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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
4/30/84	1st hearing - Pat Sharrock testimony
	held over
1/27/86	Committee C.S. - passed out 1/28/86

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 69 (Judiciary)

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 licensing and regulation of the
7 sale and distribution of alcoholic beverages; and
8 providing for an effective date."

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

10 * Section 1. AS 04.11.240(b) is amended to read:

11 (b) An application for a special events permit [MUST BE RECEIVED
12 IN THE MAIN OFFICE OF THE BOARD AT LEAST 10 DAYS BEFORE THE DATE FOR
13 WHICH THE PERMIT IS REQUESTED. THE APPLICATION] must be signed by
14 both the president and secretary of the organization applying for the
15 permit. A sworn affidavit showing the length of time the organization
16 has been in existence must accompany the application, together with a
17 certified copy of the resolution of the board of directors authorizing
18 the application. The written approval of the law enforcement agency
19 having jurisdiction over the designated premises of the occasion for
20 which the permit is sought must also be obtained and accompany the
21 application.

22 * Sec. 2. AS 04.11.330(a)(3) is amended to read:

23 (3) the applicant has not operated the licensed premises
24 for at least 45 [30] eight-hour days during the immediately preceding
25 calendar year, unless the board determines that the licensed premises
26 are under construction or cannot be operated through no fault of the
27 applicant;

28 * Sec. 3. AS 04.11.330(a) is amended by adding a new paragraph to read:

29 (10) the application contains false statements of material

1 fact.

2 * Sec. 4. AS 04.11.490(c) is amended to read:

3 (c) If a majority of the voters vote "no" on the question set
4 out in (a) of this section or vote "yes" on a question set out in
5 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
6 AS 04.11.502 after an election in which the voters voted "yes" on the
7 question set out in (a) of this section, the board shall be notified
8 immediately after certification of the results of the election.
9 Thereafter, the prohibitions imposed under (b) of this section on the
10 issuance, renewal, or transfer of licenses between holders and lo-
11 cation as a result of the earlier election are removed except insofar
12 as those prohibitions are imposed in accordance with the results of
13 the subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

14 * Sec. 5. AS 04.11.492(c) is amended to read:

15 (c) If a majority of the voters vote "no" on the question set
16 out in (a) of this section or vote "yes" on a question set out in
17 AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in
18 accordance with AS 04.11.502 after an election in which the voters
19 voted "yes" on the question set out in (a) of this section, the board
20 shall be notified immediately after a certification of the results of
21 the election. The prohibitions imposed under (b) of this section on
22 the issuance, renewal, or transfer of licenses between holders and
23 locations as a result of the earlier election are removed 90 days
24 after the results of the election are certified except insofar as
25 those prohibitions are imposed in accordance with the results of the
26 subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

27 * Sec. 6. AS 04.11.496(c) is amended to read:

28 (c) If a majority of the voters vote "no" on the question set
29 out in (a) of this section or vote "yes" on the questions set out in

1 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
2 AS 04.11.502 after an election in which the voters voted "yes" on the
3 question set out in (a) of this section, the prohibition on the impor-
4 tation of alcoholic beverages and the prohibition on the issuance,
5 renewal, or transfers of licenses between holders and locations,
6 imposed as a result of the earlier election in which the voters voted
7 "yes" on the question set out in (a) of this section are removed
8 effective on the first day of the month following certification of the
9 results of the election except as those prohibitions continue to be
10 imposed in accordance with the results of the subsequent election and
11 under AS 04.11.504(b) and AS 04.11.510(d).

12 * Sec. 7. AS 04.11.500(c) is amended to read:

13 (c) If the majority of the voters vote "no" on the question set
14 out in (a) of this section or vote "yes" on the questions set out in
15 AS 04.11.490, 04.11.492, or 04.11.496 [, OR THIS SECTION IF DIFFERENT
16 TYPES OF LICENSES ARE LISTED ON THE BALLOT] in an election conducted
17 in accordance with AS 04.11.502 after an election in which the voters
18 voted "yes" on the question set out in (a) of this section, the board
19 shall be notified immediately after certification of the results of
20 the election. Licenses in effect in the municipality and [,] in the
21 unincorporated area outside of but within five miles of the boundaries
22 of the municipality or established village which were excepted from
23 the prohibition on sale in accordance with the results of the earlier
24 election are void 90 days after the results of the election are cer-
25 tified. Thereafter the board may not issue, renew, or transfer be-
26 tween holders or locations a license for licensed premises located
27 within the boundaries of the municipality, [OR] within the perimeter
28 of an established village, or in an unincorporated area within five
29 miles of the boundaries of the municipality, except a license which

1 may be issued to a municipality or to one of the types of licenses
2 listed on the ballot as a result of a majority of the voters voting
3 "yes" on the question set out in AS 04.11.492 or this section, respec-
4 tively. A license which will expire during the 90 days after the
5 results of a local option election under this section are certified
6 may be extended, until it is void under this subsection, by payment of
7 a prorated portion of the annual license fee.

8 * Sec. 8. AS 04.11.502(b) is amended to read:

9 (b) The lieutenant governor, whenever 35 percent of the regis-
10 tered voters residing within an established village petition the
11 lieutenant governor to do so, shall place upon a separate ballot at a
12 special election that question or combination of questions set out in
13 AS 04.11.490, 04.11.496, and [-] 04.11.500 which constitutes the
14 subject of the petition. The lieutenant governor shall conduct the
15 election in the general manner prescribed by the Alaska Election Code
16 (AS 15.05.010 - AS 15.60.020).

