

HB

219

Name	Address	Organization	Bill No.
Kim L. Mueller	P.O. Box 69, BARROW, AK	NSB/DPS	219, 76
CAPTAIN RONALD WENDT Dr. Ray Dexter	P.O. Box 6567, ANCHORAGE, AK 99502	SERV. AGENT CAS	
Joe Boehly	S. P 5503 Wasilla AK 99687	mat-Sa Council on Alcoholism	
Bruce D. Kyle	P.O. Box 2167 Kodiak, AK 99695	Kodiak Council on Alcoholism	
Virginia Blanchard	923 W 11 th Ave Anch 99501	Drug Abuse Bd alcohol Bd-	Drug & alcohol.
ROBERT BUTTOWAY	BOX 388, BETHEL, AK	CITY OF BETHEL	76 76 → 212
Frank J. Poplawski	unalaska		
Bernard Segal ^{Phd.}			
Brother Asz 2126			
Fred Miller - Vice Chairman of Board			
Wanda Chapman	Box 1066, Petersburg 99833	Petushky Council on Alcoholism	
Dr. Ray Fedje			

A M E N D M E N T

Offered in the HOUSE H.E.S.S.

Committee by
ABC Board

TO: HOUSE BILL NO. 219

Page 1, between lines 15 and 16

Insert the following and renumber following sections
of bill

"*Sec. 2 AS 04.10.020(g) is amended to read

(g) package liquor store [RETAIL] license;"

Page 1, line 22

In title delete "RETAIL" and insert "PACKAGE LIQUOR
STORE" and in text delete "retail" and insert "package
liquor store"

Page 2, line 7

Delete "retail" and insert "package liquor store"

Page 2, line 11

Delete "retail" and insert "package liquor store"

Page 2, line 13

Delete "retail" and insert "package liquor store"
twice

Page 2, line 14

Delete "retail liquor"

Page 4, between lines 12 and 13

Insert the following and renumber subsequent sections
of bill

"*Sec. 9. AS 04.10.140 is amended to read

AS 04.10.140. PACKAGE [RETAIL] STOCK SALE LICENSE.

The holder of a package [RETAIL] stock sale license
may sell in bulk quantities of not less than five
wine gallons per sale, but not to the consumer,
the entire stock of a former package [RETAIL] liquor

store, where the owner wishes to close out or terminate the business of the store. If the owner has been deprived of a package liquor store [RETAIL] license because of a violation of any law of the state the license shall not be issued. The license shall be issued for a period of 90 days only for each store closing out, and is not renewable. The package [RETAIL] stock sale license fee is \$100.

"*Sec. 10 AS 04.10.150 is amended to read:

Sec. 04.10.150. RESIDENCE. No Beverage dispensary license or package liquor store [RETAIL] license may be issued to a person or association or persons who have not resided in the state for at least one year prior to the date of the application, or to a corporation not qualified to do business in the state."

Page 4, line 17

After "days" insert "before filing with the board"

Page 4, lines 21 through 28

Delete present bill material and insert the following
(b) At the time the application is posted, the applicant shall also cause announcements to be made to inform the public of the proposed issuance, renewal or transfer of a license. Such announcements shall be made by newspapers and broadcasting stations with local access and coverage. If these media will not publish the announcement as a public service, a paid notice must be ordered by the applicant. Announcements must be bilingual when necessary, and the board may direct or require that the announcement be published or delivered in a language other than English that serves to inform the public.

Page 4, between lines 28 and 29, insert a new section in the bill to read

"*Sec. 12. AS 04.10.230 is amended to read:

Sec. 04.10.230. ZONING LIMITATIONS. No licensee may operate a beverage dispensary or package [RETAIL] liquor store in any incorporated city where the zoning regulations of the city prohibit the sale of intoxicating liquors, without the approval of the city council."

Page 6, line 17

Delete present Sec. 12 of bill and insert

" * Sec. 16. AS 04.10.350(c)(4) is amended to read

(4) Unless otherwise terminated, a license which is in effect on December 31 continues in effect through the next February 28. However, if, on or before February 28, the renewal application has not been filed and the fees provided for in (2) or (3) of this subsection have not been paid, the license is automatically revoked at midnight [2:00 a.m.] February 28, and may only be reinstated

(A) upon application filed during the 30-day [SIX-MONTH] period beginning with February 28;

(B) upon proof satisfactory to the board of good cause for the failure to file and pay; and

(C) in accordance with rules or regulations promulgated by the board; the fee for filing an application for reinstatement shall, in addition to the annual fee, include the penalty fee provided in (3) of this subsection, no part of which is returnable to the applicant."

