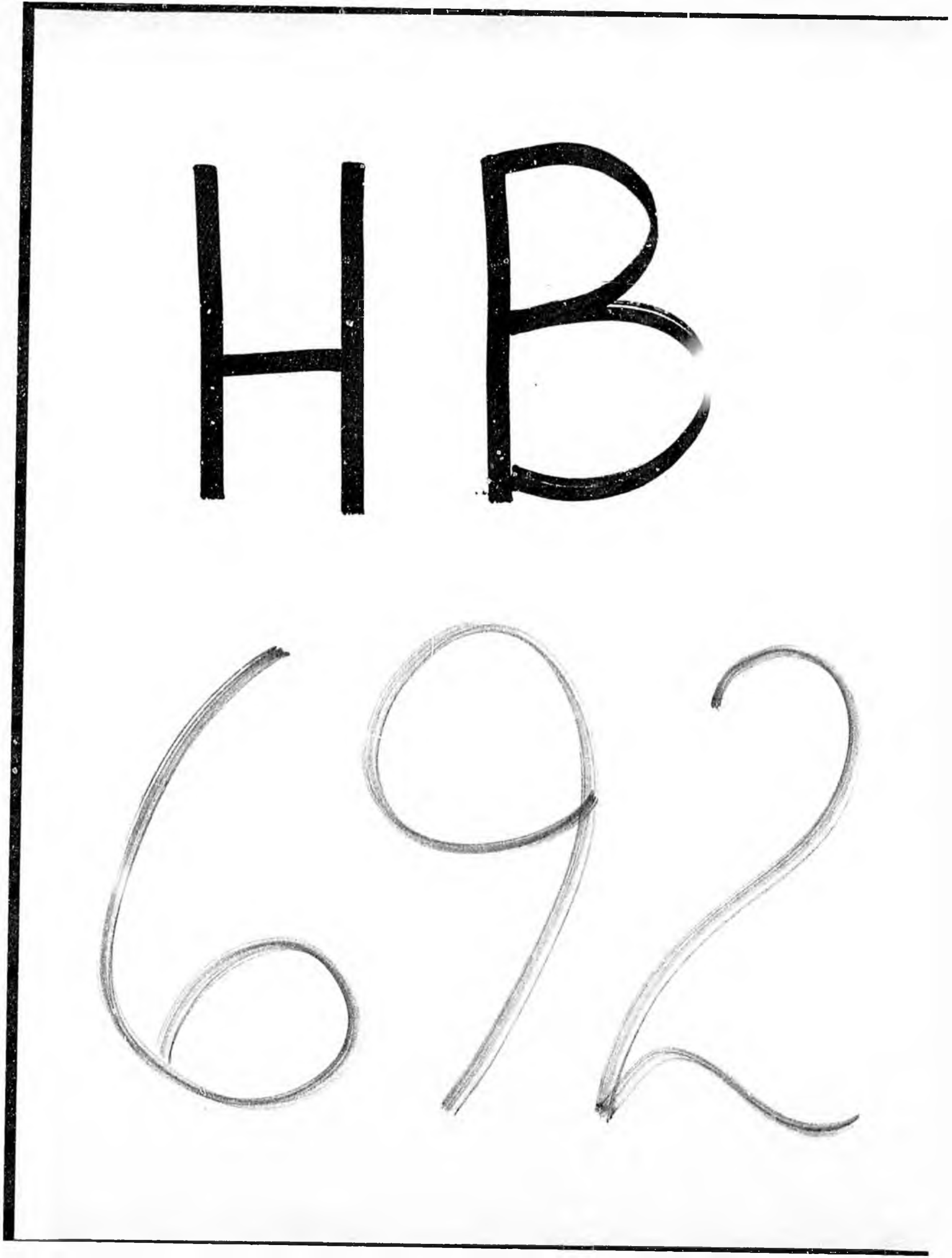
HB
692

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary 4/25/86 8:00 AM

Utermohle ✓

A M E N D M E N T

[redacted] By Cato and Hurley

TO: CSHB 692 (State Affairs)

Page 12, following line 2, insert the following new bill sections to read:

"* Sec. 28. AS 04.11.400(a) is amended to read:

(a) Except as provided in (g), (h), (i), [AND] (j), and (k) of this section, a new license may not be issued and the board may prohibit relocation of an existing license

