

SB

128

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 128(JUD)
(S) Publish Date: 5/2/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating . . . to a state database for RDU: Statewide Support
records of certain alcoholic purchases of alcoholic beverages . . ." Component: Alcoholic Beverage Control Board
Sponsor: Senator Olson
Requester: Senate Judiciary Committee Component No.: 2690

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	61.9	61.9	61.9	61.9	61.9	61.9
Travel	7.6	7.6	7.6	7.6	7.6	7.6
Contractual	244.0	49.0	15.0	15.0	15.0	15.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	3.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	317.5	119.5	85.5	85.5	85.5	85.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	317.5	119.5	85.5	85.5	85.5	85.5
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	317.5	119.5	85.5	85.5	85.5	85.5

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY2008 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note reflects the costs of building, maintaining, and monitoring the database set out in Sections 1-3 of the bill. This will include working closely with package stores that sell alcoholic beverages by written order. There is a high first year cost to reflect building the database. The database will then need to be maintained and monitored in subsequent years.

The estimated one-time cost for paying for a contractor to construct the database is \$269,000 over two years (\$235.0 in FY2008; \$34.0 in FY2009). Continuing costs include one new position, a Criminal Justice Technician I, Range 12, to perform data input, liaise with and train package store subscribers to the database,
contd. on page 2

Prepared by: Director Doug Griffin Phone: 269-0351
Division: Department of Public Safety Date/Time: 4/20/07 10:33 AM
Approved by: Walt Monegan, Commissioner Date: 4/20/2007
Agency: Department of Public Safety

FISCAL NOTE # 2

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSSB 128(JUD)

ANALYSIS CONTINUATION

troubleshoot problems with the database, reconcile and audit records contained in the database, provide information to ABC Investigators, Alaska State Troopers, and municipal law enforcement agencies that may use written order records to support criminal investigations, and other duties associated with running this new program within the ABC Board operation. On-going contractual support to maintain the database is estimated at \$6,000 per year.

Section 15 of the bill calls for the creation, by the ABC Board, of alcoholic beverage delivery sites in Bethel and Kotzebue if requested by the respective local governing bodies. At this time, it is not known whether these delivery sites will be requested so they are not reflected in the fiscal note. Creation of these delivery sites will be very expensive. It will require leasing or building large buildings and staffing the delivery sites with state employees or contractors. The Department of Public Safety procurement section is presently assisting in research to see if adequate buildings are available for lease in Kotzebue and Bethel.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 128(JUD)
(S) Publish Date: 5/2/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title: An Act relating to alcohol sale, purchase and distribution RDU: Criminal
Component: Criminal Justice Litigation
Sponsor: SENATOR(S) OLSON
Requester: SENATE JUDICIARY Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would amend current statute to further regulate the sale, distribution and shipment of alcohol into damp communities across the state through the creation and use of a statewide database for records of purchase and shipment of alcoholic beverages to persons residing in such communities. It would also authorize the establishment of pilot community distribution sites in Kotzebue and Bethel to be operated by the ABC Board. The bill would also amend provisions of statute addressing the purchase of alcohol.

The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Robert Meiners, Admin. Services Manager Phone: 465-5427
Division: Administrative Services Division Date/Time: 4/20/07 4:03 PM
Approved by: Robert Meiners for Falls Colberg, Attorney General Date: 4/20/2007
Agency: Department of Law

Alaska State Legislature
HOUSE FINANCE COMMITTEE
AGENDA

9:20

May 16, 2007 - Wednesday

9:00 a.m.

SB 128-ALCOHOL LOCAL OPTION PROVISIONS

✓ Ginny Austerman, Staff, Sen Olson.

✓ Anne Carpeneti, Assistant Attorney General,
Legal Services Section-Juneau, Criminal
Division, Department of Law
DIANE KELLER, Mayor, City of Wasilla

✓ Casey Reynolds

✓ Suzanne C.

✓ Lauren J. Loren Rec'd,
DPS

Jalis Colberg, att General
✓ Griffen

CS SB 125 (FIN)

L.

