

Original sponsor: Guy and Itta

Offered: 4/21/75  
Referred: Judiciary

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 246

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liquor licenses and municipal  
7 regulation of the sale of intoxicating liquor."

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

9 \* Section 1. AS 04.10.200 is repealed and re-enacted to read:

10 Sec. 04.10.200. PUBLIC NOTICE. The board shall provide by regu-  
11 lation for adequate notice to inform the public of a proposed issuance  
12 of a new license or reissuance, renewal or transfer of an existing  
13 license. The notice shall be bilingual when necessary. Notice shall  
14 be given by posting at the location of the premises, at the nearest post  
15 office, and at one other conspicuous location in the area for a period  
16 of at least 10 days a true copy of the application and by published  
17 notice by newspaper, radio and television. Where published notice is  
18 not feasible the board may make such exemptions from the requirement of  
19 publication as required.

20 \* Sec. 2. AS 04.10.300 is repealed and re-enacted to read:

21 Sec. 04.10.300. PROTEST IN AREAS OUTSIDE MUNICIPALITIES. (a) An  
22 adult resident in an area outside a municipality who desires to protest  
23 the issuance, reissuance, renewal or transfer of any and all licenses  
24 for an establishment or establishments within two miles of his permanent  
25 place of abode or within the established village in which his permanent  
26 place of abode is located shall serve upon the applicant and the board a  
27 written statement of the reasons for his protest. Upon the receipt of  
28 the protest, the board may give notice and hold a hearing in the area in  
29 which the protestant resides, at which all persons interested may be

1 heard.

2 (b) If the protest is made in writing to the board by at least 35  
3 per cent of the adult residents having a permanent place of abode within  
4 the established village where the licensed premises is situated or is to  
5 be situated and within two miles of the established village, a special  
6 election conducted by the Department of Community and Regional Affairs  
7 held within the village is mandatory. If at the election the majority  
8 of the adult residents having a permanent place of abode within the  
9 established village and within two miles of the established village  
10 object to issuance, reissuance, renewal or transfer, the board may not  
11 issue, reissue, renew or transfer any licenses in, or within two miles  
12 of, the established village.

13 (c) If the licensed premises is situated or is to be situated  
14 outside a municipality or established village and at the hearing the  
15 majority of the adult residents having a permanent place of abode within  
16 two miles of the premises object to issuance, reissuance, renewal or  
17 transfer, the board may, if in its opinion the public interest will be  
18 served by the refusal or if other grounds for refusal exist by law,  
19 refuse to issue, reissue or transfer the license.

20 (d) For purposes of this section, an "established village" means  
21 an unincorporated area where at least 25 people reside as a social unit,  
22 as determined by the Department of Community and Regional Affairs.

23 \* Sec. 3. AS 04.10.350(a) is amended to read:

24 (a) A license issued under this chapter is renewable automatically  
25 if the fee is paid in accordance with secs. 40 - 140 of this chapter,  
26 except as provided in sec. 300 of this chapter or except in the case of  
27 conviction of the licensee under AS 04.15.100, pending the outcome of a  
28 board hearing or judicial determination as to the legality of issuing  
29 the license, or in the case of a lawful revocation in which event the

1 license is renewable only as provided by law and regulation.

2 \* Sec. 4. AS 04.15.070(a) is amended to read:

3 (a) A municipality may by ordinance provide rules and regulations  
4 governing the barter, sale and possession of intoxicating liquor within  
5 the municipality necessary to the orderly conduct of the business of  
6 selling intoxicating liquor. When, under a local option election, the  
7 city clerk finds the majority of the voters are against the sale of  
8 intoxicating liquor, the municipality, by ordinance, may make the sale  
9 of intoxicating liquor within the municipality a misdemeanor whether  
10 the sale is made pursuant to license or otherwise. The ordinance may  
11 not be inconsistent with this title or the rules and regulations pro-  
12 mulgated under this title. No municipality may impose taxes other than  
13 property taxes on liquor inventories and sales taxes on liquor sales  
14 when these taxes are levied on other property and sales within the  
15 municipality.

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