

Introduced in the House: 3/5/03
Referred: Community and Regional Affairs, State Affairs

Introduced in the Senate: 3/6/03
Referred: Community and Regional Affairs, State Affairs

EXECUTIVE ORDER NO. 110

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, I order the
 2 following:

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
 4 to read:

5 FINDINGS. As governor, I find that it is in the best interest of efficient administration
 6 to transfer the Alcoholic Beverage Control Board and its functions from the Department of
 7 Revenue to the Department of Public Safety. The enforcement of Alaska law addressing the
 8 manufacture, use, possession, and sale of alcoholic beverages will be strengthened by this
 9 transfer because the board and its staff will have the law enforcement expertise of the
 10 Department of Public Safety to assist them in their duties.

11 * **Sec. 2.** AS 04.06.010 is amended to read:

12 **Sec. 04.06.010. Establishment of board.** The Alcoholic Beverage Control
 13 Board is established as a regulatory and quasi-judicial agency. The board is in the
 14 Department of **Public Safety** [REVENUE], but for administrative purposes only.

15 * **Sec. 3.** AS 04.06.090(e) is amended to read:

16 (e) The board shall promptly notify all licensees and municipalities of major
 17 changes to this title and to regulations adopted under this title. However, if changes
 18 only affect specific classifications of licenses and permits, the board need only notify
 19 those licensees and municipalities directly affected by the changes. Current copies of
 20 this title and current copies of the regulations adopted under it shall be made available
 21 at all offices **in the state** of the Department of **Public Safety** [REVENUE] and the
 22 detachment headquarters and posts maintained by the division of Alaska state troopers
 23 **in the** [,] Department of Public Safety [, IN THE STATE].

1 * **Sec. 4.** AS 04.11.590 is amended to read:

2 **Sec. 04.11.590. Disposition of money.** (a) Money collected from licenses and
3 civil fines under this title shall be transferred by the board to the Department of **Public**
4 **Safety** [REVENUE] and deposited in the general fund.

5 (b) A fee prescribed by the board in addition to fees authorized under this title
6 shall be transferred to the Department of **Public Safety** [REVENUE] and deposited in
7 the general fund.

8 (c) The annual estimated balance in the account maintained by the
9 commissioner of administration under AS 37.05.142 may be used by the legislature to
10 make appropriations to the Department of **Public Safety** [REVENUE] to carry out the
11 purposes of AS 04.06.

12 * **Sec. 5.** AS 04.11.610(b) is amended to read:

13 (b) If the officers of a municipality fail to actively enforce local ordinances,
14 laws of the United States and the state, and the regulations relating to the manufacture
15 and sale of alcoholic beverages in the state, the commissioner of **public safety**
16 [REVENUE] may deny the refund provided for under (a) of this section until the
17 board finds the enforcement of the ordinances, laws, and regulations is resumed.

18 * **Sec. 6.** AS 04.11.610(c) is amended to read:

19 (c) The Department of **Public Safety** [REVENUE] shall recover any amounts
20 erroneously refunded under (a) of this section. The Department of **Public Safety**
21 [REVENUE] shall schedule repayments of erroneously refunded amounts over a
22 sufficient period of time to minimize financial hardship to the municipality involved.

23 * **Sec. 7.** AS 44.41.020 is amended by adding a new subsection to read:

24 (e) The Department of Public Safety shall supply necessary clerical and
25 administrative services for the Alcoholic Beverage Control Board.

26 * **Sec. 8.** AS 44.25.020(4) is repealed.

27 * **Sec. 9** This Order takes effect July 1, 2003.

DATED: _____

Frank H. Murkowski
Governor