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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 136 - HB 549

Sponsor: Josephson

Date referred to committee: 2/6

Synopsis completed: 2/6

Fiscal note:

Further referrals: Judiciary, Finance

CONTACTS:

✓ Jerry Reinwand, CHAK 586-8966

✓ Matt Felix, Office of Alcohol 586-6201

Leg. Legal Division - Terry Cramer - 2459

Norma Lang, HCSS 3030

ABC Board

✓ Dept Revenue, Royce Weller - 2300

✓ won't attend
Pat Sharlock

277-8638

✓ MM Miller 4990 - Bob Speed 2/27/86
HB 549 "OK to use M Miller's language"

✓ Jerry Reinwand 586-8966

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

HESS 3-6-86 1:34 pm

BOARD: ALCOHOLIC BEVERAGE CONTROL BOARD

TITLE: Alcoholic Beverage Control Board

DEPT: Department of Revenue

AUTHORITY: AS 04.06.010

STATUS: ACTIVE

REQUIREMENTS: LEGISLATIVE CONFIRMATION AND FINANCIAL DISCLOSURE

PROHIBITIONS: No member may hold any other State or federal office, either elective or appointive.

TERM: 3-year - overlapping

DESCRIPTION: 5 members appointed by Governor: 2 from alcoholic beverage industry, but not wholesalers; no three members may be engaged in the same business or profession; Board selects chair from among members; serve at pleasure of Governor; vacancies to be filled within 30 days; Governor also appoints Director.

SPECIAL FACTS: Quorum - 3 members (majority of whole membership must approve applications, renewals, transfers, etc.); regulatory/quasi-judicial agency.

FUNCTION: Controls manufacture, barter, possession, and sale of alcoholic beverages in the state.

COMPENSATION: Standard travel/per diem

MEETINGS: At call of chair; at least once a year in each judicial district; 11 meetings per year; 11-14 days maximum

*FOR FURTHER INFORMATION CONTACT: Director, Alcoholic Beverage Control Board, 201 East Ninth Avenue, Anchorage, AK 99501 - 277-8638

Alcoholic Beverage Control

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
E.L. "Red" Holloway 3441 Douglas Highway Juneau 99801 Public	83/04/11		86/01/31
Don House P.O. Box 575 Wrangell 99929 Industry	82/02/05		85/01/31
James J. McNamee P.O. Box 1308 Fairbanks 99707 Public	84/09/13		85/01/31
Jane C. Perkins P.O. Box 813 Nome 99762 Public	83/10/19	84/01/31	87/01/31
William K. Smith 6002 Acheson Lane Anchorage 99504 Industry - Chair	80/12/12	84/02/16	87/01/31



Official Business

Alaska State Legislature

Senate

Pouch
State Ca
Juneau, Alaska 99811

FOR IMMEDIATE RELEASE
February 6, 1985

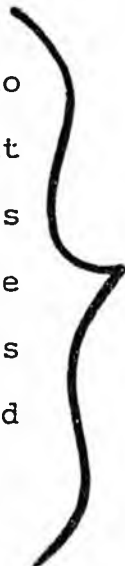
JUNEAU, AK -- Three state senators today introduced legislation to enlarge the Alcoholic Beverage Control Board from five to seven members. SB 136 would add one member of the general public, and the coordinator of the State Office of Alcoholism and Drug Abuse to the Board.

Prime sponsor of the measure, SB 136, is Senator Joe Josephson (D-Anchorage). Co-sponsors are Senator Edna DeVries (R-Palmer) and Senator Arliss Sturgulewski (R-Anchorage).

Under existing law, two members of the present five-member Board represent the alcohol beverage industry. "It is fair", Senator Josephson said, "that knowledgeable leaders of the industry should take part in the work of the Board". But he added, "It is also fair that a knowledgeable official who works every day with the problems of teen-age drinking, domestic violence, the physical diseases attributed to alcoholism, and other social and health consequences of alcohol abuse, should also participate. When the Board acts, we want to be assured that health and human perspectives have to be considered."

