

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996**

**1488**

**SB**

**86**

**SFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: CSSB 86(FIN)

Revision Date: 3/13/96  
 Title: An Act relating to the issuance of special license plates depicting gold rush era.....  
 Sponsor: Senator Sharp  
 Requestor: S. FIN.

Dept. Affected: Public Safety  
 BRU: Motor Vehicles  
 Component: Field Services  
 COMPONENT SERIAL NO. 0502

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0	34.4	34.4	34.4	34.4	34.4
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>10.0</b>	<b>34.4</b>	<b>34.4</b>	<b>34.4</b>	<b>34.4</b>	<b>34.4</b>
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1005) ) Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	34.4	34.4	34.4	34.4	34.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Charles R. Hosack Phone: 269-5559  
 Division: Motor Vehicles Date: 3/13/96

Approved by Commissioner: *Ronald L. Otte* Date: 3/13/96  
 Agency: Ronald L. Otte, Dept. of Public Safety

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This analysis assumes the new Gold Rush plates will be phased in rather than having a general replacement of all existing plates. The new plates would then be issued to new vehicles being registered for the first time, vehicles from other states being registered in Alaska, and vehicles whose current plates must be replaced due to loss or damage.

The license plate contract must be rebid or renegotiated to include the new design. It is anticipated that the costs of plates will increase due to normal inflation that has occurred since the last contract date and for the added complexity of the new graphic design. There will be additional design costs associated with a new plate design. This will compensate the manufacturer for the work in assisting the state with design and special manufacture of samples for approval and for the initial set up costs to produce the reflective sheeting for the plates.

Plates are normally ordered in July for the following calendar year. The contract specifies a five month lead time for delivery so that the vendor may purchase the exact amount of materials needed. There is not sufficient time to rebid the contract and order plates before July 96 when the next order must be placed. The design work for the new plate will be completed in FY 97 before the contract for plates is bid since the use of colors in the design will be a factor in the cost for the vendors. The actual order for the new plates will be placed in July 1997 in place of the normal plate order in order to arrive in time for issue by January 1998 to coincide with the start of the gold rush centennial period.

Summary of Expenses

FY 97

Design and Set-up costs for new sheeting (one time cost) 10.0

FY 98

10% plate vendor price increase 34.4

3-12-96

WORK DRAFT

WORK DRAFT

WORK DRAFT

9-LS0689\G  
Ford  
3/8/96

BS m...  
Ad...  
3/11/96

CS FOR SENATE BILL NO. 86( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

called in at 3/11/96

9:50 a.m.

Sponsor(s): SENATOR SHARP

Jerry

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of commemorative gold rush motor vehicle license  
2 plates."

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

4 \* Section 1. PURPOSE. It is the purpose of this Act to commemorate the period between  
5 1994 and 2004 as the decade of the Alaska Gold Rush Centennial.

6 \* Sec. 2. AS 28.10.161(b) is amended to read:

7 (b) Every passenger vehicle registration plate, except as specifically provided  
8 in AS 28.10.181, shall have displayed upon it

9 (1) a design and color commemorating 1994 - 2004 as the decade  
10 of the centennial of the gold rush period in the state; in determining the design  
11 and color of the registration plate, the commissioner shall consult with the Alaska  
12 Gold Rush Centennial Task Force [THE ALASKA FLAG;

13 (2) THE TRADITIONAL COLORS OF YELLOW-GOLD AND BLUE;

14 (3) THE SLOGAN "THE LAST FRONTIER";]

1                    (2) [(4)] the registration number assigned to the vehicle for which it is  
2 issued;  
3                    (3) [(5)] the name of this state, which may be abbreviated; and  
4                    (4) [(6)] the registration year number or expiration date for which time  
5 it is validated; the registration year number or expiration date may be part of the  
6 license plate or contained on a suitable sticker or tab device issued by the department;  
7 however, only one sticker or tab device may be issued for each pair of plates and the  
8 sticker or tab device must be affixed to the rear plate.

3/12/96

Call

Juanita re:

this fiscal note.

Designated for  
TRA when we r/o  
CS (Fin). Also amt.  
mentioned was \$10.0.  
This note does not  
apply to CS (Fin)

# FISCAL NOTE

**STATE OF ALASKA**

**BILL NO: SB 86(TRA)**

**1996 LEGISLATIVE SESSION**

Revision Date: <u>March 11, 1996</u>	Dept. Affected: <u>Public Safety</u>
Title: <u>An Act relating to the issuance of special license plates depicting gold rush era...</u>	BRU: <u>Motor Vehicles</u>
Sponsor: <u>Senator Sharp</u>	Component: <u>Field Services</u>
Requestor: <u>S.FIN</u>	COMPONENT SERIAL NO. <u>0502</u>

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	7.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	7.7	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES (1004 Revenue Code)</b>	7.8	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.7					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	7.7	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

Contractual costs are associated with the design, ordering and purchase of 900 special request license plates. This type of special license plate must be ordered with a minimum order of 900 sets of plates. Because the order is for a relative small number of plates, the manufacture charges \$8.50 per set of license plates. The total operating cost is \$7.7.

The response and success of this type of program depends on the number of persons purchasing the special gold rush centennial license plates. Approximately 260 sets of plates must be sold to recover the costs of this program. At such time the Gold Rush Centennial Committee can provide their estimate on the number of people who would purchase this type of plate, a revised fiscal note will be submitted to reflect new general fund revenue.

Prepared By: <u>Juanita M. Hensley</u>	Phone: <u>465-2650</u>
Division: <u>Motor Vehicles</u>	Date: <u>3/11/96</u>
Approved by Commissioner: <u><i>Ronald L. Olte</i></u>	Date: <u>3/12/96</u>
Agency: <u>Ronald L. Olte, Dept. of Public Safety</u>	

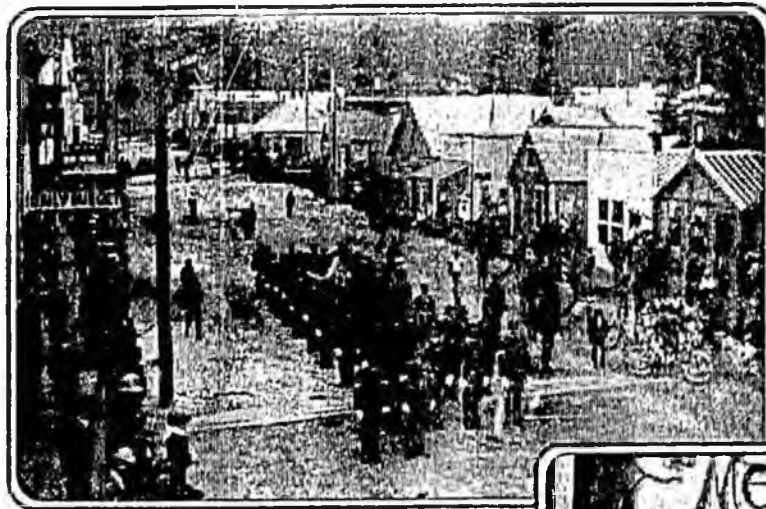
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*Alaska's  
Gold Rush  
Centennial*

Alaska Tourism Marketing Council  
3601 C St., Ste. 700, Anchorage, AK 99503  
(907)563-2289 FAX (907)563-3575



Alaska Gold Rush Centennial  
**EVENTS & ACTIVITIES**

*1996*  
*to*  
*2004*



Alaska Div. of Tourism  
Box 11801  
Juneau, AK 99811-0801  
Phone: (907)465-5474 FAX (907)465-2287

THE FOLLOWING DOCUMENT HAS NOT  
BEEN FILMED BUT IS AVAILABLE IN THE  
ORIGINAL FILE.

# ALASKA



*On the trail, 1897*

Alaska State Library 21-13

## Gold Rush Trails

Time Line

Ghost Towns

Routes to the Gold Fields

Stories of the Past

# FISCAL NOTE

2

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO: \_\_\_\_\_ Bill Version: CS SB 86 TRH  
(3) Publish Date: 3/3/95

Revision Date: March 3, 1995 Dept. Affected: Public Safety  
Title: An Act relating to the issuance of special license plates depicting gold rush era... BRU: Motor Vehicles  
Sponsor: Senator Sharp Component: Fic'd Services  
Requestor: S.TRANS. COMPONENT SERIAL NO. 0502

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	7.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	7.7	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES (1004 Revenue Code)</b>	7.8	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.7					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	7.7	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

Contractual costs are associated with the design, ordering and purchase of 900 special request license plates. This type of special license plate must be ordered with a minimum order of 900 sets of plates. Because the order is for a relative small number of plates, the manufacture charges \$8.50 per set of license plates. The total operating cost is \$7.7.

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Prepared By: Juanita M. Hensley Phone: 465-2650  
 Division: Motor Vehicles Date: 3/3/95  
 Approved by Commissioner: Ronald L. Otte Date: 3/3/95  
 Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

**BILL NO:** \_\_\_\_\_ **Bill Version:** SB 86  
**(S) Publish Date:** 3/3/95

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to the issuance of special BRU: Motor Vehicles  
license plates depicting gold rush era... Component: Field Services  
 Sponsor: Senator Sharp  
 Requestor: S TRANS. COMPONENT SERIAL NO. 0502

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	17.4					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>17.4</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL EXPENDITURES</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES ( )</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GE Match						
1004 GE	17.4					
1005 GE/Program Receipts						
1006 GE/MHTJA						
Other						
<b>TOTAL</b>	<b>17.4</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

The response and success of this type of license plate program is difficult to predict but the division expects the number issued to be small with the majority being issued in the first year of the program. A good example, is the license plate for custom collector vehicles that passed the House and Senate in 1993. That law set up a program to issue a special license plate for owners of custom collector vehicles. From the effective date of the act to date, the Division of Motor Vehicles has sold only 16 sets of license plates. The minimum number of sets of special license plates the division must order from the supplier is 1,000. The costs to design, manufacture and order the special plates is \$17,400.

Prepared By: Juanita M. Hensley Phone: 465-2650  
 Division: Motor Vehicles Date: 03/01/95  
 Approved by Commissioner: Ronald L. Otte Date: 3-7-95  
 Agency: Ronald L. Otte, Dept. of Public Safety

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Budget Section  
Div. of Admn. Services  
Dept. of Public Safety  
7/23/95



March 11, 1996

Senator Bert Sharp  
Senate Finance Committee  
State Capitol Building  
Juneau, Alaska 99801-1182

Dear Senator Sharp:

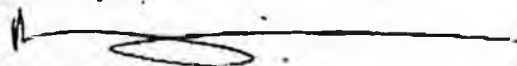
I am writing on behalf of the Skagway Convention and Visitors Bureau in support of Senate Bill 86 that would authorize an Alaska Gold Rush Centennials license plate. As you know, the decade of gold discoveries throughout the north were the springboard for additional settlement and development of Alaska after the turn of the century. The celebration of these centennials across the State will generate a new gold rush of visitation, as well as a greater understanding of our gold rush roots.

A newly designed license plate commemorating these events will lend certification and credibility to the State, communities, groups and individuals who are endeavoring to make the most of this centennial decade.

Finally, this new plate can be paid for through an existing fee structure, while providing a fresh new look to Alaskan motor vehicle license plates that have been unchanged for years.

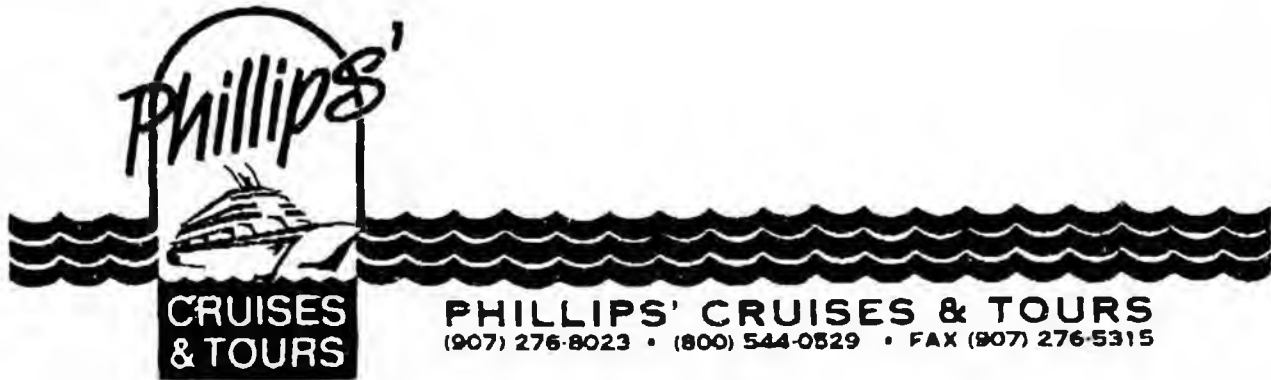
I thank you and the finance committee for considering this legislation.

Sincerely,

  
Robert W. Ward Jr.,  
Executive Director

cc: Representative Mackie  
Senator Zharoff

SKAGWAY CONVENTION  
AND VISITORS BUREAU  
P. O. B O X 4 1 5  
SKAGWAY, ALASKA 99840  
(907) 983-2151  
FAX (907) 983-2151



March 11, 1996

Senator Bert Sharp  
Juneau, Alaska

Fax: 907-465-2070

I strongly support the replacement of our current blue and yellow license plates with an appropriate plate that will publicize the Gold Rush Anniversary. I assume the new plates will be valid over the same time period as our current plates instead of getting involved with the fiasco we had on the 50th Highway Anniversary plates which were valid only on a calendar year basis. In order to maximize their publicity value I believe it should be a double plate issue.

Thank you in advance for your support in this matter.

Sincerely,

  
Brad Phillips  
President



3/11/96

Senator Bert Sharp  
Alaska State Senate  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Sharp:

On behalf of the Alaska Association for Historic Preservation, I want to express our support for SB 86 relating to Gold Rush motor vehicle license plates.

The license plates are an excellent way to highlight this dramatic chapter in Alaska's history.

We think the Gold Rush plates will have a series of benefits for the state. Tourism will be enhanced; Alaskans will be better acquainted with their state's history; and the plates will eventually become valued collectors' items.

Thank you for your good work on behalf of Alaskans.