Page 14, line 8

Delete "amended" and insert "repealed and readopted"

Page 14, lines 13 through 20

Delete present material and insert the following:

"with a certified copy of the record of conviction to the board and to a city or unified municipality, if any, in which the licensed establishment is located, or to the organized borough if the licensed establishment is located outside a city in an organized borough. The council or assembly may recommend that the board suspend the license. If the board does not, within 30 days after receiving such a recommendation, place it on the agenda of its next meeting, the council or assembly may suspend the license as provided in (1) and (2) of this subsection. It may also suspend the license if the board declines to do so after considering the recommendation at its meeting. A license may be suspended under the provisions of this subsection only after adequate notice and opportunity for hearing is given to the licensee, and a majority of the members of the board, council, or assembly have directed that suspension be imposed. Upon a third violation, the board, but not a council or assembly, may revoke the license and declare the"

Page 6, between lines 19 and 20 insert new section in bill to read

"*Sec. 17 AS 04.10.390 is amended to read:

Sec. 04.10.390. CONNECTION TO LICENSED PREMISES. The business premises occupied by a holder of a package liquor store [RETAIL] license issued under this chapter shall not be connected by a door, opening, or other means of passage for the purpose of sales or for the purpose of passage by the general public to any other retail business establishment, except those licensed under this chapter."

and renumber following sections.

Page 12, line 27

Delete "1978" and insert "1980"

Page 13, line 2

Delete "1976" and insert "1978"

Page 13, line 4

Delete "1978" and insert "1980"

~~Page 14, line 17~~

~~Insert after comma following "may" the following
"after adequate notice and opportunity for hearing"~~

Page 14, between lines 1 and 2 insert new section of bill to read

"*Sec. 21. AS 04.15.085 is amended to read

Sec. 04.15.085. CREDIT SALES OF INTOXICATING BEVERAGES.

(a) No holder of a [RETAIL ALCOHOLIC BEVERAGE] license selling intoxicating beverages on a retail basis may sell intoxicating beverages other than for cash, paid promptly after receiving the beverage or the bill for it before the customer leaves the [THE VERBAL OR WRITTEN SOLICITATION FOR PURCHASE HAS BEEN RECEIVED WITHIN HIS] licensed premises; except that a hotel, boardinghouse or inn which offers lodging may sell intoxicating beverages to persons lodging there and include the charge for the beverage with the bill for lodging to be paid at the time the customer pays for the lodging.

(b) In this section "cash" means money or its equivalent, including negotiable paper or credit card voucher.

(c) A person who unlawfully sells intoxicating beverages on credit is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500.

(d) Licensees who sell intoxicating beverages on a wholesale basis may extend credit for sale of intoxicating beverages to licensees who sell on a retail basis. However such credit may not be extended longer than 60 days from the date of purchase.

Page 15, line 15

Delete "special occasions" and insert "a wedding or similar special occasion. Approval by local law enforcement official for the issuance of the permit must be submitted with the application; no application will be considered by the board without such approval."

Page 15, line 20.

Delete "served to a large group of persons at" and insert "dispensed without charge to the guests attending a meal, reception, dance or other gathering held to celebrate"

POSITION PAPER HB 219

"An Act relating to alcoholic beverages; and providing for an effective date."

The State Office of Alcoholism and Drug Abuse supports the view that the primary mission of any Alcohol Beverage Control Board, is to protect the Public Health, Safety and Welfare. The secondary role of any such agency is to ensure the orderly process of licensure, fee collection, etc., from members of the Beverage Industry.

This bill contains a number of provisions, requested by citizens of Alaska through numerous public hearing processes, which are designed to refine Title 04 so that its principal aim is protection of the public health, safety and welfare in a way that also allows for maximum local control and flexibility in how the public health, safety and welfare is protected.

The assumption underlying this bill is that Alcoholism and Alcohol Abuse are epidemic in Alaska and that part of the reasons for that epidemic can be traced to excessive availability of beverage alcohol, which is, in turn, partly a function of the fact that no agency is able to effectively regulate the retail licensed beverage industry, in a way that protects the public health, safety and welfare, at the present time.

In order to correct this situation, this bill contains the following new provisions;

Section 2 creates a new class of retail licenses.

Section 3 creates a new class of retail licenses.

Section 4 prohibits sale of licensed beverages to persons in any community or election district that has, by referendum, voted itself "dry".

Or, any organized municipal entity, that has, by ordinance, prohibited mail order or telephone sales.

Section 6 describes the proposed new "Unlimited Community Liquor License".

Section 7 describes the proposed new "Limited Community Liquor License".