Donny Olson

Amend. 1 - Meyer

Amend. 2 - Meyer

FN # 1 * DPS

FN # 2 # DPS

FN # 3 Ø LAW

absent:
Crawford
Chenault
Soltz
Kelly

Committee Action on Legislation

COMMITTEE

H. Finance

N. Thomas

SECRETARY

DATE:

5-16-07

PAGE

1 OF *1*

SHORT TITLE

CSB 128 (FIN)

ACTION TAKEN ON LEGISLATION

- Moved Out of Cmte
- Moved CS () Out of Cmte
- Moved HCS (*FIN*) Out of Cmte
- Heard and Held
- Heard and Held; Assigned to Subcmte
- Scheduled but not Heard
- Failed to Move Out of Committee
- Waived Out of Committee

SHORT TITLE

ACTION TAKEN ON LEGISLATION

- Moved Out of Cmte
- Moved CS () Out of Cmte
- Moved HCS () Out of Cmte
- Heard and Held
- Heard and Held; Assigned to Subcmte
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SHORT TITLE

ACTION TAKEN ON LEGISLATION

- Moved Out of Cmte
- Moved CS () Out of Cmte
- Moved HCS () Out of Cmte
- Heard and Held
- Heard and Held; Assigned to Subcmte
- Scheduled but not Heard
- Failed to Move Out of Committee
- Waived Out of Committee

adopted

5/16

AMENDMENT

2

OFFERED IN THE HOUSE
TO: CS SB 128 (FIN)

BY REPRESENTATIVE MEYER

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Insert new section:

AS 04.11.010(a) is amended to read:

(a) Except as provided in AS 04.11.020, a person may not knowingly manufacture, sell, offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage unless under license or permit issued under this title.

Renumber remaining sections accordingly.

adopted, as amended

5/16

AMENDMENT \

OFFERED IN THE HOUSE
TO: CS SB 128 (FIN)

BY REPRESENTATIVE MEYER

- 1 Page 1, line 9
- 2 After "and"
- 3 Delete "shipments~~X~~ made"
- 4 Insert "shipped"
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replaced

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 128(CRA)
(S) Publish Date: 3/28/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating . . . to a state database for RDU Statewide Support
records of certain alcoholic purchases of alcoholic beverages . . ." Component: Alcoholic Beverage Control Board
Sponsor: Senator Olson
Requester: Senate Community & Regional Affairs Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2007) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
SB 128 directs the Alcoholic Beverage Control Board, after consulting with package store licensees, to create and maintain a statewide database that contains a monthly record of the alcohol purchases by, and shipments made to, a person who resides in a municipality or established village that has restricted the sale of alcoholic beverages under AS 04.11.491 (a)(1), (2), or (3) or (b)(1) or (2). This information is to be available to a package store licensee, agent, or employee to consult before shipping, a law enforcement officer, a probation or parole officer, and the board only. Before alcohol is shipped, this "database maintained by the board" must be checked and information updated.

At this time, the ABC Board does not have sufficient information to estimate the cost of creating or maintaining the proposed database. Questions that need answers include:

Prepared by: Lauren Rice, Special Assistant Phone: 465-4322
Division: Department of Public Safety Date/Time: 3/27/07 10:53 AM
Approved by: Walt Monegan, Commissioner Date: 3/27/2007
Agency: Department of Public Safety

FISCAL NOTE # 1

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSSB 128(CRA)

ANALYSIS CONTINUATION

- Does the industry have a database currently that might be used by the board to meet the requirements of this bill?
- How should the database be designed? What does the database need to capture?
- What kind of access and security controls for users need to be considered?
- Who will maintain these lists?
- What state security concerns will need to be addressed if database is available on the state Wide Area Network and is accessed by non state employees?
- Does the database need to be available and fully supported 24 hours a day 7 days a week?
- How much information will be in the database (size considerations)?
- Do all locations allow the same amount of alcohol to be imported or do different locations allow different amounts?
- How will person and address verification be addressed?

