

H B

158

City

figures for 12/31/32 12/31/33

for the following

and

Exchange

Bank

Foreign

Income

Income

Income

Income

Income

Income

Income

Income

Income

Income

Income

Income

Income

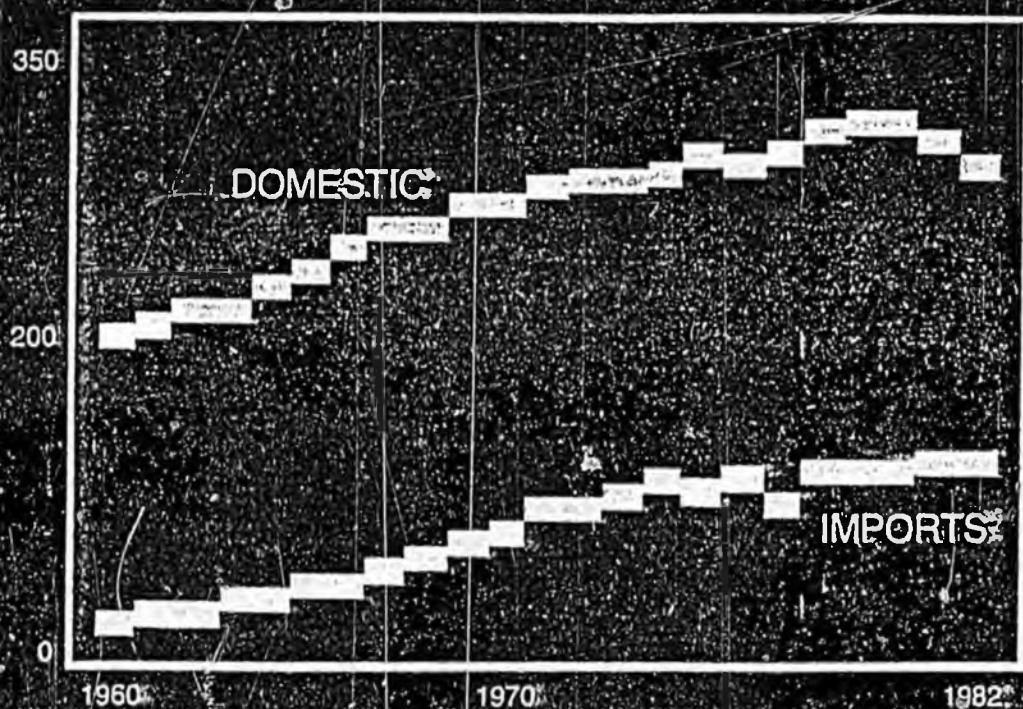
Income

17	17	129	146	204216	230846	146	129	17	416
12	2	—	6	207	207	6	—	2	12
9	6	18	24	2747	2712	24	18	6	9
11	0	1	3	1079	1079	3	1	0	11
20	1	2	7	2897	2837	7	2	1	20
61	2	10	27	2286	27519	27	10	2	61
33	4	4	4	521	521	4	4	4	33
57	6	15	21	777	844	21	15	6	57
25	2	4	6	5873	6073	6	4	2	25
5	—	—	3	497	535	3	—	—	5
12	1	3	4	3430	3620	4	3	1	12
13	2	2	6	2524	2738	6	2	2	13
14	2	2	4	3040	3016	4	2	2	14
17	2	3	9	3694	3687	9	3	2	17
11	1	2	6	2386	2944	6	2	1	11
12	1	—	5	2370	2370	5	—	1	12
18	2	2	4	1828	1828	4	2	2	18

Annual Statistical Review 1982

DISTILLED SPIRITS INDUSTRY

Distilled Spirits Entering Trade Channels
Millions of Liquid Gallons



DISTILLED SPIRITS
COUNCIL OF THE
UNITED STATES

City	Present # of on Premial Barstman	present Population	Population needed for 1 license per 1500	Population needed for 1 license Bill 1 for 2500
Anchorage	145	230,000	217,000	362,500
Craig	4	907	6,000	10,000
Seldatna	7	3300	10,500	17,500
Kenai	11	5500	16,500	27,500
Fairbanks	44	27,000	66,000	110,000
Seward	10	1800	15,000	25,000
Homer	10	3200	15,000	25,000
Cardona	6	2300	7,500	15,000
Ketchikan	22	14,300	33,000	55,000
Sitka	11	8,200	16,500	27,500
Juneau	27	27,500	40,500	67,500
Wrangell	5	2300	7,500	12,500

anchorage is the only city where
more licenses could be granted under
1 license per 1500 population

Table 40. Adult^a Per Capita Consumption of Distilled Spirits, Wine, and Beer, by State, 1982
(Wine or Liquid Gallons)

State	Distilled Spirits	Wine	Beer	Adult Population ^b (000)
LICENSE STATES				
Alaska	4.64	4.80	42.75	297
Arizona	2.78	3.42	42.17	2,049
Arkansas	1.67	1.05	25.02	1,642
California	2.99	6.03	33.47	18,239
Colorado	3.11	3.87	37.76	2,219
Connecticut	3.19	3.84	25.52	2,370
Delaware	3.50	2.85	37.09	443
District of Columbia	7.09	8.67	35.10	494
Florida	3.29	3.34	37.17	7,987
Georgia	2.74	1.81	28.50	4,011
Hawaii	3.01	4.02	43.50	716
Illinois	2.82	3.02	34.20	8,310
Indiana	2.01	1.57	31.37	3,926
Kansas	1.77	1.11	29.26	1,761
Kentucky	2.01	0.99	27.76	2,625
Louisiana	2.67	2.53	36.44	3,020
Maryland	3.33	2.98	33.55	3,154
Massachusetts	3.23	4.17	41.05	4,366
Minnesota	2.94	2.31	33.04	2,993
Missouri	1.72	1.80	33.27	3,629
Nebraska	2.20	1.73	36.40	1,145
Nevada	6.59	6.45	47.79	651
New Jersey	3.01	4.41	29.47	5,534
New Mexico	2.30	2.94	40.83	937
New York	2.88	4.02	30.43	13,151
North Dakota	2.99	1.50	37.29	477
Oklahoma	2.20	1.38	28.63	2,296
Rhode Island	2.74	4.64	32.32	725
South Carolina	2.66	1.73	30.16	2,278
South Dakota	2.59	1.52	31.30	490
Tennessee	1.85	1.17	27.26	3,390
Texas	2.23	2.22	44.24	10,751
Wisconsin	3.04	2.56	46.92	3,451
License States	2.77	3.34	34.16	119,527
CONTROL STATES				
Alabama	1.92	1.49	24.23	2,812
Idaho	2.07	2.60	35.71	655
Iowa	1.73	1.09	33.63	2,109
Maine	2.71	2.58	31.92	824
Michigan	2.63	2.39	32.88	6,530
Mississippi	2.19	0.94	29.10	1,752
Montana	2.71	2.74	44.21	570
New Hampshire	6.21	4.93	45.91	697
North Carolina	2.24	1.80	25.94	4,402
Ohio	1.74	1.87	31.47	7,818
Oregon	2.32	4.41	32.01	1,938
Pennsylvania	1.82	1.93	34.71	8,876
Utah	1.47	1.26	24.83	974
Vermont	3.31	4.27	36.04	376
Virginia	2.31	2.26	30.00	4,053
Washington	2.62	4.41	32.05	3,105
West Virginia	1.46	1.19	26.90	1,405
Wyoming	3.21	2.01	43.38	347
Control States	2.17	2.21	31.55	49,243
United States	2.59	3.01	33.57	168,769

NOTE: Because of rounding, detail may not add to total.

^a"Adult" is defined as persons 18 years of age and older.

^bAdult population as of July 1, 1982.

Sources: Distilled Spirits Council of the United States, Inc.; Wine Institute; United States Brewers Association; Bureau of the Census, U.S. Department of Commerce.