Sincerely,

Janet McCabe  
Legislative Committee  
Alaska Association for Historic Preservation



**HOPE & SUNRISE HISTORICAL SOCIETY**  
**BOX 1888 HOPE, ALASKA 99803**

3/11/96

Senator Bert Sharp  
Alaska State Senate  
State Capitol  
Juneau, Ak. 99801-1182

Dear Senator Sharp:

The Hope and Sunrise Historical Society strongly supports SB 86, establishing a Gold Rush theme for vehicle license plates.

We think Gold Rush plates would be an excellent way to commemorate an important chapter in the history of many Alaskan communities.

On the Kenai Peninsula "Hope City", was founded in 1896 by miners in the Resurrection Valley. 1996 is the centennial of the naming of our community, and we would hope that the new license plates can be available this year.

The Gold Rush plates would benefit tourism, and also encourage Alaska residents to take pride in the history of their state and their community.

Thank you for introducing and supporting this bill.

Sincerely,

Ann Miller  
Secretary,  
Hope and Sunrise Historical Society

# FAX

Date 03/09/96

Number of pages including cover sheet 1

To:

Senator Bert Sharp

From:

Phone

Fax Phone (1-907)465-2070

Phone

Fax Phone

## REMARKS:

4310 Seeley Court  
Anchorage, AK 99502-1957

I urge you to support S.B. 86, which designates the Alaska license plate to a 10-year designation to honor and commemorate the Alaska Gold Rush decade (1994-2004). Alaskans have long suffered from a boring, monotonous license plate which has remained unchanged for years. At my first arrival in Fairbanks in 1985, the colors and design were new and different, but it's now been over ten years with the same, tired theme. I am excited about the prospect of honoring the prospectors who mined in Fairbanks, Ruby, Iditarod, Juneau, Nome, and elsewhere. The new license plate would recognize our gold rush heritage, enhance Alaska's rugged individualism with "Outsiders," and serve to promote tourism with the thousands of visitors who are expected to come to Alaska, Washington, and the Yukon to visit historic sites during this time. Furthermore, the Alaska Gold Rush plate would be a revenue-producer for the State of Alaska. The plate would serve to educate Alaskans of all ages who may not be very familiar with Alaska's rich heritage.

Thank you for your support.

Sincerely,  
R. Bruce Parham



8 March, 1996

Senator Bert Sharp  
State Senate  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Sharp:

I am writing in support of Senate Bill 86. I think it's a terrific idea to allow Alaskans to choose license plates which celebrate our state's Gold Rush Centennial!

Sincerely,

  
Julie L. Johnson  
Executive Director



United States Department of the Interior

NATIONAL PARK SERVICE  
 Klondike Gold Rush National Historic Park  
 P. O. Box 517  
 Skagway, Alaska 99840

IN REPLY REFER TO:

March 8, 1996

Sen. Bert Sharp  
 Senate Finance Committee  
 State Capitol Building  
 Juneau, Alaska 99801-1182

Dear Sen. Sharp,

I am writing in support of Senate Bill 86 that would authorize newly designed motor vehicle license plates to recognize the significant role played by gold rushes in the history of Alaska. As manager of Klondike Gold Rush National Historical Park I am reminded every day of the contributions and sacrifices made by the stampedeers in their quest for gold.

In 1994 the Alaska Legislature designated the decade to 2004 as the Decade of Gold Rushes in Alaska. The issuance of license plates carrying the gold rush theme will give identity to the centennial of a series of significant events that shaped the heritage of our state.

The present license plates have not been redesigned for a number of years. It is time for a change and this would be a positive way to promote Alaska's next "boom" in a way that is paid for through an existing fee structure that does not place a financial burden on the people of Alaska.

Sincerely

*Clay Alderson*  
 Clay Alderson, Supt.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▶ 1

To <i>Sen. Sharp</i>	From <i>Alderson</i>
Dept./Agency	Phone # <i>(907) 983-2921</i>
Fax #	Fax #

**SENATE COMMITTEE REFERRAL**  
**First Committee of Referral**

*gmp*

DATE: 2/14/95

FURTHER: Finance

Date of 5-Day Notice: 2/23/95  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/3/95

Transportation Committee considered SENATE BILL NO. 86

"An Act relating to issuance of special request commemorative gold rush motor vehicle license plates."

*2 FN's*

and recommends:

- be replaced with \_\_\_\_\_ CS SB 86 (TRA)
- 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:**  
 technical change  
 new SCR \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Linda Green</i>	✓				
<del><i>John Edwards</i></del>		<i>John Edwards</i>	✓		
<i>Walter Taylor</i>		<i>Walter Taylor</i>	✓		
CHAIR: <i>Steve Krizek</i>	✓				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>SB) DPS</i>	<i>3/1</i>		<i>17.4</i>
<i>CS) DPS</i>	<i>3/3</i>		<i>7.8</i>

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

**BILL NO: SB 86(TRA)**

Revision Date: March 3, 1995 Dept. Affected: Public Safety  
 Title: An Act relating to the issuance of special license plates depicting gold rush era... BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: Senator Sharp  
 Requestor: S.TRANS. COMPONENT SERIAL NO. 0502

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	7.7					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>7.7</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL EXPENDITURES</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES (1004 Revenue Code)</b>	<b>7.8</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.7					
1005 GF/Program Receipts						
1006 GF/MHT/A						
Other						
<b>TOTAL</b>	<b>7.7</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

Contractual costs are associated with the design, ordering and purchase of 900 special request license plates. This type of special license plate must be ordered with a minimum order of 900 sets of plates. Because the order is for a relative small number of plates, the manufacture charges \$8.50 per set of license plates. The total operating cost is \$7.7.

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Prepared By: Juanita M. Hensley Phone: 465-2650  
 Division: Motor Vehicles Date: 3/3/95  
 Approved by Commissioner: *Ronald L. Otte* Date: 3/3/95  
 Agency: Ronald L. Otte, Dept. of Public Safety

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**SB**

**87**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/28/95

FURTHER:

DATE TURNED INTO OFFICE: 4-11-95

The Finance Committee considered SENATE BILL NO. 87

Community local options for control of alcoholic beverages; definition of 'alcoholic beverage'; purchase and sale of alcoholic beverages; alcohol server education courses; efd.

and recommends:

- be replaced with \_\_\_\_\_ CS SB 87 ( FIN )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_
- further referral to the \_\_\_\_\_

Senate Bill:  
 same title  
 new title  
 House Bill:  
 same title

CS to follow

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>ROO E. (Roo)</i>	✓	<i>Steve Key</i>	✓		
<i>Best thing</i>	✓	<i>Wanda Dowley</i>	✓		
Co-Chair: <i>Don</i>	✓				
Co-Chair: <i>Rick Halford</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

DOR	3/3/95	0	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

MEMO

TO: Legal Services  
FROM: Kathy or Norma *KL*  
Senate Finance Committee  
465-4935 or 465-2618  
DATE: April 11, 1995  
RE: CS for SB 87 (Finance)

Please incorporate attached Amendments 1, 2, 3, and 5, within CSSB 87(Jud) to produce a final CSSB 87 (Fin) and return the original to Kathy or Norma, Room 520, Capitol Building. The bill was reported out of committee at the meeting this morning and has been read across the Senate into Rules. Please give us a call if you have questions. Thank you.

*1:00pm Phoned over to Legal Deletion  
of Sec. 30.*

# FISCAL NOTE

No. 1

Bill Version: SB 87

B (S) Publish Date: 3-20-95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Alcoholic Beverages: Local BRU: Alcoholic Beverage Control Board  
 Option and Misc. \_\_\_\_\_ Component: \_\_\_\_\_  
 Sponsor: Senate Judiciary  
 Requester: Senate C & RA COMPONENT SERIAL NO. 0100

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts (approx.)	5.0	5.0	5.0	5.0	5.0	5.0
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Possible increase in revenue from 1) increase to penalty for filing late applications for renewal of license in Section 10, Page 5 and 2) fee collected from wholesale licensees for registration of brands in Section 8, Page 4.

Prepared by: Patrick L. Sharrock, Director  
 Division: Alcoholic Beverage Control Board  
 Approved by: \_\_\_\_\_  
 Commissioner: Deborah Voigt  
 Agency: Revenue

Phone: 277-8638  
 Date: 3/1/95  
 Date: 3/3/95

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*Adopted*  
*4-11-95 #1*

9-LS0673VK.8  
Ford  
4/10/95

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: CSSB 87(JUD)

1 Page 13, after line 7:

2 Insert a new bill section to read:

3 **\*\* Sec. 17.** AS 04.11.370 is amended by adding a new subsection to read:

4 (b) If the board finds that a licensee or permittee has been convicted of a  
5 violation of a criminal law related to gambling under AS 11.66.200 - 11.66.280 ~~or the~~  
6 ~~board receives notice from the Department of Revenue that a licensee or permittee has~~  
7 ~~violated a provision of AS 05.15 related to gambling,~~ the board shall suspend the  
8 license or permit for a period of at least **6** months if the offense is the person's first  
9 conviction or violation and shall revoke the license or permit if the offense is the  
10 person's second conviction or violation."

11 Renumber the following bill sections accordingly. *(c) If the board receives notice from D of R that a licensee or permittee has violated a provision of AS 0515 related to gambling the board may suspend or revoke the licence or permit. ~~suspend at least~~ and shall suspend for a period of at least 30 days ~~to~~ if the offense is the person's second violation.*

12 Page 32, after line 17:

13 Insert a new bill section to read:

14 **\*\* Sec. 57.** AS 05.15 is amended by adding a new section to article I to read: *is the person's second violation.*

15 **Sec. 05.15.097. NOTICE TO THE ALCOHOLIC BEVERAGE CONTROL**  
16 **BOARD.** If, after notice and hearing, the department determines that a person has  
17 violated a provision of this chapter related to gambling and the person is a licensee  
18 or permittee under AS 04, the department shall provide notice of the violation to the  
19 Alcoholic Beverage Control Board."

20 Renumber the following bill sections accordingly.

21 Page 35, line 29:

Adopted 4-11-95

9-LS0673\K.7

Ford

4/10/95

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: CSSB 87(JUD)

1 Page 1, line 2, after "beverages;":

2 Insert "prohibiting persons from being on premises involving alcoholic beverages  
3 under certain circumstances:"

4 Page 22, after line 25:

5 Insert a new bill section to read:

6 "\* Sec. 30. AS 04.16 is amended by adding a new section to read:

7 Sec. 04.16.025. ILLEGAL PRESENCE ON PREMISES INVOLVING  
8 ALCOHOLIC BEVERAGES. (a) A person may not knowingly enter or remain on  
9 premises

10 (1) in which alcoholic beverages are manufactured, sold, offered for  
11 sale, possessed for sale or barter, trafficked in, or bartered in violation of

12 (A) AS 04.11.010; or

13 (B) a municipal ordinance adopted under AS 04.21.010(a) or

14 (b); or

15 (2) licensed under this title during hours in which the person's presence  
16 on the premises is a violation of a municipal ordinance adopted under authority of  
17 AS 04.16.010(d) providing for hours of closure that are outside the hours of closure  
18 prescribed by AS 04.16.010(c).

19 (b) A person who violates this section is guilty of a violation."

20 Renumber the following bill sections accordingly.

21 Page 24, after line 3:

22 Insert a new bill section to read:

SENATE FINANCE  
COMMITTEE

Amendment Number: 2

Bill Number: 51387

Sponsor: Donley Date: 4/10/95

Logged In By: [Signature]

1       \*\* Sec. 35. AS 04.16.180(a) is amended to read:

2                   (a) Except as provided in AS 04.11.015, AS 04.16.025, 04.16.051

3                   [AS 04 16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a  
4                   provision of this title or a regulation adopted by the board is guilty, upon conviction,  
5                   of a class A misdemeanor. Each violation is a separate offense."

6       Renumber the following bill sections accordingly.

7       Page 35, line 29:

8               Delete "sec. 75"

9               Insert "sec. 77"

10       Page 36, line 6:

11              Delete "Section 71"

12              Insert "Section 73"

13       Page 36, line 7:

14              Delete "sec. 31"

15              Insert "sec. 32"

16       Page 36, line 8:

17              Delete "secs. 71 and 74"

18              Insert "secs. 73 and 76"

Adopted 4-11-95

SENATE FINANCE  
COMMITTEE  
Amendment Number: 3  
Bill Number: SB 87  
Sponsor: Donley Date: 4/10/95  
Logged In By: [Signature]  
AMENDMENT

9-LS0673K.10  
Ford  
4/10/95

OFFERED IN THE SENATE  
TO: CSSB 87(JUD)

BY SENATOR DONLEY

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

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

3 Page 1, following line 5:

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  
7 consists of five members appointed by the governor and confirmed by a majority of  
8 the members of the legislature in joint session. A member of the board may not hold  
9 any other state or federal office, either elective or appointive. Two members of the  
10 board shall be persons actively engaged in the alcoholic beverage industry, except that  
11 no 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 three members of  
14 the board shall represent the general public. A board member representing the  
15 general public or an immediate family member of a board member representing  
16 the general public may not be engaged in any <sup>financial interest in</sup> ~~the~~ the alcoholic beverage  
17 industry. A person who is employed in a program providing alcohol or  
18 substance abuse counseling or related services is not considered to be engaged in  
19 the alcoholic beverage industry. <sup>not more than two members shall represent counseling or related</sup> In this section, "immediate family member"  
20 means a spouse, child, or parent. <sup>services</sup>

friendly Amend.

21 \* Sec. 2. AS 04.06.060 is amended to read:

22 Sec. 04.06.060. QUORUM AND MAJORITY. Three members of the board  
23 constitute a quorum for the conduct of business, except that at least two members  
24 of a quorum must be members who represent the general public and a majority

1 of the whole membership of the board must approve all applications for new licenses,  
2 and all renewals, transfers, suspensions, and revocations of existing licenses. If a  
3 majority of the board is present and voting, the director, with the consent of the  
4 members present, may cast a tie-breaking vote."  
5

6 Page 1, line 6:

7 Delete "Section 1."

8 Insert "Sec. 3."

9 Renumber the following bill sections accordingly.

10 Page 35, line 11:

11 Delete "sec. 9"

12 Insert "sec. 11"

13 Page 35, line 29:

14 Delete "sec. 75"

15 Insert "sec. 78"

16 Page 36, after line 5:

17 Insert a new bill section to read:

18 "\* Sec. 75. TRANSITION: BOARD MEMBERS. The provisions of secs. 1 and 2 of this  
19 Act do not apply to a person who is serving as a member of the Alcoholic Beverage Control  
20 Board on the effective date of this Act."

