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NOTES ON LEGISLATION

Thursday, April 9th

RULES COMMITTEE MEMBERS:

You have CSSB 233 (FIN) before you. You also have a proposed committee substitute, LS1313/R, to consider. The following notes apply to the proposal:

PROPOSED C. S.

DELETES Sections 1, 4, and 6 OF THE FINANCE VERSION.

CHANGES THE EFFECTIVE DATE TO AN IMMEDIATE IN NEW Section 4.

AMENDS THE TITLE TO FIT THE PROVISIONS OF THE PROPOSED C. S.

DEFINES "GOLF COURSE" AND ADDS IT TO THE DEFINITION OF WHAT A "RECREATIONAL SITE" IS.

ADDITION OF THE WORDS "but is not limited to" WAS NOT NECESSARY BECAUSE THAT PHRASE IS ASSOCIATED WITH THE WORD "included" BY STATUTE, AS 01.10.040 (b), AND THEREFORE DOES NOT NEED REPEATING WITH EVERY USE OF THE WORD "INCLUDED" THROUGHOUT STATUTE.

Sec. 01.10.040. Words and phrases. (a) Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those which have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning.

(b) When the words "includes" or "including" are used in a law, they shall be construed as though followed by the phrase "but not limited to." (§ 2 ch 52 SLA 1962; am § 1 ch 21 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 11, 1991, added subsection (b).
Legislative history reports. — For the purpose of

the enactment of (b) of this section by § 1, ch. 21, SLA 1991 (HCS CSSB 86 (Jud)), see 1991 House Journal Supplement No. 10, May 13, 1991.

NOTES TO DECISIONS

Judicial construction. — The court is required to construe words and phrases according to their "common and approved usage" unless such words and phrases have acquired peculiar meaning by virtue of statutory definition or judicial construction. *Lynch v. McCann*, 478 P.2d 835 (Alaska 1970).

Applied in *State, Dep't of Revenue v. Debenham Elec. Supply Co.*, 612 P.2d 1001 (Alaska 1980); *United States Jaycees v. Richardet*, 666 P.2d 1008 (Alaska 1983); *Lambert v. State*, 694 P.2d 791 (Alaska 1985); *State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985); *State v. Resek*, 706 P.2d 706 (Alaska Ct. App. 1985); *Julsen v. Julsen*, 741 P.2d 642 (Alaska 1987); *State v. Anderson*, 749 P.2d 1342 (Alaska 1988); *Department of Community & Regional Affairs v. Sisters of Providence*, 752 P.2d 1012 (Alaska 1988); *Alaska Int'l Constructors v. Kinter & Alaska Workers' Comp. Bd.*, 755 P.2d 1103 (Alaska 1988); *Cleland v. State*, 759

P.2d 553 (Alaska Ct. App. 1988); *State v. Strange*, 785 P.2d 563 (Alaska Ct. App. 1990); *Wylie v. State*, 797 P.2d 651 (Alaska Ct. App. 1990); *Hughes v. Harrelson*, 844 P.2d 1106 (Alaska 1993).

Quoted in *Employment Sec. Comm'n v. Wilson*, 461 P.2d 425 (Alaska 1969); *Thorsheim v. State*, 469 P.2d 383 (Alaska 1970); *State v. City of Anchorage*, 513 P.2d 1104 (Alaska 1973); *Gerlach v. State*, 699 P.2d 358 (Alaska Ct. App. 1985); *Walker v. State*, 742 P.2d 790 (Alaska Ct. App. 1987); *Mustafoski v. State*, 867 P.2d 824 (Alaska Ct. App. 1994).

Stated in *Velez v. State*, 762 P.2d 1297 (Alaska Ct. App. 1988).

Cited in *Murphy v. City of Wrangell*, 763 P.2d 229 (Alaska 1988); *Barrett v. State*, 772 P.2d 559 (Alaska Ct. App. 1989); *Fagan v. State*, 779 P.2d 1258 (Alaska Ct. App. 1989).

Sec. 01.10.050. Tense, number, and gender. (a) Words in the present tense include the past and future tenses, and words in the future tense include the present tense.

(b) Words in the singular number include the plural, and words in the plural number include the singular.

0-LS1313R
Ford
4/9/98

CS FOR SENATE BILL NO. 233(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES 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 allowing sales of beer and wine by a holder of a recreational site license while
3 recreation is occurring; defining 'recreational site'; defining 'golf course'; and
4 providing for an effective date."

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

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

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

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

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

1 (2) "recreational site golf course or [MEANS, BUT IS
2 NOT LIMITED TO,] a location where baseball games, car races, hockey games, dog
3 sled racing events, or curling matches are regularly held during a season.

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

5 (1) Alcoholic Beverage Control Board (AS 04.06.010) -- June 30, 2002
6 [1998];

7 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).