Table 52. Number of Retail Outlets or Licenses Issued for the Sale of Distilled Spirits, Number of Outlets/Licenses per 1,000 Population, and Number of Persons per Outlet/License, 1982

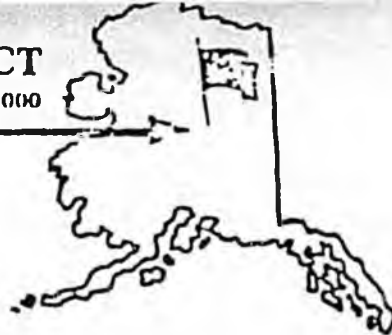
State	Number of Outlets/Licenses				Total Population July 1, 1982 (000)	Number of Outlets/Licenses per 1,000 Population				Number of Persons per Outlet/License			
	On Premise	Off Premise	On and Off Premise	Total Licenses		On Premise	Off Premise	On and Off Premise	Total Licenses	On Premise	Off Premise	On and Off Premise	Total Licenses
LICENSE STATES													
Alaska	759	446	—	1,205	438	1.73	1.01	—	2.75	577	982	—	364
Arizona	1,275	1,361	1,523	4,159	2,860	0.45	0.48	0.53	1.45	2,243	2,101	1,878	688
Arkansas	553	676	—	1,229	2,291	0.24	0.30	—	0.54	4,143	3,389	—	1,864
California	14,274	11,416	—	25,690	24,724	0.58	0.46	—	1.04	1,732	2,166	—	962
Colorado	3,687	1,373	—	5,060	3,045	1.21	0.45	—	1.66	826	2,218	—	602
Connecticut	3,341	1,869	—	5,210	3,153	1.06	0.59	—	1.65	944	1,687	—	605
Delaware	456	293	177	926	632	0.76	0.49	0.29	1.54	1,320	2,055	3,401	650
District of Columbia	821	347	—	1,168	631	1.30	0.55	—	1.85	769	1,818	—	540
Florida	1,311	568	6,284	8,163	10,416	0.13	0.05	0.60	0.78	7,945	18,338	1,658	1,276
Georgia	1,773	1,586	—	3,359	5,639	0.31	0.28	—	0.60	3,180	3,555	—	1,679
Hawaii	1,071	769	—	1,840	994	1.08	0.77	—	1.85	928	1,293	—	540
Illinois	—	—	19,932	19,932	11,448	—	—	1.74	1.74	—	—	574	574
Indiana	1,193	1,704	3,495	6,392	5,471	0.22	0.31	0.64	1.17	4,586	3,211	1,565	856
Kansas	1,182	1,114	—	2,296	2,408	0.49	0.46	—	0.95	2,037	2,162	—	1,049
Kentucky	1,217	904	88	2,209	3,667	0.33	0.25	0.02	0.60	3,013	4,056	41,670	1,660
Louisiana	6,747	2,742	—	9,489	4,362	1.55	0.63	—	2.18	647	1,591	—	460
Maryland	554	1,065	3,261	4,880	4,265	0.13	0.25	0.76	1.14	7,699	4,005	1,308	874
Massachusetts	6,214	1,790	—	8,004	5,781	1.07	0.31	—	1.38	930	3,230	—	722
Minnesota	2,375	700	1,112	4,187	4,133	0.57	0.17	0.27	1.01	1,740	5,904	3,717	987
Missouri	—	4,110	4,295	8,405	4,951	—	0.83	0.87	1.70	—	1,205	1,153	589
Nebraska	430	564	2,058	3,052	1,586	0.27	0.36	1.30	1.92	3,688	2,812	771	520
Nevada	926	599	839	2,364	881	1.05	0.63	0.35	2.68	951	1,471	1,050	373
New Jersey	1,460	1,947	8,109	11,516	7,438	0.20	0.26	1.09	1.55	5,095	3,820	917	646
New Mexico	217	79	1,308	1,604	1,359	0.16	0.06	0.96	1.18	6,263	17,203	1,039	847
New York*	23,672	4,098	—	27,770	17,659	1.34	0.23	—	1.57	746	4,309	—	636
North Dakota	77	91	1,065	1,233	670	0.11	0.14	1.59	1.84	8,701	7,363	629	543
Oklahoma	—	831	—	831	3,177	—	0.26	—	0.26	—	3,823	—	3,823
Rhode Island	1,448	311	—	1,759	958	1.51	0.32	—	1.84	662	3,080	—	545
South Carolina	1,542	1,151	—	2,693	3,203	0.48	0.36	—	0.84	2,077	2,783	—	1,189
South Dakota	886	585	—	1,471	691	1.28	0.85	—	2.13	780	1,181	—	470
Tennessee	954	572	—	1,526	4,651	0.21	0.12	—	0.33	4,875	8,131	—	3,048
Texas	7,813	3,458	—	11,271	15,280	0.51	0.23	—	0.74	1,956	4,419	—	1,356
Wisconsin	12,699	1,763	—	14,462	4,765	2.67	0.37	—	3.04	375	2,703	—	329
Subtotal License States	100,927	50,882	52,546	205,355	163,597	0.62	0.31	0.33	1.26	1,621	3,215	3,055	797
CONTROL STATES													
Alabama	2,090	136	—	2,226	3,943	0.53	0.03	—	0.56	1,887	28,993	—	1,771
Idaho	885	132	—	1,017	965	0.92	0.14	—	1.05	1,090	7,311	—	949
Iowa	4,610	212	—	4,822	2,905	1.59	0.07	—	1.66	630	13,703	—	602
Maine	1,168	130	—	1,298	1,133	1.03	0.11	—	1.15	970	8,715	—	873
Michigan	9,217	3,883	—	13,100	9,109	1.01	0.43	—	1.44	988	2,346	—	695
Mississippi	584	677	—	1,261	2,551	0.23	0.27	—	0.49	4,368	3,768	—	2,023
Montana	—	145	1,528	1,673	801	—	0.18	1.91	2.09	—	5,524	524	479
New Hampshire	1,014	70	—	1,084	951	1.07	0.07	—	1.14	938	13,586	—	677
North Carolina	1,143	385	—	1,528	6,019	0.19	0.06	—	0.25	5,266	15,634	—	3,930
Ohio	11,867	427	—	12,294	10,791	1.10	0.04	—	1.14	909	25,272	—	878
Oregon	1,531	231	—	1,762	2,649	0.58	0.09	—	0.67	1,730	11,468	—	1,503
Pennsylvania	4,030	726	15,032	19,788	11,865	0.34	0.06	1.27	1.67	2,944	16,366	789	600
Utah	164	113	163	440	1,554	0.11	0.07	0.10	0.28	9,476	13,752	9,534	3,532
Vermont	1,069	63	—	1,132	516	2.07	0.12	—	2.19	483	8,190	—	456
Virginia	1,855	245	—	2,100	5,491	0.34	0.04	—	0.38	2,960	22,412	—	2,615
Washington	2,481	376	—	2,857	4,245	0.58	0.09	—	0.67	1,711	11,290	—	1,486
West Virginia	1,229	157	—	1,386	1,948	0.63	0.08	—	0.71	1,585	12,408	—	1,405
Wyoming	684	96	178	958	502	1.36	0.19	0.35	1.91	734	5,229	2,820	524
Subtotal Control States	45,621	8,204	16,901	70,726	67,938	0.57	0.12	0.25	1.04	1,489	8,282	4,020	961
TOTAL UNITED STATES	146,548	59,086	70,447	276,081	231,535	0.63	0.26	0.30	1.19	1,500	3,919	3,287	839

NOTE: Because of rounding, detail may not add to total.
*New York outlet data are for 1981.

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 1250, Fairbanks, Alaska 99707-1250

(907) 452-2000



KENNETH STEPHEN BURNLEY
Superintendent of Schools

October 6, 1983

Mr. Richard Loeb
Alaska Distributors Co.
P. O. Box 549
Fairbanks, Alaska 99707

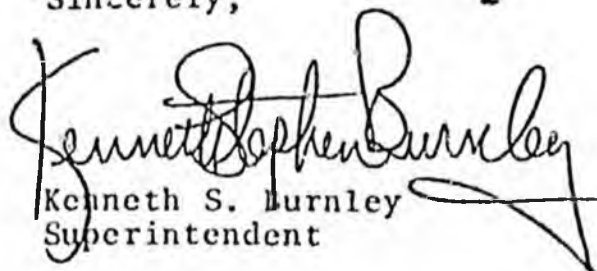
Dear Mr. Loeb:

On behalf of the Board of Education, I want to express my appreciation for your generous gift to the School District. "Preventing Alcohol Abuse" will be a vital curriculum resource for those developing classroom lessons on this important subject.

