

SB

233

SFIN

FILE

FISCAL NOTE

REPORTED OUT OF

NO. 42 4/2/98
Bill Version: SB 233
(S) Publish Date: 3-18-98

Revision Date: _____ Dept. Affected: Revenue
Title: Alcohol Beverage Control Board BRU: Alcoholic Beverage Control Board
Component: Alcoholic Beverage Control Board
Sponsor: Senate Labor & Commerce Committee
Requestor: Senate Labor & Commerce Committee COMPONENT SERIAL NO. 100

Expenditures/Revenues: (Thousands of Dollars)

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost \$ 0

POSITIONS:

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No expenditure of funds is necessary to extend the life of the ABC Board for another four (4) years.

As a functioning regulatory board, the ABC Board is funded as part of the operating budget for the Department of Revenue. All funding for the ABC Board is derived from program receipts for liquor license, permit fees and miscellaneous payments.

Prepared by: Douglas B. Griffin
Division: Alcoholic Beverage Control Board
Approved by Commissioner: Wilson L. Condon
Agency: Department of Revenue

Phone: 907-277-8638
Date: March 18, 1998
Date: March 18, 1998

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SENATE FINANCE COMMITTEE REPORT

DATE: 3/18/98

FURTHER: 4/2/98

DATE TURNED
IN TO OFFICE: 4/6/98

Finance Committee considered

SENATE BILL NO. 233

"An Act extending the termination date of the Alcoholic Beverage Control Board."

and recommends:

be replaced with CS SB 233 (FIN)

adopt previous CS ()

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Sawyer</i>	<input checked="" type="checkbox"/>	<i>Sean Powell</i>	<input checked="" type="checkbox"/>		
		<i>Lee Adams</i>		<input checked="" type="checkbox"/>	
		<i>James Wiley</i>			<input checked="" type="checkbox"/>
Co-Chair:		Co-Chair: <i>Pearce</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>Bob Wherry</i>		Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
Rev / ABC Board	3/18/98	φ	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: SB 233

*moved by Donley
objection waived
1-6 FAILED
(Donley)*

1 Page 1, line 1, following "Act":

2 Insert "relating to the police powers of certain employees of the Alcoholic
3 Beverage Control Board; and"

4 Page 1, following line 2:

5 Insert new bill sections to read:

6 **** Section 1.** AS 04.06.110 is amended by adding a new subsection to read:

7 (b) For purposes of (a) of this section, the exercise of peace officer powers
8 includes carrying a weapon.

9 *** Sec. 2.** AS 18.65.290(5) is amended to read:

10 (5) "police officer" means

11 (A) a full-time employee of the state or a local police
12 department with the authority to arrest and issue citations; detain a person
13 taken into custody until that person can be arraigned before a judge or
14 magistrate; conduct investigations of violations of and enforce criminal laws,
15 regulations, and traffic laws; search with or without a warrant persons,
16 dwellings, and other forms of property for evidence of a crime; carry a
17 concealed weapon; and take other action consistent with exercise of these
18 enumerated powers when necessary to maintain the public peace;

19 (B) an officer or employee of the Department of Transportation
20 and Public Facilities who is stationed at an international airport and has been
21 designated to have the general police powers authorized under
22 AS 02.15.230(a);

23 (C) a University of Alaska public safety officer with general
24 police powers authorized under AS 14.40.043;

1 (D) an employee of the Alcoholic Beverage Control Board
2 who has the right to exercise peace officer powers under AS 04.06.110:"

3 Page 1, line 3:

4 Delete "* Section 1."

5 Insert "* Sec. 3."

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 233

BY SENATOR DONLEY
moved Donley
objection
2-5 FAILED

1 Page 1, line 1, following "Act":

2 Insert "relating to membership on the Alcoholic Beverage Control Board; and"

3 Page 1, following line 2:

4 Insert new bill sections to read:

5 "* Section 1. AS 04.06.020 is amended to read:

6 **Sec. 04.06.020. Appointment and qualifications.** The board consists of
7 seven [FIVE] members appointed by the governor and confirmed by a majority of the
8 members of the legislature in joint session. A member of the board may not hold any
9 other state or federal office, either elective or appointive. Two members of the board
10 shall be persons actively engaged in the alcoholic beverage industry, except that no
11 member may hold a wholesale license or be an officer, agent, or employee of a
12 wholesale alcoholic beverage enterprise. No three members of the board may be
13 engaged in the same business, occupation, or profession. At least five [THREE]
14 members of the board shall represent the general public. A board member representing
15 the general public or an immediate family member of a board member representing
16 the general public may not have any financial interest in the alcoholic beverage
17 industry. In this section, "immediate family member" means a spouse, child, or
18 parent.

