

SB

372

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

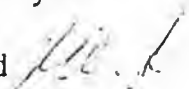
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 4, 1994

SUBJECT: Sectional Summary of SB 372.

TO: Senator Robin Taylor

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Prohibits a person from soliciting or receiving orders for delivery of an alcoholic beverage in local option areas. Allows a package store licensee who is located outside of certain option areas to receive orders for sales. Allows a package store located in certain local option areas to solicit or receive sales orders.

Section 2. Provides that possession of 12 gallons or more of malt beverages in a local option area where sale is restricted or prohibited creates a presumption that the alcohol was possessed for sale.

Section 3. Repeals a provision requiring that military personnel be in uniform in order to purchase alcohol in certain clubs.

Section 4. Technical amendment.

Section 5. Authorizes a package store licensee to sell alcoholic beverages to a person present on the premises or a person known to the licensee who makes a written solicitation. Imposes restrictions on liquor shipments, requires certain notice to the board, and requires certain health information be included in liquor shipments.

Section 6. Restricts liquor shipments to certain local option areas.

Section 7. Requires the director to give renewal notices to licensees whose licenses are expiring, requires the licensee to file a renewal application by January 1, and increases the penalty for late applications to \$500.

Section 8. Repeals provisions regarding denial of a new license in a municipality that has prohibited sale except by a municipal owned liquor store. Prohibits issuance of a new license or permit in certain cities or in an established village when certain local options are approved.

Section 9. Technical amendment.

Section 10. Repeals authority to deny relocation of a licensed premise when the relocation is to an area that has limited sales to community run licensees.

Section 11. Repeals authority to deny transfer of a licensed premise to another person when the relocation is to an area that has limited sales to community operated licensees.

Section 12. Amends the authority of the board to suspend or revoke a license or permit.

Section 13. Allows the board to impose conditions or restrictions on a license or permit.

Section 14. Amends provisions relating to population restrictions applicable to issuing or relocating a license.

Section 15. Authorizes local governments to impose restrictions on the sale, importation, or possession of alcoholic beverages through a local option election. Specifies the contents of the ballot question. Allows the municipality or established village to designate a delivery site for alcoholic beverages.

Section 16. Establishes a procedure for changing a local option.

Section 17. Establishes a procedure for removing a local option. Provides a priority for certain licensees for reissuing a license not renewed because of a local option election.

Section 18. Establishes the effect of a vote to prohibit the sale of alcoholic beverages. Provides for elimination of existing licenses.

Section 19. Establishes the effect of a vote to prohibit the importation of alcoholic beverages.

Section 20. Establishes the effect of a vote to prohibit the possession of alcoholic beverages. Provides for elimination of existing licenses.

Section 21. Establishes the effect of a vote to restrict the sale of alcoholic beverages. Provides for elimination of existing licenses that do not meet the restriction.

Section 22. Establishes the effect of a vote to prohibit the sale of alcoholic beverages, except on premises operated by the municipality. Provides for elimination of existing licenses that are not operated by the municipality.

Section 23. Establishes a procedure for adopting, changing, or removing a local option. Requires that notice of the results of the local option election be given.

Section 24. Provides for renewal and for specific expiration of a liquor license.

Section 25. Provides for issuance of a seasonal license.

Section 26. Prohibits a person from using a common carrier to transport liquor in an area with certain local option restrictions. Requires the shipping invoice to reflect the quantity and purchase value of specific beverages.

Section 27. Allows a person to transport certain quantities of liquor by common carrier and allows certain licensees to use a common carrier for transporting liquor into a local option area.

Section 28. Provides that a violation of AS 04.11.010 in an area that has adopted a local option is a class C felony.

Section 29. Technical amendment.

Section 30. Technical amendment.

Section 31. Technical amendment.

Section 32. Technical amendment.

Section 33. Allows community work to be performed at the direction of the body that has traditionally performed public functions on behalf of the entire community, when a local governing body does not exist.

Section 34. Technical amendment.

Section 35. Technical amendment.

Section 36. Provides that liquor or material and equipment used in selling liquor, in an area that has adopted a local option is subject to forfeiture.

Section 37. Technical amendment.

Section 38. Technical amendment.

Section 39. Technical amendment.

Section 40. Provides that an ordinance that limits the monthly amount of liquor that a person can import into the municipality is not inconsistent with AS 04.

