

SCOMM

#52:5

3 pgs for Rep. BOKLEY

EXPLANATION OF DIFFERENCES BETWEEN
CSSSHB700 AND SSHB700

Section 1.: No change.

Section 2.: Subsection (b) in SSHB700 was broken down into Subsections (b) and (c) in CSSSHB700 and Subsection (c) in SSHB700 was broken down into Subsections (d) and (e) in CSSSHB700. As rewritten in CSSSHB700, subsections (b) and (d) of the bill provide that a ban on possession of alcohol goes into effect immediately in communities which have previously banned the sale and importation of alcohol. However, in communities where a prior ban on the sale and importation of alcohol has not been in effect, subsections (c) and (e) of CSSSHB700 allow a 90 day delay in the effective date on an alcohol ban. The delay is to provide consistency with existing law, and to allow licensed premises a reasonable period of time to wind down their business and dispose of their inventory. Subsections (d) and (e) in SSHB700 were renamed as subsections (f) and (g) in CSSSHB700, however, no substantive changes were made in either subsection.

Present law provides that sacramental wine dispensed for religious purposes by a person authorized to do so by a church or religious body, is exempt from the limitations on importation of alcohol. A similar exemption is provided in SSHB700. However, the language of the exemption is changed in CSSSHB700 in subsections (b), (c), (d), and (e) to delete the word "sacramental" as a modifier for wine, and to allow dispensation by persons "recognized by the church as authorized" to dispense the wine. This change reflects the tenets and values of the Jewish religion.

Section 3.: No change.

Section 4.: In subsection (b), the due date of mailing in a bail amount, or proof of community service, is clarified in CSSSHB700 by adding the words "is issued" at the end of the phrase which reads "within 30 day after the date the citation is issued."

In subsection (c), which authorizes the Supreme Court to set up a bail forfeiture schedule, CSSSHB700 designates the makeup of an advisory committee created to advise the Court on the appropriate amounts of bail to be set in the schedule.

In subsection (d), which provides that community work is to be performed at the direction of the governing body of a municipality or established village, the words "governing body of the established village" were substituted in CSSSHB700 for the words "village council" used in SSHB700 to reflect the diversity in methods of government in Alaska communities. In addition, CSSSHB700 specifies that the form used to prove completion of community work be prescribed by the administrative director of the Alaska Court System, rather than the ABC Board which had been designated to prepare the form in SSHB700.

In subsection (e), the language "judgment of conviction" which was used in SSHB700, has been changed in CSSSHB700 to "entry of judgment" to reflect the non-criminal nature of the offense of possessing alcohol in violation of law. In addition, CSSSHB700 requires the clerk of court to provide a person with a receipt showing satisfaction of the penalty only if a receipt is requested by the offender.

In subsection (f), CSSSHB700 substituted the language "provide proof of performance" for the language "send proof of performance" which had been used in SSHB700. This change clarifies that it is the offender's obligation to ensure that the court receive proof of performance, and is designed to avoid disputes about whether, for example, a mailing was lost by the U.S. Postal Service.

New subsections (i) and (j) are added in CSSSHB700. These subsections specify that a uniform form prescribed by the Commissioner of Public Safety is to be used for issuing citations for violating a community ban on the possession of alcohol. A uniform citation form is necessary to simplify procedures for both law enforcement officers and the court system.

Section 5.: CSSSHB700 deletes subsection (3)(D) in SSHB700 which had provided that "aircraft, vehicles, or vessels used to transport, or facilitate the transportation of alcoholic beverages possessed in violation of" law could be forfeited. It was felt that forfeiture of these items for violation of a non-criminal offense was unnecessarily draconian.

Section 6.: The changes made to AS 04.16.220(b)(1) in SSHB700 which allowed for seizure of alcoholic beverages possessed in violation of a ban without a court order, incident to issuance of a citation, were deleted in CSSSHB700. Instead, CSSSHB700 amends AS 04.16.220(b)(3)

which presently allows for seizure of items subject to forfeiture without a court order. The effect of the amendment is to make an exception for alcoholic beverages to the current requirement that property so seized may be held for only 48 hours unless a court order is issued authorizing forfeiture of the property. The exception reflects the reality that alcoholic beverages seized in a dry community are contraband which could not be returned to the offender even if the seizure were illegal, and that, as a result, there would be no purpose to holding a court hearing to consider whether the seizure was valid or invalid.