(more)

"Moreover, Alaska makes significant expenditures to prevent and treat alcohol abuse. We want to be sure that the work of the State Office of Alcoholism and Drug Abuse is not counteracted, or even undermined, by the work of the Board. SB 136 will help assure that when the Board takes action, it will at least be aware of the activities and concerns of the State Office of Alcoholism and Drug Abuse."



For further information contact:
Senator Joe Josephson
465-4525

ABC Board

§ 04.06.060

§ 04.06.070

ALCOHOLIC BEVERAGES

§ 04.06.090

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Sec. 04.06.070. Appointment and removal of director. The governor shall appoint a director to serve as the executive officer of the board. The board may remove the director at its pleasure, and the governor may remove the director for misconduct, misfeasance or malfeasance in office. The governor may not remove the director unless the director is given a copy of the charges against him and afforded an opportunity to be publicly heard, in person or by counsel, in his own defense upon at least 10 days notice. If the director is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the director and the findings based on the charges, together with a complete record of any hearing. (§ 1 ch 131 SLA 1980)

Sec. 04.06.075. Authority of director. The director shall enforce this title and regulations adopted by the board. (§ 1 ch 131 SLA 1980)

Sec. 04.06.080. Delegation of authority. The director shall issue, renew, transfer, suspend, or revoke all licenses and permits at the direction of the board. However, notwithstanding AS 04.11.070, the board may delegate authority to the director to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits. The director's temporary grant or denial of the issuance, renewal, or transfer of a license or permit is not binding on the board. The board may delegate to the director any duty imposed by this title except its power to propose and adopt regulations. (§ 1 ch 131 SLA 1980)

Sec. 04.06.090. Powers and duties. (a) The board shall control the manufacture, barter, possession, and sale of alcoholic beverages in the state. The board is vested with the powers, duties, and responsibilities necessary for the control of alcoholic beverages, including the power to propose and adopt regulations and to hear appeals from actions of the director, and from actions of officers and employees charged with enforcing the alcoholic beverage control laws and the regulations of the board.

(b) The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title.

(c) When considering an application, the board may reduce the area to be designated the licensed premises below the area applied for when, in the judgment of the board, a reduction in area is necessary to insure control over the sale and consumption of alcoholic beverages on the premises or is otherwise in the best interests of the public.



(d) The board may employ, directly or through contracts with other departments and agencies of the state, enforcement agents and staff it considers necessary to carry out the purposes of this title. The salaries of personnel of the board in the exempt service shall be set by the Department of Administration.

(e) The board shall promptly notify all licensees and municipalities of major changes to this title and to regulations adopted under this title. However, if changes only affect specific classifications of licenses and permits, the board need only notify those licensees and municipalities directly affected by the changes. Current copies of this title and current copies of the regulations adopted under it shall be made available at all offices of the Department of Revenue and the detachment headquarters and posts maintained by the division of Alaska state troopers, Department of Public Safety, in the state. (§ 1 ch 131 SLA 1980)

Cross references. — As to power of board to adopt regulations, see AS 04.06.100. As to procedure for action on license applications, suspensions, and revocations, see AS 04.11.510. As to appeals, see AS 04.11.560.

Editor's note. — The cases cited in the note below were decided under former AS 04.05.010 and 04.05.030.

Discretionary power of board. — The board has the discretionary power to refuse to reissue a license regardless of whether a licensee has been convicted of a liquor law violation or has even been accused of such a violation, provided the evidence showed that it would not have been in the best interests of the public to reissue the license. *Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc.*, Sup. Ct. Op. No. 208 (File No. 363), 391 P.2d 441 (1964).

Construction of liquor license statutes. — Even if the liquor license statutes were ambiguous, the construction placed upon them by the officers or departments charged with their enforcement and administration is to be considered and given weight in construing the statutes, especially if such construction has been observed, acted upon, and acquiesced in for a considerable period of time. *K & L Distribs., Inc. v. Alaska*, 184 F. Supp. 496 (D. Alas. 1960), vacated, 318 F.2d 498 (9th Cir. 1963).

