

SB

599

To Ben

Date 5/2 Time 3:20

WHILE YOU WERE OUT

M Jim Rolfe

of \_\_\_\_\_

Phone \_\_\_\_\_

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH

RETURNED YOUR CALL

Message They have no  
problem w/ committee  
subst for 599

Cindy  
Operator

AT THE REGULAR MEETING ON APRIL 27, 1974 THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY VOTED TO SUPPORT IN CONCEPT SENATE BILL 599. EDH

TO: SENATE 0934  
FROM: HEBERT BUCHANAN, FAIRBANKS NORTH STAR BOROUGH, BOX 1267, PI 45-4761

PLEASE DELIVER THE FOLLOWING MESSAGES:

TO: DINDY, JIM  
FROM: APRIL, BDX

LAST 2101 16.08 JAO1 024 16.04 05/01/74

F: 58559

Adco & Western Front, Inc.

Call Nome City Mgr - see if SB599 may be of any help.  
SB 599

# Nome May Compromise On Liquor Ban

NOME (AP) — More than enough signatures have been gathered on this historic Bering Sea goldmining town. But townspeople say a compromise may be in the works. Supporters of a petition that would make it illegal to sell liquor in Nome met with businessmen Thursday to discuss the situation. The liquor business employs 89 persons on a full-or parttime basis in Nome, a city with 2,500 residents. The industry also provides a healthy

chunk of city revenues. All those attending the meeting agreed that there is a problem with excessive alcohol abuse in the community. But they also seemed to agree that elimination of liquor was unacceptable for economic reasons. Members of the newly formed Nome Business Owners Association plan to work on the problem with bar owners, law enforcement officers, judges and members of the Ministerial Association. The citizens plan to form a nine-

member committee, the Nome Alcohol Control Board, to help resolve the problem.

Under a draft proposal, the Nome City Council would empower the board to effectively enforce liquor regulations, such as those making it illegal to serve inebriated persons. Shorter bar hours also are contemplated. And those in the liquor business would be called upon to police their own activities and help limit alcohol abuse.

Another meeting was planned

later this month to firm up the proposal and to select members of the board.

SENATE COMMUNITY AND REGIONAL AFFAIRS  
COMMITTEE MINUTES

May 2, 1978

Present: Senators Hackney, Willis Sumner and Orsini; Pat Conheady, Department of Natural Resources; Jack Chenoweth, Legislative Affairs Agency; Ben Marsh, Cook Inlet Air Resources; Janet Pursley, Cook Inlet Air Resources; Karla Pursley, Cook Inlet Air Resources.

Absent: Senator Ferguson

Senate Bill 599, SCR 103 and CSHB 133 were before the Committee.

SENATE BILL 599

Jack Chenoweth, Legislative Affairs Agency, stated that since the coastal management regulations are prepared by the Coastal Policy Council and are not defined by the Coastal Management Act as part of the program, they need not be presented to the Legislature for approval. He also stated that, if the Legislature were not required to approve them, they are no more or less than any other set of regulations that are adopted by any other state agency and are therefore subject to any resolution put in by a member or by the Administrative Regulation Review Board.

Chairman Orsini stated that his interpretation of a conversation with Jack Chenoweth earlier lead him to believe that there were possible legal ramifications to adopting the resolution that formally approves the regulations, and thereby not being able to disapprove them in the future.

Mr. Chenoweth stated that he could not say that there were no legal ramifications but the regulations are not obligated to come before the legislature for approval.

The Committee concluded that either with or without Legislative endorsement the regulations would take effect. The Committee agreed to see the Federal Coastal Zone Officials at Tuesday's C&RA meeting if they were available.

CS FOR HOUSE BILL 133

Chairman Orsini stated that since other committees have insufficiently addressed the Anchorage land situation involving this bill that this Committee would have to go more deeply into it. He also stated that this version of the bill is roughly comparable to the version that came out of House C&RA with the exception of monetary possibilities and slightly changed acreages. Pat Conheady, Department of Natural Resources stated that some additions added from the House Finance Committee were still in the bill and that the most important of those was the availability of trust lands for selection. He also stated that the Department thinks this is a good provision. Mr. Conheady, stated that trust lands would enable the state in those communities which do not have suitable land to obtain their entitlement. Senator

Sumner stated that Anchorage had selected 20,000 acres of land on the basis that trust lands were not available for selection, and it wound up, in terms of usable land, with around 14,000. He expressed concern as to whether Anchorage was facing a situation similar to Kodiak's. He stated that he felt Mr. Hartig who has represented Kodiak, should come and talk to the Committee. Chairman Orsini asked Mr. Conheady if it would make any difference if the state had a law like this if the Beirne Initiative passes. Mr. Conheady replied that it would be good to have one to protect the municipalities' rights to selection land first before the Beirne Initiative.