Section 7.: The reference to "conviction" of a person for violating a ban on possession of alcohol used in subsection (d)(1) of SSHB700 was changed in CSSSHB700 to "entry of judgment" to reflect the non-criminal nature of the offense of possessing alcohol in violation of law.

Section 8.: The language "destroyed no later than 30 days after forfeiture" used in SSHB700 was changed to "destroyed no earlier than 30 days after forfeiture" in CSSSHB700. This change is to accommodate the appellate rights of offenders.

Section 9.: No change.

Section 10.: The definition of "alcoholic beverage" used in SSHB700 is modified in CSSSHB700 by adding the words "as a beverage." This change narrows the definition of alcoholic beverage to avoid inclusion of medicines containing alcohol within the terms of the statute.

Section 11.: CSSSHB700 adds a definition of "community work" which parallels the definition contained in AS 12.55.055(b).

Section 12.: No change from Section 11 of SSHB700.

Section 13.: No change from Section 12 of SSHB700.

Section 14.: No change from Section 13 of SSHB700.

Section 15.: No change from Section 14 of SSHB700.

Section 16.: No change from Section 15 of SSHB700.

Section 17.: No change from Section 16 of SSHB700.

Sectional Analysis

Committee Substitute for Sponsor Substitute Bill for House Bill 700

"An Act relating to regulation of alcoholic beverages and enactment of municipal ordinances."

SECTION 1: Sets forth in Legislative Findings the specific reasons for amending the existing local option law.

SECTION 2: Provides established villages and municipalities the authority to hold elections to ban possession of alcohol, as an addition to the options for regulating alcohol allowed under current law. Following an election, alcoholic beverages would be banned by city ordinance in municipalities and by state statute in established villages. Excludes from the definition of possession "alcoholic beverages within the digestive system of a person."

SECTION 3: Specifies that a petition for local option election constitutes a proposed ordinance of a municipality.

SECTION 4: Sets penalty for possession of alcohol in violation of law as a maximum \$1,000 fine, for which community work, supervised by the governing body of the community, may be substituted at the option of the offender. Authorizes the Supreme Court to set a bail forfeiture schedule after consultation with an advisory committee. Mandates that the Commissioner of the Department of Public Safety develop a uniform citation form, which must be adopted by municipalities. Allows appearance on a citation to be waived, a plea of no contest to be entered, and bail and all alcoholic beverages seized to be forfeited. Specifies that possession of alcohol in violation of the law is not a criminal offense, and does not give rise to the right to jury trial or to court-appointed counsel.

SECTION 5: Provides that alcoholic beverages possessed in violation of a ban is subject to forfeiture.

SECTION 6: Provides an exception to the requirement that a court hearing be held within 48 hours of seizure of property subject to forfeiture for alcoholic beverages possessed in violation of a community ban on alcohol. This section does not change Alaska law

relating to search and seizure, rather it recognizes that alcohol possessed in violation of a ban is contraband and that a court hearing to consider the propriety of its seizure would have no purpose.

SECTION 7: Specifies that forfeiture may occur at the point when judgment has been entered on a citation.

SECTION 8: Requires that alcoholic beverages forfeited under the law be destroyed no earlier than 30 days after forfeiture.

SECTION 9: Authorizes municipalities to adopt ordinances banning possession of alcohol as set forth in Section 2 of CSSSHB700.

SECTION 10: Clarifies that the definition of alcoholic beverage includes privately produced beverages containing alcohol.

SECTION 11: Conforms Title 29 with Sections 2 and 9.

SECTION 12: Conforms Title 29 with Sections 2 and 9.

SECTION 13: Conforms Title 29 with Sections 2 and 9.

SECTION 14: Conforms Title 29 with Sections 2 and 9.

SECTION 15: Conforms Title 29 with Sections 2 and 9.

SECTION 16: Conforms Title 29 with Sections 2 and 9.

Sectional Analysis

Sponsor Substitute for House Bill No. 700

"An Act relating to regulation of alcoholic beverages and enactment of municipal ordinances."

SECTION 1: Sets forth in Legislative Findings the specific reasons for amending the existing local option law.

SECTION 2: Provides established villages and municipalities the authority to hold elections to ban possession of alcohol, as an addition to the options for regulating alcohol allowed under current law. In municipalities, alcohol would be banned by city ordinance; in established villages, alcohol would be banned by operation of state statute. Excludes from the definition of possession "alcoholic beverages within the digestive system of a person."

SECTION 3: Specifies that a petition for local option election constitutes a proposed ordinance in a municipality.

