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Offered: 2/3/71
Referred: Local Government
and Judiciary

1 IN THE SENATE

BY HENSLEY

2 SENATE BILL NO. 90

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
7 by 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
16 of intoxicating liquor on premises within the city, as provided in
17 this section.

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

28 (c) The council shall conduct the election under this section
29 in the same manner as other regular or special city elections and shall

1 forward notice of the result of a vote on the question immediately to
2 the board. Other provisions of law governing eligibility for licenses
3 notwithstanding, if a majority of the qualified voters at the election
4 favor the sale of intoxicating beverages by the city, the board shall
5 issue the license and thereafter for the term of the license or
6 reissued license deny all applications from other parties for licenses
7 to sell liquor within the city and within 10 miles of a boundary of
8 the city, unless the council determines otherwise as to licenses
9 available for issuance under secs. 210 or 400 of this chapter. This
10 subsection shall not operate, however, to preclude the subsequent
11 transfer of a license from a city to a corporation organized and certi-
12 fied under the Alaska Nonprofit Corporation Act (AS 10.20.005 - 10.20.-
13 725) to conduct and manage the sale of liquor on behalf of the council.

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

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

25 (f) A license for the sale of intoxicating liquor issued or
26 reissued to a city before the effective date of this Act and in effect
27 on the effective date of this Act shall be a valid license for the
28 duration of the license term and thereafter may be renewed in accordance
29 with the provisions of this section.

1 Sec. 04.10.510. APPLICATION OF CERTAIN SECTIONS. Secs. 190(a)(5),
2 210(2) and 270 of this chapter do not apply to licensure of a city under
3 secs. 500 - 520 of this chapter.

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

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

8 (2) "council" means the council or other governing body of
9 a city.

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

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