

1 HB429  
2 116110-1  
3 By Representative Knight  
4 RFD: Government Appropriations  
5 First Read: 26-JAN-10

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8 SYNOPSIS: Under existing law, fortified wine may only  
9 be purchased in state liquor stores, and state  
10 taxes on liquor apply to sales of fortified wine.

11 This bill would allow fortified wine to be  
12 sold by any licensee of the Alcoholic Beverage  
13 Control Board. This bill would levy a state tax on  
14 fortified wine that would be equivalent to the  
15 state liquor tax that is currently levied on sales  
16 of fortified wine, and this bill would provide for  
17 the distribution of the new tax to the recipients  
18 of the current tax.

19  
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23  
24 To amend Sections 28-1-3.1, 28-3-1, as last amended  
25 by Act 2009-509 and Act 2009-771 of the 2009 Regular Session  
26 (Acts 2009, p. 738 and Acts 2009, p. 2380), 28-3-53.2,  
27 28-3-187.1, 28-3A-8, and 28-7-16, Code of Alabama 1975, and to

1 repeal Section 28-7-2, Code of Alabama 1975, relating to the  
2 sale of fortified wine, to allow fortified wine to be sold by  
3 any licensee of the Alcoholic Beverage Control Board; to levy  
4 a tax on fortified wine; and to provide for the distribution  
5 of the tax.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 28-1-3.1, 28-3-1, as last  
8 amended by Act 2009-509 and Act 2009-771 of the 2009 Regular  
9 Session (Acts 2009, p. 738 and Acts 2009, p. 2380), 28-3-53.2,  
10 28-3-187.1, 28-3A-8, and 28-7-16, Code of Alabama 1975, are  
11 amended to read as follows:

12 "§28-1-3.1.

13 "(a) Any person 21 years of age or over who is on  
14 active duty, in active reserve status or retired from the  
15 armed forces of the United States, or the dependent of such  
16 person, or is otherwise eligible to purchase alcoholic  
17 beverages from military package or liquor stores, shall be  
18 entitled to have in his possession, in his motor vehicle, or a  
19 private residence or place of private residence or the  
20 curtilage thereof in any county in this state, for his own  
21 private use and not for resale, not more than the following  
22 quantity of alcoholic beverages as defined in Section 28-3-1,  
23 which beverages have been sold by a military liquor, package,  
24 Class 6 or similar store or outlet: three liters of liquor and  
25 one case of beer; or three liters of wine and one case of  
26 beer; or two cases of beer; provided, however, that no  
27 alcoholic beverages shall be kept, stored or possessed in the

1 passenger area of any vehicle, or in the view of any  
2 passenger; and further provided that the beer and table wine  
3 must first have been purchased by the military package or  
4 liquor stores from licensed Alabama wholesalers, and liquor  
5 ~~and fortified wine~~ must first have been purchased by the  
6 military package and liquor stores from the Alabama ABC Board;  
7 and shall have sufficient identification, including but not  
8 limited to a sales receipt, to show that such alcoholic  
9 beverages were purchased in Alabama and sold by such military  
10 store or outlet; provided further that no rule or regulation  
11 of the board shall require a wholesaler to affix stamps or  
12 decals to beer or table wine.

13 "(b) It shall be unlawful for any person in  
14 possession of alcoholic beverages as enumerated in subsection  
15 (a) of this section to sell or offer to sell such alcoholic  
16 beverages to anyone not authorized to purchase such state  
17 untaxed beverages himself or to have in his possession at any  
18 one time any amount of state untaxed alcoholic beverages in  
19 excess of the quantity set forth in subsection (a) of this  
20 section. Any person violating the provisions of this section  
21 shall be guilty of a misdemeanor and shall be fined not less  
22 than \$50.00 nor more than \$500.00, or imprisoned in the county  
23 jail for a period not to exceed six months, either or both, at  
24 the discretion of the court.

25 "§28-3-1.