Purpose of rule-making power. — The grant of general rule-making power was necessary in order that the legislative objective would not be frustrated. *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

And validity thereof. — The law-making function has been performed by the legislature to an extent sufficient to resist the challenge that there has been any invalid delegation of legislative power under this section. *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

Explicit standards of action not required. — The Administrative Procedure Act (AS 44.62) does not require that explicit standards of action be set forth in this chapter. *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

It is not essential, in order to sustain the grant of authority to promulgate rules and regulations, that the legislature circumscribe administrative discretion by express standards of action in order that the opportunity for capricious exercise of power will not exist. *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

It would be unreasonable to require that this chapter set forth the details of specific regulation that would be permitted. *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

As freedom of action is imperative in liquor control. — Where the police power of the state is so vitally involved, as it is in liquor control, it becomes imperative that those who are charged with the duty of regulating the industry have a freedom of action not restricted by limitations that may be required where other types of businesses are involved. *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

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Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Health, Education and Social Services

MINUTES

May 2, 1985
1:34 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Armstrong - De Vries
Senator Josephson
Senator Sturgulewski
Senator Fischer

CALENDAR

SB 136, An Act relating to increasing the membership of Alcoholic Beverage Control Board.

SB 26, An Act relating to notification of community councils of certain state actions.

SB 136

Senator Josephson explained that SB 136 would increase the membership of the Alcoholic Beverage Control Board from five to seven, and declare the coordinator of the Office of Alcoholism and Drug Abuse an ex officio member. This is intended to alleviate an apparent lack of coordination between the Board and the Department of Health and Social Services.

Matt Felix, Director, Office of Alcohol and Drug Abuse, Department of Health and Social Services, spoke in support of the bill and of the department's five year plan to combat alcoholism in the state. He felt that an expanded board would balance the interests of both industry and providers of alcoholism treatment. He also discussed the need for revisions to Title 4.

Patrick Sharrock, Director, Alcoholic Beverage Control Board, discussed the effects of expanding the board and recommended a review of Title 4.

SB 26

Senator Josephson explained that community councils in Anchorage are often not informed of impending state actions. Under SB 26, community councils would receive notification by state agencies of plans for construction of public projects, prison facilities, land disposals, and Alcoholic Beverage Control Board meetings.

Cindy Nelson, Special Assistant to the Commissioner, Department of Corrections, recommended clarifying the definition of "community residential facility" and questioned at what point in the RFP process notice should be given.

Patrick Sharrock, Director, Alcoholic Beverage Control Board, indicated that existing statute requires notification of board meetings to municipalities. He suggested requiring municipalities to notify the community councils.

Dan Malick, Director, Headquarter Plans and Programs, Department of Transportation and Public Facilities, testified that the department's existing planning process includes informing the community of upcoming public projects. He spoke in support of SB 26 as a tool for clarifying that process.

The meeting adjourned at 2:25 pm.

Introduced: 2/6/85
Referred: Health, Education & Social Services,
Judiciary and Finance

BY JOSEPHSON, DEVRIES,
STURGULEWSKI AND ABOOD

1 IN THE SENATE

2

CS SENATE BILL NO. 136 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to increasing the membership of
7 Alcoholic Beverage Control Board."

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

9 * Section 1. AS 04.06.020 is amended to read:

10 Sec. 04.06.020. APPOINTMENT AND QUALIFICATIONS. The board
11 consists of seven [FIVE] members appointed by the governor and con-
12 firmed by a majority of the members of the legislature in joint ses-
13 Except for the coordinator of the office of alcoholism and drug abuse,
13 sion. A member of the board may not hold any other state or federal
14 office, either elective or appointive. Two members of the board shall
15 be persons actively engaged in the alcoholic beverage industry, except
16 that no member may hold a wholesale license or be an officer, agent,
17 or employee of a wholesale alcoholic beverage enterprise. One member
18 shall be the coordinator of the office of alcoholism and drug abuse
19 under AS 47.37.120. No three members of the board may be engaged in
20 the same business, occupation, or profession.

