

1 IN THE HOUSE

BY MR. FREEMAN

2 HOUSE BILL NO. 55

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to City Council Control
7 over liquor licenses within incorporated
8 towns; amending Sec. 35-4-12, ACLA 1949,
9 as amended by Ch. 131, SLA 1957, Sec.
10 35-4-13, ACLA 1949, as amended by Ch. 131,
11 SLA 1953, as amended by Ch. 131, SLA 1957,
12 and Sec. 35-4-19, ACLA, as amended by Ch.
13 131, SLA 1957."

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

15 Section 1. Sec. 35-4-12, ACLA 1949, as amended by Ch. 131,
16 SLA 1957, is hereby amended to read as follows:

17 Sec. 35-4-12. LICENSES: ISSUANCE. The licenses
18 provided for in this Act shall be issued by the Tax
19 Commissioner in compliance with the order of the Board
20 , except that no license shall be issued for a location
21 within an incorporated city or town unless there shall
22 have been approval of such license by the City Council
23 of such town, as provided in Sec. 35-4-13 of this Act;
24 failure of a city council to act on such a license applica-
25 tion within thirty days of receipt thereof shall be con-
26 sidered approval of such license application.

27 Sec. 2. Sec. 35-4-13, ACLA 1949, as amended by Ch. 131,
28 SLA 1953, as amended by Ch. 131, SLA 1957, is hereby amended
29 to read as follows:

1 35-4-13. APPLICATION FOR LICENSE: CONSENT OF
2 CITIZENS: PROCEEDINGS AND HEARINGS ON APPLICATION: POST-
3 ING LICENSE: TRANSFER OF LICENSE: REFUND OF FEES. No
4 application for a license shall be approved for any loca-
5 tion outside an incorporated town and not licensed at the
6 time of application where the total of licensed premises
7 in the aggregate at one time would exceed one license of
8 each type for each 1,500 population or fraction thereof,
9 within a radius of five miles of the proposed location
10 nor shall any application for a license be approved for
11 any location within an incorporated city and not licensed
12 at the time of application where the total of licensed
13 premises in the aggregate at one time would exceed one
14 license of each type for each 1,500 population or fraction
15 thereof within such city; save and except that no licensee
16 holding a license shall be denied a renewal of said license
17 for another location where, because of the termination of
18 the licensee's lease on the location or because of condem-
19 nation or substantial destruction of the premises by fire
20 or other cause, it becomes necessary to relocate, or where
21 public convenience is better served by said transfer pro-
22 vided, however, that in the event said licensee is so
23 deprived of his licensed location his application for
24 another acceptable location must be made within three
25 months of the time when the relocation becomes necessary.
26 In no event shall a license be transferred out of the
27 Judicial Division within which it was granted. Provided,
28 however, that licenses already issued at the time of the
29 enactment of this Act shall be renewed irrespective of

1 such ratio, unless the application shall be denied for
2 reason other than that contained in this section. Pro-
3 vided, however, that no person shall own or have an interest
4 in more than three Beverage Dispensary Licenses.

5 Provided, however, that any application for a license
6 coming from within an incorporated town shall have
7 attached to the application in lieu of the consent required
8 in subsection (5) of Section 35-4-14 herein, a recommenda-
9 tion of the city council of said incorporated town and
10 shall be forwarded to and considered by the Board, in addi-
11 tion to a list of at least five references from within the
12 corporate boundaries of said town, as to the integrity of
13 the applicant and the desirability of the issuing of a
14 license for the premises mentioned therein. Such recommen-
15 dation shall be binding on the Board UNLESS THE BOARD
16 AFTER A HEARING AS HEREIN PROVIDED SHALL DETERMINE THAT
17 THE CITY COUNCIL ACTED IN A CAPRICIOUS OR ARBITRARY MANNER
18 A failure of the city council to act upon applications for
19 licenses within thirty days of receipt of any such applica-
20 tion shall be considered a default and shall subject the
21 city to the penalty of losing its right to a refund as
22 herein provided. At the time set for the hearing, the
23 Board shall consider the application and any protests that
24 may be filed against the same, and shall also hear the
25 applicant or others appearing in connection with the
26 matter, and give its judgment, which shall be final. If
27 the application is rejected the fee accompanying the
28 same shall be returned less the sum of Twenty-Five Dollars.
29 The licensee shall cause the license to be posted in a

1 conspicuous position in his place of business, so that
2 anyone entering the premises may easily read it. No
3 license issued under the provisions of this Act shall be
4 transferred except after first securing the consent of the
5 Board. No refund of license fees will be allowed after
6 the issuance of license.

7 Sec. 3. Sec. 35-4-19, ACLA 1949, as amended by Ch. 131,
8 SLA 1957, is hereby amended to read as follows:

9 Sec. 35-4-19. DURATION AND TRANSFER OF LICENSES. No
10 license shall be issued for a greater period than one year;
11 and no licenses shall be transferred by the licensee to
12 any other person except with the written consent of the
13 Board, but authority for the same may issue upon applica-
14 tion thereto in writing; provided, that no authority for
15 transfer of a license for a location within an incorporated
16 town shall be issued unless the city council of such town
17 shall have approved the application for transfer; failure
18 of a city council to act on an application for transfer
19 within thirty days of receipt thereof shall be considered
20 approval of such application for transfer.
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