

1 AN ACT relating to alcoholic beverage control administrators and investigators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 241.090 is amended to read as follows:

4 **(1)** State administrators and all investigators shall have the full police powers of peace  
5 officers, **except as provided in subsection (2) of this subsection**, and their  
6 jurisdiction shall be coextensive with the state. They may inspect any premises  
7 where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked  
8 in, without first obtaining a search warrant. They may confiscate any contraband  
9 property. The jurisdiction and police powers of state administrators and all  
10 investigators during an emergency declared under KRS Chapter 39A shall be  
11 subject to the limitations of KRS 39A.090.

12 **(2) A state administrator shall not have the power to make arrests unless he or she is**  
13 **certified in accordance with KRS 15.380 to 15.404.**

14 ➔Section 2. KRS 241.110 is amended to read as follows:

15 (1) **(a)** The fiscal court of any county in which traffic in alcoholic beverages is not  
16 forbidden under KRS Chapter 242 may by resolution declare that regulation  
17 of the traffic in that county is necessary.

18 **(b)** The county judge/executive shall immediately constitute a county alcoholic  
19 beverage control administrator for the county. However, the county  
20 judge/executive may decline to accept this office, or after accepting the office,  
21 the county judge/executive may resign from the office, and in either event,  
22 notwithstanding the provisions of KRS 241.120, **241.140, and** ~~to and~~  
23 ~~including KRS~~ 241.150, the county judge/executive may promptly appoint a  
24 person:

25 **1.** At least thirty (30) years of age;~~;~~

26 **2.** Who at the time of the appointment has been a citizen of the state and a  
27 resident of that county for at least two (2) years next preceding the date

1 of appointment; ~~[ ]~~ and

2 3. Who is able to qualify to serve at the pleasure of the county  
3 judge/executive as county alcoholic beverage control administrator for  
4 that county.

5 Before entering upon the duties of county alcoholic beverage control  
6 administrator appointed by the county judge/executive, the appointee shall  
7 take the oath prescribed by Section 228 of the Constitution. Upon the  
8 qualification and appointment of this person as county alcoholic beverage  
9 control administrator for the county, the person shall immediately notify the  
10 department.

11 (2) The compensation of the county alcoholic beverage control administrator,  
12 appointed by the county judge/executive, shall be fixed by the fiscal court in  
13 accordance with KRS 64.530. The county judge/executive may also appoint any  
14 investigators and clerks deemed necessary for the proper conduct of the county  
15 alcoholic beverage control administrator's office, their salaries likewise shall be  
16 fixed by the fiscal court pursuant to KRS 64.530, and they will serve at the pleasure  
17 of the county judge/executive.

18 (3) No person shall be a county alcoholic beverage control administrator, an  
19 investigator, or an employee of the county under the supervision of the county  
20 alcoholic beverage control administrator, who would be disqualified to be a  
21 member of the board under KRS 241.100.

22 (4) (a) The county alcoholic beverage control administrator, appointed by the county  
23 judge/executive, and the administrator's investigators, shall have full police  
24 powers of peace officers, and their jurisdiction shall be over the  
25 unincorporated areas of the county and within the corporate limits of any city  
26 in the county not having its own administrator. They may inspect any  
27 premises where alcoholic beverages are manufactured, sold, stored, or

1 otherwise trafficked in, without first obtaining a search warrant.

2 (b) The ~~{county judge/executive, serving as the }~~county alcoholic beverage  
3 control administrator, **and any investigator appointed by the administrator,**  
4 shall not have the power to make arrests unless he or she is certified **in**  
5 **accordance with**~~under~~ KRS 15.380 to 15.404.

6 (5) Before entering upon official duties, each county administrator shall take the oath  
7 prescribed in Section 228 of the Constitution.

8 ➔Section 3. KRS 241.170 is amended to read as follows:

9 (1) **(a)** The city administrator in each city of the first class or the administrator in a  
10 consolidated local government, and any investigators and clerks deemed  
11 necessary for the proper conduct of this office, shall be appointed by the  
12 mayor.

13 **(b)** The city administrator in each city of the first class or the administrator in a  
14 county containing a consolidated local government, and the administrator's  
15 investigators, shall have full police powers of peace officers, **except as**  
16 **provided in subsection (5) of this section,** and their jurisdiction shall be  
17 coextensive with boundaries of the city of the first class or the boundaries of  
18 the county in a county containing a consolidated local government.

19 **(c)** They may inspect any premises where alcoholic beverages are manufactured,  
20 sold, stored, or otherwise trafficked in, without first obtaining a search  
21 warrant.

22 (2) **(a)** The city administrator in each city, other than a consolidated local  
23 government, and any investigators and clerks deemed necessary for the proper  
24 conduct of this office shall be appointed by the city manager if there is one. If  
25 there is no city manager, the city administrator and any investigators or clerks  
26 shall be appointed by the mayor.

27 **(b) Except as provided under subsection (5) of this section,** the jurisdiction of a

1 city administrator appointed pursuant to this subsection shall be coextensive  
2 with the boundaries of the city, and the city administrator and the  
3 administrator's investigators shall have the same powers authorized under  
4 subsection (1) of this section.

5 (3) No person shall be an administrator, an investigator, or an employee of the city or a  
6 consolidated local government under the supervision of the administrator, who  
7 would be disqualified to be a member of the board under KRS 241.100.

8 (4) Before entering upon official duties, each city administrator shall take the oath  
9 prescribed in Section 228 of the Constitution. An appointed city alcoholic beverage  
10 control administrator shall immediately notify the department of qualification and  
11 appointment.

12 **(5) An administrator or investigator appointed under this section shall not have the**  
13 **power to make arrests unless he or she is certified in accordance with KRS 15.380**  
14 **to 15.404.**

15 ➔Section 4. KRS 241.230 is amended to read as follows:

16 (1) **(a)** The urban-county administrator in each urban-county government and any  
17 investigators and clerks deemed necessary for the proper conduct of the  
18 office, shall be appointed by the mayor.

19 **(b)** The urban-county administrator, and the urban-county administrator's  
20 investigators, shall have full police powers of peace officers, **except as**  
21 **provided in subsection (4) of this section,** and their jurisdiction shall be  
22 coextensive with the urban-county governments. They may inspect any  
23 premises where alcoholic beverages are manufactured, sold, stored, or  
24 otherwise trafficked in, without first obtaining a search warrant.

25 (2) No person shall be an urban-county administrator, an investigator, or an employee  
26 of the urban-county government under the supervision of the urban-county  
27 administrator, who would be disqualified to be a member of the board under KRS

1       241.100.

2       (3) Before entering upon official duties, each urban-county administrator shall take the  
3       oath prescribed in Section 228 of the Constitution. An appointed urban-county  
4       alcoholic beverage control administrator shall immediately notify the department of  
5       qualification and appointment.

6       **(4) An urban-county administrator or investigator appointed under this section shall**  
7       **not have the power to make arrests unless he or she is certified in accordance**  
8       **with KRS 15.380 to 15.404.**