

CS FOR SENATE BILL NO. 87(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/11/95

Referred: Rules

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the membership of the Alcoholic Beverage Control Board;
2 relating to community local options for control of alcoholic beverages; relating to
3 the control of alcoholic beverages; prohibiting persons from being on premises
4 involving alcoholic beverages under certain circumstances; relating to the definition
5 of 'alcoholic beverage'; relating to purchase and sale of alcoholic beverages;
6 relating to alcohol server education courses; and providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 04.06.020 is amended to read:

9 Sec. 04.06.020. APPOINTMENT AND QUALIFICATIONS. The board
10 consists of five members appointed by the governor and confirmed by a majority of
11 the members of the legislature in joint session. A member of the board may not hold
12 any other state or federal office, either elective or appointive. Two members of the
13 board shall be persons actively engaged in the alcoholic beverage industry, except that

1 no member may hold a wholesale license or be an officer, agent, or employee of a
2 wholesale alcoholic beverage enterprise. No three members of the board may be
3 engaged in the same business, occupation, or profession. **At least three members of**
4 **the board shall represent the general public. A board member representing the**
5 **general public or an immediate family member of a board member representing**
6 **the general public may not have any financial interest in the alcoholic beverage**
7 **industry. A person who is employed in a program providing alcohol or substance**
8 **abuse counseling or related services is not considered to have a financial interest**
9 **in the alcoholic beverage industry. Not more than two members of the board may**
10 **be employed in alcohol or substance abuse counseling or related services. In this**
11 **section, "immediate family member" means a spouse, child, or parent.**

12 * Sec. 2. AS 04.06.060 is amended to read:

13 Sec. 04.06.060. QUORUM AND MAJORITY. Three members of the board
14 constitute a quorum for the conduct of business, except that **at least two members of**
15 **a quorum must be members who represent the general public and** a majority of
16 the whole membership of the board must approve all applications for new licenses, and
17 all renewals, transfers, suspensions, and revocations of existing licenses. If a majority
18 of the board is present and voting, the director, with the consent of the members
19 present, may cast a tie-breaking vote.

20 * Sec. 3. AS 04.11.010(b) is amended to read:

21 (b) **Except as provided in this subsection, a [A] person may not solicit or**
22 **receive orders for the delivery of an alcoholic beverage in an area that has adopted**
23 **a local option under AS 04.11.491. If the area has adopted a local option under**
24 **AS 04.11.491(a)(1), (2), or (3), or (b)(1) or (2), a package store licensee outside of**
25 **that local option area may receive orders as provided under AS 04.11.150 but may**
26 **not solicit in that area or receive orders through an agent or employee in that**
27 **area. This subsection does not apply to a package store licensee who operates a**
28 **package store in an area that has adopted a local option under**
29 **AS 04.11.491(a)(2)(C) or (3)(C) or (b)(2)(C) [WHERE THE RESULTS OF A**
30 **LOCAL OPTION ELECTION HAVE, UNDER AS 04.11.490 - 04.11.500,**
31 **PROHIBITED THE BOARD FROM ISSUING, RENEWING, OR TRANSFERRING**

1 ONE OR MORE TYPES OF LICENSES OR PERMITS UNDER THIS TITLE,
2 UNLESS THE PERSON IS LICENSED UNDER THIS TITLE AND THE ORDER
3 IS ACTUALLY RECEIVED BY THAT PERSON FROM THE PURCHASER OF
4 THE ALCOHOLIC BEVERAGE]. A person who violates this subsection is
5 punishable upon conviction **as provided** under AS 04.16.200(a) or (b).

6 * **Sec. 4.** AS 04.11.010(c) is amended to read:

7 (c) In a criminal prosecution for possession of alcoholic beverages for sale in
8 violation of (a) of this section, the fact that a person possessed more than 12 liters of
9 distilled spirits, 24 liters or more of wine, or **12 gallons** [45 LITERS] or more of malt
10 beverages in an area where the sale of alcoholic beverages is **restricted or** prohibited
11 under **AS 04.11.491** [AS 04.11.490, 04.11.492, 04.11.496, OR 04.11.500] creates a
12 presumption that the person possessed the alcoholic beverages for sale.

13 * **Sec. 5.** AS 04.11.080 is amended to read:

14 Sec. 04.11.080. TYPES OF LICENSES AND PERMITS. Licenses and
15 permits issued under this title are as follows:

- 16 (1) beverage dispensary license;
- 17 (2) duplicate beverage dispensary license for additional rooms;
- 18 (3) restaurant or eating place license;
- 19 (4) club license;
- 20 (5) bottling works license;
- 21 (6) brewery license;
- 22 (7) package store license;
- 23 (8) general wholesale license;
- 24 (9) wholesale malt beverage and wine license;
- 25 (10) distillery license;
- 26 (11) common carrier dispensary license;
- 27 (12) retail stock sale license;
- 28 (13) recreational site license;
- 29 (14) [COMMUNITY LIQUOR LICENSE;
- 30 (15)] pub license;
- 31 **(15)** [(16)] winery license;

- 1 (16) [(17)] caterer's permit;
- 2 (17) [(18)] special events permit;
- 3 (18) [(19)] conditional contractor's permit;
- 4 (19) [(20)] brewpub license.

5 * **Sec. 6.** AS 04.11.100 is amended by adding a new subsection to read:

6 (f) Notwithstanding the provisions of (b) and (e) of this section, upon written
7 application and approval of the local governing body, the board may issue or reissue
8 a restaurant or eating place license and exempt the licensee from the requirements of
9 (b) and (e) of this section. A licensee exempt as provided in this subsection shall
10 provide food items for sale on the premises as shown on a menu approved by the
11 board and available to patrons. The board may not

12 (1) issue or reissue a license as provided under this subsection if

13 (A) the issuance or reissuance would result in more than one
14 exempt restaurant or eating place license for every 10 restaurant or eating place
15 licenses allowed under the provisions of AS 04.11.400(a)(2) or (3);

16 (B) the premises would be located in a building having a public
17 entrance within 200 feet of the boundary line of a school or a church
18 building in which religious services are being regularly conducted; for purposes
19 of this subparagraph, the 200-foot prohibition is measured from the outer
20 boundary line of the school or the public entrance of the church building by the
21 shortest pedestrian route to the nearest public entrance of the restaurant or
22 eating place;

23 (2) reissue a restaurant or eating place license as exempt as provided
24 under the provisions of this subsection if the license was issued under the provisions
25 of AS 04.11.400(g); or

26 (3) transfer an exempt license issued under this subsection to another
27 person.

28 * **Sec. 7.** AS 04.11.135(a) is amended to read:

29 (a) A brewpub license authorizes the holder of a beverage dispensary license
30 to

31 (1) manufacture on premises licensed under the beverage dispensary

1 license not more than 75,000 [16,000] gallons of beer in a calendar year; and

2 (2) sell beer manufactured on premises licensed under the beverage
3 dispensary license for consumption only on the licensed premises.

4 * **Sec. 8.** AS 04.11.135(b) is amended to read:

5 (b) Except as provided under AS 04.11.360(10) [AS 04.11.360(12)], the
6 brewpub license is not transferable, shall remain the property of the state, and is not
7 subject to any form of alienation.

8 * **Sec. 9.** AS 04.11.150(a) is repealed and reenacted to read:

9 (a) Except as provided under (g) of this section, a package store license
10 authorizes the licensee to sell alcoholic beverages to a person present on the licensed
11 premises or to a person known to the licensee who makes a written solicitation to that
12 licensee for shipment. A licensee, agent, or employee may only ship alcoholic
13 beverages to the purchaser. Before commencing the practice of shipping alcoholic
14 beverages, and with each subsequent application to renew the license, a licensee shall
15 notify the board in writing of the licensee's intention to ship alcoholic beverages in
16 response to a written solicitation. The package store licensee, agent, or employee shall
17 include written information on fetal alcohol syndrome and fetal alcohol effects
18 resulting from a woman consuming alcohol during pregnancy in a shipment of
19 alcoholic beverages sold in response to a written solicitation.

20 * **Sec. 10.** AS 04.11.150(g) is repealed and reenacted to read:

21 (g) If a shipment is to an area that has restricted the sale of alcoholic
22 beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), a package store
23 licensee, agent, or employee may not ship to a purchaser more than 12 liters of
24 distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages in
25 a calendar month.

26 * **Sec. 11.** AS 04.11.160 is amended by adding new subsections to read:

27 (f) A person who applies for issuance or renewal of a license under this
28 section shall file, on forms provided by the board, the following information regarding
29 each product line of alcoholic beverages that the person intends to purchase, offer for
30 sale, or sell: (1) the supplier of the product line; (2) the full and correct brand names
31 in the product line; (3) the name of the distiller, brewer, vintner, or importer of the

1 product line; and (4) a certification by the distiller, brewer, vintner, or importer of the
2 product line that the person is the primary source of supply for the product line. In
3 addition to the fees imposed under (a) and (b) of this section, a person filing under this
4 subsection shall pay a biennial filing fee as follows:

5 1 to 25 suppliers	\$ 500
6 26 to 50 suppliers	\$1,000
7 51 to 75 suppliers	\$1,500
8 over 75 suppliers	\$2,000

9 In this subsection, "distiller, brewer, vintner, or importer" includes an exclusive agent
10 of the distiller, brewer, vintner, or importer if the agent's name appears on the label of
11 the brand approved by the Federal Bureau of Alcohol, Tobacco, and Firearms.