Section 41. Allows a municipality that adopts a local option to make sale or importation of alcoholic beverages a misdemeanor.

Section 42. Technical amendment.

Section 43. Technical amendment.

Section 44. Provides that in a local option area, "alcoholic beverage" means certain liquids intended for human consumption by the person who possesses or attempts to possess it.

Section 45. Amends the definition of "established village".

Section 46. Technical amendment.

Section 47. Technical amendment.

Section 48. Technical amendment.

Section 49. Technical amendment.

Section 50. Technical amendment.

Section 51. Technical amendment.

Section 52. Technical amendment.

Section 53. Technical amendment.

Section 54. Repealers.

Section 55. Transition section for prior local options.

Senator Robin Taylor

April 4, 1994

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Section 56. Transition for community liquor licenses.

Section 57. Effective date.

MFF:pl

94-278.plm

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P. O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

Position Statement
SB 372

The division of elections supports this bill. The bill consolidates and clarifies language relating to liquor option elections conducted by this division. We believe it makes the language more understandable both to those who are conducting the election and to the voters. The bill also places some reasonable limitations, discussed below, on the number of elections that may be conducted in each place on the same question.

Section 16 contains a description of the question and other information which would be placed on a ballot, depending on the option being voted upon. This language combines the various liquor options into one section of Title 4 compared to the current four sections. The division of elections believes this makes the election process more understandable to everyone.

Further, subsection (d) requires some clarifying language to include on the ballot which, we believe, will make the question more understandable to the voter. The division of elections likely would ask the Alcohol Beverage Control Board to supply the appropriate explanations of the authority of specified licensees to sell alcoholic beverages. This language should be readable and understandable to lay persons.

Section 17 contains a descriptions of the question, which would be placed on the ballot, if the issue is the change or removal of current local liquor options. This language should help make it clear to the voters what the issue is before them. The division supports this language.

Section 23 provides that the lieutenant governor shall conduct

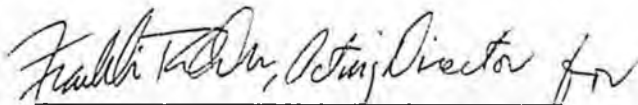
Mr. Joseph L. Swanson, Director

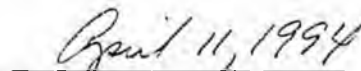
April 11, 1994

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elections under Title 15 if a petition is signed by 35% or more of the registered voters in an established village. The division of elections particularly supports the language in subsection (f) which clarifies that elections cannot be held more than once in a 12-month period either to remove or reduce an existing option. Also, an election will not be held until an option has been in force for 12 months. This language will prevent numerous elections in one place where the voters are relatively evenly divided on the issue.

The bill also contains language requiring the lieutenant governor to notify the Alcoholic Beverage Control Board of the results of an election in which the voters vote to prohibit, change, or remove a local option. This language makes a lot of sense, since the Board must take licensing actions to enforce the voter's decisions.


Joseph L. Swanson, Director


Date

4/12/94

SB 372
Alcoholic Beverage Control Board

1. LOCAL OPTION

- | | |
|---------------|------------------------------|
| Sec 16, pg 12 | a. menu of options |
| Sec 17, pg 14 | b. change an option |
| Sec 17, pg 14 | c. remove an option |
| Sec 16, pg 14 | d. new |
| | 1 - delivery site - regs |
| | 2 - catering permit - option |

2. TECHNICAL AMENDMENTS

- | | | |
|---------------|------|---|
| Sec 1, pg 1 | New | a. package store may not solicit or receive orders through an agent in a local option area. |
| Sec 3, pg 2 | New | b. delete military uniforms in clubs - same as HB 504. |
| Sec 5, pg 2 | New | c. package store licensees can ship only to the purchaser. |
| Sec 6, pg 3 | New | d. may not ship 150 proof alcohol |
| Sec 7, pg 3 | New | e. non-renewal by 12/31 - stay open but penalty increases from \$100 to \$500 |
| Sec 24, pg 19 | | |
| Sec 13, pg 10 | New | f. board may impose restrictions on a license |
| Sec 15, pg 12 | Tech | g. local governing body may protest annually |
| Sec 25, pg 19 | Tech | h. makes half-year licenses biennial to agree with current law |
| Sec 23, pg 19 | Tech | i. notice of elections by certified, not "registered" mail |
| Sec 40, pg 25 | New | k. limit importation amount by ordinance |
| Sec 44, pg 26 | Tech | l. expands definition of alcohol to include any alcohol intended for consumption |

COST FOR BY-MAIL ELECTIONS FOR SB372

The following is a cost estimate for a by-mail local option election in unincorporated areas. Cost estimates are based on 100 voters, as we order ballots in pads of 25 and allowing for additional registration.

