

SB

4044

SENATE COMMITTEE REPORT

FURTHER

3/21/88

DATE TURNED INTO OFFICE _____

Mr. President:

FINANCE Committee considered SB 404

transportation and municipal regulation and taxation of alcoholic beverages

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

Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

5-17236

FIRST COMMITTEE OF REFERRAL

(b)

Date of 3/10/88 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: Finance

**FISCAL NOTE(S) ATTACHED yes **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/10/83

DATE TURNED INTO OFFICE 3/18/88

Mr. President:

C&RA Committee considered SB 404

transportation and municipal regulation and taxation of alcoholic beverages.

and recommended:

replace with CS for SB 404 (CRA) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

OFOT

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

1 Tim Kelly

2 Mike Szymanski - do not pass

Arthur Stuparukki Do Pass
Chairman signature and recommendation

Committee Backup Attached

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

March 3, 1988

TO: Senate Community and Regional Affairs Committee Members

FROM: Senate C&RA Staff *MSA*

RE: SB 404 - "An Act relating to transportation and municipal regulation and taxation of alcoholic beverages"

SB 404 changes three aspects of the law dealing with the transportation, importation, and taxation of alcohol.

Section 1 requires alcohol transported on a common carrier (more than two gallons of wine or beer or more than one gallon of distilled spirits) to be clearly labeled as alcohol.

Section 2 allows municipalities to regulate the importation of alcohol into their communities.

Section 3 would allow a community to impose a sales and use tax on alcoholic beverages if the municipality has banned the sale of alcohol.

This bill has zero fiscal notes from the Departments of Revenue and the Department of Public Safety. The Department of Community and Regional Affairs has not submitted a fiscal note but has indicated the bill will have no financial impact upon it.

A representative from the Department of Revenue will be at the meeting. Public Safety has indicated they will not be able to be at the meeting but has submitted a position paper supporting the bill.

BILL NO: SB 404

DATE: 3/2/88

TITLE: "An Act relating to transportation and municipal regulation and taxation of alcoholic beverages."

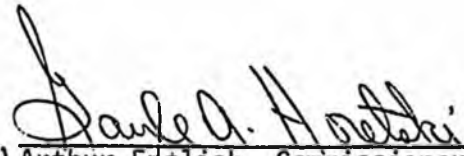
CONTACT: Col. Robert E. Jent

DEPARTMENT OF PUBLIC SAFETY
PAPER

Movement of alcoholic beverages by common carrier to "dry" rural communities is often made in unlabeled containers making identification difficult for law enforcement authorities.

Passage of this legislation will assist in maintaining a stricter control of alcoholic beverages being transported to local option villages.

The Department of Public Safety supports this legislation.

for 
Arthur English, Commissioner
Department of Public Safety

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to . . . alcoholic beverages."
Sponsor: Sen. Brinkley
Requestor: Senate C&RA

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments and VPSO Contract/Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 3/2/88

Approved by Commissioner: *D. H. H. Dep. Comm.*
Agency: Public Safety

Date: 3-2-88

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

Original sponsor: Binkley

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 404 (C&RA)

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 transportation and municipal
7 regulation and taxation of alcoholic beverages."

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

9 * Section 1. AS 04.16 is amended by adding a new section to read:

10 Sec. 04.16.125. TRANSPORTATION OF ALCOHOLIC BEVERAGES BY COMMON
11 CARRIER. (a) A person may not use a common carrier to transport
12 alcoholic beverages into an area that has restricted the sale of
13 alcoholic beverages under AS 04.11.490, 04.11.492, or 04.11.500 unless
14 the shipping container holding the alcoholic beverages is clearly
15 labeled as containing alcoholic beverages.

16 (b) This section does not apply to a person transporting less
17 than two gallons of wine or malt beverages, or less than one gallon of
18 distilled spirits.

19 (c) In this section, "common carrier" means a motor vehicle,
20 watercraft, aircraft, or railroad car available for public hire to
21 transport freight.