12 (g) A person licensed under this section shall notify the board within 10 days
13 of a change in a primary source of supply designation required under (f) of this
14 section.

15 * **Sec. 12.** AS 04.16 is amended by adding a new section to read:

16 Sec. 04.16.172. RESTRICTIONS ON PURCHASE AND SALE OF
17 ALCOHOLIC BEVERAGES. A person licensed under AS 04.11.090, 04.11.100,
18 04.11.110, or 04.11.150 may not purchase, sell, or offer for sale an alcoholic beverage
19 unless the alcoholic beverage being purchased, sold, or offered for sale was obtained
20 from a person licensed under

21 (1) AS 04.11.160 as a primary source of supply for the alcoholic
22 beverage being purchased, sold, or offered for sale; or

23 (2) AS 04.11.130, 04.11.140, or 04.11.170.

24 * **Sec. 13.** AS 04.11.270(b) is amended to read:

25 (b) A license shall be renewed as follows:

26 (1) on or before November 1 [OF EACH YEAR], the director shall
27 mail a renewal application to each licensee whose license, unless renewed, will expire
28 on December 31 of that year; the application shall be mailed to the licensee at the
29 licensed premises or at a mailing address furnished by the licensee;

30 (2) the licensee shall submit the completed renewal application and the
31 biennial license fee to the director **before January 1** [ON OR BEFORE

1 DECEMBER 31];

2 (3) a renewal application filed after December 31 is delinquent and
3 must be accompanied by a \$500 [\$200] penalty fee;

4 (4) if December 31 falls on a weekend or a state holiday, the deadline
5 is extended to the first business day following December 31.

6 * **Sec. 14.** AS 04.11.320 is amended to read:

7 Sec. 04.11.320. DENIAL OF NEW LICENSES AND PERMITS. (a) An
8 application requesting issuance of a new license shall be denied if

9 (1) the board finds, after review of all relevant information, that
10 issuance of the license would not be in the best interests of the public;

11 (2) issuance of the license is prohibited by AS 04.11.390, relating to
12 residency, or AS 04.11.410, relating to location of premises near churches and schools;

13 (3) the application has not been completed in accordance with
14 AS 04.11.260;

15 (4) issuance of the license would violate the restrictions pertaining to
16 the particular license imposed under this title;

17 (5) issuance of the license is prohibited under this title as a result of
18 an election conducted under AS 04.11.507 [IN ACCORDANCE WITH
19 AS 04.11.502];

20 (6) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,
21 ownership and location of the license, and the identity and financing of a licensee have
22 not been met;

23 (7) [THE LICENSED PREMISES ARE TO BE LOCATED IN A
24 MUNICIPALITY, THE TYPE OF LICENSE SOUGHT IS A BEVERAGE
25 DISPENSARY OR PACKAGE STORE LICENSE, AND THAT TYPE OF LICENSE
26 IS ALREADY IN EFFECT IN THE MUNICIPALITY UNDER A COMMUNITY
27 LIQUOR LICENSE, UNLESS THE NEW LICENSE IS TO BECOME EFFECTIVE
28 AFTER THE COMMUNITY LIQUOR LICENSE IS NO LONGER EFFECTIVE,
29 WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR
30 OTHERWISE;

31 (8) THE AUTHORITY SOUGHT IS AUTHORITY TO OPERATE A

1 BEVERAGE DISPENSARY OR PACKAGE STORE UNDER A COMMUNITY
2 LIQUOR LICENSE FOR PREMISES TO BE LOCATED IN A MUNICIPALITY
3 WHERE THE AUTHORITY SOUGHT IS ALREADY HELD BY A PRIVATE
4 LICENSEE UNDER A BEVERAGE DISPENSARY OR PACKAGE STORE
5 LICENSE, UNLESS THE COMMUNITY LIQUOR LICENSE IS TO BECOME
6 EFFECTIVE AFTER THE PRIVATELY HELD LICENSE IS NO LONGER
7 EFFECTIVE, WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR
8 OTHERWISE;

9 (9)] issuance of the license is prohibited under AS 04.11.400(a) or
10 prohibition of issuance of the license is found necessary under AS 04.11.400(b);

11 (8) [(10)] the application contains false statements of material fact;

12 (9) [(11)] the license is sought for the sale of alcoholic beverages in a
13 first or second class city where [IN WHICH] there are no licensed premises at the
14 time of application unless a majority of the voters **have voted not to approve** [IN] a
15 local option **to restrict or prohibit the sale of alcoholic beverages under**
16 **AS 04.11.491, have voted to approve a local option to allow the type of premises**
17 **under AS 04.11.491(a)(2) or (3), or have voted to remove a restriction or**
18 **prohibition on the sale of alcoholic beverages under AS 04.11.495** [ELECTION
19 CONDUCTED IN ACCORDANCE WITH AS 04.11.502 HAVE VOTED "NO" ON
20 THE QUESTION SET OUT IN AS 04.11.490, OR HAVE VOTED "YES" ON A
21 QUESTION SET OUT IN AS 04.11.492 OR 04.11.500]; **or**

22 (10) [(12)] the license is sought for the sale of alcoholic beverages in
23 an established village where [IN WHICH] there are no licensed premises at the time
24 of application unless a majority of the voters **have voted not to approve** [IN] a local
25 option **to restrict or prohibit the sale of alcoholic beverages under AS 04.11.491,**
26 **have voted to approve a local option to allow the type of premises under**
27 **AS 04.11.491(b)(2), or have voted to remove a restriction or prohibition on the**
28 **sale of alcoholic beverages under AS 04.11.495** [ELECTION CONDUCTED IN
29 ACCORDANCE WITH AS 04.11.502 HAVE VOTED "NO" ON THE QUESTION
30 SET OUT IN AS 04.11.490 OR HAVE VOTED "YES" ON THE QUESTION SET
31 OUT IN AS 04.11.500].

1 (b) An application requesting issuance of a new permit shall be denied if
2 (1) the board finds, after review of all relevant information, that
3 issuance of the permit would not be in the best interests of the public;
4 (2) the board finds that any of the statements made in the application
5 are untrue;
6 (3) the application has not been completed in accordance with
7 AS 04.11.260; **or**
8 (4) the permit is sought for the sale of alcoholic beverages in a first or
9 second class city or established village **where** [IN WHICH] there are no licensed
10 premises at the time of application unless a majority of the voters **have voted not to**
11 **approve** [IN] a local option **to restrict or prohibit the sale of alcoholic beverages**
12 **under AS 04.11.491, have voted to approve a local option to allow the type of**
13 **permit under AS 04.11.491(a)(2) or (b)(2), or have voted to remove a restriction**
14 **or prohibition on the sale of alcoholic beverages under AS 04.11.495** [ELECTION
15 CONDUCTED IN ACCORDANCE WITH AS 04.11.502 HAVE VOTED "NO" ON
16 THE QUESTION SET OUT IN AS 04.11.490].

17 * **Sec. 15.** AS 04.11.330(a) is amended to read:

18 (a) An application requesting renewal of a license shall be denied if
19 (1) the board finds, after review of all relevant information, that
20 renewal of the license would not be in the best interests of the public;
21 (2) the license has been revoked for any cause;
22 (3) the applicant has not operated the licensed premises for at least 30
23 eight-hour days during each of the two preceding calendar years, unless the board
24 determines that the licensed premises are under construction or cannot be operated
25 through no fault of the applicant;
26 (4) the board finds that issuance of an existing license under
27 AS 04.11.400(d) has not encouraged tourist trade;
28 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,
29 ownership of the license, and financing of the licensee have not been met;
30 (6) renewal of the license would violate the restrictions pertaining to
31 the particular license under this title **or the license has been operated in violation of**

1 **a condition or restriction imposed by the board;**

2 (7) renewal of the license is prohibited under this title as a result of an
3 election conducted **under AS 04.11.507** [IN ACCORDANCE WITH AS 04.11.502];

4 (8) the application has not been completed in accordance with
5 AS 04.11.270; **or**

6 (9) the license was issued under AS 04.11.400(g), and the board finds
7 that the public convenience does not require renewal.

8 * **Sec. 16.** AS 04.11.340 is amended to read:

9 Sec. 04.11.340. DENIAL OF REQUEST FOR RELOCATION. An application
10 requesting approval for the relocation of licensed premises shall be denied if

11 (1) the board finds, after review of all relevant information, that
12 relocation of the license would not be in the best interests of the public;

13 (2) the relocation is prohibited under AS 04.11.400(a) or (b);

14 (3) the license would be relocated out of the established village,
15 incorporated city, unified municipality, or population area established under
16 AS 04.11.400(a) within which it is located;

17 (4) transfer of ownership is to be made concurrently with the relocation
18 of the licensed premises and a ground for denial of the transfer of ownership under
19 AS 04.11.360 is presented;

20 (5) the application has not been completed in accordance with
21 AS 04.11.290;

22 (6) relocation of the license would result in violation of a local zoning
23 law;

24 (7) relocation of the license would violate the restrictions pertaining to
25 the particular license imposed by this title;

26 (8) relocation of the license is prohibited under this title as a result of
27 an election conducted **under AS 04.11.507** [IN ACCORDANCE WITH
28 AS 04.11.502]; **or**

29 (9) [THE LICENSED PREMISES ARE TO BE LOCATED IN A
30 MUNICIPALITY, THE TYPE OF LICENSE SOUGHT TO BE RELOCATED IS A
31 BEVERAGE DISPENSARY OR PACKAGE STORE LICENSE, AND THAT TYPE

1 OF LICENSE IS ALREADY IN EFFECT IN THE MUNICIPALITY UNDER A
2 COMMUNITY LIQUOR LICENSE, UNLESS THE RELOCATION IS TO BECOME
3 EFFECTIVE AFTER THE COMMUNITY LIQUOR LICENSE IS NO LONGER
4 EFFECTIVE, WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR
5 OTHERWISE;

6 (10)] the license was issued under AS 04.11.400(d), (e), or (g).

