

HB

246

108

House Judiciary Committee
April 24, 1975
page 2

SB 99 Public records

The committee felt that (b) should be in title 11.
line 12: change hinder to withhold or deny or obstructs
of to a phrase using several other words.
line 11: change to the person responsible for the custody
of the records -- also in line 17

HB 246 Liquor license

Don Clocksin stated that the first section concerns notice. Section 2 provides that if one person objects to any license filed, the ABC Board has the option of accepting his protest. If 35% of the adults object, an election is required in which they can vote to go dry. This must cover all establishments in the area and not be selective. Outside a village, if a majority of the people object at a public hearing, the Board may refuse to grant the license. Section 4 makes a violation of the law a misdemeanor so that Troopers could be called in to enforce.

Mr. Bradley moved the C & RA CS out of committee do pass. There being no objection, it was so ordered.

SB 180 Salmon Hatcheries

Phil Daniels stated that the bill will require Fish and Game to cooperate with private hatchery groups. This was the legislative intent in allowing private hatchery groups in the past but this apparently was not clear to the Department because some problems developed.

Mr. Brown moved SB 180 out of committee do pass.

The committee agreed that the four bills discussed earlier should go to legislative affairs to make sure that they were in the correct titles.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

File HB246
JAY S. HAMMOND, Governor

POUCH S—JUNEAU 99801

March 26, 1975

The Honorable Samuel Cotten
Chairman
House Community Regional Affairs Committee
Alaska State Legislature
State Capitol
Juneau, Alaska

Re: House Bill No. 246

Dear Mr. Cotten:

House Bill No. 246, an Act relating to liquor licenses and municipal regulation of the sale of intoxicating liquor was introduced in the House on March 3, 1975 and was referred to the House Community and Regional Affairs and Judiciary Committees.

Under the date of March 4, 1975 I requested by memorandum dated March 4, 1975 addressed to Linda Brown, Director, Alcoholic Beverage Control Board, Anchorage, Alaska a review of the proposed legislation for comments on costs or problems of administration.

Attached is a copy of a memorandum from Linda Brown, Director, Alcoholic Beverage Control Board, Anchorage, Alaska concerning the subject bill.

If you or any members of your Committee have any questions on the material submitted, please contact the writer by telephone at 465-2397 and I will contact Linda Brown for further material for submission to the Committee.

Very truly yours,

R. D. Stevenson
Special Assistant

cc: The Honorable Terry Gardiner
Chairman
House Judiciary Committee

MEMORANDUM

TO: Linda Brown
Director
Alcoholic Beverage Control Board
Anchorage, Alaska

DATE: March 4, 1975

FILE NO:

FROM: R. D. Stevenson
Special Assistant
Department of Revenue

SUBJECT: House Bill No. 246

Attached is a copy of House Bill No. 246, an Act relating to liquor licenses and municipal regulation of the sale of intoxicating liquor.

Please review the proposed legislation and prepare a memorandum to the writer advising of costs or problems of administration.

STATE
of ALASKA

MEMORANDUM

TO:

R. D. Stevenson
Special Assistant
Department of Revenue
Juneau

DATE : March 12, 1975

FROM:

Linda E. Brown, Director *LB*
ABC Board
Anchorage

SUBJECT: HB No. 246

In response to your memo on the above, I would like to make the following comments:

The amendment to AS 04.10.200 is very difficult. We could require posting affidavits as in a new application, but it greatly increases paperwork. In all fairness to the industry, it is an added burden. If the purpose of this is to increase public knowledge of their right to protest a reissuance, it is an awkward and expensive method.

Regarding the amendment to AS 04.10.300, reference is made to line 27, and the words "or otherwise." I am in doubt just what it means, and suspect that nobody else will either, leaving it very open to interpretation. It doesn't make sense to discuss hearings and make a vague reference to other possibilities at the same time. The purpose of the hearing is to determine whether a license may be issued by giving everyone a chance to speak. It should lead to a final resolution of the issues. The "or otherwise" could keep an issue going indefinitely with all the accompanying headaches these situations produce.

The rest of the amendments appear to be helpful.

Thanks for your interest.

LEB:vk

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
315 FIFTH STREET, SUITE 8
JUNEAU, ALASKA 99801
TELEPHONE 586-~~XXXX~~ 6425

MEMORANDUM

TO: House Judiciary Committee
FROM: Donald E. Clocksin *DE*
RE: CSHB 246 - Liquor Licensing
DATE: April 23, 1975

I. Background.

At the Bush Justice Conference at Minto in June, 1974, the problems of alcohol in rural Alaska were discussed extensively. It was felt by people at the Minto Conference that abuse of alcohol was one of the most pressing problems facing the bush. While urban areas had ways of controlling liquor, the bush areas had little to say about the presence of liquor.

The Conference adopted the following recommendations relating to this issue:

THAT PARTICIPATION OF VILLAGE PEOPLE IN VIRTUALLY ALL AGENCIES OF THE JUSTICE SYSTEM IS SEVERELY LACKING

1. Recommendation: that all State regulatory agencies guarantee village input into agency decisions by visiting the villages, and making the villages' needs and wishes known to the decision body.
2. Recommendation: that liquor licenses issued to unincorporated areas be revokable upon request by a majority of the residents of the area without those residents having to first organize a municipal government.
3. Recommendation: that legislation be enacted to enable a Native village to vote dry and enforce such legislation against residents of the village, visitors and any carrier who knowingly transports liquor into the village in violation of this legislation.

4. Recommendation: that legal and other public notices to bush villages be simple, clear, and bilingual so that they can be understood.
5. Recommendation: that all notices be given so that they reach the people, and that radio and tv be used more often to give these notices.

