

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5869 HOUSE JUDICIARY

273

04.11.320

ALASKA STATUTES

ALCOHOLIC BEVERAGES

(3) the application has not been completed in accordance with AS 04.11.260;
(4) issuance of the license would violate the restrictions pertaining to the particular license imposed under this title;

(5) issuance of the license is prohibited under this title as a result of an election conducted in accordance with AS 04.11.502;

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

(7) the licensed premises are to be located in a municipality, the type of license sought is a beverage dispensary or package store license, and that type of license is already in effect in the municipality under a community liquor license, unless the new license is to become effective after the community liquor license is no longer effective, whether as the result of a local option election or otherwise;

(8) the authority sought is authority to operate a beverage dispensary or package store under a community liquor license for premises to be located in a municipality where the authority sought is already held by a private licensee under a beverage dispensary or package store license, unless the community liquor license is to become effective after the privately held license is no longer effective, whether as the result of a local option election or otherwise;

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

(10) the application contains false statements of material fact;

(11) the license is sought for the sale of alcoholic beverages in a first or second class city in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490, or have voted "yes" on a question set out in AS 04.11.492 or 04.11.500;

(12) the license is sought for the sale of alcoholic beverages in an established village in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490 or have voted "yes" on the question set out in AS 04.11.500.

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

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

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

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

(4) the permit is sought for the sale of alcoholic beverages in a first or second class city or established village in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490.

Sec. 04.11.330. Denial of license or permit renewal. (a) An application requesting renewal of a license shall be denied if

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

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

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

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

(5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning, ownership of the license, and financing of the licensee have not been met;

(6) renewal of the license would violate the restrictions pertaining to the particular license under this title;

(7) renewal of the license is prohibited under this title as a result of an election conducted in accordance with AS 04.11.502;

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

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

(b) An application for renewal of a license may be denied if the applicant is delinquent in the payment of taxes if the tax liability arises in whole or in part out of the licensed business.

(c) An application requesting renewal of a conditional contractor's permit shall be denied if

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

(2) the application has not been completed in accordance with AS 04.11.270.

(d) Notwithstanding (a)(3) of this section, a recreational site license issued under AS 04.11.210 may be renewed if the license was exercised at least once during the immediately preceding calendar year.

Sec. 04.11.340. Denial of request for relocation. An application requesting approval for the relocation of licensed premises shall be denied if

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

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

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

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

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

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

Senator John Binkley

Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985

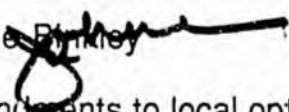


Finance Committee
Co-Chairman

MEMORANDUM

April 17, 1990

TO: Representative Dave Donley, Chairman
House Labor & Commerce Committee

FROM: Senator John Binkley 

RE: SB 297, amendments to local option statutes

The above-referenced bill has been referred to your committee. I'd like to take this opportunity to give you a synopsis of the legislation. A more complete sectional analysis is enclosed as well.

The most substantive change made to Title 4 by this bill is that all five local option questions are reworded and made more straight forward. I have heard from many people around the state who have been involved in some way with a local option election that the ballot questions are confusing, particularly to those people for whom English is a second language. Current statute also allows for more than one question to appear on a single ballot. This compounds the confusion of the question in a couple of ways. First, some questions allow for certain kinds of sale; other questions prohibit any kind of sale, importation or possession. The final outcome of an election in which opposing options were passed is unknown. SB 297 limits the local option ballots to one question per election.

The reworded questions also change the effect of a "yes" or "no" vote. Therefore, many of the changes in the bill are technical in nature, switching "yes" and "no" where needed throughout the statute.

The bill also would allow an established village where the Division of Elections was running the election to request that the ballots be printed in the resident's Native language in certain circumstances. We anticipate that the Division will, through the regulatory process, go ahead and prepare these ballot questions in the languages where local options are more commonly held. Municipalities may already prepare the ballots in other languages. However, the bill does contain a provision which clarifies this point.

The bill also requires that package store licensees notify the ABC Board of their intent to sell alcohol by mail. This consists of a box on the license renewal or application form which the licensee simply checks. Whenever there is a local option election in which an option is adopted, the Board will send notice only to those

licensees who are selling by mail, rather than the current requirement of sending notification to every package store licensee in the state.

Finally, the bill clarifies that possession of products designed solely for brewing alcohol is not allowed by people under 21 or in a local option area. I've attached for your reference an advertisement of a product called a "brewsack." You just add water and the yeast which is provided and wait two weeks then bingo! You have 20 pints of beer.

I would appreciate your scheduling of this bill at the earliest convenience. Please let Janice Adair in my office (4985) know when that will be. Thank you.

Senator John Binkley

Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985

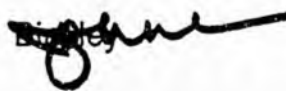


Finance Committee
Co-Chairman

MEMORANDUM

April 17, 1990

TO: Members, House Labor & Commerce Committee

FROM: Senator John Binkley 

RE: Sectional Analysis of CSSB 297 (Finance),
Local Option Amendments to Title 04

Section One. This section would require ABC Board authorization before a package store can sell in response to a written order and that authorization is only good for only year at a time. Whenever there is a local option adopted by a community, the board is required to notify all holders of a package store license of the election. This section ties in with section 26 which limits the notification only to those package store licensees which told the board of their intent to sell by mail. The Board has revised its license renewal forms so that those package store licensees who want to sell by mail need only check a box.

Section Two. This would bring the amount of distilled spirits that can be sent by mail order to an area with restricted sales into compliance with the presumption provision. There was an amendment to SB 371 on the floor of the House at the end of the 1988 session which increased the mail order amount to 18 liters but the presumption amount was not changed. This would drop it back down to 12.

There have been a number of problems with people understanding the effects of a local option election. This bill attempts to assist the local governing bodies and the Division of Elections by simplifying the ballot language and requiring certain explanations. Many of the changes in this bill are technical in nature resulting from the changes made to the ballot language. It was necessary to change the effect of a "yes" vote and of a "no" vote.

Section Three. This clarifies that on a vote for a community liquor license, only one type of license may be voted on in any one election.

Section Four. A technical change switching the effects of a "yes" vote and a "no" vote on the question of allowing the sale of alcoholic beverages.

Section Five. This changes the wording of the local option ballot for the prohibition of liquor sales to read "Shall the sale of alcoholic beverages be allowed in

the city of *Bethel*?" It also makes another technical change to the effects of a "yes" or "no" vote.

Section Six. This changes the wording of the local option ballot for a community liquor license election and makes technical changes so that only one type of community liquor license may be voted on in any one election as in Section Three, above. The questions would read: "Shall alcoholic beverages be sold in the city of Bethel only by a bar operated by the city of *Bethel*?" or "Shall alcoholic beverages be sold in the city of Bethel only by a liquor store operated by the city of *Bethel*?" The current language is attached.

Sections Seven and Eight. Both of these sections make technical changes to provisions regarding community liquor licenses which reflect the changes in Section Three, above which limits a vote on a community liquor license to one type of license in any one election.

Section Nine. Adds the provision that an explanation must follow the community liquor license question which explains how alcohol may be sold by a bar which means "beverage dispensary license" and by a liquor store which means "package store license."

Section Ten. This changes the wording of the local option ballot for banning the sale and importation of alcohol. The question would read "Shall the sale and importation of alcoholic beverages be allowed in the city of *Bethel*?" It also makes technical changes to the effects of a "yes" or "no" vote.

Section Eleven. This changes the wording of the local option ballot for banning the possession of alcohol to read "Shall the possession of alcoholic beverages be allowed in *Bethel*?" It also makes technical changes to the effects of a "yes" or "no" vote.

Sections Twelve. These section make additional technical changes to the effects of a "yes" or "no" vote on the question of allowing the sale and importation of alcohol in an established village.

Section Thirteen. This change will allow the ban on possession to take effect 60 days following certification of the election **IF** there are no licensed premises in the established village. If there is a licensed premises, then the effective date remains 90 days after certification of the election. It also includes a technical change to the effects of a "yes" or "no" vote.

Sections Fourteen and Fifteen. Makes the same changes as Sections 12 and 13, above as they relate to municipalities.

Section Sixteen. This is a technical change to the effects of a "yes" or "no" vote on sale and importation.

Section Seventeen. This changes the wording of the local option ballot which would allow the sales of alcohol only by selected licensees and specifies that only one kind of license can be voted on at a time. It would read "Shall alcoholic beverages be sold in the city of *Bethel* only by (bar) (liquor store) (restaurant)?" A copy of an actual ballot from the city of Bethel asking this question as it is currently required to be stated is attached.

Sections Eighteen and Nineteen. These are technical changes relating to the clarification that on a vote for selected liquor license, only one type of license may be voted on in any one election.

Section Twenty. This section relates to selected licensee elections (Section 17, above) and is one of the more confusing parts of the bill. It requires some background information.

Under current law at AS 04.11.320(12), the ABC Board may not issue a license in an established village where there is no licensed premises UNLESS there has first been a local option election on either prohibiting sales and the vote was no OR on the question of a selected licensee and the vote was YES.

Because the local option laws are complex, many villages which propose to have a vote on a selected licensee have not realized that voting NO on the type of licensee would not allow them to have another kind of licensee instead. A NO vote on this question when there is no licensed premises does not allow the Board to issue another kind of license.

Subparagraph (d) of this section would require the Lieutenant Governor's office (the Division of Elections) to make this known to the residents of a village which is going to have an election on one of these questions. The Division would have to post written notice of the requirements of AS 04.11.320 in two different public locations within the village. They already post notice of the election itself.

Subparagraph (e) would require the ballot give an explanation of the types of liquor sales allowed if the ballot were to pass.

Section Twenty-One. Deletes the reference to a "combination of questions" on a local option ballot for a municipality. This clarifies that only one question may be voted during an election.

It also provides that the local governing body may prepare the election ballots in English and a second language specified by the body. This does not give a municipality any additional powers but simply spells out in statute that they have this ability.

Section Twenty-Two. Makes the same deletion of "combination of questions" for established villages.

Section Twenty-Three. Makes the same deletion of "combination of questions" under the provisions in statute governing the petitions for a local option election.

Section Twenty-Four. This subsection would allow the governing body of an established village to request that the local option ballot be written in both English and another language. The request would have to be made to the Lt. Governor's office within 15 days of the filing of the petition in order to give his office time to prepare the ballots. However, it is envisioned that the ballot questions would be set out in regulation for those languages most common to the areas where the local option elections generally take place.

Section Twenty-Five. This makes technical changes to the effects of a "yes" or "no" vote on the questions of sale, sale and importation and possession.

Section Twenty-Six. This section makes technical changes to the effects of a "yes" or "no" vote. It also expands the notice requirements of a community that has adopted a local option. Under current law, if a community bans the sale and importation, it is required to post notice of the ban within the community. This section extends that notice requirement to the ban on possession.

It also includes a change in (b)(1) to the notice requirements for the ABC Board and ties into Section One, above. Under current law, the Board must send notice to every package store licensee by registered mail of the adoption of a ban on importation. This amendment would expand that notification to include the ban on possession. The Board would only have to send by certified mail a notice to those licensees authorized to sell in response to a written order.

Section Twenty-Seven. This clarifies what was probably an oversight in current statute. It provides that persons under 21 or persons within a local option area which has restricted the sale and importation or possession of alcohol may not possess products designed to brew or distill alcohol.

Section Twenty-Eight. In 1988, we passed SB 371 where it was required that alcohol being shipped into a community which had restricted the sale of alcohol be labeled and have an itemized invoice on the outside of the box. However, air carriers were not given any responsibility for checking to see if people were shipping alcohol. This section states that a carrier may not knowingly ship unlabeled alcohol.

In order to make that requirement workable, it was necessary to revise the itemized invoice requirement. The ABC Board had interpreted the language from last year as allowing only the licensee to prepare the invoice. This section will allow the purchaser to provide the invoice. This could be the sales receipt.

Section Twenty-Nine. This section makes the bill effective on July 1, 1990.

Sec. 04.11.130. Brewery license. (a) A brewery license authorizes the holder to operate a brewery where beer is manufactured and bottled or barreled for sale.

(b) The holder of a brewery license may sell beer in quantities of

(1) less than five gallons to an individual who is present on the licensed premises;

(2) more than five gallons to a person who is licensed under this title, or in another state or country.

(c) The holder of a brewery license may permit a person to sample small portions of the brewery's product free of charge unless prohibited by AS 04.16.030.

(d) The annual brewery license fee is \$500.

Sec. 04.11.135. Brewpub license. (a) A brewpub license authorizes the holder of a beverage dispensary license to

(1) manufacture on premises licensed under the beverage dispensary license not more than 16,000 gallons of beer in a calendary year; and

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

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

(c) The annual brewpub license fee is \$250.

Sec. 04.11.140. Winery license. (a) A winery license authorizes the holder to operate a winery where wine is manufactured and bottled or barreled for sale.

(b) The holder of a winery license may sell wine in quantities of

(1) less than five gallons to an individual who is present on the licensed premises;

(2) more than five gallons to a person who is licensed under this title, or in another state or country.

(c) The holder of a winery license may permit a person to sample small portions of the wine free of charge unless prohibited by AS 04.16.030.

(d) The annual winery license fee is \$250.

Sec. 04.11.150. Package store license. (a) Except as provided under (h) of this section, a package store license authorizes the holder to sell alcoholic beverages to a person in response to a verbal solicitation for purchase received from the person present on the licensed premises or in response to a written solicitation made by a person known to the licensee for a purchase to be received by the person making the solicitation.

(b) The annual package store license fee is \$750.

(c) The holder of a package store license may not sell alcoholic beverages unless any stamps required to be affixed to the package by state or federal law are intact on the packages.

(d) The consumption of alcoholic beverages on premises licensed under this section is prohibited.

(e) The business premises occupied by a holder of a package store license may not be connected by a door, opening, or other means of passage intended for the access of the general public to an adjacent retail business not licensed under this title, unless approved by the board.

(f) When the holder of a package store license is also a holder of a beverage dispensary license and the package store premises are contained within or are adjacent to the premises of the beverage dispensary and the only public entrance to the package store is by a door or other means within the premises of the beverage dispensary, the board shall determine if additional entrances to the package store are necessary for enforcement purposes, to meet health and fire safety standards, or for the convenience of the public.

(g) "Business premises" means that part of the licensed premises to which the public has access.

* (b) A package store licensee, agent, or employee may not ship more than eighteen liters of distilled spirits within a monthly period to a purchaser off the licensed premises if the shipment is to an area that has restricted the sale of alcoholic beverages under AS 04.11.490, 04.11.492, or 04.11.500.

(i) A package store licensee, agent, or employee may not divide or combine shipments of alcoholic beverages so as to circumvent the limitation imposed under (b) of this section.

