

**CS FOR HOUSE BILL NO. 125(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/28/11  
Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE

**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; relating to the exercise of peace officer powers granted by the Alcoholic  
4 Beverage Control Board; and providing for an effective date."

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

6 \* **Section 1.** AS 04.06.010 is amended to read:

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

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

13           (e) The board shall promptly notify all licensees and municipalities of major  
14 changes to this title and to regulations adopted under this title. However, if changes

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

8 \* **Sec. 3.** AS 04.06.110 is amended to read:

9 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed  
 10 for the administration and enforcement of this title may, with the concurrence of the  
 11 commissioner of public safety, exercise the powers of peace officers when those  
 12 powers are specifically granted by the board. Powers granted by the board under this  
 13 section may be exercised only when necessary for the enforcement of the criminally  
 14 punishable provisions of this title, regulations of the board, and other criminally  
 15 punishable laws and regulations, including investigation of violations of laws against  
 16 prostitution and promoting prostitution described in AS 11.66.100 - 11.66.130 and  
 17 laws against gambling, promoting gambling, and related offenses described in  
 18 AS 11.66.200 - 11.66.280. **Unless authorized by a search warrant described in**  
 19 **AS 12.35.010 - 12.35.120, nothing in this section authorizes the use of metal keys,**  
 20 **magnetic card keys, or identification cards to access private clubs.**

21 \* **Sec. 4.** AS 04.11.590 is amended to read:

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

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

29 (c) The annual estimated balance in the account maintained by the  
 30 commissioner of administration under AS 37.05.142 may be used by the legislature to  
 31 make appropriations to the Department of **Commerce, Community, and Economic**

1           **Development** [PUBLIC SAFETY] to carry out the purposes of AS 04.06.

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

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

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

10           (c) The Department of **Commerce, Community, and Economic**  
11           **Development** [PUBLIC SAFETY] shall recover any amounts erroneously refunded  
12           under (a) of this section. The Department of **Commerce, Community, and Economic**  
13           **Development** [PUBLIC SAFETY] shall schedule repayments of erroneously refunded  
14           amounts over a sufficient period of time to minimize financial hardship to the  
15           municipality involved.

16       \* **Sec. 7.** AS 44.33.020(a) is amended by adding a new paragraph to read:

17           (45) supply necessary clerical and administrative services for the  
18           Alcoholic Beverage Control Board.

19       \* **Sec. 8.** AS 44.41.020(e) is repealed.

20       \* **Sec. 9.** This Act takes effect July 1, 2011.