

Introduced: 2/17/86
Referred: State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY BINKLEY

2

HOUSE BILL NO. 659

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to regulation of alcoholic bever-

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ages."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 04.11 is amended by adding a new section to read:

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Sec. 04.11.498. PROHIBITION OF POSSESSION OF ALCOHOLIC BEVER-

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AGES. (a) The following question, appearing alone, may be placed

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before the voters of a municipality or an established village in

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accordance with AS 04.11.502: "Shall the possession of alcoholic

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beverages be prohibited in (name of municipality or vil-

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lage)? (yes or no)".

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(b) If a majority of the voters vote "yes" on the question set

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out in (a) of this section, a person, beginning on the first day of

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the month following certification of the results of the election, may

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not knowingly possess an alcoholic beverage in the municipality or

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established village, unless the alcoholic beverage is sacramental wine

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to be used for bona fide religious purposes based on tenets or teach-

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ings of a church or religious body, is limited in quantity to the

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amount necessary for religious purposes, and is dispensed only for

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religious purposes by a person authorized by the church or religious

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body to dispense the sacramental wine. The board shall be notified

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immediately after certification of the results of the election and

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thereafter may not issue, renew, or transfer between holders or loca-

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tions a license for licensed premises located within the boundaries of

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the municipality and within unincorporated areas within five miles of

1 the boundaries of the municipality or within the perimeter of the
2 established village. Licenses that may not be renewed because of a
3 local option election held under this section are void on the first
4 day of the month following certification of the election.

5 (c) If a majority of the voters vote "no" on the question set
6 out in (a) of this section or vote "yes" on the questions set out in
7 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
8 AS 04.11.502 after an election in which the voters voted "yes" on the
9 question set out in (a) of this section, the prohibition on the
10 possession of alcoholic beverages is removed effective 90 days after
11 the results of the election are certified except as those prohibitions
12 continue to be imposed in accordance with the results of the
13 subsequent election.

14 * Sec. 2. AS 04.16.200 is amended by adding a new subsection to read:

15 (f) A person who possesses alcoholic beverages in a municipality
16 or established village in violation of AS 04.11.498 may, upon con-
17 viction, be punished by a fine not to exceed \$1,000, or be ordered to
18 perform community work under AS 12.55.055.

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

20 (a) The following are subject to forfeiture:

21 (1) alcoholic beverages manufactured, sold, offered for
22 sale or possessed for sale, bartered or exchanged for goods and ser-
23 vices in this state in violation of AS 04.11.010; alcoholic beverages
24 stocked, warehoused, or otherwise stored in violation of AS 04.21.060;
25 alcoholic beverages possessed, sold or offered for sale in an area
26 where the results of a local option election have, under AS 04.-
27 11.490 - 04.11.500, prohibited the possession of alcoholic beverages
28 or the board from issuing, renewing, or transferring one or more
29 licenses or permits under this title in the area; alcoholic beverages

1 transported into the state and sold to persons not licensed under this
2 chapter in violation of AS 04.16.170(b);

3 (2) materials and equipment used in the manufacture, sale,
4 offering for sale, possession for sale, barter or exchange of alco-
5 holic beverages for goods and services in this state in violation of
6 AS 04.11.010; materials and equipment used in the stocking, warehous-
7 ing, or storage of alcoholic beverages in violation of AS 04.21.060;
8 materials and equipment used in the sale or offering for sale of an
9 alcoholic beverage in an area where the results of a local option
10 election have, under AS 04.11.490 - 04.11.500, prohibited the board
11 from issuing, renewing, or transferring one or more licenses or per-
12 mits under this title in the area;

13 (3) aircraft, vehicles, or vessels used to transport, or
14 facilitate the transportation of

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

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

20 (C) alcoholic beverages imported into a municipality
21 or established village in violation of AS 04.11.496;

22 (D) alcoholic beverages possessed in violation of
23 AS 04.11.498;

24 (4) alcoholic beverages found on licensed premises that
25 [WHICH] do not bear federal excise stamps if excise stamps are re-
26 quired under federal law;

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

29 * Sec. 4. AS 04.21.010(a) is amended to read:

1 (a) A municipality may adopt ordinances governing the barter,
2 sale, and consumption of alcoholic beverages within the municipality
3 as necessary for the orderly conduct of the business of selling alco-
4 holic beverages within the municipality and may ban possession of
5 alcoholic beverages. An ordinance adopted under this section may not
6 be inconsistent with this title or regulations adopted under this
7 title.

8 * Sec. 5. AS 29.35.080(a) is amended to read:

9 (a) A municipality may regulate the possession, barter, sale,
10 importation, and consumption of alcoholic beverages in accordance with
11 AS 04.11.480 - 04.11.506 and AS 04.21.010.