Mr. Conheady stated that the fiscal note would be different from that of the House version of this bill because DNR is involved in the selection process in the Senate version and is not in the House version.

He also stated that the Department probably would not have the lands transferred by November but would have identified what lands they were looking at.

Chairman Orsini asked Mr. Conheady if the letter sent to Senator Tillion on April 19 outlining certain acreage available was still valid. Mr. Conheady replied that it was. Chairman Orsini stated to Mr. Conheady that if the Committee finds reasons to believe that those figures are not valid that his credibility with this Committee will have suffered. Mr. Conheady replied that he believed the letter to be valid to the extent of his knowledge.

The meeting was adjourned at 4:00.

SENATE COMMUNITY AND REGIONAL AFFAIRS  
COMMITTEE MINUTES

April 25, 1978

Present: Senators Orsini, Sumner, Willis and Ferguson; Roger Allington, Co-Chairman of the Alaska Coastal Management Council; Murray Walsh, Office of Coastal Management; Bruce Aronson, Department of C&RA; Pat Sharröck, ABC Board; Jim Rolle, Alaska Municipal League.

Absent: Senator Hackney came latter part of meeting.

The meeting was called to order at 3:10.

SB 533, SB 208, SB 599 and SCR 103 were the bills before the Committee.

SENATE BILL 533

Senator Sumner moved and asked unanimous consent that the Committee pass out CSSB 533 with individual recommendations.

SENATE BILL 208

Bruce Aronson, Dept. of C&RA, testified that the Department supports SB 208. Senator Sumner moved and asked unanimous consent that the Committee pass out SB 208 with individual recommendations.

SENATE BILL 599

Chairman Orsini stated that SB 599 is an outgrowth from discussions on SB 183, which is part of the Governor's Alcohol package. The bill does essentially two things -- first, it allows a municipality to adopt ordinances by which either new, renewel or transferred liquor licenses could be rejected by a municipality. If a municipality does not act to reject the license request within 30 days the application is automatically placed before the ABC Board.

Senator Sumner questioned the need to transfer a state level function, such as liquor licensing, to the local government level.

Chairman Orsini stated that Section 1 and 2 both deal with municipalities but were separate from each other. Section 2 gives an intermediate means of municipal alcoholic control if the municipality votes to do this. It would limit sales to nondistilled alcoholic beverages, such as beer and wine.

Chairman Orsini stated that he had spoken with CHAR Lobbyist, Dorothea MacDonald, and she initially had no objection to the bill but stated that the CHAR executive committee later decided to oppose it.

Pat Sharrock, Director of the Alcohol Beverage Control Board, stated that one provision of the bill that he does like is the requirement for a municipality to place a license application on its agenda for a public hearing. He stated that one are of the bill seemed to be a conflict or a duplication, which is where the applicant and the ABC

Board both would be required to send a copy of the application to the governing body involved. In regards to the 30 day waiting period provided for a municipality to disapprove an application he asked that it be specified when the 30 day count-down would begin.

Mr. Sharrock had no comments on Section 2 of the bill.

Jim Rolle, Alaska Municipal League, in response to the concern that the municipalities may be given too much power by being able to reject applications, stated that now the only protest to the ABC Board is generally in the area of health and zoning. He stated that this bill would give municipalities an option. Then if they chose not to adopt appropriate ordinances the ABC Board would continue to make the decisions. He stated that the municipal officials are, in his opinion, as effective as the ABC Board in judging what is good for their community and what isn't.

He also stated that he agreed with Mr. Sharrock that the 30 day period is confusing. He also had no comment on Section 2.

#### COASTAL MANAGEMENT GUIDELINES AND STANDARDS

Chairman Orsini stated that the Committee now has SCR 103 before the Committee approving the regulations.

Roger Allington, Co-Chairman of the Alaska Coastal Policy Council, stated that the Coastal Management regulations are slightly different from other regulations. For one, he pointed out that they are being promulgated by a specially-organized body, the Alaska Coastal Policy Council, composed of government and public members. He also noted that the intent of the regulations was to establish broad policy principles and allow local municipalities and district to draw up their own management programs essentially on a zoning basis. Furthermore, the areas themselves would draw their own boundaries for coastal management jurisdiction, providing certain criteria were met.

Although the Council extensively revised the final version of the regulations, Allington stated that on the last part of Section 85, concerning council review, was new. He also stated that there was a major change in the Timber Harvest Section of the regulations which was requested by the timber industry. There was also work done on the subsistence section. The question was raised of what would happen if local or state agency regulations conflicted with the Coastal Regulations. Mr. Allington replied that the agencies or local governments must bring their regulations into conformity with the coastal management program.

Murray Walsh, Coastal Zone Management Office, stated that the critical time would be the next six or seven months which would bring out the flaws and problems of the regulations. He also stated that the Legislature should consider an increase in state funding of this program just to give the coastal management more flexibility and eliminate some of that federal dependence.