17 * Sec. 9. AS 04.11.506(b) is amended to read:

18 (b) If a majority of the voters vote "yes" on a question set out
19 in AS 04.11.496, the following actions, in addition to those pre-
20 scribed in (a) of this section, shall be undertaken before the date
21 the prohibition on importation becomes effective:

22 (1) the board shall notify by registered or certified mail
23 all holders of package store licenses of the prohibition;

24 (2) the municipality or established village shall post
25 notice of the prohibition in the municipality or village.

26 * Sec. 10. AS 04.11.510(d) is amended to read:

27 (d) The board may not accept an application for the issuance,
28 renewal, or transfer of a license within one year after a local option
29 election, other than an application for a temporary extension of a

1 license under AS 04.11.490(b), 04.11.492(b), 04.11.496(b), or 04.11.-
2 500(b).

3 * Sec. 11. AS 04.16.030 is amended to read:

4 Sec. 04.16.030. SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES TO
5 DRUNKEN PERSONS. A licensee, a licensee's [HIS] agent, or employee
6 may not with criminal negligence

7 (1) sell, give, or barter alcoholic beverages to a drunken
8 person;

9 (2) allow another person to sell, give, or barter an
10 alcoholic beverage to a drunken person within licensed premises;

11 (3) allow a drunken person to [ENTER AND REMAIN WITHIN
12 LICENSED PREMISES OR TO] consume an alcoholic beverage within licensed
13 premises;

14 (4) permit a drunken person to sell or serve alcoholic
15 beverages.

16 * Sec. 12. AS 04.21.080(b)(8) is amended to read:

17 (8) "established village" means [(A)] an unincorporated
18 community [THAT IS IN THE UNORGANIZED BOROUGH AND] that

19 (A) has 25 or more permanent residents; [OR]

20 (B) is within a circle, with a five-mile radius,
21 around a United States post office or, if there is no United
22 States post office, around another site reasonably designated by
23 the local governing body or, if there is no local governing body,
24 by the board; and

25 (C) if it [(B) AN UNINCORPORATED COMMUNITY THAT] is in
26 an organized borough, [HAS 25 OR MORE PERMANENT RESIDENTS, AND]

27 (i) is on a road system and is located more than
28 50 miles outside the boundary limits of a unified municipal-
29 ity, or

1 (ii) is not on a road system and is located more
2 than 15 miles outside the boundary limits of a unified
3 municipality;

4 * Sec. 13. Section 2 of this Act takes effect January 1, 1986.⁸⁷

5 * Sec. 14. Sections 1 and 3 - 12 of this Act take effect immediately in
6 accordance with AS 01.10.070(c).
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB69(C&RA)
 Title: Relating to sale of
alcoholic beverages
 Sponsor: Request of the Governor
 Requestor: Senate Judiciary
 Date of Request: 4/11/85

FISCAL DETAIL

Agency Affected: Dept. 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						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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: 4/19/85
 Approved by Commissioner: Marv A. Nordale Date: 4/24/85
 Agency: Department of Revenue

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing and regulation of the sale and distribution of alcoholic beverages.

This bill, which was requested by the Alcoholic Beverage Control Board, includes mostly technical, housekeeping amendments to AS 04.11, "Licensing," and a technical amendment to AS 04.16, "Regulation of Sales and Distribution." The most substantive of the amendments made by this bill are at sec. 2 and sec. 12.

Section 2 of the bill increases from 30 days to 90 days the minimum number of days for which all businesses with liquor licenses must operate each year. Businesses that do not operate for the minimum period are denied license renewal unless the premises are under construction or cannot be operated for another reason that is not the fault of the owner.

Section 12 of the bill amends the definition of the term "established village" to allow for ready determination of the boundaries of such a village. Before 1983, these boundaries were determined by drawing a circle, with a five-mile radius, around a U.S. post office. That provision was deleted as part of an extensive revision to the definition in 1983, and under present law there is no clear way of determining village boundaries. The attached bill restores the five-mile-radius method of determining the boundaries, and also makes provision for villages that do not have a U.S. post office. Several provisions of AS 04 cannot be adequately implemented in the absence of readily determinable village boundaries. These provisions include: (1) AS 04.11.480, under which a village council may "protest" the issuance of a liquor license inside the

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village; (2) AS 04.11.400, under which the number of licenses that may be issued inside a village is based upon the size of the population residing inside the village; and (3) AS 04.11.490 -- 04.11.502, under which established villages may, on the approval of a majority of residents within the village, exercise a "local option" restricting or prohibiting the sale or importation of alcohol inside the village and within a fixed distance beyond the "perimeter" of the village. The selection of five miles as the length of the radius is based on previous law. The substitution of any other reasonable distance would also resolve the problems this section of the bill is intended to resolve.

Section 1 of the attached bill deletes from AS 04.11.240(b) the requirement that requests for special events permits be received by the board 10 days before the event. The 10-day requirement is often impossible to meet and is unnecessary.

Section 9 of the bill amends AS 04.11.506(b)(1) to give the board the option of using certified mail rather than registered mail to notify all package stores in the state of the results of local option elections under AS 04.11.496. The present requirement is too costly and unnecessary.

The other amendments in the bill are more technical in nature and either add or remove cross references to other sections of AS 04.11.15 and 04.16; eliminate inconsistencies between sections (such as between AS 04.11.330(a) [denial of license renewal] and AS 04.11.320(a) [denial of initial license]); or eliminate unnecessary, confusing, or repetitive language (such as in AS 04.11.500(c), in which the deleted language is covered by AS 04.11.500(b)).

I am working with the board in urging passage of this bill.

Sincerely,



Bill Sheffield
Governor