

IC 7.1-2

ARTICLE 2. ALCOHOL AND TOBACCO COMMISSION AND ADMINISTRATION

IC 7.1-2-1

Chapter 1. General Provisions

IC 7.1-2-1-0.3

Treatment of references to prior commission names; transfer of property and obligations; treatment of actions of prior commissions

Sec. 0.3. (a) After June 30, 2001, a reference in any law, rule, contract, or other document or record to the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana shall be treated as a reference to the alcohol and tobacco commission.

(b) On July 1, 2001, the property and obligations of the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana are transferred to the alcohol and tobacco commission.

(c) An action taken by the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana before July 1, 2001, shall be treated after June 30, 2001, as if it were originally taken by the alcohol and tobacco commission.

As added by P.L.220-2011, SEC.170.

IC 7.1-2-1-1

Commission created

Sec. 1. There is hereby created as a part of state government, a commission to be known as the alcohol and tobacco commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.18.

IC 7.1-2-1-2

Composition

Sec. 2. Composition. The commission shall be composed of four (4) members who are not officials of the state in any other capacity and who are qualified for their positions in accordance with the provisions of IC 1971, 7.1-2-1-4.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-3

Appointments and terms

Sec. 3. Appointments and Terms. Members of the commission shall be appointed by the governor and a commissioner shall be eligible for reappointment. No more than two (2) commissioners shall belong to the same political party. A commissioner shall be appointed for a term of four (4) years, but shall serve that term at the pleasure of the governor.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-4

Qualifications of commissioners

Sec. 4. Qualifications of Commissioners. To be eligible for appointment as a commissioner, a person shall possess the following qualifications:

- (a) He shall be thirty-one (31) years of age or older;
- (b) He shall have a good moral character; and,
- (c) He shall have been a resident of the state for at least ten (10) years immediately preceding his appointment.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-5

Chairman and chairman pro tempore

Sec. 5. Chairman and Chairman Pro Tempore. The governor shall appoint one (1) of the members to serve as chairman of the commission. The governor also shall appoint one (1) of the members to serve as chairman pro tempore in the absence of the chairman.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-6

Vacancies

Sec. 6. Vacancies. A member appointed to fill a vacancy in the membership of the commission shall serve only for the unexpired portion of the original, vacated term. In all other respects, an appointment to fill a vacancy shall be made in the same manner that an original appointment is made.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-7

Compensation

Sec. 7. Compensation. As compensation for services, each commissioner shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, a commissioner shall be reimbursed for traveling and other expenses necessarily incurred while away from his office carrying out his duties as a member of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-8

Bond and oath of office

Sec. 8. Bond and Oath of Office. Each commissioner shall execute a surety bond in the amount of ten thousand dollars (\$10,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-9

Surety bonds

Sec. 9. Surety Bonds. The required surety bond executed and filed on behalf of a commissioner, an enforcement officer, or the prosecutor shall be made payable to the State of Indiana and conditioned upon the faithful discharge of the bonded party's respective duties.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-10

Meetings and adjournments

Sec. 10. Meetings and Adjournments. The commission shall hold regular meetings on the first and third Tuesday of each month. The commission may hold special meetings whenever the commission deems it necessary. The procedure for the calling of a special meeting shall be provided in the rules of the commission. The commission shall have the power to adjourn, from time to time, both regular and special meetings. In no event, however, shall the adjournment be later than the next regular meeting date.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-1-11

Quorum and voting

Sec. 11. (a) Three (3) members of the commission constitute a quorum for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of the commission may be taken only upon the affirmative votes of at least two (2) commissioners. If a vote of the commission is a tie, the position for which the chairman voted shall be treated as the position adopted by the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.19.

IC 7.1-2-1-12

Restriction on solicitation or acceptance of political contributions

Sec. 12. A commissioner may not solicit or accept a political contribution from any person or entity that has a permit or has applied for a permit issued by the commission. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.62-1998, SEC.1.

IC 7.1-2-1-13

Limitation of liability

Sec. 13. Limitation of Liability. A member of the commission shall not be personally liable for liability to a person because of the negligence, act, or omission of an enforcement officer.

(Formerly: Acts 1973, P.L.55, SEC.1.)