As I reviewed the brochure provided, I was very impressed by the emphasis on factual, nonjudgmental information. Moreover, the tailoring of learning units to specific age groups will greatly facilitate the use of the teaching materials.

Altogether, your contribution demonstrates the best traditions of corporate social consciousness and community involvement. Please accept my personal gratitude for this outstanding gift, and for your keen sense of public commitment.

Sincerely,


Kenneth S. Burnley
Superintendent

KSB:M

c Board of Education

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 28, 1984

SUBJECT: Liquor licenses (HB 158)

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM:  Russ Josephson
Legislative Counsel

In the committee discussions of CSHB 158(C&RA), there has been a fair amount of confusion about the language of AS 04.11.400, the statute setting population limitations for liquor licenses. In an attempt to clarify this section and, thus, the bill, I have rewritten this section in part. Although the concepts in this section remain complicated, I think that this rewrite is an improvement.

Please note that in this new draft subsection (k) has been eliminated, replaced by additional language inserted into subsections (a) and (b). Another change in this draft concerns the transfers of liquor licenses. There has been some confusion about transfers of licenses because there are two types, transfers of ownership and transfers of location. To clarify this distinction, I have changed the word "transfer" to "relocation" when referring to a transfer of the location of licensed premises. (If this change is acceptable, the references to transfers of this type throughout the title would be changed, as well, to read "relocation" rather than "transfer".)

Please let me know what you think of the following version of AS 04.11.400(a) and (b) and whether you would like a substitute bill drafted along these lines.

(a) Except as provided in (g)(2), (h), and (i) of this section, a new license may not be issued, and licensed premises may not be relocated, if the premises for the new license or if the relocated licensed premises would be located

(1) outside an incorporated city, a unified municipality, or an established village and, after the issuance or relocation, there would be within a radius of five miles of the licensed premises or location of premises sought to be licensed more than one beverage dispensary license and one package store license for each 3,000 population or fraction of 3,000 population and one license of each other type for each 1,500 population or fraction of 1,500 population; in determining the maximum number of a type of license allowed in a given area under this paragraph, the board shall include in its calculations the number of licenses of that type issued under (g) and (h) of this section for premises in that area;

(2) inside an incorporated city, a unified municipality, or an established village and, after the issuance or relocation, there would be inside the boundaries of the city, municipality or village more than one beverage dispensary license and one package store license for each 3,000 population or fraction of 3,000 population and one license of each other type for each 1,500 population or fraction of 1,500 population; in determining the maximum number of a type of license allowed in a given area under this paragraph, the board shall include in its calculations the number of licenses of that type issued under (g) or (h) of this section for premises in that area.

(b) If an application for a new license or for relocation of licensed premises is for premises to be located outside of an incorporated city, unified municipality, or established village and the radius described in (a)(1) of this section encompasses all of the city, municipality, or village and the population residing within the radius is less than

(1) 3,000, the board may deny the

(A) issuance of a beverage dispensary license or package store license;

(B) relocation of premises licensed as a beverage dispensary or package store;

Representative Charlie Bussell
Page 3
February 28, 1984

(2) 1,500, the board may deny the issuance of any license or the relocation of any licensed premises.

If you have any questions or comments, please do not hesitate to call.

RJ:ojb
J4/013

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

201 EAST 9TH AVENUE
ANCHORAGE, ALASKA 99501

March 5, 1984



The Honorable Charlie Bussell, Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CSHB 158 (C&RA)

Dear Representative Bussell:

During our testimony on the above bill at the committee meeting held on January 27, members of the committee requested that I submit a letter outlining the ABC Board's alternative or preference concerning population limitations for issuance of liquor licenses. Simply stated, the board would prefer merely amending present law to raise population from 1,500 persons for each type of license to 2,500 persons. The board believes there is currently a sufficient number of issued licenses to serve the needs of the public. If in the future an application warrants and public need is shown, the board may grant a license under AS 04.11.400(j), public convenience and necessity.

A draft bill showing the board's proposed amendment is attached. Thank you for extending additional time for the board to respond. If I can provide the committee with any additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads 'Patrick L. Sharrock'.

Patrick L. Sharrock
Director

PLS:vk
Enc.

cc: Representative Mike M. Miller, Sponsor
Robert D. Heath, Commissioner of Revenue
Members, ABC Board
Kay Gouwens, Asst. Attorney General

of all alcoholic beverage licenses; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 04.11.400(a) is amended to read:

(a) Except as provided in (g), (h), (i), and (j) of this section, a new license may not be issued or an existing license transferred to a new location

(1) outside an incorporated city, a unified municipality, or an established village if after the issuance or transfer there would be more than one license of each type for each 2,500 [1,500] population or fraction of 2,500 [1,500] population, including licenses which have been approved or issued under (g) or (h) of this section, in a radius of five miles of the licensed premises or location of premises sought to be licensed.

(2) inside an established village, an incorporated city, or a unified municipality if after the issuance or transfer there would be more than one license of each type for each 2,500 [1,500] population or fraction of 2,500 [1,500] population, including licenses which have been issued or approved under (g) or (h) of this section, inside the boundaries of the village, city or municipality.

* Sec. 2. AS 04.11.400(b) is amended to read:

(b) If the application is for a license outside of an established village, incorporated city, or unified municipality and the radius described in (a)(1) of this section encompasses all of the established village, incorporated city, or unified municipality and the population resident inside and outside the village, city, or municipality but inside the radius described in (a)(1) of this section is less than 2,500 [1,500], the board may deny the issuance or transfer of the license.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-0.070.

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

Notice is hereby given that the Alcoholic Beverage Control board, under the authority of AS 04.06.100, proposes to amend certain current regulations and adopt new regulations as described below.

Application Periods for Licenses

The Board proposes to establish application periods for licenses and clarify when a license becomes available. The statutes to be interpreted and implemented are AS 04.06.100, AS 04.11.010, AS 04.11.260, AS 04.11.320(a)(9), and AS 04.11.400(a).

Competing Applications

The Board proposes to:

(1) establish the procedure for choosing among competing applicants when there are more applicants than available licenses;

(2) establish criteria that will guide the board's choice among competing applicants;

(3) provide for random selection among competing applicants in some cases; and

(4) establish the procedure for local governing bodies to protest competing applications. The statutes to be interpreted and implemented are AS 04.06.100, AS 04.11.400(a), AS 04.11.010, AS 04.11.260, and AS 04.11.510.

Local Governing Body Protests

The Board proposes to adopt clarifying regulations when a local governing body protest may be determined to be arbitrary,

capricious, or unreasonable, and relating to government protests where there are competing applicants. The statutes to be interpreted and implemented are AS 04.06.100, AS 04.11.480, AS 04.11.510, and AS 04.11.520.

Determining Population

The Board proposes to establish how population will be determined in establishing the number of available licenses. The statutes to be interpreted and implemented are AS 04.06.100 and AS 04.11.400(a).

Denying, Suspending, and Revoking Licenses in the Public Interest

The Board proposes to establish criteria that will guide the Board in deciding when in the public interest a license will be denied, revoked or suspended, or a request for renewal or transfer will be denied. The statutes to be implemented and interpreted are AS 04.06.100, AS 04.11.320(a)(1), AS 04.11.330(a)(1), AS 04.11.340(2), AS 04.11.360(1), AS 04.11.370(2), and AS 04.11.370(2).

License Renewal

The Board proposes to clarify and establish procedures and deadlines for renewal of licenses. The statutes to be implemented and interpreted are AS 04.06.100, AS 04.11.270, AS 04.11.330, AS 04.11.540, AS 04.11.550, and AS 04.11.680.

Minors: Employment and Dining

The Board proposes to adopt criteria for designation of licensed premises for employment of minors and dining by minors. The statutes to be implemented and interpreted are AS 04.06.100 and AS 04.16.049.

Drinking Age

The Board proposes to amend several regulations to reflect that the drinking age has been statutorily raised from 19 to 21. The statutes to be implemented and interpreted are AS 04.06.100, AS 04.11.080, AS 04.11.110, AS 04.11.460, AS 04.16.049, AS 04.16.050, AS 04.16.051, AS 04.16.052, AS 04.16.060, AS 04.16.200, AS 04.21.020, and AS 04.21.050.