26 "The following words or phrases, whenever they  
27 appear in this chapter, and in Alcoholic Beverage Licensing

1 Code, being Act No. 80-529, Acts of Alabama, 1980, as amended,  
2 appearing as Chapter 3A, Title 28, as amended, and the Alabama  
3 Table Wine Act, being Act 80-382, Acts of Alabama 1980, as  
4 amended, appearing as Chapter 7, Title 28, as amended, unless  
5 the context clearly indicates otherwise, shall have the  
6 meaning ascribed to them in this section:

7 "(1) ALCOHOLIC BEVERAGES. Any alcoholic, spirituous,  
8 vinous, fermented or other alcoholic beverage, or combination  
9 of liquors and mixed liquor, a part of which is spirituous,  
10 vinous, fermented or otherwise alcoholic, and all drinks or  
11 drinkable liquids, preparations or mixtures intended for  
12 beverage purposes, which contain one-half of one percent or  
13 more of alcohol by volume, and shall include liquor, beer, and  
14 wine, ~~both fortified and table wine.~~

15 "(2) ASSOCIATION. A partnership, limited  
16 partnership, or any form of unincorporated enterprise owned by  
17 two or more persons.

18 "(3) BEER, or MALT OR BREWED BEVERAGES. Except as  
19 otherwise provided in this subdivision, any beer, lager beer,  
20 ale, porter, malt or brewed beverage, or similar fermented  
21 malt liquor containing one-half of one percent or more of  
22 alcohol by volume and not in excess of thirteen and  
23 nine-tenths percent by volume, by whatever name the same may  
24 be called. Beer or malt or brewed beverages sold by the holder  
25 of a retail beer license for off-premises consumption pursuant  
26 to Section 28-3A-17 shall only include any beer, lager beer,  
27 ale, porter, malt or brewed beverage, or similar fermented

1 malt liquor containing one-half of one percent or more of  
2 alcohol by volume and not in excess of five percent alcohol by  
3 weight and six percent by volume, by whatever name the same  
4 may be called.

5 "(4) BOARD. The Alcoholic Beverage Control Board.

6 "(5) CARTON. The package or container or containers  
7 in which alcoholic beverages are originally packaged for  
8 shipment to market by the manufacturer or its designated  
9 representatives or the importer.

10 "(6) CONTAINER. The single bottle, can, keg, bag or  
11 other receptacle, not a carton, in which alcoholic beverages  
12 are originally packaged for the market by the manufacturer or  
13 importer and from which the alcoholic beverage is consumed by  
14 or dispensed to the public.

15 "(7) CLUB.

16 "a. Class I. A corporation or association organized  
17 or formed in good faith by authority of law and which must  
18 have at least 150 paid-up members. It must be the owner,  
19 lessee or occupant of an establishment operated solely for the  
20 objects of a national, social, patriotic, political or  
21 athletic nature or the like, but not for pecuniary gain, and  
22 the property as well as the advantages of which, belong to all  
23 the members and which maintains an establishment provided with  
24 special space and accommodations where, in consideration of  
25 payment, food with or without lodging is habitually served.  
26 The club shall hold regular meetings, continue its business  
27 through officers regularly elected, admit members by written

1 application, investigation and ballot and charge and collect  
2 dues from elected members.

3 "b. Class II. A corporation or association organized  
4 or formed in good faith by authority of law and which must  
5 have at least 100 paid-up members. It must be the owner,  
6 lessee or occupant of an establishment operated solely for the  
7 objects of a national, social, patriotic, political or  
8 athletic nature or the like. The club shall hold regular  
9 meetings, continue its business through officers regularly  
10 elected, admit members by written application, investigation  
11 and ballot and charge and collect dues from elected members.

12 "(8) CORPORATION. A corporation or joint stock  
13 association organized under the laws of this state, the United  
14 States, or any other state, territory or foreign country, or  
15 dependency.

16 "(9) DRY COUNTY. Any county which by a majority of  
17 those voting voted in the negative in an election heretofore  
18 held under the applicable statutes at the time of said  
19 election or may hereafter vote in the negative in an election  
20 or special method referendum hereafter held in accordance with  
21 the provisions of Chapter 2 of this title, or held in  
22 accordance with the provisions of any act hereafter enacted  
23 permitting such election.