SECTION 4: Sets penalty for possession of alcohol in violation of law as a maximum \$1,000 fine, for which community work, supervised by the governing body of the community, may be substituted at the option of the offender. Authorizes the Supreme Court to set a bail forfeiture schedule, and allows for appearance on a citation to be waived, a plea of no contest to be entered, and bail and all alcoholic beverages seized to be forfeited. Specifies that possession of alcohol in violation of law is not a criminal offense, and does not give rise to the right to jury trial or to court appointed counsel.

SECTION 5: Provides that alcohol possessed in violation of a ban is subject to forfeiture.

SECTION 6: Allows for the immediate seizure of alcohol possessed in violation of a ban. This section does not change Alaska law relating to search and seizure.

SECTION 7: Specifies that forfeiture occurs upon conviction of a person for violating the law.

SECTION 8: Requires the destruction of alcoholic beverages forfeited under the law.

SECTION 9: Authorizes municipalities to adopt ordinances banning possession of alcohol as set forth in Section 2.

SECTION 10: Clarifies that the definition of alcoholic beverage includes "homebrew."

SECTION 11: Conforms Title 29 with Sections 2 and 9.

SECTION 12: Conforms Title 29 with Sections 2 and 9.

SECTION 13: Conforms Title 29 with Sections 2 and 9.

SECTION 14: Conforms Title 29 with Sections 2 and 9.

SECTION 15: Conforms Title 29 with Sections 2 and 9.

SECTION 16: Conforms Title 29 with Sections 2 and 9.

SECTIONAL ANALYSIS

PROPOSED CSHB 700

SECTION 1: Sets forth in Legislative Findings the specific reasons for amending the existing local option law.

SECTION 2: Provides established villages and municipalities the authority to hold elections to ban possession of alcohol, as an addition to the options for regulating alcohol allowed under current law. In municipalities, alcohol would be banned by city ordinance; in established villages, alcohol would be banned by operation of state statute. Excludes from the definition of possession "alcoholic beverages within the digestive system of a person."

SECTION 3: Specifies that in a petition for local option election constitutes a proposed ordinance in a municipality.

SECTION 4: Sets penalty for possession of alcohol in violation of law as a maximum \$1,000 fine, for which community work, supervised by the governing body of the community, may be substituted at the option of the offender. Authorizes the Supreme Court to set a bail forfeiture schedule, and allows for appearance on a citation to be waived, a plea of no contest to be entered, and bail and all alcoholic beverages seized to be forfeited. Specifies that possession of alcohol in violation of law is not a criminal offense, and does not give rise to the right to jury trial or to court appointed counsel.

SECTION 5: Provides that alcohol possessed in violation of a ban is subject to forfeiture.

SECTION 6: Allows for the immediate seizure of alcohol possessed in violation of a ban. This section does not change Alaska law relating to search and seizure.

SECTION 7: Specifies that forfeiture occurs upon conviction of a person for violating the law.

SECTION 8: Requires the destruction of alcoholic beverages forfeited under the law.

SECTION 9: Authorizes municipalities to adopt ordinances banning possession of alcohol as set forth in Section 2.

SECTION 10: Clarifies that the definition of alcohol beverage includes "homebrew."

SECTION 11: Conforms Title 29 with Sections 2 and 9.

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SECTION 15: Conforms Title 29 with Sections 2 and 9.

SECTION 16: Conforms Title 29 with Sections 2 and 9.

Ford
4/1/86.

1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 700

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulation of alcoholic beverages
7 and enactment of municipal ordinances."

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

9 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

10 (1) abuse of alcohol seriously interferes with the rights and
11 privileges of the people of the state;

12 (2) the public health, safety, and welfare does in fact suffer
13 when alcohol abuse is not controlled;

14 (3) prohibition of alcohol in rural areas of the state is an
15 effective tool for controlling the abuse of alcohol;

16 (4) serious crimes and a wide variety of other social problems
17 could be prevented if the possession of alcohol were prohibited;

18 (5) there is a strong and unmistakable correlation between
19 alcohol consumption and poor health, fetal damage, suicide, domestic vio-
20 lence, and crime;

21 (6) the dangers resulting from alcohol abuse are particularly
22 acute in rural areas of the state because the communities are small,
23 isolated, without adequate law enforcement, without adequate health care
24 facilities, and populated by people who are closely related and interdepen-
25 dent;

26 (7) in communities that have chosen to ban the sale and importa-
27 tion of alcohol, most drinking takes place in private homes; and

28 (8) the economic cost of alcohol abuse is high, and cannot be
29 afforded by the state or small rural communities.