Section 8 and Section 9 include provisions which would strengthen the power of local elected officials and the public, to control the issuance or reissuance of licenses in their local communities.

Section 10 strengthens the power of the public to control the issuance or reissuance of licenses in the unorganized borough.

Section 13 provides a framework for local referenda to be conducted to decide questions of issuance of new licenses in areas where there are none now, in organized municipalities.

Section 14 provides a framework similar to Section 12 for the organized boroughs and the unorganized borough.

Section 14.10.439 provides a mechanism for reimbursing revenue lost from sales taxes to local governments which have voted for "no-sales."

Section 15 eliminates in-state advertising for beverage alcohol.

Section 16 prohibits soliciting drinks.

Section 17 strengthens and clarifies penalties to licensees who violate provisions of this act.

Section 18 sets out allowable conditions for possession of beverage alcohol in areas that have, through local referenda, voted "no-sale."

Section 19 establishes bootlegging as a felony in an area that has, by local referendum, established "no-sales", and greatly strengthens the penalty for violating the local referendum decision.

Section 20 sets out the penalties for illegal sale in violation of local referenda.

The Department of Health and Social Services supports this legislation as the thrust of the measure would empower citizens of Alaskan communities to exercise a variety of options regarding the sale, possession, and distribution of beverage alcohol in their locales.

Recommended by: Robert L. Cole 3/15/79
Robert L. Cole, Coordinator Date
Office of Alcoholism and Drug Abuse

Approved by: Helen D. Beirne 3-15-79
Helen D. Beirne, Commissioner Date
Department of Health and Social Services

A M E N D M E N T

Offered in the HOUSE

By Hurlbert

TO: HOUSE BILL NO. 219

Page 7, between lines 6 and 7: insert

"(4) If the results of this election show ALL
a majority in favor of private licenses, LICENCES []
would you favor all types of private
licenses or only ...(listing of those ONLY TYPES
types of licenses which would be allowed LISTEN []
in the community)?"

Page 7, line 7:

Delete "(4)" and insert "(5)" in its place:

Page 7, line 28:

Delete "(2) and (3)" and insert "2, 3 and 4" in its place

Page 8, line 2:

Delete "4" and insert "5" in its place

Page 8, line 11:

Delete "2 and 3" and insert "2, 3 and 4" in its place

Page 9, between lines 11 and 12: insert

"(4) If the results of this election show ALL
a majority in favor of private licenses, LICENSES []
would you favor all types of licenses
or only... (listing of those licenses ONLY TYPES
which would be allowed in the community)?" LISTED []

Page 9, line 12:

Delete "(4)" and insert "(5)" in its place

Page 10, line 3:

Delete "(2) and (3)" and insert "2, 3 and 4" in its place

Page 10, line 11:

Delete "4" and insert "5" in its place

Page 10, lines 20 and 21:

Delete "2 and 3" and insert "2, 3 and 4" in its place

Page 11, between lines 12 and 13: insert

"(2) If the results of this election show ALL
a majority in favor of the sale of intoxi- LICENSES []
cating liquor, would you favor having all
types of private licenses or only... (listing
of those types of licenses which would be ONLY TYPES
allowed in the community)?" LISTED []

Page 11, line 13:

Delete "(2)" and insert "(3)" in its place

Page 11, line 24, after "votes":

Insert "cast on question 1"

Page 11, line 27, after "precinct.":

Insert "If the majority of the votes cast on question 1 favors the sale of intoxicating liquor in the precinct, the board may issue, renew, or transfer licenses within that precinct solely on the basis of the election results on question 2."

Page 12, line 1:

Delete "2" and insert "3"

Page 12, line 8, after "precinct":

Insert "under all or any of the types of license prohibited at an earlier election held under this section"

File under
HB 219
HB 219

Municipality of Anchorage



825 "L" STREET
ANCHORAGE, ALASKA 99501
(907) 264-4111

GEORGE M. SULLIVAN,
MAYOR

DEPARTMENT OF HEALTH AND ENVIRONMENTAL PROTECTION

April 19, 1979

Rep. Thelma Buchholdt
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Buchholdt:

Thelma

The purpose of this letter is to share with you the process the Municipality of Anchorage has adopted to make Alcoholism, Drug Abuse, and Mental Health funds available to any agency wishing to compete for government funds in Anchorage.

In the Department, we write and submit a "Grant Request" to the State for Alcoholism, Drug Abuse, and Mental Health funds. The grant applications are reviewed by the local Municipal Health Commission and the Governor's Advisory Boards for these three components. They in turn make their recommendations to the Commissioner of Health and Social Service, who then notifies us of the grant awards.