21 * Sec. 2. AS 04.06.060 is amended to read:

22 Sec. 04.06.060. QUORUM AND MAJORITY. Four [THREE] members of
23 the board constitute a quorum for the conduct of business, except that
24 a majority of the whole membership of the board must approve all
25 applications for new licenses, and all renewals, transfers, suspen-
26 sions and revocations of existing licenses. If a majority of the
27 board is present and voting, the director, with the consent of the
28 members present, may cast a tie-breaking vote.

For legislative history of liquor control, see *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960), decided under former AS 04.05.010.

Am. Jur. 2d, ALR, and C.J.S. references. — 45 Am. Jur. 2d, Intoxicating Liquors, § 1 et seq.

Federal constitutional and legislative

provisions as to intoxicating liquor as affecting state legislation, 10 ALR 1587; 11 ALR 1320; 26 ALR 661; 70 ALR 132.

Test of intoxicating character of bought beverages, 4 ALR 1137; 11 ALR 1233; 19 ALR 512; 36 ALR 725; 91 ALR 513, 528. 48 C.J.S. Intoxicating Liquors § 1 et seq.

Sec. 04.06.020. Appointment and qualifications. The board consists of five members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member of the board may not hold any other state or federal office, either elective or appointive. Two members of the board shall be persons actively engaged in the alcoholic beverage industry, except that no member may hold a wholesale license or be an officer, agent, or employee of a wholesale alcoholic beverage enterprise. No three members of the board may be engaged in the same business, occupation, or profession. (§ 1 ch 131 SLA 1980)

Cross reference. — As to appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions, see AS 39.05.060.

Sec. 04.06.030. Terms of office. (a) Members of the board shall be appointed for overlapping terms of three years.

(b) A vacancy occurring in the membership of the board shall be filled within 30 days by appointment of the governor for the unexpired portion of the vacated term.

(c) The board shall select a chairman from among its members. (§ 1 ch 131 SLA 1980)

Cross reference. — As to appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions, see AS 39.05.060.

SLA 1980 provides: "Notwithstanding AS 04.06, members of the Alcoholic Beverage Control Board serving on the board on the effective date of this Act continue in office until the expiration of their terms."

Editor's note. — Section 14, ch. 131,

Sec. 04.06.040. Per diem and expenses. Members of the board do not receive a salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions. (§ 1 ch 131 SLA 1980)

Sec. 04.06.050. Meetings. The board shall meet at the call of the chairman. The board shall also meet at least once each year in each judicial district of the state to study this title and to modify existing board regulations in light of statewide and local problems. (§ 1 ch 131 SLA 1980)

Sec. 04.06.060. Quorum and majority. Three members of the board constitute a quorum for the conduct of business, except that a

majority of the board shall constitute a quorum for the application and revocation of licenses and voting rights. A tie shall be cast a tie-

Sec. 04.06.060. The governor shall appoint the director of the board. The governor may remove the director for malfeasance in office. The director shall have the opportunity to be heard in defense upon any such removal. The statement of the director shall be based on the facts. (§ 1 ch 131 SLA 1980)

Sec. 04.06.060. This title and

Sec. 04.06.060. The director shall renew, transfer, or deny the issuance of a license in the direction of the board. The board may deny the issuance of a license if the director's transfer of a license may delegate power to propose and

Sec. 04.06.060. The board shall manufacture, sell, or distribute alcoholic beverages in the state. The board shall have the authority necessary for the board to propose and enforce the rules of the director, and enforce the rules of the board.

(b) The board shall have the authority to suspend or revoke a license under this title and

(c) When necessary, the board shall designate a person to be designated in the judgment of the board to control over the premises or is

§ 47.37.100

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§ 47.37.110 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.37.130

Effect of amendments. — The 1982 "are not entitled," and made other, minor amendment deleted "advisory" preceding changes. "board," deleted "on alcoholism" preceding

Sec. 47.37.110. Duties. The board shall act in an advisory capacity to the commissioner in the following matters:

(1) special problems affecting mental health which alcoholism may present;

(2) educational and research activities conducted by the office in respect to the problems presented by alcoholism;

(3) social problems which affect rehabilitation of alcoholics;

(4) legal processes which affect the treatment and rehabilitation of alcoholics;

