

Introduced: 2/11/74  
Referred: Finance

1 IN THE HOUSE

BY HAUGEN BY REQUEST

CS HOUSE BILL NO. 606

3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the issuance of restaurant liquor  
7 licenses; and providing for an effective date."

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

9 \* Section 1. AS 04.10.050 is amended to read:

10 Sec. 04.10.050. RESTAURANT LICENSE. The holder of a restaurant  
11 license may sell beer, [AND] wine and hard liquor in a restaurant with  
12 meals furnished in good faith to patrons. The restaurant license fee,  
13 if only beer and wine are sold with meals, is \$300; if beer, wine and  
14 hard liquor are sold with meals, the restaurant license fee is the  
15 same as provided for a beverage dispensary license under sec. 40 of  
16 this chapter.

17 \* Sec. 2. AS 04.10.050 is amended by adding a new subsection to read:

18 (b) The Alcoholic Beverage Control Board may issue a restaurant  
19 license permitting the sale of hard liquor in a restaurant with meals  
20 only if public convenience and necessity requires and if recommended  
21 by the governing body by resolution. No license issued under this  
22 subsection may be transferred except under secs. 220 or 370 of this  
23 chapter or unless the restaurant business is sold to another person  
24 who will continue that business on the same premises. If the premises  
25 are converted to any use other than a restaurant, the license issued  
26 under this subsection is forfeited and void.

27 \* Sec. 3. AS 04.10.210 is amended by adding a new paragraph to read:

28 (3) under (1) and (2) of this section, unless the governing  
29 body of the municipality recommends by resolution that additional

1 licenses be issued for reasons of public convenience or necessity  
2 under sec. 50(b) of this chapter, in which case the board shall either  
3 issue the new license or, upon protest from the governing body, conduct  
4 hearings as provided for under sec. 270 of this chapter before making  
5 its final determination; however, if 40 per cent of the residents of  
6 the municipality petition the board to reject the application for a  
7 license under sec. 50(b) of this chapter, the board shall reject the  
8 application.

9 \* Sec. 4. AS 04.10.270 is amended to read:

10 Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY. An  
11 application for a transfer, renewal or new license coming from within  
12 a municipality shall be transmitted directly to the board and need not  
13 bear a recommendation of the governing body of the municipality, except  
14 an application for a license under sec. 50(b) of this chapter. Upon  
15 deciding to approve an application, the board shall transmit written  
16 notice of its intent to approve the transfer, renewal or new license  
17 requested to the city governing body, if the application is for premises  
18 within an incorporated city, or to the borough assembly, if the appli-  
19 cation is for premises within the area of an organized borough outside  
20 the boundaries of an incorporated city. If the local governing body  
21 wishes to protest approval, it shall furnish the board with a notice  
22 of protest within 30 days of receipt of the board notice of intent to  
23 approve the application. Upon receipt of a protest by the local  
24 governing body, the board may not take final action on the application  
25 until it has provided for a hearing on the protest in accordance with  
26 the requirements of the Administrative Procedure Act (AS 44.62).

27 \* Sec. 5. This Act takes effect on the day after its passage and approval  
28 or on the day it becomes law without approval.  
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