Personnel:	Estimated Cost:
Absentee Voting Official available in the city 15 days before the election. (Flat fee of \$50.00 for each city)	Total \$50.00
1 hour for person to post 40/10 Posters (Total \$8.00 Per Hour)	Total \$40.00
District Absentee Review Board... 1 City	Total \$40.00
State Review Board (four board members) \$12.50 Per Hour	Total \$50.00
Total Cost for Personnel:	<u>Total \$180.00</u>

Outreach/Advertising:	Estimated Cost:
2 - 40/10 Posters per city (Approx. \$2.00 per poster)	Total \$ 4.00
Printing Advance Flyer (approx. 100 voters) (.15 a copy x 100)	Total \$15.00
Newspaper, radio or RATNET advertisement (Newspaper Display Ad is 4" x 4" at \$112.00 ea.)	Total \$560.00
General Instructions to voters to be included with the ballot. (Based on 100 card at \$1.00 ea.)	Total \$100.00
Total Cost for Advertising:	<u>Total \$679.00</u>

COST OF LOCAL OPTION
ELECTIONS

Cost for by-mail elections

Ballots:

Ballots for all registered voters (Ballots ordered in pad of 25, 100 at \$.74 ea)	Total \$74.00
Ballots for each regional offices to act as absentee voting officials. 25 ballots for each election, which can be distributed, 5 to each area. (\$.74 x 25)	Total \$18.50
Sample ballots for all elections (Approx. 25 at \$1.00 ea)	Total \$25.00
Total cost for ballots:	<u>Total \$117.50</u>

Postage:

Postage for mailing Advance Flyer (mail first class, \$.29 x 100) or to number of registered voters at time sent	Total \$29.00
Mailing ballots to all registered voters, (based on 500 x \$.29) Mailed first class	Total \$29.00
Shipping charged for sending ballots and materials to the city. (Alaska Airlines Goldstreak) \$25.00 a box	Total \$ 25.00
Total Cost for Postage/shipping	<u>Total \$83.00</u>
Grand Total	\$1059.50 or \$1.06

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 372

Revision Date: _____ Dept. Affected: Revenue
 Title: Alcoholic Beverages: Local Option and Miscellaneous BRU: Alcoholic Beverage Control Board
 Component: _____
 Sponsor: Senate Judiciary by Request
 Requestor: Senate Community & Regional Affairs Committee COMPONENT SERIAL NO. 0100

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE: *1005	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

*Possible revenue increase from penalties under AS 04.11.270(b)(2) for late filing of renewal applications.

Prepared by: Director, Patrick L. Sharrock Phone: (907) 277-8638
 Division: Alcoholic Beverage Control Board Date: March 31, 1994
 Approved by Commissioner: Darrel J. Rexwinkel Date: _____
 Agency: Department of Revenue

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 372

Revision Date: _____ Department Affected: Office of the Governor
 Title: AN ACT RELATING TO COMMUNITY LOCAL
OPTIONS FOR CONTROL OF ALCOHOLIC BEVERAGES.BRU: Division of Elections
 Component: Elections
 Sponsor: Judiciary by Request
 Requestor: _____ COMPONENT SERIAL NO. 21

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	1.06	1.06	1.06	1.06	1.06	1.06
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	1.06	1.06	1.06	1.06	1.06	1.06

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	1.06	1.06	1.06	1.06	1.06	1.06
1005 GF/Program	0	0	0	0	0	0
1008 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	1.06	1.06	1.06	1.06	1.06	1.06

POSITIONS:

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

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.) PLEASE SEE ATTACHED FOR FISCAL DOCUMENTATION:

Prepared by: Joseph L. Swanson, Director
 Division: Division of Elections

Phone: 465-4611
 Date: APRIL 7, 1994

Approved by Commissioner: John B. Coghill, Lieutenant Governor
 Agency: Office of the Governor

Date: APRIL 7, 1994

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