While this effort is going on, the Municipality of Anchorage issues a "Request for Proposals" (RFP) asking for those interested in bidding for the various components to submit to the Municipality of Anchorage their proposal for contract funds in accordance with the criteria specified.

We have just completed a portion of this process and have notified both the successful and unsuccessful bidders. Naturally there are some whose proposals are not recommended. This has, in the past, caused some questions to be asked relative to the process. We have reviewed this process with the Municipal Health Commission which has, wholeheartedly endorsed it.

I realize that you, as an Anchorage Legislator, may receive calls of concern regarding the process, or the results. It seemed advisable, therefore, to send to you a "review" of our process, so if you should have questions you will have some background information.

The process is put into action by the Department developing the Request for Proposals (RFP). In December 1978, the Project Review Committee examined the Behavioral Health RFP and suggested modifications, which were made. The RFP's were published by the Purchasing Division on January 15, 1979.

The Purchasing Division held a pre-bid conference on February 9, 1979. Prospective bidders attended the conference. In the pre-bid conference, the Purchasing Division went through the Request for Proposal, page-by-page, providing prospective bidders the opportunity to question and comment on each item in the RFP. As a result of the pre-bid conference, clarifications were issued by the Purchasing Division.

All responses to the RFP's were submitted to the Purchasing Division by close of business March 2, 1979. The Purchasing Division forwarded the Proposals to the Behavioral Health Division after close of business that same day.

Each proposal was reviewed by the Behavioral Health staff utilizing the "Response to RFP Checklist" (Appendix "A").

The Proposal Review Committee, appointed by the Director, was composed of:

Paul Foutz, CPA
Price Waterhouse & Company

Lt. Ted Carlson
Anchorage Police Department

Richard Grant,
Region X
HEW, Seattle

Dr. Marjorie (Judy) Hill
Criminal Justice Planning Agency, Juneau
State of Alaska

Ron Kuczek, Manager
Cook Inlet Air Resources Management District

Dr. Raymond N. Fedje, Manager
Behavioral Health (Non-Voting Chair)

The Committee was organized to provide for primary and secondary reviews of all proposals. Each member of the Committee, with the exception of the Chairman, was assigned the responsibility to be the primary reviewer of some proposals and secondary reviewer of other proposals. These assignments were made as detailed in the "Review Committee Process" (Appendix "B"). To assist the Review Committee members, they received, in advance, copies of the recent evaluations of the existing Division Contractors (sent to you on February 21, 1979).

The Review Committee met as scheduled March 12, 13, and 14 from 9:00 a.m. through 5:00 p.m. in the 5th floor Conference Room of the Community Health Building, 825 "L" Street, Anchorage, Alaska. All organizations submitting proposals were notified of the time and place of the Committee's meetings and that the meetings were open to the general public. The Review Committee was convened by the Chairman, March 12, 1979, at 9:00 a.m. The members of the Review Committee were provided additional information which consisted of excerpts from the Alcoholism, Drug Abuse, and Mental Health Grant Applications which provided information on cost comparison, evaluation comparison, and analysis of the progress towards meeting the goals in the 1978 contracts for all current Contractors (Appendix "C").

The format utilized by the Review Committee is detailed in "Review Committee Process" (Appendix "B"). Each component of the RFP was addressed individually with analysis and discussion about each applicant's proposal to that component of the RFP. The staff reported on the results of the technical review, the Committee questioned staff, first and second readers of the proposals reported to the Committee, and the Committee discussed each proposal.

The Review Committee formulated questions which they intended to address to each bidder the following day. These questions were written down and the Chairman directed that each organization be informed of the questions which the Committee had formulated. In this manner, the organizations could be better prepared to address the Review Committee's questions during Program Testimony.

On Tuesday, March 13, 1979, each organization was given an opportunity to discuss its proposal(s) with the Review

Committee. The representative of the organizations made a short presentation concerning their organization and the program(s) their organization intended to provide, if selected. The representative then addressed the Review Committee's questions which had been forwarded to them the previous day and discussed any additional questions with the members of the Review Committee.

As a result of the discussion, the Committee appointed a special subcommittee to review the problems concerning the programmatic and fiscal reporting of the Anchorage Community Mental Health Services Component of the RFP. This committee met briefly with staff late Tuesday afternoon March 13, 1979 and again with staff and representatives of the Mental Health Center early Wednesday, March 14, 1979.

The morning session for Wednesday, March 14, 1979, was reserved for general public input on the review process and/or any additional testimony by the bidder organizations or the general public. Because the general public input sessions did not take as long as scheduled the Committee questioned staff about funds available for the contract year and other questions they had developed about the proposals.

