

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 HOUSE BILL 1024

                                  By: Tadlock

7                                   AS INTRODUCED

8                   An Act relating to alcoholic beverages; amending  
9                   Section 11, Chapter 366, O.S.L. 2016 (37A O.S. Supp.  
10                  2018, Section 1-111), which relates to involvement in  
11                  an alcoholic beverages business; modifying  
12                  prohibition for certain certified persons; and  
13                  declaring an emergency.

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

15           SECTION 1.           AMENDATORY           Section 11, Chapter 366, O.S.L.  
16           2016 (37A O.S. Supp. 2018, Section 1-111), is amended to read as  
17           follows:

18           Section 1-111. A. Employees of the State of Oklahoma and its  
19           political subdivisions are hereby permitted to obtain licenses from  
20           the ABLE Commission and to be involved in the alcoholic beverage  
21           business unless such involvement and licensing is prohibited by law.

22           B. The following officers and employees of the State of  
23           Oklahoma and its political subdivisions are hereby prohibited from  
24           engaging in the alcoholic beverage business:

1 1. All judges, district attorneys, assistant district attorneys  
2 and any public official who sits in a judicial capacity with  
3 jurisdiction over the Oklahoma Alcoholic Beverage Control Act;

4 2. ~~All~~ With the exception of those peace officers who are  
5 working as off-duty security, all employees certified as peace  
6 officers engaging in law enforcement activities; and

7 3. All employees of the Oklahoma Tax Commission who engage in  
8 the auditing, enforcement and collection of alcoholic beverage  
9 taxes.

10 C. The holding of membership or elective or appointed office in  
11 fraternal organizations which obtain mixed beverage or bottle club  
12 licenses by employees of the state or a political subdivision shall  
13 not be considered to be engagement in the alcoholic beverage  
14 business.

15 D. If the voters of a county in which a state lodge is located  
16 approve sale of alcoholic beverages by the individual drink for on-  
17 premises consumption, then such sale of alcoholic beverages on the  
18 premises of such lodge shall be authorized if a license for such  
19 sale, issued pursuant to the provisions of the Oklahoma Alcoholic  
20 Beverage Control Act, is obtained. Provided, further, that a bottle  
21 club may be licensed on the premises of a state lodge located in a  
22 county where sale of alcoholic beverages by the individual drink for  
23 on-premises consumption is not authorized.

1 E. The provisions of subsection D of this section shall not  
2 prohibit the state or a political subdivision of the state from  
3 leasing a public building or facility to a person who obtains a  
4 mixed beverage license, bottle club license, special event license,  
5 contracts for the services of a licensed caterer or subleases the  
6 building or facility to a person who obtains a mixed beverage  
7 license, bottle club license, special event license or contracts for  
8 the services of a licensed caterer.

9 F. Provided, that nothing in this section shall prohibit the  
10 sale of alcoholic ~~beverage~~ beverages legally confiscated as provided  
11 by law.

12 SECTION 2. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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17 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
18 02/21/2019 - DO PASS.

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