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157

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 23, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 4-23-90

The JUDICIARY Committee considered:

CSSB 157 (FINANCE)

CS SB NO. 157 (Finance)

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:

- [X] be replaced with HCSCSSB157(JUD) [ ] the same title  
[X] a new title
- [ ] have attached amendment(s)
- [X] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

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

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

[X] zero fiscal note(s) Revenue 2/5/90

[ ] zero with analysis \_\_\_\_\_

[ ] zero fn/analysis \_\_\_\_\_

### SIGNING DO PASS:

### SIGNING:

(Check approp. column)

Do Not  
PASS

No Rec

Amend

Mike Miller Miller

John Goll Goll

Terry Martin Martin

Michael Gruenberg Gruenberg

John Goll  
Chairman's Signature

Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
 2 HOUSE CS FOR CS FOR SENATE BILL NO. 157 (Judiciary)  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 SIXTEENTH LEGISLATURE - SECOND SESSION  
 5 A BILL

6 For an Act entitled: "An Act relating to imposition of a civil fine for  
 7 violation of a statute, regulation, or ordinance  
 8 related to alcoholic beverages and requiring separate  
 9 accounting for fees and fines related to alcoholic  
 10 beverages."

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

12 \* Section 1. AS 04.11 is amended by adding a new section to read:

13 Sec. 04.11.575. CIVIL FINE. (a) Except as provided in (c) of  
 14 this section, the board may, in addition to any other penalties impos-  
 15 ed under this title, impose a civil fine upon a licensee that the  
 16 board determines, at a proceeding under AS 04.11.510(c), has violated  
 17 a provision of this title, a regulation adopted under this title, or  
 18 an ordinance adopted in accordance with AS 04.21.010.

19 (b) The board shall by regulation adopt a schedule of fines that  
 20 a licensee may be required to pay under this section. A fine may not  
 21 exceed the greater of

22 (1) \$50,000; or

23 (2) an amount that is three times the monetary gain re-  
 24 alized by the licensee as a result of the violation.

25 (c) If the board is proceeding under AS 04.11.370(4), the board  
 26 may not impose a civil fine exceeding the amount specified under  
 27 AS 12.55.035 applicable to the offense for which the licensee was  
 28 convicted, or with the licensee's consent, the limit imposed under (b)  
 29 of this section.

1 \* Sec. 2. AS 04.11.590(a) is amended to read:

2 (a) Money collected from licenses and civil fines under this  
3 title shall be transferred by the board to the Department of Revenue  
4 and deposited in the general fund.

5 \* Sec. 3. AS 04.11.590 is amended by adding a new subsection to read:

6 (c) The commissioner of administration shall separately account  
7 for all application fees, license fees, and civil fines collected  
8 under this title that the Department of Revenue deposits in the gener-  
9 al fund. The annual estimated balance in the account may be used by  
10 the legislature to make appropriations to the Department of Revenue to  
11 carry out the purposes of AS 04.06.

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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 21, 1990

SUBJECT: Title amendment - HCS CSSB 157(Jud)  
TO: Representative Max Gruenberg  
FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The attached work draft of HCS CSSB 157(Jud) also contains a corrected title. The title has been corrected to reflect section 3 of the draft, requiring separate accounting for fines and fees collected under AS 4. While under Uniform Rule 41(b) an amendment in the second house is not in order if it requires the title of a bill to be changed, this rule does not prevent the correction of the title to reflect the original content of the bill. Section 3 of the draft has been in the bill ever since the Governor transmitted it for introduction.

Please contact me if you have further questions.

MFF:lmb  
L10/076

Enclosure