The meeting was adjourned at 4:35.



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 3, 1978

Mayor George M. Sullivan  
Municipality of Anchorage  
Pouch 6-650  
Anchorage, Alaska 99502

Dear Mayor Sullivan:

The Senate Community and Regional Affairs Committee passed out of Committee CSSB 599 ("An Act relating to regulation of the sale of alcoholic beverages by municipalities") on May 2. This bill would allow a municipality, if it chose to exercise the option, to disapprove liquor license applications before the applications could be considered by the Alcoholic Beverage Control Board.

If a municipality did not wish to become involved in the regulation of liquor licensing, the present situation of direct licensing by the Alcoholic Beverage Control Board would continue.

A second section of CSSB 599 provides for communities, if they desire, to exercise a third option regarding the sale of alcohol in their areas. CSSB 599's provision would allow residents of a community to vote on an intermediate option of prohibiting the sale of distilled (i.e. "hard") liquor but allowing the sale of low alcoholic, non-distilled beverages (i.e. beer and wine).

CSSB 599 has no further committees of referral, except for review by the Rules Committee, before it goes to the Senate floor for a full vote.

Members of the Senate welcome at all times your comments on this legislation and your views on how these options could strengthen the effectiveness of local government. I would like to draw your attention to the fact, however, that CSSB 599 is likely to be scheduled for Senate floor action shortly and that your comments will be most useful if they can be submitted as soon as possible to the Legislature.

Sincerely,

*Joe Orsini*

JOE ORSINI  
Chairman, Senate  
Community and Regional  
Affairs Committee

JO:gd

Enclosure: CSSB 599

LETTER TO: CITY OF KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, CITY-AND  
BOROUGH OF SITKA, MUNICIPALITY OF ANCHORAGE, NORTH SLOPE BOROUGH,  
CITY OF KOTZEBUE, BRISTOL BAY BOROUGH, CITY OF DILLINGHAM,  
KENAI PENINSULA BOROUGH, CITY OF KENAI, MATANUSKA-SUSITNA BOROUGH,  
CITY OF PALMER, CITY OF NOME, CITY OF BETHEL, FAIRBANKS NORTH  
STAR BOROUGH, CITY OF FAIRBANKS, KODIAK ISLAND BOROUGH, CITY OF  
VALDEZ



STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

F: 86599  
POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

MEMORANDUM

May 4, 1978

SUBJECT: Judicial "review" of decisions of municipalities  
with respect to liquor license applications  
reviewed and disapproved under CSSB 599

TO: Senator Joseph L. Orsini

FROM: John B. Chenoweth  
Legislative Counsel

As drafted, CSSB 599 makes no specific provision for appeal of a decision by the governing body of a municipality disapproving a new license or a license renewal or transfer application under AS 04.10.265 added by the bill. The absence of specific language does not preclude judicial review of the decision of a city council or borough assembly. The general jurisdiction of the superior court encompasses civil actions, including actions based upon constitutional requirements of due process. Section 1 of the referenced bill, adding AS 04.10.265, would require, first, a general municipal ordinance describing standards for review of liquor license applications in the community and, second, review and disapproval of licenses based upon the standards. Protection against arbitrary interference with rights in a liquor license by a municipality making a decision under the section cited could be reached by an action commenced in superior court contesting the validity of the underlying municipal ordinance, challenging the compliance by the municipality with its own requirements respecting notice, opportunity for hearing and presentation of evidence, and manner of making a decision, and consistency of decision by the governing body of the municipality with the provisions of its own ordinance. The scope of "review" based upon the constitutional requirements of due process may be somewhat narrower than the general review afforded under the state's Administrative Procedure Act (AS 44.62.570), but the opportunity for an aggrieved license applicant to "test" the decision of the municipal council or assembly is not lost by the failure to provide a specific appellate procedure.

JBC:jpd



↑

SB 599

CHAR - opposes

Shannon - ABC Board



likes putting license on assembly agenda  
redundancy + question of 30 days



question of hearings by muni if not adopted  
stds



should be able to appeal a muni decision

Sec 2 OK

→ Rolle - Muni League

Anch - could benefit by establish specific board guidelines  
Other - have no authority  
health + zoning are only criteria

redun. assumes public will go to both

muni officials to judge what's good for their community

Brooks the fact:

- no objection re: Hocking

Fairbanks Daily News Mirror

# Wareham picked to fill Weldon's vacant seat

4-28-78

Lee Wareham, general manager for RCA Alascom in Fairbanks, was appointed to the Borough Assembly at the group's meeting Thursday night.

Wareham was one of 11 candidates applying for the seat, which became vacant when Assemblyman Don Weldon left Fairbanks at the beginning of April. After reviewing candidates at an informal session last Saturday, the assembly conducted a vote.