The afternoon of Wednesday, March 14, 1979 was reserved for decision making and voting on the proposals. The Committee first utilized the "Proposal Selection Review Checklist" and the "Instructions for Scoring the Proposal Selection Review Checklist" in their decision making process for each proposal (Appendix "D"). The composite score of each proposal is summarized in Appendix "E", "Review Committee Composite Response to Request for Proposal".

Based on the Proposal Selection Review Checklist the Committee voted to accept or reject the proposals for further consideration.

Those proposals, selected by the Review Committee for further consideration, were then submitted to the following voting procedure:

1. Each component of the RFP was addressed separately.

2. For those components where there were no competing applications the Committee voted to accept the proposals.
3. For those components which had competing applications the Committee voted in the following manner (see Appendix "F" for sample ballot).
4. Each component of the RFP was addressed separately. The Committee voted using the sample ballot in Appendix "F". The Committee rated the Proposals from one to ten; ten being the highest possible score, one being the lowest. Proposals were rated on this system by each Committee member on each ballot for each component.

After the voting was completed the Committee discussed why they had voted the way they had and offered clarification to staff on how the outcome of the vote should affect future funding.

After the discussion was completed the Review Committee invited representatives of the bidder organizations and members of the general public present to comment on the review procedure and the decisions reached by the Review Committee.

Following public comment the Review Committee made specific recommendations about how the review process should be amended in the coming year.

The Review Committee Minutes are appended for your consideration (Appendix "G").

The Behavioral Health Division reviewed the recommendations of the Review Committee and from them formulated Staff Recommendations; these were forwarded to the Director for his consideration.

Appendix "H" is a composite of the Review Committee and staff recommendations.

On April 10, the Director advised the Behavioral Health Division Manager of his decision. This is reflected in Appendix "I".

On April 13, letters were sent to all the organizations who submitted bids.

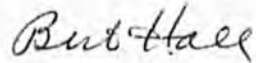
On April 17, the Department met again with the Project Review Committee of the Municipal Health Commission. The above information was shared in detail to assure them the proper procedures were in fact followed. The Committee endorsed the Department's report.

The Department is now in the process of beginning negotiations, with the successful bidders; this will lead to contracts for all services requested.

It is anticipated, that the following Health Commission review of these contracts, the contracts will be presented to the Municipal Assembly for final approval early in June.

We hope that you are impressed with the conscientious efforts being made to be good stewards of government funds.

Sincerely,



Robert A. (Bert) Hall
Director

RH:lj-F-LTR13.1.2

Alaska State Legislature

REPRESENTATIVE
NELS A. ANDERSON, JR.
P.O. BOX 234
DILLINGHAM, ALASKA 99576
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WHILE IN JUNEAU
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REPRESENTING DISTRICT 16
BRISTOL BAY — LOWER KUSKOKWIM

HOUSE MAJORITY LEADER
VICE CHAIRMAN JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

House of Representatives

March 22, 1979

MEMORANDUM

TO: Representative Thelma Buchholdt
FROM: Representative Nels A. Anderson, Jr. *mgc/ab*
SUBJECT: HB 219

I have spoken to many people who work closely with our number one social problem - alcoholism - and I am convinced that HB 219 will help solve the problem. Also, excessive availability of alcohol is a problem that will be regulated by this bill.

The local community which has the desire to vote themselves "dry" would have the force of law behind them under this bill. There are few, if any, small villages in our State that have facilities to deal with people who are under the influence of alcohol. Giving more power to local areas to control availability will definitely reduce problems in communities that don't have means to care for people under the influence of alcohol.

I hope your comm. ttee will give this bill favorable consideration.

Alaska State Legislature

REPRESENTATIVE
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REPRESENTING DISTRICT 16
BRISTOL BAY — LOWER KUSKOKWIM

HOUSE MAJORITY LEADER
VICE CHAIRMAN JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

House of Representatives

March 27, 1979

MEMORANDUM

TO: Representative Thelma Buchholdt

FROM: Representative Nels A. Anderson, Jr.

SUBJECT: HB 219 - Relating to Alcoholic Beverages

Thelma, I know you are well aware of the statewide concerns for problems relating to alcohol use and abuse. The focus has been on the legislature ever since the Governor first introduced his alcoholism package three years ago.

Increasingly, I am being approached by my constituents for support of a bill like HB 219. Most recently there have been several groups in Juneau, ie: Citizen's Participation Conference and ANCADA, who have expressed favor for the bill and suggested some modifications.

In short, I would like to see some legislation of this nature receive consideration this year. Many of us rural legislators are on record either privately or publically to get something done.