Sec. 04.11.160. Wholesale licenses. (a) A general wholesale license authorizes the holder to sell alcoholic beverages in the original package, and wine in bulk, in quantities of not less than five gallons. A holder of a general wholesale license may not sell to a person not licensed under this title, except as provided in AS 04.21.040. A holder of a general wholesale license may not sell alcoholic beverages unless any stamps required to be affixed to the package by state or federal law are intact on the package. A wholesaler must obtain a general wholesale license for each distributing point. The annual general wholesale license fee is \$1,000 for the first \$100,000 of business transacted, payable at the time of making an original application or an application for renewal. In addition, the following annual fees shall be paid by a holder of a general wholesale license:

Business Transacted During Year	Fee
over \$100,000 and not over \$150,000	\$ 500
over \$150,000 and not over \$200,000	\$ 1,000
over \$200,000 and not over \$250,000	\$ 1,500
over \$250,000 and not over \$300,000	\$ 2,000
over \$300,000 and not over \$350,000	\$ 2,500
over \$350,000 and not over \$400,000	\$ 3,000
over \$400,000 and not over \$500,000	\$ 4,000
over \$500,000 and not over \$600,000	\$ 5,000
over \$600,000 and not over \$700,000	\$ 6,000
over \$700,000 and not over \$800,000	\$ 7,000
over \$800,000 and not over \$1,000,000	\$ 9,000
over \$1,000,000	\$ 10,000

ALASKA STATUTES

Sec. 04.11.492. Community liquor license; complete prohibition on sales. (a) The following question, appearing alone, may be placed before the voters of a municipality in accordance with AS 04.11.502: "Shall the sale of alcoholic beverages be prohibited in(name of municipality) unless sold by a(either a beverage dispensary or package store, or both, operated under a community liquor license)? (yes or no)."

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality, with the exception of a beverage dispensary or package store operated under a community liquor license held by the municipality. Licenses in effect are void 90 days after the results of the election are certified. A license that will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on a question set out in AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after a certification of the results of the election. The prohibitions imposed under (b) of this section on the issuance, renewal, or transfer of licenses between holders and locations as a result of the earlier election are removed 90 days after the results of the election are certified except insofar as those prohibitions are imposed in accordance with the results of the subsequent election.

Sec. 04.11.496. Prohibition of sale and importation of alcoholic beverages. (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 04.11.502: "Shall the sale and importation of alcoholic beverages be prohibited in(name of municipality or village)? (yes or no)."

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring an alcoholic beverage into the municipality or established village, unless the alcoholic beverage is sacramental wine to be used for bona fide religious purposes based on tenets or teachings of a church or religious body, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes by a person authorized by the church or religious body to dispense the sacramental wine. The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and within unincorporated areas within five miles of the

boundaries of (1)
Licenses that in
section are void
will expire durin
section are cert
payment of a pr

(c) If a m
section or vote
election conduc
the voters voted
on the importa
renewal, or tran
of the earlier el
(a) of this secti
certification of
be imposed in a

Sec. 04.11
following ques
municipality or
the possession o
or village)? (ye

(b) If a m
question set out
sale and importa
established vill
beginning on the
election, may n
village, unless t
purposes based
quantity to the a
religious purpo
authorized to di
certification of
transfer betwee
within the perin

(c) If a m
question set out
and importation
established vill
beginning 90 d
knowingly poss
person is licens
bona fide relig
body, is limited



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

CITY OF BETHEL
SAMPLE BALLOT

GENERAL ELECTION
-LOCAL OPTION-
OCTOBER 3, 1989

*Vote by placing an "X" in the square to the left of yes or no.

"SHALL THE SALE OF ALCOHOLIC BEVERAGES BE PROHIBITED IN
BETHEL, ALASKA, EXCEPT BY BEVERAGE DISPENSARY LICENSES &
RESTAURANT OR EATING PLACE LICENSES?"

_____ YES

_____ NO

Karole A. Kohl, Acting City Clerk
Posted: September 11, 1989

ALCOHOLIC BEVERAGES

(f) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on the questions set out in AS 04.11.492 or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the prohibition on the possession of alcoholic beverages is removed effective 90 days after the results of the election are certified except as those prohibitions continue to be imposed in accordance with the results of the subsequent election.

(g) For the purposes of this section, "possession" means having physical possession of or exercising dominion or control over alcoholic beverages, but does not include having alcoholic beverages within the digestive system of a person.

Sec. 04.11.500. Prohibition of the sale of alcoholic beverages except by selected licenses. (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 04.11.502: "Shall the sale of alcoholic beverages be prohibited in(name of municipality or village) except by(listing of the types of licenses which premises would be exempted from the prohibition on the sale of alcoholic beverages if the measure passes)? (yes or no)."

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village, except those types of licenses listed on the ballot. Licenses in effect within the boundaries of the municipality or perimeter of the established village, and in an unincorporated area outside of but within five miles of the boundaries of the municipality, except those types of licenses listed on the ballot, are void 90 days after the results of the election are certified. A license that will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

(c) If the majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on the questions set out in AS 04.11.490, 04.11.492, 04.11.496, or this section if different types of licenses are listed on the ballot in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election. Licenses in effect in the municipality, in the unincorporated area outside of but within five miles of the boundaries of the municipality or established village that were exempted from the prohibition on sale in accordance with the results of the earlier election are void 90 days after the results of the election are certified. Thereafter the board may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality or within the perimeter of an established village, or in an unincorporated area within five miles of the boundaries of the municipality, except a license that may be issued to a municipality or to one of the types of licenses listed on the ballot as a result of a majority of the voters voting "yes" on the question set out in AS 04.11.492 or this section, respectively. A license that will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

04.11.320

- (3) the application has not been completed in accordance with AS 04.11.260;
 - (4) issuance of the license would violate the restrictions pertaining to the particular license imposed under this title;
 - (5) issuance of the license is prohibited under this title as a result of an election conducted in accordance with AS 04.11.502;
 - (6) the requirements of AS 04.11.420 - 04.11.450 relating to zoning, ownership and location of the license, and the identity and financing of a licensee have not been met;
 - (7) the licensed premises are to be located in a municipality, the type of license sought is a beverage dispensary or package store license, and that type of license is already in effect in the municipality under a community liquor license, unless the new license is to become effective after the community liquor license is no longer effective, whether as the result of a local option election or otherwise;
 - (8) the authority sought is authority to operate a beverage dispensary or package store under a community liquor license for premises to be located in a municipality where the authority sought is already held by a private licensee under a beverage dispensary or package store license, unless the community liquor license is to become effective after the privately held license is no longer effective, whether as the result of a local option election or otherwise;
 - (9) issuance of the license is prohibited under AS 04.11.400(a) or prohibition of issuance of the license is found necessary under AS 04.11.400(b);
 - (10) the application contains false statements of material fact;
 - (11) the license is sought for the sale of alcoholic beverages in a first or second class city in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490, or have voted "yes" on a question set out in AS 04.11.492 or 04.11.500;
 - (12) the license is sought for the sale of alcoholic beverages in an established village in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490 or have voted "yes" on the question set out in AS 04.11.500.
- (b) An application requesting issuance of a new permit shall be denied if
- (1) the board finds, after review of all relevant information, that issuance of the permit would not be in the best interests of the public;
 - (2) the board finds that any of the statements made in the application are untrue;
 - (3) the application has not been completed in accordance with AS 04.11.260;
 - (4) the permit is sought for the sale of alcoholic beverages in a first or second class city or established village in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490.

Sec. 04.11.330. Denial of license or permit renewal. (a) An application requesting renewal of a license shall be denied if

- (1) the board finds, after review of all relevant information, that renewal of the license would not be in the best interests of the public;
- (2) the license has been revoked for any cause;
- (3) the applicant has not operated the licensed premises for at least 30 eight-hour days during the immediately preceding calendar year, unless the board determines that the licensed premises are under construction or cannot be operated through no fault of the applicant;
- (4) the board finds that issuance of an existing license under AS 04.11.400(g) has not encouraged tourist trade;
- (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning, ownership of the license, and financing of the licensee have not been met;
- (6) renewal of the license would violate the restrictions pertaining to the particular license under this title;
- (7) renewal of the license is prohibited under this title as a result of an election conducted in accordance with AS 04.11.502;
- (8) the application has not been completed in accordance with AS 04.11.270;
- (9) the license was issued under AS 04.11.400(j), and the board finds that the public convenience does not require renewal.

(b) An application for renewal of a license may be denied if the applicant is delinquent in the payment of taxes if the tax liability arises in whole or in part out of the licensed business.

(c) An application requesting renewal of a conditional contractor's permit shall be denied if

- (1) the board finds, after review of all relevant information, that issuance of the permit would not be in the best interests of the public;
 - (2) the application has not been completed in accordance with AS 04.11.270.
- (d) Notwithstanding (a)(3) of this section, a recreational site license issued under AS 04.11.210 may be renewed if the license was exercised at least once during the immediately preceding calendar year.

Sec. 04.11.340. Denial of request for relocation. An application requesting approval for the relocation of licensed premises shall be denied if

- (1) the board finds, after review of all relevant information, that relocation of the license would not be in the best interests of the public;
- (2) the relocation is prohibited under AS 04.11.400(a) or (b);
- (3) the license would be relocated out of the established village, incorporated city, unified municipality, or population area established under AS 04.11.400(a) within which it is located;
- (4) transfer of ownership is to be made concurrently with the relocation of the licensed premises and a ground for denial of the transfer of ownership under AS 04.11.360 is presented;
- (5) the application has not been completed in accordance with AS 04.11.290;
- (6) relocation of the license would result in violation of a local zoning law;

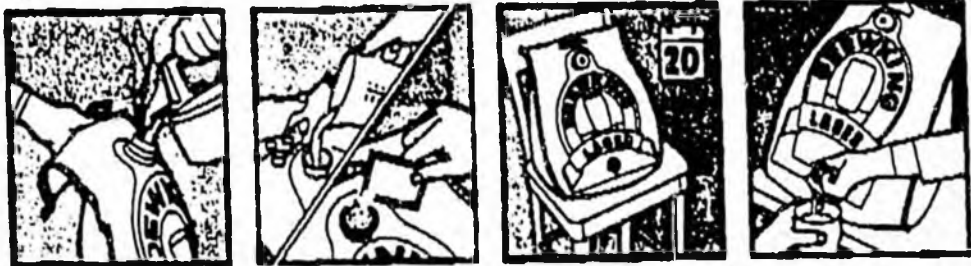
THE NEW WAY TO DRINK BEER AT HOME



20

Premium
LAGER
BREWSACK

A BLEND OF HOPPED BREWERS WORT WITH YEAST SACHET
SIMPLY ADD WATER & YEAST PROVIDED



IT'S IN THE BAG

6-0314J -
Ford
5/3/90

Original sponsor(s): SEN. BINKLEY

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 297 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing, sale, transportation,
7 importation, and possession of alcoholic beverages;
8 local option election ballots; possession of products
9 designed for brewing or distilling; and providing for
10 an effective date."

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

12 * Section 1. AS 04.11.150(a) is amended to read:

13 (a) Except as provided under (h) of this section, a package
14 store license authorizes the holder to sell alcoholic beverages to a
15 person in response to a verbal solicitation for purchase received from
16 the person present on the licensed premises, and if authorized by the
17 board, to sell alcoholic beverages [OR] in response to a written
18 solicitation made by a person known to the licensee for a purchase to
19 be received by the person making the solicitation. An authorization
20 by the board to sell alcoholic beverages in response to a written
21 solicitation is valid only for the calendar year in which it is is-
22 sued.

23 * Sec. 2. AS 04.11.150(h) is amended to read:

24 (h) A package store licensee, agent, or employee may not ship
25 more than 12 [EIGHTEEN] liters of distilled spirits within a monthly
26 period to a purchaser off the licensed premises if the shipment is to
27 an area that has restricted the sale of alcoholic beverages under
28 AS 04.11.490, 04.11.492, or 04.11.500.

29 * Sec. 3. AS 04.11.190(b) is amended to read:

1 (b) If a majority of the voters vote "yes" on the question set
2 out in AS 04.11.492(a), the local governing body of a municipality
3 shall apply for a community liquor license to operate a beverage
4 dispensary or package store, [OR BOTH,] depending on which type of
5 premises were specified on the ballot. Unless prohibited by the
6 results of an earlier local option election, a local governing body
7 may also apply on its own motion for a community liquor license.

8 * Sec. 4. AS 04.11.320 is amended to read:

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

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

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

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

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

21 (5) issuance of the license is prohibited under this title
22 as a result of an election conducted in accordance with AS 04.11.502;

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

26 (7) the licensed premises are to be located in a municipal-
27 ity, the type of license sought is a beverage dispensary or package
28 store license, and that type of license is already in effect in the
29 municipality under a community liquor license, unless the new license

1 is to become effective after the community liquor license is no longer
2 effective, whether as the result of a local option election or other-
3 wise;

4 (8) the authority sought is authority to operate a beverage
5 dispensary or package store under a community liquor license for
6 premises to be located in a municipality where the authority sought is
7 already held by a private licensee under a beverage dispensary or
8 package store license, unless the community liquor license is to
9 become effective after the privately held license is no longer effec-
10 tive, whether as the result of a local option election or otherwise;

11 (9) issuance of the license is prohibited under AS 04.11.-
12 400(a) or prohibition of issuance of the license is found necessary
13 under AS 04.11.400(b);

14 (10) the application contains false statements of material
15 fact;

16 (11) the license is sought for the sale of alcoholic bever-
17 ages in a first or second class city in which there are no licensed
18 premises at the time of application unless a majority of the voters in
19 a local option election conducted in accordance with AS 04.11.502 have
20 voted "yes" ["NO"] on the question set out in AS 04.11.490, [OR HAVE
21 VOTED "YES" ON A QUESTION SET OUT IN AS] 04.11.492, or 04.11.500;

22 (12) the license is sought for the sale of alcoholic bever-
23 ages in an established village in which there are no licensed premises
24 at the time of application unless a majority of the voters in a local
25 option election conducted in accordance with AS 04.11.502 have voted
26 "yes" ["NO"] on the question set out in AS 04.11.490 or [HAVE VOTED
27 "YES" ON THE QUESTION SET OUT IN AS] 04.11.500.

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

1 (1) the board finds, after review of all relevant informa-
2 tion, that issuance of the permit would not be in the best interests
3 of the public;

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

6 (3) the application has not been completed in accordance
7 with AS 04.11.260;

8 (4) the permit is sought for the sale of alcoholic bever-
9 ages in a first or second class city or established village in which
10 there are no licensed premises at the time of application unless a
11 majority of the voters in a local option election conducted in accor-
12 dance with AS 04.11.502 have voted "yes" ["NO"] on the question set
13 out in AS 04.11.490.

14 * Sec. 5. AS 04.11 is amended by adding a new section to read:

15 Sec. 04.11.395. BOARD IMPOSED RESTRICTIONS. The board may
16 impose conditions or restrictions applicable to a license or permit
17 issued under this chapter.