Amended by Donley

19 *delete* * Sec. 2. AS 04.06.060 is amended to read:

20 **Sec. 04.06.060. Quorum and majority.** Four [THREE] members of the
21 board constitute a quorum for the conduct of business, except that a majority of the
22 whole membership of the board must approve all applications for new licenses, and
23 all renewals, transfers, suspensions, and revocations of existing licenses. If a majority
24 of the board is present and voting, the director, with the consent of the members

1 present, may cast a tie-breaking vote."

2 Page 1, line 3:

3 Delete "* Section 1."

4 Insert "* Sec. 3."

SENATE FINANCE

COMMITTEE

Amendment Number: #2

0-LS1313A.4

Bill Number: SB 233

Ford

Sponsor: Donley Date: 4/1/98

3/30/98

Logged In By: J Mindy

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: SB 233

moved Donley

*1-6
Donley*

FAILED

1 Page 1, line 1, following "Act":

2 Insert "relating to peace officer powers of employees of the Alcoholic Beverage
3 Control Board; and"

4 Page 1, following line 2:

5 Insert a new bill section to read:

6 **** Section 1.** AS 04.06.110 is amended to read:

7 **Sec. 04.06.110. Peace officer powers.** The director and the persons
8 employed for the administration and enforcement of this title may, with the
9 concurrence of the commissioner of public safety, exercise the powers of peace
10 officers when those powers are specifically granted by the board. Powers granted by
11 the board under this section may be exercised only when necessary for the
12 enforcement of the criminally punishable provisions of this title, regulations of the
13 board, and other criminally punishable laws and regulations [GOVERNING THE
14 MANUFACTURE, BARTER, SALE, CONSUMPTION, AND POSSESSION OF
15 ALCOHOLIC BEVERAGES IN THE STATE]."

16 Page 1, line 3:

17 Delete **** Section 1.**

18 Insert **** Sec. 2.**

SENATE FINANCE
COMMITTEE
Amendment Number: #5
Bill Number: SB 233
Sponsor: Donley Date: 4/11
Logged In By: C. Mindy

0-LS1313A.8
Ford
3/30/98

AMENDMENT

OFFERED IN THE SENATE
TO: SB 233

BY SENATOR DONLEY
moved Donley

2-5 FAILURE

1 Page 1, line 1, following "Act":

2 Insert "relating to protests concerning the issuance, renewal, relocation, or
3 transfer of liquor licenses; and"

4 Page 1, following line 2:

5 Insert a new bill section to read:

6 **** Section 1.** AS 04.11.480(a) is amended to read:

7 (a) A local governing body may protest the issuance, renewal, relocation, or
8 transfer to another person of a license by sending the board and the applicant a protest
9 and the reasons for the protest within 60 days of receipt from the board of notice of
10 filing of the application. A local advisory council, including a community council,
11 established by a local governing body for an area that includes, or an area with
12 a boundary that is within one-half mile of, the location of the proposed licensed
13 premises may protest the proposed action by sending a notice of the protest to
14 the local governing body and to the board. After a local advisory council has
15 protested the proposed action, the board shall deny the application or continued
16 operation unless the board approves the proposed action by the affirmative vote
17 of two-thirds of the members of the board. A protest received after the 60-day
18 period may not be accepted by the board, and in no event may a protest cause the
19 board to reconsider an approved renewal, relocation, or transfer. The local governing
20 body may protest the continued operation of a license during the second year of the
21 biennial license period by sending the board and the licensee a protest and the reasons
22 for the protest by January 31 of the second year of the license. The procedures for
23 action on a protest of continued operation of a license are the same as the procedures
24 for action on a protest of a renewal application. The board shall consider a protest

1 and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when
2 it considers the application or continued operation, and the protest and the record of
3 the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the
4 board's permanent record of its review. If an application or continued operation is
5 protested, the board shall deny the application or continued operation unless the board
6 finds that the protest is arbitrary, capricious, and unreasonable."

7 Page 1, line 3:

8 Delete "* Section 1."

9 Insert "* Sec. 2."

SUBJECT: #CS 233 Tech Amnd.
DATE: _____

SUBJECT: _____
DATE: _____

	YEA	NAY
SENATOR PHILLIPS	✓	
SENATOR DONLEY	✓	
SENATOR TORGERSON	✓	
SENATOR PARNELL	✓	
SENATOR ADAMS		✓
SENATOR SHARP	✓	
SENATOR PEARCE	✓	
TOTAL:	<hr/>	
	6/1	

	YEA	NAY
SENATOR DONLEY		
SENATOR TORGERSON		
SENATOR PARNELL		
SENATOR ADAMS		
SENATOR PHILLIPS		
SENATOR SHARP		
SENATOR PEARCE		
TOTAL:	<hr/>	

SUBJECT: _____
DATE: _____

SUBJECT: _____
DATE: _____

	YEA	NAY
SENATOR TORGERSON		
SENATOR PARNELL		
SENATOR ADAMS		
SENATOR PHILLIPS		
SENATOR DONLEY		
SENATOR SHARP		
SENATOR PEARCE		
TOTAL:	<hr/>	

	YEA	NAY
SENATOR PARNELL		
SENATOR ADAMS		
SENATOR PHILLIPS		
SENATOR DONLEY		
SENATOR TORGERSON		
SENATOR SHARP		
SENATOR PEARCE		
TOTAL:	<hr/>	

0-LS1313VH

Ford

4/1/58

move Sen Donley under amend.
object Sen Adams
accept b-1 (Sen Adams)
way

CS FOR SENATE BILL NO. 233(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the Alcoholic Beverage Control Board;
2 relating to sales of beer and wine on a golf course or at a recreational site; and
3 providing for an effective date."

