duties of their office.

3 C. No person shall be appointed who:

4 1. Has been convicted of, or shall have pleaded guilty to, a
5 felony or any violation of any federal or state law concerning the
6 manufacture or sale of alcoholic beverages or cereal malt beverages
7 prior or subsequent to the passage of the Oklahoma Alcoholic
8 Beverage Control Act;

9 2. Has paid a fine or penalty in settlement in any prosecution
10 against the person in any violation of such laws; or

11 3. Shall have forfeited a bond to appear in court to answer
12 charges for any such violation.

13 D. No appointee shall serve if the appointee or any person
14 related to the appointee in the third degree by consanguinity or
15 affinity is an officer, director, employee or stockholder in any
16 corporation or partnership which has as its business the
17 manufacture, sale or distribution of an alcoholic beverage.

18 E. No member of the ABLE Commission shall own, mortgage or
19 lease any retail or wholesale store or warehouse, any establishment
20 selling alcoholic beverages by the individual drink for on-premises
21 consumption, any establishment operated by a caterer who provides
22 alcoholic beverages by the individual drink pursuant to a caterer's
23 license or any bottle club as provided in the alcoholic beverage
24 control laws of this state.

1 F. The provisions of the Oklahoma Alcoholic Beverage Control
2 Act shall not prevent any member of the ABLE Commission from
3 purchasing and possessing, for personal use or use by the members of
4 the member's family or any guests, any alcoholic beverage which may
5 be purchased or kept by any person by virtue of the provisions of
6 the Oklahoma Alcoholic Beverage Control Act.

7 G. In order to establish the qualifications of members of the
8 ABLE Commission, a national criminal history record check as defined
9 in Section 150.9 of Title 74 of the Oklahoma Statutes shall be
10 required for each member.

11 H. A majority of the members of the ABLE Commission shall
12 constitute a quorum to transact business, but no vacancy shall
13 impair the right of the remaining members to exercise all of the
14 powers of the Commission, and every act of a majority of the members
15 shall be deemed to be the act of the ABLE Commission. The ABLE
16 Commission shall appoint the Director as secretary who shall keep a
17 record of all proceedings and official acts of the Commission and
18 who shall be the custodian of all records and perform such other
19 duties as the ABLE Commission shall prescribe.

20 I. Each member of the ABLE Commission shall receive
21 reimbursement for travel expenses incurred in attending meetings as
22 provided for in the State Travel Reimbursement Act.

23 J. The office of the ABLE Commission shall be in Oklahoma City
24 in office space provided by the Office of Management and Enterprise

1 Services. All meetings of the ABLE Commission shall be open to the
2 public and all records of the ABLE Commission shall be public
3 records and open for public inspection. The ABLE Commission shall
4 hold regular meetings at least once a month ~~at its office~~ and may
5 hold such special meetings as it deems necessary at any time and at
6 any place within the state.

7 K. The ABLE Commission, for authentication of its records,
8 process and proceedings, may adopt, keep and use a common seal, of
9 which seal judicial notice shall be taken in all the courts of the
10 state. Any process, notice or other paper which the ABLE Commission
11 may be authorized by law to issue shall be deemed sufficient if
12 signed by the secretary of the ABLE Commission and authenticated by
13 such seal. All acts, orders, proceedings, rules, regulations,
14 entries, minutes and other records of the ABLE Commission, and all
15 reports and documents filed with the ABLE Commission may be proved
16 in any court of this state by copy thereof certified by the
17 secretary of the ABLE Commission with the seal of the ABLE
18 Commission attached.

19 L. The ABLE Commission shall not adopt or promulgate any rule
20 or regulation inconsistent with the provisions of the Oklahoma
21 Alcoholic Beverage Control Act or any law of this state.

22 SECTION 2. This act shall become effective November 1, 2024.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
24 March 25, 2024 - DO PASS