1 * Sec. 2. AS 04.11 is amended by adding a new section to read:

2 Sec. 04.11.498. PROHIBITION OF POSSESSION OF ALCOHOLIC BEVER-
3 AGES. (a) The following question, appearing alone, may be placed
4 before the voters of a municipality or an established village in
5 accordance with AS 04.11.502: "Shall the possession of alcoholic
6 beverages be prohibited in (name of municipality or vil-
7 lage)? (yes or no)."

8 (b) If a majority of the voters of an established village vote
9 "yes" on the question set out in (a) of this section, a person, begin-
10 ning on the first day of the month following certification of the
11 results of the election, may not knowingly possess an alcoholic
12 beverage in the established village, unless the alcoholic beverage is
13 sacramental wine to be used for bona fide religious purposes based on
14 tenets or teachings of a church or religious body, is limited in
15 quantity to the amount necessary for religious purposes, and is dis-
16 pensed only for religious purposes by a person authorized by the
17 church or religious body to dispense the sacramental wine. The board
18 shall be notified immediately after certification of the results of
19 the election and thereafter may not issue, renew, or transfer between
20 holders or locations a license for licensed premises located within
21 the perimeter of the established village. Licenses that may not be
22 renewed because of a local option election held under this section are
23 void on the first day of the month following certification of the
24 election.

25 (c) If a majority of the voters of a municipality vote "yes" on
26 the question set out in (a) of this section, an ordinance is adopted
27 that becomes effective beginning on the first day of the month follow-
28 ing certification of the results of the election, and a person may not
29 knowingly possess an alcoholic beverage in the municipality, unless

1 the alcoholic beverage is sacramental wine to be used for bona fide
2 religious purposes based on tenets or teachings of a church or reli-
3 gious body, is limited in quantity to the amount necessary for reli-
4 gious purposes, and is dispensed only for religious purposes by a
5 person authorized by the church or religious body to dispense the
6 sacramental wine. The board shall be notified immediately after the
7 adoption of the ordinance and thereafter may not issue, renew, or
8 transfer between holders or locations a license for licensed premises
9 located within the boundaries of the municipality and within unincor-
10 porated areas within five miles of the boundaries of the municipality.
11 Licenses that may not be renewed because of a local option election
12 held under this section are void on the first day of the month follow-
13 ing certification of the election.

14 (d) If a majority of the voters vote "no" on the question set
15 out in (a) of this section or vote "yes" on the questions set out in
16 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
17 AS 04.11.502 after an election in which the voters voted "yes" on the
18 question set out in (a) of this section, the prohibition on the pos-
19 session of alcoholic beverages is removed effective 90 days after the
20 results of the election are certified except as those prohibitions
21 continue to be imposed in accordance with the results of the subse-
22 quent election.

23 (e) For the purposes of this section, "possession" means having
24 physical possession of or exercising dominion or control over alco-
25 holic beverages, but does not include having alcoholic beverages
26 within the digestive system of a person.

27 * Sec. 3. AS 04.11.502 is amended by adding a new subsection to read:

28 (c) A petition filed with the local governing body of a munic-
29 ipality in accordance with (a) of this section, which places on the

1 ballot the question set out in AS 04.11.498, shall constitute a pro-
2 posed ordinance of the municipality.

3 * Sec. 4. AS 04.16 is amended by adding a new section to read:

4 Sec. 04.16.205. PENALTY FOR VIOLATING BAN ON POSSESSION OF
5 ALCOHOLIC BEVERAGES. (a) A person who possesses alcoholic beverages
6 in a municipality or established village in violation of AS 04.11.498
7 or an ordinance adopted under AS 04.11.498 may, upon conviction, be
8 punished by a fine not to exceed \$1,000. When a peace officer stops
9 or contacts a person concerning a violation of AS 04.11.498 or an
10 ordinance enacted under AS 04.11.498, the peace officer may, in the
11 officer's discretion, issue a citation to the person as provided in
12 AS 12.25.180.

13 (b) A person cited for a violation of AS 04.11.498 or an ordi-
14 nance adopted under AS 04.11.498 for which a bail amount has been
15 established under (c) of this section may, within 30 days after the
16 date of the citation

17 (1) mail or personally deliver to the clerk of the court in
18 which the citation is filed by the peace officer the amount of bail
19 indicated on the citation and a copy of the citation indicating that
20 the right to an appearance is waived, a plea of no contest is entered
21 and the bail and all alcoholic beverages seized are forfeited; or

22 (2) perform community work in lieu of payment of the fine
23 or a portion of the fine as provided in (d) of this section.