(5) a program of public relations concerning the problem of alcoholism conducted by a department of the state government or by an organized group whose purpose is the rehabilitation of alcoholics. (§ 1 ch 207 SLA 1972)

Sec. 47.37.120. Alcoholism program coordinator. The alcoholism program coordinator shall carry out the development and implementation of a comprehensive program dealing with the treatment of, research on and education concerning alcoholic problems as they affect the state. (§ 1 ch 207 SLA 1972)

Sec. 47.37.130. Comprehensive program for treatment; regional facilities. (a) The office shall establish a comprehensive and coordinated program for the treatment of alcoholics and intoxicated persons. Subject to the approval of the commissioner, the coordinator may divide the state into appropriate regions to conduct the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to the city and borough lines and population concentrations and when feasible, programs shall be established with maximum local community involvement.

(b) The program of the office shall include

(1) emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital;

(2) inpatient treatment;

(3) intermediate treatment; and

(4) outpatient and follow-up treatment.

(c) The office shall insure that adequate and appropriate treatment is provided to alcoholics and intoxicated persons admitted under AS 47.37.160 — 47.37.190 within the limits of available state and federal funds.

(d) The office shall maintain, supervise and control all facilities operated by it subject to the regulations of the department. The administrator of each facility shall make an annual report of its activities to the coordinator in the form and manner the coordinator specifies.

§ 47.37.040

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§ 47.37.050 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.37.050

(16) encourage all health and disability insurance programs to include alcoholism as a covered illness;

(17) submit to the legislature an annual report covering the activities of the office;

(18) develop and implement a training program on alcoholism for employees of state and municipal governments, and private institutions;

(19) develop curriculum materials on drug and alcohol abuse for use in grades kindergarten through 12, as well as a course of instruction for teachers to be charged with presenting the curriculum. (§ 1 ch 207 SLA 1972; am Executive Order No. 39, § 11 (1977); am §§ 2, 4 ch 117 SLA 1978; am E.O. No. 55, § 45 (1984))

Effect of amendments. — The 1984 amendment substituted "Department of Corrections" for "division of corrections" in paragraph (3).

Legislative history reports. — For report on ch. 117, SLA 1978 (SB 542), see 1978 Senate Journal, p. 761.

Sec. 47.37.050. Interdepartmental coordinating committee. (a) An interdepartmental coordinating committee is created, composed of the coordinator, the commissioners of health and social services, education, transportation and public facilities, labor and public safety, and the director of the Alcoholic Beverage Control Board. The committee shall meet at least twice annually at the call of the commissioner of health and social services who is its chairman. The committee shall provide for the coordination and exchange of information on all programs relating to alcoholism and act as a permanent liaison among state departments engaged in activities affecting alcoholics and intoxicated persons. The committee shall assist the commissioner of health and social services and the coordinator in formulating a comprehensive plan for prevention of alcoholism and for treatment of alcoholics and intoxicated persons.

(b) In exercising its coordinating functions, the committee shall assure that the appropriate state agencies

(1) provide all necessary medical, social, treatment, and educational services for alcoholics and intoxicated persons and for the prevention of alcoholism, without unnecessary duplication of services;

(2) cooperate in the use of facilities and in the treatment of alcoholics and intoxicated persons;

(3) adopt approaches for the prevention of alcoholism and the treatment of alcoholics and intoxicated persons consistent with the policy of AS 47.37.010 — 47.37.270. (§ 1 ch 207 SLA 1972; am § 3 ch 150 SLA 1980)

Effect of amendments. — The 1980 amendment deleted "and" preceding "the commissioners of health", substituted "transportation and public facilities" for

"highways", and added "and the director of the Alcoholic Beverage Control Board" in the first sentence of subsection (a).

TO: BETTYE

FROM: SANDRA

RE: MEMBERSHIP OF ALCOHOL BEVERAGE CONTROL BOARD (JOSEPHSON)
SB 136

DATE: MAY 2, 1985

EARLY IN THE SESSION THE DEPT. H&SS PRESENTED AN OVERVIEW OF THE DEPT. TO THE COMMITTEE. THIS INCLUDED A PRESENTATION BY MATT FELIX, DIRECTOR OF THE OFFICE OF ALCOHOL, WHO EXPRESSED FRUSTRATION THAT HIS EFFORTS TO PREVENT ALCOHOLISM OFTEN SEEM DEFEATED BY THE PROLIFERATION OF LICENSED ESTABLISHMENTS BY THE BOARD.