21 Renumber the following bill sections accordingly.

22 Page 36, line 6:

23 Delete "Section 71"

24 Insert "Section 73"

25 Page 36, line 7:

- 1 Delete "sec. 31"
- 2 Insert "sec. 33"
  
- 3 Page 36, line 8:
- 4 Delete "secs. 71 and 74"
- 5 Insert "secs. 73 and 77"

Adopted  
4-11-95

SENATE FINANCE  
COMMITTEE  
Amendment Number: 5  
Bill Number: SB 87  
Sponsor: Sharp Date: 4/11/95  
Logged In By: JJP

A M E N D M E N T

CSSB-87(JUD)

Offered by: Senator Bert Sharp

Page 14, line 21

After the word within DELETE [30] ADD 60

Page 14, line 22

After the word application. ADD A protest received after the 60 day period may not be accepted by the Board and in no event may a protest cause the Board to reconsider an approved renewal, relocation or transfer.

**CORRECTION**

**Discard** SB 0087c

**and retain this corrected version.**

*File*

CS FOR SENATE BILL NO. 87(~~JUD~~)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/28/95

Referred: Finance

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to community local options for control of alcoholic beverages;  
2 relating to the control of alcoholic beverages; relating to the definition of  
3 'alcoholic beverage'; relating to purchase and sale of alcoholic beverages; relating  
4 to alcohol server education courses; and providing for an effective date."

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

6 \* Section 1. AS 04.11.010(b) is amended to read:

7 (b) Except as provided in this subsection, a [A] person may not solicit or  
8 receive orders for the delivery of an alcoholic beverage in an area that has adopted  
9 a local option under AS 04.11.491. If the area has adopted a local option under  
10 AS 04.11.491(a)(1), (2), or (3), or (b)(1) or (2), a package store licensee outside of  
11 that local option area may receive orders as provided under AS 04.11.150 but may  
12 not solicit in that area or receive orders through an agent or employee in that  
13 area. This subsection does not apply to a package store licensee who operates a  
14 package store in an area that has adopted a local option under

1        AS 04.11.491(a)(2)(C) or (3)(C) or (b)(2)(C) [WHERE THE RESULTS OF A  
2 LOCAL OPTION ELECTION HAVE, UNDER AS 04.11.490 - 04.11.500,  
3 PROHIBITED THE BOARD FROM ISSUING, RENEWING, OR TRANSFERRING  
4 ONE OR MORE TYPES OF LICENSES OR PERMITS UNDER THIS TITLE,  
5 UNLESS THE PERSON IS LICENSED UNDER THIS TITLE AND THE ORDER  
6 IS ACTUALLY RECEIVED BY THAT PERSON FROM THE PURCHASER OF  
7 THE ALCOHOLIC BEVERAGE]. A person who violates this subsection is  
8 punishable upon conviction as provided under AS 04.16.200(a) or (b).

9        \* Sec. 2. AS 04.11.010(c) is amended to read:

10                (c) In a criminal prosecution for possession of alcoholic beverages for sale in  
11 violation of (a) of this section, the fact that a person possessed more than 12 liters of  
12 distilled spirits, 24 liters or more of wine, or 12 gallons [45 LITERS] or more of malt  
13 beverages in an area where the sale of alcoholic beverages is restricted or prohibited  
14 under AS 04.11.491 [AS 04.11.490, 04.11.492, 04.11.496, OR 04.11.500] creates a  
15 presumption that the person possessed the alcoholic beverages for sale.

16        \* Sec. 3. AS 04.11.080 is amended to read:

17                Sec. 04.11.080. TYPES OF LICENSES AND PERMITS. Licenses and  
18 permits issued under this title are as follows:

- 19                        (1) beverage dispensary license;
- 20                        (2) duplicate beverage dispensary license for additional rooms;
- 21                        (3) restaurant or eating place license;
- 22                        (4) club license;
- 23                        (5) bottling works license;
- 24                        (6) brewery license;
- 25                        (7) package store license;
- 26                        (8) general wholesale license;
- 27                        (9) wholesale malt beverage and wine license;
- 28                        (10) distillery license;
- 29                        (11) common carrier dispensary license;
- 30                        (12) retail stock sale license;
- 31                        (13) recreational site license;

- 1 (14) [COMMUNITY LIQUOR LICENSE;
- 2 (15)] pub license;
- 3 (15) [(16)] winery license;
- 4 (16) [(17)] caterer's permit;
- 5 (17) [(18)] special events permit;
- 6 (18) [(19)] conditional contractor's permit;
- 7 (19) [(20)] brewpub license.

8 \* Sec. 4. AS 04.11.100 is amended by adding a new subsection to read:

9 (f) Notwithstanding the provisions of (b) and (c) of this section, upon written  
10 application and approval of the local governing body, the board may issue or reissue  
11 a restaurant or eating place license and exempt the licensee from the requirements of  
12 (b) and (c) of this section. A licensee exempt as provided in this subsection shall  
13 provide food items for sale on the premises as shown on a menu approved by the  
14 board and available to patrons. The board may not

15 (1) issue or reissue a license as provided under this subsection if

16 (A) the issuance or reissuance would result in more than one  
17 exempt restaurant or eating place license for every 10 restaurant or eating place  
18 licenses allowed under the provisions of AS 04.11.400(a)(2) or (3);

19 (B) the premises would be located in a building having a public  
20 entrance within 200 feet of the boundary line of a school or a church  
21 building in which religious services are being regularly conducted; for purposes  
22 of this subparagraph, the 200-foot prohibition is measured from the outer  
23 boundary line of the school or the public entrance of the church building by the  
24 shortest pedestrian route to the nearest public entrance of the restaurant or  
25 eating place;

26 (2) reissue a restaurant or eating place license as exempt as provided  
27 under the provisions of this subsection if the license was issued under the provisions  
28 of AS 04.11.400(g); or

29 (3) transfer an exempt license issued under this subsection to another  
30 person.

31 \* Sec. 5. AS 04.11.135(a) is amended to read:

1 (a) A brewpub license authorizes the holder of a beverage dispensary license  
2 to

3 (1) manufacture on premises licensed under the beverage dispensary  
4 license not more than 75,000 [16,000] gallons of beer in a calendar year; and

5 (2) sell beer manufactured on premises licensed under the beverage  
6 dispensary license for consumption only on the licensed premises.

7 \* Sec. 6. AS 04.11.135(b) is amended to read:

8 (b) Except as provided under AS 04.11.360(10) [AS 04.11.360(12)], the  
9 brewpub license is not transferable, shall remain the property of the state, and is not  
10 subject to any form of alienation.

11 \* Sec. 7. AS 04.11.150(a) is repealed and reenacted to read:

12 (a) Except as provided under (g) of this section, a package store license  
13 authorizes the licensee to sell alcoholic beverages to a person present on the licensed  
14 premises or to a person known to the licensee who makes a written solicitation to that  
15 licensee for shipment. A licensee, agent, or employee may only ship alcoholic  
16 beverages to the purchaser. Before commencing the practice of shipping alcoholic  
17 beverages, and with each subsequent application to renew the license, a licensee shall  
18 notify the board in writing of the licensee's intention to ship alcoholic beverages in  
19 response to a written solicitation. The package store licensee, agent, or employee shall  
20 include written information on fetal alcohol syndrome and fetal alcohol effects  
21 resulting from a woman consuming alcohol during pregnancy in a shipment of  
22 alcoholic beverages sold in response to a written solicitation.

23 \* Sec. 8. AS 04.11.150(g) is repealed and reenacted to read:

24 (g) If a shipment is to an area that has restricted the sale of alcoholic  
25 beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), a package store  
26 licensee, agent, or employee may not ship to a purchaser more than 12 liters of  
27 distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages in  
28 a calendar month.

29 \* Sec. 9. AS 04.11.160 is amended by adding new subsections to read:

30 (f) A person who applies for issuance or renewal of a license under this  
31 section shall file, on forms provided by the board, the following information regarding

1 each product line of alcoholic beverages that the person intends to purchase, offer for  
2 sale, or sell: (1) the supplier of the product line; (2) the full and correct brand names  
3 in the product line; (3) the name of the distiller, brewer, vintner, or importer of the  
4 product line; and (4) a certification by the distiller, brewer, vintner, or importer of the  
5 product line that the person is the primary source of supply for the product line. In  
6 addition to the fees imposed under (a) and (b) of this section, a person filing under this  
7 subsection shall pay a biennial filing fee as follows:

8	1 to 25 suppliers	\$ 500
9	26 to 50 suppliers	\$1,000
10	51 to 75 suppliers	\$1,500
11	over 75 suppliers	\$2,000

12 In this subsection, "distiller, brewer, vintner, or importer" includes an exclusive agent  
13 of the distiller, brewer, vintner, or importer if the agent's name appears on the label of  
14 the brand approved by the Federal Bureau of Alcohol, Tobacco, and Firearms.

15 (g) A person licensed under this section shall notify the board within 10 days  
16 of a change in a primary source of supply designation required under (f) of this  
17 section.

18 \* Sec. 10. AS 04.16 is amended by adding a new section to read:

19 Sec. 04.16.172. RESTRICTIONS ON PURCHASE AND SALE OF  
20 ALCOHOLIC BEVERAGES. A person licensed under AS 04.11.090, 04.11.100,  
21 04.11.110, or 04.11.150 may not purchase, sell, or offer for sale an alcoholic beverage  
22 unless the alcoholic beverage being purchased, sold, or offered for sale was obtained  
23 from a person licensed under

24 (1) AS 04.11.160 as a primary source of supply for the alcoholic  
25 beverage being purchased, sold, or offered for sale; or

26 (2) AS 04.11.130, 04.11.140, or 04.11.170.

27 \* Sec. 11. AS 04.11.270(b) is amended to read:

28 (b) A license shall be renewed as follows:

29 (1) on or before November 1 [OF EACH YEAR], the director shall  
30 mail a renewal application to each licensee whose license, unless renewed, will expire  
31 on December 31 of that year; the application shall be mailed to the licensee at the

1 licensed premises or at a mailing address furnished by the licensee;

2 (2) the licensee shall submit the completed renewal application and the  
3 biennial license fee to the director before January 1 [ON OR BEFORE  
4 DECEMBER 31];

5 (3) a renewal application filed after December 31 is delinquent and  
6 must be accompanied by a \$500 [\$200] penalty fee;

7 (4) if December 31 falls on a weekend or a state holiday, the deadline  
8 is extended to the first business day following December 31.

9 \* Sec. 12. AS 04.11.320 is amended to read:

10 Sec. 04.11.320. DENIAL OF NEW LICENSES AND PERMITS. (a) An  
11 application requesting issuance of a new license shall be denied if

12 (1) the board finds, after review of all relevant information, that  
13 issuance of the license would not be in the best interests of the public;

14 (2) issuance of the license is prohibited by AS 04.11.390, relating to  
15 residency, or AS 04.11.410, relating to location of premises near churches and schools;

16 (3) the application has not been completed in accordance with  
17 AS 04.11.260;

18 (4) issuance of the license would violate the restrictions pertaining to  
19 the particular license imposed under this title;

20 (5) issuance of the license is prohibited under this title as a result of  
21 an election conducted under AS 04.11.507 [IN ACCORDANCE WITH  
22 AS 04.11.502];

23 (6) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
24 ownership and location of the license, and the identity and financing of a licensee have  
25 not been met;

26 (7) [THE LICENSED PREMISES ARE TO BE LOCATED IN A  
27 MUNICIPALITY, THE TYPE OF LICENSE SOUGHT IS A BEVERAGE  
28 DISPENSARY OR PACKAGE STORE LICENSE, AND THAT TYPE OF LICENSE  
29 IS ALREADY IN EFFECT IN THE MUNICIPALITY UNDER A COMMUNITY  
30 LIQUOR LICENSE, UNLESS THE NEW LICENSE IS TO BECOME EFFECTIVE  
31 AFTER THE COMMUNITY LIQUOR LICENSE IS NO LONGER EFFECTIVE,

1           WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR  
2           OTHERWISE;

3                       (8) THE AUTHORITY SOUGHT IS AUTHORITY TO OPERATE A  
4           BEVERAGE DISPENSARY OR PACKAGE STORE UNDER A COMMUNITY  
5           LIQUOR LICENSE FOR PREMISES TO BE LOCATED IN A MUNICIPALITY  
6           WHERE THE AUTHORITY SOUGHT IS ALREADY HELD BY A PRIVATE  
7           LICENSEE UNDER A BEVERAGE DISPENSARY OR PACKAGE STORE  
8           LICENSE, UNLESS THE COMMUNITY LIQUOR LICENSE IS TO BECOME  
9           EFFECTIVE AFTER THE PRIVATELY HELD LICENSE IS NO LONGER  
10          EFFECTIVE, WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR  
11          OTHERWISE;

12                      (9) issuance of the license is prohibited under AS 04.11.400(a) or  
13          prohibition of issuance of the license is found necessary under AS 04.11.400(b);

14                      (8) [(10)] the application contains false statements of material fact;

15                      (9) [(11)] the license is sought for the sale of alcoholic beverages in a  
16          first or second class city where [IN WHICH] there are no licensed premises at the  
17          time of application unless a majority of the voters have voted not to approve [IN] a  
18          local option to restrict or prohibit the sale of alcoholic beverages under  
19          AS 04.11.491, have voted to approve a local option to allow the type of premises  
20          under AS 04.11.491(a)(2) or (3), or have voted to remove a restriction or  
21          prohibition on the sale of alcoholic beverages under AS 04.11.495 [ELECTION  
22          CONDUCTED IN ACCORDANCE WITH AS 04.11.502 HAVE VOTED "NO" ON  
23          THE QUESTION SET OUT IN AS 04.11.490, OR HAVE VOTED "YES" ON A  
24          QUESTION SET OUT IN AS 04.11.492 OR 04.11.500]; or

25                      (10) [(12)] the license is sought for the sale of alcoholic beverages in  
26          an established village where [IN WHICH] there are no licensed premises at the time  
27          of application unless a majority of the voters have voted not to approve [IN] a local  
28          option to restrict or prohibit the sale of alcoholic beverages under AS 04.11.491,  
29          have voted to approve a local option to allow the type of premises under  
30          AS 04.11.491(b)(2), or have voted to remove a restriction or prohibition on the  
31          sale of alcoholic beverages under AS 04.11.495 [ELECTION CONDUCTED IN

1 ACCORDANCE WITH AS 04.11.502 HAVE VOTED "NO" ON THE QUESTION  
2 SET OUT IN AS 04.11.490 OR HAVE VOTED "YES" ON THE QUESTION SET  
3 OUT IN AS 04.11.500].

