

Introduced: 2/3/71
Referred: Local Government
and State Affairs

BY FERGUSON BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 130

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of intoxicating liquor by
7 local governments; and providing for an effective
8 date."

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

10 * Section 1. AS 04.10 is amended by adding new sections to read:

11 ARTICLE 6. MUNICIPAL LIQUOR LICENSES.

12 Sec. 04.10.500. CITY LIQUOR LICENSE. (a) A city which does not
13 prohibit sale of intoxicating liquor under the local option election
14 provisions of sec. 430 of this chapter or AS 29.25.380 - 29.25.410 may
15 obtain a beverage dispensary, retail, or restaurant license for sale of
16 intoxicating liquor on premises within the city, as provided in this
17 section, if a license is available for issuance under the provisions of
18 secs. 210(2) or 400 of this chapter.

19 (b) Before a license may be issued under this section, certifica-
20 tion must be submitted to the board that at the last regular or special
21 city election a majority of the qualified voters in the city voted
22 affirmatively on the question, "Shall the incorporated city of
23 obtain(number and type or types of
24 licenses) for the sale of intoxicating liquor?" The question shall be
25 submitted to a vote within 30 days after the council receives a petition
26 signed by 25 per cent or more of the total number of qualified voters
27 who voted at the last regular city election and request a vote on the
28 petition. Upon receipt of a petition, the council shall notify the
29 board, which shall withhold issuance of an available license requested

1 in the petition pending the election.

2 (c) The council shall conduct the election under this section
3 in the same manner as other regular or special city elections and shall
4 forward notice of the result of a vote on the question immediately to
5 the board. Other provisions of law governing eligibility for licenses,
6 notwithstanding, if a majority of the qualified voters at the election
7 favor the sale of intoxicating beverages by the city, the board shall
8 issue the license and thereafter for the term of the license or re-
9 issued license deny all applications from other parties for licenses to
10 sell liquor within the city from other parties, unless the council
11 determines otherwise as to licenses available for issuance under secs.
12 210 or 400 of this chapter. This subsection shall not operate, however,
13 to preclude the subsequent transfer of a license from a city to a
14 corporation organized and certified under the Alaska Nonprofit Corpora-
15 tion Act (AS 10.20.005 - 10.20.725) to conduct and manage the sale of
16 liquor on behalf of the council.

17 (d) A city obtaining a liquor license under this section may
18 obtain reissuance of the license without presenting the question to
19 the municipal voters, if a petition requesting an election is not
20 presented to the council at least 40 days before the expiration date
21 of the valid existing license. Otherwise, the election requirements
22 of this section shall apply as in the case of issuance of the initial
23 license.

24 (e) After issuance or reissuance of a liquor license under this
25 section, no petition for a vote on the question of the city license may
26 be filed with the council until at least nine months have elapsed from
27 the date the license was issued or renewed.

28 (f) A license for the sale of intoxicating liquor issued or re-
29 issued to a city before the effective date of this Act and in effect on

1 the effective date of this Act shall be a valid license for the dura-
2 tion of the license term and thereafter may be renewed in accordance
3 with the provisions of this section.

4 Sec. 04.10.510. APPLICATION OF CERTAIN SECTIONS. Secs. 190(a)(5)
5 and 270 of this chapter do not apply to licensure of a city under
6 secs. 500 - 520 of this chapter.

7 Sec. 04.10.520. DEFINITIONS. In secs. 500 - 520 of this chapter

8 (1) "city" means a city of any class having a population
9 under 3,500 persons according to the most recent United States census
10 or other reliable data;

11 (2) "council" means the council or other governing body of
12 a city.

13 * Sec. 2. This Act takes effect on the day after its passage and approval
14 or on the day it becomes law without approval.

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