

CSHB

536

SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE \_\_\_\_\_

5/3/88

Mr. President:

\_\_\_\_\_ Finance \_\_\_\_\_ Committee considered CSHB 536 (JUD)

sale, pricing, and marketing of alcoholic beverages; and prohibiting persons from being on premises involving alcoholic beverages under certain circumstances and recommended

replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

\_\_\_\_\_  
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\_\_\_\_\_  
Chairman signature and recommendation

Committee Backup attached

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 536 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale, pricing, and marketing  
7 of alcoholic beverages; and prohibiting persons from  
8 being on premises involving alcoholic beverages under  
9 certain circumstances."

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

11 \* Section 1. AS 04.16.015(a) is amended to read:

12 (a) On premises where alcoholic beverages are sold by the drink,  
13 a licensee or a licensee's agent or employee may not

14 (1) offer or deliver, as a marketing device to the general  
15 public, free alcoholic beverages to a patron;

16 (2) deliver an alcoholic beverage to a person already  
17 possessing two or more;

18 (3) sell, offer to sell, or deliver [ALCOHOLIC BEVERAGES TO  
19 A PERSON OR GROUP OF PERSONS AT A PRICE LESS THAN THE PRICE REGULARLY  
20 CHARGED FOR THE BEVERAGES DURING THE SAME CALENDAR WEEK, EXCEPT AT  
21 PRIVATE FUNCTIONS NOT OPEN TO THE GENERAL PUBLIC;

22 (4) SELL, OFFER TO SELL, OR DELIVER] an unlimited number of  
23 alcoholic beverages to a person or group of persons during a set  
24 period of time for a fixed price;

25 (4) except at private functions not open to the general  
26 public, [(5)] sell, offer to sell, or deliver a particular type or  
27 brand of alcoholic beverage [BEVERAGES] to a person or group of per-  
28 sons on any one calendar day

29 (A) at a price [PRICES] less than that [THOSE] charged

1 the general public on that day; or

2 (B) during only part of the hours that the licensed  
3 premises are open during that day [, EXCEPT AT PRIVATE FUNCTIONS  
4 NOT OPEN TO THE GENERAL PUBLIC];

5 (5) [(6)] encourage or permit an organized game or contest  
6 on the licensed premises that involves drinking alcoholic beverages or  
7 the awarding of alcoholic beverages as prizes.

8 \* Sec. 2. AS 04.16.015(c) is amended to read:

9 (c) This section may not be construed as prohibiting a licensee  
10 or a licensee's agent or employee from

11 (1) offering free food or entertainment at any time;

12 (2) [, FROM] serving wine by the bottle or carafe or beer  
13 by the pitcher with or without meals;

14 (3) [, OR FROM] including an alcoholic beverage as part of  
15 a meal package; or

16 (4) increasing prices during times when entertainment is  
17 provided; in this paragraph, "entertainment" means a live performance,  
18 or a television broadcast of an event that actually occurs at the time  
19 it is viewed and for which the licensee pays a one-time fee for the  
20 right to show the event on the licensed premises.

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

22 Sec. 04.16.025. ILLEGAL PRESENCE ON PREMISES INVOLVING ALCOHOLIC  
23 BEVERAGES. (a) A person may not knowingly enter or remain on prem-  
24 ises

25 (1) in which alcoholic beverages are manufactured, sold,  
26 offered for sale, possessed for sale or barter, trafficked in, or  
27 bartered in violation of

28 (A) AS 04.11.010; or

29 (B) a municipal ordinance adopted under AS 04.21.-

1           010(a) or (b); or

2           (2) licensed under this title during hours in which the  
3 person's presence on the premises is a violation of a municipal ordi-  
4 nance adopted under authority of AS 04.16.010(d) providing for hours  
5 of closure that are outside the hours of closure prescribed by AS 04.-  
6 16.010(c).

7           (b) A person who violates this section is guilty of a violation.

8 \* Sec. 4. AS 04.16.180(a) is amended to read:

9           (a) Except as provided in AS 04.16.025 and 04.16.200 - 04.16.-  
10 210, a person who violates a provision of this title or a regulation  
11 adopted by the board is guilty, upon conviction, of a class A misde-  
12 meanor. Each violation is a separate offense.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HB 536  
PUBLISH DATE: HOUSE 3/9/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the sale, pricing, and marketing of alcoholic beverages; prohibiting persons from being on the premises involving alcoholic beverages under certain circumstances."  
Sponsor: Labor & Commerce Committee  
Requestor: Labor & Commerce Committee

Agency Affected: Revenue  
BRU: ABC board

Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
<b>OPERATING</b>						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	-	-	-	-
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-

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/Division Date: 03/07/88

Approved by Commissioner: Hugh Malone Date: 03/07/88  
Agency: Department of Revenue

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Zero Final Note

3/9/88

B

ALASKA STATE LEGISLATURE

.15th. Legislature SECOND Session

HOUSE... BILL..... NO. 536.

By LABOR AND COMMERCE COMMITTEE

"An Act relating to the sale, pricing, and marketing of alcoholic beverages; and prohibiting persons from being on premises involving alcoholic beverages under certain circumstances."

CSHB 536 (Jud) BY JUDICIARY

Offered: 4/19/88  
Referred: Rules

TITLE: Same

Introduced in the House 3/2... 19 88.

HISTORY IN THE HOUSE

19 88		Read first time and referred to Committee on <i>3/14</i>
MAR 2		L&C, HESS, JUDICIARY
may 9		Reported back with recommendation that <i>Labor Management 6 Ayes, 1 No Rec 3 Abs</i>
may 28		<i>then moved - to Judiciary</i>
Apr 19		<i>Judiciary - cs/Ord 5 Ayes, 1 No Rec 2 Abs</i>
may 3		Read second time and <i>cs/Ord adopted today</i>
may 3		Read third time and
may 3		PASSED Effective Date Yeas 31 Yeas Nays 1 Nays Excused 0 Excused Absent 8 Absent
may 3		Reconsideration <i>hally join</i> Reconsideration not taken up
may 3		PASSED Effective Date Yeas 35 Yeas Nays 0 Nays Excused 0 Excused Absent 5 Absent
5 5 5	3 3 3	Reported correctly engrossed Signed by Speaker Sent to Senate <i>Dorel Ashen</i>

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Read first time and referred to Committee on
53		<i>FIN</i>
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASSED Effective Date Yeas Yeas Nays Nays Excused Excused Absent Absent
		Reconsideration Reconsideration not taken up
		PASSED Effective Date Yeas Yeas Nays Nays Excused Excused Absent Absent
		Reported correctly engrossed Signed by President Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Received from Senate
		Concurred in Senate amendment thus adopting: VOTE
		Failed to concur in Senate amendment; asked Senate to recede VOTE
		Senate receded from amendment VOTE
		Senate failed to recede from amendment VOTE
		CC appointed by House
		CC appointed by Senate
		CC adopted by House VOTE
		CC adopted by Senate VOTE
		To enrolling Reported correctly enrolled Sent to Governor  ..... by Governor
		Filed with Lt. Governor
		Chapter No. ....