II. Present Law.

The present procedure is for an applicant to file an application, which must be posted for 10 days on the proposed licensed premises, at the nearest post office, and at one other place. No new license may be issued if there is already more than one license for each 1500 population in the city (1500 within 5 miles in unincorporated areas). Once issued the license is renewed automatically unless the licensee is convicted of a crime or the Board has revoked it. In an incorporated city a local option election is allowed. In unincorporated areas a protest is allowed which is not binding on the Board. If a license is for an unincorporated area more than 50 miles from a municipality, 2/3 of the residents must approve of the issuance of a license.

In smaller incorporated communities there is not sufficient law enforcement to enforce a dry ordinance; state assistance is needed. In unincorporated villages there is no power to go dry; the village residents can only object at the initial issuance of a license, often without sufficient notice.

III. What the Bill Would Do.

CSHB 246 does three things:

1. Notice. Section 1 modifies the notice requirements to require public notice of reissuance, renewal, and transfer of licenses, as well as initial issuance. The notice shall be bilingual where necessary, and shall utilize the most effective means of notice, e.g. radio, tv, etc.
2. Local Protests. Section 2 provides for three situations in which local protest is allowed in unincorporated areas. The section extends the right to protest to reissuances, renewals and transfers.
 - a. A single resident outside a municipality may protest licenses within two miles of where he lives. A public hearing in the areas may be held by the ABC Board.

- b. If 35% of adult residents in and around an unincorporated "established village", as defined by the Department of Community and Regional Affairs, protest, an election conducted by DCRA must be held. The results are binding on the Board.
- c. If the Board schedules a hearing to hear protests in an unincorporated area outside an established village, and a majority of the residents within two miles object, the Board may refuse to issue, reissue, renew, or transfer the license.

Section 3 of CSHB 246 limits the automatic renewal of a license to take into account the Section 2 protests.

- 3. Local Option Election. Section 4 provides that, once a local option election has been held in an incorporated area, violation of any ordinance adopted is a misdemeanor. This allows the State Troopers to assist in enforcement.

IV. Support.

Phillip Wall, ex-director of the ABC Board, assisted in drafting the Committee Substitute. He is in support of the principle of the bill. Linda Brown, the present ABC Board director, should support the bill. The Department of Community and Regional Affairs has no objection that I am aware of. Ben Marsh, representing the Cabaret, Hotel, and Restaurant Owners Association, did not oppose the bill, once it was altered so that the protest procedure did not apply in municipalities.

DEC:mjb

Present Law

Sec. 04.10.200. Posting of application. Before a new license is issued the applicant shall post a true copy of the application for license at the location of the premises, at the nearest post office

and at one other conspicuous location in the area, for a period of 10 days before the filing of the application. The applicant shall submit with the application proof of posting on a form to be provided by the board. (§ 35-4-22(B) ACLA 1949; am § 1 ch 181 SLA 1953; am § 2 ch 181 SLA 1957; am § 2 ch 197 SLA 1959; am § 7 ch 183 SLA 1960)

Sec. 04.10.300. Protest of issuance. A resident of an area outside an incorporated city who desires to protest the issuance of a license in the voting area in which he resides, shall serve upon the applicant and the board a written statement of the reasons for his protest. Upon the receipt of the protest, the board may give notice and hold a hearing, in the voting precinct in which the protestant resides, at which all persons interested may be heard. If at the hearing it appears that the majority of the citizens over the age of 19 years, residing within two miles of the place for which a license is sought, object to the issuance of the license, the board shall refuse to issue the license. (§ 35-4-22(F) ACLA 1949; am § 1 ch 181 SLA 1953; am § 2 ch 181 SLA 1957; am § 2 ch 197 SLA 1959; am § 4 ch 53 SLA 1973)

Effect of amendment.—The 1973 amendment substituted "city" for "town" in the first sentence and "19" for "21" in the third sentence.

Legislative committee report.—For report on ch. 53, SLA 1973 (CS111 382), see 1973 House Journal, pp. 793, 886.

A M E N D M E N T

TO: CSHB 246

BY ELIASON

On page 1, line 6, after "licenses", insert: "ees,"

On page 1, between lines 8 and 9, insert, and renumber bill sections accordingly:

* Section 1. AS 04.10.110 is amended to read: .

Sec. 04.10.110. WHOLESALE LICENSE. (a) The holder of a general wholesale license may sell intoxicating liquors in the original package, and wine in bulk, in quantities of not less than five wine gallons to holders of licenses. The holder of a general wholesale license may not, sell to a consumer. Liquor requiring internal revenue strip stamps shall have the stamps intact on the package. A general wholesale license shall be required for each distributing point. The general wholesale license fee schedule is based upon the total amount of business transacted during any year and is \$500 as a minimum license fee, to accompany the application, and in payment of the fee for the first \$50,000 of business transacted, and, in addition thereto, a sum equal to one per cent of the business transacted during the year for which the license is issued. [ON THE BUSINESS TRANSACTED DURING ANY YEAR,

ABOVE \$50,000 AND NOT OVER \$75,000	A FEE OF \$ 250
ABOVE \$75,000 AND NOT OVER \$100,000	A FEE OF \$ 500
ABOVE \$100,000 AND NOT OVER \$125,000	A FEE OF \$ 750
ABOVE \$125,000 AND NOT OVER \$150,000	A FEE OF \$1000
ABOVE \$150,000 AND NOT OVER \$175,000	A FEE OF \$1250
ABOVE \$175,000 AND NOT OVER \$200,000	A FEE OF \$1500
ABOVE \$200,000 AND NOT OVER \$250,000	A FEE OF \$2000

HOUSE JOURNAL

House Judiciary Committee
Statement of Intent
CS HB 246

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