(1) outside an established village, incorporated city, unified municipality, or organized borough if after the issuance or relocation there would be more than one restaurant or eating place license for each 1,500 population or fraction of 1,500 population or more than one license of each other type, including licenses that [WHICH] have been issued under (g) or (h) of this section, for each 3,000 population or fraction of 3,000 population in a radius of five miles of the licensed premises or location of premises sought to be licensed, excluding the populations of established villages, incorporated cities, unified municipalities, and organized boroughs that are wholly or partly included within the radius;

(2) inside an established village, incorporated city, or unified municipality if after the issuance or relocation there would be inside the established village, incorporated city, or unified municipality more than one restaurant or eating place license for each 1,500

population or fraction of 1,500 population or more than one license of each other type, including licenses that [WHICH] have been issued under (g) or (h) of this section, for each 3,000 population or fraction of 3,000 population inside the established village, incorporated city, or unified municipality;

(3) inside an organized borough but outside an established village or incorporated city located within the borough, if after the issuance or relocation there would be inside the borough, but outside the established villages and incorporated cities located within the borough, more than one restaurant or eating place license for each 1,500 population or fraction of 1,500 population or more than one license of each other type, including licenses that have been issued under (g) or (h) of this section, for each 3,000 population or fraction of 3,000 population inside the borough, excluding the population of those established villages that have conducted an election on a question set out in AS 04.11.490, 04.11.496, or 04.11.500, and excluding the population of incorporated cities located within the organized borough.

* Sec. 29. AS 04.11.400 is amended by adding a new subsection to read:

(k) The board may approve the issuance or relocation of a club license without regard to (a) of this section if the issuance or relocation of the license has the approval of the local governing body of the established village, incorporated city, unified municipality, or organized borough where the licensed premises will be located."

Renumber remaining bill sections accordingly.

ALCOHOLIC BEVERAGE CONTROL BOARD

POLICY MATTERS RE

HB 692

1. Biennial rather than annual renewal of liquor licenses Transitional provisions in Section 36 provide for one-half of licenses to renew each year. Annual wholesale excess license fee is retained.

2. Changes expiration of a license from December 31 to January 31 but allows a licensed business to remain open if a renewal is not filed by January 31. If a renewal application is filed between February 1 and March 31, the late filing penalty is raised from $100 to $400.

3. Notices to creditors, community councils and local governing bodies are given by applicants rather than the Board's staff.

4. Allows a "public convenience" license issued under AS 04.11.400(j) to be transferred to another person. Under current law a license issued under AS 04.11.400(j) may neither be transferred to another person nor to another location.

5. Increases minimum number of days a license must be operated during a calendar year from 30 days to 45 days (SB 69).

ALCOHOLIC BEVERAGE CONTROL BOARD

Analysis of HB 692 Legislation

MISCELLANEOUS

1) Sections 1 - 7 and 9 - 14

These sections double license fees to coincide with biennial renewal provided in section [illegible]

2) Section 8

Provides for biennial renewal of wholesale license but retains annual submission of additional fees based on gross sales during each calendar year.

3) Section 15-16 and 19

Amended to require the applicant for renewal of a pub license and conditional contractor's permit to file approval from the college or university with the renewal application. This is presently required for a pub license under AS 04.11.220.

4) Section 18, 22 and 23

Allows the director to determine satisfactory proof that proper notices under AS 04.11.310 and certain approvals accompany applications for licenses and permits. This is generally the current practice.

5) Section 17

Same as section 1.

6) Section 20 and 21

Changes annual renewal to biennial renewal, changes expiration from 12/31 to 1/31, allows a business to stay open if renewal not filed by 1/31, but penalty is raised from $100 to $400. In section 21 "the board may not accept an application for renewal after March 31 of the renewal year."

7) Section 24

This section establishes public notice requirements for all applications. All notices are to be provided by the applicant rather than the board's staff. This includes notices to governing bodies, community councils and creditors. Also, only one notice is provided to a community council. Under Mike Miller's HB34, the board provides two notices to community councils in addition to the notice to community councils by a "municipality" under AS 04.21.010 as amended by HB34. Notice by municipalities is retained in AS 04.21.010.

8) Section 25

Changes minimum operating requirement from 30 days to 45 days (this amendment also resides in SB 69) during each 12-month period in the two-year (biennial) license period.

9) Section 26

Established biennial operating requirement for recreational site licensed.

10) Section 27

Amends to provide that a creditor may file a claim within 30 days from the last notice to the creditor under AS 04.11.310 (see section 19). Repeals requirement that an application for transfer to another person be denied if the license was issued under AS 04.11.400(j) (public convenience).

11) Section 28

Provides that a local governing body may protest any application within 30 days of notice from the applicant [BOARD].

12) Section ..