Alaska State Legislature



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Juneau, AK 99801-1182
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SENATOR DONALD C. OLSON

DISTRICT T

Sponsor Statement Senate Bill 128

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brovig Mission
Browerville
Buckland
Chevak
Deering
Diomedea
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Numam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

Alaska, along with many other states, finds itself in the position of needing to protect residents of rural communities from bootleggers of alcohol. Various alcohol abuse educational programs have been in place in rural Alaska for a number of years, but they have not served to halt the illegal importation and sale of alcohol to Alaska's rural communities. SB 128 curbs bootlegging by allowing the Alcoholic Beverage Control (ABC) Board, at the request of the communities of Bethel and Kotzebue, to establish pilot alcohol delivery sites. If opened, these sites would operate for a period of three years.

Senate Bill 128 is aimed at preventing bootleggers from ordering alcohol from numerous package stores in violation of the local option. Alcohol Local Option Provisions require that the ABC Board, in conjunction with package store licensees, create and maintain a database documenting the sale, distribution, and purchase of alcoholic beverages, ordered in writing, from persons residing in damp local option communities. The bill requires that a package store consult the database before filling a written order from a person residing in the local option area. The database will be available to package store licensees and their agents and employees, law enforcement officers, probation and parole officers, and the ABC Board. Information in the database will not be available to the public.

The bill also corrects an inadequacy in state liquor law that hampers the ability of large hub communities to attract investment in family oriented restaurants. There are now allowances for the transfer of a borough license to a city within the borough's borders in order to meet public demand and promote economic development. A maximum of three liquor licenses may be transferred within a borough in each decade.

05/15/07 ga

SECTIONAL ANALYSIS
SENATE BILL 128

Sections 1 and 2 require the Alaska Beverage Control (ABC) Board, after working with package store licensees, to create and maintain a database that keeps track of written orders for alcohol from persons residing in damp local option communities. A package store licensee must consult the database before filling a written order from the local option area to ensure that the customer has not already ordered the alcohol that the local option allows for that particular month. Any order filled must be immediately entered in the database. Failure to enter the information into the database is a class B misdemeanor. The information would be used to prevent bootleggers from ordering alcohol from numerous package stores in violation of the local option. The information in the database may only be used as specifically allowed by package stores and law enforcement; the information in the database would not be public information.

Section 3 prohibits a package store from shipping alcohol in response to a written order from a person residing in a local option area to any address other than the address of the person ordering the alcohol. However, if the person ordering the alcohol lives in an area where a community delivery site has been established, the alcohol must be shipped to the delivery site.

Sections 4 and 5 correct an omission in state law that does not allow for transfer of liquor licenses in large hub communities from the organized borough to within city limits of the community. For example, communities like Wasilla, Kenai, or North Pole may have only a few licenses within the city, but the cities serve large populations outside city limits. The bill would allow transfer of licenses available in the surrounding borough into the city center, to promote economic development in businesses such as family-oriented restaurants. The transfer would require the approval of the governing body of both the borough and the city.

Sections 6, 7, 11, 12 and 13 prohibit a person from purchasing alcoholic beverages in a local option area from another person who is selling the alcohol in violation of the local option. This conduct would be a class A misdemeanor. Under current law, AS 04.16.200(b), the person selling alcohol in violation of a local option would be guilty of a class C felony. Sections 6 and 11 include conforming amendments for the new provisions in Sections 7 and 12.

Section 8 extends the period after a local option has been adopted in a community from 12 to 24 months, before an election may be held to remove the option or to change the option to a less restrictive alternative. It would also provide that after a community has adopted a local option, an election removing the option or making it less restrictive may be held once in a 36 month period, rather than the 18 month period in current law.

Section 9 prohibits a person from purchasing alcohol by written order on behalf of another person who resides in a community that has elected to be dry. The penalty for this violation would be a class A misdemeanor.

Section 10 prohibits a person in a dry local option area from possessing ingredients or equipment with the intent to use them in the creation of home brew. This conduct would be a class A misdemeanor.

Sections 13 and 14 amend the forfeiture provisions for violation of AS 04.11.499. The law would allow for the forfeiture of alcohol that was purchased from a person who brought the alcohol into the community in violation of the community's local option. They would not allow for the forfeiture of an airplane or other vehicle upon conviction of a person for the purchase of alcohol from a bootlegger.