22 * Sec. 2. AS 04.21.010(a) is amended to read:

23 (a) A municipality may adopt ordinances governing the importa-
24 tion, barter, sale, and consumption of alcoholic beverages within the
25 municipality [AS NECESSARY FOR THE ORDERLY CONDUCT OF THE BUSINESS OF
26 SELLING ALCOHOLIC BEVERAGES WITHIN THE MUNICIPALITY] and may ban
27 possession of alcoholic beverages under AS 04.11.498(d) or (e). An
28 ordinance adopted under this section may not be inconsistent with this
29 title or regulations adopted under this title.

S

1 * Sec. 3. AS 04.21.010(c) is amended to read:

2 (c) A municipality may not impose taxes on alcoholic beverages
3 except a

4 (1) property tax [TAXES] on alcoholic beverage inventories;

5 (2) sales tax [TAXES] on alcoholic beverage sales if sales
6 taxes are imposed on other sales within the municipality; [AND]

7 (3) sales tax [TAXES] on alcoholic beverage sales that were
8 in effect before July 1, 1985; and

9 (4) sales and use tax on alcoholic beverages if the sale of
10 alcoholic beverages within the municipality has been prohibited under
11 AS 04.11.490.

1 IN THE SENATE

BY BINKLEY

2 SENATE BILL NO. 404

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 transportation and municipal
7 regulation and taxation of alcoholic beverages."

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

9 * Section 1. AS 04.16 is amended by adding a new section to read:

10 Sec. 04.16.125. TRANSPORTATION OF ALCOHOLIC BEVERAGES BY COMMON
11 CARRIER. (a) A person may not use a common carrier to transport
12 alcoholic beverages unless the alcoholic beverages and any shipping
13 container holding them are clearly labeled and readily identifiable as
14 alcoholic beverages or as containing alcoholic beverages.

15 (b) This section does not apply to a person transporting less
16 than two gallons of wine or malt beverages, or less than one gallon of
17 distilled spirits.

18 (c) In this section, "common carrier" means a motor vehicle,
19 boat, aircraft, or railroad car available for public hire to transport
20 freight.

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7 in effect before July 1, 1985; and

8 (4) sales and use tax on alcoholic beverages if the sale of
9 alcoholic beverages within the municipality has been prohibited under
10 AS 04.11.490.

FISCAL NOTE

REQUEST:

Revision Date:
Title: "An Act relating to transportation
and municipal regulation and taxation of
alcoholic beverages."
Sponsor: Senator Birkley
Requestor: Senate Finance

Agency Affected: Revenue
BRU: ABC BOARD
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
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 Division Date: 03/02/88

Approved by Commissioner: Hugh Malone Date: 03/02/88
Agency: Department of Revenue

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

ALASKA STATE LEGISLATURE

.15th.. Legislature .. **2nd.** Session

SENATE... **BILL**..... NO. **404**..

By .. **BLNKLEY**.....

"An Act relating to transportation and municipal regulation and taxation of alcoholic beverages."

Introduced in the Senate **2/10**....., 19 **.88**..

HISTORY IN THE SENATE

19 88

Read first time and referred to Committee on

2 23

C&RA referral added

2 10

FINANCE

Reported back with recommendation that

3 21

CRA's referral w/5, 2 drops, I do not pass, H.N. to fix

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
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

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 Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Chapter No.

Filed with Lt. Governor

STATE OF ALASKA
THE LEGISLATURE

P.O. Box V
Juneau, Alaska 99811

SENATE SECRETARY'S OFFICE

TO Finance

REMARKS: Please give Page
SB 404 to bring to
Carol. C&RA referral
added. Thanks

FROM Carol DATE 2/2-3

2/24/88
S (CURE)
then File

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to transportation and municipal regulation/taxation of alcoholic beverages.
Sponsor: Senator Binkley
Requestor: Senate Finance

Agency Affected: Revenue
BRU: Alcoholic Beverage Control Board
Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SB 404
L-101 Bill file

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Patrick L. Sharrock, Director Phone: 277-8638
Division: Alcoholic Beverage Control Board Date: February 18, 1988
Approved by Commissioner: Hugh Malone Date: February 18, 1988
Agency: Department of Revenue

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

FEB 24 1988