Employment of Parolees, Probationers, and Prisoners

The Board proposes to repeal a regulation prohibiting employment of parolees and probationers, and to adopt a regulation restricting employment on licensed premises of parolees, probationers, and prisoners. The statute to be interpreted and applied is AS 04.06.100.

Transfer of Licenses to Another Person

The Board proposes to adopt regulations:

- (1) disallowing transfers within three years after initial issuance;
- (2) requiring that a license be surrendered while an application to transfer the license to another person is pending;
- (3) providing for temporary permits to operate while a transfer application is pending;
- (4) requiring public notice to creditors of the proposed transfer;
- (5) defining what creditors' claims may prevent the transfer;
- (6) establishing a creditors' claim period after which creditors' claims may be denied;

(7) providing for hearings on certain creditors' claims;

(8) requiring escrow of the purchase price to protect creditors; and

(9) providing for a transfer application fee.

The statutes being implemented and interpreted are AS 04.06.100, AS 04.11.280, AS 04.11.360, and AS 04.11.040.

Special Conditions on Licenses

The Board also proposes to adopt regulations regarding when special conditions may be placed on a license, and what kinds of conditions may be imposed. The statute being implemented and interpreted is AS 04.06.100.


Any person interested may present oral or written statements or arguments relevant to any of the proposed action at a hearing to be held in Fairbanks at 10:00 a.m. on February 16, 1984, in the Fairbanks North Star Borough Assembly Chambers, 520 Fifth Avenue, Fairbanks, Alaska; or at a hearing to be held in Anchorage at 10:00 a.m. on February 24, 1984, at the Municipality of Anchorage Assembly Chambers, 3500 Tudor Road, Anchorage, Alaska; or at a hearing to be held in Juneau at 8:00 a.m. on March 6, 1984, in the City and Borough of Juneau Assembly Chambers, 155 South Seward Street, Juneau, Alaska. In addition, written statements or arguments may be sent to Alcoholic Beverage Control Board, 201 E. 9th Avenue, Anchorage, Alaska 99501, to be received no later than March 1, 1984.

Copies of the proposed regulations may be obtained by writing to the Alcoholic Beverage Control Board, 201 E. 9th Avenue, Anchorage, Alaska 99501.

These actions are not expected to require an increased appropriation.

The Alcoholic Beverage Control Board, upon its own motion or at the instance of any interested party, may adopt proposals after the hearing within the scope of this notice without further notice, or may decide to take no action on them.

DATE: February 8, 1984


Patrick L. Sharrock, Director
Alcoholic Beverage Control Board

ARTICLE _____

MUTUALLY EXCLUSIVE APPLICATIONS

15 AAC 104. . MUTUALLY EXCLUSIVE APPLICATIONS. (a) Applications are mutually exclusive when issuance of one or more new licenses or the transfer of one or more existing licenses will require the denial of one or more other applications based upon the population quota for licenses.

(b) Within an established village, incorporated city, and unified municipality, the board will give reasonable public notice of application for the last available license of each kind. All mutually exclusive applications received within 30 days after the date of the last notice, and all mutually exclusive applications received within 30 days before the date the application for the last available license was received, are competing applications.

(c) Outside an established village, incorporated city, and unified municipality, each mutually exclusive application received within 30 days after receipt of the immediately preceding mutually exclusive application is a competing application.

(d) All competing applications will be decided at the same time. All other mutually exclusive applications will be considered separately, in the order in which they were received. Applications received before the competing applications will be decided first. Applications received after the competing applications will be decided after the final decision on all the competing applications. If necessary, the same procedure for identifying and considering competing applications will be repeated for applications received after the first group of competing applications.

15 AAC 104. . PROCEDURE FOR DECISION ON COMPETING APPLICATIONS.

(a) The board will initiate a consolidated administrative hearing on all competing applications by filing a statement of issues under the Administrative Procedure Act.

(b) If an applicant does not appear in the administrative hearing, the application will be denied and the denial is final.

(c) If a local governing body protests a competing application, the protest will be incorporated in the statement of issues. The local governing body must appear in the administrative hearing or its protest will be considered arbitrary, capricious and unreasonable.

(d) Upon hearing, the board will determine whether to deny any competing applications under AS 04.11.320 or AS 04.11.480.

(e) After determining whether to deny any applications under AS 04.11.320 or AS 04.11.480, the board will in its discretion approve applications which are no longer mutually exclusive, and will conduct a drawing to determine which competing applications to approve. All other competing applications will be denied without prejudice.

PUBLIC INTEREST CONSIDERATIONS

15 AAC 104. ____ . DENIAL IN THE PUBLIC INTEREST. (a) Except for good cause shown, the board will, in its discretion, deny an application for a new license or transfer of an existing license if the board finds, after review of all the evidence, that:

(1) the application is incompatible with the character or public interests of the surrounding neighborhood;

(2) issuance would tend to create a law enforcement problem;

(3) there is, or issuance would result in, an excessive number of licenses in the area. In the absence of guidelines from the local governing body, it will be presumed that there is an excessive number of licenses in an area where there are more than ____ licensed premises within a one-half mile radius or more than ____ licensed premises within a two-mile radius of the premises;

(4) there is, or issuance would tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area. In the absence of guidelines from a local governing body, the board will generally assume that the crime rate or incidence of alcohol-related accidents is "high" if the frequency or severity of such events in the area significantly exceeds the city -, village -, or municipality-wide average;

(5) there are inadequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing or transferring the license;

(6) access to the premises will create an unreasonable traffic hazard;

(7) a reasonably expected increase in traffic will overtax existing road systems;

(8) the proposed premises are already constructed, and do not substantially comply with state and local fire, health, and safety codes, and cannot be made to comply without extensive structural modification;

(9) under the proposed management plan, the licensee will have insufficient control over the conduct of the proposed business;

(10) the applicant or the applicant's affiliates have had a liquor license revoked in the year preceding the application;

(11) the applicant or the applicant's affiliates have had a liquor license suspended in the six months preceding the application;

(12) the applicant or the applicant's affiliates have been criminally convicted, within 5 years before the application, of any felony, any violation of Title 04 of the Alaska Statutes; or any violation of the alcoholic beverage control law of another state, as a licensee of that state;

(13) the applicant or the applicant's affiliates have demonstrated that they are untrustworthy or unfit to conduct the operation of a licensed business, or are a potential source of harm to the public;

(14) the proposed premises or business is not financially feasible.

(b) The factors listed in (a) of this section are neither exclusive nor conclusive. The board will in its discretion find that a license should not be issued in the best interests of the public based on factors not identified in (a) of this section, and will in its discretion consider other factors that offset or moderate a negative factor identified in (a) of this section.

CONDITIONS OF LICENSES

15 AAC 104.____. CONDITIONS ON LICENSES. If grounds exist for the denial, revocation, suspension, or refusal to renew a license, and the licensee or applicant requests it, the board may place reasonable restrictions on a license if it finds the conditions are likely to remove or substantially moderate the grounds for denial, revocation, suspension, or refusal to renew. Conditions may include, but are not limited to, the following subjects:

- (1) hours of sale;
- (2) display of signs;
- (3) employment of designated persons;
- (4) entertainment permitted or prohibited on the premises;
- (5) alcoholic beverages to be served only with food; and
- (6) matters pertaining to the personal conduct of the licensee.

POPULATION

15 AAC 104.605 DETERMINING POPULATION CRITERIA. is amended as follows:

Subsection (a) is amended to read:

(a) The board will employ population figures generated by the Department of Community and Regional Affairs to establish a population figure for determining the quota of licenses available under AS 04.11.400(a)(2). The Department of Community and Regional Affairs figures, will be adjusted, however, in the following respects:

(1) prison populations will be excluded;

(2) the populations of colleges and universities will be discounted by the number of students who, according to best available information are domiciled in states other than Alaska. If not such information is readily available to the director, college and university populations will be discounted by ____%.

