

Introduced: 3/13/75
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 268

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act transferring the Alcoholic Beverage Control
7 Board from the Department of Revenue to the Department
8 of Public Safety; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 04.05.010(a) is amended to read:

11 (a) There is established an Alcoholic Beverage Control Board
12 within the Department of Public Safety [REVENUE] consisting of five
13 members appointed for overlapping three-year terms. The board is
14 vested with the duties, powers, and responsibilities involved in the
15 control of alcoholic beverages, including the promulgation of rules
16 and regulations and the hearing of appeals from the action of officers
17 and employees charged with enforcing the alcoholic beverage control
18 laws, rules, and regulations. The governor shall appoint the board
19 subject to confirmation by the legislature. No member of the board
20 may hold any other state or federal office, either elective or appoin-
21 tive. Two members of the board shall be actively engaged in the
22 alcoholic beverage industry, except that no member may be an officer,
23 agent, or employee of a wholesale alcoholic beverage enterprise. No
24 three members of the board may be engaged in the same business, occu-
25 pation or profession. Three members constitute a quorum for the
26 conduct of business. The board shall meet at least once each year in
27 each of the four judicial districts to study, reconsider and modify
28 existing agency rules and regulations in the light of current local
29 problems.

1 * Sec. 2. AS 04.05.010 is amended by adding a new subsection to read:

2 (c) The Department of Public Safety shall provide necessary
3 clerical and administrative services for the board.

4 * Sec. 3. AS 04.10.450 is amended to read:

5 Sec. 04.10.450. DISPOSITION OF FUNDS. Money collected or due
6 the state for licenses under the provisions of this title shall be
7 deposited in [WITH THE DEPARTMENT OF REVENUE AND COVERED INTO] the
8 general fund.

9 * Sec. 4. AS 04.10.460 is amended to read:

10 Sec. 04.10.460. CONDITIONS OF REFUND. Money derived from the
11 licenses issued, except wholesale licenses within organized boroughs
12 and all classes of cities, shall be refunded semi-annually to the
13 boroughs and cities. If the officers of a borough or city fail to
14 actively enforce its ordinances, the laws of the United States, the
15 laws of the state, and the regulations relating to the manufacture and
16 sale of intoxicating liquors in the state, the commissioner of public
17 safety [REVENUE] may deny the refund and no further money may be paid
18 to the local governments until the enforcement of the laws and regula-
19 tions is actively resumed.

20 * Sec. 5. AS 04.15.050 is amended to read:

21 Sec. 04.15.050. SEIZURE AND SALE OF SHIPMENTS TO UNLICENSED
22 PERSONS. Any intoxicating liquor shipped into the state for sale
23 other than to licensees is contraband and subject to confiscation by
24 the state and any intoxicating liquor seized shall be sold under the
25 order of the board and the proceeds thereof deposited in [WITH THE
26 DEPARTMENT OF REVENUE AND COVERED INTO] the general fund. However,
27 this section does not apply to sacramental wine, alcohol or liquor
28 used for industrial, pharmaceutical or medical purposes or other
29 liquor used for filling the prescription of a physician.

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* Sec. 6. AS 44.25.020(4) is repealed.
* Sec. 7. This Act takes effect July 1, 1975.