7 * **Sec. 17.** AS 04.11.360 is amended to read:

8 Sec. 04.11.360. DENIAL OF TRANSFER OF A LICENSE TO ANOTHER
9 PERSON. An application requesting approval of a transfer of a license to another
10 person under this title shall be denied if

11 (1) the board finds, after review of all relevant information, that transfer
12 of a license to another person would not be in the best interests of the public;

13 (2) the application has not been completed in accordance with
14 AS 04.11.280;

15 (3) the application contains false statements of material fact;

16 (4) the transferor has not paid all debts or taxes arising from the
17 conduct of the business licensed under this title unless

18 (A) the transferor gives security for the payment of the debts
19 or taxes satisfactory to the creditor or taxing authority; or

20 (B) the transfer is pursuant to a promise given as collateral by
21 the transferor to the transferee in the course of an earlier transfer of the license
22 under which promise the transferor is obliged to transfer the license back to the
23 transferee in the event of default in payment for property conveyed as part of
24 the earlier transfer of the license;

25 (5) transfer of the license to another person would result in violation
26 of the provisions of this title relating to identity of licensees and financing of licensees;

27 (6) transfer of the license to another person would violate the
28 restrictions pertaining to the particular license under this title;

29 (7) transfer of the license to another person is prohibited under the
30 provisions of this title as a result of an election conducted under AS 04.11.507 [IN
31 ACCORDANCE WITH AS 04.11.502];

1 (8) the prospective transferee does not have the qualifications required
2 under this title of an original applicant;

3 (9) [THE LICENSED PREMISES ARE LOCATED IN A
4 MUNICIPALITY, THE TYPE OF LICENSE SOUGHT TO BE TRANSFERRED IS
5 A BEVERAGE DISPENSARY OR PACKAGE STORE LICENSE, AND THAT TYPE
6 OF LICENSE IS ALREADY IN EFFECT IN THE MUNICIPALITY UNDER A
7 COMMUNITY LIQUOR LICENSE, UNLESS THE TRANSFER IS TO BECOME
8 EFFECTIVE AFTER THE COMMUNITY LIQUOR LICENSE IS NO LONGER
9 EFFECTIVE, WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR
10 OTHERWISE;

11 (10) THE AUTHORITY SOUGHT IS AUTHORITY TO OPERATE
12 A BEVERAGE DISPENSARY OR PACKAGE STORE UNDER A COMMUNITY
13 LIQUOR LICENSE FOR PREMISES TO BE LOCATED IN A MUNICIPALITY
14 WHERE THE AUTHORITY SOUGHT IS ALREADY HELD BY A PRIVATE
15 LICENSEE UNDER A BEVERAGE DISPENSARY OR PACKAGE STORE
16 LICENSE, UNLESS THE TRANSFER IS TO BECOME EFFECTIVE AFTER THE
17 PRIVATELY HELD LICENSE IS NO LONGER EFFECTIVE, WHETHER AS THE
18 RESULT OF A LOCAL OPTION ELECTION OR OTHERWISE;

19 (11)] the license was issued under AS 04.11.100(f) or 04.11.400(g); or
20 (10) [AS 04.11.400(g);

21 (12)] the license was issued under AS 04.11.135, unless the transferor
22 is also applying to transfer the beverage dispensary license required under
23 AS 04.11.135 to the same transferee.

24 * **Sec. 18.** AS 04.11.370 is amended to read:

25 Sec. 04.11.370. SUSPENSION AND REVOCATION OF LICENSES AND
26 PERMITS. A license or permit shall be suspended or revoked if the board finds
27 [THAT ONE OR MORE OF THE FOLLOWING GROUNDS EXISTS:]

28 (1) misrepresentation of a material fact on an application made under
29 this title or a regulation adopted under this title [FOR A LICENSE OR PERMIT];

30 (2) continuation of the manufacture, sale, or service of alcoholic
31 beverages by the licensee or permittee [ACTIVITIES AUTHORIZED UNDER A

LICENSE OR PERMIT] would be contrary to the best interests of the public;

(3) failure on the part of the licensee to correct a defect [DEFECTS] that constitutes a violation [CONSTITUTE VIOLATIONS] of this title, a condition or restriction imposed by the board, a regulation [REGULATIONS] adopted under this title, or other laws [WITHIN A PRESCRIBED TIME] after receipt of notice issued by the board or its agent;

(4) conviction of a licensee of a violation of [A PROVISION OF] this title, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010;

(5) conviction of an [THE] agent or employee of a licensee of a violation of this title, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010, if the licensee is found by the board to have either knowingly allowed the violation or to have recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030 with the result that the [AN] agent or employee violates a law, regulation, or ordinance;

(6) failure of the licensee to comply with the public health, fire, or safety laws and regulations [PERTAINING TO PUBLIC HEALTH] in the state;

(7) use of the licensed premises as a resort for illegal possessors or users of narcotics, prostitutes, or promoters of prostitution; in addition to any other legally competent evidence, the character of the premises may be proved by the general reputation of the premises in the community as a resort for illegal possessors or users of narcotics, prostitutes, or promoters of prostitution;

(8) occurrence of illegal gambling within the limits of the licensed premises;

(9) the licensee permitted a [PERMITTING ANY] public offense involving moral turpitude to occur on the licensed premises;

(10) violation by a licensee of this title, a condition or restriction imposed by the board, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010; or

(11) violation by an agent or employee of a licensee of a provision of this title, a condition or restriction imposed by the board, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010, if the licensee is found

1 by the board to have either knowingly allowed the violation or to have recklessly or
2 with criminal negligence failed to act in accordance with the duty prescribed under
3 AS 04.21.030 with the result that the agent or employee violates the law, **condition**
4 **or restriction**, regulation, or ordinance.

5 * **Sec. 19.** AS 04.11.370 is amended by adding new subsections to read:

6 (b) If the board finds that a licensee or permittee has been convicted of a
7 violation of a criminal law related to gambling under AS 11.66.200 - 11.66.280, the
8 board shall suspend the license or permit for a period of at least six months if the
9 offense is the person's first conviction or violation and shall revoke the license or
10 permit if the offense is the person's second or subsequent conviction or violation.

11 (c) If the board receives notice from the Department of Revenue that a licensee
12 or permittee has violated a provision of AS 05.15 related to gambling, the board

13 (1) may suspend the license or permit; and

14 (2) shall suspend the license or permit for a period of at least 30 days
15 if the offense is the person's second or subsequent violation of AS 05.15 related to
16 gambling.

17 * **Sec. 20.** AS 04.11 is amended by adding a new section to read:

18 Sec. 04.11.395. BOARD IMPOSED CONDITIONS OR RESTRICTIONS.

19 The board may, in the best interests of the public, impose conditions or restrictions on
20 a license or permit issued under this chapter.

21 * **Sec. 21.** AS 04.11.400(a) is amended to read:

22 (a) Except as provided in (d) - (h) of this section, a new license may not be
23 issued and the board may prohibit relocation of an existing license

24 (1) outside an established village, incorporated city, unified
25 municipality, or organized borough if after the issuance or relocation there would be
26 **(A)** more than one restaurant or eating place license for each 1,500 population or
27 fraction of **that** [1,500] population, or **(B)** more than one license of each other type,
28 including licenses that have been issued under (d) or (e) of this section, for each 3,000
29 population or fraction of **that** [3,000] population, in a radius of five miles of the
30 licensed premises [OR LOCATION OF PREMISES SOUGHT TO BE LICENSED],
31 excluding the populations of established villages, incorporated cities, unified

1 municipalities, and organized boroughs that are wholly or partly included within the
2 radius;

3 (2) inside an established village, incorporated city, or unified
4 municipality if after the issuance or relocation there would be inside the established
5 village, incorporated city, or unified municipality

6 (A) more than one restaurant or eating place license for each
7 1,500 population or fraction of that [1,500] population; or

8 (B) more than one license of each other type, including licenses
9 that have been issued under (d) or (e) of this section, for each 3,000 population
10 or fraction of that [3,000] population [INSIDE THE ESTABLISHED
11 VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY];

12 (3) inside an organized borough but outside an established village or
13 incorporated city located within the borough, if after the issuance or relocation there
14 would be inside the borough, but outside the established villages and incorporated
15 cities located within the borough,

16 (A) more than one restaurant or eating place license for each
17 1,500 population or fraction of that [1,500] population; or

18 (B) more than one license of each other type, including licenses
19 that have been issued under (d) or (e) of this section, for each 3,000 population
20 or fraction of that [3,000] population [INSIDE THE BOROUGH,] excluding
21 the population of those established villages that have adopted a local option
22 under AS 04.11.491(b)(1), (3), or (4) [CONDUCTED AN ELECTION ON A
23 QUESTION SET OUT IN AS 04.11.490, 04.11.496, OR 04.11.500], and
24 excluding the population of incorporated cities located within the organized
25 borough.