4 (b) An application requesting issuance of a new permit shall be denied if

5 (1) the board finds, after review of all relevant information, that  
6 issuance of the permit would not be in the best interests of the public;

7 (2) the board finds that any of the statements made in the application  
8 are untrue;

9 (3) the application has not been completed in accordance with  
10 AS 04.11.260; or

11 (4) the permit is sought for the sale of alcoholic beverages in a first or  
12 second class city or established village where [IN WHICH] there are no licensed  
13 premises at the time of application unless a majority of the voters have voted not to  
14 approve [IN] a local option to restrict or prohibit the sale of alcoholic beverages  
15 under AS 04.11.491, have voted to approve a local option to allow the type of  
16 permit under AS 04.11.491(a)(2) or (b)(2), or have voted to remove a restriction  
17 or prohibition on the sale of alcoholic beverages under AS 04.11.495 [ELECTION  
18 CONDUCTED IN ACCORDANCE WITH AS 04.11.502 HAVE VOTED "NO" ON  
19 THE QUESTION SET OUT IN AS 04.11.490].

20 \* Sec. 13. AS 04.11.330(a) is amended to read:

21 (a) An application requesting renewal of a license shall be denied if

22 (1) the board finds, after review of all relevant information, that  
23 renewal of the license would not be in the best interests of the public;

24 (2) the license has been revoked for any cause;

25 (3) the applicant has not operated the licensed premises for at least 30  
26 eight-hour days during each of the two preceding calendar years, unless the board  
27 determines that the licensed premises are under construction or cannot be operated  
28 through no fault of the applicant;

29 (4) the board finds that issuance of an existing license under  
30 AS 04.11.400(d) has not encouraged tourist trade;

31 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,

1 ownership of the license, and financing of the licensee have not been met;

2 (6) renewal of the license would violate the restrictions pertaining to  
3 the particular license under this title or the license has been operated in violation of  
4 a condition or restriction imposed by the board;

5 (7) renewal of the license is prohibited under this title as a result of an  
6 election conducted under AS 04.11.507 [IN ACCORDANCE WITH AS 04.11.502];

7 (8) the application has not been completed in accordance with  
8 AS 04.11.270; or

9 (9) the license was issued under AS 04.11.400(g), and the board finds  
10 that the public convenience does not require renewal.

11 \* Sec. 14. AS 04.11.340 is amended to read:

12 Sec. 04.11.340. DENIAL OF REQUEST FOR RELOCATION. An application  
13 requesting approval for the relocation of licensed premises shall be denied if

14 (1) the board finds, after review of all relevant information, that  
15 relocation of the license would not be in the best interests of the public;

16 (2) the relocation is prohibited under AS 04.11.400(a) or (b);

17 (3) the license would be relocated out of the established village,  
18 incorporated city, unified municipality, or population area established under  
19 AS 04.11.400(a) within which it is located;

20 (4) transfer of ownership is to be made concurrently with the relocation  
21 of the licensed premises and a ground for denial of the transfer of ownership under  
22 AS 04.11.360 is presented;

23 (5) the application has not been completed in accordance with  
24 AS 04.11.290;

25 (6) relocation of the license would result in violation of a local zoning  
26 law;

27 (7) relocation of the license would violate the restrictions pertaining to  
28 the particular license imposed by this title;

29 (8) relocation of the license is prohibited under this title as a result of  
30 an election conducted under AS 04.11.507 [IN ACCORDANCE WITH  
31 AS 04.11.502]; or

1 (9) [THE LICENSED PREMISES ARE TO BE LOCATED IN A  
2 MUNICIPALITY, THE TYPE OF LICENSE SOUGHT TO BE RELOCATED IS A  
3 BEVERAGE DISPENSARY OR PACKAGE STORE LICENSE, AND THAT TYPE  
4 OF LICENSE IS ALREADY IN EFFECT IN THE MUNICIPALITY UNDER A  
5 COMMUNITY LIQUOR LICENSE, UNLESS THE RELOCATION IS TO BECOME  
6 EFFECTIVE AFTER THE COMMUNITY LIQUOR LICENSE IS NO LONGER  
7 EFFECTIVE, WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR  
8 OTHERWISE;

9 (10)] the license was issued under AS 04.11.400(d), (e), or (g).

10 \* Sec. 15. AS 04.11.360 is amended to read:

11 Sec. 04.11.360. DENIAL OF TRANSFER OF A LICENSE TO ANOTHER  
12 PERSON. An application requesting approval of a transfer of a license to another  
13 person under this title shall be denied if

14 (1) the board finds, after review of all relevant information, that transfer  
15 of a license to another person would not be in the best interests of the public;

16 (2) the application has not been completed in accordance with  
17 AS 04.11.280;

18 (3) the application contains false statements of material fact;

19 (4) the transferor has not paid all debts or taxes arising from the  
20 conduct of the business licensed under this title unless

21 (A) the transferor gives security for the payment of the debts  
22 or taxes satisfactory to the creditor or taxing authority; or

23 (B) the transfer is pursuant to a promise given as collateral by  
24 the transferor to the transferee in the course of an earlier transfer of the license  
25 under which promise the transferor is obliged to transfer the license back to the  
26 transferee in the event of default in payment for property conveyed as part of  
27 the earlier transfer of the license;

28 (5) transfer of the license to another person would result in violation  
29 of the provisions of this title relating to identity of licensees and financing of licensees;

30 (6) transfer of the license to another person would violate the  
31 restrictions pertaining to the particular license under this title;

1 (7) transfer of the license to another person is prohibited under the  
2 provisions of this title as a result of an election conducted under AS 04.11.507 [IN  
3 ACCORDANCE WITH AS 04.11.502];

4 (8) the prospective transferee does not have the qualifications required  
5 under this title of an original applicant;

6 (9) [THE LICENSED PREMISES ARE LOCATED IN A  
7 MUNICIPALITY, THE TYPE OF LICENSE SOUGHT TO BE TRANSFERRED IS  
8 A BEVERAGE DISPENSARY OR PACKAGE STORE LICENSE, AND THAT TYPE  
9 OF LICENSE IS ALREADY IN EFFECT IN THE MUNICIPALITY UNDER A  
10 COMMUNITY LIQUOR LICENSE, UNLESS THE TRANSFER IS TO BECOME  
11 EFFECTIVE AFTER THE COMMUNITY LIQUOR LICENSE IS NO LONGER  
12 EFFECTIVE, WHETHER AS THE RESULT OF A LOCAL OPTION ELECTION OR  
13 OTHERWISE;

14 (10) THE AUTHORITY SOUGHT IS AUTHORITY TO OPERATE  
15 A BEVERAGE DISPENSARY OR PACKAGE STORE UNDER A COMMUNITY  
16 LIQUOR LICENSE FOR PREMISES TO BE LOCATED IN A MUNICIPALITY  
17 WHERE THE AUTHORITY SOUGHT IS ALREADY HELD BY A PRIVATE  
18 LICENSEE UNDER A BEVERAGE DISPENSARY OR PACKAGE STORE  
19 LICENSE, UNLESS THE TRANSFER IS TO BECOME EFFECTIVE AFTER THE  
20 PRIVATELY HELD LICENSE IS NO LONGER EFFECTIVE, WHETHER AS THE  
21 RESULT OF A LOCAL OPTION ELECTION OR OTHERWISE;

22 (11)] the license was issued under AS 04.11.100(f) or 04.11.400(g); or  
23 (10) [AS 04.11.400(g);

24 (12)] the license was issued under AS 04.11.135, unless the transferor  
25 is also applying to transfer the beverage dispensary license required under  
26 AS 04.11.135 to the same transferee.

27 \* Sec. 16. AS 04.11.370 is amended to read:

28 Sec. 04.11.370. SUSPENSION AND REVOCATION OF LICENSES AND  
29 PERMITS. A license or permit shall be suspended or revoked if the board finds  
30 [THAT ONE OR MORE OF THE FOLLOWING GROUNDS EXISTS:]

31 (1) misrepresentation of a material fact on an application made under

1 this title or a regulation adopted under this title [FOR A LICENSE OR PERMIT];

2 (2) continuation of the manufacture, sale, or service of alcoholic  
3 beverages by the licensee or permittee [ACTIVITIES AUTHORIZED UNDER A  
4 LICENSE OR PERMIT] would be contrary to the best interests of the public;

5 (3) failure on the part of the licensee to correct a defect [DEFECTS]  
6 that constitutes a violation [CONSTITUTE VIOLATIONS] of this title, a condition  
7 or restriction imposed by the board, a regulation [REGULATIONS] adopted under  
8 this title, or other laws [WITHIN A PRESCRIBED TIME] after receipt of notice  
9 issued by the board or its agent;

10 (4) conviction of a licensee of a violation [A PROVISION OF] this  
11 title, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010;

12 (5) conviction of an [THE] agent or employee of a licensee of a  
13 violation of this title, a regulation adopted under this title, or an ordinance adopted  
14 under AS 04.21.010, if the licensee is found by the board to have either knowingly  
15 allowed the violation or to have recklessly or with criminal negligence failed to act in  
16 accordance with the duty prescribed under AS 04.21.030 with the result that the [AN]  
17 agent or employee violates a law, regulation, or ordinance;

18 (6) failure of the licensee to comply with the public health, fire, or  
19 safety laws and regulations [PERTAINING TO PUBLIC HEALTH] in the state;

20 (7) use of the licensed premises as a resort for illegal possessors or  
21 users of narcotics, prostitutes, or promoters of prostitution; in addition to any other  
22 legally competent evidence, the character of the premises may be proved by the  
23 general reputation of the premises in the community as a resort for illegal possessors  
24 or users of narcotics, prostitutes, or promoters of prostitution;

25 (8) occurrence of illegal gambling within the limits of the licensed  
26 premises;

27 (9) the licensee permitted a [PERMITTING ANY] public offense  
28 involving moral turpitude to occur on the licensed premises;

29 (10) violation by a licensee of this title, a condition or restriction  
30 imposed by the board, a regulation adopted under this title, or an ordinance adopted  
31 under AS 04.21.010; or

1 (11) violation by an agent or employee of a licensee of a provision of  
2 this title, a condition or restriction imposed by the board, a regulation adopted  
3 under this title, or an ordinance adopted under AS 04.21.010, if the licensee is found  
4 by the board to have either knowingly allowed the violation or to have recklessly or  
5 with criminal negligence failed to act in accordance with the duty prescribed under  
6 AS 04.21.030 with the result that the agent or employee violates the law, condition  
7 or restriction, regulation, or ordinance.

8 \* Sec. 17. AS 04.11 is amended by adding a new section to read:

9 Sec. 04.11.395. BOARD IMPOSED CONDITIONS OR RESTRICTIONS.

10 The board may, in the best interests of the public, impose conditions or restrictions on  
11 a license or permit issued under this chapter.

12 \* Sec. 18. AS 04.11.400(a) is amended to read:

13 (a) Except as provided in (d) - (h) of this section, a new license may not be  
14 issued and the board may prohibit relocation of an existing license

15 (1) outside an established village, incorporated city, unified  
16 municipality, or organized borough if after the issuance or relocation there would be  
17 (A) more than one restaurant or eating place license for each 1,500 population or  
18 fraction of that [1,500] population, or (B) more than one license of each other type,  
19 including licenses that have been issued under (d) or (e) of this section, for each 3,000  
20 population or fraction of that [3,000] population, in a radius of five miles of the  
21 licensed premises [OR LOCATION OF PREMISES SOUGHT TO BE LICENSED],  
22 excluding the populations of established villages, incorporated cities, unified  
23 municipalities, and organized boroughs that are wholly or partly included within the  
24 radius;

25 (2) inside an established village, incorporated city, or unified  
26 municipality if after the issuance or relocation there would be inside the established  
27 village, incorporated city, or unified municipality

28 (A) more than one restaurant or eating place license for each  
29 1,500 population or fraction of that [1,500] population; or

30 (B) more than one license of each other type, including licenses  
31 that have been issued under (d) or (e) of this section, for each 3,000 population

1 or fraction of that [3,000] population [INSIDE THE ESTABLISHED  
2 VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY];

3 (3) inside an organized borough but outside an established village or  
4 incorporated city located within the borough, if after the issuance or relocation there  
5 would be inside the borough, but outside the established villages and incorporated  
6 cities located within the borough,

7 (A) more than one restaurant or eating place license for each  
8 1,500 population or fraction of that [1,500] population; or

9 (B) more than one license of each other type, including licenses  
10 that have been issued under (d) or (e) of this section, for each 3,000 population  
11 or fraction of that [3,000] population [INSIDE THE BOROUGH,] excluding  
12 the population of those established villages that have adopted a local option  
13 under AS 04.11.491(b)(1), (3), or (4) [CONDUCTED AN ELECTION ON A  
14 QUESTION SET OUT IN AS 04.11.490, 04.11.496, OR 04.11.500], and  
15 excluding the population of incorporated cities located within the organized  
16 borough.

17 \* Sec. 19. AS 04.11.480(a) is amended to read:

18 (a) A [IF A] local governing body may [WISHES TO] protest the issuance,  
19 renewal, relocation, [TRANSFER OF LOCATION,] or transfer to another person of  
20 a license by sending [, IT SHALL FURNISH] the board and the applicant [WITH] a  
21 protest and the reasons for the protest within 30 days of receipt from the board of  
22 notice of filing of the application. The local governing body may protest the  
23 continued operation of a license during the second year of the biennial license  
24 period by sending the board and the licensee a protest and the reasons for the  
25 protest by January 31 of the second year of the license. The procedures for  
26 action on a protest of continued operation of a license are the same as the  
27 procedures for action on a protest of a renewal application. The board shall  
28 consider a protest and testimony received at a hearing conducted under  
29 AS 04.11.510(b)(2) or (4) when it considers the application or continued operation,  
30 and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or  
31 (4) shall be kept [RETAINED] as part of the board's permanent record of its review

1 [OF THE APPLICATION]. If an application or continued operation is protested, the  
2 board shall deny [MAY NOT APPROVE] the application or continued operation  
3 unless the board finds that the protest is arbitrary, capricious, and unreasonable.