Changes from 90 to 60 the number of days in which the board must consider an application. Reason: Since the board's staff does not give notice, 30 days is taken up by the requirement that the applicant give notice to a local giverning body. The overall formal period of application processing will remain at 90 days. Also, the amendment reads that the board will consider an application within 60 days rather than deciding to grant or deny (this agrees with present practice).

13) Section 30

Repeals present AS 04.11.520. Reenacted to state that the board may not grant an application without proof that notice under AS 04.11.310 to a local governing body was given by the applicant.

14) Section 31

Changes renewal deadlines from February 28 to March 31, but allows a business to operate during a grace period - February 1 through March 31. See item 6.

15) Section 32

Technical word changes to coincide with biennial renewal.

16) Section 33

Changes annual to biennial fees refund of license fees to municipalities.

17) Section 34

Changes license period from one year to two years.

18) Section 35

Provides a definition of "renewal year."

19) Section 36

Transitional provision:

The director establishes which licensees (approximately one half for one year) renew for implementing biennial renewal.

20) Section 37

Provides that the board may adopt regulations to implement the Act.

21) Section 38

Provides for an immediate effective date for section 37.

22) Section 39

Makes transitional provisions effective on November 1, 1986.

23) Section 40

Effective date of all other sections is December 31, 1986.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH V STATE CAPITOL
JUNEAU ALASKA 9981
907 465 3800

MEMORANDUM April 4, 1986

SUBJECT: Liquor Licenses
(HB 692)

TO: Representative Katie Hurley

FROM: Michael F. Ford M. F.
Legislative Counsel

The following is a sectional analysis of HB 692:

Section 1 - changes the beverage dispensary license fee from annual to biennial.

Section 2 - changes the fee for a restaurant or eating place license from annual to biennial.

Section 3 - changes the club license fee from annual to biennial.

Section 4 - changes the bottling works license fee from annual to biennial.

Section 5 - changes the brewery license fee from annual to biennial.

Section 6 - changes the winery license fee from annual to biennial.

Section 7 - changes the package store license fee from annual to biennial.

Section 8 - changes the general wholesale license fee from annual to biennial.

Section 9 - changes the wholesale malt beverage and wine license from annual to biennial.

Section 10 - Requires a wholesale malt beverage and wine licensee to file an affidavit of business transacted during the previous calendar year.

Section 11 - changes the distillery license fee from annual to biennial.

Section 12 - changes the common carrier dispensary license from annual to biennial.

Section 13 - changes the fee for a recreational site license from annual to biennial.

Section 14 - changes the fee for a pub license from annual to biennial.

Section 15 - changes the issuance of a conditional contractors permit from an annual to a biennial period.

Section 16 - changes the renewal period of a conditional contractors permit from annual to biennial.

Section 17 - changes the fee for a conditional contractors permit from annual to biennial.

Section 18 - requires that applicants for a new license or permit submit certain evidence satisfactory to the director, with the application.

Section 19 - amends the information required to be submitted for renewal of a license or permit.

Section 20 - sets out procedures for renewal of a license.

Section 21 - prohibits the board from accepting a license application after March 31, of the renewal year.

Section 22 - amends the procedures for transferring a license to another person.

Section 23 - amends the procedures for transferring a license to another location.

Section 24 - Establishes procedures for giving public notice of issuance, relocation or transfer of ownership of a license.

Section 25 - Amends the grounds for which an application for renewal of a license may be denied.

Section 26 - Allows renewal of a recreational site license if the license was used at least once during each of the two preceding calendar years.

Section 27 - Requires denial of an application to transfer a license if the transferor has not paid certain debts. Removes the requirement that the application be denied if issued under AS 04.11.400(j).

Section 28 - Amends the procedure for a local governing body to protest the issuance, renewal, relocation or transfer of a license to another person.

Section 29 - Requires the board to consider whether to grant or deny an application within 60 days after receipt of the completed application.

Section 30 - Requires an applicant to provide proof that notice of the application has been given to the local governing body.

Section 31 - Establishes time limits for renewal and termination of a license.

Section 32 - Requires the director to mail notice of termination to each licensee.

Section 33 - Requires biennial instead of annual fees to be refunded to a municipality.

Section 34 - Allows the board to issue licenses for two six month periods, rather than biennially. Provides that all other licenses are effective for a two year period.

Section 35 - Definition.

Section 36 - Transitional provisions.

Section 37 - Allows the board to adopt regulations.

Section 38 - Effective date.

Section 39 - Effective date.

Section 40 - Effective date.

