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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 Sterr, 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.

Prior Audit Recommendation No. 5

Renewals of licenses should be made in a timely manner.

The processing time delays for renewals were caused by: (1) all licenses being renewed at the same time each year, and (2) conflicting statutory requirements resulting in allowance of a 30-day protest period for local governing bodies. We recommend the need for the protest period be reviewed for merit, as the majority of protests were for nonpayment of local property taxes. If found to be of merit, the protest period should be run concurrent with, rather than subsequent to, the renewal application period to reduce processing delays.

Legislative Audit's Current Position

The conflicting statutory requirements for local protest of renewals were resolved by the 1980 revision of Title 4. The requirement for the protest period was retained, and a new provision listing delinquency in payment of taxes as grounds for denial of a renewal was added. Implementation of the alternative recommendation is precluded by a new provision which states the protest period begins with "receipt from the board of notice of filing of the application".

Prior Audit Recommendation No. 6

The requirement for a \$2500 cash or surety bond for a beverage dispensary license should be eliminated from AS 04.10.040.

The requirement for a \$2500 cash or surety bond was established in 1939 as a penal sum to be forfeited upon revocation of a license. Since that time, not only has the value of the dollar decreased substantially but beverage dispensary licenses have gained economic value in areas where the quota for that type of license has been reached making license revocation a financially penalizing action in its own right. These economic factors coupled with no record of forfeiture in the previous five years indicated the bond requirement should be eliminated as obsolete.

Legislative Audit's Current Position

The 1980 revision of Title 4 retained the requirement for a \$2500 cash or surety bond for beverage dispensary licenses.

┌ Prior Audit Recommendation No. 7

The Office of the Governor should keep appointments of members of the Alcoholic Beverage Control Board current and stagger them as required by AS 39.05.060.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

March 25, 1982

The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
Room 125 - Capitol Building
Juneau, Alaska

Dear Senator Rodey:

Re: Senate Bill No. 855

Senate Bill No. 855, an Act repealing the requirement that an applicant for a beverage dispensary license file a bond, was introduced in the Senate on March 12, 1982 and was referred to the Senate Judiciary Committee.

For the consideration of the Senate Judiciary Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Patrick L. Sharrock, Director, Alcoholic Beverage Control Board, Department of Revenue, Anchorage.

Sincerely,



R. D. Stevenson
Special Assistant

Enclosure

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Patrick L. Sharrock, Director
Alcoholic Beverage Control Board
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution Number: SB 855

Title: Repealing requirement for beverage dispensary liquor license bond

Requested by: Senate Judiciary Committee

Date: 3/16/82

II. FISCAL DETAIL

Agency Effected: Department of Revenue

Program Category Effected: 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	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
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	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-

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 this BRU.

IV. DATE: 3/24/82

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

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)