

1 SB98
2 114481-1
3 By Senator Bedford
4 RFD: Finance and Taxation General Fund
5 First Read: 12-JAN-10
6 PFD: 01/11/2010

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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, 28-3-53.2,
25 28-3-187.1, 28-3A-8, and 28-7-16, Code of Alabama 1975, and to
26 repeal Section 28-7-2, Code of Alabama 1975, relating to the
27 sale of fortified wine, to allow fortified wine to be sold by

1 any licensee of the Alcoholic Beverage Control Board; to levy
2 a tax on fortified wine; and to provide for the distribution
3 of the tax.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 28-1-3.1, 28-3-1, 28-3-53.2,
6 28-3-187.1, 28-3A-8, and 28-7-16, Code of Alabama 1975, are
7 amended to read as follows:

8 "§28-1-3.1.

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

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

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

21 "§28-3-1.

22 The following words or phrases, whenever they appear
23 in this chapter, and in Alcoholic Beverage Licensing Code,
24 being Act No. 80-529, Acts of Alabama, 1980, as amended,
25 appearing as Chapter 3A, Title 28, as amended, and the Alabama
26 Table Wine Act, being Act 80-382, Acts of Alabama 1980, as
27 amended, appearing as Chapter 7, Title 28, as amended, unless

1 the context clearly indicates otherwise, shall have the
2 meaning ascribed to them in this section:

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

11 (2) ASSOCIATION. A partnership, limited partnership,
12 or any form of unincorporated enterprise owned by two or more
13 persons.

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

1 (4) BOARD. The Alcoholic Beverage Control Board.

2 (5) CARTON. The package or container or containers
3 in which alcoholic beverages are originally packaged for
4 shipment to market by the manufacturer or its designated
5 representatives or the importer.

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

11 (7) CLUB.

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

26 b. Class II. A corporation or association organized
27 or formed in good faith by authority of law and which must

1 have at least 100 paid-up members. It must be the owner,
2 lessee or occupant of an establishment operated solely for the
3 objects of a national, social, patriotic, political or
4 athletic nature or the like. The club shall hold regular
5 meetings, continue its business through officers regularly
6 elected, admit members by written application, investigation
7 and ballot and charge and collect dues from elected members.

8 (8) CORPORATION. A corporation or joint stock
9 association organized under the laws of this state, the United
10 States, or any other state, territory or foreign country, or
11 dependency.

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

20 (10) DRY MUNICIPALITY. Any municipality within a wet
21 county which has, by its governing body or by a majority of
22 those voting in a municipal election heretofore held in
23 accordance with the provisions of Section 28-2-22, or in a
24 municipal option election heretofore or hereafter held in
25 accordance with the provisions of Act 84-408, Acts of Alabama
26 1984, appearing as Chapter 2A of this title, or any act
27 hereafter enacted permitting municipal option election, voted

1 to exclude the sale of alcoholic beverages within the
2 corporate limits of said municipality.

3 (11) GENERAL WELFARE PURPOSES.

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

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

10 c. Service to and on behalf of dependent, neglected
11 or delinquent children; and

12 d. Investigative and referral services to and on
13 behalf of needy persons.

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

18 (13) HOTEL. A building or buildings held out to the
19 public for housing accommodations of travelers or transients,
20 and shall include motel, but shall not include a rooming house
21 or boarding house.

22 (14) IMPORTER. Any person, association or
23 corporation engaged in importing alcoholic beverages, liquor,
24 wine or beer, manufactured outside of the United States of
25 America into this state or for sale or distribution in this
26 state, or to the board or to a licensee of the board.

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

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

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

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

21 (19) MUNICIPALITY. Any incorporated city or town of
22 this state to include its police jurisdiction.

23 (20) PERSON. Every natural person, association or
24 corporation. Whenever used in a clause prescribing or imposing
25 a fine or imprisonment, or both, such term as applied to
26 "association" shall mean the partners or members thereof and
27 as applied to "corporation" shall mean the officers thereof,

1 except as to incorporated clubs the term "person" shall mean
2 such individual or individuals who, under the bylaws of such
3 clubs, shall have jurisdiction over the possession and sale of
4 liquor therein.