18 * Sec. 6. AS 04.11.400(j) is amended to read:

19 (j) The board may approve the issuance [OR TRANSFER OF OWNER-
20 SHIP] of a restaurant or eating place license in a municipality with-
21 out regard to (a) of this section if the board finds that issuance [OR
22 TRANSFER] of the license is necessary for the public convenience.

23 * Sec. 7. AS 04.11.490 is amended to read:

24 Sec. 04.11.490. PROHIBITION OF THE SALE OF ALCOHOLIC BEVERAGES.

25 (a) The following question, appearing alone, may be placed before the
26 voters of a municipality or an established village in accordance with
27 AS 04.11.502: "Shall the sale of alcoholic beverages be allowed in . .
28 . . . (name of municipality or village) [BE PROHIBITED]? (yes or no)".

29 (b) If a majority of the voters vote "no" ["YES"] on the

1 question set out in (a) of this section, the board shall be notified
2 immediately after certification of the results of the election and
3 thereafter the board may not issue, renew, or transfer between holders
4 or locations a license for licensed premises located within the bound-
5 aries of a municipality and in unincorporated areas within five miles
6 of the boundaries of the municipality or within the perimeter of an
7 established village. Licenses that may not be renewed because of a
8 local option election held under this section are void 90 days after
9 the results of the election are certified. A license that will expire
10 during the 90 days after the results of a local option election under
11 this section are certified may be extended, until it is void under
12 this subsection, by payment of a prorated portion of the annual li-
13 cense fee.

14 (c) If a majority of the voters vote "yes" ["NO"] on the ques-
15 tion set out in (a) of this section or vote "yes" on a question set
16 out in AS 04.11.492 or 04.11.500 in an election conducted in accor-
17 dance with AS 04.11.502 after an election in which the voters voted
18 "no" ["YES"] on the question set out in (a) of this section, the board
19 shall be notified immediately after certification of the results of
20 the election. Thereafter, the prohibitions imposed under (b) of this
21 section on the issuance, renewal, or transfer of licenses between
22 holders and location as a result of the earlier election are removed
23 except insofar as those prohibitions are imposed in accordance with
24 the results of the subsequent election.

25 * Sec. 8. AS 04.11.492(a) is repealed and reenacted to read:

26 (a) Either but not both of the following two questions, appear-
27 ing alone, may be placed before the voters of a municipality under
28 AS 04.11.502;

29 (1) "shall alcoholic beverages be sold in (name

1 of municipality) only by a bar operated by (name of municipality)?
2 (yes or no)"; or

3 (2) "Shall alcoholic beverages be sold in (name
4 of municipality) only by a liquor store operated by (name of munic-
5 pality)? (yes or no)."

6 * Sec. 9. AS 04.11.492(c) is amended to read:

7 (c) If a majority of the voters vote "no" on the question set
8 out in (a) of this section or vote "no" ["YES"] on a question set out
9 in AS 04.11.490, or 04.11.496, or vote "yes" on a question set out in
10 AS 04.11.500 in an election conducted in accordance with AS 04.11.502
11 after an election in which the voters voted "yes" on the question set
12 out in (a) of this section, the board shall be notified immediately
13 after a certification of the results of the election. The prohibi-
14 tions imposed under (b) of this section on the issuance, renewal, or
15 transfer of licenses between holders and locations as a result of the
16 earlier election are removed 90 days after the results of the election
17 are certified except insofar as those prohibitions are imposed under
18 [IN ACCORDANCE WITH] the results of the subsequent election.

19 * Sec. 10. AS 04.11.492 is amended by adding new subsections to read:

20 (d) In preparing the ballot for an election on either of the two
21 questions set out in (a) of this section, the local governing body
22 shall include an explanation of the authority to sell alcoholic bever-
23 ages given to a beverage dispensary licensee, if the question listed
24 in (a)(1) of this section is on the ballot, or an explanation of the
25 authority to sell alcoholic beverages given to a package store li-
26 censee, if the question listed in (a)(2) of this section is on the
27 ballot.

28 (e) In this section,

29 (1) "bar" means a beverage dispensary;

(2) "liquor store" means a package store.

* Sec. 11. AS 04.11.496 is amended to read:

Sec. 04.11.496. PROHIBITION OF SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES. (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 04.11.502: "Shall the sale and importation of alcoholic beverages be allowed [PROHIBITED] in (name of municipality or village)? (yes or no)."

(b) If a majority of the voters vote "no" ["YES"] on the question set out in (a) of this section, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring an alcoholic beverage into the municipality or established village, unless the alcoholic beverage is sacramental wine to be used for bona fide religious purposes based on tenets or teachings of a church or religious body, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes by a person authorized by the church or religious body to dispense the sacramental wine. The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and within unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village. Licenses that may not be renewed because of a local option election held under this section are void 90 days after the results of the election are certified. A license that will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a

1 prorated portion of the annual license fee.

2 (c) If a majority of the voters vote "yes" ["NO"] on the ques-
3 tion set out in (a) of this section or vote "yes" on the questions set
4 out in AS 04.11.492 or 04.11.500 in an election conducted in accor-
5 dance with AS 04.11.502 after an election in which the voters voted
6 "no" ["YES"] on the question set out in (a) of this section, the
7 prohibition on the importation of alcoholic beverages and the prohibi-
8 tion on the issuance, renewal, or transfers of licenses between hold-
9 ers and locations, imposed as a result of the earlier election in
10 which the voters voted "no" ["YES"] on the question set out in (a) of
11 this section are removed effective on the first day of the month
12 following certification of the results of the election except as those
13 prohibitions continue to be imposed in accordance with the results of
14 the subsequent election.

15 * Sec. 12. AS 04.11.498(a) is amended to read:

16 (a) The following question, appearing alone, may be placed
17 before the voters of a municipality or an established village in
18 accordance with AS 04.11.502: "Shall the possession of alcoholic
19 beverages be allowed [PROHIBITED] in (name of municipality
20 or village)? (yes or no)."

21 * Sec. 13. AS 04.11.498(b) is amended to read:

22 (b) If a majority of the voters of an established village vote
23 "no" ["YES"] on the question set out in (a) of this section, and the
24 sale of alcoholic beverages, or the sale and importation of alcoholic
25 beverages, has been previously prohibited in the established village
26 in accordance with AS 04.11.490 or 04.11.496, a person, beginning on
27 the first day of the month following certification of the results of
28 the election, may not knowingly possess an alcoholic beverage in the
29 established village, unless the alcoholic beverage is wine to be used

1 for bona fide religious purposes based on tenets or teachings of a
2 church or religious body, is limited in quantity to the amount neces-
3 sary for religious purposes, and is dispensed only for religious
4 purposes, by a person recognized by the church or religious body as
5 authorized to dispense the wine. The board shall be notified immedi-
6 ately after certification of the results of the election and there-
7 after may not issue, renew, or transfer between holders or locations a
8 license for licensed premises located within the perimeter of the
9 established village as defined in AS 04.21.080(b)(8).

10 * Sec. 14. AS 04.11.498(c) is amended to read:

11 (c) If a majority of the voters of an established village vote
12 "no" ["YES"] on the question set out in (a) of this section and the
13 sale of alcoholic beverages, or the sale and importation of alcoholic
14 beverages, has not been previously prohibited in the established
15 village in accordance with AS 04.11.490 or 04.11.496, a person [,
16 BEGINNING 90 DAYS AFTER CERTIFICATION OF THE RESULTS OF THE ELECTION,]
17 may not knowingly possess an alcoholic beverage in the established
18 village, unless the person is licensed by the board or the alcoholic
19 beverage is wine to be used for bona fide religious purposes based on
20 tenets or teachings of a church or religious body, is limited in
21 quantity to the amount necessary for religious purposes, and is dis-
22 pensed only for religious purposes by a person recognized by the
23 church or religious body as authorized to dispense the wine. If there
24 are licensed premises within the established village, the prohibition
25 is effective beginning 90 days after the results of the election are
26 certified. If there are no licensed premises within the established
27 village, the prohibition is effective beginning 60 days after the
28 results of the election are certified. The board shall be notified
29 immediately after certification of the results of the election and

1 thereafter may not issue, renew, or transfer between holders or lo-
2 cations a license for licensed premises located within the perimeter
3 of the established village [AS DEFINED IN AS 04.21.080(b)(8)]. Li-
4 censes that may not be renewed because of a local option election held
5 under this section are void 90 days after the results of the election
6 are certified. A license that will expire during the 90 days after
7 the results of a local option election under this section are certi-
8 fied may be extended until it is void under the section, by payment of
9 a prorated portion of the annual license fee.

10 * Sec. 15. AS 04.11.498(d) is amended to read:

11 (d) If a majority of the voters of a municipality vote "no"
12 ["YES"] on the question set out in (a) of this section, and the sale
13 of alcoholic beverages, or the sale and importation of alcoholic
14 beverages, has been previously prohibited in the municipality in
15 accordance with AS 04.11.490 or 04.11.496, an ordinance is adopted
16 that becomes effective beginning on the first day of the month follow-
17 ing certification of the results of the election, and a person may not
18 knowingly possess an alcoholic beverage in the municipality, unless
19 the alcoholic beverage is wine to be used for bona fide religious
20 purposes based on tenets or teachings of a church or religious body,
21 is limited in quantity to the amount necessary for religious purposes,
22 and is dispensed only for religious purposes, by a person recognized
23 by the church or religious body as authorized to dispense the wine.
24 The board shall be notified immediately after certification of the
25 results of the election and thereafter may not issue, renew, or trans-
26 fer between holders or locations a license for licensed premises
27 located within the boundaries of the municipality and within unincor-
28 porated areas within five miles of the boundaries of the municipality.

29 * Sec. 16. AS 04.11.498(e) is amended to read:

1 (e) If a majority of the voters of a municipality vote "no"
2 ["YES"] on the question set out in (a) of this section and the sale of
3 alcoholic beverages, or the sale and importation of alcoholic bever-
4 ages, has not been previously prohibited in the municipality in accor-
5 dance with AS 04.11.490 or 04.11.496, an ordinance is adopted that
6 provides that [BECOMES EFFECTIVE BEGINNING 90 DAYS AFTER CERTIFICATION
7 OF THE RESULTS OF THE ELECTION, AND] a person may not knowingly pos-
8 sess an alcoholic beverage in the municipality, unless the alcoholic
9 beverage is wine to be used for bona fide religious purposes based on
10 tenets or teachings of a church or religious body, is limited in
11 quantity to the amount necessary for religious purposes, and is dis-
12 pensed only for religious purposes by a person recognized by the
13 church or religious body as authorized to dispense the wine. The
14 board shall be notified immediately after the adoption of the ordi-
15 nance and thereafter may not issue, renew, or transfer between holders
16 or locations a license for licensed premises located within the bound-
17 aries of the municipality and within unincorporated areas within five
18 miles of the boundaries of the municipality. If there are licensed
19 premises within the municipality, the prohibition is effective begin-
20 ning 90 days after the results of the election are certified. If
21 there are no licensed premises within the municipality, the prohibi-
22 tion is effective beginning 60 days after the results of the election
23 are certified. Licenses that may not be renewed because of a local
24 option election held under this section are void 90 days after the
25 results of the election are certified. A license that will expire
26 during the 90 days after the results of a local option election under
27 this section are certified may be extended, until it is void under
28 this section, by payment of a prorated portion of the annual fee.

29 * Sec. 17. AS 04.11.498(f) is amended to read:

1 (f) If a majority of the voters vote "yes" ["NO"] on the ques-
2 tion set out in (a) of this section or [VOTE "YES" ON] the question
3 [QUESTIONS] set out in AS 04.11.492 or 04.11.500 in an election con-
4 ducted in accordance with AS 04.11.502 after an election in which the
5 voters voted "no" ["YES"] on the question set out in (a) of this
6 section, the prohibition on the possession of alcoholic beverages is
7 removed effective 90 days after the results of the election are cer-
8 tified except as those prohibitions continue to be imposed in accor-
9 dance with the results of the subsequent election.

10 * Sec. 18. AS 04.11.500(a) is repealed and reenacted to read:

11 (a) One of the following three questions, appearing alone, may
12 be placed before the voters of a municipality or an established vil-
13 lage under AS 04.11.502:

14 (1) "Shall alcoholic beverages be sold in (name
15 of municipality or established village) only by a bar? (yes or no)";

16 (2) "Shall alcoholic beverages be sold in (name
17 of municipality or established village) only by a liquor store? (yes
18 or no)"; or

19 (3) "Shall alcoholic beverages be sold in (name
20 of municipality or established village) only by a restaurant? (yes or
21 no)."

22 * Sec. 19. AS 04.11.500(b) is amended to read:

23 (b) If a majority of the voters vote "yes" on the question set
24 out in (a) of this section, the board shall be notified immediately
25 after certification of the results of the election and thereafter may
26 not issue, renew, or transfer between holders or locations a license
27 for licensed premises located within the boundaries of the municipa-
28 lity and in unincorporated areas within five miles of the boundaries of
29 the municipality or within the perimeter of the established village, e

1 the type [THOSE TYPES] of license [LICENSES] listed on the ballot.
2 Licenses in effect within the boundaries of the municipality or perim-
3 eter of the established village, and in an unincorporated area outside
4 of but within five miles of the boundaries of the municipality, except
5 the type [THOSE TYPES] of license [LICENSES] listed on the ballot, are
6 void 90 days after the results of the election are certified. A
7 license that will expire during the 90 days after the results of a
8 local option election under this section are certified may be extend-
9 ed, until it is void under this subsection, by payment of a prorated
10 portion of the annual license fee.

11 * Sec. 20. AS 04.11.500(c) is amended to read:

12 (c) If the majority of the voters vote "no" on the question set
13 out in (a) of this section or on the questions set out in AS 04.11.490
14 or 04.11.496, or vote "yes" on the question [QUESTIONS] set out in
15 AS [04.11.490,] 04.11.492, [04.11.496,] or this section if a different
16 type [TYPES] of license is [LICENSES ARE] listed on the ballot in an
17 election conducted under [IN ACCORDANCE WITH] AS 04.11.502 after an
18 election in which the voters voted "yes" on the question set out in
19 (a) of this section, the board shall be notified immediately after
20 certification of the results of the election. A license [LICENSES] in
21 effect in the municipality, in the unincorporated area outside of but
22 within five miles of the boundaries of the municipality or established
23 village that was [WERE] excepted from the prohibition on sale in
24 accordance with the results of the earlier election are void 90 days
25 after the results ~~of the~~ election are certified. Thereafter the board
26 may not issue, renew, or transfer between holders or locations a
27 license for licensed premises located within the boundaries of the
28 municipality or within the perimeter of an established village, or in
29 an unincorporated area within five miles of the boundaries of the

1 municipality, except a license that may be issued to a municipality or
2 to a [ONE OF THE] types of license [LICENSES] listed on the ballot as
3 a result of a majority of the voters voting "yes" on the question set
4 out in AS 04.11.492 or this section, respectively. A license that
5 will expire during the 90 days after the results of a local option
6 election under this section are certified may be extended, until it is
7 void under this subsection, by payment of a prorated portion of the
8 annual license fee.