26 * Sec. 22. AS 04.11.480(a) is amended to read:

27 (a) A [IF A] local governing body may [WISHES TO] protest the issuance,
28 renewal, relocation, [TRANSFER OF LOCATION,] or transfer to another person of
29 a license by sending [, IT SHALL FURNISH] the board and the applicant [WITH] a
30 protest and the reasons for the protest within 60 [30] days of receipt from the board
31 of notice of filing of the application. A protest received after the 60-day period

1 may not be accepted by the board, and in no event may a protest cause the board
2 to reconsider an approved renewal, relocation, or transfer. The local governing
3 body may protest the continued operation of a license during the second year of
4 the biennial license period by sending the board and the licensee a protest and the
5 reasons for the protest by January 31 of the second year of the license. The
6 procedures for action on a protest of continued operation of a license are the
7 same as the procedures for action on a protest of a renewal application. The
8 board shall consider a protest and testimony received at a hearing conducted under
9 AS 04.11.510(b)(2) or (4) when it considers the application or continued operation,
10 and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or
11 (4) shall be kept [RETAINED] as part of the board's permanent record of its review
12 [OF THE APPLICATION]. If an application or continued operation is protested, the
13 board shall deny [MAY NOT APPROVE] the application or continued operation
14 unless the board finds that the protest is arbitrary, capricious, and unreasonable.

15 * **Sec. 23.** AS 04.11 is amended by adding a new section to read:

16 Sec. 04.11.491. LOCAL OPTIONS. (a) If a majority of the persons voting
17 on the question vote to approve the option, a municipality shall adopt a local option
18 to prohibit

19 (1) the sale of alcoholic beverages;

20 (2) the sale of alcoholic beverages except by one or more of the
21 following listed on the ballot:

22 (A) a restaurant or eating place licensee;

23 (B) a beverage dispensary licensee;

24 (C) a package store licensee; or

25 (D) a caterer holding a permit under AS 04.11.230 to sell
26 alcoholic beverages at a site within the municipality who is also licensed under
27 a beverage dispensary license for premises outside of the municipality;

28 (3) the sale of alcoholic beverages except on premises operated by the
29 municipality and under a type of licensed premises listed on the ballot, that may
30 include one or more of the following:

31 (A) a restaurant or eating place license;

- 1 (B) a beverage dispensary license; or
2 (C) a package store license;
3 (4) the sale and importation of alcoholic beverages; or
4 (5) the sale, importation, and possession of alcoholic beverages.

5 (b) If a majority of the persons voting on the question vote to approve the
6 option, an established village shall exercise a local option to prohibit

- 7 (1) the sale of alcoholic beverages;
8 (2) the sale of alcoholic beverages except by one or more of the
9 following listed on the ballot:

- 10 (A) a restaurant or eating place licensee;
11 (B) a beverage dispensary licensee;
12 (C) a package store licensee; or
13 (D) a caterer holding a permit under AS 04.11.230 to sell
14 alcoholic beverages at a site within the established village who is also licensed
15 under a beverage dispensary license for premises outside of the established
16 village;
17 (3) the sale and importation of alcoholic beverages; or
18 (4) the sale, importation, and possession of alcoholic beverages.

19 (c) A ballot question to adopt a local option under this section must at least
20 contain language substantially similar to: "Shall (name of municipality or village)
21 adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or
22 no)."

23 (d) The ballot for an election on the option set out in (a)(2)(A), (a)(3)(A), or
24 (b)(2)(A) of this section must include a summary explanation of the authority to sell
25 alcoholic beverages given to a restaurant or eating place under AS 04.11.100(a). The
26 ballot for an election on the option set out in (a)(2)(B) or (D), (a)(3)(B), or (b)(2)(B)
27 or (D) of this section must include a statement that a beverage dispensary license is
28 commonly known as a "bar" and a summary explanation of the authority to sell
29 alcoholic beverages given to a beverage dispensary licensee under AS 04.11.090(a).
30 The ballot for an election on the option set out in (a)(2)(C), (a)(3)(C), or (b)(2)(C) of
31 this section must include a statement that a package store license is commonly known

1 as a "liquor store" and a summary explanation of the authority to sell alcoholic
2 beverages given to a package store licensee under AS 04.11.150(a).

3 (e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option
4 adopted by the municipality under (a) of this section shall continue in effect as the
5 corresponding local option under (b) of this section for an established village having
6 the same perimeter as the previous boundaries of the municipality. A license for
7 premises operated by the municipality under AS 04.11.505 expires when the
8 municipality dissolves.

9 (f) A municipality or established village that has adopted a local option under
10 (a)(1), (2), or (3) or (b)(1) or (2) of this section may designate a site for the delivery
11 of alcoholic beverages to individuals in the area or a site for a person to bring
12 alcoholic beverages if the alcoholic beverages are imported into the area. This
13 subsection does not apply to the delivery or importation of

14 (1) one liter or less of distilled spirits, two liters or less of wine, or one
15 gallon or less of malt beverages; or

16 (2) alcoholic beverages to a premises licensed under (a)(2) - (3) or
17 (b)(2) of this section.

18 * **Sec. 24.** AS 04.11 is amended by adding new sections to read:

19 Sec. 04.11.493. CHANGE OF LOCAL OPTION. (a) If a majority of persons
20 voting on the question vote to approve a different local option, a municipality or
21 established village shall change a local option previously adopted under AS 04.11.491
22 to the different approved option.

23 (b) A ballot question to change a local option under this section must at least
24 contain language substantially similar to: "Shall (name of municipality or village)
25 change the local option currently in effect, that prohibits (current local option under
26 AS 04.11.491), and adopt in its place a local option to prohibit (proposed local option
27 under AS 04.11.491)? (yes or no)."

28 Sec. 04.11.495. REMOVAL OF LOCAL OPTION. (a) If a majority of the
29 persons voting on the question vote to remove the option, a municipality or established
30 village shall remove a local option previously adopted under AS 04.11.491. The
31 option is repealed effective the first day of the month following certification of the

1 results of the election.

2 (b) A ballot question to remove a local option under this section must at least
3 contain language substantially similar to: "Shall (name of municipality or village)
4 remove the local option currently in effect, that prohibits (current local option under
5 AS 04.11.491), so that there is no longer any local option in effect? (yes or no)."

6 (c) When issuing a license in the area that has removed a local option, the
7 board shall give priority to an applicant who was formerly licensed and whose license
8 was not renewed because of the results of the previous local option election. However,
9 an applicant described in this subsection does not have a legal right to a license and
10 the board is not required to approve the application.

11 * **Sec. 25.** AS 04.11 is amended by adding a new section to read:

12 Sec. 04.11.497. EFFECT ON LICENSES OF PROHIBITION OF SALE. If
13 a majority of voters vote to prohibit the sale of alcoholic beverages under
14 AS 04.11.491(a)(1), (a)(4) or (5), (b)(1), or (b)(3) or (4), the board may not issue,
15 renew, or transfer, between persons or locations, a license for premises located within
16 the boundaries of the municipality and in unincorporated areas within five miles of the
17 boundaries of the municipality or within the perimeter of the established village. A
18 license that may not be renewed because of a local option election held under this
19 section is void 90 days after the results of the election are certified. A license that
20 expires during the 90 days after the results of a local option election are certified may
21 be extended, until it is void under this section, by payment of a prorated portion of the
22 biennial license fee.

23 * **Sec. 26.** AS 04.11 is amended by adding a new section to read:

24 Sec. 04.11.499. PROHIBITION OF IMPORTATION AFTER ELECTION. If
25 a majority of the voters vote to prohibit the importation of alcoholic beverages under
26 AS 04.11.491(a)(4) or (5) or (b)(3) or (4), a person, beginning on the first day of the
27 month following certification of the results of the election, may not knowingly send,
28 transport, or bring an alcoholic beverage into the municipality or established village,
29 unless the alcoholic beverage is sacramental wine to be used for bona fide religious
30 purposes based on tenets or teachings of a church or religious body, is limited in
31 quantity to the amount necessary for religious purposes, and is dispensed only for

1 religious purposes by a person authorized by the church or religious body to dispense
2 the sacramental wine.

3 * **Sec. 27.** AS 04.11 is amended by adding a new section to read:

4 Sec. 04.11.501. PROHIBITION OF POSSESSION AFTER ELECTION. (a)

5 If a majority of the voters vote to prohibit the possession of alcoholic beverages under
6 AS 04.11.491(a)(5) or (b)(4), a person may not knowingly possess an alcoholic
7 beverage in the municipality or established village, unless the alcoholic beverage is
8 sacramental wine to be used for bona fide religious purposes based on tenets or
9 teachings of a church or religious body, is limited in quantity to the amount necessary
10 for religious purposes, and is dispensed only for religious purposes, by a person
11 recognized by the church or religious body as authorized to dispense the wine.