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

13 (22) RESTAURANT. A reputable place licensed as a
14 restaurant, operated by a responsible person of good
15 reputation and habitually and principally used for the purpose
16 of preparing and serving meals for the public to consume on
17 the premises.

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

22 (24) RETAILER. Any person licensed by the board to
23 engage in the retail sale of any alcoholic beverages to the
24 consumer.

25 (25) SALE or SELL. Any transfer of liquor, wine or
26 beer for a consideration, and any gift in connection with, or

1 as a part of, a transfer of property other than liquor, wine
2 or beer for a consideration.

3 (26) SELLING PRICE. The total marked-up price of
4 spirituous or vinous liquors sold by the board, exclusive of
5 taxes levied thereon.

6 (27) UNOPENED CONTAINER. A container containing
7 alcoholic beverages, which has not been opened or unsealed
8 subsequent to filling and sealing by the manufacturer or
9 importer.

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

17 (29) WET MUNICIPALITY. Any municipality in a dry
18 county which by a majority of those voting voted in the
19 affirmative in a municipal option election heretofore or
20 hereafter held in accordance with the provisions of Act
21 84-408, Acts of Alabama 1984, appearing as Chapter 2A of this
22 title, as amended, or any act hereafter enacted permitting
23 municipal option election, or any municipality which became
24 wet by vote of the governing body or by the voters of the
25 municipality heretofore or hereafter held under the special
26 method referendum provisions of Section 28-2-22, or as

1 hereafter provided, where the county has become dry subsequent
2 to the elected wet status of the municipality.

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

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

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

21 ~~(33)~~ (32) TABLE WINE. Except as otherwise provided
22 in this subdivision, any wine containing not more than ~~16.5~~ 24
23 percent alcohol by volume. Table wine does not include any
24 wine containing more than 16.5 percent alcohol by volume that
25 is made with herbs or flavors, except vermouth, or is an
26 imitation or other than standard wine. Table wine sold at a
27 convenience store by the holder of a retail table wine license

1 for off-premises consumption, pursuant to Section 28-3A-15,
2 shall only include wine containing not more than 14.9 percent
3 alcohol by volume. Table wine is not liquor, spirituous or
4 vinous.

5 ~~(34)~~ (33) BRANDY. All beverages which are an
6 alcoholic distillate from the fermented juice, mash, or wine
7 of fruit, or from the residue thereof, produced in such manner
8 that the distillate possesses the taste, aroma, and
9 characteristics generally attributed to the beverage, as
10 bottled at not less than 80 degree proof.

11 ~~(35)~~ (34) CONVENIENCE STORE. A small store that is
12 engaged primarily in the quick retail sale of motor fuel and a
13 limited quantity and variety of consumable items in their
14 original containers for off-premises consumption. The term
15 does not include any of the following:

16 a. A large store engaged primarily in, and deriving
17 a substantial amount of gross revenue from, the retail sale of
18 food and dry goods for off-premises consumption, commonly
19 known as a grocery store or department store.

20 b. A specialty store engaged primarily in, and
21 deriving a substantial amount of gross revenue from, the
22 retail sale of wine for on-premises or off-premises
23 consumption.

24 "§28-3-53.2.

25 "(a) The word "board," wherever used in this
26 section, shall mean the Alabama Alcoholic Beverage Control
27 Board provided for in Chapter 3, Title 28. The term "mark up,"

1 wherever used in this section shall mean the percentage amount
2 added to cost plus freight on spirituous or vinous liquors
3 sold by the "board," exclusive of taxes heretofore levied with
4 respect thereto.

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

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

13 "§28-3-187.1.

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

22 "§28-3A-8.

