

Original sponsor: Haugen by request

Offered: 3/28/74
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR 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 04.10.020(b) is amended to read:

10 (b) restaurant licenses: [LICENSE;]

11 (1) restaurant license, type "A";

12 (2) restaurant license, type "B";

13 * Sec. 2. AS 04.10.050 is amended to read:

14 Sec. 04.10.050. RESTAURANT LICENSE, TYPE "A". The holder of a
15 restaurant license, type "A", may sell beer and wine in a restaurant
16 with meals furnished in good faith to patrons. The restaurant license,
17 type "A", fee is \$300.

18 * Sec. 3. AS 04.10 is amended by adding a new section to read:

19 Sec. 04.10.051. RESTAURANT LICENSE, TYPE "B". (a) The holder of
20 a restaurant license, type "B", may sell beer, wine and hard liquor with
21 complete meals furnished in good faith to patrons. The application and
22 fees for the issuance of a restaurant license, type "B", shall be the
23 same as an application and fees for the issuance of a beverage dispensary
24 license under sec. 40 of this chapter.

25 (b) The Alcoholic Beverage Control Board may issue a restaurant
26 license, type "B", under this section only if

27 (1) public convenience and necessity requires; and

28 (2) recommended by the governing body of the affected municipi-
29 pality by resolution.

1 (c) Notwithstanding the provisions of (b) of this section, if 40
2 per cent of the residents of a municipality where application is made for
3 a license under this section petition the board to reject the applica-
4 tion, the board shall reject it.

5 (d) No license issued under this section may be transferred to
6 another location or to another person, except under sec. 220 of this
7 chapter, or unless the restaurant business is sold or transferred to
8 another person who will continue that business on the same premises. If
9 the premises are converted to any use other than a restaurant, the
10 license issued under this section shall be revoked.

11 (e) The board shall promulgate regulations governing the applica-
12 tion and issuance of licenses under this section.

13 (f) For the purpose of this section, "restaurant" means an estab-
14 lishment that is maintained in a substantial manner as a place of public
15 accommodation for the preparation of complete meals, without lodgings.
16 Establishments maintained as places of public accommodation for the
17 preparation of short orders, including but not limited to, the sale and
18 service of food and victuals such as sandwiches, hamburgers, pizza,
19 salads, soft drinks, ice cream or other confections, do not qualify
20 for issuance of a license under this section.

21 * Sec. 4. AS 04.10.210 is amended by adding a new subsection to read:

22 (b) The provisions of (a) of this section do not apply to licenses
23 issued under sec. 51 of this chapter.

24 * Sec. 5. AS 04.10.270 is amended to read:

25 Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY. An
26 application for a transfer, renewal or new license coming from within a
27 municipality shall be transmitted directly to the board and need not
28 bear a recommendation of the governing body of the municipality, except
29 an application for a license under sec. 51 of this chapter. Upon

1 deciding to approve an application, the board shall transmit written
2 notice of its intent to approve the transfer, renewal or new license
3 request to the city governing body, if the application is for premises
4 within an incorporated city, or to the borough assembly, if the applica-
5 tion is for premises within the area of an organized borough outside the
6 boundaries of an incorporated city. If the local governing body wishes
7 to protest approval, it shall furnish the board with a notice of protest
8 within 30 days of receipt of the board notice of intent to approve the
9 application. Upon receipt of a protest by the local governing body, the
10 board may not take final action on the application until it has provided
11 for a hearing on the protest in accordance with the requirements of the
12 Administrative Procedure Act (AS 44.62).

13 * Sec. 6. This Act takes effect on the day after its passage and approval
14 or on the day it becomes law without approval.
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