

H B  
574

COMMITTEE REPORT

2/5

HOUSE

6/4/81

FURTHER: FIN/ICE

(5)

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SBIR 574

"An Act relating to the hours of the day during which persons may be present at alcoholic beverages sold or consumed on licensed premises"

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Handwritten Signature]*

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MEMBERS HAVING  
RECOMMENDATIONS:

*[Handwritten Signature]*

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\_\_\_\_\_

CHAIRMAN

POSITION I

HOUSE BILL 574

"An Act relating to the hours of the day during which patrons may be present or alcohol sold or consumed on licensed premises'.

The Department of Health and Social Services is highly supportive of a reduction in hours that licensed premises may legally be open.

Presently it is legal for licensed premises to sell alcohol twenty-four hours a day in Nevada and Louisiana. With the exception of these two states Alaska currently has more legal hours of sale than any of the remaining forty-seven states. Further limitation on hours of sale may result in some lowering of per capita consumption, alcohol related human and social costs, and some modification of attitude concerning the wide open acceptability of drinking in Alaska.

The City and Borough of Juneau, by local election, reduced licensed premise sales by fifteen hours per week in September, 1979. According to reports by police and social agencies alcohol related offenses such as OMVI, liquor law violations, minors consuming, disorderly conduct, and assault decreased when the earlier closing hours became effective.

Similar decreases are being reported in Anchorage where licensed premises hours recently were reduced.

The Office of Alcoholism and Drug Abuse would be pleased to provide additional information on this bill.

Recommended by:

*Robert L. Cole*  
Robert L. Cole  
Coordinator  
Office of Alcoholism/  
Drug Abuse

Date:

*2/1/80*

Approved by:

*Heleen D. Bairne*  
Heleen D. Bairne  
Commissioner

Date:

*2-1-80*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 574  
Title "An Act relating to the hours which patrons sell alcohol..."  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Health & Social Services  
Program Category Affected Alcoholism/Drug Abuse  
BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
(Note: If more than one budget component is effected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
<b>POSITIONS</b>	-0-	-0-	-0-	-0-	-0-	-0-
FULL TIME						
PART TIME						
TEMPORARY						
	-0-	-0-	-0-	-0-	-0-	-0-

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

IV. DATE January 27, 1982 PREPARED BY Robert L. Cole  
AGENCY Alcoholism/Drug Abuse  
PHONE 582-6201  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

## Article 8. General Provisions.

## Section

420. Definitions

430. Short title

**Sec. 42.10.420. Definitions.** In this chapter

(1) "commission" means the Alaska Transportation Commission or its designated representative;

(2) "common carrier" includes

(A) a person who undertakes to transport property for the general public by motor vehicle for compensation, over regular or irregular routes, on regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies;

(B) a person who leases, rents, or provides a motor vehicle for the use of another in transporting property, and who provides, procures, or arranges for, directly or indirectly, or by course of dealing, a driver or operator for the motor vehicle or the necessary authority for the use of it on a public highway, except when the motor vehicle is leased to an authorized common carrier or contract carrier or by a construction contractor as defined in (12) of this section to another construction contractor as so defined, under rules and regulations to be prescribed by the commission;

(C) a person engaged in the business of providing, contracting for or undertaking to provide transportation of property for compensation over the public highways as a broker or forwarder;

(3) "contract carrier" includes all motor vehicle operators not included under the term "common carrier" or "private carrier" and includes any person who under special and individual contracts or agreements transports property by motor vehicle for compensation; contract carrier includes a person engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways as a broker or forwarder;

(4) "exempt carrier" means a person operating a vehicle exempted from certain provisions of this chapter under § 20 of this chapter;

(5) "motor carrier" includes common carrier, contract carrier, private carrier and exempt carrier;

(6) "motor vehicle" means a truck, tractor, wrecker, tow car, hearse, ambulance or other self-propelled or motor-driven vehicle used upon any public highway of this state for the purpose of transporting property;

(7) "private carrier" is:

(A) a person who transports by motor vehicle, with or without compensation, property which is owned or is being bought or sold by him, or property of which he is the seller, purchaser, lessee or bailee, and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith;

(B) a person who does not use a motor vehicle in the course of business;

(8) "public highway" means a highway owned or controlled by the state;

(9) "vehicle" means a motor vehicle used on a public highway for the purpose of being transported by rail or water;

(10) "rate of compensation" means the rate of compensation for its services;

(11) "property" means any property, whether tangible or intangible, waste material or otherwise;

(12) "contract carrier" means a carrier as defined in this section who is actively engaged in the business of transporting property or removing property from the state, but does not include a carrier who is not actively engaged in the business of transporting property or removing property from the state under AS 42.10.420.

am 85 8, 9  
ch 107 SL  
§ 3 ch 52

Effect of amendment, a general amendment inserted

"general" for "under AS 42.10.420". The first paragraph (1)

The second paragraph (1) Legislative report on chapter 107, see 11

refer to 1971 NCSSB 643

Sec. 42  
Motor Fr

(B) a person who rents, leases, or otherwise provides a motor vehicle for the use of others in transporting passengers or property, but who does not provide, procure, or arrange for, directly, indirectly or by course of dealing, an operator for the vehicle.