THE BILL WOULD INCREASE THE MEMBERSHIP OF THE BOARD FROM 5 TO 7, AND APPOINT THE ALCOHOL OFFICE DIRECTOR AS A PERMANENT MEMBER ON THE BOARD. THE INTENT IS TO PROVIDE A FORMAL OPPORTUNITY FOR INPUT AND FEEDBACK; THE CONCERN IS THAT THE DIRECTOR MAY SIMPLY OPPOSE ALL LICENSING TRANSACTIONS, WHICH IN ITSELF WOULD SERVE NO USEFUL PURPOSE.

CURRENT STATUTE ESTABLISHES AN INTERDEPARTMENTAL COORDINATING COMMITTEE TO PROVIDE FOR COORDINATION AND EXCHANGE OF INFORMATION ON ALL PROGRAMS RELATING TO ALCOHOLISM. (MEMBERSHIP: COMMISSIONERS OF HEALTH AND SOCIAL SERVICES, D.O.T., EDUCATION, LABOR, PUBLIC SAFETY, AND DIRECTOR OF A.B.C. BOARD.) TO MY KNOWLEDGE, THE COMMITTEE HAS NEVER MET; IF IMPLEMENTED, IT MAY BE A WORKABLE ALTERNATIVE.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 136
 Title: increasing membership of
Alcoholic Beverage Control Board
 Sponsor: Sen. Joe Josephson et. al.
 Requestor: Sen. Hess Committee
 Date of Request: February 7, 1985

FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: public
protection
 BRU, Program or Subprogram(s) Affected:
Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		13.6	13.6	13.6	13.6	13.6
300 CONTRACTUAL		.1	.1	.1	.1	.1
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		13.7	13.7	13.7	13.7	13.7

CAPITAL						
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REVENUE		-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND		13.7	13.7	13.7	13.7	13.7
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: 2/11/85

Approved by Commissioner: Mary Ann Hurd Date: 2/15/85
 Agency: Department of Revenue

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

Alaska State Legislature

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ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



Sandra

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Senate Committee on Health, Education and Social Services

MEMORANDUM

TO: Members, Senate Committee on Health, Education and Social Services
FROM: Committee Staff
RE: Committee Meeting, May 2, 1985
DATE: May 1, 1985

*Sharrack - prefer look at Title 4.
Doesn't think specific board expansion of the Board will necessarily solve the licensure concerns.*

On Thursday, May 2, at 1:30 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following bills:

SB 136, Relating to the membership of the Alcoholic Beverage Control Board.

SB 136 would increase the membership of the Alcoholic Beverage Control(ABC) Board from five to seven, and declare the coordinator of the Office of Alcoholism and Drug Abuse an ex officio member.

The ABC Board was established under the Department of Revenue in 1980 to control the manufacture, possession and sale of alcoholic beverages in the state, and to review applications for licensure for the same. The Office of Alcoholism and Drug Abuse was established in the Department of Health and Social Services in 1972 to develop and encourage programs for the prevention and treatment of alcoholism.

A committee substitute has been prepared which clarifies that SB 136 would make an exception to the provision that prohibits a holder of state office from serving on the ABC Board.

Office of Alcohol has an advisory board.