12 (b) If there are licensed premises within the municipality or established village,
13 the prohibition on possession is effective beginning 90 days after the results of the
14 election are certified. If there are no licensed premises within the municipality or
15 established village, the prohibition on possession is effective beginning 60 days after
16 the results of the election are certified.

17 (c) Upon the adoption by a municipality of a local option under
18 AS 04.11.491(a)(5), an ordinance is adopted containing the provisions of this section.

19 (d) In this section, "possession" means having physical possession of or
20 exercising dominion or control over an alcoholic beverage, but does not include having
21 an alcoholic beverage within the digestive system of a person.

22 * **Sec. 28.** AS 04.11 is amended by adding a new section to read:

23 Sec. 04.11.503. EFFECT ON LICENSES OF RESTRICTION ON SALE. If

24 a majority of the voters vote under AS 04.11.491(a)(2) or (b)(2) to prohibit sale of
25 alcoholic beverages except by the type or types of licensees or permit holders listed
26 on the ballot, the board may not issue, renew, or transfer between persons or locations
27 a license for premises located within the boundaries of the municipality and in
28 unincorporated areas within five miles of the boundaries of the municipality or within
29 the perimeter of the established village, except the type or types of licenses listed on
30 the ballot. A license in effect within the boundaries of the municipality or perimeter
31 of the established village, and in unincorporated areas within five miles of the

1 boundaries of the municipality, except the type of license listed on the ballot, is void
2 90 days after the results of the election are certified. A license that expires during the
3 90 days after the results of a local option election are certified may be extended, until
4 it is void under this section, by payment of a prorated portion of the biennial license
5 fee.

6 * **Sec. 29.** AS 04.11 is amended by adding a new section to read:

7 Sec. 04.11.505. LICENSING AFTER PROHIBITION ON SALE EXCEPT IN
8 PREMISES OPERATED BY MUNICIPALITY. (a) If a majority of the voters vote
9 under AS 04.11.491(a)(3) to prohibit the sale of alcoholic beverages except on
10 premises operated by the municipality, the board may not issue, renew, or transfer
11 between persons or locations a license for premises located within the boundaries of
12 a municipality and in unincorporated areas within five miles of the boundaries of the
13 municipality, with the exception of the type of license listed on the ballot and operated
14 under a license held by the municipality. A license in effect is void 90 days after the
15 results of the election are certified. A license that expires during the 90 days after the
16 results of a local option election are certified may be extended, until it is void under
17 this subsection, by payment of a prorated portion of the biennial license fee.

18 (b) The local governing body of a municipality shall apply for a license to
19 operate the type of licensed premises listed on the ballot under AS 04.11.491(a)(3) and
20 approved by a majority of the voters. The municipality shall operate the premises
21 subject to the conditions and fees applicable to the type of license. Nothing in this
22 section precludes a municipality from applying to be a licensee under other provisions
23 of this title.

24 * **Sec. 30.** AS 04.11 is amended by adding new sections to read:

25 Sec. 04.11.507. PROCEDURE FOR LOCAL OPTION ELECTIONS. (a)
26 Elections to adopt a local option under AS 04.11.491, change a local option under
27 AS 04.11.493, or remove a local option under AS 04.11.495, shall be conducted as
28 required in this section.

29 (b) Upon receipt of a petition of a number of registered voters equal to 35
30 percent or more of the number of votes cast at the last regular municipal election, the
31 local governing body of a municipality shall place upon a separate ballot at the next

1 regular election, or at a special election, whichever local option, change in local option,
2 or removal of local option constitutes the subject of the petition. The local governing
3 body shall conduct the election under the election ordinance of the municipality.

4 (c) Upon receipt of a petition of 35 percent or more of the registered voters
5 residing within an established village, the lieutenant governor shall place upon a
6 separate ballot at a special election the local option, change in local option, or removal
7 of local option that constitutes the subject of the petition. The lieutenant governor
8 shall conduct the election under AS 15.

9 (d) A petition filed with the local governing body of a municipality under (b)
10 of this section, that places on the ballot the option set out in AS 04.11.491(a)(5),
11 constitutes a proposed ordinance of the municipality.

12 (e) AS 29.26.110 - 29.26.160 apply to a petition under (b) of this section in
13 a general law municipality except the

14 (1) number of required signatures is determined under (b) of this
15 section rather than under AS 29.26.130;

16 (2) application filed under AS 29.26.110 must at least contain language
17 substantially similar to the questions set out under AS 04.11.491 - 04.11.495 rather
18 than containing an ordinance or resolution;

19 (3) petition must at least contain language substantially similar to the
20 questions set out under AS 04.11.491 - 04.11.495 rather than material required under
21 AS 29.26.120(a)(1) and (2).

22 (f) Notwithstanding any other provisions of law, an election under (b) or (c)
23 of this section to remove a local option or to change to a less restrictive option than
24 the local option previously adopted under AS 04.11.491 may not be conducted during
25 the first 12 months after the local option was adopted or more than once in an
26 18-month period.

27 (g) Notwithstanding AS 29.26.140(a), after a petition has been certified as
28 sufficient to meet the requirements of (b) or (c) of this section, another petition may
29 not be filed or certified until after the question presented in the first petition has been
30 voted on. Only one local option question may be presented in an election.

31 Sec. 04.11.509. NOTICE OF THE RESULTS OF A LOCAL OPTION

1 ELECTION. (a) If a majority of the voters vote to prohibit, change, or remove a
2 local option under AS 04.11.491 - 04.11.495, the clerk of the municipality, or, if the
3 election is in an established village, the lieutenant governor shall notify the board of
4 the results of the election immediately after the results are certified. The board shall
5 immediately notify the Department of Law and the Department of Public Safety of the
6 results of the election.

7 (b) If a majority of the voters vote to prohibit the importation or possession
8 of alcoholic beverages under AS 04.11.491(a)(4) or (5) or (b)(3) or (4), the following
9 actions in addition to those prescribed in (a) of this section shall be taken before the
10 date the prohibition becomes effective:

11 (1) the board shall notify, by certified mail, all package store licensees
12 who sell alcoholic beverages in response to a written solicitation of the local option;
13 and

14 (2) the municipality or established village shall post public notice of
15 the prohibition in a central location in the municipality or village.

16 * **Sec. 31.** AS 04.11.540 is amended to read:

17 Sec. 04.11.540. LICENSE RENEWAL AND EXPIRATION. Notwithstanding
18 AS 04.11.680, an application for renewal of a license issued for the **two** calendar **years**
19 [YEAR] ending December 31 or **of a seasonal license** issued for **parts of those**
20 **calendar years** [A SIX-MONTH PERIOD ENDING IN THE PREVIOUS YEAR] may
21 be submitted up until the next February 28 [, BUT THE AUTHORITY GRANTED
22 UNDER THE LICENSE MAY NOT BE EXERCISED UNTIL THE LICENSE IS
23 RENEWED]. If **a complete** [THE] application for renewal **has** [AND APPLICABLE
24 AFFIDAVITS HAVE] not been filed by February 28 or the required fees and the
25 penalty fees have not been paid by that date, the license expires at 12:00 midnight
26 February 28. A new license may not be issued to the holder of an expired license for
27 the same premises except on proof satisfactory to the board of good cause for the
28 failure to file and pay.

29 * **Sec. 32.** AS 04.11.680(a) is amended to read:

30 (a) Upon application and payment of **one-half** [ONE-QUARTER] of the
31 biennial fee, the board may issue a **seasonal** license under this title that **is** [WILL BE]

1 effective for the intervals stated on the license. A seasonal license may not be
2 effective for more than 12 months in a two-year period [A CONTINUOUS SIX-
3 MONTH PERIOD]. Otherwise, all licenses issued under this title other than a retail
4 stock sale license are effective for the two calendar years ending December 31, unless
5 a shorter period is prescribed by the board or by law.

6 * **Sec. 33.** AS 04.16 is amended by adding a new section to read:

7 Sec. 04.16.025. ILLEGAL PRESENCE ON PREMISES INVOLVING
8 ALCOHOLIC BEVERAGES. (a) A person may not knowingly enter or remain on
9 premises

10 (1) in which alcoholic beverages are manufactured, sold, offered for
11 sale, possessed for sale or barter, trafficked in, or bartered in violation of

12 (A) AS 04.11.010; or

13 (B) a municipal ordinance adopted under AS 04.21.010(a) or

14 (b); or

15 (2) licensed under this title during hours in which the person's presence
16 on the premises is a violation of a municipal ordinance adopted under authority of
17 AS 04.16.010(d) providing for hours of closure that are outside the hours of closure
18 prescribed by AS 04.16.010(c).

19 (b) A person who violates this section is guilty of a violation.

20 * **Sec. 34.** AS 04.16.110 is repealed and reenacted to read:

21 Sec. 04.16.110. SALE OF CERTAIN ALCOHOLIC BEVERAGES
22 PROHIBITED. A person may not sell an alcoholic beverage if it

23 (1) is intended for human consumption and is in powdered form; or

24 (2) contains more than 76 percent alcohol by volume.