24 "(10) DRY MUNICIPALITY. Any municipality within a  
25 wet county which has, by its governing body or by a majority  
26 of those voting in a municipal election heretofore held in  
27 accordance with the provisions of Section 28-2-22, or in a

1 municipal option election heretofore or hereafter held in  
2 accordance with the provisions of Act 84-408, Acts of Alabama  
3 1984, appearing as Chapter 2A of this title, or any act  
4 hereafter enacted permitting municipal option election, voted  
5 to exclude the sale of alcoholic beverages within the  
6 corporate limits of said municipality.

7 "(11) GENERAL WELFARE PURPOSES.

8 "a. The administration of public assistance as set  
9 out in Sections 38-2-5 and 38-4-1;

10 "b. Services, including supplementation and  
11 supplementary services under the federal Social Security Act,  
12 to or on behalf of persons to whom such public assistance may  
13 be given under said Sections 38-2-5 and 38-4-1;

14 "c. Service to and on behalf of dependent, neglected  
15 or delinquent children; and

16 "d. Investigative and referral services to and on  
17 behalf of needy persons.

18 "(12) HEARING COMMISSION. A body appointed by the  
19 board to hear and decide all contested license applications  
20 and all disciplinary charges against any licensee for  
21 violation of this title or the regulations of the board.

22 "(13) HOTEL. A building or buildings held out to the  
23 public for housing accommodations of travelers or transients,  
24 and shall include motel, but shall not include a rooming house  
25 or boarding house.

26 "(14) IMPORTER. Any person, association or  
27 corporation engaged in importing alcoholic beverages, liquor,



1 wine or beer, manufactured outside of the United States of  
2 America into this state or for sale or distribution in this  
3 state, or to the board or to a licensee of the board.

4 "(15) LIQUOR. Any alcoholic, spirituous, vinous,  
5 fermented, or other alcoholic beverage, or combination of  
6 liquors and mixed liquor, a part of which is spirituous,  
7 fermented, vinous or otherwise alcoholic, and all drinks or  
8 drinkable liquids, preparations or mixtures intended for  
9 beverage purposes, which contain one-half of one percent or  
10 more of alcohol by volume, except beer and table wine.

11 "(16) LIQUOR STORE. A liquor store operated by the  
12 board, where alcoholic beverages other than beer are  
13 authorized to be sold in unopened containers.

14 "(17) MANUFACTURER. Any person, association or  
15 corporation engaged in the producing, bottling, manufacturing,  
16 distilling, rectifying or compounding of alcoholic beverages,  
17 liquor, beer or wine in this state or for sale or distribution  
18 in this state or to the board or to a licensee of the board.

19 "(18) MINOR. Any person under 21 years of age,  
20 except a person 19 years of age or older prior to October 1,  
21 1985, is not a minor; provided, however, in the event Section  
22 28-1-5, shall be repealed or otherwise shall be no longer in  
23 effect, thereafter the provisions of Section 26-1-1, shall  
24 govern.

25 "(19) MUNICIPALITY. Any incorporated city or town of  
26 this state to include its police jurisdiction.

1           "(20) PERSON. Every natural person, association or  
2 corporation. Whenever used in a clause prescribing or imposing  
3 a fine or imprisonment, or both, such term as applied to  
4 "association" shall mean the partners or members thereof and  
5 as applied to "corporation" shall mean the officers thereof,  
6 except as to incorporated clubs the term "person" shall mean  
7 such individual or individuals who, under the bylaws of such  
8 clubs, shall have jurisdiction over the possession and sale of  
9 liquor therein.

10           "(21) POPULATION. The population according to the  
11 last preceding or any subsequent decennial census of the  
12 United States, except where a municipality is incorporated  
13 subsequent to the last census, in which event, its population  
14 until the next decennial census shall be the population of  
15 said municipality as determined by the judge of probate of  
16 said county as the official population on the date of its  
17 incorporation.

18           "(22) RESTAURANT. A reputable place licensed as a  
19 restaurant, operated by a responsible person of good  
20 reputation and habitually and principally used for the purpose  
21 of preparing and serving meals for the public to consume on  
22 the premises.