(3) the population of military bases and installations will be discounted by the number of military personnel and their families who, according to best available information, are domiciled in states other than Alaska. If no such information is readily available to the director, the population of military bases and installations will be discounted by ____%. Former subsection (b) is redesignated as subsection (d) and new subsections (b) and (c) as follows are added:

(b) The population of established villages, incorporated cities, and unified municipalities will be determined annually by the director, within a reasonable time after the figures generated by the Department of Community and Regional Affairs are made available to the director.

(c) If figures of the Department of Community and Regional Affairs are not available to the director by _____ of any year, the director shall employ the best available information to establish population figures in determining the quota of available licenses.

LOCAL GOVERNMENT PROTESTS

15 AAC 104.145 LOCAL GOVERNING BODY PROTEST. is amended by adding new subparagraphs (c), (d), and (e) as follows:

(c) A local governing body protest will generally be considered not to be arbitrary, capricious, or unreasonable where:

(1) the protest is pursuant to an ordinance, resolution, or statement of policy adopted by the governing body before it considered the application, or the applicant otherwise had reasonable notice before making application of the factors to be considered and the standards applied by the local governing body;

(2) the applicant was provided a reasonable opportunity to defend the application before a meeting of the local governing body; and

(3) the protest has a reasonable basis in fact and is not contrary to law.

(d) A local governing body protest may be based upon facts that render the particular application objectionable to the local body, or may be based upon a general public policy. If based on a general public policy, the policy must have a reasonable basis in fact, may not be contrary to law, and may not be patently inapplicable to the particular application being protested. The board will not substitute its judgment for that of the local governing body on matters of public policy that have reasonable factual support.

(e) If the application is denied because of the protest, and the applicant requests a hearing, the local governing body shall be a party to the hearing and to any subsequent appeals, and shall undertake the defense of its protest.

EMPLOYMENT OF PRISONERS, PAROLEES, AND PROBATIONERS

15 AAC 104.665 is amended to read as follows:

15 AAC 104.665. EMPLOYMENT OF PRISONERS, PAROLEES, AND PROBATIONERS. (a) A licensee shall not employ on licensed premises a prisoner convicted of a felony unless the prisoner is on a work furlough program from the prison or other incarceration facility, and the employment and duties of the prisoner on the licensed premises have been expressly approved in writing by authorized personnel of the prison or other facility. The licensee shall maintain the original or photocopy of the written approval on the licensed premises and allow inspection of the approval by agents and employees of the board.

(b) A licensee shall not employ on licensed premises a person on parole for a felony or a person on supervised probation for a felony unless the employee's parole or probation officer specifically approves the employment in writing. The licensee shall maintain the original or photocopy of the written approval on the licensed premises and allow inspection of the approval by agents and employees of the board. For purposes of this subparagraph a person is on "supervised probation" if a probation officer has been appointed to the person.

(c) A licensee shall not employ on licensed premises a person who is on unsupervised probation for a felony offense, unless the licensee has reviewed a copy of the probation conditions imposed by the sentencing court, and those conditions do not specifically prohibit the employment. The licensee shall maintain on the licensed premises a certified copy of the probation conditions imposed by the sentencing court and shall make it available for inspection by agents and employees of the board. For purposes of this subparagraph, a person is on "unsupervised probation" if no probation officer has been appointed to the person. (Eff. / / , Register).

ALCOHOLIC BEVERAGE CONTROL BOARD
PROPOSED REGULATIONS
KEMG DRAFT 1-17-84

15 AAC 104 is amended by adding a new Article as follows:

ARTICLE 4. TRANSFER OF A LICENSE TO ANOTHER PERSON.

SECTION.

- . No Transfer Within ___ Years
- . Applications
- . Escrow of Purchase Price
- . Notice to Creditors
- . Creditors' Claim Period
- . Creditors' Claims
- . Hearing on Disputed Claims
- . Issuance of License to Transferee
- . Termination of Operations; Temporary Permits

15 AAC 104.____. NO TRANSFER WITHIN () YEARS. No license applied for or transferred to the current holder after the effective date of this regulation may be transferred to another person until ___ years after the date it is issued.

15 AAC 104.____. APPLICATIONS. (a) An application to transfer a license to another person must be accompanied by:

- (1) the license proposed to be transferred;
- (2) any escrow agreement required by 15 AAC 104.____;
- (3) a list of all the outstanding creditors of the licensed business, sworn to by the licensee (under penalty of perjury);
- (4) proof of the publication required by 15 AAC 104.____ ;
- (5) a transfer application fee of \$500.00, unless the proposed transfer is to the licensee's spouse, to a bankruptcy trustee or receiver, to surviving partners of a partnership

licensee, or to a corporation whose outstanding stock are 100% owned by the licensee, in which case the application fee is \$75.00.

15 AAC 104.____. ESCROW OF PURCHASE PRICE. If the proposed transfer involves a purchase price or other tangible consideration, the licensee and proposed transferee shall establish an escrow with some person, corporation, or association not a party to the transfer, and the proposed transferee shall deposit with the escrow holder the entire amount of the purchase price or consideration. The licensee and proposed transferee shall enter into an agreement deposited with the escrow holder, directing the escrow holder, in accordance with instructions received from the board, to either (1) pay the claims of all creditors of the licensed business as identified in a notice given by the Board to the escrow holder and acknowledged by the licensee to be bona fide creditors of the licensed business, with the balance to be paid to the licensee, or (2) return the purchase price to the proposed transferee.

15 AAC 104.____. NOTICE TO CREDITORS. The licensee shall give notice to its creditors that a transfer of the license is proposed. The notice must be mailed to all outstanding creditors known to the licensee, and must be published in a major newspaper of general circulation in this state, at least once a week for three consecutive weeks. The notice must state that the transfer will not occur until all bona-fide creditors of the licensed business are paid or satisfied, and must direct creditors to submit their claims to the board, in writing, by two months from the date of the first publication.

15 AAC 104.____. CREDITORS' CLAIMS PERIOD. Except for good cause shown, a creditor's claim will not bar a transfer if it is presented to the board more than two months after the first date the notice to creditors was published in accordance with 15 AAC 104.____.

15 AAC 104.____. CREDITORS' CLAIMS. (a) A creditor's claim will not prevent transfer of a license unless the claim arises from the conduct of the business licensed.

(b) A claim arises from the conduct of the business licensed to the extent that it arises from conduct that involved or was closely associated with the manufacture, distribution, sale, or service of alcoholic beverages. A claim does not arise from the conduct of the business licensed to the extent that it arises from conduct actually and reasonably distinct from and unassociated with the manufacture, distribution, sale, or service of alcoholic beverages.

(c) Creditors whose claims must be paid or satisfied to allow transfer under this section include, but are not limited to employees, suppliers, materialmen, consultants, banks and other financial institutions, attorneys, and accountants.

(d) The board will determine on a case by case basis what claims involve or are closely associated with the manufacture, distribution, sale, or service of alcoholic beverages. However, the following examples will guide the board's determinations:

(1) Conduct related to food service in a licensed restaurant will generally be deemed to be closely associated with the sale of alcoholic beverages. Conduct related to food service in a non-licensed cafe of a restaurant complex which also contains a licensed restaurant will not generally be deemed to be closely associated with the sale of alcoholic beverages.

(2) A bank loan for purchase of liquor inventory will generally be deemed to be closely associated with the sale of alcoholic beverages. A bank loan to renovate hotel guest rooms will generally not be deemed to be closely associated with the sale of alcoholic beverages.

(e) If it cannot reasonably be determined what portion of a claim arises from the conduct of the business licensed, if there is a reasonable basis on which the board can otherwise apportion the claim, it may do so.

15 AAC 104.____. HEARING ON DISPUTED CLAIMS. If any creditor presents a claim to the board within two months after the date of the initial publication required by 15 AAC 104.____, which is not acknowledged by the transferor to be bona-fide, a hearing shall be held to determine the validity and amount of the claim. The hearing will be conducted in accordance with AS 44.62.330-.650. Except for good cause shown, all disputed claims will be considered together at a single, consolidated hearing. The board will deny the claim of any creditor who, after notice, fails to appear at the hearing.

15 AAC 104.____. ISSUANCE OF LICENSE TO TRANSFEREE. (a) If there are no disputed creditors claims, and the board approves the transfer, the license will be issued to the transferee as soon as practicable after approval.

