

SB

228

Introduced, 2-13-79

Logged 3-2-79

Referrals Finance

Comm. meeting 3-9-79 - Passed. taken private pkg @ 8:30 AM. 3-12-79

" action passed

SB 228 "An Act relating to ~~the~~ ^{the} ~~state~~ ^{state} ~~of~~ ^{of} ~~Mississippi~~ ^{Mississippi} 1979
on and after the first day of
By: Rules Comm introductory ~~bill~~ ^{bill} and providing
By Request of Gov. for effective date."

F/N & Gov's letter herein

Gov's office notified
Revenue Dept.
JESS

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

March 23, 1979

Senator Glenn Hackney, Chairman
Senate Health, Education & Social
Services Committee
Pouch "V"
Juneau, AK 99811

Re: Powdered Alcohol and
Proposed Section 04.05.120
Our File: J-66-583-79

Dear Senator Hackney:

You have requested our opinion concerning the proposed amendment to SB 228 which would add the following to AS 04.05:

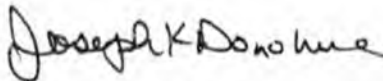
"AS 04.05.120. SALE OF POWDERED ALCOHOL PROHIBITED. No substance having alcoholic content and intended for human consumption may be sold in the state unless in liquid form."

This office, as a preliminary matter, has determined that there would be no problem from a legal standpoint with the idea of prohibiting powdered alcohol. States have been given broad authority to regulate the sale and distribution of alcohol within their borders, and this prohibition would be within that authority. As a practical matter, however, the specific language in the proposed amendment may be overbroad. It is perhaps possible that some prescription or over-the-counter drugs may contain some percentage of powdered alcohol. Authorities in that area should be consulted to determine if the language of AS 04.05.120 is over inclusive.

In addition, you have requested our opinion concerning whether there would be any violation of the Single Subject Rule of the Alaska State Constitution, Article II, Section 13, or the descriptive Title Rule of that same section if this section were to be added to SB 228 which deals with liquor excise taxes and license fees. SB 228 has been modified, and in its stead CS for SB 228 deals with excise taxes and with restrictions on sales to and from wholesalers. The title has been modified to read "An Act relating to intoxicating liquors; and providing for an effective date". The Single Subject Rules and Descriptive Title Rules have been liberally construed by the Alaska Supreme Court. See Gellert v. State, 522 P.2d 1120 (Alaska 1974). We therefore feel that neither of those constitutional restrictions would be violated in this case.

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Joseph K. Donohue
Assistant Attorney General

JKD/lm

SB
228

SENATE BILL NO. 228 by the Rules Committee by request of the Governor (relating to excise tax on and license fees for sale of intoxicating liquors) is now available in the Documents Room.

Fiscal note is zero.

Governor's transmittal letter on SENATE BILL NO. 228 follows:

February 14, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

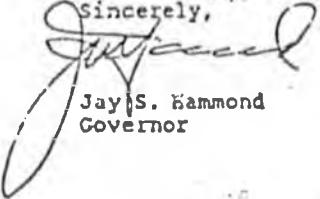
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill providing for an increase in liquor taxes and liquor license fees to produce necessary revenues. It is identical to last legislature's Committee Substitute for Senate Bill 167, except that the first section of that bill has been re-located to sec. 8 of this bill (to follow Alaska Statutes numerical order). Section 8 of the bill amends AS 43.60.010(a) to increase the tax on liquor sold in the state.

The remaining sections of this bill provide for increases in liquor license fees, including the wholesale liquor license fees and wholesale malt beverage and wine license fees for those businesses which transact more than \$500,000 of business per year. Increases for other license fees are: beverage dispensary licenses -- from

\$500 to \$750 and from \$1,000 to \$1,500; restaurant licenses -- from \$300 to \$500; roadhouse licenses -- from \$150 to \$250; club licenses -- from \$400 to \$800; bottling works licenses -- from \$100 to \$500; retail licenses -- from \$600 to \$1,000.

These increases are necessary in order to provide continued funding for alcohol-related programs.

Sincerely,


Jay S. Hammond
Governor

SB
228

SEN. HACKNEY,

I'VE BEEN ATTEMPTING TO GET A HOLD OF JOHN MESSENGER,
DEPUTY COMMISSIONER ON TAXATION, TO ASCERTAIN WHAT
THE POSITIVE FISCAL IMPACT WILL BE IF SB 228
IS ~~NOT~~ ENACTED, BUT SO FAR NO LUCK. HOWEVER,
HE WILL BE AT THE HEARING TO TESTIFY ON
THE BILL + HE WILL PASS ALONG THE INFO AT
THAT TIME ACCORDING TO ~~THE~~^{his} SECRETARY. Paul

"Copy"

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 228
Title An Act relating to the excise tax on and license for the sale of intoxicating liq
Requested by Date

II. FISCAL DETAIL

Agency Affected Department of Revenue
Program Category Affected Revenue Collection and Management
Budget Request Unit(s) Affected Audit Division

EXPENDITURES (Thousands of Dollars)

Table with 7 columns (FY 79 to FY 84) and 7 rows (PERSONAL SERVICES, TRAVEL, CONTRACTUAL, COMMODITIES, EQUIPMENT, LAND & STRUCTURES, GRANTS, CLAIMS, ETC.). Total row shows -0- for all years.

FUNDING (Thousands of Dollars)

Table with 7 columns (FY 79 to FY 84) and 3 rows (GENERAL FUND, FEDERAL FUNDS, OTHER (Specify)). Total row shows -0- for all years.

POSITIONS

Table with 7 columns (FY 79 to FY 84) and 3 rows (FULL TIME, PART TIME, TEMPORARY).

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

It is estimated that this bill would raise an additional 3.4 million dollars in FY 80.

IV. DATE 2/14/79 PREPARED BY John R. Messenger
AGENCY Department of Revenue
PHONE 465-2300
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

INTRODUCTION AND REFERENCE OF SENATE BILLS
AND RESOLUTIONS

SS SJR 11 President Tillion stated that SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 11 (proposing to Congress an amendment to the Constitution of the United States relating to the budget of the United States of America) which had been referred to the Finance Committee on February 13 (page 225) would be changed to the State Affairs Committee only.

SB 227 SENATE BILL NO. 227 by Senators Colletta and Stimson (relating to insurance for alcoholism and drug dependence) is now available in the Documents Room.

SB 228 SENATE BILL NO. 228 by the Rules Committee by request of the Governor (relating to excise tax on and license fees for sale of intoxicating liquors) is now available in the Documents Room.

Fiscal note is zero.

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February 14, 1979

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

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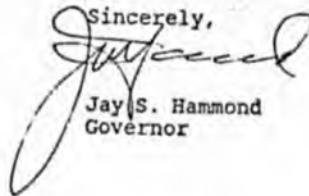
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SB
228

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Sincerely,


Jay S. Hammond
GovernorCONSIDERATION OF THE CALENDARCITATIONS

Senator Colletta moved and asked unanimous consent that the Citation - In Memoriam Franklin Warren Butte, by Senators Rodey and Ray and Representative Munson, be approved.

The Senate approved the Citation unanimously and it was referred to the Secretary for transmittal to the House.

UNFINISHED BUSINESS

Senator Hackney requested that the Judiciary Committee referral on SENATE BILL NO. 41 (exemption from income tax for senior citizens) be waived and the bill be referred to the Finance Committee.

SB
41

SENATE BILL NO. 41 was referred to the Health, Education and Social Services Committee and the Finance Committee.