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

5 * Section 1. AS 04.11.210(a) is amended to read:

6 (a) The holder of a recreational site license may sell beer and wine at a
7 recreational site while recreation is occurring or during and one hour before and after
8 a recreational event that is not a school event, for consumption on designated areas at
9 the site.

10 * Sec. 2. AS 04.11.210(c) is amended to read:

11 (c) In this section,

12 (1) "golf course" means a course that either has at least nine holes
13 or covers at least 2,950 yards and that is open to the public;

14 (2) "recreational site" means a golf course or [, BUT IS NOT

1 LIMITED TO,] a location where baseball games, car races, hockey games, dog sled
2 racing events, or curling matches are regularly held during a season.

3 * Sec. 3. AS 44.66.010(a)(1) is amended to read:

4 (1) Alcoholic Beverage Control Board (AS 04.06.010) -- June 30, 2002
5 [1998];

6 * Sec. 4. This Act takes effect July 1, 1998.

SENATE FINANCE
COMMITTEE

Amendment Number: #10
Bill Number: SB 233
Sponsor: Donley Date: 1/1
Logged In By: Mundy

0-LS1313A.9

Ford

3/31/98

AMENDMENT

OFFERED IN THE SENATE

TO: SB 233

BY SENATOR DONLEY

*moved Donley
w/o objection, adopted*

1 Page 1, line 1, following "Act":

2 Insert "relating to notice of alcohol-related arrests; and"

3 Page 1, following line 2:

4 Insert a new bill section to read:

5 *** Section 1.** AS 12.25 is amended by adding a new section to read:

6 **Sec. 12.25.075. Notice of alcohol-related arrest.** If a peace officer makes
7 an arrest on premises licensed under AS 04.11.080, the law enforcement agency that
8 employs the peace officer shall, within 60 days of the arrest, provide notice of the
9 arrest, including a description of the location and circumstances of the arrest, to the
10 Alcoholic Beverage Control Board."

11 Page 1, line 3:

12 Delete *** Section 1.**

13 Insert *** Sec. 2.**

SENATE FINANCE
COMMITTEE

Amendment Number: # 4
Bill Number: SB 233
Sponsor: Donley Date: 4/11
Logged In By: J. Mincy

0-LS1313A.7
Ford
3/30/98

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: SB 233

moved Donley

1 Page 1, line 1, following "Act":

2 Insert "relating to protests concerning the issuance, renewal, relocation, or
3 transfer of liquor licenses; and"

4 Page 1, following line 2:

5 Insert a new bill section to read:

6 **** Section 1.** AS 04.11.480(a) is amended to read:

7 (a) A local governing body may protest the issuance, renewal, relocation, or
8 transfer to another person of a license by sending the board and the applicant a protest
9 and the reasons for the protest within 60 days of receipt from the board of notice of
10 filing of the application. A local advisory council, including a community council,
11 established by a local governing body for an area that includes, or an area with
12 a boundary that is within one-half mile of, the location of the proposed licensed
13 premises may protest the proposed action by sending a notice of the protest to
14 the local governing body and to the board. After a local advisory council has
15 protested the proposed action, the board shall deny the application or continued
16 operation unless the local governing body approves the proposed action by the
17 affirmative vote of two-thirds of the members of the local governing body. A
18 protest received after the 60-day period may not be accepted by the board, and in no
19 event may a protest cause the board to reconsider an approved renewal, relocation, or
20 transfer. The local governing body may protest the continued operation of a license
21 during the second year of the biennial license period by sending the board and the
22 licensee a protest and the reasons for the protest by January 31 of the second year of
23 the license. The procedures for action on a protest of continued operation of a license
24 are the same as the procedures for action on a protest of a renewal application. The

1 board shall consider a protest and testimony received at a hearing conducted under
2 AS 04.11.510(b)(2) or (4) when it considers the application or continued operation,
3 and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or
4 (4) shall be kept as part of the board's permanent record of its review. If an
5 application or continued operation is protested, the board shall deny the application
6 or continued operation unless the board finds that the protest is arbitrary, capricious,
7 and unreasonable."

8 Page 1, line 3:

9 Delete "*** Section 1.**"

10 Insert "*** Sec. 2.**"