(b) If there were disputed creditors claims, and the board otherwise approves the transfer, the license will not be issued to the transferee until expiration of the time within which aggrieved parties may initiate an appeal. The license will be issued after such period unless the issuance is stayed by the board or by order of a court of competent jurisdiction.

15 AAC 104.____. TERMINATION OF OPERATIONS; TEMPORARY PERMIT. The licensee must cease to operate the licensed business (or must cease to sell, serve, or manufacture alcoholic beverages) upon applying for the transfer. However, the director may issue a temporary permit to allow the continued (sale, service, or manufacture of alcoholic beverages) operation of the licensed business if all the following terms and conditions are satisfied:

(1) the proposed transferee consents to the continued operation and agrees that, if the transfer occurs, the transferor will be jointly and severally liable for the bona fide creditors' claims of the business incurred while the business is operated under the temporary permit;

(2) the licensee presents to the director sworn statements from suppliers and other necessary creditors of the business that

they agree to continue to provide goods and services to the licensed business and that they have received security satisfactory to them for any and all obligations of the licensed business that may arise under the temporary permit;

(3) the licensed business has been operating for at least 90 consecutive business days prior to the application for transfer; and

(4) all other conditions reasonably required by the director for the protection of creditors, compliance with the laws pertaining to alcoholic beverages, and administrative convenience, have been met.

(b) A permit issued under this section shall authorize the permit holder to conduct the same business authorized under the license sought to be transferred, and no other.

(c) A permit issued under this section shall be for not more than sixty days. The permit may be renewed on application to the director provided there is continuous compliance with the conditions of this section.

RESTAURANT DESIGNATIONS

15 AAC 700. Minors born on or before December 31, 1964.
[This provision expires on January 1, 1986.] Minors who were born on or before December 31, 1964, may enter and remain on licensed premises for purposes of dining and employment, notwithstanding AS 04.16.049. However, they shall not be regarded as adults for purposes of accompanying other minors on licensed premises under AS 04.16.049(a) and (c).

15 AAC 104.7 APPLICATION FOR DESIGNATION. (a) A licensee desiring designation as a restaurant, hotel, or eating place under AS 04.16.049 must file with the director an application on prescribed forms, together with an application fee of \$50.00.

(b) The application shall include:

- (1) a statement of the type of designation requested, whether for employment of minors under AS 04.16.049(c), dining by minors unaccompanied by their guardians under AS 04.16.049(a)(2);
- (2) a description of the location of the premises for which the designation is desired;
- (3) if available, a copy of the menu, including lists of alcoholic beverages such as a wine list. If a menu is not available, the applicant shall state what the menu is expected to be;
- (4) if the premises are constructed and decorated, photographs of each room for which the designation is requested. Each photograph must be taken from the center of the room, and the applicant must include at least one photograph of each quadrant of the room. The applicant must designate on the reverse of each photograph which quadrant is depicted;
- (5) if the premises are not constructed and decorated, a blueprint or drawing of the proposed premises;

(6) a statement of the manner of food and beverage service offered or anticipated, whether table service, buffet service, counter service, or other;

(7) if the premises have operated for six months or more, a statement of the gross revenues of the business, and the percentages attributable to the sale of food and non-alcoholic beverages, to the sale of alcoholic beverages, and to entertainment, including cover charges;

(8) a statement whether an owner, manager, or assistant manager is always present on the premises during business hours;

(9) any other information required by the board

15 AAC 140.7____. DINING BY MINORS. (a) The board will designate a licensed premise for dining by minors unaccompanied by their parents, legal guardians, or adult spouses, only if it finds the premise is a bona fide restaurant, that there is adequate supervision on the premise to reasonably insure that minors will not obtain alcoholic beverages, and that it is unlikely minors will enter and remain on the premise for purposes other than dining.

(b) A licensed premise generally will be presumed to be a bona fide restaurant for purposes of this section if:

- (1) it is licensed as a restaurant or eating place;
- (2) at least _____ % of its gross revenue is from the sale of food and non-alcoholic beverages; or
- (3) it is the only dining facility connected with a hotel or motel.

(c) The board generally will presume that premises are unlikely to be entered by minors other than for purposes of dining if no entertainment other than dining is provided or

available. "Entertainment" includes live music, dancing, pool and other table games, bowling and other sports, pinball, and video machines.

(d) The board generally will presume that there exists supervision sufficient to reasonably insure against consumption of alcoholic beverages by minors if alcoholic beverages [food and beverages?] are available by table service only, and an owner, manager, or assistant manager is present on licensed premises at all times.

(e) The presumptions in (b), (c), and (d) of this section are neither conclusive nor exclusive. On relevant facts, the board may find that a premises which satisfies the presumptions is not a bona-fide restaurant or does not provide adequate supervision. The board may find that premises not satisfying the presumptions are nonetheless bona-fide restaurants with adequate supervision.

(f) The consent required by AS 04.16.049(a)(3) must be in writing, must identify the minor to whom it applies, and must be signed and dated by the minor's parent or adult legal guardian. The consent may be particular or general. For example, the consent may be for a particular date or for an indefinite period of time. It may identify a particular premise or may apply to all designated premises. It may identify by name, one or more adults authorized to accompany the minor or may identify a category of authorized adults by title or position. For example, the consent may authorize a minor to enter a particular premise on a particular date in the company of a particular adult. For another example, the consent may authorize a minor to enter any designated premises at any time if accompanied by any adult teacher, coach, or administrative officer of the minor's school.

15 AAC 104.7____. PROTECTION OF MINORS. The board will not designate a premises as a restaurant, eating place, or hotel under AS 04.16.049 if the board believes that a minor's health, safety, welfare, or morals may be harmed by being present on the licensed premises. Without limiting the foregoing, the board will not designate premises that feature or allow erotic dancing or other erotic entertainment or which have a history of violations of Title 04 of the Alaska Statutes, or which have a history of incidents involving breaches of the peace.

15 AAC 104.7____. DESIGNATION OF PORTION OF PREMISES. The board will in its discretion designate only portions of a licensed premises.

ALCOHOLIC BEVERAGE CONTROL BOARD

PROPOSED REGULATIONS

(Miscellaneous)

15 AAC 104.105. is amended as follows:

15 AAC 104.105. APPLICATIONS. (a) Application for new licenses or permits and for renewals [or transfers] of existing licenses must be on prescribed forms and must contain the information required by AS 04.11.260. In addition the application must contain the following [information]:

(1) a statement of the criminal convictions of the applicant and the applicant's affiliates [, if the applicant is an individual, or officers and shareholders holding more than 10 percent of the applicant's outstanding common stock, if the applicant is a corporation, for a felony; and for any felony, any violation of Title 04 of the Alaska Statutes, and any violation, as a licensee of another state, or the liquor laws of that state;

(2) written authorization for release of criminal and arrest records;

(3) a statement that no one other than the applicant has a financial interest in the licensed business; and

(4) if the applicant is a partnership or joint venture, a copy of its partnership or joint venture agreement, if any; if the applicant is a corporation, a copy of its certificate of incorporation, articles of incorporation, and bylaws.

(b) A fee in the amount required by AS 04.11.090 - 04.11.250 must accompany every application for a new license or for renewal of an existing license.

(c) An application which is incomplete may be returned to the applicant.

(d) A non-refundable [An] application fee of \$150 [~~\$50~~] must accompany all applications for licenses.

15 AAC 104.100. WHEN LICENSES BECOME AVAILABLE. Any application received by the board at a time when there are no available licenses of the kind applied for will be denied. In this chapter, a license becomes available:

- (1) on December 31, where the license becomes available because of an increase in the population during the preceding year;
- (2) ten (10) days after the period for renewing licenses has expired, where the license becomes available because a license has expired and not been renewed;
- (3) on the conclusion of all appeals of the revocation, or on waiver of appeal by the licensee, whichever is later, where the license becomes available because of the revocation of another license;
- (4) on the date determined by the board or the director in any other case.