9 * Sec. 21. AS 04.11.500 is amended by adding new subsections to read:

10 (d) If one of the questions set out in (a) of this section is
11 placed on the ballot of an established village in which there are no
12 licensed premises, the lieutenant governor shall, at least 10 days
13 before the election, post written notice at two public places within
14 the established village of the requirements in AS 04.11.320(a) con-
15 cerning issuance of a new license in an established village in which
16 there are no licensed premises.

17 (e) In preparing the ballot for an election on one of the ques-
18 tions set out in (a) of this section, the local governing body or the
19 lieutenant governor shall include an explanation of the authority to
20 sell alcoholic beverages given to the type of license that would be
21 exempt from the prohibition on the sale of alcoholic beverages.

22 (f) In this section,

- 23 (1) "bar" means a beverage dispensary;
24 (2) "liquor store" means a package store;
25 (3) "restaurant" means a restaurant or eating place.

26 * Sec. 22. AS 04.11.502(a) is amended to read:

27 (a) The local governing body of a municipality, whenever a
28 number of registered voters equal to at least 35 percent of the number
29 of votes cast at the last regular municipal election petition the

1 local governing body to do so, shall place upon a separate ballot at
2 the next regular election or at a special election whichever question
3 [OR COMBINATION OF QUESTIONS] set out in AS 04.11.490 - 04.11.500
4 constitutes the subject of the petition. The local governing body
5 shall conduct the election in accordance with the election ordinance
6 of the municipality and shall prepare the election ballots in English
7 and a second language if specified by the local governing body.

8 * Sec. 23. AS 04.11.502(b) is amended to read:

9 (b) The lieutenant governor, whenever 35 percent of the regis-
10 tered voters residing within an established village petition the
11 lieutenant governor to do so, shall place upon a separate ballot at a
12 special election that question [OR COMBINATION OF QUESTIONS] set out
13 in AS 04.11.490 - 04.11.500 that constitutes the subject of the peti-
14 tion. The lieutenant governor shall conduct the election in the
15 general manner prescribed by the Alaska Election Code (AS 15).

16 * Sec. 24. AS 04.11.502(e) is amended to read:

17 (e) AS 29.26.110 - 29.26.160 applies to a petition under (a) of
18 this section in a general law municipality except the

19 (1) number of required signatures is determined under (a)
20 of this section rather than under AS 29.26.130;

21 (2) application filed under AS 29.26.110 shall contain the
22 question [OR COMBINATION OF QUESTIONS] set out under AS 04.11.490 -
23 04.11.500 rather than containing an ordinance or resolution;

24 (3) petition shall contain the question [OR COMBINATION OF
25 QUESTIONS] set out under AS 04.11.490 - 04.11.500 rather than material
26 required under AS 29.26.120(1) and (2).

27 * Sec. 25. AS 04.11.502 is amended by adding a new subsection to read:

28 (f) After a petition has been filed under (b) of this section,
29 the local governing body of the established village may request that

1 ballots for an election under (b) of this section be prepared in
2 English and in a second language specified by the local governing
3 body. The lieutenant governor shall prepare the election ballots in
4 English and a second language specified by the local governing body,
5 if the local governing body makes its request within 15 days after a
6 petition is filed under (b) of this section, the second language
7 specified by the local governing body has a written form, and a qual-
8 ified translator is available.

9 * Sec. 26. AS 04.11.504(a) is amended to read:

10 (a) If a prohibition imposed on the issuance, renewal, transfer,
11 or relocation of licenses between holders and locations under AS 04.-
12 11.490, 04.11.496, or 04.11.498 [AS 04.11.490 - 04.11.500] is removed
13 by a vote of "yes" ["NO"] on a question for which the majority of the
14 people voted "no" ["YES"] in an earlier election, the board shall,
15 upon application, issue the same number and type of licenses that were
16 in effect in the municipality or established village on the date of
17 certification of the earlier election. If the prohibition imposed on
18 issuance, renewal, transfer, or relocation of licenses between holders
19 and locations is removed by a "yes" vote on a question set out in
20 AS 04.11.492 and 04.11.500, the board may issue the types of licenses
21 specified in the question presented to the voters in the subsequent
22 election. Licenses may be issued for the same or other premises
23 within the municipality or established village that were licensed on
24 the date of certification of the earlier election. However, if the
25 local governing body requests that fewer licenses of a particular type
26 be issued than would otherwise be issued if the provisions prescribing
27 the ratio of population to licensed premises in AS 04.11.400(a) are
28 applied, only the number of licenses of that particular type requested
29 by the local governing body may be issued by the board. Priority shall

1 be given applicants who were formerly licensees and whose licenses
2 were not renewed because of the results of the previous election.
3 However, these applicants have no legal right to a license and the
4 board is not required to approve the application.

5 * Sec. 27. AS 04.11.506 is amended to read:

6 Sec. 04.11.506. NOTICE OF THE RESULTS OF A LOCAL OPTION ELEC-
7 TION. (a) If a majority of the voters vote "No" on a question set
8 out in AS 04.11.490, 04.11.496, or 04.11.498, or "yes" on a question
9 set out in AS 04.11.492, or 04.11.500 [AS 04.11.490 - 04.11.500], the
10 board shall immediately notify the Department of Law and the Depart-
11 ment of Public Safety of the results of the election.

12 (b) If a majority of the voters vote "no" ["YES"] on a question
13 set out in AS 04.11.496 or 04.11.498, the following actions, in addi-
14 tion to those prescribed in (a) of this section, shall be undertaken
15 before the prohibition on importation or possession becomes
16 effective.

17 (1) the board shall notify by certified [REGISTERED] mail
18 all [HOLDERS OF] package store licensees who are authorized by the
19 board to sell alcoholic beverages in response to a written sollicita-
20 tion, [LICENSES] of the prohibition;

21 (2) the municipality or established village shall post
22 notice of the prohibition in the municipality or village.

23 * Sec. 28. AS 04.16 is amended by adding a new section to read:

24 Sec. 04.16.105. IMPORTATION OR POSSESSION OF PRODUCTS DESIGNED
25 FOR BREWING OR DISTILLING. A person may not knowingly import or
26 possess a product designed only for brewing or distilling an alcoholic
27 beverage if the person is under the age of 21 years or if the person
28 is in an area that has restricted the sale and importation or posses-
29 sion of alcoholic beverages under AS 04.11.496 or 04.11.498.

1 * Sec. 29. AS 04.16.125(a) is amended to read:

2 (a) A person may not use a common carrier to transport alcoholic
3 beverages into an area that has restricted the sale of alcoholic
4 beverages under AS 04.11.490, 04.11.492, or 04.11.500 and a common
5 carrier may not knowingly transport alcoholic beverages into an area
6 that has restricted the sale of alcoholic beverages under AS 04.11.-
7 490, 04.11.492, or 04.11.500 unless

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

12 (2) an itemized invoice showing the purchase value of the
13 alcoholic beverages is attached, by the purchaser or the licensee who
14 sells the alcoholic beverages, to the outside of the shipping con-
15 tainer.

16 * Sec. 30. This Act takes effect July 1, 1990.
17
18
19
20
21
22
23
24
25
26
27
28
29

6-0314H
Ford
4/18/90

Original sponsor(s): SEN. BINKLEY

1 IN THE SENATE BY THE LABOR & COMMERCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 297 (L&C)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing, sale, transportation,
7 importation, and possession of alcoholic beverages;
8 local option election ballots; possession of products
9 designed for brewing or distilling; and providing for
10 an effective date."

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

12 * Section 1. AS 04.11.150(a) is amended to read:

13 (a) Except as provided under (h) of this section, a package
14 store license authorizes the holder to sell alcoholic beverages to a
15 person in response to a verbal solicitation for purchase received from
16 the person present on the licensed premises, and if authorized by the
17 board, to sell alcoholic beverages [OR] in response to a written
18 solicitation made by a person known to the licensee for a purchase to
19 be received by the person making the solicitation. An authorization
20 by the board to sell alcoholic beverages in response to a written
21 solicitation is valid only for the calendar year in which it is is-
22 sued.

23 * Sec. 2. AS 04.11.150(h) is amended to read:

24 (h) A package store licensee, agent, or employee may not ship
25 more than 12 [EIGHTEEN] liters of distilled spirits within a monthly
26 period to a purchaser off the licensed premises if the shipment is to
27 an area that has restricted the sale of alcoholic beverages under
28 AS 04.11.490, 04.11.492, or 04.11.500.

29 * Sec. 3. AS 04.11.190(b) is amended to read:

1 (b) If a majority of the voters vote "yes" on either of the
2 questions [QUESTION] set out in AS 04.11.492(a), the local governing
3 body of a municipality shall apply for a community liquor license to
4 operate a beverage dispensary or package store, [OR BOTH,] depending
5 on which type of premises were specified on the ballot. Unless pro-
6 hibited by the results of an earlier local option election, a local
7 governing body may also apply on its own motion for a community liquor
8 license.

9 * Sec. 4. 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 informa-
13 tion, that issuance of the license would not be in the best interests
14 of the public;

15 (2) issuance of the license is prohibited by AS 04.11.390,
16 relating to residency, or AS 04.11.410, relating to location of prem-
17 ises near churches and schools;

18 (3) the application has not been completed in accordance
19 with AS 04.11.260;

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

22 (5) issuance of the license is prohibited under this title
23 as a result of an election conducted in accordance with AS 04.11.502;

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

27 (7) the licensed premises are to be located in a municipal-
28 ity, the type of license sought is a beverage dispensary or package
29 store license, and that type of license is already in effect in the

1 municipality under a community liquor license, unless the new license
2 is to become effective after the community liquor license is no longer
3 effective, whether as the result of a local option election or other-
4 wise;

5 (8) the authority sought is authority to operate a beverage
6 dispensary or package store under a community liquor license for
7 premises to be located in a municipality where the authority sought is
8 already held by a private licensee under a beverage dispensary or
9 package store license, unless the community liquor license is to
10 become effective after the privately held license is no longer effec-
11 tive, whether as the result of a local option election or otherwise;

12 (9) issuance of the license is prohibited under AS 04.11.-
13 400(a) or prohibition of issuance of the license is found necessary
14 under AS 04.11.400(b);

15 (10) the application contains false statements of material
16 fact;

17 (11) the license is sought for the sale of alcoholic bever-
18 ages in a first or second class city in which there are no licensed
19 premises at the time of application unless a majority of the voters in
20 a local option election conducted in accordance with AS 04.11.502 have
21 voted "yes" ["NO"] on the question set out in AS 04.11.490, [OR HAVE
22 VOTED "YES" ON A QUESTION SET OUT IN AS] 04.11.492, or 04.11.500;

23 (12) the license is sought for the sale of alcoholic bever-
24 ages in an established village in which there are no licensed premises
25 at the time of application unless a majority of the voters in a local
26 option election conducted in accordance with AS 04.11.502 have voted
27 "yes" ["NO"] on the question set out in AS 04.11.490 or [HAVE VOTED
28 "YES" ON THE QUESTION SET OUT IN AS] 04.11.500.

29 (b) An application requesting issuance of a new permit shall be

1 denied if

2 (1) the board finds, after review of all relevant informa-
3 tion, that issuance of the permit would not be in the best interests
4 of the public;

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

7 (3) the application has not been completed in accordance
8 with AS 04.11.260;

9 (4) the permit is sought for the sale of alcoholic bever-
10 ages in a first or second class city or established village in which
11 there are no licensed premises at the time of application unless a
12 majority of the voters in a local option election conducted in accor-
13 dance with AS 04.11.502 have voted "yes" ["NO"] on the question set
14 out in AS 04.11.490.

15 * Sec. 5. AS 04.11 is amended by adding a new section to read:

16 Sec. 04.11.395. BOARD IMPOSED RESTRICTIONS. The board may
17 impose conditions or restrictions applicable to a license or permit
18 issued under this chapter.

19 * Sec. 6. AS 04.11.400(j) is amended to read:

20 (j) The board may approve the issuance [OR TRANSFER OF OWNER-
21 SHIP] of a restaurant or eating place license in a municipality with-
22 out regard to (a) of this section if the board finds that issuance [OR
23 TRANSFER] of the license is necessary for the public convenience.

24 * Sec. 7. AS 04.11.490 is amended to read:

25 Sec. 04.11.490. PROHIBITION OF THE SALE OF ALCOHOLIC BEVERAGES.

26 (a) The following question, appearing alone, may be placed before the
27 voters of a municipality or an established village in accordance with
28 AS 04.11.502: "Shall the sale of alcoholic beverages be allowed in . .
29 . . . (name of municipality or village) [BE PROHIBITED]? (yes or no)".

1 (b) If a majority of the voters vote "no" ["YES"] on the ques-
2 tion set out in (a) of this section, the board shall be notified
3 immediately after certification of the results of the election and
4 thereafter the board may not issue, renew, or transfer between holders
5 or locations a license for licensed premises located within the bound-
6 aries of a municipality and in unincorporated areas within five miles
7 of the boundaries of the municipality or within the perimeter of an
8 established village. Licenses that may not be renewed because of a
9 local option election held under this section are void 90 days after
10 the results of the election are certified. A license that will expire
11 during the 90 days after the results of a local option election under
12 this section are certified may be extended, until it is void under
13 this subsection, by payment of a prorated portion of the annual li-
14 cense fee.

15 (c) If a majority of the voters vote "yes" ["NO"] on the ques-
16 tion set out in (a) of this section or vote "yes" on a question set
17 out in AS 04.11.492 or 04.11.500 in an election conducted in accor-
18 dance with AS 04.11.502 after an election in which the voters voted
19 "no" ["YES"] on the question set out in (a) of this section, the board
20 shall be notified immediately after certification of the results of
21 the election. Thereafter, the prohibitions imposed under (b) of this
22 section on the issuance, renewal, or transfer of licenses between
23 holders and location as a result of the earlier election are removed
24 except insofar as those prohibitions are imposed in accordance with
25 the results of the subsequent election.

26 Sec. 8. AS 04.11.492(a) is repealed and reenacted to read:

27 (a) Either but not both of the following two questions, appear-
28 ing alone, may be placed before the voters of a municipality under
29 AS 04.11.502;

1 (1) "shall alcoholic beverages be sold in (name
 2 of municipality) only by a bar operated by (name of municipality)?
 3 (yes or no)"; or

4 (2) "Shall alcoholic beverages be sold in (name
 5 of municipality) only by a liquor store operated by (name of munici-
 6 pality)? (yes or no)."