Felix "professional life involved in alcohol abuse" - doesn't necessarily need to be office of alcohol. (Fischer suggest "Comm H & SS or designee")

file SB 136

Cramer
3/21/86

Original sponsors: Josephson, DeVries,
Sturgulewski and Abood

not adopted

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (HESS)

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 membership and quorum
7 requirements of the Alcoholic Beverage Control
8 Board."
9

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

11 * Section 1. AS 04.06.020 is amended to read:

12 Sec. 04.06.020. APPOINTMENT AND QUALIFICATIONS. The board
13 consists of seven [FIVE] members appointed by the governor and con-
14 firmed by a majority of the members of the legislature in joint ses-
15 sion. A member of the board may not hold any other state or federal
16 office, either elective or appointive. Two members of the board shall
17 be persons actively engaged in the alcoholic beverage industry, except
18 that no member may hold a wholesale license or be an officer, agent,
19 or employee of a wholesale alcoholic beverage enterprise. One member
20 shall have experience in the field of alcohol abuse treatment or
21 prevention. Two members shall be public members [NO THREE MEMBERS OF
22 THE BOARD MAY BE ENGAGED IN THE SAME BUSINESS, OCCUPATION, OR
23 PROFESSION].

24 * Sec. 2. AS 04.06.060 is amended to read:

25 Sec. 04.06.060. QUORUM AND MAJORITY. Four [THREE] members of
26 the board constitute a quorum for the conduct of business, except that
27 a majority of the whole membership of the board must approve all
28 applications for new licenses, and all renewals, transfers, suspen-
29 sions and revocations of existing licenses. If a majority of the
board is present and voting, the director, with the consent of the

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members present, may cast a tie-breaking vote.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

P.O. BOX 5
JUNEAU, ALASKA 99811-0400
PHONE: (907) 435-2300

March 13, 1986



The Honorable Joe Josephson
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Josephson:

Enclosed is language which we suggest be substituted for Section 1 of your bill or for Section 1 of HB 549. You will note that in addition to expertise in the treatment of alcohol abuse, we suggest also that qualification in the area of alcohol abuse prevention also be available to the board.

I understood your concerns to arise from three principal areas:

1. Public concern for greater sensitivity to the location of alcohol sales points, especially retail sales.
2. Public concern for greater sensitivity in the board's actions affecting alcohol abuse and the prevention of abuse.
3. Public concern for compliance with conditions of licensure.

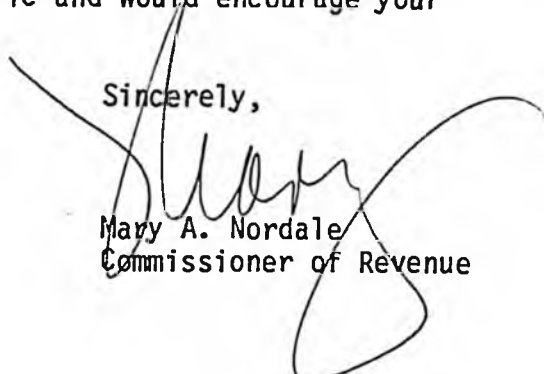
As I indicated to the committee, a change in qualifications for board members was not of great concern to this department. What is of concern is that applicants for licensure be properly dealt with and that community concerns as to location be appropriately addressed. The participation of community councils, pursuant to the 1985 amendments, has been actively sought. We would like to see their participation commence at the time the local governing body deliberates the question of approval of the license. Because we have less than a year's experience, we are as yet uncertain of the most effective means of insuring such participation.

Although the board has an admirable record of accommodation to community concerns, the system does not guarantee that everyone's concerns will be fully alleviated. However, with changing views relating to sales of alcohol and with the dynamic growth of some communities, the board's responsibilities become more complex and dealing with community

The Honorable Joe Josephson
March 13, 1986
Page 2

concerns more imperative. We believe that alcohol abuse prevention is of great and wide interest among the public and would encourage your adoption of that qualification.

Sincerely,



Mary A. Nordale
Commissioner of Revenue

MAN:m11
86-69

Enclosure

Sec. 04.06.020. Appointment and qualifications. The board consists of five members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member of the board may not hold any other state or federal office, either elective or appointive. Two members of the board shall be persons actively engaged in the alcoholic beverage industry, except that no member may hold a wholesale license or be an officer, agent, or employee of a wholesale alcoholic beverage enterprise. One member shall have experience in the fields of alcohol abuse treatment or prevention. Two members shall represent the public interest. [NO THREE MEMBERS OF THE BOARD MAY BE ENGAGED IN THE SAME BUSINESS, OCCUPATION, OR PROFESSION.]