25 * **Sec. 35.** AS 04.16.125(a) is amended to read:

26 (a) A person may not use a common carrier to transport alcoholic beverages
27 into an area that has restricted the sale of alcoholic beverages under
28 AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) [AS 04.11.490, 04.11.492, OR
29 04.11.500] unless

30 (1) the shipping container holding the alcoholic beverages is clearly
31 labeled as containing alcoholic beverages with letters that contrast in color to the

1 shipping container and that are at least two inches in height; and

2 (2) an itemized invoice showing the **quantity and** purchase value of
3 **distilled spirits, of wine, and of malt** [THE ALCOHOLIC] beverages is attached to
4 the outside of the shipping container.

5 * **Sec. 36.** AS 04.16.125(b) is amended to read:

6 (b) This section does not apply to

7 (1) a person transporting not more than

8 (A) two liters of wine;

9 (B) **one gallon of** [OR] malt beverages; [,] or

10 (C) [NOT MORE THAN] one liter of distilled spirits; **or**

11 (2) **the transportation of alcoholic beverages for use on premises**
12 **allowed under AS 04.11.491(a)(2) - (3) or (b)(2) or for use under a permit allowed**
13 **under AS 04.11.491(a)(2).**

14 * **Sec. 37.** AS 04.16.180(a) is amended to read:

15 (a) Except as provided in AS 04.11.015, **AS 04.16.025, 04.16.051**
16 [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a
17 provision of this title or a regulation adopted by the board is guilty, upon conviction,
18 of a class A misdemeanor. Each violation is a separate offense.

19 * **Sec. 38.** AS 04.16.200(b) is amended to read:

20 (b) A person who violates AS 04.11.010 in an area **that has adopted**
21 [WHERE THE RESULTS OF] a local option **under AS 04.11.491** [ELECTION
22 HAVE, UNDER AS 04.11.490 - 04.11.500, PROHIBITED THE BOARD FROM
23 ISSUING, RENEWING, OR TRANSFERRING ONE OR MORE TYPES OF
24 LICENSES OR PERMITS UNDER THIS TITLE IN THE AREA] is, upon conviction,
25 guilty of a class C felony.

26 * **Sec. 39.** AS 04.16.200(e) is amended to read:

27 (e) A person who sends, transports, or brings alcoholic beverages into a
28 municipality or established village in violation of **AS 04.11.499** [AS 04.11.496] is,
29 upon conviction,

30 (1) guilty of a class A misdemeanor if the quantity imported is less
31 than 12 liters of distilled spirits, 24 liters of wine, or **12 gallons** [45 LITERS] of malt

1 beverages; or

2 (2) guilty of a class C felony if the quantity imported is 12 liters or
3 more of distilled spirits, 24 liters or more of wine, or **12 gallons** [45 LITERS] or more
4 of malt beverages.

5 * **Sec. 40.** AS 04.16.205(a) is amended to read:

6 (a) A person who possesses alcoholic beverages in a municipality or
7 established village in violation of **AS 04.11.501** [AS 04.11.498] or an ordinance
8 adopted under **AS 04.11.501** [AS 04.11.498] may, upon conviction, be punished by a
9 fine not to exceed \$1,000 **and shall forfeit the seized alcoholic beverages.** When a
10 peace officer stops or contacts a person concerning a violation of **AS 04.11.501**
11 [AS 04.11.498] or an ordinance **adopted** [ENACTED] under **AS 04.11.501**
12 [AS 04.11.498], the peace officer **shall seize the alcoholic beverages and** may [, IN
13 THE OFFICER'S DISCRETION,] issue a citation to the person as provided in
14 AS 12.25.180.

15 * **Sec. 41.** AS 04.16.205(b) is amended to read:

16 (b) A person cited for a violation of **AS 04.11.501** [AS 04.11.498] or an
17 ordinance adopted under **AS 04.11.501** [AS 04.11.498] for which a bail amount has
18 been established under (c) of this section may, within 30 days after the date the
19 citation is issued,

20 (1) mail or personally deliver to the clerk of the court in which the
21 citation is filed by the peace officer the amount of bail indicated on the citation and
22 a copy of the citation indicating that the right to an appearance is waived, a plea of no
23 contest is entered, and the bail and all alcoholic beverages seized are forfeited; or

24 (2) perform community work in lieu of payment of the fine or a portion
25 of the fine as provided in (d) of this section.

26 * **Sec. 42.** AS 04.16.205(c) is amended to read:

27 (c) The supreme court shall establish by rule or order a schedule of bail
28 amounts that may be forfeited without a court appearance for a violation of
29 **AS 04.11.501** [AS 04.11.498] or an ordinance adopted under **AS 04.11.501**
30 [AS 04.11.498]. In establishing the bail schedule the supreme court may consider the
31 quantity of alcoholic beverages possessed and the number of prior violations of the

1 person cited. Before establishing or amending the schedule of bail amounts required
2 by this subsection, the supreme court shall appoint and consult with an advisory
3 committee consisting of the following seven persons: one superior court judge, one
4 magistrate from each judicial district in the state, a representative of the Department
5 of Law, and a representative of the Public Defender Agency. The maximum bail
6 amount may not exceed \$1,000, and the issuing officer shall write on the citation the
7 amount of bail applicable to the violation.

8 * **Sec. 43.** AS 04.16.205(d) is amended to read:

9 (d) Community work shall be performed at the direction of the **local** governing
10 body of the municipality or the **local** governing body of the established village. **In the**
11 **absence of a local governing body for an established village, community work**
12 **shall be performed at the direction of the body that has traditionally performed**
13 **public functions on behalf of the entire community.** The value of community work
14 in lieu of a fine is \$5.00 per hour. When the community work is completed, the
15 person cited for the violation shall mail or personally deliver to the clerk of the court
16 in which the citation is filed by the peace officer

17 (1) a form, prescribed by the administrative director of the Alaska
18 Court System, indicating completion of the community work; and

19 (2) a copy of the citation, indicating that the right to an appearance is
20 waived, a plea of no contest is entered, and that the bail is forfeited or community
21 work has been performed and that all alcoholic beverages seized are forfeited.

22 * **Sec. 44.** AS 04.16.205(g) is amended to read:

23 (g) Notwithstanding other provisions of law, if a person cited for a violation
24 of **AS 04.11.501** [AS 04.11.498] or an ordinance adopted under **AS 04.11.501**
25 [AS 04.11.498] for which a bail amount has been established under (c) of this section
26 appears in court and is found guilty, the penalty that is imposed for the offense may
27 not exceed the bail amount for that offense established under (c) of this section.

28 * **Sec. 45.** AS 04.16.205(h) is amended to read:

29 (h) A violation of **AS 04.11.501** [AS 04.11.498] or an ordinance adopted under
30 **AS 04.11.501** [AS 04.11.498] may not be considered a criminal offense and may not
31 result in imprisonment, nor is a fine imposed for a violation considered criminal

1 punishment. A person cited for a violation does not have a right to a jury trial or
2 court appointed counsel.

3 * **Sec. 46.** AS 04.16.220(a) is amended to read:

4 (a) The following are subject to forfeiture:

5 (1) alcoholic beverages manufactured, sold, offered for sale or
6 possessed for sale, bartered or exchanged for goods and services in this state in
7 violation of AS 04.11.010; alcoholic beverages possessed, stocked, warehoused, or
8 otherwise stored in violation of AS 04.21.060; alcoholic beverages sold, or offered for
9 sale **in violation** [IN AN AREA WHERE THE RESULTS] of a local option **adopted**
10 **under AS 04.11.491** [ELECTION HAVE, UNDER AS 04.11.490 - 04.11.500,
11 PROHIBITED THE POSSESSION OF ALCOHOLIC BEVERAGES OR
12 PROHIBITED THE BOARD FROM ISSUING, RENEWING, OR TRANSFERRING
13 ONE OR MORE LICENSES OR PERMITS UNDER THIS TITLE IN THE AREA];
14 alcoholic beverages transported into the state and sold to persons not licensed under
15 this chapter in violation of AS 04.16.170(b);

16 (2) materials and equipment used in the manufacture, sale, offering for
17 sale, possession for sale, barter or exchange of alcoholic beverages for goods and
18 services in this state in violation of AS 04.11.010; materials and equipment used in the
19 stocking, warehousing, or storage of alcoholic beverages in violation of AS 04.21.060;
20 materials and equipment used in the sale or offering for sale of an alcoholic beverage
21 in an area **in violation** [WHERE THE RESULTS] of a local option **adopted under**
22 **AS 04.11.491** [ELECTION HAVE, UNDER AS 04.11.490 - 04.11.500, PROHIBITED
23 THE BOARD FROM ISSUING, RENEWING, OR TRANSFERRING ONE OR
24 MORE LICENSES OR PERMITS UNDER THIS TITLE IN THE AREA];

25 (3) aircraft, vehicles, or vessels used to transport, or facilitate the
26 transportation of

27 (A) alcoholic beverages manufactured, sold, offered for sale or
28 possessed for sale, bartered or exchanged for goods and services in this state
29 in violation of AS 04.11.010;

30 (B) property stocked, warehoused, or otherwise stored in
31 violation of AS 04.21.060;

1 (C) alcoholic beverages imported into a municipality or
2 established village in violation of AS 04.11.499 [AS 04.11.496];

3 (4) alcoholic beverages found on licensed premises that do not bear
4 federal excise stamps if excise stamps are required under federal law;

5 (5) alcoholic beverages, materials or equipment used in violation of
6 AS 04.16.175.