24 (c) The supreme court shall establish by rule or order a sched-
25 ule of bail amounts that may be forfeited without a court appearance
26 for a violation of AS 04.11.498 or an ordinance adopted under AS 04.-
27 11.498. In establishing the bail schedule the supreme court may
28 consider the quantity of alcoholic beverages possessed and the number
29 of prior violations of the person cited. The maximum bail amount may

1 not exceed \$1,000, and if a citation is issued that may be disposed of
2 without court appearance, the issuing officer shall write on the
3 citation the amount of bail applicable to the violation.

4 (d) Community work shall be performed at the direction of the
5 governing body of the municipality or the village council of the
6 established village. The value of community work in lieu of a fine is
7 \$5.00 per hour. When the community work is completed, the person
8 cited for the violation shall mail or personally deliver to the clerk
9 of the court in which the citation is filed by the peace officer

10 (1) a form, prescribed by the board, indicating completion
11 of the community work; and

12 (2) a copy of the citation, indicating that the right to an
13 appearance is waived, a plea of no contest is entered, and that the
14 bail is forfeited or community work has been performed and that all
15 alcoholic beverages seized are forfeited.

16 (e) When bail has been forfeited or community work performed
17 under this section, a judgment of conviction shall be entered. For-
18 feiture of bail or performance of community work and forfeiture of all
19 seized items is a complete satisfaction for the violation. The clerk
20 of court accepting the bail or the form indicating performance of
21 community work shall provide the offender with a receipt stating that
22 fact.

23 (f) If the person fails to pay the bail amount established under
24 (c) of this section or to perform community work as provided in (d) of
25 this section, the citation is considered a summons.

26 (g) Notwithstanding other provisions of law, if a person cited
27 for a violation of AS 04.11.498 or an ordinance adopted under AS 04.-
28 11.498 for which a bail amount has been established under (c) of this
29 section appears in court and is found guilty, the penalty that is

1 imposed for the offense may not exceed the bail amount for that
2 offense established under (c) of this section.

3 (h) A violation of AS 04.11.498 or an ordinance adopted under
4 AS 04.11.498 may not be considered a criminal offense and may not
5 result in imprisonment, nor is a fine imposed for a violation con-
6 sidered criminal punishment. A person cited for a violation does not
7 have a right to a jury trial or court appointed counsel.

8 * Sec. 5. AS 04.16.220(a) is amended to read:

9 (a) The following are subject to forfeiture:

10 (1) alcoholic beverages manufactured, sold, offered for
11 sale or possessed for sale, bartered or exchanged for goods and ser-
12 vices in this state in violation of AS 04.11.010; alcoholic beverages
13 stocked, warehoused, or otherwise stored in violation of AS 04.21.060;
14 alcoholic beverages possessed, sold or offered for sale in an area
15 where the results of a local option election have, under AS 04.11.-
16 490 - 04.11.500, prohibited the possession of alcoholic beverages or
17 prohibited the board from issuing, renewing, or transferring one or
18 more licenses or permits under this title in the area; alcoholic
19 beverages transported into the state and sold to persons not licensed
20 under this chapter in violation of AS 04.16.170(b);

21 (2) materials and equipment used in the manufacture, sale,
22 offering for sale, possession for sale, barter or exchange of alco-
23 holic beverages for goods and services in this state in violation of
24 AS 04.11.010; materials and equipment used in the stocking, warehous-
25 ing, or storage of alcoholic beverages in violation of AS 04.21.060;
26 materials and equipment used in the sale or offering for sale of an
27 alcoholic beverage in an area where the results of a local option
28 election have, under AS 04.11.490 - 04.11.500, prohibited the board
29 from issuing, renewing, or transferring one or more licenses or

1 permits under this title in the area;

2 (3) aircraft, vehicles, or vessels used to transport, or
3 facilitate the transportation of

4 (A) alcoholic beverages manufactured, sold, offered
5 for sale or possessed for sale, bartered or exchanged for goods
6 and services in this state in violation of AS 04.11.010;

7 (B) property stocked, warehoused, or otherwise stored
8 in violation of AS 04.21.060;

9 (C) alcoholic beverages imported into a municipality
10 or established village in violation of AS 04.11.496;

11 (D) alcoholic beverages possessed in violation of
12 AS 04.11.498 or an ordinance adopted under AS 04.11.498;

13 (4) alcoholic beverages found on licensed premises that
14 [WHICH] do not bear federal excise stamps if excise stamps are re-
15 quired under federal law;

16 (5) alcoholic beverages, materials, or equipment used in
17 violation of AS 04.16.175.

