

Senate Journal Text, Pages 81 - 83, 26th Legislature

01-26-2009

Senate Journal

0081

"An Act relating to limitations on possessing, sending, shipping, transporting, or bringing alcoholic beverages to a local option area and to penalties for violations of those limitations; relating to probation for minor consuming or in possession or control of alcoholic beverages; relating to civil fines for liquor licensees whose agents or employees furnish alcoholic beverages to a person under 21 years of age; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs, Judiciary and Finance Committees.

The following fiscal information was published today:

Fiscal Note No. 1, indeterminate, Department of Administration
 Fiscal Note No. 2, indeterminate, Department of Administration
 Fiscal Note No. 3, indeterminate, Department of Corrections
 Fiscal Note No. 4, zero, Department of Public Safety
 Fiscal Note No. 5, indeterminate, Department of Law

Governor's transmittal letter dated January 23:

Dear President Stevens:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill that would lower the amount of alcoholic beverages that may be possessed in or imported into a local option area and would levy civil fines for liquor licensees whose agents or employees furnish alcoholic beverages to a person under 21 years of age. The bill will strengthen existing laws intended to reduce the devastating economic, health, and social problems that arise from alcohol abuse in both urban and rural Alaska.

People in rural Alaska communities have asked many times for help from the state in addressing the problems caused by alcohol in their communities. By reducing the amount of alcohol allowed into those communities that have chosen to restrict its use, the ability for bootlegging activities can be decreased. This is one way to help smaller communities address a serious problem of public safety and health.

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Under current law, a person living in a "damp" area -- that is, one in which a person may possess alcoholic beverages but not sell alcoholic beverages -- may possess ten and one half liters or 14 "fifths" of distilled spirits, 24 liters of wine or 32 bottles and 12 gallons of malt beverage, without a legal presumption of intent to sell. Current law adopts the same limits on the amounts of alcohol package stores can send to a person living in a local option area every calendar month. The same threshold amount applies to the penalties for bootlegging; a person convicted of bootlegging more than ten and one half liters of distilled spirits under current law is subject to a class C felony. A person convicted of bootlegging ten and one half liters or less of distilled spirits commits a class A misdemeanor.

There is general agreement that under current law the amounts that may be possessed by, imported by, or sent to an individual in a local option area in one calendar month are very high. The bill would reduce the amount of distilled spirits by 75 percent and would reduce the amount of wine and malt beverage by 50 percent. Under the proposed bill a package store in Anchorage may send to a person living in a damp area, every month, three liters (or four "fifths") of distilled spirits, 12 liters (or 16 bottles) of wine, and six gallons of malt beverage.

Further, the bill would adopt a mandatory minimum term of imprisonment for a person convicted for the first time of felony bootlegging. The term is similar to the mandatory term for a person convicted for the first time of felony drunk driving.

Secondly, this bill provides an additional tool in the quest to limit access to alcohol by our youth. Studies show that the earlier a person begins consuming alcohol, the greater their chances are of becoming dependant. Curbing underage drinking is important to the well-being

of all Alaskans.

Under the current law, a liquor licensee's agents or employees, such as bartenders or package store clerks, may be charged with a class A misdemeanor if they sell or serve alcoholic beverages to a person under 21 years of age. Most people who operate a liquor license are highly responsible, and train their agents and employees to be diligent in not serving underage youth. Some licensees, however, do not

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emphasize the prohibition against serving alcoholic beverages to minors. Under current law there is no adverse consequence to the licensee if the licensee's agent or employee has furnished alcoholic beverages to a minor.

The bill would adopt a civil fine for a licensee whose employee or agent for the second or subsequent time is convicted of furnishing alcoholic beverages to a minor on the licensee's premises. A warning for the first conviction would be sent to the licensee by the Alcoholic Beverage Control Board. The civil fine of \$1,000 would be imposed on a licensee for a second or subsequent conviction of an agent or employee. The fine would provide a greater incentive for licensees to train and supervise agents and employees to avoid serving alcoholic beverages to people under 21 years old.

The bill would also repair a minor drafting error in legislation passed last session addressing probation for young persons who consume alcoholic beverages. The bill clarifies that a person may be convicted of repeat minor consuming for subsequent convictions.

I urge your prompt and favorable consideration of this bill.

Sincerely,
/s/
Sarah Palin
Governor

SB 86

SENATE BILL NO. 86 BY SENATOR ELLIS, entitled:

"An Act establishing requirements and limitations
related to the payment of sick leave by certain
employers; and providing for an effective date."

was read the first time and referred to the Labor and Commerce and
Finance Committees.