PROPOSED REGULATIONS
ALCOHOLIC BEVERAGE CONTROL BOARD

(changing 19 to 21 throughout)

15 AAC 104.315 is amended to read:

15 AAC 104.315. BEVERAGE DISPENSARY LICENSE. The licensed premises of a beverage dispensary licensee [license] may include the designated lane area of a bowling alley if that area is adjacent to the main bar area. The licensee must show that he has authority and will exercise control over conduct of the licensed business in that area. Access to the lane area by persons under 21 [19] years of age is permitted only during designated periods when no alcoholic beverages are served or consumed there. The periods during which persons under 21 [19] years may be permitted access must be clearly posted on the premises and the board must give prior approval of that access upon application by the licensee. (Eff. / /84, Register).

Authority: AS 04.06.100

AS 04.11.090

15 AAC 104.335(a)(2) is amended to read:

(2) There is community support, which must be shown by a petition signed by a majority of the residents 21 [19] years of age or over within one mile of the proposed premises; and

15 AAC 104.435 is deleted (replaced with new Article 7 provisions).

15 AAC 104.445 is deleted (replaced with new Article 7 provisions).

15 AAC 104.645(a)(1) is amended to read:

(1) The order must be in writing and from a person known to the licensee to be at least 21 [19] years of age; and

Article ___ of 15 AAC 104 is amended by the addition of a new section 900 as follows:

15 AAC 104.900. DEFINITIONS. (a) As used in 15 AAC 104:

(1) "Affiliate" means an individual's general partners and joint venturers, and any corporation of which the individual owns ten percent (10%) of the stock or of which the individual is an officer or director; a partnership's partners or joint venturers and their affiliates, any corporation of which the partnership or any individual partner holds ten percent (10%) or more stock or of which any partner is an officer or director; a corporation's shareholders who hold ten percent (10%) or more of the corporation's stock, a corporation's officers and directors, a corporation's partners or joint venturers and their affiliates, and the other corporation of which the corporation owns ten percent (10%) or more of the stock, or of which the corporation appoints one or more directors, or of which ten percent (10%) or more of the stock is held by a shareholder holding ten percent (10%) or more of its own stock. The board may in its reasonable discretion find that persons not having any of the relationships described above are affiliated with one another.

(b) When used in Title 04,

(1) "Guardian" means legal guardian.

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE ARCHIVE
BUREAU ALASKA 99811
907 465 3110


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 13, 1984

SUBJECT: Sectional Analysis of House Bill 158

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM:  Russ Josephson
Legislative Counsel

You have requested a sectional analysis of HB 158. The analysis follows:

This bill consists of a single section that amends AS 04.11.320 (relating to the denial of new licenses and permits) by adding an additional ground for denial of an application for a new license. The proposed amendment would require applications for new alcoholic beverages licenses to be denied until the number of licenses per capita in this state no longer equals or exceeds the per capita rate for the rest of the United States. (Only those persons 21 years of age or older are included in the ratio, and community liquor licenses are excluded from the ratio.) In other words, under this amendment, no new licenses would be issued until the ratio of licenses to adults decreased to the level in the rest of the country.

RJ:lmb
L3/083

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 158 Date on Bill: 2/4/83
 Title: Limitation of Liquor Licenses
 Sponsor: Representative M.M. Miller
 Requestor: House Community and Regional Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-	-0-	-0-
Operating		-0-	-0-	-0-
Total		-0-	-0-	-0-

b. Revenues:

Revenue							
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No fiscal impact upon any state agency.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Richard Rainery *RR* Phone: 465-4703
 Division: Commissioner's Office Date: 3/9/83
 Approved by Commissioner: *[Signature]* Date: 3/9/83
 Department: Community & Regional Affairs

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 158 Date on Bill: 2/4/83
 Title: "An act limiting number of liquor licenses."
 Sponsor: M.M. Miller
 Requestor: House Community and Regional Affairs; & Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-			
Operating	-0-			
Total	-0-			

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

This bill has no fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Mary Pelebed Phone: 465-2300
 Division: Commissioner's Office Date: 2/23/83
 Approved by Commissioner: Robert D. Heath Date: 2/23/83
 Department: Revenue

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Community & Regional Affairs	Sponsor (Principal) M.M. Miller	Bill Number HB 158
Department Position Neutral		
Division Director	Date	Commissioner's Signature <i>[Signature]</i>
		Date 3/9/83

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
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SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill

See Attached.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

6. Comments:

See Attached.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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March 9, 1983

Position Paper

Re: HB 158

Sponsor: Representative M.M. Miller

Program Effects of Bill

Amends the number of liquor licenses that may be issued in Alaska.

Comments

No comments.



Mark Lewis, Commissioner
Community and Regional Affairs

STATE OF ALASKA
THE LEGISLATURE

FOURTH STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1983

SUBJECT: Liquor permits
(Work Order No. 13-0741)

TO: Representative M. Mike Miller

FROM: *RJ* Russ Josephson
Legislative Counsel

I have consulted the statutes further and have telephoned the Alcoholic Beverage Control Board for further information. The reason "permit" is used instead of "license" in a few situations is that permits are issued for unusual situations: caterer's permits, special events permits, and conditional contractor's permits (for construction sites outside a city and within a military or naval reservation). As I noted the other day, neither "permit" or "license" is defined in Title 4. There is no effect on your bill that I can see, however.

On the side issue of community liquor licenses, I would refer you to AS 04.11.190 in addition to AS 04.11.492 and AS 04.11.502. The latter section is the local option election procedure. Also, "municipality", a term used in the above-mentioned sections, is defined in AS 04.21.080 to suggest that not all villages can obtain a community liquor license. So, the possible numbers of community liquor licenses that might be excepted from the ratio referred to in your bill is unclear.

I am enclosing a copy of AS 04.11.400, Population Limitations. This section does not appear to affect your bill, but it is for your information as a means of limiting licenses that are presently in effect. If this section is of interest, you will also want to refer to 15 AAC 104.605, Determining Population Criteria.

If I can be of further assistance, please do not hesitate to call.

Former law construed. — See in re Martin's Retail Liquor License No. 1517, 15 Alaska 171 (1954).

Am. Jur. 2d, ALR and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 183-194.

Validity of statute or rule making specified conduct or condition the ground for cancellation or suspension of license irrespective of licensee's personal fault, 3 ALR2d 107.

"Grandfather clause" of statute or ordinance, 4 ALR2d 667.

Hearing before revocation or suspension of liquor license, 35 ALR2d 1067.

Sale of liquor to homosexuals or permitting their congregation at licensed

premises as ground for suspension or revocation of liquor license, 27 ALR3d 1254.

Revocation or suspension of liquor license because of drinking or drunkenness on part of licensee or his associates, 36 ALR3d 1301.

Sale or use of narcotics or dangerous drugs on licensed premises as ground for revocation or suspension of liquor license, 51 ALR3d 1130.

Loss of liquor license as compensable in condemnation proceeding, 58 ALR3d 581.

48 C.J.S. Intoxicating Liquors §§ 174-180.

Article 5. Restrictions on Issuance and Transfer of Licenses.

Section

- 390. Residence requirements
- 400. Population limitations
- 410. Restriction of location near churches and schools

Section

- 420. Zoning limitations
- 430. Person and location
- 450. Prohibited financial interest
- 460. Prior public approval

Sec. 04.11.390. Residence requirements. (a) A beverage dispensary license or package store license may not be issued to a person or association of persons who have not resided in the state for at least one year before the date of application.

(b) A beverage dispensary license or package store license may not be issued to either a domestic corporation which has not been issued a certificate of incorporation or a foreign corporation which has not been issued a certificate of authority to transact business in the state at least one year before the date of the application. (§ 2 ch 131 SLA 1980)

Personal qualification for liquor dealer not prescribed. — No law of Alaska prescribes any personal qualifications for a liquor dealer. What his qualifications must be, if any are required, are not set forth, but are, by inference, left entirely to the city council or the

individuals residing out of incorporated towns. In re Kaye, 11 Alaska 556 (1948), decided under earlier statute.

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors § 148. 48 C.J.S. Intoxicating Liquors § 135.

Sec. 04.11.400. Population limitations. (a) Except as provided in (g), (h), (i), and (j) of this section, a new license may not be issued or an existing license transferred to a new location

(1) outside an incorporated city, a unified municipality, or an established village if after the issuance or transfer there would be more than one license of each type for each 1,500 population or fraction of 1,500 population, including licenses which have been issued under (g) or (h) of this section, in a radius of five miles of the licensed premises or location of premises sought to be licensed;

(2) inside an established village, an incorporated city, or a unified municipality if after the issuance or transfer there would be more than one license of each type for each 1,500 population or fraction of 1,500 population, including licenses which have been issued under (g) or (h) of this section, inside the boundaries of the village, city or municipality.