Section 15 would allow the ABC Board to establish pilot alcohol delivery sites in Bethel and Kotzebue, if the Board is requested by either community to do so. If opened, the sites would operate for a period of three years.

Sections 16 – 20 include an instruction to the revisor of statutes and effective dates.

Informational Primer on State Liquor Law Effect on Local Economic Development



The City of Wasilla, in partnership with cities, boroughs, and developers from around the State is seeking to rectify an inadequacy in state liquor law that hampers the ability of hub communities to attract investment in high-end and family oriented restaurants. State law currently allows for 1 such license for every 3,000 residents of a community, so in communities such as Wasilla, Kenai, or North Pole there may be only 2-3 full liquor licenses allocated to go around for restaurants to use. The problem is these communities serve population areas outside of their city limits which are many times their own city population thus providing a large market for restaurants. Since so few licenses are allowed and there is no way to augment the number of liquor licenses allowed in a city the result is a lack of dining options, particularly high end or family oriented dining options in these communities and their surrounding areas.

The City of Wasilla itself has been approached by numerous higher end and family oriented dining groups interested in locating in our city, only to learn such location is impossible because a large component of their business model is the sale of wine and mixed drinks with dinner, which they cannot do here without an outlandish outlay of capital to secure an existing liquor license from within the closed liquor license market.

Instead of seeking to create more liquor licenses we feel it would be good public policy to use existing licenses more efficiently by making use of existing borough allocated licenses in hub cities within those boroughs.

We are suggesting the state liquor license law be changed in the following ways:

1. Restaurants within cities should be allowed to use beverage dispensary liquor licenses allocated to their boroughs when and only when both the city and borough agree to such a use.

Since these licenses are allocated to the boroughs to serve their populations and the cities act as the commercial hub servicing these same populations it would seem logical that a borough could transfer one of its licenses to city control to meet borough commercial needs.

2. Such transfers would only be allowed for restaurants transferring beverage dispensary liquor licenses.

This legislation is not intended to allow for proliferation of package liquor stores, bars, or other liquor distribution venues outside of sit-down dining establishments.

3. Such transfers should only be allowed in boroughs with a population of 40,000 or more.

Since this legislation is intended to service the needs of larger suburban populations it seems logical to permit it only where such populations are large enough to warrant such action.

Please contact Casey Reynolds, Economic Development Planner for the City of Wasilla at (907) 373-9030 to discuss our ideas and the process to change liquor license laws in Alaska.



TANANA CHIEFS CONFERENCE, INC.

122 FIRST AVENUE
FAIRBANKS, ALASKA 99701-4897

March 27, 2007

Dear Members of the Senate Community and Regional Affairs,

Re: In support of SB 128

As you know, issues related to the abuse of alcohol remain of grave importance to the health, safety, and welfare to the people of the Tanana Chiefs Conference Region. Senate Bill 128 proposes to take several steps forward in improving the regulation of alcohol in our villages.

- We support the establishment of a statewide database designed to allow a package store licensee to access, reducing the amount of alcohol that might otherwise go into a restricted area under AS 04.11.150(g).
- The provision to prohibit shipment of alcohol to addresses other than where the purchaser lives is of critical importance to our villages. Too often a buyer will have alcohol shipped to a nearby village that does not have a prohibition, cause a great deal of trouble in that village, and then illegally imports that alcohol into their own village.
- Extending the timeframe that local option law may be conducted to a less restrictive option, and extending the timeframe for conducting an election more than once are both excellent amendments to existing law, allowing for more stability and encouraging healthy behaviors.

- We support the provision which adds a prohibition on possession of homebrew ingredients with intent to manufacture alcohol.
- We support the addition of a penalty for a person purchasing alcohol from another person who had transported it illegally into a village.

Thank you for consideration of our support for the measures in Senate Bill 128, and for your hard work during this legislative session.

Sincerely,

Jerry Isaac, President

Tanana Chiefs Conference

122 First Ave

Fairbanks, AK 99701

1-800-478-6822

Good Afternoon. Thank you for this opportunity to testify on SB 128. My name is Loretta Bullard. I am President of Kawerak, the regional non-profit consortium providing non-health services throughout the Bering Straits Region of Alaska. I also serve on the Alaska Rural Justice and Law Enforcement Commission representing Village Public Safety Officer contractors in the State.

