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IN THE HOUSE

BY RULES COMMITTEE

HOUSE BILL NO. 9

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
TWENTY-SECOND LEGISLATURE, FIRST EXTRAORDINARY SESSION

A BILL

For an Act entitled: "An Act to amend Section 35-4-13 ACLA 1949,
as amended by Ch. 131, Session Laws of
Alaska 1953, relating to beverage dispensary
licenses; and setting an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Section 35-4-13 ACLA 1949, as amended by Ch. 131,
Session Laws of Alaska 1953, is hereby amended by adding the
following new paragraphs:

Except as hereinafter set forth, no application for a
beverage dispensary license shall be approved for any lo-
cation where, within a radius of ten (10) miles from the
proposed location, the total number of issued beverage dis-
pensary licenses, when added to the proposed new license,
shall exceed one license for each 1,500 bona fide adult
residents within that area; provided, however, a license
may be issued to one qualified applicant within any ten-mile
radius where the bona fide adult residents number less than
1,500 and no other license exists.

No licensee holding a beverage dispensary license shall
be denied a renewal of said license for another location
where, because of the termination of the licensee's lease on
the location or because of condemnation or substantial des-
truction of the premises by fire or other cause, it becomes
necessary to relocate, or where public convenience is better

1 served by said transfer; provided, however, that in the event
2 said licensee is so deprived of his licensed location, his
3 application for another acceptable location must be made
4 within three months of the time when the relocation becomes
5 necessary.

6 If a beverage dispensary license be in the name of a
7 lessee, the lesser-owner of the premises, if such premises
8 are located outside an incorporated municipality, may secure
9 a beverage dispensary license for use on the premises in the
10 event the lease is terminated or the licensed lessee trans-
11 fers his existing license to other premises; provided, how-
12 ever, that the lesser-owner must apply within a period of
13 thirty days from the date of such transfer or lease termina-
14 tion for such beverage dispensary license; and further pro-
15 vided, that the lesser-owner shall be otherwise qualified
16 to hold a beverage dispensary license.

17 All beverage dispensary licenses in effect April 1,
18 1935, shall be renewed irrespective of the limitation herein
19 as to the number of licenses in an area, unless the appli-
20 cation shall be denied for other cause.

21 An application for a beverage dispensary license for an
22 establishment outside of an incorporated municipality and not
23 served by any road or highway, or for a newly-constructed
24 hotel, travelers' inn or resort of fifteen bona fide guest
25 rooms or more, ^{or in a village or unincorporated municipality} shall not be subject to the limitations of
26 this Act on the number of licenses in an area, but may be
27 processed and granted under the general provisions governing
28 local option or consent, if the applicant is otherwise
29 qualified to hold a beverage dispensary license.

Page 2, Line 25: After "more" insert "within or without any incorporated municipality"

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Applications for beverage dispensary licenses pending on the effective date of this Act may be processed under the laws existing at the time the application was filed.

In no event shall a license be transferred out of the Judicial Division within which it was granted.

An applicant for any beverage dispensary license, or renewal thereof, shall make an affirmative showing under oath and shall bear the burden of proving to the court that he is entitled to a license hereunder.

Section 2. This Act shall be in effect on and after its passage and approval, or upon its becoming law without such approval.

Page 3, Line 6: Delete all of lines 6, 7, 8 and 9