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Referred: Labor and Commerce

6-0314A

1 IN THE SENATE

BY BINKLEY

2

SENATE BILL NO. 297

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to licensing, sale, transportation,
7 importation, and possession of alcoholic beverages;
8 relating to local option election ballots; and pro-
9 viding for an effective date."

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

11 * Section 1. AS 04.11.150(a) is amended to read:

12 (a) Except as provided under (h) of this section, a package
13 store license authorizes the holder to sell alcoholic beverages to a
14 person in response to a verbal solicitation for purchase received from
15 the person present on the licensed premises, and if authorized by the
16 board, to sell alcoholic beverages [OR] in response to a written
17 solicitation made by a person known to the licensee for a purchase to
18 be received by the person making the solicitation. An authorization
19 by the board to sell alcoholic beverages in response to a written
20 solicitation is valid only for the calendar year in which it is is-
21 sued.

22 * Sec. 2. AS 04.11.150(h) is amended to read:

23 (h) A package store licensee, agent, or employee may not ship
24 more than 12 [EIGHTEEN] liters of distilled spirits within a monthly
25 period to a purchaser off the licensed premises if the shipment is to
26 an area that has restricted the sale of alcoholic beverages under
27 AS 04.11.490, 04.11.492, or 04.11.500.

28 * Sec. 3. AS 04.11.498(c) is amended to read:

29 (c) If a majority of the voters of an established village vote

1 "yes" on the question set out in (a) of this section and the sale of
2 alcoholic beverages, or the sale and importation of alcoholic beverages,
3 has not been previously prohibited in the established village in
4 accordance with AS 04.11.490 or 04.11.496, a person [, BEGINNING 90
5 DAYS AFTER CERTIFICATION OF THE RESULTS OF THE ELECTION,] may not
6 knowingly possess an alcoholic beverage in the established village,
7 unless the person is licensed by the board or the alcoholic beverage
8 is 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
10 amount necessary for religious purposes, and is dispensed only for
11 religious purposes by a person recognized by the church or religious
12 body as authorized to dispense the wine. If there are licensed premises
13 within the established village, the prohibition is effective
14 beginning 90 days after the results of the election are certified. If
15 there are no licensed premises within the established village, the
16 prohibition is effective beginning 60 days after the results of the
17 election are certified. The board shall be notified immediately after
18 certification of the results of the election and thereafter may not
19 issue, renew, or transfer between holders or locations a license for
20 licensed premises located within the perimeter of the established
21 village [AS DEFINED IN AS 04.21.080(b)(8)]. Licenses that may not be
22 renewed because of a local option election held under this section are
23 void 90 days after the results of the election are certified. A
24 license that will expire during the 90 days after the results of a
25 local option election under this section are certified may be extended
26 until it is void under the section, by payment of a prorated portion
27 of the annual license fee.

28 * Sec. 4. AS 04.11.498(e) is amended to read:

29 (e) If a majority of the voters of a municipality vote "yes" on

1 the question set out in (a) of this section and the sale of alcoholic
2 beverages, or the sale and importation of alcoholic beverages, has not
3 been previously prohibited in the municipality in accordance with
4 AS 04.11.490 or 04.11.496, an ordinance is adopted that provides that
5 [BECOMES EFFECTIVE BEGINNING 90 DAYS AFTER CERTIFICATION OF THE RE-
6 SULTS OF THE ELECTION, AND] a person may not knowingly possess an
7 alcoholic beverage in the municipality, unless the alcoholic beverage
8 is 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
10 amount necessary for religious purposes, and is dispensed only for
11 religious purposes by a person recognized by the church or religious
12 body as authorized to dispense the wine. The board shall be notified
13 immediately after the adoption of the ordinance and thereafter may not
14 issue, renew, or transfer between holders or locations a license for
15 licensed premises located within the boundaries of the municipality
16 and within unincorporated areas within five miles of the boundaries of
17 the municipality. If there are licensed premises within the municipi-
18 ality, the prohibition is effective beginning 90 days after the
19 results of the election are certified. If there are no licensed
20 premises within the municipality, the prohibition is effective be-
21 ginning 60 days after the results of the election are certified.
22 Licenses that may not be renewed because of a local option election
23 held under this section are void 90 days after the results of the
24 election are certified. A license that will expire during the 90 days
25 after the results of a local option election under this section are
26 certified may be extended, until it is void under this section, by
27 payment of a prorated portion of the annual fee.