(8) "public highway" means every street, road or highway in this state;

(9) "vehicle" includes every device capable of being moved upon a public highway and in, upon or by which a person or property is or may be transported or drawn upon a public highway, excepting a device moved by human or animal power or used exclusively upon stationary rails or tracks;

(10) "rate" includes every rate, toll, fare, rental charge, or other form of compensation demanded, observed, charged or collected by a carrier for its services;

(11) "property" means all commodities, articles and cargo, of whatever nature or value, excluding garbage, refuse, trash or other waste material;

(12) "construction contractor" means a contractor licensed by the state as a general contractor under AS 08.18 to engage in and who is actively and regularly engaged in the business of constructing, repairing or removing any kind of private or public facility or structure and does not include "contract carriers" authorized to transport commodities in bulk in dump-type equipment unless the "contract carrier" is also actively engaged in the business of constructing, repairing or removing private or public facilities or structures as a licensed general contractor under AS 08.18. (S 2 ch 166 SLA 1960; am §§ 1 — 3 ch 121 SLA 1961; am §§ 8, 9 ch 103 SLA 1963; am § 3 ch 139 SLA 1966; am §§ 17 — 19 ch 107 SLA 1970; am § 1 ch 89 SLA 1971; am § 10 ch 120 SLA 1972; am § 3 ch 52 SLA 1973; am § 4 ch 76 SLA 1973)

*Effect of amendments.* — The 1972 amendment, in paragraph (12), inserted "as a general contractor under AS 08.18," inserted "and regularly," inserted "general" following "licensed," and added "under AS 08.18."

The first 1973 amendment rewrote paragraph (7).

The second 1973 amendment rewrote paragraph (11).

*Legislative committee report.* — For report on ch. 107, SLA 1970 (HCR 258) 271 on file see 1970 House Journal, p. 902. Also refer to 1970 House Journal, p. 1264 (re HCR 258) 243.

*Chapter applicable to carriers within cities.* — While certain exceptions to chapter coverage are made in this section, no exemption is made for vehicles operating wholly within an incorporated city. The conclusion follows that all carriers, including those within cities are subject to the provisions of this chapter. 1962 Op. Atty. Gen., No. 12.

*Quoted in Alaska Transportation Commission Handbook, Sup. Ct. Op. No. 570 (File No. 1044) 4th P.M. 1012 (1969).*

*ALR reference.* — What carriers are within statutory definition of common carriers by motor vehicle, 161 ALR 617.

**Sec. 42.10.430. Short title.** This chapter may be cited as the Alaska Motor Freight Carrier Act (S 1 ch 166 SLA 1960)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSHB 574  
 Title Relating to hours of sale & consumption of alcoholic beverages on licensed premises  
 Requested by House Education & Social Services Committee Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Revenue  
 Program Category Affected Consumer Protection  
 BRU, Program, or Subprogram(s) Affected Alcoholic Beverage Control Board  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Enactment of this legislation will not have any impact on this BRU

COMMENT: Page 2, line 4 - Suggest deleting "restaurant or eating place" and inserting "bona fide restaurant." This makes the provision consistent with 1981 legislation enacted in Chapter 28, 1981 SLA (copy attached).

IV. DATE December 21, 1981

PREPARED BY

*Patrick L. Sharrock*  
 Patrick L. Sharrock, Director

AGENCY

ALCOHOLIC BEVERAGE CONTROL BOARD

PHONE

277-8638

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1 the board may issue a license under this title which will be effective  
2 for a continuous six-month period. Otherwise, all licenses issued under  
3 this title other than a retail stock sale license are effective for the  
4 calendar year ending December 31, unless a shorter period is prescribed  
5 by the board or by law.

- 6  
7 • Sec. 14. AS 04.16.010(c) is amended to read:

8 (c) A licensee, his agent, or employee may not permit a person to  
9 enter and a person may not enter premises licensed under this title  
10 between the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection  
11 does not apply to common carriers, as defined in AS 42.10.420(2), or to  
12 an employee of the licensee who is on the premises to prepare for the  
13 next day's business. A person may enter or remain [OR TO PERSONS  
14 REMAINING] on the premises of a bona fide restaurant or eating place  
15 licensed under this title to consume food or nonalcoholic beverages.

- 16 • Sec. 15. AS 04.16.020(a) is amended to read:

17 (a) A person may not pay or receive from another a salary, per-  
18 centage or commission to solicit or encourage a patron of licensee  
19 premises to purchase alcoholic or other beverages for [CONSUMPTION BY]  
20 a person other than the patron.

- 21 • Sec. 16. AS 04.16.049(a)(2) is amended to read:

22 (2) accompanied by a person over the age of 19 years and  
23 with the consent of the person's parent or guardian if the premises are  
24 designated by the board [LICENSEE] as a restaurant for the purpose of  
25 this section [OR EATING PLACE] and the persons enter and remain only  
26 for dining.

- 27 • Sec. 17. AS 04.16.210 is amended to read:

28 Sec. 04.14.210. PENALTY FOR MAKING FALSE STATEMENT. If a false  
29 statement is made in an application under AS 04.11.700 - 04.11.200  
30 [AS 04.11.200], the applicant is guilty of perjury and, upon conviction,