7 * **Sec. 47.** AS 04.16.220(b) is amended to read:

8 (b) Property subject to forfeiture under this section may be actually or
9 constructively seized under an order issued by the superior court upon a showing of
10 probable cause that the property is subject to forfeiture under this section. Constructive
11 seizure is effected upon posting a signed notice of seizure on the item to be forfeited,
12 stating the violation and the date and place of seizure. Seizure without a court order
13 may be made if

14 (1) the seizure is incident to a valid arrest or search;

15 (2) the property subject to seizure is the subject of a prior judgment in
16 favor of the state; or

17 (3) there is probable cause to believe that the property is subject to
18 forfeiture under (a) of this section; except for alcoholic beverages possessed on
19 violation of AS 04.11.501 [AS 04.11.498] or an ordinance adopted under AS 04.11.501
20 [AS 04.11.498], property seized under this paragraph may not be held over 48 hours
21 or until an order of forfeiture is issued by the court, whichever is earlier.

22 * **Sec. 48.** AS 04.16.220(d) is amended to read:

23 (d) Property subject to forfeiture under (a) of this section may be forfeited

24 (1) upon conviction of a person **for a violation of** [UNDER]
25 AS 04.11.010, 04.11.499, [04.11.496(b), OR] AS 04.21.060, or AS 04.11.501 [UPON
26 ENTRY OF JUDGMENT UNDER AS 04.11.498] or an ordinance adopted under
27 AS 04.11.501 [AS 04.11.498]; **or**

28 (2) upon judgment by the superior court in a proceeding in rem that the
29 property was used in a manner subjecting it to forfeiture under (a) of this section.

30 * **Sec. 49.** AS 04.16.220(g) is amended to read:

31 (g) It is no defense in an in rem forfeiture proceeding brought under (d)(2) of

1 this section that a criminal proceeding is pending or has resulted in conviction or
2 acquittal of a person charged with violating AS 04.11.010, 04.11.499 [04.11.496(b)],
3 or AS 04.21.060.

4 * **Sec. 50.** AS 04.16.220(h) is amended to read:

5 (h) Alcoholic beverages forfeited under (d) of this section shall be placed in
6 the custody of a peace officer of the state and destroyed no later than 30 days after
7 forfeiture. All other property forfeited under this section shall be placed in the custody
8 of the commissioner of public safety for disposition according to an order entered by
9 the court. The court shall order destroyed any property forfeited under this section that
10 is harmful to the public **and shall order any property forfeited under this section**
11 **that was seized in a municipality to be transferred to the municipality in which**
12 **the property was seized.** Other property shall be ordered sold and the proceeds used
13 for payment of expenses of the proceedings for forfeiture and sale, including expenses
14 of seizure, custody, and court costs. The remainder of the proceeds shall be deposited
15 in the general fund.

16 * **Sec. 51.** AS 04.21.010(a) is amended to read:

17 (a) A municipality may adopt ordinances governing the importation, barter,
18 sale, and consumption of alcoholic beverages within the municipality and may ban
19 possession of alcoholic beverages under **AS 04.11.491(a)(5)** [AS 04.11.498(d) OR (e)].
20 An ordinance adopted under this section may not be inconsistent with this title or
21 regulations adopted under this title. **In a municipality that has adopted a local**
22 **option under AS 04.11.491(a)(1), (2), or (3), an ordinance is not inconsistent with**
23 **this title if it limits**

24 **(1) the monthly amounts of alcoholic beverages a person may**
25 **import into the municipality;**

26 **(2) the percent of alcohol by volume that an alcoholic beverage may**
27 **contain; a limit imposed under this paragraph may not be less than 40 nor more**
28 **than 76 percent alcohol by volume; or**

29 **(3) the type of alcoholic beverage container that may be possessed**
30 **in the municipality.**

31 * **Sec. 52.** AS 04.21.010(b) is amended to read:

1 (b) After the adoption of a local option under AS 04.11.491(a), a [IF, AS A
2 RESULT OF AN ELECTION HELD IN ACCORDANCE WITH AS 04.11.502 IN A
3 MUNICIPALITY, THE BOARD IS PROHIBITED FROM ISSUING, RENEWING,
4 OR TRANSFERRING A LICENSE BETWEEN HOLDERS OR LOCATIONS OR IF
5 THE IMPORTATION OF ALCOHOLIC BEVERAGES IS PROHIBITED IN THE
6 MUNICIPALITY, THE] municipality may adopt an ordinance making the sale, [OR]
7 importation, or possession of alcoholic beverages a misdemeanor to the extent
8 prohibited under the local option. The ordinance may not be inconsistent with this
9 title or the regulations adopted under this title.

10 * **Sec. 53.** AS 04.21.010(c) is amended to read:

11 (c) A municipality may not impose taxes on alcoholic beverages except a

12 (1) property tax on alcoholic beverage inventories;

13 (2) sales tax on alcoholic beverage sales if sales taxes are imposed on
14 other sales within the municipality;

15 (3) sales tax on alcoholic beverage sales that was in effect before
16 July 1, 1985; and

17 (4) sales and use tax on alcoholic beverages if the sale of alcoholic
18 beverages within the municipality has been prohibited under AS 04.11.491(a)(1), (4),
19 or (5) [AS 04.11.490].

20 * **Sec. 54.** AS 04.21.015(b) is amended to read:

21 (b) This section does not apply to AS 04.16.050, 04.16.051, 04.16.080;
22 AS 04.21.010, 04.21.020; alcoholic beverages manufactured in a quantity that exceeds
23 the limit imposed on private manufacture under federal law; or an area that has
24 adopted a local option law under AS 04.11.491 [AS 04.11.490 - 04.11.500].

25 * **Sec. 55.** AS 04.21.025(a) is amended to read:

26 (a) As a condition of issuance or renewal of a license and selling alcoholic
27 beverages under a license, the board shall require a licensee who sells or serves
28 alcoholic beverages and a licensee's agents and employees who sell or serve alcoholic
29 beverages or check the identification of a patron to complete an alcohol server
30 education course approved by the board, if the license is for a

31 (1) beverage dispensary;

- 1 (2) restaurant or eating place;
- 2 (3) club;
- 3 (4) package store;
- 4 (5) [COMMON CARRIER DISPENSARY;
- 5 (6)] recreational site;
- 6 (6) [(7) COMMUNITY;
- 7 (8)] pub;
- 8 (7) [(9)] conditional contractor.

9 * **Sec. 56.** AS 04.21.025 is amended by adding a new subsection to read:

10 (e) A person licensed as a common carrier dispensary shall train agents and
11 employees who sell or serve alcoholic beverages or who check the identification of a
12 patron on provisions of state law regarding sale of alcoholic beverages, including
13 AS 04.16.015, 04.16.020, 04.16.030, 04.16.051, 04.16.052, 04.16.120, 04.16.125,
14 AS 04.21.030, and 04.21.050. The training must include the subjects of the effects of
15 alcohol consumption, identifying a drunken person, determining valid identification,
16 intervention to prevent unlawful alcohol consumption, and penalties for unlawful acts
17 by agents and employees of licensees. A common carrier licensee shall, once every
18 three years, provide the board with a description of its training program including the
19 subjects taught, teaching method, and testing required.

20 * **Sec. 57.** AS 04.21.065(a) is amended to read:

21 (a) A holder of one of the following types of licenses or permits shall post on
22 the licensed or designated premises two separate warning signs as described in (b) of
23 this section:

- 24 (1) beverage dispensary license;
- 25 (2) restaurant or eating place license;
- 26 (3) club license;
- 27 (4) brewery license; this paragraph applies only to a brewery that
28 permits a person to sample portions of the brewery's product;
- 29 (5) package store license;
- 30 (6) common carrier dispensary license;
- 31 (7) recreational site license;

- 1 (8) [COMMUNITY LIQUOR LICENSE;
2 (9)] pub license;
3 (9) [(10)] winery license; this paragraph applies only to a winery that
4 permits a person to sample portions of the winery's product;
5 (10) [(11)] caterer's permit;
6 (11) [(12)] special events permit;
7 (12) [(13)] conditional contractor's permit;
8 (13) [(14)] another license or permit issued by the board authorizing
9 consumption of alcoholic beverages.

10 * **Sec. 58.** AS 04.21.080(b)(1) is amended to read:

11 (1) "alcoholic beverage" means a spirituous, vinous, malt, or other
12 fermented or distilled liquid, whatever the origin, that is intended for human
13 consumption as a beverage and that contains one-half of one percent or more of
14 alcohol by volume, whether produced commercially or privately; however, in an area
15 that has adopted a **local option under AS 04.11.491** [LOCAL-OPTION
16 PROHIBITION UNDER AS 04.11.490 - 04.11.500], "alcoholic beverage" means a
17 spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that
18 is intended for human consumption as a beverage **by the person who possesses or**
19 **attempts to possess it** and that contains alcohol in any amount if the liquid is
20 produced privately, or that contains one-half of one percent or more of alcohol by
21 volume, if the liquid is produced commercially;

22 * **Sec. 59.** AS 04.21.080(b)(9) is amended to read:

23 (9) "established village" means **an area that does not contain any**
24 **part of an incorporated city or another established village and that is**

25 (A) an unincorporated community that is in the unorganized
26 borough and that has 25 or more permanent residents; or

27 (B) an unincorporated community that is in an organized
28 borough, has 25 or more permanent residents, and

29 (i) is on a road system and is located more than 50
30 miles outside the boundary limits of a unified municipality, or

31 (ii) is not on a road system and is located more than 15

1 miles outside the boundary limits of a unified municipality;

2 * **Sec. 60.** AS 05.15 is amended by adding a new section to article 1 to read:

3 Sec. 05.15.097. NOTICE TO THE ALCOHOLIC BEVERAGE CONTROL
4 BOARD. If, after notice and hearing, the department determines that a person has
5 violated a provision of this chapter related to gambling and the person is a licensee or
6 permittee under AS 04, the department shall provide notice of the violation to the
7 Alcoholic Beverage Control Board.

