

Original sponsor: Hensley

Offered: 3/5/71  
Referred: Judiciary

1 IN THE SENATE

BY THE LOCAL GOVERNMENT COMMITTEE

2 CS FOR 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  
13 not 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 any liquor license authorized to be issued under this chapter  
16 for the sale of intoxicating liquor within the city's boundaries.

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

26 (c) Upon receipt of a petition, the council shall notify the  
27 board, which shall withhold issuance of any available license requested  
28 in the petition pending the election.

29 (d) The council shall conduct the election under this section

1 in the same manner as other regular or special city elections and  
2 shall forward notice of the result of a vote on the question immedi-  
3 ately to the board. Other provisions of law governing eligibility  
4 for licenses notwithstanding, if a majority of the qualified voters  
5 at the election favor the sale of intoxicating beverages by the city,  
6 the board shall issue the license or licenses and thereafter for the  
7 term of the license or reissued license deny all applications from  
8 other parties for licenses to sell liquor within the city and within  
9 10 miles of a boundary of the city, unless the council determines  
10 otherwise as to licenses available for issuance under secs. 210 or  
11 400 of this chapter. This subsection does not, however, preclude the  
12 governing body from subsequently transferring a license from the city  
13 to a corporation organized and certified under the Alaska Nonprofit  
14 Corporation Act (AS 10.20.005 - 10.20.725) to conduct and manage the  
15 sale of liquor on behalf of the council. Other provisions of this  
16 chapter notwithstanding, transfer may be made upon adoption of a  
17 resolution for the purpose by the governing body and the furnishing  
18 of notice of the transfer to the board. The governing body may at  
19 its option revoke a transfer in like manner and again hold the license  
20 in the name of the city.

21 (e) A city obtaining a liquor license under this section may  
22 obtain reissuance of the license without presenting the question to  
23 the municipal voters, if a petition requesting the election is not  
24 presented to the council at least 60 days before the expiration date  
25 of the valid existing license. Otherwise, the election requirements  
26 of this section apply as in the case of issuance of the license.

27 (f) After issuance or reissuance of a liquor license under this  
28 section, no petition for a vote on the question of the city license  
29 may be filed with the council until at least nine months have elapsed

1 from the date the license was issued or renewed.

2 (g) A license for the sale of intoxicating liquor issued or  
3 reissued to a city before the effective date of this Act and in effect  
4 on the effective date of this Act is a valid license for the duration  
5 of the license term and thereafter may be renewed in accordance with  
6 the provisions of this section.

7 (h) No member of a city council or director or officer of a  
8 corporation organized under the Alaska Nonprofit Corporation Act to  
9 conduct and manage the sale of liquor on behalf of the council may  
10 hold an interest in another operation licensed under this chapter,  
11 nor may he receive a fee or remuneration for procuring or furnishing  
12 quarters, or supplying equipment, furnishings, stock, or inventory  
13 in order to conduct business under a license issued under the terms  
14 of this section.

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

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

19 (1) "city" means an incorporated city of any class outside  
20 an organized borough and having, at the time an election is first held  
21 under this section, a population of 3,500 or less according to the  
22 most recent United States census or other reliable data;

23 (2) "council" means the council or other governing body  
24 of a city.

25 \* Sec. 2. This Act takes effect on the day after its passage and approv-  
26 al or on the day it becomes law without approval.  
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