7 * Sec. 9. AS 04.11.492(b) is amended to read:

8 (b) If a majority of the voters vote "yes" on either of the
 9 questions [QUESTION] set out in (a) of this section, the board shall
 10 be notified immediately after certification of the results of the
 11 election and thereafter may not issue, renew, or transfer between
 12 holders or locations a license for licensed premises located within
 13 the boundaries of a municipality and in unincorporated areas within
 14 five miles of the boundaries of the municipality, with the exception
 15 of a beverage dispensary or package store operated under a community
 16 liquor license held by the municipality. Licenses in effect are void
 17 90 days after the results of the election are certified. A license
 18 that will expire during the 90 days after the results of a local
 19 option election under this section are certified may be extended,
 20 until it is void under this subsection, by payment of a prorated
 21 portion of the annual license fee.

22 * Sec. 10. AS 04.11.492(c) is amended to read:

23 (c) If a majority of the voters vote "no" on either of the
 24 questions [QUESTION] set out in (a) of this section or vote "no"
 25 ["YES"] on a question set out in AS 04.11.490, or 04.11.496, or vote
 26 "yes" on a question set out in AS 04.11.500 in an election conducted
 27 in accordance with AS 04.11.502 after an election in which the voters
 28 voted "yes" on either of the questions [QUESTION] set out in (a) of
 29 this section, the board shall be notified immediately after a

1 certification of the results of the election. The prohibitions
 2 imposed under (b) of this section on the issuance, renewal, or trans-
 3 fer of licenses between holders and locations as a result of the
 4 earlier election are removed 90 days after the results of the election
 5 are certified except insofar as those prohibitions are imposed under
 6 [IN ACCORDANCE WITH] the results of the subsequent election.

7 * Sec. 11. AS 04.11.492 is amended by adding new subsections to read:

8 (d) In preparing the ballot for an election on either of the two
 9 questions set out in (a) of this section, the local governing body
 10 shall include an explanation of the authority to sell alcoholic bever-
 11 ages given to a beverage dispensary licensee, if the question listed
 12 in (a)(1) of this section is on the ballot, or on explanation of the
 13 authority to sell alcoholic beverages given to a package store li-
 14 censee, if the question listed in (a)(2) of this section is on the
 15 ballot.

16 (e) In this section,

17 (1) "bar" means a beverage dispensary;

18 (2) "liquor store" means a package store.

19 * Sec. 12. AS 04.11.496 is amended to read:

20 Sec. 04.11.496. PROHIBITION OF SALE AND IMPORTATION OF ALCOHOLIC
 21 BEVERAGES. (a) The following question, appearing alone, may be
 22 placed before the voters of a municipality or an established village
 23 in accordance with AS 04.11.502: "Shall the sale and importation of
 24 alcoholic beverages be allowed [PROHIBITED] in (name of
 25 municipality or village)? (yes or no)."

26 (b) If a majority of the voters vote "no" ["YES"] on the ques-
 27 tion set out in (a) of this section, a person, beginning on the first
 28 day of the month following certification of the results of the elec-
 29 tion, may not knowingly send, transport, or bring an alcoholic

1 beverage into the municipality or established village, unless the
2 alcoholic beverage is sacramental wine to be used for bona fide reli-
3 gious purposes based on tenets or teachings of a church or religious
4 body, is limited in quantity to the amount necessary for religious
5 purposes, and is dispensed only for religious purposes by a person
6 authorized by the church or religious body to dispense the sacramental
7 wine. The board shall be notified immediately after certification of
8 the results of the election and thereafter may not issue, renew, or
9 transfer between holders or locations a license for licensed premises
10 located within the boundaries of the municipality and within unincor-
11 porated areas within five miles of the boundaries of the municipality
12 or within the perimeter of the established village. Licenses that may
13 not be renewed because of a local option election held under this
14 section are void 90 days after the results of the election are cer-
15 tified. A license that will expire during the 90 days after the
16 results of a local option election under this section are certified
17 may be extended, until it is void under this subsection, by payment of
18 a prorated portion of the annual license fee.

19 (c) If a majority of the voters vote "yes" ["NO"] on the ques-
20 tion set out in (a) of this section or vote "yes" on the questions set
21 out in AS 04.11.492 or 04.11.500 in an election conducted in accor-
22 dance with AS 04.11.502 after an election in which the voters voted
23 "no" ["YES"] on the question set out in (a) of this section, the
24 prohibition on the importation of alcoholic beverages and the prohibi-
25 tion on the issuance, renewal, or transfers of licenses between hold-
26 ers and locations, imposed as a result of the earlier election in
27 which the voters voted "no" ["YES"] on the question set out in (a) of
28 this section are removed effective on the first day of the month
29 following certification of the results of the election except as those

1 prohibitions continue to be imposed in accordance with the results of
2 the subsequent election.

3 * Sec. 13. AS 04.11.498(a) is amended to read:

4 (a) The following question, appearing alone, may be placed
5 before the voters of a municipality or an established village in
6 accordance with AS 04.11.502: "Shall the possession of alcoholic
7 beverages be allowed [PROHIBITED] in (name of municipality
8 or village)? (yes or no)."

9 * Sec. 14. AS 04.11.498(b) is amended to read:

10 (b) If a majority of the voters of an established village vote
11 "no" ["YES"] on the question set out in (a) of this section, and the
12 sale of alcoholic beverages, or the sale and importation of alcoholic
13 beverages, has been previously prohibited in the established village
14 in accordance with AS 04.11.490 or 04.11.496, a person, beginning on
15 the first day of the month following certification of the results of
16 the election, may not knowingly possess an alcoholic beverage in the
17 established village, unless the alcoholic beverage is wine to be used
18 for bona fide religious purposes based on tenets or teachings of a
19 church or religious body, is limited in quantity to the amount neces-
20 sary for religious purposes, and is dispensed only for religious
21 purposes, by a person recognized by the church or religious body as
22 authorized to dispense the wine. The board shall be notified immedi-
23 ately after certification of the results of the election and there-
24 after may not issue, renew, or transfer between holders or locations a
25 license for licensed premises located within the perimeter of the
26 established village as defined in AS 04.21.080(b)(8).

27 * Sec. 15. AS 04.11.498(c) is amended to read:

28 (c) If a majority of the voters of an established village vote
29 "no" ["YES"] on the question set out in (a) of this section and the

1 sale of alcoholic beverages, or the sale and importation of alcoholic
2 beverages, has not been previously prohibited in the established
3 village in accordance with AS 04.11.490 or 04.11.496, a person [,
4 BEGINNING 90 DAYS AFTER CERTIFICATION OF THE RESULTS OF THE ELECTION,]
5 may not knowingly possess an alcoholic beverage in the established
6 village, unless the person is licensed by the board or the alcoholic
7 beverage is wine to be used for bona fide religious purposes based on
8 tenets or teachings of a church or religious body, is limited in
9 quantity to the amount necessary for religious purposes, and is dis-
10 pensed only for religious purposes by a person recognized by the
11 church or religious body as authorized to dispense the wine. If there
12 are licensed premises within the established village, the prohibition
13 is effective beginning 90 days after the results of the election are
14 certified. If there are no licensed premises within the established
15 village, the prohibition is effective beginning 60 days after the
16 results of the election are certified. The board shall be notified
17 immediately after certification of the results of the election and
18 thereafter may not issue, renew, or transfer between holders or lo-
19 cations a license for licensed premises located within the perimeter
20 of the established village [AS DEFINED IN AS 04.21.080(b)(8)]. Li-
21 censes that may not be renewed because of a local option election held
22 under this section are void 90 days after the results of the election
23 are certified. A license that will expire during the 90 days after
24 the results of a local option election under this section are certi-
25 fied may be extended until it is void under the section, by payment of
26 a prorated portion of the annual license fee.

27 * Sec. 16. AS 04.11.498(d) is amended to read:

28 (d) If a majority of the voters of a municipality vote "no"
29 ["YES"] on the question set out in (a) of this section, and the sale

1 of alcoholic beverages, or the sale and importation of alcoholic
2 beverages, has been previously prohibited in the municipality in
3 accordance with AS 04.11.490 or 04.11.496, an ordinance is adopted
4 that becomes effective beginning on the first day of the month follow-
5 ing certification of the results of the election, and a person may not
6 knowingly possess an alcoholic beverage in the municipality, unless
7 the alcoholic beverage is wine to be used for bona fide religious
8 purposes based on tenets or teachings of a church or religious body,
9 is limited in quantity to the amount necessary for religious purposes,
10 and is dispensed only for religious purposes, by a person recognized
11 by the church or religious body as authorized to dispense the wine.
12 The board shall be notified immediately after certification of the
13 results of the election and thereafter may not issue, renew, or trans-
14 fer between holders or locations a license for licensed premises
15 located within the boundaries of the municipality and within unincor-
16 porated areas within five miles of the boundaries of the municipality.

17 * Sec. 17. AS 04.11.498(e) is amended to read:

18 (e) If a majority of the voters of a municipality vote "no"
19 ["YES"] on the question set out in (a) of this section and the sale of
20 alcoholic beverages, or the sale and importation of alcoholic bever-
21 ages, has not been previously prohibited in the municipality in accor-
22 dance with AS 04.11.490 or 04.11.496, an ordinance is adopted that
23 provides that [BECOMES EFFECTIVE BEGINNING 90 DAYS AFTER CERTIFICATION
24 OF THE RESULTS OF THE ELECTION, AND] a person may not knowingly pos-
25 sess an alcoholic beverage in the municipality, unless the alcoholic
26 beverage is wine to be used for bona fide religious purposes based on
27 tenets or teachings of a church or religious body, is limited in
28 quantity to the amount necessary for religious purposes, and is dis-
29 pensed only for religious purposes by a person recognized by the

1 church or religious body as authorized to dispense the wine. The
2 board shall be notified immediately after the adoption of the ordi-
3 nance and thereafter may not issue, renew, or transfer between holders
4 or locations a license for licensed premises located within the bound-
5 aries of the municipality and within unincorporated areas within five
6 miles of the boundaries of the municipality. If there are licensed
7 premises within the municipality, the prohibition is effective begin-
8 ning 90 days after the results of the election are certified. If
9 there are no licensed premises within the municipality, the prohibi-
10 tion is effective beginning 60 days after the results of the election
11 are certified. Licenses that may not be renewed because of a local
12 option election held under this section are void 90 days after the
13 results of the election are certified. A license that will expire
14 during the 90 days after the results of a local option election under
15 this section are certified may be extended, until it is void under
16 this section, by payment of a prorated portion of the annual fee.

17 * Sec. 18. AS 04.11.498(f) is amended to read:

18 (f) If a majority of the voters vote "yes" ["NO"] on the ques-
19 tion set out in (a) of this section or [VOTE "YES" ON] the question
20 [QUESTIONS] set out in AS 04.11.492 or 04.11.500 in an election con-
21 ducted in accordance with AS 04.11.502 after an election in which the
22 voters voted "no" ["YES"] on the question set out in (a) of this
23 section, the prohibition on the possession of alcoholic beverages is
24 removed effective 90 days after the results of the election are cer-
25 tified except as those prohibitions continue to be imposed in accor-
26 dance with the results of the subsequent election.

27 * Sec. 19. AS 04.11.500(a) is repealed and reenacted to read:

28 (a) One but not more than one of the following three questions,
29 appearing alone, may be placed before the voters of a municipality or

1 an established village under AS 04.11.502:

2 (1) "Shall alcoholic beverages be sold in (name
3 of municipality or established village) only by a bar? (yes or no)";

4 (2) "Shall alcoholic beverages be sold in (name
5 of municipality or established village) only by a liquor store? (yes
6 or no)"; or

7 (3) "Shall alcoholic beverages be sold in (name
8 of municipality or established village) only by a restaurant? (yes or
9 no)."

10 * Sec. 20. AS 04.11.500(b) is amended to read:

11 (b) If a majority of the voters vote "yes" on one of the ques-
12 tions [QUESTION] set out in (a) of this section, the board shall be
13 notified immediately after certification of the results of the elec-
14 tion and thereafter may not issue, renew, or transfer between holders
15 or locations a license for licensed premises located within the bound-
16 aries of the municipality and in unincorporated areas within five
17 miles of the boundaries of the municipality or within the perimeter of
18 the established village, except the type [THOSE TYPES] of license
19 [LICENSES] listed on the ballot. Licenses in effect within the bound-
20 aries of the municipality or perimeter of the established village, and
21 in an unincorporated area outside of but within five miles of the
22 boundaries of the municipality, except the type [THOSE TYPES] of
23 license [LICENSES] listed on the ballot, are void 90 days after the
24 results of the election are certified. A license that will expire
25 during the 90 days after the results of a local option election under
26 this section are certified may be extended, until it is void under
27 this subsection, by payment of a prorated portion of the annual li-
28 cense fee.

29 * Sec. 21. AS 04.11.500(c) is amended to read:

1 (c) If the majority of the voters vote "no" on one of the ques-
2 tions [QUESTION] set out in (a) of this section or on the questions
3 set out in AS 04.11.490 or 04.11.496, or vote "yes" on the question
4 [QUESTIONS] set out in AS [04.11.490,] 04.11.492, [04.11.496,] or this
5 section if a different type [TYPES] of license is [LICENSES ARE]
6 listed on the ballot in an election conducted under [IN ACCORDANCE
7 WITH] AS 04.11.502 after an election in which the voters voted "yes"
8 on the question set out in (a) of this section, the board shall be
9 notified immediately after certification of the results of the electio
10 A license [LICENSES] in effect in the municipality, in the unincor-
11 porated area outside of but within five miles of the boundaries of the
12 municipality or established village that was [WERE] excepted from the
13 prohibition on sale in accordance with the results of the earlier
14 election are void 90 days after the results of the election are cer-
15 tified. Thereafter the board may not issue, renew, or transfer be-
16 tween holders or locations a license for licensed premises located
17 within the boundaries of the municipality or within the perimeter of
18 an established village, or in an unincorporated area within five miles
19 of the boundaries of the municipality, except a license that may be
20 issued to a municipality or to a [ONE OF THE] types of license [LI-
21 CENSES] listed on the ballot as a result of a majority of the voters
22 voting "yes" on either of the questions [QUESTION] set out in AS 04.-
23 11.492 or this section, respectively. A license that will expire
24 during the 90 days after the results of a local option election under
25 this section are certified may be extended, until it is void under
26 this subsection, by payment of a prorated portion of the annual li-
27 cense fee.

28 * Sec. 22. AS 04.11.500 is amended by adding new subsections to read:

29 (d) If one of the questions set out in (a) of this section is

1 placed on the ballot of an established village in which there are no
2 licensed premises, the lieutenant governor shall, at least 10 days
3 before the election, post written notice at two public places within
4 the established village of the requirements in AS 04.11.320(a) con-
5 cerning issuance of a new license in an established village in which
6 there are no licensed premises.