4 \* Sec. 20. AS 04.11 is amended by adding a new section to read:

5 Sec. 04.11.491. LOCAL OPTIONS. (a) If a majority of the persons voting  
6 on the question vote to approve the option, a municipality shall adopt a local option  
7 to prohibit

8 (1) the sale of alcoholic beverages;

9 (2) the sale of alcoholic beverages except by one or more of the  
10 following listed on the ballot:

11 (A) a restaurant or eating place licensee;

12 (B) a beverage dispensary licensee;

13 (C) a package store licensee; or

14 (D) a caterer holding a permit under AS 04.11.230 to sell  
15 alcoholic beverages at a site within the municipality who is also licensed under  
16 a beverage dispensary license for premises outside of the municipality;

17 (3) the sale of alcoholic beverages except on premises operated by the  
18 municipality and under a type of licensed premises listed on the ballot, that may  
19 include one or more of the following:

20 (A) a restaurant or eating place licensee;

21 (B) a beverage dispensary licensee; or

22 (C) a package store licensee;

23 (4) the sale and importation of alcoholic beverages; or

24 (5) the sale, importation, and possession of alcoholic beverages.

25 (b) If a majority of the persons voting on the question vote to approve the  
26 option, an established village shall exercise a local option to prohibit

27 (1) the sale of alcoholic beverages;

28 (2) the sale of alcoholic beverages except by one or more of the  
29 following listed on the ballot:

30 (A) a restaurant or eating place licensee;

31 (B) a beverage dispensary licensee;

1 (C) a package store licensee; or

2 (D) a caterer holding a permit under AS 04.11.230 to sell  
3 alcoholic beverages at a site within the established village who is also licensed  
4 under a beverage dispensary license for premises outside of the established  
5 village;

6 (3) the sale and importation of alcoholic beverages; or

7 (4) the sale, importation, and possession of alcoholic beverages.

8 (c) A ballot question to adopt a local option under this section must at least  
9 contain language substantially similar to: "Shall (name of municipality or village)  
10 adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or  
11 no)."

12 (d) The ballot for an election on the option set out in (a)(2)(A), (a)(3)(A), or  
13 (b)(2)(A) of this section must include a summary explanation of the authority to sell  
14 alcoholic beverages given to a restaurant or eating place under AS 04.11.100(a). The  
15 ballot for an election on the option set out in (a)(2)(B) or (D), (a)(3)(B), or (b)(2)(B)  
16 or (D) of this section must include a statement that a beverage dispensary license is  
17 commonly known as a "bar" and a summary explanation of the authority to sell  
18 alcoholic beverages given to a beverage dispensary licensee under AS 04.11.090(a).  
19 The ballot for an election on the option set out in (a)(2)(C), (a)(3)(C), or (b)(2)(C) of  
20 this section must include a statement that a package store license is commonly known  
21 as a "liquor store" and a summary explanation of the authority to sell alcoholic  
22 beverages given to a package store licensee under AS 04.11.150(a).

23 (e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option  
24 adopted by the municipality under (a) of this section shall continue in effect as the  
25 corresponding local option under (b) of this section for an established village having  
26 the same perimeter as the previous boundaries of the municipality. A license for  
27 premises operated by the municipality under AS 04.11.505 expires when the  
28 municipality dissolves.

29 (f) A municipality or established village that has adopted a local option under  
30 (a)(1), (2), or (3) or (b)(1) or (2) of this section may designate a site for the delivery  
31 of alcoholic beverages to individuals in the area or a site for a person to bring

1 alcoholic beverages if the alcoholic beverages are imported into the area. This  
2 subsection does not apply to the delivery or importation of

3 (1) one liter or less of distilled spirits, two liters or less of wine, or one  
4 gallon or less of malt beverages; or

5 (2) alcoholic beverages to a premises licensed under (a)(2) - (3) or  
6 (b)(2) of this section.

7 \* Sec. 21. AS 04.11 is amended by adding new sections to read:

8 Sec. 04.11.493. CHANGE OF LOCAL OPTION. (a) If a majority of persons  
9 voting on the question vote to approve a different local option, a municipality or  
10 established village shall change a local option previously adopted under AS 04.11.491  
11 to the different approved option.

12 (b) A ballot question to change a local option under this section must at least  
13 contain language substantially similar to: "Shall (name of municipality or village)  
14 change the local option currently in effect, that prohibits (current local option under  
15 AS 04.11.491), and adopt in its place a local option to prohibit (proposed local option  
16 under AS 04.11.491)? (yes or no)."

17 Sec. 04.11.495. REMOVAL OF LOCAL OPTION. (a) If a majority of the  
18 persons voting on the question vote to remove the option, a municipality or established  
19 village shall remove a local option previously adopted under AS 04.11.491. The  
20 option is repealed effective the first day of the month following certification of the  
21 results of the election.

22 (b) A ballot question to remove a local option under this section must at least  
23 contain language substantially similar to: "Shall (name of municipality or village)  
24 remove the local option currently in effect, that prohibits (current local option under  
25 AS 04.11.491), so that there is no longer any local option in effect? (yes or no)."

26 (c) When issuing a license in the area that has removed a local option, the  
27 board shall give priority to an applicant who was formerly licensed and whose license  
28 was not renewed because of the results of the previous local option election. However,  
29 an applicant described in this subsection does not have a legal right to a license and  
30 the board is not required to approve the application.

31 \* Sec. 22. AS 04.11 is amended by adding a new section to read:

1           Sec. 04.11.497. EFFECT ON LICENSES OF PROHIBITION OF SALE. If  
2 a majority of voters vote to prohibit the sale of alcoholic beverages under  
3 AS 04.11.491(a)(1), (a)(4) or (5), (b)(1), or (b)(3) or (4), the board may not issue,  
4 renew, or transfer, between persons or locations, a license for premises located within  
5 the boundaries of the municipality and in unincorporated areas within five miles of the  
6 boundaries of the municipality or within the perimeter of the established village. A  
7 license that may not be renewed because of a local option election held under this  
8 section is void 90 days after the results of the election are certified. A license that  
9 expires during the 90 days after the results of a local option election are certified may  
10 be extended, until it is void under this section, by payment of a prorated portion of the  
11 biennial license fee.

12 \* Sec. 23. AS 04.11 is amended by adding a new section to read:

13           Sec. 04.11.499. PROHIBITION OF IMPORTATION AFTER ELECTION. If  
14 a majority of the voters vote to prohibit the importation of alcoholic beverages under  
15 AS 04.11.491(a)(4) or (5) or (b)(3) or (4), a person, beginning on the first day of the  
16 month following certification of the results of the election, may not knowingly send,  
17 transport, or bring an alcoholic beverage into the municipality or established village,  
18 unless the alcoholic beverage is sacramental wine to be used for bona fide religious  
19 purposes based on tenets or teachings of a church or religious body, is limited in  
20 quantity to the amount necessary for religious purposes, and is dispensed only for  
21 religious purposes by a person authorized by the church or religious body to dispense  
22 the sacramental wine.

23 \* Sec. 24. AS 04.11 is amended by adding a new section to read:

24           Sec. 04.11.501. PROHIBITION OF POSSESSION AFTER ELECTION. (a)  
25 If a majority of the voters vote to prohibit the possession of alcoholic beverages under  
26 AS 04.11.491(a)(5) or (b)(4), a person may not knowingly possess an alcoholic  
27 beverage in the municipality or established village, unless the alcoholic beverage is  
28 sacramental wine to be used for bona fide religious purposes based on tenets or  
29 teachings of a church or religious body, is limited in quantity to the amount necessary  
30 for religious purposes, and is dispensed only for religious purposes, by a person  
31 recognized by the church or religious body as authorized to dispense the wine.

1 (b) If there are licensed premises within the municipality or established village,  
2 the prohibition on possession is effective beginning 90 days after the results of the  
3 election are certified. If there are no licensed premises within the municipality or  
4 established village, the prohibition on possession is effective beginning 60 days after  
5 the results of the election are certified.

6 (c) Upon the adoption by a municipality of a local option under  
7 AS 04.11.491(a)(5), an ordinance is adopted containing the provisions of this section.

8 (d) In this section, "possession" means having physical possession of or  
9 exercising dominion or control over an alcoholic beverage, but does not include having  
10 an alcoholic beverage within the digestive system of a person.

11 \* Sec. 25. AS 04.11 is amended by adding a new section to read:

12 Sec. 04.11.503. EFFECT ON LICENSES OF RESTRICTION ON SALE. If  
13 a majority of the voters vote under AS 04.11.491(a)(2) or (b)(2) to prohibit sale of  
14 alcoholic beverages except by the type or types of licensees or permit holders listed  
15 on the ballot, the board may not issue, renew, or transfer between persons or locations  
16 a license for premises located within the boundaries of the municipality and in  
17 unincorporated areas within five miles of the boundaries of the municipality or within  
18 the perimeter of the established village, except the type or types of licenses listed on  
19 the ballot. A license in effect within the boundaries of the municipality or perimeter  
20 of the established village, and in unincorporated areas within five miles of the  
21 boundaries of the municipality, except the type of license listed on the ballot, is void  
22 90 days after the results of the election are certified. A license that expires during the  
23 90 days after the results of a local option election are certified may be extended, until  
24 it is void under this section, by payment of a prorated portion of the biennial license  
25 fee.

26 \* Sec. 26. AS 04.11 is amended by adding a new section to read:

27 Sec. 04.11.505. LICENSING AFTER PROHIBITION ON SALE EXCEPT IN  
28 PREMISES OPERATED BY MUNICIPALITY. (a) If a majority of the voters vote  
29 under AS 04.11.491(a)(3) to prohibit the sale of alcoholic beverages except on  
30 premises operated by the municipality, the board may not issue, renew, or transfer  
31 between persons or locations a license for premises located within the boundaries of

1 a municipality and in unincorporated areas within five miles of the boundaries of the  
2 municipality, with the exception of the type of license listed on the ballot and operated  
3 under a license held by the municipality. A license in effect is void 90 days after the  
4 results of the election are certified. A license that expires during the 90 days after the  
5 results of a local option election are certified may be extended, until it is void under  
6 this subsection, by payment of a prorated portion of the biennial license fee.

7 (b) The local governing body of a municipality shall apply for a license to  
8 operate the type of licensed premises listed on the ballot under AS 04.11.491(a)(3) and  
9 approved by a majority of the voters. The municipality shall operate the premises  
10 subject to the conditions and fees applicable to the type of license. Nothing in this  
11 section precludes a municipality from applying to be a licensee under other provisions  
12 of this title.

13 \* Sec. 27. AS 04.11 is amended by adding new sections to read:

14 Sec. 04.11.507. PROCEDURE FOR LOCAL OPTION ELECTIONS. (a)  
15 Elections to adopt a local option under AS 04.11.491, change a local option under  
16 AS 04.11.493, or remove a local option under AS 04.11.495, shall be conducted as  
17 required in this section.

18 (b) Upon receipt of a petition of a number of registered voters equal to 35  
19 percent or more of the number of votes cast at the last regular municipal election, the  
20 local governing body of a municipality shall place upon a separate ballot at the next  
21 regular election, or at a special election, whichever local option, change in local option,  
22 or removal of local option constitutes the subject of the petition. The local governing  
23 body shall conduct the election under the election ordinance of the municipality.

24 (c) Upon receipt of a petition of 35 percent or more of the registered voters  
25 residing within an established village, the lieutenant governor shall place upon a  
26 separate ballot at a special election the local option, change in local option, or removal  
27 of local option that constitutes the subject of the petition. The lieutenant governor  
28 shall conduct the election under AS 15.

29 (d) A petition filed with the local governing body of a municipality under (b)  
30 of this section, that places on the ballot the option set out in AS 04.11.491(a)(5),  
31 constitutes a proposed ordinance of the municipality.

1 (c) AS 29.26.110 - 29.26.160 apply to a petition under (b) of this section in  
2 a general law municipality except the

3 (1) number of required signatures is determined under (b) of this  
4 section rather than under AS 29.26.130;

5 (2) application filed under AS 29.26.110 must at least contain language  
6 substantially similar to the questions set out under AS 04.11.491 - 04.11.495 rather  
7 than containing an ordinance or resolution;

8 (3) petition must at least contain language substantially similar to the  
9 questions set out under AS 04.11.491 - 04.11.495 rather than material required under  
10 AS 29.26.120(a)(1) and (2).

11 (f) Notwithstanding any other provisions of law, an election under (b) or (c)  
12 of this section to remove a local option or to change to a less restrictive option than  
13 the local option previously adopted under AS 04.11.491 may not be conducted during  
14 the first 12 months after the local option was adopted or more than once in an  
15 18-month period.

16 (g) Notwithstanding AS 29.26.140(a), after a petition has been certified as  
17 sufficient to meet the requirements of (b) or (c) of this section, another petition may  
18 not be filed or certified until after the question presented in the first petition has been  
19 voted on. Only one local option question may be presented in an election.

20 Sec. 04.11.509. NOTICE OF THE RESULTS OF A LOCAL OPTION  
21 ELECTION. (a) If a majority of the voters vote to prohibit, change, or remove a  
22 local option under AS 04.11.491 - 04.11.495, the clerk of the municipality, or, if the  
23 election is in an established village, the lieutenant governor shall notify the board of  
24 the results of the election immediately after the results are certified. The board shall  
25 immediately notify the Department of Law and the Department of Public Safety of the  
26 results of the election.

27 (b) If a majority of the voters vote to prohibit the importation or possession  
28 of alcoholic beverages under AS 04.11.491(a)(4) or (5) or (b)(3) or (4), the following  
29 actions in addition to those prescribed in (a) of this section shall be taken before the  
30 date the prohibition becomes effective:

31 (1) the board shall notify, by certified mail, all package store licensees

1 who sell alcoholic beverages in response to a written solicitation of the local option;  
2 and

3 (2) the municipality or established village shall post public notice of  
4 the prohibition in a central location in the municipality or village.