23           "(23) MEAL. A diversified selection of food some of  
24 which is not susceptible of being consumed in the absence of  
25 at least some articles of tableware and which cannot be  
26 conveniently consumed while one is standing or walking about.

1           "(24) RETAILER. Any person licensed by the board to  
2 engage in the retail sale of any alcoholic beverages to the  
3 consumer.

4           "(25) SALE or SELL. Any transfer of liquor, wine or  
5 beer for a consideration, and any gift in connection with, or  
6 as a part of, a transfer of property other than liquor, wine  
7 or beer for a consideration.

8           "(26) SELLING PRICE. The total marked-up price of  
9 spirituous or vinous liquors sold by the board, exclusive of  
10 taxes levied thereon.

11           "(27) UNOPENED CONTAINER. A container containing  
12 alcoholic beverages, which has not been opened or unsealed  
13 subsequent to filling and sealing by the manufacturer or  
14 importer.

15           "(28) WET COUNTY. Any county which by a majority of  
16 those voting voted in the affirmative in an election  
17 heretofore held in accordance with the statutes applicable at  
18 the time of said election or may hereafter vote in the  
19 affirmative in an election or special method referendum held  
20 in accordance with the provisions of Chapter 2 of this title,  
21 or other statutes applicable at the time of said election.

22           "(29) WET MUNICIPALITY. Any municipality in a dry  
23 county which by a majority of those voting voted in the  
24 affirmative in a municipal option election heretofore or  
25 hereafter held in accordance with the provisions of Act  
26 84-408, Acts of Alabama 1984, appearing as Chapter 2A of this  
27 title, as amended, or any act hereafter enacted permitting

1 municipal option election, or any municipality which became  
2 wet by vote of the governing body or by the voters of the  
3 municipality heretofore or hereafter held under the special  
4 method referendum provisions of Section 28-2-22, or as  
5 hereafter provided, where the county has become dry subsequent  
6 to the elected wet status of the municipality.

7 "(30) WHOLESALER. Any person licensed by the board  
8 to engage in the sale and distribution of table wine and beer,  
9 or either of them, within this state, at wholesale only, to be  
10 sold by export or to retail licensees or other wholesale  
11 licensees or others within this state lawfully authorized to  
12 sell table wine and beer, or either of them, for the purpose  
13 of resale only.

14 "(31) WINE. All beverages made from the fermentation  
15 of fruits, berries, or grapes, with or without added spirits,  
16 and produced in accordance with the laws and regulations of  
17 the United States, containing not more than 24 percent alcohol  
18 by volume, and shall include all sparkling wines, carbonated  
19 wines, special natural wines, rectified wines, vermouths,  
20 vinous beverages, vinous liquors, and like products, including  
21 restored or unrestored pure condensed juice.

22 "~~(32) FORTIFIED WINE or VINOUS LIQUOR. Any wine~~  
23 ~~containing more than 16.5 percent alcohol by volume but not~~  
24 ~~more than 24 percent. Fortified wine is vinous liquor.~~

25 "~~(33)~~(32) TABLE WINE. Except as otherwise provided  
26 in this subdivision, any wine containing not more than 16.5  
27 percent alcohol by volume. Table wine does not include any

1 wine containing more than 16.5 percent alcohol by volume that  
2 is made with herbs or flavors, except vermouth, or is an  
3 imitation or other than standard wine. Table wine sold at a  
4 convenience store by the holder of a retail table wine license  
5 for off-premises consumption, pursuant to Section 28-3A-15,  
6 shall only include wine containing not more than 14.9 percent  
7 alcohol by volume. Table wine is not liquor, spirituous or  
8 vinous.

9 ~~"(34)~~ (33) BRANDY. All beverages which are an  
10 alcoholic distillate from the fermented juice, mash, or wine  
11 of fruit, or from the residue thereof, produced in such manner  
12 that the distillate possesses the taste, aroma, and  
13 characteristics generally attributed to the beverage, as  
14 bottled at not less than 80 degree proof.