7 (e) In preparing the ballot for an election on one of the ques-
8 tions set out in (a) of this section, the local governing body or the
9 lieutenant governor shall include an explanation of the authority to
10 sell alcoholic beverages given to the type of license that would be
11 exempt from the prohibition on the sale of alcoholic beverages.

12 (f) In this section,

13 (1) "bar" means a beverage dispensary;

14 (2) "liquor store" means a package store;

15 (3) "restaurant" means a restaurant or eating place.

16 * Sec. 23. AS 04.11.502(a) is amended to read:

17 (a) The local governing body of a municipality, whenever a
18 number of registered voters equal to at least 35 percent of the number
19 of votes cast at the last regular municipal election petition the
20 local governing body to do so, shall place upon a separate ballot at
21 the next regular election or at a special election whichever question
22 [OR COMBINATION OF QUESTIONS] set out in AS 04.11.490 - 04.11.500
23 constitutes the subject of the petition. The local governing body
24 shall conduct the election in accordance with the election ordinance
25 of the municipality and may prepare the election ballots in English
26 and a second language specified by the local governing body.

27 * Sec. 24. AS 04.11.502(b) is amended to read:

28 (b) The lieutenant governor, whenever 35 percent of the regis-
29 tered voters residing within an established village petition the

1 lieutenant governor to do so, shall place upon a separate ballot at a
2 special election that question [OR COMBINATION OF QUESTIONS] set out
3 in AS 04.11.490 - 04.11.500 that constitutes the subject of the peti-
4 tion. The lieutenant governor shall conduct the election in the
5 general manner prescribed by the Alaska Election Code (AS 15).

6 * Sec. 25. AS 04.11.502(e) is amended to read:

7 (e) AS 29.26.110 - 29.26.160 applies to a petition under (a) of
8 this section in a general law municipality except the

9 (1) number of required signatures is determined under (a)
10 of this section rather than under AS 29.26.130;

11 (2) application filed under AS 29.26.110 shall contain the
12 question [OR COMBINATION OF QUESTIONS] set out under AS 04.11.490 -
13 04.11.500 rather than containing an ordinance or resolution;

14 (3) petition shall contain the question [OR COMBINATION OF
15 QUESTIONS] set out under AS 04.11.490 - 04.11.500 rather than material
16 required under AS 29.26.120(1) and (2).

17 * Sec. 26. AS 04.11.502 is amended by adding a new subsection to read:

18 (f) After a petition has been filed under (b) of this section,
19 the local governing body of the established village may request that
20 ballots for an election under (b) of this section be prepared in
21 English and in a second language specified by the local governing
22 body. The lieutenant governor shall honor a request made under this
23 subsection if the local governing body makes its request within 15
24 days after a petition is filed under (b) of this section, the second
25 language specified by the local governing body has a written form, and
26 a qualified translator is available.

27 * Sec. 27. AS 04.11.504(a) is amended to read:

28 (a) If a prohibition imposed on the issuance, renewal, transfer,
29 or relocation of licenses between holders and locations under

1 AS 04.11.490, 04.11.496, or 04.11.498 [AS 04.11.490 - 04.11.500] is
2 removed by a vote of "yes" ["NO"] on a question for which the majority
3 of the people voted "no" ["YES"] in an earlier election, the board
4 shall, upon application, issue the same number and type of licenses
5 that were in effect in the municipality or established village on the
6 date of certification of the earlier election. If the prohibition
7 imposed on issuance, renewal, transfer, or relocation of licenses
8 between holders and locations is removed by a "yes" vote on a question
9 set out in AS 04.11.492 and 04.11.500, the board may issue the types
10 of licenses specified in the question presented to the voters in the
11 subsequent election. Licenses may be issued for the same or other
12 premises within the municipality or established village that were
13 licensed on the date of certification of the earlier election. How-
14 ever, if the local governing body requests that fewer licenses of a
15 particular type be issued than would otherwise be issued if the pro-
16 visions prescribing the ratio of population to licensed premises in AS
17 04.11.400(a) are applied, only the number of licenses of that particu-
18 lar type requested by the local governing body may be issued by the
19 board. Priority shall be given applicants who were formerly licensees
20 and whose licenses were not renewed because of the results of the
21 previous election. However, these applicants have no legal right to a
22 license and the board is not required to approve the application.

23 * Sec. 28. AS 04.11.506 is amended to read:

24 Sec. 04.11.506. NOTICE OF THE RESULTS OF A LOCAL OPTION ELEC-
25 TION. (a) If a majority of the voters vote "No" on a question set
26 out in AS 04.11.490, 04.11.496, or 04.11.498, or "yes" on a question
27 set out in AS 04.11.492, or 04.11.500 [AS 04.11.490 - 04.11.500], the
28 board shall immediately notify the Department of Law and the Depart-
29 ment of Public Safety of the results of the election.

1 (b) If a majority of the voters vote "no" ["YES"] on a question
2 set out in AS 04.11.496 or 04.11.498, the following actions, in addi-
3 tion to those prescribed in (a) of this section, shall be undertaken
4 before the date the prohibition on importation or possession becomes
5 effective:

6 (1) the board shall notify by certified [REGISTERED] mail
7 all [HOLDERS OF] package store licensees who are authorized by the
8 board to sell alcoholic beverages in response to a written sollicita-
9 tion. [LICENSEES] of the prohibition;

10 (2) the municipality or established village shall post
11 notice of the prohibition in the municipality or village.

12 * Sec. 29. AS 04.16 is amended by adding a new section to read:

13 Sec. 04.16.105. POSSESSION OF PRODUCTS DESIGNED FOR BREWING OR
14 DISTILLING. A person may not knowingly possess a product designed
15 only for brewing or distilling an alcoholic beverage if the person is
16 under the age of 21 years or if the person is in an area that has
17 restricted the sale and importation or possession of alcoholic bever-
18 ages under AS 04.11.496 or 04.11.498.

19 * Sec. 30. AS 04.16.125(a) is amended to read:

20 (a) A person may not use a common carrier to transport alcoholic
21 beverages into an area that has restricted the sale of alcoholic
22 beverages under AS 04.11.490, 04.11.492, or 04.11.500 and a common
23 carrier may not knowingly transport alcoholic beverages into an area
24 that has restricted the sale of alcoholic beverages under AS 04.11.-
25 490, 04.11.492, or 04.11.500 unless

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(2) an itemized invoice showing the purchase value of the alcoholic beverages is attached, by the purchaser or the licensee who sells the alcoholic beverages, to the outside of the shipping container.

* Sec. 31. This Act takes effect July 1, 1990.

S B

3 3 6

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 28, 1990

FURTHER REFERRALS:

Date of Committee Action: 5-7-90

The JUDICIARY Committee considered:

CSSB 336 (FINANCE) am

CS SB NO. 336 (Finance) am INVOLUNTARY TREATMENT FOR DRUGS/ALCOHOL

"An Act relating to treatment related to the use of alcohol and other drugs."

RECOMMENDATIONS:

- be replaced with HCS CS SB 336 (Jud) the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) Courts Admin, Hess Law
- zero fn/analysis _____

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		<input checked="" type="checkbox"/>	

[Signature]
Chairman's signature

Original sponsor(s): SEN. UEHLING

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 336 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to treatment related to the use of
7 alcohol and other drugs."

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

9 * Section 1. AS 47.37.010 is amended to read:

10 Sec. 47.37.010. DECLARATION OF POLICY. It is the policy of the
11 state that alcoholics and intoxicated persons should not be criminally
12 prosecuted for their consumption of alcoholic beverages and that they
13 should be afforded a continuum of treatment so they may lead normal
14 lives as productive members of society. Treatment should also be
15 provided for drug addicts.

16 * Sec. 2. AS 47.37.160(a) is amended to read:

17 (a) An alcoholic or drug addict may voluntarily apply for treat-
18 ment directly to an approved public treatment facility.

19 * Sec. 3. AS 47.37.160(c) is amended to read:

20 (c) When a patient receiving inpatient care leaves an approved
21 public treatment facility, the patient shall be encouraged to consent
22 to appropriate outpatient or intermediate treatment. If it appears to
23 the administrator in charge of the treatment facility that the patient
24 is an alcoholic or drug addict who requires help, the administrator
25 shall arrange for assistance in obtaining supportive services and
26 residential facilities.

27 * Sec. 4. AS 47.37.170(b) is amended to read:

28 (b) Except for a person who may be apprehended for possible
29 violation of laws not relating to alcoholism, drug addiction, or

1 intoxication and except for a person who may be apprehended for possi-
2 ble violation of laws relating to operating a vehicle while intoxi-
3 cated, a [A] person who appears to be incapacitated or gravely dis-
4 abled by alcohol or other drugs and who either is in a public place or
5 has threatened, attempted, or inflicted physical harm on that person
6 or another, shall be taken into protective custody by a peace officer
7 or a member of the emergency service patrol and immediately brought to
8 an approved public treatment facility, an approved private treatment
9 facility, or another appropriate health facility or service for emer-
10 gency medical treatment. If no treatment facility or emergency medi-
11 cal service is available, the [A] person [WHO APPEARS TO BE INCAPACI-
12 TATED BY ALCOHOL IN A PUBLIC PLACE] shall be taken to a state or
13 municipal detention facility in the area, if that appears necessary
14 for the protection of the person's health or safety.

15 * Sec. 5. AS 47.37.170(d) is amended to read:

16 (d) A person who, after medical examination, is found to be
17 incapacitated or gravely disabled by alcohol or other drugs at the
18 time of admission or to have become incapacitated or gravely disabled
19 at any time after admission, may not be detained at a facility after
20 the person is no longer incapacitated or gravely disabled by alcohol
21 or other drugs. A person may not be detained at a facility if the
22 person remains incapacitated or gravely disabled by alcohol or other
23 drugs for more than 48 hours after admission as a patient, unless the
24 person is committed under AS 47.37.180. The treatment personnel at an
25 approved treatment facility may use reasonable means to prevent the
26 person from committing self-harm or harming another or as necessary to
27 retain the person for up to 48 hours from the time of admission. A
28 person may consent to remain in the facility as long as the physician
29 in charge considers it appropriate.

1 * Sec. 6. AS 47.37.170(e) is amended to read:

2 (e) A person who is not admitted to an approved public treatment
3 facility, is not referred to another health facility, and has no
4 funds, may be taken to the person's home, if any. If the person has
5 no home, the approved public treatment facility shall provide [ASSIST]
6 the person with information and assistance to access available commu-
7 nity shelter resources [IN OBTAINING SHELTER].

8 * Sec. 7. AS 47.37.170(f) is amended to read:

9 (f) If a patient is admitted to an approved public treatment
10 facility, the patient's family or next of kin shall be promptly noti-
11 fied by the treatment facility. If an adult patient who is not inca-
12 pacitated requests that there be no notification of next of kin, the
13 patient's request shall be granted.

14 * Sec. 8. AS 47.37.170(h) is amended to read:

15 (h) If the physician in charge of the approved public treatment
16 facility determines that appropriate treatment is available [IT IS FOR
17 THE PATIENT'S BENEFIT], an attempt shall be made to encourage the
18 patient to submit to further diagnosis and appropriate voluntary
19 treatment.

20 * Sec. 9. AS 47.37.170(j) is amended to read:

21 (j) For purposes of (b) of this section, "incapacitated by
22 alcohol or other drugs" means a person who, as the result of consump-
23 tion of alcohol or other drugs, is rendered unconscious or has judg-
24 ment or physical mobility so impaired that the person cannot readily
25 recognize or escape conditions of apparent or imminent danger to
26 personal health or safety. The definition in AS 47.37.270 applies to
27 other portions of this chapter.

28 * Sec. 10. AS 47.37.180(a) is amended to read:

29 (a) An intoxicated person who (1) has threatened, attempted to

1 inflict, or inflicted physical harm on another or is likely to inflict
2 physical harm on another unless committed, or (2) is incapacitated by
3 alcohol or other drugs, may be committed to an approved public treat-
4 ment facility for emergency treatment if placement is available and
5 considered appropriate. A refusal to undergo treatment does not
6 constitute evidence of lack of judgment as to the need for treatment.

7 * Sec. 11. AS 47.37.190(a) is amended to read:

8 (a) After a hearing initiated by petition of a spouse or guard-
9 ian, a relative, the certifying physician, or the administrator in
10 charge of an approved public treatment facility, a person may be
11 committed to the custody of a private or public facility by the supe-
12 rior court if placement is available and considered appropriate. The
13 petition shall allege that the person is an alcoholic or drug addict
14 [WHO HABITUALLY LACKS SELF-CONTROL IN USING ALCOHOLIC BEVERAGES] and
15 that the person (1) has threatened, attempted to inflict, or inflicted
16 physical harm on another and that unless committed is likely to in-
17 flict physical harm on another; [OR] (2) has twice before in the
18 preceding twelve months been admitted for detoxification or for treat-
19 ment under this chapter; or (3) is incapacitated by alcohol or other
20 drugs. A refusal to undergo treatment does not constitute evidence of
21 lack of judgment as to the need for treatment. The petition shall be
22 accompanied by a certificate of a licensed physician who has examined
23 the person within two days before submission of the petition, unless
24 the person whose commitment is sought has refused to submit to a
25 medical examination, in which case the fact of refusal shall be al-
26 leged in the petition. The certificate must [SHALL] set out the
27 physician's findings in support of the allegations of the petition.

28 * Sec. 12. AS 47.37.190(b) is amended to read:

29 (b) After the petition is filed, the court shall fix a date for

1 a hearing no less than two and no later than seven [10] days after the
2 date the petition was filed. A copy of the petition and of the notice
3 of the hearing, including the date fixed by the court, shall be served
4 on (1) the petitioner; (2) the person whose commitment is sought; (3)
5 the next of kin of the person whose commitment is sought; (4) the
6 administrator in charge of the approved public treatment facility in
7 which the committed person has been committed for emergency care; and
8 (5) any other person the court considers appropriate. A copy of the
9 petition and certificate shall be delivered to each person notified.

10 * Sec. 13. AS 47.37.200(b) is amended to read:

11 (b) If after hearing all relevant evidence, including the re-
12 sults of any diagnostic examination by the private or public facility,
13 the court or the jury finds that grounds for involuntary commitment
14 have been clearly established, the court shall issue an order of
15 commitment to the private or public facility. A court may not order
16 the commitment of a person unless it determines that a private or
17 public facility is available and able to provide adequate and appro-
18 priate treatment for the person.

19 * Sec. 14. AS 47.37.200(c) is amended to read:

20 (c) A person committed under AS 47.37.190 - 47.37.200 shall
21 remain in the custody of a private or public facility for treatment
22 for a period of up to 30 days. At the end of the 30-day period, the
23 person shall be discharged automatically unless the office, before the
24 expiration of the period, obtains a court order for recommitment upon
25 the grounds set out in AS 47.37.190(a) for a further period of up to
26 90 days. If a person has been committed because the person is an
27 alcoholic or drug addict likely to inflict physical harm on another,
28 the office shall apply for recommitment if after examination it is
29 determined that the likelihood still exists.

