

CS FOR HOUSE BILL NO. 15(L&C) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 2/22/05

Offered: 2/4/05

Sponsor(s): REPRESENTATIVES MEYER, Foster, Olson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to outdoor recreation lodge alcoholic beverage licenses; relating to**
2 **transfer of certain beverage dispensary licenses issued before June 6, 1985; and**
3 **providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 04.11.080 is amended by adding a new paragraph to read:

6 (21) outdoor recreation lodge license.

7 * **Sec. 2.** AS 04.11 is amended by adding a new section to read:

8 **Sec. 04.11.225. Outdoor recreation lodge license.** (a) An outdoor recreation
9 lodge license authorizes the holder to sell alcoholic beverages to a registered overnight
10 guest or off-duty staff of the lodge for consumption on the licensed premises or in
11 conjunction with purchased outdoor recreation activities provided by the licensee. An
12 outdoor recreation lodge license may not be transferred.

13 (b) The biennial fee for an outdoor recreation lodge license is \$1,250.

14 (c) In this section, "outdoor recreation lodge" means a business that provides

1 overnight accommodations and meals, is primarily involved in offering opportunities
 2 for persons to engage in outdoor recreation activities, and has a minimum of two guest
 3 rooms.

4 * **Sec. 3.** AS 04.11.360 is amended to read:

5 **Sec. 04.11.360. Denial of transfer of a license to another person.** An
 6 application requesting approval of a transfer of a license to another person under this
 7 title shall be denied if

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

10 (2) the application has not been completed in accordance with
 11 AS 04.11.280;

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

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

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

17 (B) the transfer is **under** [PURSUANT TO] a promise given as
 18 collateral by the transferor to the transferee in the course of an earlier transfer
 19 of the license under which promise the transferor is obliged to transfer the
 20 license back to the transferee in the event of default in payment for property
 21 conveyed as part of the earlier transfer of the license;

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

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

26 (7) transfer of the license to another person is prohibited under the
 27 provisions of this title as a result of an election conducted under AS 04.11.507;

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

30 (9) the license was issued under AS 04.11.100(f) or 04.11.400(g);

31 **however, this paragraph does not apply to a beverage dispensary license issued**

1 **before June 6, 1985, under former AS 04.11.400(j) if the transfer does not involve**
 2 **a change in location;** or

3 (10) the license was issued under AS 04.11.135, unless the transferor is
 4 also applying to transfer the beverage dispensary license required under AS 04.11.135
 5 to the same transferee.

6 * **Sec. 4.** AS 04.11.400(a) is amended to read:

7 (a) Except as provided in (d) - (h), [AND] (k), **and (m)** of this section, a new
 8 license may not be issued and the board may prohibit relocation of an existing license

9 (1) outside an established village, incorporated city, unified
 10 municipality, or organized borough if after the issuance or relocation there would be
 11 (A) more than one restaurant or eating place license for each 1,500 population or
 12 fraction of that population, or (B) more than one license of each other type, including
 13 licenses that have been issued under (d) or (e) of this section, for each 3,000
 14 population or fraction of that population, in a radius of five miles of the licensed
 15 premises, excluding the populations of established villages, incorporated cities, unified
 16 municipalities, and organized boroughs that are wholly or partly included within the
 17 radius;

18 (2) inside an established village, incorporated city, or unified
 19 municipality if after the issuance or relocation there would be inside the established
 20 village, incorporated city, or unified municipality

21 (A) more than one restaurant or eating place license for each
 22 1,500 population or fraction of that population; or

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

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

30 (A) more than one restaurant or eating place license for each
 31 1,500 population or fraction of that population; or

1 (B) more than one license of each other type, including licenses
2 that have been issued under (d) or (e) of this section, for each 3,000 population
3 or fraction of that population excluding the population of those established
4 villages that have adopted a local option under AS 04.11.491(b)(1), (3), or (4),
5 and excluding the population of incorporated cities located within the
6 organized borough.

7 * **Sec. 5.** AS 04.11.400 is amended by adding a new subsection to read:

8 (m) The board may approve the issuance of a outdoor recreation lodge license
9 without regard to (a) of this section if it appears that the issuance will encourage the
10 tourist trade by encouraging the construction or improvement of a business relating to
11 the tourist trade and the business meets the requirements for issuance of the license
12 under AS 04.11.225.

13 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).