15 ~~"(35)~~ (34) CONVENIENCE STORE. A small store that is  
16 engaged primarily in the quick retail sale of motor fuel and a  
17 limited quantity and variety of consumable items in their  
18 original containers for off-premises consumption. The term  
19 does not include any of the following:

20 "a. A large store engaged primarily in, and deriving  
21 a substantial amount of gross revenue from, the retail sale of  
22 food and dry goods for off-premises consumption, commonly  
23 known as a grocery store or department store.

24 "b. A specialty store engaged primarily in, and  
25 deriving a substantial amount of gross revenue from, the  
26 retail sale of wine for on-premises or off-premises  
27 consumption.

1           "§28-3-53.2.

2           "(a) The word "board," wherever used in this  
3 section, shall mean the Alabama Alcoholic Beverage Control  
4 Board provided for in Chapter 3, Title 28. The term "mark up,"  
5 wherever used in this section shall mean the percentage amount  
6 added to cost plus freight on spirituous or vinous liquors  
7 sold by the "board," exclusive of taxes heretofore levied with  
8 respect thereto.

9           "(b) The total amount of the additional "mark up" on  
10 cost of merchandise, levied by the Alcoholic Beverage Control  
11 Board subsequent to June 30, 1983, shall be designated to the  
12 credit of the General Fund of the state.

13           "(c) The board shall be prohibited from increasing  
14 the mark up on wholesale case lot sales of liquor ~~and~~  
15 ~~fortified wine~~ above 16.99 percent of the cost plus freight  
16 subsequent to December 1, 2004.

17           "§28-3-187.1.

18           "Any laws or parts of laws to the contrary  
19 notwithstanding, no manufacturer, importer or wholesaler  
20 licensee of ~~fortified wine and~~ vinous liquor and brandy, as  
21 defined by Section 28-3-1, shall be required to comply with  
22 the ~~provisions of Section 28-3-187, nor any other~~ provisions  
23 of laws, rules, or regulations relating to the state labeling  
24 of certain containers of alcoholic beverages by such  
25 manufacturer, importer, or wholesaler licensees.

26           "§28-3A-8.

1           "Upon applicant's compliance with the provisions of  
2 this chapter and the regulations made thereunder, the board  
3 shall issue to applicant a liquor wholesale license which  
4 shall authorize the licensee to import and receive shipments  
5 of liquor or wine from outside the state from licensed  
6 manufacturers and to sell at wholesale or distribute liquor or  
7 wine to the board or as authorized by the board except a  
8 liquor wholesale licensee may not sell liquor ~~or fortified~~  
9 ~~wine~~ to retail licensees of the board. Sales shall be in  
10 original packages or containers as prepared for the market by  
11 the manufacturer or bottler. No person shall sell at wholesale  
12 or distribute liquor or wine within this state to the board or  
13 as authorized by the board unless such person shall be issued  
14 a liquor wholesale license by the board.

15           "§28-7-16.

16           "(a) Levy. There is hereby levied in addition to the  
17 license taxes provided for by this chapter and municipal and  
18 county license taxes and in addition to any marked-up price  
19 made by the board on wine sold by the board a privilege or  
20 excise tax measured by and graduated in accordance with the  
21 volume of sales of table wine containing not more than 16.5  
22 percent alcohol by volume and shall be an amount equal to  
23 forty-five cents (\$.45) per liter of table wine containing not  
24 more than 16.5 percent alcohol by volume sold to the wholesale  
25 licensee or board, to be collected from the purchaser by the  
26 board or by a licensed retailer.

1           "(b) Collection, Monthly Return, Remittance, Right  
2 to Examine Books and Records. (1) The tax levied by subsection  
3 (a) shall be added to the sales price of all table wine  
4 containing not more than 16.5 percent alcohol by volume sold  
5 and shall be collected from the purchasers. The tax shall be  
6 collected in the first instance from the wholesaler where  
7 table wine containing not more than 16.5 percent alcohol by  
8 volume is sold or handled by wholesale licensees, and by the  
9 board from whomever makes sales when table wine is sold by the  
10 board. It shall be unlawful for any person who is required to  
11 pay the tax in the first instance to fail or refuse to add to  
12 the sales price and collect from the purchaser the required  
13 amount of tax, it being the intent and purpose of this  
14 provision that the tax levied is in fact a levy on the  
15 consumer. The person who pays the tax in the first instance is  
16 acting as an agent of the state for the collection and payment  
17 of the tax and as such may not collect a tax on table wine  
18 containing not more than 16.5 percent alcohol by volume for  
19 any other level of government.