5 \* Sec. 28. AS 04.11.540 is amended to read:

6 Sec. 04.11.540. LICENSE RENEWAL AND EXPIRATION. Notwithstanding  
7 AS 04.11.680, an application for renewal of a license issued for the two calendar years  
8 [YEAR] ending December 31 or of a seasonal license issued for parts of those  
9 calendar years [A SIX-MONTH PERIOD ENDING IN THE PREVIOUS YEAR] may  
10 be submitted up until the next February 28 [, BUT THE AUTHORITY GRANTED  
11 UNDER THE LICENSE MAY NOT BE EXERCISED UNTIL THE LICENSE IS  
12 RENEWED]. If a complete [THE] application for renewal has [AND APPLICABLE  
13 AFFIDAVITS HAVE] not been filed by February 28 or the required fees and the  
14 penalty fees have not been paid by that date, the license expires at 12:00 midnight  
15 February 28. A new license may not be issued to the holder of an expired license for  
16 the same premises except on proof satisfactory to the board of good cause for the  
17 failure to file and pay.

18 \* Sec. 29. AS 04.11.680(a) is amended to read:

19 (a) Upon application and payment of one-half [ONE-QUARTER] of the  
20 biennial fee, the board may issue a seasonal license under this title that is [WILL BE]  
21 effective for the intervals stated on the license. A seasonal license may not be  
22 effective for more than 12 months in a two-year period [A CONTINUOUS SIX-  
23 MONTH PERIOD]. Otherwise, all licenses issued under this title other than a retail  
24 stock sale license are effective for the two calendar years ending December 31, unless  
25 a shorter period is prescribed by the board or by law.

26 \* Sec. 30. AS ~~04.16.090~~(a) is amended to read:

27 (a) A person may not maintain a place in which alcohol beverages are received  
28 or kept, or to which alcoholic beverages are brought, for consumption by members of  
29 the public or by members of a club, corporation, or association [,] unless

30 (1) the

31 (A) person is in an area that has prohibited the sale of an

1 alcoholic beverage under AS 04.11.491(a);

2 (B) club, corporation, or association is a nonprofit  
3 organization incorporated under AS 10.20;

4 (C) consumption by members of the club, corporation, or  
5 association is approved by the local governing body under AS 04.21.010;  
6 and

7 (D) person complies with the applicable provisions of this  
8 title or regulations adopted under this title; or

9 (2) authorized to do so under this title.

10 \* Sec. 31. AS 04.16.110 is repealed and reenacted to read:

11 Sec. 04.16.110. SALE OF CERTAIN ALCOHOLIC BEVERAGES  
12 PROHIBITED. A person may not sell an alcoholic beverage if it

13 (1) is intended for human consumption and is in powdered form; or

14 (2) contains more than 76 percent alcohol by volume.

15 \* Sec. 32. AS 04.16.125(a) is amended to read:

16 (a) A person may not use a common carrier to transport alcoholic beverages  
17 into an area that has restricted the sale of alcoholic beverages under  
18 AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) [AS 04.11.490, 04.11.492, OR  
19 04.11.500] unless

20 (1) the shipping container holding the alcoholic beverages is clearly  
21 labeled as containing alcoholic beverages with letters that contrast in color to the  
22 shipping container and that are at least two inches in height; and

23 (2) an itemized invoice showing the quantity and purchase value of  
24 distilled spirits, of wine, and of malt [THE ALCOHOLIC] beverages is attached to  
25 the outside of the shipping container.

26 \* Sec. 33. AS 04.16.125(b) is amended to read:

27 (b) This section does not apply to

28 (1) a person transporting not more than

29 (A) two liters of wine;

30 (B) one gallon of [OR] malt beverages; [.] or

31 (C) [NOT MORE THAN] one liter of distilled spirits; or

# DUPLICATION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services  
Department of Education  
State of Alaska

Rev. 6/98

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alcoholic beverage under AS 04.11.491(a):

(B) club, corporation, or association is a nonprofit organization incorporated under AS 10.20;

(C) consumption by members of the club, corporation, or association is approved by the local governing body under AS 04.21.010;  
and

(D) person complies with the applicable provisions of this title or regulations adopted under this title; or

(2) authorized to do so under this title.

\* Sec. 31. AS 04.16.110 is repealed and reenacted to read:

Sec. 04.16.110. SALE OF CERTAIN ALCOHOLIC BEVERAGES

PROHIBITED. A person may not sell an alcoholic beverage if it

(1) is intended for human consumption and is in powdered form; or

(2) contains more than 76 percent alcohol by volume.

\* Sec. 32. AS 04.16.125(a) is amended to read:

(a) A person may not use a common carrier to transport alcoholic beverages into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) [AS 04.11.490, 04.11.492, OR 04.11.500] unless

(1) the shipping container holding the alcoholic beverages is clearly labeled as containing alcoholic beverages with letters that contrast in color to the shipping container and that are at least two inches in height; and

(2) an itemized invoice showing the quantity and purchase value of distilled spirits, of wine, and of malt [THE ALCOHOLIC] beverages is attached to the outside of the shipping container.

\* Sec. 33. AS 04.16.125(b) is amended to read:

(b) This section does not apply to

(1) a person transporting not more than

(A) two liters of wine;

(B) one gallon of [OR] malt beverages; [,] or

(C) [NOT MORE THAN] one liter of distilled spirits; or

1                   (2) the transportation of alcoholic beverages for use on premises  
2                   allowed under AS 04.11.491(a)(2) - (3) or (b)(2) or for use under a permit allowed  
3                   under AS 04.11.491(a)(2).

4 \* Sec. 34. AS 04.16.200(b) is amended to read:

5                   (b) A person who violates AS 04.11.010 in an area that has adopted  
6                   [WHERE THE RESULTS OF] a local option under AS 04.11.491 [ELECTION  
7                   HAVE, UNDER AS 04.11.490 - 04.11.500, PROHIBITED THE BOARD FROM  
8                   ISSUING, RENEWING, OR TRANSFERRING ONE OR MORE TYPES OF  
9                   LICENSES OR PERMITS UNDER THIS TITLE IN THE AREA] is, upon conviction,  
10                  guilty of a class C felony.

11 \* Sec. 35. AS 04.16.200(e) is amended to read:

12                  (e) A person who sends, transports, or brings alcoholic beverages into a  
13                  municipality or established village in violation of AS 04.11.499 [AS 04.11.496] is,  
14                  upon conviction,

15                         (1) guilty of a class A misdemeanor if the quantity imported is less  
16                         than 12 liters of distilled spirits, 24 liters of wine, or 12 gallons [45 LITERS] of malt  
17                         beverages; or

18                         (2) guilty of a class C felony if the quantity imported is 12 liters or  
19                         more of distilled spirits, 24 liters or more of wine, or 12 gallons [45 LITERS] or more  
20                         of malt beverages.

21 \* Sec. 36. AS 04.16.205(a) is amended to read:

22                  (a) A person who possesses alcoholic beverages in a municipality or  
23                  established village in violation of AS 04.11.501 [AS 04.11.498] or an ordinance  
24                  adopted under AS 04.11.501 [AS 04.11.498] may, upon conviction, be punished by a  
25                  fine not to exceed \$1,000 and shall forfeit the seized alcoholic beverages. When a  
26                  peace officer stops or contacts a person concerning a violation of AS 04.11.501  
27                  [AS 04.11.498] or an ordinance adopted [ENACTED] under AS 04.11.501  
28                  [AS 04.11.498], the peace officer shall seize the alcoholic beverages and may [, IN  
29                  THE OFFICER'S DISCRETION,] issue a citation to the person as provided in  
30                  AS 12.25.180.

31 \* Sec. 37. AS 04.16.205(b) is amended to read:

1 (b) A person cited for a violation of AS 04.11.501 [AS 04.11.498] or an  
2 ordinance adopted under AS 04.11.501 [AS 04.11.498] for which a bail amount has  
3 been established under (c) of this section may, within 30 days after the date the  
4 citation is issued,

5 (1) mail or personally deliver to the clerk of the court in which the  
6 citation is filed by the peace officer the amount of bail indicated on the citation and  
7 a copy of the citation indicating that the right to an appearance is waived, a plea of no  
8 contest is entered, and the bail and all alcoholic beverages seized are forfeited; or

9 (2) perform community work in lieu of payment of the fine or a portion  
10 of the fine as provided in (d) of this section.

11 \* Sec. 38. AS 04.16.205(c) is amended to read:

12 (c) The supreme court shall establish by rule or order a schedule of bail  
13 amounts that may be forfeited without a court appearance for a violation of  
14 AS 04.11.501 [AS 04.11.498] or an ordinance adopted under AS 04.11.501  
15 [AS 04.11.498]. In establishing the bail schedule the supreme court may consider the  
16 quantity of alcoholic beverages possessed and the number of prior violations of the  
17 person cited. Before establishing or amending the schedule of bail amounts required  
18 by this subsection, the supreme court shall appoint and consult with an advisory  
19 committee consisting of the following seven persons: one superior court judge, one  
20 magistrate from each judicial district in the state, a representative of the Department  
21 of Law, and a representative of the Public Defender Agency. The maximum bail  
22 amount may not exceed \$1,000, and the issuing officer shall write on the citation the  
23 amount of bail applicable to the violation.

24 \* Sec. 39. AS 04.16.205(d) is amended to read:

25 (d) Community work shall be performed at the direction of the local governing  
26 body of the municipality or the local governing body of the established village. In the  
27 absence of a local governing body for an established village, community work  
28 shall be performed at the direction of the body that has traditionally performed  
29 public functions on behalf of the entire community. The value of community work  
30 in lieu of a fine is \$5.00 per hour. When the community work is completed, the  
31 person cited for the violation shall mail or personally deliver to the clerk of the court

1 in which the citation is filed by the peace officer

2 (1) a form, prescribed by the administrative director of the Alaska  
3 Court System, indicating completion of the community work; and

4 (2) a copy of the citation, indicating that the right to an appearance is  
5 waived, a plea of no contest is entered, and that the bail is forfeited or community  
6 work has been performed and that all alcoholic beverages seized are forfeited.

7 \* Sec. 40. AS 04.16.205(g) is amended to read:

8 (g) Notwithstanding other provisions of law, if a person cited for a violation  
9 of AS 04.11.501 [AS 04.11.498] or an ordinance adopted under AS 04.11.501  
10 [AS 04.11.498] for which a bail amount has been established under (c) of this section  
11 appears in court and is found guilty, the penalty that is imposed for the offense may  
12 not exceed the bail amount for that offense established under (c) of this section.

13 \* Sec. 41. AS 04.16.205(h) is amended to read:

14 (h) A violation of AS 04.11.501 [AS 04.11.498] or an ordinance adopted under  
15 AS 04.11.501 [AS 04.11.498] may not be considered a criminal offense and may not  
16 result in imprisonment, nor is a fine imposed for a violation considered criminal  
17 punishment. A person cited for a violation does not have a right to a jury trial or  
18 court appointed counsel.

19 \* Sec. 42. AS 04.16.220(a) is amended to read:

20 (a) The following are subject to forfeiture:

21 (1) alcoholic beverages manufactured, sold, offered for sale or  
22 possessed for sale, bartered or exchanged for goods and services in this state in  
23 violation of AS 04.11.010; alcoholic beverages possessed, stocked, warehoused, or  
24 otherwise stored in violation of AS 04.21.060; alcoholic beverages sold, or offered for  
25 sale in violation [IN AN AREA WHERE THE RESULTS] of a local option adopted  
26 under AS 04.11.491 [ELECTION HAVE, UNDER AS 04.11.490 - 04.11.500,  
27 PROHIBITED THE POSSESSION OF ALCOHOLIC BEVERAGES OR  
28 PROHIBITED THE BOARD FROM ISSUING, RENEWING, OR TRANSFERRING  
29 ONE OR MORE LICENSES OR PERMITS UNDER THIS TITLE IN THE AREA];  
30 alcoholic beverages transported into the state and sold to persons not licensed under  
31 this chapter in violation of AS 04.16.170(b);

1 (2) materials and equipment used in the manufacture, sale, offering for  
2 sale, possession for sale, barter or exchange of alcoholic beverages for goods and  
3 services in this state in violation of AS 04.11.010; materials and equipment used in the  
4 stocking, warehousing, or storage of alcoholic beverages in violation of AS 04.21.060;  
5 materials and equipment used in the sale or offering for sale of an alcoholic beverage  
6 in an area in violation [WHERE THE RESULTS] of a local option adopted under  
7 AS 04.11.491 [ELECTION HAVE, UNDER AS 04.11.490 - 04.11.500, PROHIBITED  
8 THE BOARD FROM ISSUING, RENEWING, OR TRANSFERRING ONE OR  
9 MORE LICENSES OR PERMITS UNDER THIS TITLE IN THE AREA];

10 (3) aircraft, vehicles, or vessels used to transport, or facilitate the  
11 transportation of

12 (A) alcoholic beverages manufactured, sold, offered for sale or  
13 possessed for sale, bartered or exchanged for goods and services in this state  
14 in violation of AS 04.11.010;

15 (B) property stocked, warehoused, or otherwise stored in  
16 violation of AS 04.21.060;

17 (C) alcoholic beverages imported into a municipality or  
18 established village in violation of AS 04.11.499 [AS 04.11.496];

19 (4) alcoholic beverages found on licensed premises that do not bear  
20 federal excise stamps if excise stamps are required under federal law;

21 (5) alcoholic beverages, materials or equipment used in violation of  
22 AS 04.16.175.

23 \* Sec. 43. AS 04.16.220(b) is amended to read:

24 (b) Property subject to forfeiture under this section may be actually or  
25 constructively seized under an order issued by the superior court upon a showing of  
26 probable cause that the property is subject to forfeiture under this section. Constructive  
27 seizure is effected upon posting a signed notice of seizure on the item to be forfeited,  
28 stating the violation and the date and place of seizure. Seizure without a court order  
29 may be made if

30 (1) the seizure is incident to a valid arrest or search;

31 (2) the property subject to seizure is the subject of a prior judgment in

1 favor of the state; or

2 (3) there is probable cause to believe that the property is subject to  
3 forfeiture under (a) of this section; except for alcoholic beverages possessed on  
4 violation of AS 04.11.501 [AS 04.11.498] or an ordinance adopted under AS 04.11.501  
5 [AS 04.11.498], property seized under this paragraph may not be held over 48 hours  
6 or until an order of forfeiture is issued by the court, whichever is earlier.