(b) If the application is for a license outside of an established village, incorporated city, or unified municipality and the radius described in (a)(1) of this section encompasses all of the established village, incorporated city, or unified municipality and the population resident inside and outside the village, city, or municipality but inside the radius described in (a)(1) of this section is less than 1,500, the board may deny the issuance or transfer of the license.

(c) In this section "unified municipality" means a unified municipality established under AS 29.68.

(d) In this section "radius" means the circular area or distance limited by the sweep of a straight line originating at the proposed licensed premises and extending outward.

(e) In (a)(1) of this section, "population" includes only those persons residing inside the radius but outside of an established village, an incorporated city, or a unified municipality as of December 31 of the year preceding the date of application.

(f) In (a)(2) of this section, "population" includes only those persons residing inside an established village, an incorporated city, or a unified municipality as of December 31 of the year preceding the date of application.

(g) The board may, in its discretion, approve the issuance or transfer of location of a beverage dispensary or restaurant or eating place license without regard to (a) of this section if it appears that the issuance or transfer will encourage the tourist trade by encouraging the construction or improvement of

(1) a hotel, motel, resort, or similar business relating to the tourist trade having

(A) a minimum of 10 rental rooms, and

(B) a dining facility, which requirement may be waived if most of the rental rooms have kitchen facilities; or

(2) an airport terminal

(h) A restaurant or eating place license may be issued or transferred notwithstanding (a) of this section if

(1) the premises of the restaurant or eating place are more than 18 miles from the corporate limits of a city or unified municipality;

(2) the premises will serve food to the traveling public; and

(3) the board finds that the public convenience will be served by the issuance or transfer.

(i) An application requesting a transfer of location of licensed premises shall be granted notwithstanding (a) of this section if the new location is less than one mile from the original location and

- (1) no ground for denial exists under AS 04.11.340(1) or (3); and
- (2) relocation of the licensed premises is necessary due to
 - (A) termination of a lease or rental agreement;
 - (B) condemnation of the premises;
 - (C) the substantial destruction of the premises by any cause.

(j) The board may issue a new license in a municipality notwithstanding the provisions of (a) of this section if the board finds that issuance of the license is necessary for the public convenience. (§ 2 ch 131 SLA 1980)

Population and zoning limits must be met. — The Alcoholic Beverage Control Board is prohibited by statute from issuing licenses except as meet population limitations and zoning limitations. *Queen of N., Inc. v. Legrue*, Sup. Ct. Op. No. 1670

(File No. 3512), 582 P.2d 144 (1978), decided under former AS 04.10.210.

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors § 138. 48 C.J.S. Intoxicating Liquors § 136.

Sec 04.11.410. Restriction of location near churches and schools. (a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.

(b) If a beverage dispensary or package store license for premises located within 200 feet of a school ground or church building in which religious services are regularly conducted is revoked, expires or is transferred to another location, a beverage dispensary or package store license may not be issued or transferred to the formerly licensed premises until the cessation of either cause of restriction. (§ 2 ch 131 SLA 1980)

Legislative intent. — The intent of the legislature in enacting former AS 04.15.020, covering the subject matter of this section, must have been the desire to protect children attending school from direct exposure to some of the demoralizing circumstances which, by the authority of common knowledge, seem incident to the traffic in intoxicating liquor. Application of *Wakefield*, 10 Alaska 599 (1945), decided under former AS 04.15.020.

Am. Jur. 2d, ALR, and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 140-146.

Measurement and computation of distances for purpose of statute or ordinance prohibiting license or sale of intoxicating liquor within given distance from certain institutions or property, 96 ALR 778.

Reasonableness of statutory or local regulation, prohibiting license for sale of intoxicating liquors within prescribed distance from church, school or other institutions, 119 ALR 643.

"School," "schoolhouse," or the like within statute prohibiting liquor sales within specified distance thereof, 49 ALR2d 1103.

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITAL
JUNEAU ALASKA 99801
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 13, 1983

SUBJECT: Liquor licenses
(HB 158)

TO: Representative M. Mike Miller

FROM: *RJ* Russ Josephson
Legislative Counsel

Enclosed is a revised draft of SSHB 158. ^{105 HB 158 (C4RA)} As requested, rather than repealing all of AS 04.11.400(g), only (g)(1) is repealed. The following is the sectional analysis that you requested with the above change.

Section 7 is the key to this bill. This section adds a subsection (k) to AS 04.11.400. The new subsection requires a ratio of 3,000 people in a given area for each new or transferred beverage dispensary (bar) or package store (liquor store) license.

Sections 1, 3, and 8 amend existing law by inserting a reference to the new language provided in Sec. 7, in three places where the limiters on the issuance of new licenses or the transfer of existing licenses are already mentioned. Inasmuch as Sec. 7 has added a new provision limiting licensing, these amendments simply reflect the existence of the new provision.

Sections 2, 4, and 5 are simple amendments to sections of existing law that refer to AS 04.11.400(j). To indicate that this section has been repealed, the amendments insert the word "former" before the statutory reference.

Section 6 contains a technical amendment reflecting the repeal of AS 04.11.400(g)(1) and (j).

Section 9 repeals AS 04.11.400(g)(1) and (j).

In summary, this bill limits bar and liquor store licenses by using the ratio of one license for each 3,000 persons

Draft 2 inserts

and insert terminals

Representative M. Mike Miller

Page 2

April 13, 1983

instead of the ratio of one license for each 1,500 persons required under AS 04.11.400 now. In addition, the bill eliminates two exceptions to the license/population ratio. The tourist trade exception for hotels, motels, resorts, and similar businesses, and the public convenience exception have been repealed.

If I may be of further assistance please advise.

RJ:ljb
14/019

CITY	POPULATION	DRUGS	PACKAGE STOCK	RESTAURANT	CLUB	TOTAL POP
ANCHORAGE	100740	1714	113	112	15	384
	Pop Required for new lic.	216000	169500	168000	22500	
CORONA	2223	6	6	0	2	14
	Pop Required ✓	9100	9000		3000	
FAIRBANKS	25568	43	24	15	5	87
	Pop Required -	64500	36000	22500	7500	
HAINES	1017	5	3	1	2	11
	Pop Required ✓	7500	4500	1500	3000	
HOMER	2588	9	7	2	1	19
	Pop Required ✓	13500	10500	3000	1500	
JUNEAU	21050	27	15	15	2	59
	Pop Required -	40500	22500	22500	3000	
KENAI	7558	11	4	4	3	22
	Pop Required -	16500	6000	6000	4500	
KETCHIKAN	7200	23	16	6	6	51
	Pop Required ✓	34500	24000	9000	9000	
KODIAK	4678	12	6	4	2	24
	Pop Required -	18000	9000	6000	3000	
MCCURTCH	343	2	3	0	0	5
	Pop Required -	3000	4500			
NETZ	3039	7	4	2	1	14
	Pop Required -	10500	6000	3000	1500	
PALMSEA	2775	6	3	2	2	13
	Pop Required ✓	9000	4500	3000	3000	
W. BANGOR	2345	5	6	0	1	12
	Pop Required ✓	7500	9000		1500	
TOTAL	132086	300	210	163	42	715
PERSONS PER LIC		224	1105	1424	5526	325

BLV. Dispensary licenses do not public convenience or duplicities.

I. REQUEST

Bill/Resolution No.: CSHB158 (C&RA)
 Title: Limitation of Liquor Licenses
 Sponsor: C&RA (original - M.M. Miller)
 Requestor: House Judiciary Comm

II. FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: Public Protection
 BRU, Program of Subprogram(s) Affected: Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Passage of this legislation will not have any fiscal impact on this BRU.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Patrick L. Sharrock *Patrick L. Sharrock* Phone: 277-8638
 Division: Alcoholic Beverage Control Board Date: _____
 Approved by Commissioner: J. McDonough Date: 6/7/83
 Department: Revenue

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