8 * **Sec. 61.** AS 15.07.064(g) is amended to read:

9 (g) In this section, "established village" **means an unincorporated**
10 **community that is in**

11 **(A) the unorganized borough and that has 25 or more**
12 **permanent residents; or**

13 **(B) an organized borough, has 25 or more permanent**
14 **residents, and**

15 **(i) is on a road system and is located more than 50**
16 **miles outside the boundary limits of a unified municipality, or**

17 **(ii) is not on a road system and is located more than**
18 **15 miles outside the boundary limits of a unified municipality**

19 [HAS THE MEANING GIVEN IN AS 04.21.080].

20 * **Sec. 62.** AS 18.65.085(a) is amended to read:

21 (a) There is established in the Department of Public Safety, division of state
22 troopers, a narcotic drugs and alcohol enforcement unit for the purpose of investigating
23 and combating the illicit sale and distribution of narcotic drugs and alcoholic beverages
24 in the state. Enforcement of the alcoholic beverage control laws shall focus primarily
25 on the investigation, apprehension, and conviction of persons who violate
26 AS 04.11.010 by selling, importing, or possessing alcoholic beverages in violation of
27 **a local option** [AN ORDINANCE] adopted by a municipality or established village
28 under **AS 04.11.491** [AS 04.11.490 - 04.11.500].

29 * **Sec. 63.** AS 18.65.085(c) is amended to read:

30 (c) The Department of Public Safety may establish and administer a reward
31 program, and provide grants to municipalities, established villages, and, at the request

1 of a municipality or established village, to a nonprofit association that administers a
2 village public safety officer program, for reward programs leading to the apprehension
3 and conviction of persons who violate AS 04.11.010 by selling, importing, or
4 possessing alcoholic beverages in violation of **a local option** [AN ORDINANCE]
5 adopted by a municipality or established village under **AS 04.11.491** [AS 04.11.490
6 - 04.11.500].

7 * **Sec. 64.** AS 29.20.270(e) is amended to read:

8 (e) The veto does not extend to an ordinance adopted under **AS 04.11.501**
9 [AS 04.11.498]. This subsection applies to home rule and general law municipalities.

10 * **Sec. 65.** AS 29.25.020(d) is amended to read:

11 (d) This section does not apply to an ordinance proposed under
12 **AS 04.11.507(d)** [AS 04.11.502(c)].

13 * **Sec. 66.** AS 29.25.070(d) is amended to read:

14 (d) This section does not apply to an ordinance adopted under **AS 04.11.501(c)**
15 [AS 04.11.498(d) OR (e)].

16 * **Sec. 67.** AS 29.35.080(a) is amended to read:

17 (a) A municipality may regulate the possession, barter, sale, importation, and
18 consumption of alcoholic beverages **under AS 04.11.480 - 04.11.509** [IN
19 ACCORDANCE WITH AS 04.11.480 - 04.11.506] and AS 04.21.010.

20 * **Sec. 68.** AS 34.03.360(6) is amended to read:

21 (6) "illegal activity involving alcoholic beverages" means a person's
22 delivery of an alcoholic beverage in violation of AS 04.11.010(b) in an area where the
23 results of a local option election have, under **AS 04.11.491** [AS 04.11.490 -
24 04.11.500], prohibited the Alcoholic Beverage Control Board from issuing, renewing,
25 or transferring a liquor license or permit under AS 04;

26 * **Sec. 69.** AS 47.37.045(e) is amended to read:

27 (e) In this section,

28 (1) "established village" **means an unincorporated community that**

29 **is in**

30 **(A) the unorganized borough and that has 25 or more**
31 **permanent residents; or**

1 (B) an organized borough, has 25 or more permanent
2 residents, and

3 (i) is on a road system and is located more than 50
4 miles outside the boundary limits of a unified municipality, or

5 (ii) is not on a road system and is located more than
6 15 miles outside the boundary limits of a unified municipality

7 [HAS THE MEANING GIVEN IN AS 04.21.080(b)];

8 (2) "local governing body" has the meaning given in AS 04.21.080(b);

9 (3) "nonprofit organization" means an organization that qualifies for
10 exemption from taxation under 26 U.S.C. 501(c)(3) or (4) (Internal Revenue Code).

11 * **Sec. 70.** AS 04.11.090(c), 04.11.190, 04.11.490, 04.11.492, 04.11.496, 04.11.498,
12 04.11.500, 04.11.502, 04.11.504, 04.11.506, and 04.11.510(d) are repealed.

13 * **Sec. 71.** TRANSITION: LOCAL OPTIONS EARLIER ADOPTED. Notwithstanding
14 the provisions of this Act, local options adopted by an area under AS 04.11.490, 04.11.492,
15 04.11.496, 04.11.498, or 04.11.500 or previous local option laws before the effective date of
16 this Act shall continue in effect until changed under AS 04.11.493 or removed under
17 AS 04.11.495. References in this Act to local option elections conducted under AS 04.11.491,
18 04.11.493, 04.11.495, 04.11.497, 04.11.499, 04.11.501, 04.11.503, 04.11.505, and 04.11.507
19 are to be interpreted to include local option elections conducted under AS 04.11.490,
20 04.11.492, 04.11.496, 04.11.498, 04.11.500, or 04.11.502 or previous local option laws in
21 effect before the effective date of this section.

22 * **Sec. 72.** TRANSITION: EXISTING LOCAL OPTION PETITIONS. A petition to adopt
23 or remove a local option on file with a municipality or the lieutenant governor on the effective
24 date of this section that has not been voted on is void and may not be placed on an election
25 ballot.

26 * **Sec. 73.** TRANSITION: COMMUNITY LIQUOR LICENSES. A community liquor
27 license issued under AS 04.11.190 before the effective date of this section to operate a
28 beverage dispensary shall continue as a beverage dispensary license under AS 04.11.090. A
29 community liquor license issued under AS 04.11.190 before the effective date of this section
30 to operate a package store shall continue as a package store license under AS 04.11.150.

31 * **Sec. 74.** TRANSITION. A person licensed under AS 04.11.160 on the effective date of

1 this section shall submit the information required under AS 04.11.160(f), added by sec. 11 of
2 this Act, by September 30, 1995.

3 * **Sec. 75.** TRANSITION: IMPLEMENTATION OF BIENNIAL SEASONAL LICENSES.

4 (a) Approximately one-half of the applicants for 1996 renewal of a seasonal license issued
5 by the Alcoholic Beverage Control Board, as determined by the director of the Alcoholic
6 Beverage Control Board, shall be eligible for a one-year seasonal license. These licenses
7 expire, unless renewed, on December 31, 1996, and may be renewed biennially in even-
8 numbered years after that. The 1996 renewal fee for these licenses is one-half of the seasonal
9 biennial license fee.

10 (b) Applicants whose licenses are not renewed under (a) of this section shall be
11 eligible for a two-year seasonal license. These licenses expire, unless renewed, on
12 December 31, 1997, and may be renewed biennially in odd-numbered years.

13 (c) The director shall notify each licensee in writing as to whether the licensee shall
14 apply for renewal under (a) or (b) of this section, and of the actual amount of the renewal fee.
15 The notice must be given not later than December 1, 1995. However, the failure of the
16 director to provide the notice required in this subsection does not prevent a license from
17 expiring on February 28, 1996, under AS 04.11.540, if the renewal application is not filed on
18 or before that date.

19 * **Sec. 76.** TRANSITION: REGULATIONS. Notwithstanding sec. 81 of this Act, the
20 Alcoholic Beverage Control Board may proceed to adopt regulations necessary to implement
21 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
22 before July 1, 1995.

23 * **Sec. 77.** PROHIBITION ON PURCHASE OR CERTAIN ALCOHOLIC BEVERAGES.
24 Beginning July 1, 1995, and ending June 30, 1996, a person licensed as a wholesaler under
25 AS 04.11.160 may not purchase an alcoholic beverage that contains more than 76 percent
26 alcohol by volume.

27 * **Sec. 78.** TRANSITION: BOARD MEMBERS. The provisions of secs. 1 and 2 of this
28 Act do not apply to a person who is serving as a member of the Alcoholic Beverage Control
29 Board on the effective date of this Act.

30 * **Sec. 79.** Section 76 of this Act takes effect immediately under AS 01.10.070(c).

31 * **Sec. 80.** AS 04.16.110(2), enacted by sec. 34 of this Act, takes effect July 1, 1996.

1 * **Sec. 81.** Except as provided in secs. 76 and 80 of this Act, this Act takes effect July 1,
2 1995.