

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 am

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, fees, 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 04.10.110 is amended to read:

10

Sec. 04.10.110. WHOLESALE LICENSE. (a) The holder of a general
11 wholesale license may sell intoxicating liquors in the original package,
12 and wine in bulk, in quantities of not less than five wine gallons to
13 holders of licenses. The holder of a general wholesale license may not
14 sell to a consumer. Liquor requiring internal revenue strip stamps
15 shall have the stamps intact on the package. A general wholesale li-
16 cense shall be required for each distributing point. The general
17 wholesale license fee schedule is based upon the total amount of busi-
18 ness transacted during any year and is \$500 as a minimum license fee,
19 to accompany the application, and in payment of the fee for the first
20 \$50,000 of business transacted, and, in addition thereto, a sum equal
21 to one percent of the business transacted during the year for which
22 the license is issued. [ON THE BUSINESS TRANSACTED DURING ANY YEAR,

23

ABOVE \$50,000 AND NOT OVER \$75,000 A FEE OF \$ 250

24

ABOVE \$75,000 AND NOT OVER \$100,000 A FEE OF \$ 500

25

ABOVE \$100,000 AND NOT OVER \$125,000 A FEE OF \$ 750

26

ABOVE \$125,000 AND NOT OVER \$150,000 A FEE OF \$1000

27

ABOVE \$150,000 AND NOT OVER \$175,000 A FEE OF \$1250

28

ABOVE \$175,000 AND NOT OVER \$200,000 A FEE OF \$1500

29

ABOVE \$200,000 AND NOT OVER \$250,000 A FEE OF \$2000

1 ABOVE \$250,000 AND NOT OVER \$300,000 A FEE OF \$2500
 2 ABOVE \$300,000 AND NOT OVER \$350,000 A FEE OF \$3000
 3 ABOVE \$350,000 AND NOT OVER \$400,000 A FEE OF \$3500
 4 ABOVE \$400,000 AND NOT OVER \$500,000 A FEE OF \$4500
 5 ABOVE \$500,000 A FEE OF \$5000]

6 (b) The holder of a wholesale malt beverage and wine license may
 7 sell malt beverages and wine in the original packages and malt beverages
 8 and wine in bulk in quantities of not less than five wine gallons to
 9 holders of licenses. The holder of a wholesale malt beverage and wine
 10 license may not sell to a consumer. The malt beverages and wine license
 11 fee schedule is based on the total amount of business transacted in any
 12 year and is \$100 as a minimum license fee, to accompany the application,
 13 and in payment of the fee for the first \$10,000 of business transacted,
 14 and, in addition, a sum equal to one per cent of the business transacted
 15 during the year for which the license is issued. [ON THE BUSINESS

16 TRANSACTED DURING ANY YEAR,

17 ABOVE \$10,000 AND NOT OVER \$25,000 A FEE OF \$ 150
 18 ABOVE \$25,000 AND NOT OVER \$50,000 A FEE OF \$ 500
 19 ABOVE \$50,000 AND NOT OVER \$75,000 A FEE OF \$ 750
 20 ABOVE \$75,000 AND NOT OVER \$100,000 A FEE OF \$1000
 21 ABOVE \$100,000 AND NOT OVER \$150,000 A FEE OF \$1500
 22 ABOVE \$150,000 AND NOT OVER \$200,000 A FEE OF \$2000
 23 ABOVE \$200,000 AND NOT OVER \$300,000 A FEE OF \$3000
 24 ABOVE \$300,000 AND NOT OVER \$400,000 A FEE OF \$4000
 25 ABOVE \$400,000 A FEE OF \$5000]

26 * Sec. 2. AS 04.10.200 is repealed and re-enacted to read:

27 Sec. 04.10.200. PUBLIC NOTICE. The board shall provide by regu-
 28 lation for adequate notice to inform the public of a proposed issuance
 29 of a new license or reissuance, renewal or transfer of an existing

1 license. The notice shall be bilingual when necessary. Notice shall
2 be given by posting at the location of the premises, at the nearest post
3 office, and at one other conspicuous location in the area for a period
4 of at least 10 days a true copy of the application and by published
5 notice by newspaper, radio and television. Where published notice is
6 not feasible the board may make such exemptions from the requirement of
7 publication as required.

8 * Sec. 3. AS 04.10.300 is repealed and re-enacted to read:

9 Sec. 04.10.300. PROTEST IN AREAS OUTSIDE MUNICIPALITIES. (a) An
10 adult resident in an area outside a municipality who desires to protest
11 the issuance, reissuance, renewal or transfer of any and all licenses
12 for an establishment or establishments within two miles of his permanent
13 place of abode or within the established village in which his permanent
14 place of abode is located shall serve upon the applicant and the board a
15 written statement of the reasons for his protest. Upon the receipt of
16 the protest, the board may give notice and hold a hearing in the area
17 in which the protestant resides, at which all persons interested may
18 be heard.

19 (b) If the protest is made in writing to the board by at least 35
20 per cent of the adult residents having a permanent place of abode within
21 the established village where the licensed premises is situated or is to
22 be situated and within two miles of the established village, a special
23 election conducted by the Department of Community and Regional Affairs
24 held within the village is mandatory. If at the election the majority
25 of the adult residents having a permanent place of abode within the
26 established village and within two miles of the established village
27 object to issuance, reissuance, renewal or transfer, the board may not
28 issue, reissue, renew or transfer any licenses in, or within two miles
29 of, the established village.

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

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

11 * Sec. 4. AS 04.10.350(a) is amended to read:

12 (a) A license issued under this chapter is renewable automatically
13 if the fee is paid in accordance with secs. 40 - 140 of this chapter,
14 except as provided in sec. 300 of this chapter or except in the case of
15 conviction of the licensee under AS 04.15.100, pending the outcome of a
16 board hearing or judicial determination as to the legality of issuing
17 the license, or in the case of a lawful revocation in which event the
18 license is renewable only as provided by law and regulation.

19 * Sec. 5. AS 04.15.070(a) is amended to read:

20 (a) A municipality may by ordinance provide rules and regulations
21 governing the barter, sale and possession of intoxicating liquor within
22 the municipality necessary to the orderly conduct of the business of
23 selling intoxicating liquor. When, under a local option election, the
24 city clerk finds the majority of the voters are against the sale of
25 intoxicating liquor, the municipality, by ordinance, may make the sale
26 of intoxicating liquor within the municipality a misdemeanor whether
27 the sale is made pursuant to license or otherwise. The ordinance may
28 not be inconsistent with this title or the rules and regulations pro-
29 mulgated under this title. No municipality may impose taxes other than

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

property taxes on liquor inventories and sales taxes on liquor sales
when these taxes are levied on other property and sales within the
municipality.

#