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**AB-83 Alcoholic beverage control: license renewal fees: waiver.** (2021-2022)

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**Assembly Bill No. 83**

**CHAPTER 11**

An act to amend and renumber Section 23320.3 of the Business and Professions Code, relating to business and professions, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor March 17, 2021. Filed with Secretary of State March 17, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 83, Committee on Budget. Alcoholic beverage control: license renewal fees: waiver.

Existing law, the Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the application, issuance, and suspension of licenses for the manufacture, distribution, and sale of alcoholic beverages. Existing law provides for the issuance of licenses for which various fees, including renewal fees, are charged depending upon the type of license issued.

Existing law, for the purpose of providing economic relief to licensees most severely impacted by the COVID-19 pandemic, authorizes the department to waive license renewal fees, as defined, for licenses that expire between March 1, 2021, and February 28, 2023, inclusive. Existing law provides that the waiver of license renewal fees applies only to specified license types that were active, as defined by the department in its guidelines, between March 1, 2020, and December 31, 2020, inclusive. Existing law requires a licensee who requests a fee waiver to certify under penalty of perjury that they qualify for the waiver.

This bill would renumber that provision and expand the license types eligible for the above-described waiver of license renewal fees. By expanding the crime of perjury, the bill would impose a state-mandated local program.

This bill would appropriate the sum of \$3,000,000 from the General Fund to the Alcohol Beverage Control Fund to be used by the Department of Alcoholic Beverage Control to backfill revenues related to waiving alcohol license renewal fees and applicable surcharges for such licenses, as described above.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 23320.3 of the Business and Professions Code is amended and renumbered to read:

**23320.4.** (a) (1) For the purpose of providing economic relief to licensees most severely impacted by the COVID-19 pandemic, the department may waive license renewal fees for licenses with expiration dates between March 1, 2021, and February 28, 2023, inclusive, as provided in this section.

(2) The waiver of license renewal fees shall apply only to the following license types that were active, as defined by the department in its guidelines, between March 1, 2020, and December 31, 2020, inclusive: 02, 23, 40, 41, 42, 47, 48, 49, 50, 51, 52, 57, 58, 59, 60, 61, 64, 68, 69, 71, 72, 74, 75, 76, 77, 78, 83, 86, 87, and 99. Waiver of license renewal fees for a Type 02 license under this section shall apply only to the fees charged pursuant to subparagraphs (A), (B), and (C) of paragraph (2) of subdivision (b) of Section 23320, using production volumes as reported pursuant to Section 23327 for the fiscal year ending on the same date of the expiring license. Type 02 license renewal fees charged pursuant to subparagraph (D), (E), (F), or (G) of paragraph (2) of subdivision (b) of Section 23320 shall not be eligible for a waiver under this section.

(b) (1) A licensee may request a fee waiver in the manner provided by the department and shall certify under penalty of perjury that they qualify for the fee waiver as provided. The request shall be complete and received by the department before the expiration of the license for which the waiver is requested, including any authorized extensions thereto.

(2) For licenses that expire during the first full three months following enactment of this section, the department may extend license renewal dates, not to exceed 60 days, as necessary to effectuate the intent of this section and to allow licensees a reasonable amount of time to request a fee waiver.

(3) If the licensee does not request the fee waiver in the manner prescribed in paragraph (1), the licensee shall not be eligible for a fee waiver and shall thereafter pay the license renewal fees, together with any penalties that may be applicable under Section 24048.

(4) The department shall not refund any license renewal fees paid before the enactment of this section or the submission of a waiver request by a licensee.

(c) (1) The department shall establish and publish on its internet website the requirements and guidelines for submitting a fee waiver request and the manner of certification.

(2) The requirements, guidelines, and the manner of certification for waivers under this section implemented by the department are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(d) For purposes of this section, "license renewal fees" means fees payable pursuant to Section 23320, and applicable surcharges collected with those fees in accordance with Sections 23053.5, 23083.5, and 23320.5.

**SEC. 2.** (a) The sum of \$3,000,000 is hereby appropriated from the General Fund to the Alcohol Beverage Control Fund, to be used by the Department of Alcoholic Beverage Control to backfill revenues related to waiving alcohol license renewal fees and applicable surcharges for such licenses pursuant to Section 23320.4 of the Business and Professions Code.

(b) Upon order of the Department of Finance, the amount appropriated and available pursuant to this section may be increased by an amount sufficient to backfill the revenues lost pursuant to the fee waivers referenced in subdivision (a).

(c) This appropriation shall be made available for encumbrance until June 30, 2023, and unencumbered funds after that date shall revert to the General Fund.

(d) The appropriation authorized pursuant to this section shall constitute a cash transfer.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 4.** This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.