On the first ballot, Geraldine Ben-shoof, Leslye Korvola, Steve Van Sant, and Wareham were top vote-getters. Wareham was chosen on the second ballot.

His term will expire in October.

In other business Thursday, Assemblyman Dave Brennen said the ad hoc sales tax committee had recommended that the assembly continue to exempt the sales tax on food and drug items for at least a year, when adequate information on results can be obtained.

Brennen said the committee had been asked to consider re-establishing the tax, but there has not been time to gather data on the effect of the exemption.

He also said the committee soon will present the assembly with an ordinance to halt the expeditor's exemption, which allows expeditors to avoid sales taxes on items bought for use outside Fairbanks.

Brennen said there are few expeditors in town who use the exemption, but it is subject to abuse by many other people. The only requirement for obtaining an exemption card is proof of residence outside the borough.

The assembly unanimously approved a resolution requesting the state Department of Transportation to declare rural access roads closed to truck traffic, and to establish and mark truck routes through Fairbanks.

A request to consider rezoning Small Tracts subdivision from Rural Residential to General Residential will

be placed on the next assembly agenda if the borough attorney says it is legal, the assembly agreed. Bill Sexton applied to rezone his lots in the subdivision, and was turned down. The request now before the assembly would request the same rezoning for 15 lots, including Sexton's.

In another move, the assembly established the Fairbanks Metropolitan Air Quality Planning Organization, which would allow the borough, Fairbanks and North Pole governments to form a plan to bring Fairbanks under federal air quality standards.

The assembly also:

- Unanimously voted to support Senate Bill 599, which allows local control in approving or disapproving alcoholic beverage licenses;

- Denied a rezoning sought by College Utilities to build a residential office building over a proposed water storage reservoir and fire pumping station on University Avenue;

- Approved a rezoning to allow construction of a University of Alaska microwave reflector for radio waves on Ester Dome;

- Approved Hamilton Acres Park and the Jaycees Park near the state building;

- And requested a proposal from Tanana Valley Community College to contract for instructional and recreational operations at the borough swimming pools.

F: SB 599

Jack McHenna

4864

Compliments of  
DOROTHEA

F: SB599

# BERNIE'S BAR

(907) 688-9996

Star Route • Mile 22½ • Box 1122 • Chugiak, Alaska

DEAR SENATOR HACKNEY

I HAVE JUST LEARNED THAT  
YOU WERE BESIEGED BY TELEGRAMS  
WITH REGARD TO SB 548  
(NOT YOUR COMMITTEE) + SB 549.

INDEED, I AM VERY SORRY/  
ABOUT SUCH CRUDE TACTICS.

PLEASE UNDERSTAND, THAT  
CHAR + MYSELF HAVE NOTHING  
WHATSOEVER TO DO WITH THAT,  
APPARENTLY THE CULINARY  
WORKERS UNION, DUE TO AN  
ARTICLE IN THE ANCH. TIMES  
HAVE DECIDED TO INSTIGATE

Compliments of  
DOROTHEA

## BERNIE'S BAR

(907) 688-9996

Star Route - Mile 22½ - Box 1122 - Chugiak, Alaska

II

THESE PROCEDURES,

ON BEHALF OF CHAR +  
MYSELF I HOPE THIS WILL  
NOT REFLECT ON US AS AN  
ORGANIZATION. WE ARE NON-  
PARTISAN AS A GROUP, AND  
I FOR ONE DO NOT CONDONE  
SUCH PROCEDURES

VERY SINCERELY

*Dorothea McDonald*  
DOROTHEA MCDONALD

P.S. I HAVE A TERRIBLE HANDWRITING

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

F: 56599  
POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

MEMORANDUM

April 26, 1978

SUBJECT: Proposed CSSB 599, relating to liquor licenses  
TO: Senator Joseph L. Orsin  
FROM: John B. Chenoweth, Legislative Counsel

One additional amendment should be considered by the Committee before this bill is reported out. That would be a change to conform provisions of AS 04.10.350(a), relating to automatic renewal of outstanding licenses.

In this regard, I would suggest the following:

\* Sec. 3. AS 04.10.350(a) is repealed and reenacted to read:

(a) A license issued under this chapter is renewable automatically if the fee is paid in accordance with secs. 40 - 140 of this chapter. A license is not automatically renewable under this section if

(1) the license application is disapproved by the governing body of the municipality under sec. 265 of this chapter;

(2) the license application is protested in the manner provided in sec. 300 of this chapter;

Senator Joseph L. Orsini  
April 26, 1978  
Page 2

(3) the licensee has been convicted under AS 04.15.100 and the board or a court of competent jurisdiction is considering suspension or revocation of the license; or

(4) the license has been lawfully revoked.

JBC:hjd