

Original sponsor: State Affairs Committee

Offered: 5/1/71
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

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SENATE CS FOR HOUSE BILL NO. ~~311~~

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SEVENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to alcoholic beverage licenses; and providing for an effective date."

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

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 AS 04.10.060 is repealed and re-enacted to read:

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

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

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

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* Sec. 3. AS 04.10.260 is amended to read:

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Sec. 04.10.260. LICENSING TO ENCOURAGE TOURIST TRADE. The board may, in its discretion approve the issuance or transfer of a license into an area outside an incorporated municipality without

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1 regard to the quota provisions of secs. 210 - 290 of this chapter
2 when [WHERE] it appears that the issuance or transfer will encourage
3 the construction or improvement of a hotel, motel, resort or similar
4 business related to the tourist trade having a minimum accommodation
5 of 10 rooms and a dining facility.

6 * Sec. 4. AS 04.10.270 is amended to read:

7 Sec. 04.10.270. RECOMMENDATION OF GOVERNING BODY IN PLACE OF
8 PUBLIC CONSENT. An application for a transfer, renewal or new license
9 coming from within an incorporated municipality shall have attached
10 to the application, in place of the consent required in sec. 190(a)(5)
11 of this chapter, a recommendation of the city council of the incor-
12 porated city, or, if the application is for premises within the area of
13 an organized borough outside the boundaries of an incorporated city,
14 the recommendation of the borough assembly, as to the integrity of
15 the applicant and the desirability of issuing a license for the pre-
16 mises mentioned in the application. This recommendation is binding on
17 the board unless the board after a hearing as provided by the Adminis-
18 trative Procedure Act finds [IN THIS TITLE DETERMINES] that the city
19 council or borough assembly acted in a capricious or arbitrary manner,
20 and states in writing its findings as to the capricious or arbitrary
21 aspects of the action of the council or assembly. The failure of the
22 city council or borough assembly to act upon an application for a
23 transfer, renewal or new license within 30 days of receipt of the
24 application is a default and subjects the city or borough to the penalty
25 of losing its right to the refund provided in sec. 460 of this chapter.

26 * Sec. 5. AS 04.10.350(a) is repealed and re-enacted to read:

27 (a) A license issued under this chapter is renewable automati-
28 cally if the fee is paid in accordance with secs. 40 - 140 of this
29 chapter, except in the case of conviction of the licensee under

1 AS 04.15.100, pending the outcome of a board hearing or judicial deter-
2 mination as to the legality of issuing the license, or in the case of
3 a lawful revocation in which event the license is renewable only as
4 provided by law and regulation.

5 * Sec. 6. AS 04.10.350 is amended by adding a new subsection to read:

6 (c) Licenses shall be renewed as follows:

7 (1) Annually on or before November 1, the director shall
8 mail to each licensee at his licensed premises or at a mailing address
9 designated by the licensee, an application to renew the license.

10 (2) The application to renew the license shall be filed
11 before 12:00 midnight, December 31 and must be accompanied by the
12 filing fee.

13 (3) After December 31, and on or before February 28, a
14 license may be renewed on payment of the annual renewal fee, plus a
15 penalty which shall be \$50.

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

22 * Sec. 7. 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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