



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: April 29, 2019

FROM: Erika McConnell, Director

RE: Newspaper of General
Circulation – Draft Policy

AS 04.11.310(a) states that the board may require an applicant for a new license or for a license transfer “to provide paid notice of the application once each week for three successive weeks in a newspaper or by radio.” The board has adopted regulations to implement this section, at 3 AAC 304.125(a)(2):

3 AAC 304.125. Public notice

(a) The notice required by AS 04.11.310 must be given as follows:

...

(2) by an announcement, published once a week for three consecutive weeks in a newspaper of general circulation in the area or broadcast twice a week for three consecutive weeks by a radio station serving the area, stating

- (A) the name of the applicant and the transferee if applicable;
- (B) the name and location of the proposed premises;
- (C) the type of license applied for;
- (D) that any comment or objection may be submitted to the board; and
- (E) whether the application is for a new license or transfer of an existing license.

There has never been clear guidance regarding what qualifies as a “newspaper of general circulation.” The Alaska Supreme Court weighed in in a 1976 case, *Moore v. State*, saying:

Our threshold determination is how the phrase ‘general circulation’ shall be construed. The proper construction of the term ‘general circulation’ requires consideration of both the qualitative and quantitative aspects of the publication. A newspaper which contains news of general interest to the community and reaches a diverse readership is one of general circulation. In view of the fact that the Anchorage Times carries news on a variety of subjects of general interest to the average reader, only a lack of readers in the Homer area could deny it the status of a ‘newspaper of general circulation in the vicinity’ of the [place where the issue arose]. At the time the notice was published, the population of the Homer area was approximately 3,500. The circulation of the Anchorage Times in the area was approximately 130. The number of readers, albeit small, was not so insignificant that the newspaper would fail to reach a diverse group of people in the community. Therefore, it

must be said that the Anchorage Times was a newspaper of ‘general circulation’ in the Homer area.

The key phrases from the court’s opinion appear to be “contains news of general interest to the community” and “reaches a diverse readership.”

AMCO staff regularly encounter issues relating to what is a “newspaper of general circulation.” To provide clarity to applicants, AMCO proposes to publish the attached policy on our website, unless the board would like to make any adjustments.

Attachment: Draft policy



Policy on Newspaper of General Circulation

For the purposes of 3 AAC 304.125

A “newspaper of general circulation” is

- A newspaper published for the dissemination of local and state/national news and intelligence of a general character; and
- A newspaper having a subscription list of paying subscribers located within the city, borough, or municipality in question, and has been established, printed, and published at regular intervals in the city, borough, or municipality where publication, notice by publication, or official advertising is to be given or made; and
- A newspaper having public distribution points in the city, borough, or municipality.

The following chart shows a qualifying newspaper of general circulation for Alaska communities.

Community	Newspaper of General Circulation
Ketchikan Coffman Cove Craig Thorne Bay	Ketchikan Daily News
Wrangell	Wrangell Sentinel
Petersburg	Petersburg Pilot
Sitka	Daily Sitka Sentinel
Juneau Gustavus Hoonah Pelican Tenakee Springs	Juneau Empire
Haines	Chilkat Valley News
Skagway	Skagway News
Yakutat	Cordova Times Juneau Empire
Cordova	Cordova Times
Valdez	Valdez Star
Anchorage (including all communities within the Municipality of Anchorage) Whittier	Anchorage Daily News Anchorage Press
Chugiak Eagle River	Alaska Star
Seward	Seward Phoenix Log

For communities not listed, please contact the AMCO office at alcohol.licensing@alaska.gov or 907-269-0350.

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Community	Newspaper of General Circulation
Anchor Point Kasilof Kenai Nikiski Ninilchik Seldovia Soldotna Sterling Other Kenai Peninsula Borough communities	Peninsula Clarion
Anchor Point Homer Kachemak Ninilchik Seldovia	Homer News The Homer Tribune
Houston Palmer Wasilla Other Matanuska-Susitna Borough communities	The Frontiersman
Anderson Bettles Delta Junction Denali Park Fairbanks Galena Nenana North Pole Ruby Other Fairbanks North Star Borough communities	Fairbanks Daily News-Miner
Kotzebue	Arctic Sounder
St. George St. Paul	Use radio advertising
Nome	Nome Nugget
Bethel McGrath	Delta Discovery
Dillingham Egegik	Bristol Bay Times & The Dutch Harbor Fisherman
Kodiak	Kodiak Daily Mirror
Akutan Cold Bay False Pass King Cove Sand Point	Use radio advertising
Adak Unalaska	Use radio advertising

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