18 * Sec. 6. AS 04.16.220(b) is amended to read:

19 (b) Property subject to forfeiture under this section may be
20 actually or constructively seized under an order issued by the
21 superior court upon a showing of probable cause that the property is
22 subject to forfeiture under this section. Constructive seizure is
23 effected upon posting a signed notice of seizure on the item to be
24 forfeited, stating the violation and the date and place of seizure.
25 Seizure without a court order may be made if

26 (1) the seizure is incident to a valid arrest, [OR] search,
27 or a citation issued under AS 04.11.498 or an ordinance adopted under
28 AS 04.11.498;

29 (2) the property subject to seizure is the subject of a

1 prior judgment in favor of the state; or

2 (3) there is probable cause to believe that the property is
3 subject to forfeiture under (a) of this section; property seized under
4 this paragraph may not be held over 48 hours or until an order of
5 forfeiture is issued by the court, whichever is earlier.

6 * Sec. 7. AS 04.16.220(d) is amended to read:

7 (d) Property subject to forfeiture under (a) of this section may
8 be forfeited

9 (1) upon conviction of a person under AS 04.11.010, 04.11.-
10 496(b), 04.11.498, or AS 04.21.060;

11 (2) upon judgment by the superior court in a proceeding in
12 rem that the property was used in a manner subjecting it to forfeiture
13 under (a) of this section.

14 * Sec. 8. AS 04.16.220(h) is amended to read:

15 (h) Alcoholic beverages forfeited under (d) of this section
16 shall be placed in the custody of a peace officer of the state and
17 destroyed not later than 30 days after forfeiture. All other property
18 [PROPERTY] forfeited under this section shall be placed in the custody
19 of the commissioner of public safety for disposition according to an
20 order entered by the court. The court shall order destroyed any
21 property forfeited under this section that [WHICH] is harmful to the
22 public. Other property shall be ordered sold and the proceeds used
23 for payment of expenses of the proceedings for forfeiture and sale,
24 including expenses of seizure, custody and court costs. The remainder
25 of the proceeds shall be deposited in the general fund.

26 * Sec. 9. AS 04.21.010(a) is amended to read:

27 (a) A municipality may adopt ordinances governing the barter,
28 sale, and consumption of alcoholic beverages within the municipality
29 as necessary for the orderly conduct of the business of selling

1 alcoholic beverages within the municipality and may ban possession of
2 alcoholic beverages under AS 04.11.498(c). An ordinance adopted under
3 this section may not be inconsistent with this title or regulations
4 adopted under this title.

5 * Sec. 10. AS 04.21.080(b)(1) is repealed and reenacted to read:

6 (1) "alcoholic beverage" means spirituous, vinous, malt or
7 other fermented or distilled liquids, whatever the origin, that are
8 intended for human consumption and that contain alcohol, whether
9 produced commercially or privately;

10 * Sec. 11. AS 29.10.200 is amended by adding a new paragraph to read:

11 (47) AS 29.20.270(e) (ordinance veto by mayor).

12 * Sec. 12. AS 29.20.270(a) is amended to read:

13 (a) Except as provided in (c), [AND] (d) and (e) of this sec-
14 tion, the mayor may veto an ordinance, resolution, motion, or other
15 action of the governing body and may strike or reduce appropriation
16 items.

17 * Sec. 13. AS 29.20.270 is amended by adding a new subsection to read:

18 (e) The veto does not extend to an ordinance adopted under
19 AS 04.11.498. This subsection applies to home rule and general law
20 municipalities.

21 * Sec. 14. AS 29.25.020 is amended by adding a new subsection to read:

22 (d) This section does not apply to an ordinance proposed under
23 AS 04.11.502(c).

24 * Sec. 15. AS 29.25.070 is amended by adding a new subsection to read:

25 (d) This section does not apply to an ordinance adopted under
26 AS 04.11.498(c).

27 * Sec. 16. AS 29.35.080(a) is amended to read:

28 (a) A municipality may regulate the possession, barter, sale,
29 importation, and consumption of alcoholic beverages in accordance with

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AS 04.11.480 - 04.11.506 and AS 04.21.010.

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