28 * Sec. 5. AS 04.11.500 is amended by adding a new subsection to read:

29 (d) If the question set out in (a) of this section is placed on

1 the ballot of an established village in which there are no licensed
2 premises, the board shall, at least 10 days before the election, post
3 written notice at two public places within the established village of
4 the requirements in AS 04.11.320(a) concerning issuance of a new
5 license in an established village in which there are no licensed
6 premises.

7 * Sec. 6. AS 04.11.502(a) is amended to read:

8 (a) The local governing body of a municipality, whenever a
9 number of registered voters equal to at least 35 percent of the number
10 of votes cast at the last regular municipal election petition the
11 local governing body to do so, shall place upon a separate ballot at
12 the next regular election or at a special election whichever question
13 [OR COMBINATION OF QUESTIONS] set out in AS 04.11.490 - 04.11.500
14 constitutes the subject of the petition. The local governing body
15 shall conduct the election in accordance with the election ordinance
16 of the municipality and may prepare the election ballots in English
17 and a second language specified by the local governing body.

18 * Sec. 7. AS 04.11.502(b) is amended to read:

19 (b) The lieutenant governor, whenever 35 percent of the regis-
20 tered voters residing within an established village petition the
21 lieutenant governor to do so, shall place upon a separate ballot at a
22 special election that question [OR COMBINATION OF QUESTIONS] set out
23 in AS 04.11.490 - 04.11.500 that constitutes the subject of the peti-
24 tion. The lieutenant governor shall conduct the election in the
25 general manner prescribed by the Alaska Election Code (AS 15).

26 * Sec. 8. AS 04.11.502 is amended by adding a new subsection to read:

27 (e) After a petition has been filed under (b) of this section,
28 the local governing body of the established village may request that
29 ballots for an election under (b) of this section be prepared in

1 English and in a second language specified by the local governing
2 body. If the local governing body makes its request under this sub-
3 section at least 90 days before the election, the lieutenant governor
4 shall honor the request.

5 * Sec. 9. AS 04.11.506 is amended to read:

6 Sec. 04.11.506. NOTICE OF THE RESULTS OF A LOCAL OPTION ELEC-
7 TION. (a) If a majority of the voters vote "yes" on a question set
8 out in AS 04.11.490 - 04.11.500, the board shall immediately notify
9 the Department of Law, the Department of Transportation and Public
10 Facilities, and the Department of Public Safety of the results of the
11 election.

12 (b) If a majority of the voters vote "yes" on a question set out
13 in AS 04.11.496 or 04.11.498, the following actions, in addition to
14 those prescribed in (a) of this section, shall be undertaken before
15 the date the prohibition on importation or possession becomes effec-
16 tive:

17 (1) the board shall notify by certified [REGISTERED] mail
18 all [HOLDERS OF] package store licensees who are authorized by the
19 board to sell alcoholic beverages in response to a written solicita-
20 tion, [LICENSES] of the prohibition;

21 (2) the municipality or established village shall post
22 notice of the prohibition in the municipality or village;

23 (3) the Department of Transportation and Public Facilities
24 shall post notice of the prohibition near the boundaries of the munic-
25 ipality or established village along state highways connected to the
26 state highway system.

27 * Sec. 10. AS 04.16.125(a) is amended to read:

28 (a) A person may not use a common carrier to transport alcoholic
29 beverages into an area that has restricted the sale of alcoholic

1 beverages under AS 04.11.490, 04.11.492, or 04.11.500 and a common
2 carrier may not knowingly transport alcoholic beverages into an area
3 that has restricted the sale of alcoholic beverages under AS 04.11.-
4 490, 04.11.492, or 04.11.500 unless

5 (1) the shipping container holding the alcoholic beverages
6 is clearly labeled as containing alcoholic beverages with letters that
7 contrast in color to the shipping container and that are at least two
8 inches in height; and

9 (2) an itemized invoice showing the purchase value of the
10 alcoholic beverages is attached, by the purchaser or the licensee who
11 sells the alcoholic beverages, to the outside of the shipping con-
12 tainer.

13 * Sec. 11. AS 19.05.030 is amended to read:

14 Sec. 19.05.030. DUTIES OF DEPARTMENT. The department has the
15 following duties:

16 (1) direct approved highway planning and construction and
17 maintenance, protection and control of highways;

18 (2) employ assistants and employees;

19 (3) certify and approve vouchers;

20 (4) provide a program of highway research;

21 (5) prepare a budget;

22 (6) review the annual highway program;

23 (7) develop and implement an avalanche control plan to
24 protect persons who use public highways;

25 (8) erect signs providing notice required under AS 04.11.-
26 506(b).

27 * Sec. 12. This Act takes effect July 1, 1989.