20           "(2) The tax hereby levied shall be collected by a  
21 monthly return, which shall be filed by the wholesale  
22 licensees as follows: A monthly return filed with the board  
23 not later than the 15th day of the second month following the  
24 month of receipt of table wine containing not more than 16.5  
25 percent alcohol by volume by the wholesaler on a form  
26 prescribed by the board showing receipts by the wholesalers  
27 from manufacturer, importer, or other wholesaler licensees



1 during the month of receipt and the taxes due thereon at the  
2 rate of thirty-eight cents (\$.38) per liter of table wine  
3 containing not more than 16.5 percent alcohol by volume sold  
4 to the wholesale licensee or board; the taxes due at such rate  
5 shall be remitted to the board along with the return; a  
6 monthly return filed with the county or municipality within  
7 which the wine is sold at retail filed not later than the 15th  
8 day of each month showing sales by wholesalers during the  
9 preceding month and the county or municipality in which sold  
10 and the taxes due thereon at the rate of seven cents (\$.07)  
11 per liter of table wine containing not more than 16.5 percent  
12 alcohol by volume sold; and the taxes due at such rate shall  
13 be remitted to the county or municipality along with the  
14 return.

15 "(3) The tax hereby levied shall be collected by the  
16 board on the table wine containing not more than 16.5 percent  
17 alcohol by volume sold by the board and shall be paid as  
18 follows: Taxes at the rate of thirty-eight cents (\$.38) per  
19 liter of table wine containing not more than 16.5 percent  
20 alcohol by volume sold shall be remitted by the board to the  
21 State Treasurer and taxes at the rate of seven cents (\$.07)  
22 per liter of table wine containing not more than 16.5 percent  
23 alcohol by volume sold shall be remitted by the board to the  
24 county or municipality within which the wine was sold at  
25 retail not later than the last day of the month following the  
26 month of sale, as set forth in subsection (c).

1           "(4) The board and the governing body of each county  
2 and municipality served by the wholesaler shall have the  
3 authority to examine the books and records of any person who  
4 sells, stores, or receives for the purpose of distribution any  
5 table wine, containing not more than 16.5 percent alcohol by  
6 volume to determine the accuracy of any return required to be  
7 filed with it.

8           "(c) Disposition of proceeds. The proceeds of the  
9 tax levied by subsection (a) shall be paid and distributed as  
10 follows:

11           "(1) Thirty-eight cents (\$.38) per liter of table  
12 wine containing not more than 16.5 percent alcohol by volume  
13 sold shall be collected by the board on its sales or paid to  
14 the board by wholesale licensees on their sales, and by the  
15 board paid to the State Treasurer to be credited as net  
16 profits from operation of the board to be distributed as  
17 provided by law.

18           "(2) Seven cents (\$.07) per liter of table wine  
19 containing not more than 16.5 percent alcohol by volume sold  
20 shall be paid by the board on its sales or by wholesale  
21 licensees on their sales, either into the treasury of the  
22 municipality in which the table wine was sold at retail within  
23 its corporate limits, or, where sold outside the corporate  
24 limits of any municipality, into the treasury of the county in  
25 which the table wine was sold at retail.

26           "(d) There is hereby levied in addition to the  
27 license taxes provided for by this chapter and municipal and

1 county license taxes and in addition to any marked-up price  
2 made by the board on wine sold by the board a privilege or  
3 excise tax measured by and graduated in accordance with the  
4 volume of sales of table wine containing more than 16.5  
5 percent alcohol by volume. The tax shall be an amount equal to  
6 two dollars forty-two cents (\$2.42) per liter of table wine  
7 containing more than 16.5 percent alcohol by volume sold to  
8 the wholesale licensee or board, to be collected from the  
9 purchaser by the board or by a licensed retailer.

