



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE
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Alcoholic Beverage Control Board
Resolution 2018-1
April 10, 2018

On CSHB 299 (FIN)

Whereas, HB 299 was amended in the House Finance Committee on April 6, 2018, to repeal AS 04.11.537, Application of Precedent; and

Whereas, AS 04.11.537 allows the board to determine whether issuance, renewal, transfer, relocation, suspension, or revocation of a license is in the best interest of the public based on facts and particular circumstances in each case that comes before it without being bound by how the board treated a similar case in the past; and

Whereas, AS 04.11.537 does not authorize the board to make arbitrary, capricious, or unreasonable decisions, or random decisions based on whims; and

Whereas, the local option provisions, local government protest rights, and the right of the public to object to liquor license applications or operation, provided in Title 4 recognize the diversity of circumstances that surround alcohol in Alaska; and

Whereas, in order to learn about and be responsive to statewide and local problems, the board meets at least once each year in each of the four judicial districts in Alaska in accordance with AS 04.06.050; and

Whereas, the board must have the ability to conclude that what is in the public interest may differ in different parts of the state and be different over time, even when similar facts are presented;

Now, therefore, the Alcoholic Beverage Control Board resolves to recommend to the Alaska State Legislature that AS 04.11.537 be retained within Title 4.


Rex Leath, Acting Chair