7 \* Sec. 44. AS 04.16.220(d) is amended to read:

8 (d) Property subject to forfeiture under (a) of this section may be forfeited

9 (1) upon conviction of a person for a violation of [UNDER]  
10 AS 04.11.010, 04.11.499, [04.11.496(b), OR] AS 04.21.060, or AS 04.11.501 [UPON  
11 ENTRY OF JUDGMENT UNDER AS 04.11.498] or an ordinance adopted under  
12 AS 04.11.501 [AS 04.11.498]; or

13 (2) upon judgment by the superior court in a proceeding in rem that the  
14 property was used in a manner subjecting it to forfeiture under (a) of this section.

15 \* Sec. 45. AS 04.16.220(g) is amended to read:

16 (g) it is no defense in an in rem forfeiture proceeding brought under (d)(2) of  
17 this section that a criminal proceeding is pending or has resulted in conviction or  
18 acquittal of a person charged with violating AS 04.11.010, 04.11.499 [04.11.496(b)],  
19 or AS 04.21.060.

20 \* Sec. 46. AS 04.16.220(h) is amended to read:

21 (h) Alcoholic beverages forfeited under (d) of this section shall be placed in  
22 the custody of a peace officer of the state and destroyed no later than 30 days after  
23 forfeiture. All other property forfeited under this section shall be placed in the custody  
24 of the commissioner of public safety for disposition according to an order entered by  
25 the court. The court shall order destroyed any property forfeited under this section that  
26 is harmful to the public and shall order any property forfeited under this section  
27 that was seized in a municipality to be transferred to the municipality in which  
28 the property was seized. Other property shall be ordered sold and the proceeds used  
29 for payment of expenses of the proceedings for forfeiture and sale, including expenses  
30 of seizure, custody, and court costs. The remainder of the proceeds shall be deposited  
31 in the general fund.

1 \* Sec. 47. AS 04.21.010(a) is amended to read:

2 (a) A municipality may adopt ordinances governing the importation, barter,  
3 sale, and consumption of alcoholic beverages within the municipality and may ban  
4 possession of alcoholic beverages under AS 04.11.491(a)(5) [AS 04.11.498(d) OR (e)].  
5 An ordinance adopted under this section may not be inconsistent with this title or  
6 regulations adopted under this title. In a municipality that has adopted a local  
7 option under AS 04.11.491(a)(1), (2), or (3), an ordinance is not inconsistent with  
8 this title if it limits

9 (1) the monthly amounts of alcoholic beverages a person may  
10 import into the municipality;

11 (2) the percent of alcohol by volume that an alcoholic beverage may  
12 contain; a limit imposed under this paragraph may not be less than 40 nor more  
13 than 76 percent alcohol by volume; or

14 (3) the type of alcoholic beverage container that may be possessed  
15 in the municipality.

16 \* Sec. 48. AS 04.21.010(b) is amended to read:

17 (b) After the adoption of a local option under AS 04.11.491(a), a [IF, AS A  
18 RESULT OF AN ELECTION HELD IN ACCORDANCE WITH AS 04.11.502 IN A  
19 MUNICIPALITY, THE BOARD IS PROHIBITED FROM ISSUING, RENEWING,  
20 OR TRANSFERRING A LICENSE BETWEEN HOLDERS OR LOCATIONS OR IF  
21 THE IMPORTATION OF ALCOHOLIC BEVERAGES IS PROHIBITED IN THE  
22 MUNICIPALITY, THE] municipality may adopt an ordinance making the sale, [OR]  
23 importation, or possession of alcoholic beverages a misdemeanor to the extent  
24 prohibited under the local option. The ordinance may not be inconsistent with this  
25 title or the regulations adopted under this title.

26 \* Sec. 49. AS 04.21.010(c) is amended to read:

27 (c) A municipality may not impose taxes on alcoholic beverages except a

28 (1) property tax on alcoholic beverage inventories;

29 (2) sales tax on alcoholic beverage sales if sales taxes are imposed on  
30 other sales within the municipality;

31 (3) sales tax on alcoholic beverage sales that was in effect before

1 July 1, 1985; and

2 ( sales and use tax on alcoholic beverages if the sale of alcoholic  
3 beverages within the municipality has been prohibited under AS 04.11.491(a)(1), (4),  
4 or (5) [AS 04.11.490].

5 \* Sec. 50. AS 04.21.015(b) is amended to read:

6 (b) This section does not apply to AS 04.16.050, 04.16.051, 04.16.080;  
7 AS 04.21.010, 04.21.020; alcoholic beverages manufactured in a quantity that exceeds  
8 the limit imposed on private manufacture under federal law; or an area that has  
9 adopted a local option law under AS 04.11.491 [AS 04.11.490 - 04.11.500].

10 \* Sec. 51. AS 04.21.025(a) is amended to read:

11 (a) As a condition of issuance or renewal of a license and selling alcoholic  
12 beverages under a license, the board shall require a licensee who sells or serves  
13 alcoholic beverages and a licensee's agents and employees who sell or serve alcoholic  
14 beverages or check the identification of a patron to complete an alcohol server  
15 education course approved by the board, if the license is for a

- 16 (1) beverage dispensary;  
17 (2) restaurant or eating place;  
18 (3) club;  
19 (4) package store;  
20 (5) [COMMON CARRIER DISPENSARY;  
21 (6)] recreational site;  
22 (6) [(7) COMMUNITY;  
23 (8)] pub;  
24 (7) [(9)] conditional contractor.

25 \* Sec. 52. AS 04.21.025 is amended by adding a new subsection to read:

26 (c) A person licensed as a common carrier dispensary shall train agents and  
27 employees who sell or serve alcoholic beverages or who check the identification of a  
28 patron on provisions of state law regarding sale of alcoholic beverages, including  
29 AS 04.16.015, 04.16.020, 04.16.030, 04.16.051, 04.16.052, 04.16.120, 04.16.125,  
30 AS 04.21.030, and 04.21.050. The training must include the subjects of the effects of  
31 alcohol consumption, identifying a drunken person, determining valid identification,

1 intervention to prevent unlawful alcohol consumption, and penalties for unlawful acts  
2 by agents and employees of licensees. A common carrier licensee shall, once every  
3 three years, provide the board with a description of its training program including the  
4 subjects taught, teaching method, and testing required.

5 \* Sec. 53. AS 04.21.065(a) is amended to read:

6 (a) A holder of one of the following types of licenses or permits shall post on  
7 the licensed or designated premises two separate warning signs as described in (b) of  
8 this section:

- 9 (1) beverage dispensary license;
- 10 (2) restaurant or eating place license;
- 11 (3) club license;
- 12 (4) brewery license; this paragraph applies only to a brewery that  
13 permits a person to sample portions of the brewery's product;
- 14 (5) package store license;
- 15 (6) common carrier dispensary license;
- 16 (7) recreational site license;
- 17 (8) [COMMUNITY LIQUOR LICENSE;
- 18 (9)] pub license;
- 19 (9) [(10)] winery license; this paragraph applies only to a winery that  
20 permits a person to sample portions of the winery's product;
- 21 (10) [(11)] caterer's permit;
- 22 (11) [(12)] special events permit;
- 23 (12) [(13)] conditional contractor's permit;
- 24 (13) [(14)] another license or permit issued by the board authorizing  
25 consumption of alcoholic beverages.

26 \* Sec. 54. AS 04.21.080(b)(1) is amended to read:

27 (1) "alcoholic beverage" means a spirituous, vinous, malt, or other  
28 fermented or distilled liquid, whatever the origin, that is intended for human  
29 consumption as a beverage and that contains one-half of one percent or more of  
30 alcohol by volume, whether produced commercially or privately; however, in an area  
31 that has adopted a local option under AS 04.11.491 [LOCAL-OPTION

1 PROHIBITION UNDER AS 04.11.490 - 04.11.500], "alcoholic beverage" means a  
2 spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that  
3 is intended for human consumption as a beverage by the person who possesses or  
4 attempts to possess it and that contains alcohol in any amount if the liquid is  
5 produced privately, or that contains one-half of one percent or more of alcohol by  
6 volume, if the liquid is produced commercially;

7 \* Sec. 55. AS 04.21.080(b)(9) is amended to read:

8 (9) "established village" means an area that does not contain any  
9 part of an incorporated city or another established village and that is

10 (A) an unincorporated community that is in the unorganized  
11 borough and that has 25 or more permanent residents; or

12 (B) an unincorporated community that is in an organized  
13 borough, has 25 or more permanent residents, and

14 (i) is on a road system and is located more than 50  
15 miles outside the boundary limits of a unified municipality, or

16 (ii) is not on a road system and is located more than 15  
17 miles outside the boundary limits of a unified municipality;

18 \* Sec. 56. AS 15.07.064(g) is amended to read:

19 (g) In this section, "established village" means an unincorporated  
20 community that is in

21 (A) the unorganized borough and that has 25 or more  
22 permanent residents; or

23 (B) an organized borough, has 25 or more permanent  
24 residents, and

25 (i) is on a road system and is located more than 50  
26 miles outside the boundary limits of a unified municipality, or

27 (ii) is not on a road system and is located more than  
28 15 miles outside the boundary limits of a unified municipality  
29 [HAS THE MEANING GIVEN IN AS 04.21.080].

30 \* Sec. 57. AS 18.65.085(a) is amended to read:

31 (a) There is established in the Department of Public Safety, division of state

1 troopers, a narcotic drugs and alcohol enforcement unit for the purpose of investigating  
2 and combating the illicit sale and distribution of narcotic drugs and alcoholic beverages  
3 in the state. Enforcement of the alcoholic beverage control laws shall focus primarily  
4 on the investigation, apprehension, and conviction of persons who violate  
5 AS 04.11.010 by selling, importing, or possessing alcoholic beverages in violation of  
6 a local option [AN ORDINANCE] adopted by a municipality or established village  
7 under AS 04.11.491 [AS 04.11.490 - 04.11.500].

8 \* Sec. 58. AS 18.65.085(c) is amended to read:

9 (c) The Department of Public Safety may establish and administer a reward  
10 program, and provide grants to municipalities, established villages, and, at the request  
11 of a municipality or established village, to a nonprofit association that administers a  
12 village public safety officer program, for reward programs leading to the apprehension  
13 and conviction of persons who violate AS 04.11.010 by selling, importing, or  
14 possessing alcoholic beverages in violation of a local option [AN ORDINANCE]  
15 adopted by a municipality or established village under AS 04.11.491 [AS 04.11.490  
16 - 04.11.500].

17 \* Sec. 59. AS 29.20.270(e) is amended to read:

18 (e) The veto does not extend to an ordinance adopted under AS 04.11.501  
19 [AS 04.11.498]. This subsection applies to home rule and general law municipalities.

20 \* Sec. 60. AS 29.25.020(d) is amended to read:

21 (d) This section does not apply to an ordinance proposed under  
22 AS 04.11.507(d) [AS 04.11.502(e)].

23 \* Sec. 61. AS 29.25.070(d) is amended to read:

24 (d) This section does not apply to an ordinance adopted under AS 04.11.501(e)  
25 [AS 04.11.498(d) OR (e)].

26 \* Sec. 62. AS 29.35.080(a) is amended to read:

27 (a) A municipality may regulate the possession, barter, sale, importation, and  
28 consumption of alcoholic beverages under AS 04.11.480 - 04.11.509 [IN  
29 ACCORDANCE WITH AS 04.11.480 - 04.11.506] and AS 04.21.010.

30 \* Sec. 63. AS 34.03.360(6) is amended to read:

31 (6) "illegal activity involving alcoholic beverages" means a person's

1 delivery of an alcoholic beverage in violation of AS 04.11.010(b) in an area where the  
2 results of a local option election have, under AS 04.11.491 [AS 04.11.490 -  
3 04.11.500], prohibited the Alcoholic Beverage Control Board from issuing, renewing,  
4 or transferring a liquor license or permit under AS 04;

5 \* Sec. 64. AS 47.37.045(e) is amended to read:

6 (c) In this section,

7 (1) "established village" means an unincorporated community that  
8 is in

9 (A) the unorganized borough and that has 25 or more  
10 permanent residents; or

11 (B) an organized borough, has 25 or more permanent  
12 residents, and

13 (i) is on a road system and is located more than 50  
14 miles outside the boundary limits of a unified municipality, or

15 (ii) is not on a road system and is located more than  
16 15 miles outside the boundary limits of a unified municipality  
17 [HAS THE MEANING GIVEN IN AS 04.21.080(b)];

18 (2) "local governing body" has the meaning given in AS 04.21.080(b);

19 (3) "nonprofit organization" means an organization that qualifies for  
20 exemption from taxation under 26 U.S.C. 501(c)(3) or (4) (Internal Revenue Code).

21 \* Sec. 65. AS 04.11.090(c), 04.11.190, 04.11.490, 04.11.492, 04.11.496, 04.11.498,  
22 04.11.500, 04.11.502, 04.11.504, 04.11.506, and 04.11.510(d) are repealed.

23 \* Sec. 66. TRANSITION: LOCAL OPTIONS EARLIER ADOPTED. Notwithstanding  
24 the provisions of this Act, local options adopted by an area under AS 04.11.490, 04.11.492,  
25 04.11.496, 04.11.498, or 04.11.500 or previous local option laws before the effective date of  
26 this Act shall continue in effect until changed under AS 04.11.493 or removed under  
27 AS 04.11.495. References in this Act to local option elections conducted under AS 04.11.491,  
28 04.11.493, 04.11.495, 04.11.497, 04.11.499, 04.11.501, 04.11.503, 04.11.505, and 04.11.507  
29 are to be interpreted to include local option elections conducted under AS 04.11.490,  
30 04.11.492, 04.11.496, 04.11.498, 04.11.500, or 04.11.502 or previous local option laws in  
31 effect before the effective date of this Act.

1 \* Sec. 67. TRANSITION: EXISTING LOCAL OPTION PETITIONS. A petition to adopt  
2 or remove a local option on file with a municipality or the lieutenant governor on the effective  
3 date of this section that has not been voted on is void and may not be placed on an election  
4 ballot.

5 \* Sec. 68. TRANSITION: COMMUNITY LIQUOR LICENSES. A community liquor  
6 license issued under AS 04.11.190 before the effective date of this Act to operate a beverage  
7 dispensary shall continue as a beverage dispensary license under AS 04.11.090. A community  
8 liquor license issued under AS 04.11.190 before the effective date of this Act to operate a  
9 package store shall continue as a package store license under AS 04.11.150.

