

HOUSE BILL NO. 125

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Introduced: 1/26/11

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act moving the Alcoholic Beverage Control Board to the Department of
2 Commerce, Community, and Economic Development and relating to duties of that
3 department; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 04.06.010 is amended to read:

6 **Sec. 04.06.010. Establishment of board.** There is established in the
7 Department of Commerce, Community, and Economic Development [PUBLIC
8 SAFETY] the Alcoholic Beverage Control Board as a regulatory and quasi-judicial
9 agency. The Board is in the Department of Commerce, Community, and Economic
10 Development [PUBLIC SAFETY], but for administrative purposes only.

11 * **Sec. 2.** AS 04.06.090(e) is amended to read:

12 (e) The board shall promptly notify all licensees and municipalities of major
13 changes to this title and to regulations adopted under this title. However, if changes
14 only affect specific classifications of licenses and permits, the board need only notify

1 those licensees and municipalities directly affected by the changes. Current copies of
2 this title and current copies of the regulations adopted under it shall be made available
3 at all offices in the state of the Department of **Commerce, Community, and**
4 **Economic Development** [PUBLIC SAFETY] and the detachment headquarters and
5 posts maintained by the division of Alaska state troopers in the Department of Public
6 Safety.

7 * **Sec. 3.** AS 04.11.590 is amended to read:

8 **Sec. 04.11.590. Disposition of money.** (a) Money collected from licenses and
9 civil fines under this title shall be transferred by the board to the Department of
10 **Commerce, Community, and Economic Development** [PUBLIC SAFETY] and
11 deposited in the general fund.

12 (b) A fee prescribed by the board in addition to fees authorized under this title
13 shall be transferred to the Department of **Commerce, Community, and Economic**
14 **Development** [PUBLIC SAFETY] and deposited in the general fund.

15 (c) The annual estimated balance in the account maintained by the
16 commissioner of administration under AS 37.05.142 may be used by the legislature to
17 make appropriations to the Department of **Commerce, Community, and Economic**
18 **Development** [PUBLIC SAFETY] to carry out the purposes of AS 04.06.

19 * **Sec. 4.** AS 04.11.610(b) is amended to read:

20 (b) If the officers of a municipality fail to actively enforce local ordinances,
21 laws of the United States and the state, and the regulations relating to the manufacture
22 and sale of alcoholic beverages in the state, the commissioner of **commerce,**
23 **community, and economic development** [PUBLIC SAFETY] may deny the refund
24 provided for under (a) of this section until the board finds the enforcement of the
25 ordinances, laws, and regulations is resumed.

26 * **Sec. 5.** AS 04.11.610(c) is amended to read:

27 (c) The Department of **Commerce, Community, and Economic**
28 **Development** [PUBLIC SAFETY] shall recover any amounts erroneously refunded
29 under (a) of this section. The Department of **Commerce, Community, and Economic**
30 **Development** [PUBLIC SAFETY] shall schedule repayments of erroneously refunded
31 amounts over a sufficient period of time to minimize financial hardship to the

1 municipality involved.

2 * **Sec. 6.** AS 44.33.020(a) is amended by adding a new paragraph to read:

3 (45) supply necessary clerical and administrative services for the

4 Alcoholic Beverage Control Board.

5 * **Sec. 7.** AS 44.41.020(e) is repealed.

6 * **Sec. 8.** This Act takes effect July 1, 2011.