Alcohol and substance abuse is the nucleus around which many of rural Alaska's social problems revolve. Alcohol is a contributing factor in many, if not the majority of suicides, homicides, child sexual abuse and physical neglect, domestic violence situations, and accidental death and injuries in rural Alaska. It is a 100% factor in children diagnosed to be FAS and FAE. I estimate that 90% of the Alaska Natives serving time in Alaska correctional facilities, are serving time for offenses conducted under the influence of alcohol, for consuming alcohol while on probation, or for importing or brewing alcohol in violation of local option laws. Alcohol abuse has a huge impact on Alaska families and on the State fiscal situation.

I am testifying in support of SB 128. Many of the provisions contained in SB 128 are practical solutions that were developed as part of the RJLC work group process. In this process, we had individuals from around the State of Alaska participate in work groups to develop options for consideration by the Commission, which if implemented, would improve rural justice and safety throughout the State of Alaska. Work group members included representatives from the Department of Law, Department of Public Safety, rural residents, Alaska Legal Services, Alaska Federation of Natives as well as several Commissioners.

Provisions contained in SB 128 will help to curtail the importation of alcohol into communities that have opted to be damp or dry under Alaska Statutes by:

- Creating a statewide data base that will enable package store outlets to confirm that duplicate shipments are not being shipped to any particular individual in violation of the limits imposed by law. Currently, an individual could order 20 shipments from 20 different outlets -- much of which would no doubt be bootlegged. This would greatly curtail bootlegging activity in rural Alaska.
- Requires that alcohol shipments only be shipped to a purchaser's home address. This prevents alcohol from being shipped to nearby damp or wet communities, and then subsequently being imported into dry communities in violation of the local option law.
- Providing the opportunity for Bethel and Kotzebue to set up Alcohol Beverage Delivery Site Pilot Projects. As we understand it, Barrow established such a site a number of years ago which has proven to be a huge success in controlling the amount and delivery of alcoholic beverages into their community.

The language would also limit the ability of a community to remove a local option or change to a less restrictive option -- such that a revote could not be conducted during the first 24 months after the local option was adopted or more than once in a 36 month period. This would give the community time to fully experience whether the local option

law is working for the community – and limit flip flopping due to organizing by very persuasive individuals at the local level.

The recommendations in SB 128 primarily address the supply side of the issue. I encourage the Alaska legislature to also make additional funds available to address the demand for and treatment of alcohol and substance abuse. Alaska families, communities and the State budget would benefit if the State proactively explored and set in place means to prevent and minimize the impact alcohol and substance abuse has on Alaska's communities and families, before problems occur – as opposed to locking up individuals after the fact.

While the provisions contained in SB 128 reflect only a small portion of the options that were developed, if implemented, they are a step in the right direction. Attached to my testimony, is a list of the options that were developed by the Alcohol workgroup for the consideration of the Commission. I wanted to note that there are many more options that have not yet been fully explored and recommended by the Commission, simply because we ran out of funding to continue our work.

Unfortunately, the Rural Justice and Law Enforcement Commission's funding got tied up in the federal budget "continuing resolution no-earmark" policy, such that the Commission has not received 2007 federal funds to continue our work. A request was submitted to the State Legislature in February by the Commission asking for stop gap funding to help the Commission continue its work until such time as federal funding again becomes available. Since its inception in 2004, the Commission has been funded by federal receipts. I hope that the legislature will see fit to support this very worthwhile commission.

Thank you for this opportunity to testify.

Alcohol Workgroup Options

Options relating to prevention

- 1. Alcohol abuse prevention1
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- 3. Liaison in state government for tribal court juvenile proceedings2
- 4. Purely private interdiction.....3
- 5. Require private carriers to take reasonable steps to check for illegally shipped alcohol4

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- 7. Change in local option time frames5
- 8. Change local option law to enable councils to adopt local options independently, subject to subsequent plebiscites6
- 9. Extend local option laws to encompass public intoxication6

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- 20. Create a "designated program receipt" from the state share of civil forfeitures....14
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