

SB

157

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y . STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

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Mary Van Nimwegen

SB 157

H. HESS

3/22/90

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 2, 1990

FURTHER REFERRALS:

*Judiciary*  
FINANCED

Date of Committee Action: 3/22/90

The HESS Committee considered:

CSSB 157(FIN)

CS SB NO. 157 (Fin)

CIVIL FINES/VIOLATIONS BY LIQUOR LICENSEE

"An Act relating to imposition of a civil fine for violation of a statute, regulation, or ordinance related to alcoholic beverages."

RECOMMENDATIONS:

- [ ] be replaced with \_\_\_\_\_ [ ] the same title
- [ ] have attached amendment(s) [ ] a new title
- [ ] do pass
- [ ] do not pass
- [ ] no recommendation
- [X] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [ ] fiscal impact \_\_\_\_\_
- [ ] zero fiscal note \_\_\_\_\_
- [ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_
- [X] zero fiscal note(s) 2/5/90/ Revenue
- [ ] zero fn/analysis \_\_\_\_\_

SIGNING DO-PASS:

SIGNING:

(Check approp. column)

Do Not  
Pass No Rec Amend

*[Signature]*  
*[Signature]*  
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SIGNING	Do Not Pass	No Rec	Amend
<i>[Signature]</i>			←
<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓		

*[Signature]*  
 \_\_\_\_\_  
 Chairman's Signature

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

157

February 3, 1989

The Honorable Tim Kelly  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that gives the Alcoholic Beverage Control (ABC) Board the authority to assess a civil fine against a liquor licensee or permittee if the board finds that the licensee violated a statute, a regulation, or a local ordinance relating to alcoholic beverages.

Under AS 04.11.370, the board currently must suspend or revoke a liquor license or permit for certain reasons, including violation of provisions of AS 04, regulations adopted under AS 04, and local ordinances pertaining to liquor. The ABC Board does not, however, have the authority to assess a fine against a liquor licensee or permittee who is found to have violated a provision of the law, either personally or through an agent or employee. Many instances have arisen where the ABC Board has felt that a fine would be an appropriate, additional sanction.

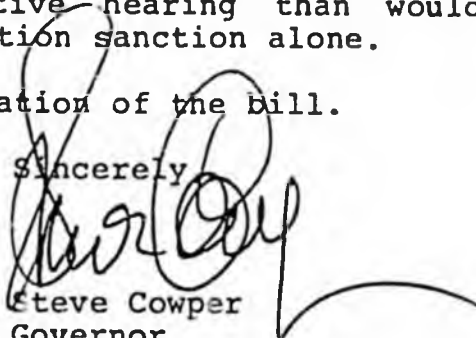
Under the bill, the board may impose a fine following the suspension/revocation hearing under AS 04.11.510(c). The due process rights of licensees and permittees are thus protected.

This bill should have an overall beneficial effect on state finances in that it does not require an additional appropriation and could potentially result in the generation of additional revenue through the assessment of fines. The added regulatory flexibility through the assessment of

finer could also reduce administrative expense in that that sanction would be less likely to result in a lengthy, and often expensive, administrative hearing than would the existing suspension or revocation sanction alone.

I ask your favorable consideration of the bill.

Sincerely,



Steve Cowper  
Governor

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Dept. of Revenue  
 Title: Impose civil fines for violation of liquor laws related to alcoholic beverages BRU: Alcoholic Beverage Control Board  
 Sponsor: Governor Components: \_\_\_\_\_  
 Requestor: Sen. Finance Comm.

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Patrick L. Sharrack, Director Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 12/15/89  
 Approved by Commissioner: Hugh Malone Date: 12/14/89  
 Agency: Department of Revenue

Distribution (by preparer):

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

Changes in CS SB 157 (Fin)  
 have no fiscal impact.  
 This fiscal note is  
 appropriate. 2/2/90 new