1 * Sec. 15. AS 47.37.200(e) is amended to read:

2 (e) Upon the filing of a petition for recommitment under (c) or
3 (d) of this section, the court shall fix a date for hearing no less
4 than two and no later than seven [10] days after the date the petition
5 was filed. A copy of the petition and of the notice of hearing,
6 including the date fixed by the court, shall be served on (1) the
7 petitioner; (2) the person whose commitment is sought; (3) the next of
8 kin of the person whose commitment is sought; (4) the original peti-
9 tioner under AS 47.37.190(a), if different from the petitioner for
10 recommitment; (5) any other person the court considers appropriate.
11 AS 47.37.180(c) applies to hearings for recommitment under this sec-
12 tion. At the hearing the court or the jury shall proceed as provided
13 in (a) of this section.

14 * Sec. 16. AS 47.37.200(g) is amended to read:

15 (g) A person committed to the custody of the office for treat-
16 ment shall be discharged at any time before the end of the period for
17 which the person has been committed if either of the following condi-
18 tions is met:

19 (1) in the case of [WHEN] an alcoholic or drug addict
20 committed on the grounds of likelihood of infliction of physical harm
21 to that person or [ON] another,

22 (A) [IS NO LONGER CONSIDERED AN ALCOHOLIC OR] the
23 likelihood of the person inflicting physical harm no longer
24 exists;

25 (B) [OR (2) WHEN, IN THE CASE OF AN ALCOHOLIC COMMIT-
26 TED ON THE GROUNDS OF THE LIKELIHOOD OF INFLICTION OF PHYSICAL
27 HARM ON ANOTHER, EITHER (A)] further treatment will not be likely
28 to bring about significant improvement in the person's condition;
29 [,] or

1 (C) [(B)] treatment is no longer adequate or appropri-
2 ate; or

3 (2) in the case of an alcoholic or drug addict committed on
4 the grounds of the need for treatment and incapacity, that the inca-
5 capacity no longer exists.

6 * Sec. 17. AS 47.37 is amended by adding a new section to read:

7 Sec. 47.37.203. PROVISIONS FOR EARLY RELEASE. (a) When, in the
8 opinion of the professional person in charge of a facility providing
9 involuntary treatment under this chapter, the committed patient can be
10 appropriately served by less restrictive treatment before expiration
11 of the period of commitment, the less restrictive care may be required
12 as a condition for early release for a period that, when added to the
13 initial treatment period, does not exceed the period of commitment.
14 If the facility designated to provide the less restrictive care is not
15 the facility providing the initial involuntary treatment, the second
16 facility must agree in writing to assume responsibility for the per-
17 son.

18 (b) The original facility shall give a copy of the conditions
19 for early release to the patient, the office, and the court of origi-
20 nal commitment. The facility designated to provide less restrictive
21 care may modify the conditions for continued release if the modifica-
22 tions are in the best interests of the patient.

23 (c) If the facility providing less restrictive care and the
24 office determine that a conditionally released patient is failing to
25 adhere to the terms and conditions of release or that substantial
26 deterioration in the patient's functioning has occurred, the office
27 shall notify the court of original commitment and request a hearing to
28 determine whether or not the person should be returned to the more
29 restrictive care. The hearing shall be held no less than two and no

1 more than seven days after the date of the request.

2 (d) With a request under (c) of the section, the office shall
3 file a petition with the court stating the facts substantiating the
4 need for the hearing along with treatment recommendations. The pa-
5 tient has the same rights with respect to notice, hearing, and counsel
6 as for the original involuntary treatment proceedings. The issues to
7 be determined at the hearing are

8 (1) whether the conditionally released patient did or did
9 not adhere to the terms and conditions of release to less restrictive
10 care or whether substantial deterioration of the patient's functioning
11 has occurred; and

12 (2) whether the conditions of release should be modified or
13 the person should be returned to a more restrictive facility.

14 (e) The hearing under (d) of this section may be waived by the
15 patient and the patient's counsel, guardian, and conservator, if any,
16 but only if each of these persons agrees to the waiver. Upon waiver,
17 the person may be returned for involuntary treatment or continued on
18 conditional release on the same or modified conditions.

19 * Sec. 18. AS 47.37.210 is amended to read:

20 Sec. 47.37.210. RECORDS [OF ALCOHOLICS AND INTOXICATED PER-
21 SONS]. (a) Except as provided in (b) - (d) of this section and
22 [REQUIRED BY] AS 28.35.030(d), the registration and other records of
23 treatment facilities shall remain confidential and are privileged to
24 the patient.

25 (b) The [NOTWITHSTANDING (a) OF THIS SECTION, THE] coordinator
26 may make available information from patients' records for purposes of
27 research into the causes and treatment of alcoholism or drug addic-
28 tion. Information [NO INFORMATION] may not disclose a patient's name.

29 * Sec. 19. AS 47.37.210 is amended by adding new subsections to read:

1 (c) The administrator in charge of a treatment facility may make
2 allegations in a petition filed in proceedings under this chapter that
3 are based on information contained in records of the treatment facil-
4 ity.

5 (d) In proceedings under this chapter, there is no privilege
6 under (a) of this section for records created within one year of the
7 date the petition was filed under this chapter only if the records
8 relate to the condition or treatment of the respondent that is at
9 issue in the proceedings.

10 * Sec. 20. AS 47.37.240 is amended by adding new subsections to read:

11 (c) The department may not refuse admission for diagnosis,
12 evaluation, guidance, or treatment to an applicant because it is
13 determined that the applicant is financially unable to contribute
14 fully or in part to the cost of a service or facility available under
15 this chapter.

16 (d) The department may limit admissions of applicants under this
17 chapter or modify its programs in order to ensure that expenditures
18 for services or programs do not exceed amounts appropriated by the
19 legislature and allocated for the services or programs. The depart-
20 ment may establish admission priorities for use in the event that the
21 number of eligible applicants for services under this chapter exceeds
22 the limits set by the department.

23 * Sec. 21. AS 47.37 is amended by adding a new section to read:

24 Sec. 47.37.245. AVAILABILITY OF SERVICES NOT GUARANTEED. This
25 chapter may not be construed to entitle an individual to services
26 authorized in this chapter or to require the department or its con-
27 tractors to reallocate funds in order to ensure that services are
28 available to an eligible person upon demand.

29 * Sec. 22. AS 47.37.250(a) is amended to read:

1 (a) Nothing in this chapter affects a statute, ordinance, or
2 regulation relating to (1) drunken driving, driving under the influ-
3 ence of alcohol, driving while intoxicated, or other similar offenses
4 involving alcohol or other drugs and the operation of a vehicle,
5 aircraft, boat, machinery, or other equipment, (2) the sale, purchase,
6 dispensation, possession, or use of alcoholic beverages or other drugs
7 [AT SPECIFIED TIMES AND PLACES OR BY A PARTICULAR CLASS OF PERSONS],
8 including prohibitions against drinking intoxicating beverages in
9 specified public places, or (3) being upon the traveled portion of a
10 highway so as to be a hazard to the motoring public.

11 * Sec. 23. AS 47.37.270(1) is amended to read:

12 (1) "alcoholic" means a person who suffers from the disease
13 of alcoholism, characterized by a physiological dependency on alco-
14 holic beverages, loss of control over the amount and circumstances of
15 use, symptoms or tolerance, physiological or psychological withdrawal
16 if use is reduced or discontinued, and impairment of health or disrup-
17 tion of social or economic functioning [HABITUALLY LACKS SELF-CONTROL
18 IN USING ALCOHOLIC BEVERAGES, OR USES ALCOHOLIC BEVERAGES TO THE
19 EXTENT THAT THE PERSON'S HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDAN-
20 GERED, OR THE PERSON'S SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY
21 DISRUPTED];

22 * Sec. 24. AS 47.37.270(10) is amended to read:

23 (10) "incapacitated by alcohol or other drugs" means a
24 person who, as a result of the use of alcohol or other drugs, is
25 unconscious or whose judgment is otherwise so impaired that the person
26 is incapable of realizing and making a rational decision with respect
27 to a need for treatment or care, as evidenced objectively by extreme
28 physical debilitation, physical harm or threats of harm to the person
29 or to others or chronic inability to hold regular employment;

1 * Sec. 25. AS 47.37.270(15) is amended to read:

2 (15) "treatment" means the broad range of emergency, outpa-
3 tient, intermediate, and inpatient services and care which may be
4 extended to alcoholics, drug addicts, persons incapacitated or gravely
5 disabled by alcohol or other drugs, and intoxicated persons, including
6 diagnostic evaluation, medical, psychiatric, psychological, and social
7 service care, vocational rehabilitation and career counseling;

8 * Sec. 26. AS 47.37.270 is amended by adding new paragraphs to read:

9 (17) "drug addict" means a person who uses a drug other
10 than alcohol in a chronic, compulsive, or uncontrollable manner to the
11 extent that it is seriously interfering with the person's health,
12 economic, or social functioning, characterized by a compulsive desire
13 for one or more drugs, loss of control when exposed to one or more
14 drugs, physiological or psychological withdrawal if use is reduced or
15 discontinued, and continued use in spite of adverse consequences;

16 (18) "gravely disabled by alcohol or other drugs" means
17 that a person, as a result of the use of alcohol or other drugs,

18 (A) is in danger of serious physical harm resulting
19 from a failure to provide for the person's essential human needs
20 for health or safety; or

21 (B) manifests severe deterioration in routine func-
22 tioning evidenced by a repeated and escalating loss of cognition
23 or volitional control over the person's actions and is not re-
24 ceiving care that is essential for the person's health or safety.

Linda Anderson

6-1528Ja
Lauterbach

A M E N D M E N T

OFFFRED IN THE HOUSE

TO: CSSB 336 (Finance) am

Page 1, after line 16:

Insert a new bill section to read:

"* Sec. 2. AS 47.37.140 is amended by adding a new subsection to read:

(g) The minimum standards adopted under (a) of this section must include provisions requiring that a program for outpatient rehabilitative treatment must, unless modified in an alternative treatment program prescribed in the best interest of the person, include at least the following conditions for persons who are diagnosed as alcoholic:

(1) complete abstinence from alcoholic beverages and all controlled substances, unless prescribed by a physician;

(2) consent to periodic, unscheduled urinalysis testing designed to detect the presence of alcohol or controlled substances;

and

(3) agreement to participate in at least 72 hours of intensive outpatient contact within 90 days after acceptance for treatment in addition to weekly participation in meetings of an alcoholism or controlled substance self-help recovery group."

Renumber the following bill sections accordingly.

SB

340

HOUSE COMMITTEE REPORT

4/20

E

(7)

Date Referred: February 26, 1990

FURTHER REFERRALS:

JUDICIARY
FINANCE

Date of Committee Action: 4/18/90
The HES Committee considered:

CSSB 340(Rls)am

CS SB NO. 340 (Rules) am ILLEGAL DRUGS/SCHOOLS/PREGNANT WOMEN
"An Act relating to the delivery and possession of controlled substances and imitation controlled substances, to misconduct involving controlled substances, imitation controlled substances, and alcohol by minors, and to the provision of information that includes penalties applicable to misconduct involving controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS SB 340 (HES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

Senate
 fiscal note(s) 2/22/90/DOJ/2/22/90 P.S. (Date/Dept)
 zero fiscal note(s) _____
 zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

Ellis ELLIS
Jacko JACKO
Boyer BOYER

Signature	Do Not Pass	No Rec	Amend
<u>W. Furnace</u> FURNACE			X
<u>Cheri Davis</u> C. DAVIS			V

Ellis
 Chairman's Signature

FINANCE
2/12/90
ADOPTED
RJC

Senate Letter of Intent

CSSB 340 (Finance)

It is the intent of the legislature that the Department of Public Safety annually coordinate the printing of a "Student's Rights" card designed and written by the Department of Education. The Department of Public Safety shall make arrangements to distribute the card to every child enrolled in a public school, and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. The legislature intends that the Commissioner of Education use the "Student's Rights" card distributed by the State of New Jersey as a guide in designing the card, and that the card include information that summarizes the Alaska statutes applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

It is the further intent of the legislature that the Department of Public Safety annually coordinate the preparation and mailing of an information pamphlet to all households in the state. The pamphlet should be written in easily understandable language, should be designed to educate the public about controlled substances, and should summarize information relating to the criminal penalties applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

The legislature does not intend for the Department of Public Safety to pay for the cost of printing or distributing the "Student's Rights" card or information pamphlet. Instead, the legislature intends for the Commissioner of Public Safety to develop a process for soliciting in-kind donations of services and materials from private sector businesses and individuals, and to allow members of the private sector to print and distribute the "Student's Rights" cards and information pamphlets. The names of the donors shall be printed on each card and pamphlet.

adopted by Senate 2/22/90.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CS SB 340 (Rules) (a)
PUBLISH DATE: 2/22/90

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act relating to Drug Free
School Zones
Sponsor: Faiks, etc.
Requestor: Faiks

Agency Affected: DOT&PF
BRU: Maintenance and Operations

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	148.5	15.0	30.0	30.0	30.0	45.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	148.5	15.0	30.0	30.0	30.0	45.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	148.5	15.0	30.0	30.0	30.0	45.0

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: See attached.

Prepared by: Jeffery C. Ottesen
Division: Director, Engineering and Operations Standards

Phone: 465-2951
Date: January 24, 1990

Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: January 24, 1990

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

) Changes in CS SB 340 (Rules)
have no fiscal impact.
This fiscal note is
appropriate.

There is no way to make an actual inventory of signed school locations on short notice. However, there are 660 schools, and it can reasonably be assumed that at least half are on or near the state system (including municipal arterials), and are marked as schools by school speed zones, marked crosswalks, or advance school warning signs.

Furthermore, where schools are signed there would rarely be less than two marked locations (one in each direction on one road) and probably rarely more than four (one in each direction on two roads) for an average of 3 per school. This amounts to $330 \text{ schools} \times 3 \text{ signs per school average} = 990 \text{ signs total}$.

Large signing contracts average approximately \$50 per square foot for installed signs. The required sign size for legibility and consistency would be about two square feet. However, such smaller signs have much the same mounting, labor and equipment costs as those several times larger. Including the need to locate the signs rather accurately, the estimated cost per sign is conservatively \$150 each.

This results in an estimated initial cost of \$148,500 in 1990 dollars.

The sign life due to deterioration, accidental destruction, and the high vandalism target value cannot be expected to exceed about five years with, for all causes, 10% loss the first year, 20% the second through the fourth years, and 30% the last year when deterioration sets in, and about 20% per year average thereafter.

This results in maintenance as follows (in 1990 dollars):

1st year	$0.10 \times \$150K = \$15,000$
2nd thru 4th years	$0.20 \times \$150K = \$30,000 \text{ per year}$
5th year	$0.30 \times \$150K = \$45,000$
thereafter	$0.20 \times \$150K = \$30,000 \text{ per year}$

There is no way to accurately speak for the municipalities for the costs on their road system.