23 "Upon applicant's compliance with the provisions of
24 this chapter and the regulations made thereunder, the board
25 shall issue to applicant a liquor wholesale license which
26 shall authorize the licensee to import and receive shipments
27 of liquor or wine from outside the state from licensed

1 manufacturers and to sell at wholesale or distribute liquor or
2 wine to the board or as authorized by the board except a
3 liquor wholesale licensee may not sell liquor ~~or fortified~~
4 ~~wine~~ to retail licensees of the board. Sales shall be in
5 original packages or containers as prepared for the market by
6 the manufacturer or bottler. No person shall sell at wholesale
7 or distribute liquor or wine within this state to the board or
8 as authorized by the board unless such person shall be issued
9 a liquor wholesale license by the board."

10 "\$28-7-16.

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

23 (b) Collection, Monthly Return, Remittance, Right to
24 Examine Books and Records. (1) The tax levied by subsection
25 (a) shall be added to the sales price of all table wine
26 containing not more than sixteen and one-half percent (16.5%)
27 alcohol by volume sold and shall be collected from the

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

18 (2) The tax hereby levied shall be collected by a
19 monthly return, which shall be filed by the wholesale
20 licensees as follows: A monthly return filed with the board
21 not later than the 15th day of the second month following the
22 month of receipt of table wine containing not more than
23 sixteen and one-half percent (16.5%) alcohol by volume by the
24 wholesaler on a form prescribed by the board showing receipts
25 by the wholesalers from manufacturer, importer, or other
26 wholesaler licensees during the month of receipt and the taxes
27 due thereon at the rate of thirty-eight cents (\$.38) per liter

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

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

8 (c) Disposition of proceeds. The proceeds of the tax
9 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 sixteen and one-half percent
13 (16.5%) alcohol by volume sold shall be collected by the board
14 on its sales or paid to the board by wholesale licensees on
15 their sales, and by the board paid to the State Treasurer to
16 be credited as net profits from operation of the board to be
17 distributed as provided by law.

18 (2) Seven cents (\$.07) per liter of table wine
19 containing not more than sixteen and one-half percent (16.5%)
20 alcohol by volume sold shall be paid by the board on its sales
21 or by wholesale licensees on their sales, either into the
22 treasury of the municipality in which the table wine was sold
23 at retail within its corporate limits, or, where sold outside
24 the corporate limits of any municipality, into the treasury of
25 the county in 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 sixteen and
5 one-half percent (16.5%) alcohol by volume. The tax shall be
6 an amount equal to two dollars and forty-two cents (\$2.42) per
7 liter of table wine containing more than sixteen and one-half
8 percent (16.5%) alcohol by volume sold to the wholesale
9 licensee or board, to be collected from the purchaser by the
10 board or by a licensed retailer.

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

1 instance is acting as an agent of the state for the collection
2 and payment of the tax and as such may not collect a tax on
3 table wine containing more than sixteen and one-half percent
4 (16.5%) alcohol by volume for any other level of government.

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

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

1 (4) The board shall have the authority to examine
2 the books and records of any person who sells, stores, or
3 receives for the purpose of distribution any table wine
4 containing more than sixteen and one-half percent (16.5%)
5 alcohol by volume, to determine the accuracy of any return
6 required to be filed with it.

7 (f) Disposition of proceeds. The proceeds of the tax
8 levied by subsection (d) shall be paid and distributed as
9 follows:

10 (1) Thirty-seven percent (37%) to the Alcoholic
11 Beverage Control Board.

12 (2) Thirty-four percent (34%) to the State General
13 Fund.

14 (3) Twenty and eight-tenths percent (20.8%) to the
15 Department of Human Resources.

16 (4) Eight and two-tenths percent (8.2%) to the
17 Department of Mental Health.

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

1 ~~(e)~~ (f) Trade between wholesalers exempt. The ~~tax~~
2 taxes levied by subsections (a) and (d) shall not be imposed
3 upon the sale, trade, or barter of table wine by one licensed
4 wholesaler to another wholesaler licensed to sell and handle
5 table wine in this state, which transaction is hereby made
6 exempt from said tax; provided, however, the board may require
7 written reporting of any such transaction in the form as the
8 board may prescribe.

9 Section 2. Section 28-7-2, Code of Alabama 1975, is
10 repealed.

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