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Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 26, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

- SB 535 - "An Act relating to the criminal laws of the state."
- SB 774 - "An Act reducing the fee for a club license to sell alcoholic beverages."
- SB 855 - "An Act repealing the requirement that an applicant for a beverage dispensary license file a bond."
- SB 654 - "An Act relating to alcoholic beverage licenses; and providing for an effective date."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Ray, Parr, Anderson. Senator Bennett was absent.

005 - Call to order.

008 - Chairman Rodey brought SB 535 before the Committee and the amendments which were offered by Senator Fischer: On Page 3, Line 15: Delete "a new paragraph" and insert "new paragraphs"; Page 3, Line 18: Change the period to a semi-colon; Page 3, following Line 18: Insert the following: (20) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, ancestry, or national origin.

039 - Senator Fischer testified in favor of CSSB 535 stating that it would add aggravating factors the judge could consider in sentencing.

111 - Barry Stern, Department of Law, testified stating that the Department is generally supportive of this legislation.

380 - Chairman Rodey set SB 535 aside.

400 - Chairman Rodey next brought SB 774 before the Committee.

433 - Don House, representing himself, testified, stating that it would be ridiculous to drop the fees.

471 - Chairman Rodey laid SB 774 on the table.

474 - The next item brought before the Committee was SB 855.

496 - Merle Jensen, Budget & Audit, testified in favor of SB 855.

546 - Pat Sharrock, representing the ABC Board, testified, stating that he had no opposition to the bill.

585 - SB 855 was laid on the table.

591 - Mr. Bruce distributed a bill relating to interest in eminent domain cases for the Committee member's approval of introduction. There was no objection.

603 - SB 654 was the last item before the Committee.

610 - Mr. Sharrock, Bill Gordon, and Mr. House, of the ABC Board, testified in favor of SB 654.

#### SIDE TWO

068 - After discussion, SB 654 was laid on the table.

074 - Adjournment at 2:25 P.M.

JAY S. HAMMOND  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 11, 1982

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. President:

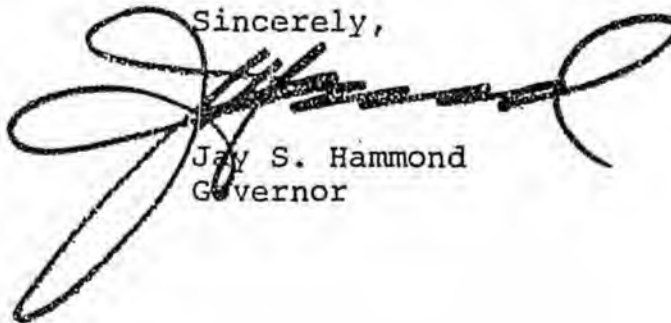
Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the issuance of alcoholic beverage licenses. Its basic purpose is to delete the provision authorizing the Alcoholic Beverage Control Board to issue a license in excess of the population limitation "if the board finds that issuance of the license is necessary for the public convenience."

This provision places an unnecessary burden on local governing bodies and the ABC Board. Because of its vagueness and lack of direction, it subjects members of local councils and assemblies and ABC Board members to potential improprieties. Compounding this, it contradicts the clearly stated policy in the statutes of one license of each type for each 1,500 persons. It is not in the public interest for this provision to stand. Municipalities and the board have been under criticism too long because of the existence of licenses issued in excess of population limitations. These excesses presently exist from similar exceptions and discretionary statutes in years past.

The repealer in sec. 5 is the heart of this bill. Sections 1 -- 4 make corresponding, clean-up amendments. Section 1 deals with the bases for denial of renewal of a license. Section 2 deals with the bases for denial of a transfer of a license to another location, and sec. 3 with the denial of a transfer to another person. Section 4 deals with the basic population limitation.

The repealed provision was included in the numerous 1980 amendments to the alcoholic beverage control statutes. Only one license has been issued under it. Section 6 of this bill makes clear that that license is valid until its regularly established expiration date and that it may be renewed but not transferred. Section 6 also makes clear that no more licenses may be issued under the statute being repealed in this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay S. Hammond". The signature is stylized with large loops and a long horizontal stroke extending to the right.

Jay S. Hammond  
Governor

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_ For introduction  
 Title Relating to alcoholic beverages  
 Requested by \_\_\_\_\_ 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 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.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

Enactment of this legislation will not have any fiscal impact on the Alcoholic Beverage Control Board.

IV. DATE December 31, 1981

PREPARED BY Patrick L. Sharrock  
 AGENCY Alcoholic Beverage Control Board  
 PHONE 277-8638

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)