

Introduced: 3/12/71
Referred: State Affairs
and Commerce

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 311

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 alcoholic beverage licenses; and
7 providing for an effective date."

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

9 * Section 1. AS 04.10.060 is repealed and re-enacted to read:

10 Sec. 04.10.060. ROAD HOUSE LICENSE. The holder of a road house
11 license whose licensed premises is located not less than 18 miles
12 from the corporate limits of a city and who serves food to the traveling
13 public, may sell beer and wine for consumption on the premises only.
14 The road house license fee is \$150.

15 * Sec. 2. AS 04.10.100 is amended to read:

16 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license
17 may sell for cash in his establishment intoxicating liquors in the
18 original packages and wine in bulk. All liquor requiring internal
19 revenue strip stamps shall have the stamps intact upon the packages.
20 The consumption of intoxicating liquor on premises licensed under
21 this provision is prohibited. Sales under a retail license shall be
22 limited to less than 20 [FIVE] wine gallons to any one person in any
23 one sale. The retail license fee is \$600, but the retail license fee
24 for a retail liquor store having gross sales from the sale of intoxi-
25 cating liquors not exceeding \$20,000 in any calendar year is \$300.

26 * Sec. 3. AS 04.10 is amended by adding a new section to read:

27 Sec. 04.10.255. REGULATIONS AGAINST MONOPOLIES. (a) The board
28 shall adopt regulations which prohibit the formation of monopolies
29 of alcoholic beverage dispensary licenses and shall by regulation

1 define "monopoly", as used in this section.

2 (b) A municipal corporation or a nonprofit corporation or
3 cooperative which is granted, by statute, the right to hold an
4 alcoholic beverage dispensary license is exempt from the provisions
5 of (a) of this section.

6 * Sec. 4. AS 04.10.260 is amended to read:

7 Sec. 04.10.260. LICENSING TO ENCOURAGE TOURIST TRADE. The
8 board may, in its discretion approve the issuance or transfer of a
9 license [INTO AN AREA OUTSIDE AN INCORPORATED MUNICIPALITY] without
10 regard to the quota provisions of secs. 210 - 290 of this chapter
11 when [WHERE] it appears that the issuance or transfer will encourage
12 the construction or improvement of a hotel, motel, resort or similar
13 business related to the tourist trade having a minimum accommodation
14 of 20 [10] rooms and a dining facility.

15 * Sec. 5. AS 04.10.270 is amended to read:

16 Sec. 04.10.270. RECOMMENDATION OF CITY COUNCIL IN PLACE OF
17 PUBLIC CONSENT. An application for a transfer, renewal or new license
18 coming from within an incorporated municipality shall have attached
19 to the application, in place of the consent required in sec. 190(a)(5)
20 of this chapter, a recommendation of the city council of the incorporated
21 city, or, if the application is for premises within the area of an
22 organized borough outside the boundaries of an incorporated city,
23 the recommendation of the borough assembly, as to the integrity of
24 the applicant and the desirability of issuing a license for the pre-
25 mises mentioned in the application. This recommendation is not the
26 only thing the board shall consider in determining whether or not to
27 transfer, renew or issue a new license [BINDING ON THE BOARD UNLESS
28 THE BOARD AFTER A HEARING AS PROVIDED IN THIS TITLE DETERMINES THAT
29 THE CITY COUNCIL OR BOROUGH ASSEMBLY ACTED IN A CAPRICIOUS OR

1 ARBITRARY MANNER, AND STATES IN WRITING ITS FINDINGS AS TO THE
2 CAPRICIOUS OR ARBITRARY ASPECTS OF THE ACTION OF THE COUNCIL OR
3 ASSEMBLY]. The failure of the city council or borough assembly to
4 act upon an application for a transfer, renewal or new license within
5 60 days of receipt of the application entitles the applicant to
6 bypass the city council or borough assembly and send an application
7 directly to the board for appropriate action [LICENSE WITHIN 30 DAYS
8 OF RECEIPT OF THE APPLICATION IS A DEFAULT AND SUBJECTS THE CITY TO
9 THE PENALTY OF LOSING ITS RIGHT TO THE REFUND PROVIDED IN SEC. 460
10 OF THIS CHAPTER].

11 * Sec. 6. AS 04.10.350(a) is repealed and re-enacted to read:

12 (a) A license issued under this chapter is renewable automatically
13 if the fee is paid in accordance with secs. 40 - 140 of this chapter,
14 except in the case of conviction of the licensee under AS 04.15.100
15 or in the case of a lawful revocation in which cases the license is
16 renewable only as provided by applicable law and regulation.

17 * Sec. 7. AS 04.10.350 is amended by adding a new subsection to read:

18 (c) Licenses shall be renewed as follows:

19 (1) On or before November 1, the director shall mail to
20 each licensee at his licensed premises, or at a mailing address desig-
21 nated by the licensee, an application to renew the license.

22 (2) The application to renew the license may be filed on
23 or before December 31 on payment of the applicable annual fee under
24 secs. 40 - 140 of this chapter.

25 (3) After December 31, and on or before February 28, a
26 license may be renewed on payment of the applicable annual renewal fee
27 under secs. 40 - 140 of this chapter plus a penalty which shall be
28 equal to the annual fee or \$50, whichever is less.

29 (4) Unless otherwise terminated, a license which is in

1 effect on December 31 continues in effect through the next February 28.
2 However, if on or before February 28 the renewal application has not
3 been filed and the fees provided for in (c)(2) or (3) of this section
4 have not been paid, the license is automatically revoked at 2:00 a.m.
5 February 28, and may only be reinstated

6 (A) upon application filed during the six-month period
7 beginning with February 28;

8 (B) upon proof satisfactory to the board of good
9 cause for the failure to file and pay; and

10 (C) in accordance with rules or regulations promulgated
11 by the board; the fee for filing an application for reinstatement
12 shall, in addition to the annual fee, include the penalty fee
13 provided in (c)(3) of this section, no part of which is returnable
14 to the applicant.

15 (5) On or before February 15, the director shall mail a
16 notice of forfeiture to each licensee who has not either filed an
17 application to renew his license or notified the director of his intent
18 not to do so. Failure to mail this notice or the renewal application,
19 in accordance with (c)(1) of this section shall not continue the right
20 to a license.

21 * Sec. 8. AS 04.10.400 is repealed.

22 * Sec. 9. This Act takes effect on the day after its passage and approv-
23 al or on the day it becomes law without approval.
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