

Original sponsor: State Affairs Committee

Offered: 5/9/71

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR SENATE CS FOR 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;
7 and 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 AS 04.10.060 is repealed and re-enacted to read: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. ROADHOUSE LICENSE. The holder of a roadhouse
11 license whose licensed premises is located not less than 18 miles from
12 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 roadhouse 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 04.10.260 is amended to read:

27 Sec. 04.10.260. LICENSING TO ENCOURAGE TOURIST TRADE. The
28 board may, in its discretion approve the issuance or transfer of a
29 license [INTO AN AREA OUTSIDE AN INCORPORATED MUNICIPALITY] without

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. The dining facility requirement
6 may be waived if the majority of rooms have kitchen facilities.

7 * Sec. 4. AS 04.10.270 is repealed and re-enacted to read:

8 Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY.

9 An application for a transfer, renewal or new license coming from
10 within an incorporated municipality shall be transmitted directly to
11 the board and need not bear a recommendation of the governing body
12 of the municipality. Upon deciding to approve an application, the
13 board shall transmit written notice of its intent to approve the
14 transfer, renewal or new license requested to the city governing body,
15 if the application is for premises within an incorporated city, or to
16 the borough assembly, if the application is for premises within the
17 area of an organized borough outside the boundaries of an incorporated
18 city. If the local governing body wishes to protest approval, it
19 shall furnish the board with a notice of protest within 30 days of
20 receipt of the board notice of intent to approve the application.
21 Upon receipt of a protest by the local governing body, the board shall
22 not take final action on the application until it has provided for a
23 hearing on the protest in accordance with the requirements of the
24 Administrative Procedure Act (AS 44.62).

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 AS 04.10.350(a) is repealed and re-enacted to read:

26 (a) A license issued under this chapter is renewable automatically
27 if the fee is paid in accordance with secs. 40 - 140 of this chapter,
28 except in the case of conviction of the licensee under AS 04.15.100,
29 pending the outcome of a board hearing or judicial determination as

1 to the legality of issuing the license, or in the case of a lawful
2 revocation in which event the license is renewable only as provided
3 by law and regulation.

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

5 (c) Licenses shall be renewed as follows:

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

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

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

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

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

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

26 (C) in accordance with rules or regulations promulgated
27 by the board; the fee for filing an application for reinstatement
28 shall, in addition to the annual fee, include the penalty fee
29 provided in (c)(3) of this section, no part of which is returnable

1 to the applicant.

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

8 * Sec. 7. AS 04.10.020 is amended by adding a new paragraph to read:

9 (m) community liquor license.

10 * Sec. 8. AS 04.10 is amended by adding a new section to read:

11 Sec. 04.10.139. COMMUNITY LIQUOR LICENSES. The holder of a
12 community liquor license must be a city of any class. A city of
13 any class which has within its municipal boundaries a liquor license
14 coming under sec. 20(a) or (g) of this chapter and issued to a private
15 person within the city before June 1, 1970 is not eligible for a
16 community liquor license, except that a city of any class having held
17 a liquor license through a local corporation or otherwise before
18 June 1, 1970 is eligible for the license. Community liquor licenses
19 issued under this section are restricted to the types of licenses
20 authorized under sec. 20(a) and (g) of this chapter. This section
21 does not change the provisions of sec. 430 of this chapter providing
22 for local option elections.

23 * Sec. 9. AS 04.15.020(e) is amended to read:

24 (e) Churches and schools. The board shall not issue a beverage
25 dispensary license or package liquor store license for the sale of
26 intoxicating liquor in any building in which the public entrance is
27 within 200 feet of a school ground or church building measured by the
28 shortest pedestrian route from the outer boundaries of the school
29 ground or public entrance of a church building in which religious

1 services are conducted, within or outside any corporate municipality
2 [NOR FOR USE WITHIN ONE MILE OF A STATE-OWNED COLLEGE OR UNIVERSITY
3 WHERE DORMITORIES ARE PROVIDED. THIS DISTANCE SHALL BE MEASURED IN
4 A STRAIGHT LINE FROM THE CENTRAL ADMINISTRATIVE BUILDING OF THE
5 COLLEGE OR UNIVERSITY]. A license may be reissued or transferred from
6 one licensee to another, for the sale of intoxicating liquor in a
7 building in which that sale was authorized by law on April 25, 1960.
8 When a license for the sale of intoxicating liquor in a building
9 within 200 feet of a school ground or church building in which reli-
10 gious services are conducted is forfeited, lapses or is transferred
11 to other premises, no license for the sale of intoxicating liquor at
12 the prior licensed location shall thereafter be issued. However, the
13 location may be relicensed in the event of the removal of either cause
14 of the restriction.

15 * Sec. 10. AS 04.10 is amended by adding a new section to read:

16 Sec. 04.10.255. REGULATIONS AGAINST MONOPOLIES. The board shall
17 adopt regulations which prohibit the formation of monopolies of alco-
18 holic beverage dispensary and retail liquor store licenses and shall by
19 regulation define "monopoly", as used in this section.

20 * Sec. 11. AS 04.10.400 is repealed.

21 * Sec. 12. This Act takes effect on the day after its passage and approval
22 or on the day it becomes law without approval.
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