MFF:mkr
m4/071

DELIVER TO: JPOM

ORIGINAL

SENT: 03/07/86 TIME: 17:17

FROM: LTOF

SUBJECT: POM/FAIRBANKS

PRINT DATE: 03/07/86 TIME: 17:18

2

TO: REP. HURLEY

FROM: WARREN B. CUMMINGS, VICE PRES., ALASKA MOOSE ASSOC.
3092 JEFFERSON DRIVE, FAIRBANKS 99709-3508

PHONE: HOME 474-2112 WORK 452-1557

RE: HB492 RENEWAL, TRANSFER LIQUOR LICENSE

I WOULD LIKE TO KNOW THE REASON FOR GOING TO A BIENNIAL LICENSE FEE INSTEAD OF STAYING WITH AN ANNUAL FEE, AS PROPOSED IN HOUSE BILL 492. I FEEL THAT IT WOULD BE A HARDSHIP FOR SOME OF OUR LODGES TO RAISE A $1200 PAYMENT ESPECIALLY AT THAT TIME OF YEAR WITH OTHER BILLS BEING SO HIGH, EXAMPLE IS THE FUEL BILL.

HOUSE
COMMITTEE REPORT

JUDICIARY

4/21

(7)
Date referred: 2/21/86

FURTHER REFERRALS: FINANCE

DATE: 4/17/86

The STATE AFFAIRS Committee has considered HB 692

"An Act relating to the issuance, renewal, transfer of ownership, and relocation of liquor licenses; and providing for an effective date."

and recommends:

[ ] do pass

[ ] do not pass

[ ] do pass with attached amendment(s)

[ ] no recommendation

[X] replace with CSHB 692/SA [ ] same title

[X] new title

and recommends Do Pass

[ ] further referral to the _____ Committee

and attaches: [ ] letter of intent
[X] first fiscal note Sup 120
[ ] new fiscal note
[ ] zero fiscal note

SIGNING DO PASS:

Katie Hurley

[illegible]

[illegible]

[illegible]

[illegible]

SIGNING OTHER RECOMMENDATIONS:

Roger Jenkins No Rec

Katie Hurley
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No: HB 692
Title: Relating to issue, renewal, and transfer of liquor licenses

Sponsor: House Judiciary Committee
Requestor: House State Affairs Comm.
Date of Request: April 3, 1986

FISCAL DETAIL

Agency Affected: Department of Revenue
BRU: Alcoholic Beverage Control Board

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS,, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock, Director — Phone: 277-8638
Division: Alcoholic Beverage Control Board — Date: April 10, 1986

Approved by Commissioner: _____ — Date: April 10, 1986
Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

Alaska State Legislature

House of Representatives

House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

MEMO: March 18, 1986

TO: Rep. Katie Hurley
Chairwoman, House State Affairs Comm.

FROM: Rep. M. Mike Miller
Chairman, House Judiciary Committee

RE: HB 692/ liquor license renewal, etc.
Request for hearing

You currently have HB 692 in committee, a bill that would change the deadline requirements for renewal of liquor licenses. I respectfully request that a hearing be scheduled on this bill at your earliest convenience.

The bill was submitted by the Judiciary Committee at the request of the Department of Revenue and the Alcoholic Beverage Control Board.

The bill, if enacted, would stagger the dates upon which liquor license renewal applications and other required submittals would come due. Currently, all licenses come due on the same date each year, creating a paperwork bottleneck in the administration of this necessary annual procedure. The bill is basically a housekeeping measure allowing better management of this program. The bill also contains a repealor section eliminating a conflict between two contradictory statutory provisions which came about inadvertently with the passage last year of HB 34, and which came to light during the interim.

If you have any questions regarding this request, please contact me directly or have your staff call Bob Speed of my office (x-4990).

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM February 19, 1986

SUBJECT: Liquor Licenses HB 692
(Work Order No. 14-1739)

TO: Representative M. Mike Miller

FROM: Michael F. Ford MF
Legislative Counsel

You have asked whether section 35 of this work order, defining "renewal year" is necessary. As section 21 of the bill prohibits the board from accepting an application for renewal after March 31 of the "renewal year", a definition of that term appears necessary.

At your request, I have also included (in section 27) a repeal of AS 04.11.360(11), prohibiting transfer of a license issued under the public convenience exception of AS 04.11.400(j). This repeal would allow licenses issued under the public convenience exception to be transferred to another person.

Finally, please note that in section 20 I have added a new paragraph (4), that provides an extension for renewal applications filed on January 31, rather than March 31 as requested, because the March 31 deadline is already taken care of in section 31 of the draft.

MFF:mkr
M3:048

Enclosure