FISCAL NOTE

REQUEST:

Revision Date: 2/9/90
Title: Illegal drugs/schools

Agency Affected: Public Safety
BRU: Alaska State Troopers

Sponsor: Senator Faiks, et al.
Requestor: Senate Finance

Component: AST Special Projects

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	39.7	39.7	39.7	39.7	39.7	39.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	39.7	39.7	39.7	39.7	39.7	39.7

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	39.7	39.7	39.7	39.7	39.7	39.7
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	39.7	39.7	39.7	39.7	39.7	39.7

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Changes in CSSB 340 (Rules)
have no fiscal impact.
This fiscal note is
appropriate. *MZC*

Prepared by: Francis C.
Division: Alaska State Troopers

rnone: 269-5691
Date: 2/9/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 2-9-90
Page 1 of 4

MZC
2/9/90

Department of Public Safety
Fiscal Note Analysis
CSSB 340 (FIN) DRAFT, Drug Free School Zones
Page 2 of 4

Passage of proposed CSSB 340 (FIN) in its present form would require the Department of Public Safety to annually produce and distribute "Student's Rights" cards to an estimated 112,000* students presently enrolled in the 625 public and private schools in Alaska.

This bill also requires the Department of Public Safety to produce and distribute a controlled substances information pamphlet which is to be distributed annually to each of the estimated 266,000** households throughout Alaska.

The bill prohibits the Department of Public Safety from using state funds to accomplish this task, and an accompanying "letter of intent" directs the Department to solicit funds from private sources. The Department does not feel that this approach is realistic in Alaska. States with larger corporate environments may be able to obtain such voluntary support, but solicitation of donations for continuing revenue is very difficult. Despite serious doubts about the workability of this scheme, this fiscal note is the Department's best estimate of essential costs.

To accomplish the tasks set out by the language of this bill, as interpreted in the letter of intent, the following activities must occur: writing, research, design and layout of the information pamphlet and Student's Rights cards, preparation of printer's specifications, bid specifications, mail assembly, and distribution. These and many other tasks must be handled by skilled personnel in order to ensure compliance with the legislation. In addition, it will be necessary for at least one member of the DPS staff to oversee and coordinate this project to ensure compliance.

Personal Services:

Publications Specialist II	\$25.3
Clerk Typist II	<u>14.4</u>
TOTAL	<u>\$39.7</u>

* Figures from the Department of Education.

** Figures from U.S. Census Bureau.

204

Position Title Publications Specialist II		No. of Positions 1	Range/Step 16/A	Barg. Unit
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
Type of Expenditure		Justification		
1	2	3		
Salary*	18,956	////////////////////////////////////		
Benefits*	6,306	////////////////////////////////////		
Premium Pay (Included in Above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	25.3		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		25.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	25.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This position will function within the Community Services Bureau. This person will be responsible for the preparation, writing, and design layout of the controlled substance information pamphlet and the "Student's Rights" card. Further, the position would be responsible for preparing printer's specifications and obtaining bids for printing of these publications. Distribution and mailing of the material would also be coordinated by this individual.

Six months funding will be needed to perform the work necessary to meet the requirements of this legislation.

590

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT AST Special Projects

Page 3 of 4
 Revised Date

FY 91

Position Title Clerk Typist II		No. of Positions 1	Range/Step 7/A	Barg. Unit ASEA
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
Type of Expenditure		Justification		
1	2	3		
Salary*	10,394	////////////////////////////////////		
Benefits*	3,982	////////////////////////////////////		
Premium Pay (Included in Above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	14.4		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		14.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	14.4		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This Clerk Typist II position will be assigned to the Community Services Bureau to provide clerical support for this project in terms of research and follow-up correspondence with schools and interested households.

This position will be needed for 6 months to accomplish the goals envisioned in the legislation.

f
3
4

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT AST Special Projects

Page 4 of 4
 Revised Date

FY 91

A M E N D M E N T

#1
adopted

OFFERED IN THE HOUSE

TO: CSSB 340 (Rules) am

Page 7, lines 25 - 29:

Delete all material and insert:

"* Sec. 12. AS 28.15.185(b) is amended to read:

(b) The court shall impose the revocation for an offense described in (a) of this section as follows:

(1) for a first conviction or adjudication, the revocation may be for a period not to exceed 120 [90] days;

(2) for a second [OR SUBSEQUENT] conviction or adjudication, the revocation may be for a period not to exceed one year;

(3) for a third or subsequent conviction or adjudication, the court shall revoke the minor's driver's license for two years or until the minor reaches 18 years of age, whichever is longer."

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title : "An Act relating to delivery and possession of controlled substances"
 Sponsor : Sen. Raiks, et.al.
 Requestor : _____

Agency Affected : HSS
 BRU : Youth Services
 Components : Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	180.0	180.0	180.0	180.0	180.0	180.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	180.0	180.0	180.0	180.0	180.0	180.0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	180.0	180.0	180.0	180.0	180.0	180.0
FEDERAL FUNDS						
OTHER						
TOTAL	180.0	180.0	180.0	180.0	180.0	180.0

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) FY 90 fiscal impact is "0"

Prepared by : *Russ Webb* Phone : 465-3170
 Division : Family and Youth Services Date : 3/25/90
 Approved by Commissioner : *Maria M. Munson* Date : 3/27/90
 Agency : Dept. of Health and Social Services

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ANALYSIS:

There would be no fiscal impact on the department in FY90.

CSSB340 will make available to the court an additional statutorily authorized delinquency disposition alternative. The court could order a substantial amount of community service to be completed by a minor who has been adjudicated on the basis of a substance abuse offense involving possession for distribution on a school ground or school bus.

Application of this alternative would require the division of Family and Youth Services to develop widely distributed community work service programs. Without an appropriate program to support a community work service order it is unlikely the court would select this delinquency disposition alternative and, if ordered, it is unlikely that such orders could be meaningfully applied or have rehabilitative value.

A well designed systematically applied program is necessary to identify appropriate community work service sites, negotiate agreements with public and private non-profit agencies providing work service sites, assign youth to appropriate sites, monitor behavior on-site, document completion of work service requirements and report to the court. Performance of such activities can most effectively be carried out by a private sector agency under contract with the department. Program services could be organized regionally in Juneau, Fairbanks, and Anchorage. Program services for the smaller communities in those regions could be provided itinerantly by the contractor. Such programs could handle 500-800 referrals per year making community work service a viable delinquency disposition alternative for all adjudicated delinquents, not just those charged with substance abuse offenses.

Cost estimates were derived from actual operational costs for the juvenile community work service program previously provided through RSA to the Department of Law Pretrial Diversion Unit. That program was discontinued in 1987. Cost per regional site providing both local and itinerant services is \$60,000 for a total statewide annual cost of \$180,000 for three (3) sites. Contractor costs are as follows:

Full-Time Coordinator: salary & benefits @ 42.0 per staff for each of 3 regions	42.0	X 3	=	\$123.0
Support Services: travel, communications, supplies and equipment @19.0 per regional program	19.0	X 3	=	57.0
TOTAL				\$180.0

ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

RESOLUTION NUMBER 1. DRUG-FREE SCHOOL ZONES

SUBMITTED BY: AASSP

WHEREAS the Alaska Association of Secondary School Principals has long been involved in fighting the menace of drug abuse in Alaska due to the detrimental affects it can have on our students and society; and

WHEREAS drug pushers have often found a lucrative market among students who cannot say "no"; and

WHEREAS at the national level a recent survey by the Coalition for Drug-Free School Zones, of which NASSP is a charter member, shows that 23 states now have drug-free school zones on the books, and legislation is pending in another 12 states; and

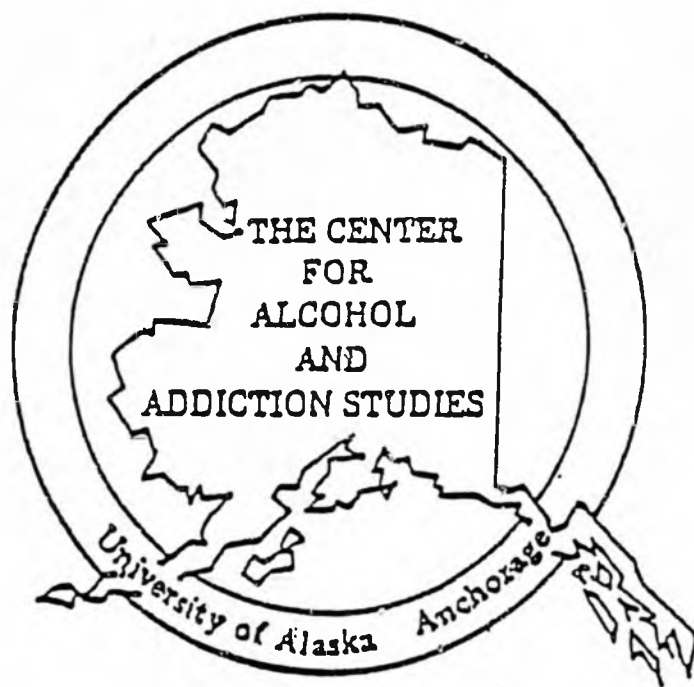
WHEREAS Alaska is one of those states that has no drug free school zones in statute or in proposed legislation; and

WHEREAS police records in New Jersey, the first state to pass drug free school zone legislation, confirm that pushers avoid the special zones because of the severe penalties in force there;

THEREFORE BE IT RESOLVED that the Alaska Association of Secondary School Principals work for the introduction and passage of a drug-free school zone law in the state of Alaska and that we work to make penalties as severe as possible for violation of this law.

APPROVED: 10/17/89

DRUG-TAKING BEHAVIOR AMONG ALASAKAN YOUTH - 1988:
A FOLLOW-UP STUDY



Bernard Segal, Ph.D.
Director, Center for Alcohol and Addiction Studies
University of Alaska Anchorage

November, 1988

Funded in part by a grant from the State Office of Alcoholism and Drug Abuse, Department of Health and Social Services, Juneau, Alaska

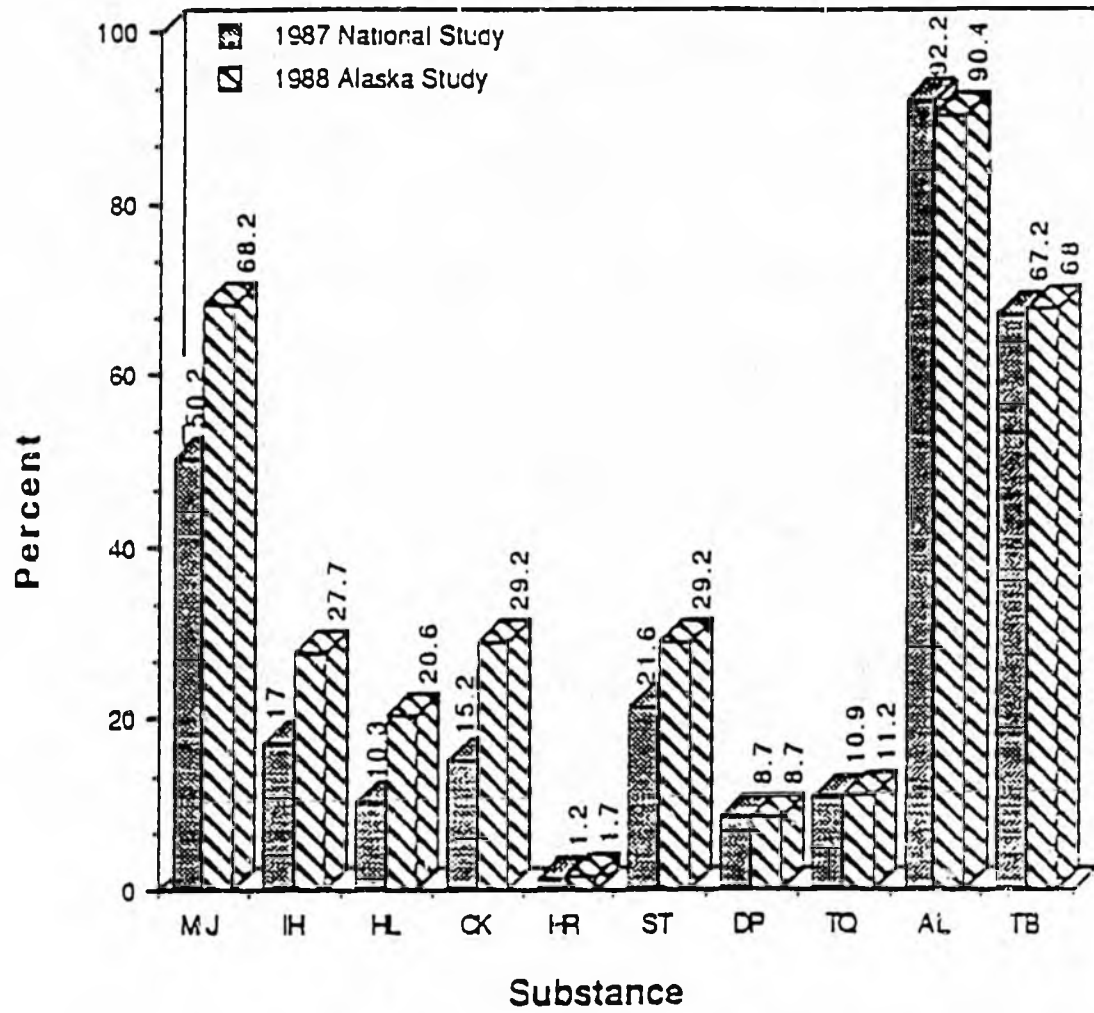
C. Comparisons with Other Surveys

(1) Comparison of Alaska 12-17 Year-Olds with the 1985 National Survey on Drug Abuse: Lifetime Prevalence

The 1985 National Survey on Drug Abuse (NIDA, 1986) identifies lifetime prevalence of drug use among 12-17 year-olds in the lower-48 states. A comparison of the Alaskan data for the same age group (Figure 4-45) shows that Alaskan 12-17 year-olds exceeded the national levels for every substance. Marijuana, for example, was greater than twice the national level, and stimulants were more than three times the national rate.

The question arises of why the Alaskan data is so much higher than the prevalence levels cited in the national survey. One possible answer involves differences in methodology. The Alaska survey utilized a procedure which called for anonymous responses to questionnaires. The national study involved direct interviews. It is possible that direct interviews, particularly when conducted in the interviewee's home, elicited more false negatives than responding anonymously to questionnaires in school, thereby resulting in lower prevalence rates. An alternative explanation is that substance use in Alaska is higher than in the lower-48 states.

Figure 4-46
 Comparison of Alaskan Seniors with
 the 1987 National High School Senior Study
 Lifetime Prevalence



CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**