10 \* Sec. 69. TRANSITION. A person licensed under AS 04.11.160 on the effective date of  
11 this section shall submit the information required under AS 04.11.160(f), added by sec. 9 of  
12 this Act, by September 30, 1995.

13 \* Sec. 70. TRANSITION: IMPLEMENTATION OF BIENNIAL SEASONAL LICENSES.

14 (a) Approximately one-half of the applicants for 1996 renewal of a seasonal license issued  
15 by the Alcoholic Beverage Control Board, as determined by the director of the Alcoholic  
16 Beverage Control Board, shall be eligible for a one-year seasonal license. These licenses  
17 expire, unless renewed, on December 31, 1996, and may be renewed biennially in even-  
18 numbered years after that. The 1996 renewal fee for these licenses is one-half of the seasonal  
19 biennial license fee.

20 (b) Applicants whose licenses are not renewed under (a) of this section shall be  
21 eligible for a two-year seasonal license. These licenses expire, unless renewed, on  
22 December 31, 1997, and may be renewed biennially in odd-numbered years.

23 (c) The director shall notify each licensee in writing as to whether the licensee shall  
24 apply for renewal under (a) or (b) of this section, and of the actual amount of the renewal fee.  
25 The notice must be given not later than December 1, 1995. However, the failure of the  
26 director to provide the notice required in this subsection does not prevent a license from  
27 expiring on February 28, 1996, under AS 04.11.540, if the renewal application is not filed on  
28 or before that date.

29 \* Sec. 71. TRANSITION: REGULATIONS. Notwithstanding sec. 75 of this Act, the  
30 Alcoholic Beverage Control Board may proceed to adopt regulations necessary to implement  
31 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not

1 before July 1, 1995.

2 \* Sec. 72. PROHIBITION ON PURCHASE OR CERTAIN ALCOHOLIC BEVERAGES.

3 Beginning July 1, 1995, and ending June 30, 1996, a person licensed as a wholesaler under  
4 AS 04.11.160 may not purchase an alcoholic beverage that contains more than 76 percent  
5 alcohol by volume.

6 \* Sec. 73. Section 71 of this Act takes effect immediately under AS 01.10.070(c).

7 \* Sec. 74. AS 04.16.110(2), enacted in sec. 31 of this Act, takes effect July 1, 1996.

8 \* Sec. 75. Except as provided in secs. 71 and 74 of this Act, this Act takes effect July 1,  
9 1995.

4/25/95 Copy for 4/1/95

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSB 87 (FIN)

Revision Date: 4/24/95 Dept. Affected: Revenue  
 Title: Alcoholic Beverages: Local BRU: Alcoholic Beverage Control Board  
 Option and Misc. \_\_\_\_\_ Component: \_\_\_\_\_  
 Sponsor: Senate Judiciary  
 Requester: House C & RA COMPONENT SERIAL NO. 0100

### Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts (approx.)	5.0	5.0	5.0	5.0	5.0	5.0
1006 GF/MI ITIA						
Other						
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

### POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

### ANALYSIS: (Attach a separate page if necessary)

Possible increase in revenue from 1) increase to penalty for filing late applications for renewal of license in Section 13, Page 7 and 2) fee collected from wholesale licensees for registration of brands in Section 11, Page 5.

Prepared by: Patrick L. Sharrock, Director Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 4/24/95  
 Approved by: \_\_\_\_\_ Date: 4/24/95  
 Commissioner: Deborah Vort  
 Agency: Revenue

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A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 87(JUD)

BY SENATOR DONLEY

1 Page 13. after line 7:

2 Insert a new bill section to read:

3 **\*\* Sec. 17.** AS 04.11.370 is amended by adding a new subsection to read:

4 (b) If the board finds that a licensee or permittee has been convicted of a  
5 violation of a criminal law related to gambling under AS 11.66.200 - 11.66.280 ~~or the~~  
6 ~~board receives notice from the Department of Revenue that a licensee or permittee has~~  
7 ~~violated a provision of AS 05.15 related to gambling,~~ the board shall suspend the  
8 license or permit for a period of at least 12 months if the offense is the person's first  
9 conviction or violation and shall revoke the license or permit if the offense is the  
10 person's second conviction or violation."

11 Renumber the following bill sections accordingly.

12 Page 32. after line 17:

13 Insert a new bill section to read:

14 **\*\* Sec. 57.** AS 05.15 is amended by adding a new section to article 1 to read:

15 Sec. 05.15.097. NOTICE TO THE ALCOHOLIC BEVERAGE CONTROL  
16 BOARD. If, after notice and hearing, the department determines that a person has  
17 violated a provision of this chapter related to gambling and the person is a licensee  
18 or permittee under AS 04, the department shall provide notice of the violation to the  
19 Alcoholic Beverage Control Board."

20 Renumber the following bill sections accordingly.

21 Page 35. line 29:

SENATE FINANCE  
COMMITTEE

Amendment Number: 1

Bill Number: SB 87

Sponsor: Donley Date: 4/10/95

Logged In By: [Signature]

1 Delete "sec. 75"

2 Insert "sec. 77"

3 Page 36. line 6:

4 Delete "Section 71"

5 Insert "Section 73"

6 Page 36, line 7:

7 Delete "sec. 31"

8 Insert "sec. 32"

9 Page 36. line 8:

10 Delete "secs. 71 and 74"

11 Insert "secs. 73 and 76"

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 87(JUD)

BY SENATOR DONLEY

1 Page 1, line 2, after "beverages":

2 Insert "prohibiting persons from being on premises involving alcoholic beverages  
3 under certain circumstances:"

4 Page 22, after line 25:

5 Insert a new bill section to read:

6 \*\* Sec. 30. AS 04.16 is amended by adding a new section to read:

7 Sec. 04.16.025. ILLEGAL PRESENCE ON PREMISES INVOLVING  
8 ALCOHOLIC BEVERAGES. (1) A person may not knowingly enter or remain on  
9 premises

10 1) in which alcoholic beverages are manufactured, sold, offered for  
11 sale, possessed for sale or barter, trafficked in, or bartered in violation of

12 (A) AS 04.11.010; or

13 (B) a municipal ordinance adopted under AS 04.21.010(a) or  
14 (b); or

15 (2) licensed under this title during hours in which the person's presence  
16 on the premises is a violation of a municipal ordinance adopted under authority of  
17 AS 04.16.010(d) providing for hours of closure that are outside the hours of closure  
18 prescribed by AS 04.16.010(c).

19 (b) A person who violates this section is guilty of a violation."

20 Renumber the following bill sections accordingly.

21 Page 24, after line 3:

22 Insert a new bill section to read:

SENATE FINANCE  
COMMITTEE

Amendment Number: 2

Bill Number: 5387

Sponsor: Donley Date: 4/10/95

Logged In By: [Signature]

1     \*\* Sec. 35. AS 04.16.180(a) is amended to read:

2             (a) Except as provided in AS 04.11.015, AS 04.16.025, 04.16.051  
3     [AS 04.16.051], 04.16.200 - 04.16.210, and AS 04.21.065, a person who violates a  
4     provision of this title or a regulation adopted by the board is guilty, upon conviction,  
5     of a class A misdemeanor. Each violation is a separate offense."

6     Renumber the following bill sections accordingly.

7     Page 35, line 29:

8             Delete "sec. 75"

9             Insert "sec. 77"

10    Page 36, line 6:

11            Delete "Section 71"

12            Insert "Section 73"

13    Page 36, line 7:

14            Delete "sec. 31"

15            Insert "sec. 32"

16    Page 36, line 8:

17            Delete "secs. 71 and 74"

18            Insert "secs. 73 and 76"

SENATE FINANCE  
COMMITTEE

Amendment Number: 3

Bill Number: SB 87

Sponsor: Donley Date: 4/10/95

Logged In By: [Signature]

AMENDMENT

9-LS0673\K.10

Ford

4/10/95

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: CSSB 87(JUD)

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

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

3 Page 1, following line 5:

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  
7 consists of five members appointed by the governor and confirmed by a majority of  
8 the members of the legislature in joint session. A member of the board may not hold  
9 any other state or federal office, either elective or appointive. Two members of the  
10 board shall be persons actively engaged in the alcoholic beverage industry, except that  
11 no 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 three members of  
14 the board shall represent the general public. A board member representing the  
15 general public or an immediate family member of a board member representing  
16 the general public may not be engaged in any aspect of the alcoholic beverage  
17 industry. A person who is employed in a program providing alcohol or  
18 substance abuse counseling or related services is not considered to be engaged in  
19 the alcoholic beverage industry. In this section, "immediate family member"  
20 means a spouse, child, or parent.

21 \* Sec. 2. AS 04.06.060 is amended to read:

22 Sec. 04.06.060. QUORUM AND MAJORITY. Three members of the board  
23 constitute a quorum for the conduct of business, except that at least two members  
24 of a quorum must be members who represent the general public and a majority

1 of the whole membership of the board must approve all applications for new licenses,  
 2 and all renewals, transfers, suspensions, and revocations of existing licenses. If a  
 3 majority of the board is present and voting, the director, with the consent of the  
 4 members present, may cast a tie-breaking vote."

5  
 6 Page 1, line 6:

7 Delete "Section 1."

8 Insert "Sec. 3."

9 Renumber the following bill sections accordingly.

10 Page 35, line 11:

11 Delete "sec. 9"

12 Insert "sec. 11"

13 Page 35, line 29:

14 Delete "sec. 75"

15 Insert "sec. 78"

16 Page 36, after line 5:

17 Insert a new bill section to read:

18 **"\* Sec. 75. TRANSITION: BOARD MEMBERS.** The provisions of secs. 1 and 2 of this  
 19 Act do not apply to a person who is serving as a member of the Alcoholic Beverage Control  
 20 Board on the effective date of this Act."

21 Renumber the following bill sections accordingly.

22 Page 36, line 6:

23 Delete "Section 71"

24 Insert "Section 73"

25 Page 36, line 7:

1 Delete "sec. 31"

2 Insert "sec. 33"

3 Page 36, line 8:

4 Delete "secs. 71 and 74"

5 Insert "secs. 73 and 77"

*Fails* ~~*Adopted*~~ 4-11-95

9-LS0673VK.11  
Ford  
4/11/95

SENATE FINANCE  
COMMITTEE

Amendment Number: 4  
Bill Number: SB 87  
Sponsor: Donley Date: 4/11/95  
Logged In By: JPP

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 87(JUD)

BY SENATOR DONLEY

- 1 Page 14, line 22, following "application.":
- 2       Insert "A local advisory council, including a community council, established by
- 3 a local governing body for an area that includes, or an area with a boundary that is
- 4 within one-half mile of, the location of the proposed licensed premises may protest the
- 5 proposed action by sending a notice of the protest to the local governing body and to the
- 6 board. After a local advisory council has protested the proposed action, the board shall
- 7 deny the application or continued operation unless the local governing body approves
- 8 the proposed action by the affirmative vote of <sup>2/3</sup> ~~a~~ members of the local governing body."

SENATE FINANCE  
COMMITTEE  
Amendment Number: 5  
Bill Number: SB 87  
Sponsor: Sharp Date: 4/11/95  
Logged In By: JFR

A M E N D M E N T

CSSB-87(JUD)

Offered by: Senator Bert Sharp

Page 14, line 21

After the word within DELETE [30] ADD 60

Page 14, line 22

After the word application. ADD A protest received after the 60 day period may not be accepted by the Board and in no event may a protest cause the Board to reconsider an approved renewal, relocation or transfer.

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF REVENUE

550 W. F. H AVE.  
ANCHORAGE, ALASKA 99501-6098

### ALCOHOLIC BEVERAGE CONTROL BOARD

April 11, 1995

The Honorable Dave Donley  
Alaska State Senate  
State Capitol Room 11  
Juneau, Alaska 99801

Dear Senator Donley:

During the Senate Finance Committee hearing on SB 87 last week, you asked for information about enforcement of illegal gambling on licensed premises. I am enclosing a copy of a memo from the board's assistant attorney general, Teresa Williams. I hope the memo contains the information you requested.

If I can provide any clarification, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock  
Director

cc: Senator Rick Halford, Chairman  
Senate Finance Committee  
Senator Robin Taylor, Chairman  
Senate Judiciary Committee

95-037

# MEMORANDUM

State of Alaska  
Department of Law

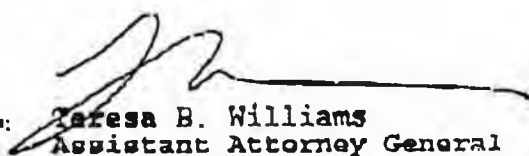
TO: Pat Sharrock, Director  
Alcoholic Beverage Control Board

DATE: April 7, 1995

FILE NO:  
9

TGL NO: 269-5203

SUBJECT: ABC BOARD REFERRALS  
TO AGO 7/1/90 TO PRESENT

FROM:   
Teresa B. Williams  
Assistant Attorney General  
Commercial Section -- Anchorage

At your request, I've put together a list of the cases your office has referred to mine from July 1, 1990 to the present. This list does not include those cases in which the licensee did not file a notice of defense after the board denied renewal of the license. Gambling cases are set out separately.

**Gambling Cases (ABC Bd sanctions in addition to criminal and gaming sanctions):**

American Legion Post #11 - (30 day suspension, \$5,000 fine - fine suspended for two years)  
American Legion Post #35 - (90 day suspension)  
Peninsula Moose Lodge -- (30 day suspension - reduced from longer stipulated suspension after contact from Rep. Phillips)  
VFW Post # 3629 - (30 day suspension and \$5,000 fine - fine suspended for two years)  
VFW Post 1685 - (90 day suspension)

**Other Cases:**

Asia House - operating as tavern (forced transfer)  
Big Al's Lodge - drunken bartender (forced transfer)  
Big D Bar - drunken persons (suspension)  
Chang d/b/a Ichiban - sale of liquor in restaurant (suspension)  
Copper Center Bar - drunken persons (pending)  
Crazy Horse - B girl (suspension)  
Cyrano's - insufficient menu (suspension / change of menu)  
Dan's Liquor - minor (nonrenewal)  
B & L Liquor - minor (suspension)  
Eddie's Frontier Club - drunken persons / prostitution (revocation)  
Egegik Liquor Store - drunken persons (conditions on renewal)  
Fudo's Chinese Restaurant - minor (suspension, conditions on license)  
G & L Riverside Inn - impact on community (non-renewal)