10 "(e) Collection, Monthly Return, Remittance, Right  
11 to Examine Books and Records. (1) The tax levied by subsection  
12 (d) shall be added to the sales price of all table wine  
13 containing more than 16.5 percent alcohol by volume sold and  
14 shall be collected from the purchasers. The tax shall be  
15 collected in the first instance from the wholesaler where  
16 table wine containing more than 16.5 percent alcohol by volume  
17 is sold or handled by wholesale licensees, and by the board  
18 from whomever makes sales when table wine containing more than  
19 16.5 percent alcohol by volume is sold by the board. It shall  
20 be unlawful for any person who is required to pay the tax in  
21 the first instance to fail or refuse to add to the sales price  
22 and collect from the purchaser the required amount of tax, it  
23 being the intent and purpose of this provision that the tax  
24 levied is in fact a levy on the consumer. The person who pays  
25 the tax in the first instance is acting as an agent of the  
26 state for the collection and payment of the tax and as such

1 may not collect a tax on table wine containing more than 16.5  
2 percent alcohol by volume for any other level of government.

3 "(2) The tax levied in subsection (d) shall be  
4 collected by a monthly return, which shall be filed by the  
5 wholesale licensees with the board not later than the 15th day  
6 of the second month following the month of receipt of table  
7 wine containing more than 16.5 percent alcohol by volume by  
8 the wholesaler on a form prescribed by the board showing  
9 receipts by the wholesalers from manufacturer, importer, or  
10 other wholesale licensees during the month of receipt and the  
11 taxes due thereon at the rate of two dollars forty-two cents  
12 (\$2.42) per liter of table wine containing more than 16.5  
13 percent alcohol by volume sold to the wholesale licensee or  
14 board; the taxes due at such rate shall be remitted to the  
15 board along with the return.

16 "(3) The tax levied in subsection (d) shall be  
17 collected by the board on table wine containing more than 16.5  
18 percent alcohol by volume sold by the board and shall be paid  
19 as follows: Taxes at the rate of two dollars forty-two cents  
20 (\$2.42) per liter of table wine containing more than 16.5  
21 percent alcohol by volume sold shall be remitted by the board  
22 to the State Treasurer.

23 "(4) The board shall have the authority to examine  
24 the books and records of any person who sells, stores, or  
25 receives for the purpose of distribution any table wine  
26 containing more than 16.5 percent alcohol by volume, to

1 determine the accuracy of any return required to be filed with  
2 it.

3 "(f) Disposition of proceeds. The proceeds of the  
4 tax levied by subsection (d) shall be paid and distributed as  
5 follows:

6 "(1) Thirty-seven percent to the Alcoholic Beverage  
7 Control Board.

8 "(2) Thirty-four percent to the State General Fund.

9 "(3) Twenty and eight-tenths percent to the  
10 Department of Human Resources.

11 "(4) Eight and two-tenths percent to the Department  
12 of Mental Health.

13 "(d)(e) Tax Taxes exclusive. The tax taxes herein  
14 levied is are exclusive and shall be in lieu of all other and  
15 additional taxes and licenses of the state, county, or  
16 municipality, imposed on or measured by the sale or volume of  
17 sale of table wine; provided, that nothing herein contained  
18 shall be construed to exempt the retail sale of table wine  
19 from the levy of tax on general retail sales by the state,  
20 county, or municipality in the nature of, or in lieu of, a  
21 general sales tax.

22 "(e)(f) Trade between wholesalers exempt. The tax  
23 taxes levied by ~~subsection~~ subsections (a) and (d) shall not  
24 be imposed upon the sale, trade, or barter of table wine by  
25 one licensed wholesaler to another wholesaler licensed to sell  
26 and handle table wine in this state, which transaction is  
27 hereby made exempt from said tax; provided, however, the board

1        may require written reporting of any such transaction in the  
2        form as the board may prescribe."

3                Section 2. Section 28-7-2, Code of Alabama 1975, is  
4        repealed.

5                Section 3. This act shall become effective on the  
6        first day of the third month following its passage and  
7        approval by the Governor, or its otherwise becoming law.