

Original sponsor: Sackett by request

Offered: 6/15/78
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 324 (Commerce)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liquor licenses."

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

8 * Section 1. AS 04.10.040 is amended by adding a new subsection to read:

9 (c) When the holder of a beverage dispensary license is also the
10 holder of a retail license whose premises are contained within or adja-
11 cent to the premises of the beverage dispensary license and the only
12 public entrance is by a door or other means within the premises of the
13 beverage dispensary license the board shall determine if additional
14 entrances are necessary for enforcement purposes, health and fire safety
15 standards, or the convenience of the general public.

16 * Sec. 2. AS 04.10.100 is amended to read:

17 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license
18 may sell for cash in his establishment, or in a premises which qualifies
19 under sec. 40(c) of this chapter, intoxicating liquors in the original
20 packages and wine in bulk. All liquor requiring internal revenue strip
21 stamps shall have the stamps intact upon the packages. The consumption
22 of intoxicating liquor on premises licensed under this provision is
23 prohibited. Sales under a retail license are limited to less than 20
24 wine gallons to any one person in any one sale. The retail license fee
25 is \$600, but the retail license fee for a retail liquor store having
26 gross sales from the sale of intoxicating liquors not exceeding \$20,000
27 in any calendar year is \$300.

28 * Sec. 3. AS 04.10.145(a) is amended to read:

29 (a) The holder of a recreational-site license may sell beer or wine

1 at the site of a recreational event, during and one hour before and
2 after the event, for consumption at the site. However, sale during a
3 school event is prohibited.

4 * Sec. 4. AS 04.10 is amended by adding a new section to read:

5 Sec. 04.10.265. LICENSE APPLICATIONS. (a) A license application
6 may be received and reviewed by a municipality under this section only
7 if the governing body of the municipality has adopted an ordinance
8 describing standards and criteria for review of licenses within the
9 municipality and the disapproval of the governing body is based upon
10 application of the standards of the ordinance to the premises which is
11 the subject of the application. The standards and criteria for review
12 adopted by a municipality under this subsection

13 (1) shall be uniform within a district or area of a munici-
14 pality, but may differ among districts or areas in order to meet the
15 health, welfare or safety of residents of a district or area;

16 (2) may not be less stringent than the requirements of this
17 title; and

18 (3) do not preclude review and approval or disapproval of
19 license application on the basis of the municipality's comprehensive
20 plan and zoning ordinances.

21 (b) An application for a transfer, renewal or new license within a
22 municipality which has adopted an ordinance under (a) of this section
23 shall be submitted to the board. At the same time, a copy of the appli-
24 cation shall be transmitted by the applicant

25 (1) to the city council, if the application is with respect
26 to premises within a city;

27 (2) to the assembly of a unified municipality, if the appli-
28 cation is with respect to premises within a unified municipality;

29 (3) to the borough assembly, if the application is with re-

1 spect to premises within a borough outside a city.

2 (c) The director shall immediately transmit a copy of any appli-
3 cation the board receives to the governing body of the municipality.
4 The governing body of the municipality shall have 30 days from the date
5 of receipt of the copy of the application from the applicant or board,
6 whichever is earlier, to disapprove the transfer, renewal or issuance of
7 a new license. During the 30-day period allowed for disapproval, the
8 governing body shall provide opportunity at a regular or special meeting
9 for the receipt of public comments with respect to the license appli-
10 cation.

11 (d) No license application may be acted upon by the board for a
12 period of 30 days following its transmittal by the director to the
13 governing body of the municipality.

14 (e) A license application which is disapproved by the governing
15 body of a municipality under this section may not be acted upon by the
16 board.

17 (f) A determination on a license application under this section
18 may be appealed to the superior court. The court may amend or reverse
19 a determination made under this section if it finds, by a preponderance
20 of the evidence, that

21 (1) the determination was not based upon application of the
22 standards of an ordinance adopted under (a) of this section; or

23 (2) the determination was made without regard to standards
24 of due process at least as strict as those available in proceedings
25 before the board under this title.

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

27 Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY. An
28 application for a transfer, renewal or new license coming from within a
29 municipality which has not adopted an ordinance describing standards and

1 criteria for review of licenses in the manner required by sec. 265(a) of
2 this chapter shall be transmitted directly to the board and need not
3 bear a recommendation of the governing body of the municipality. Upon
4 deciding to approve an application, the board shall transmit written
5 notice of its intent to approve the transfer, renewal or new license
6 requested to the city governing body, if the application is for premises
7 within an incorporated city, or to the borough assembly, if the appli-
8 cation is for premises within the area of an organized borough outside
9 the boundaries of an incorporated city. If the local governing body
10 wishes to protest approval, it shall furnish the board with a notice of
11 protest within 30 days of receipt of the board notice of intent to
12 approve the application. Upon receipt of a protest by the local govern-
13 ing body, the board may not take final action on the application until
14 it has provided for a hearing on the protest in accordance with the
15 requirements of the Administrative Procedure Act (AS 44.62).

16 * Sec. 6. AS 04.10.350(a) is repealed and re-enacted to read:

17 (a) A license issued under this chapter is renewable automatically
18 if the fee is paid in accordance with secs. 40 - 140 of this chapter. A
19 license is not automatically renewable under this section if

20 (1) the license application is disapproved by the governing
21 body of the municipality under sec.265 of this chapter;

22 (2) the license application is protested in the manner pro-
23 vided in sec. 300 of this chapter;

24 (3) the licensee has been convicted under AS 04.15.100 and
25 the board or a court of competent jurisdiction is considering suspension
26 or revocation of the license; or

27 (4) the license has been lawfully revoked.

28 * Sec. 7. AS 04.10 is amended by adding a new section to read:

29 Sec. 04.10.445. LIMITATIONS ON SALES. (a) A municipality in

1 which the sale of alcoholic beverages is authorized may, by ordinance,
2 limit sales to nondistilled alcoholic beverages. An ordinance adopted
3 under this subsection is not effective unless first approved by the
4 voters at a regular or special election.

5 (b) An ordinance enacted by a municipality under (a) of this
6 section limiting sales to nondistilled alcoholic beverages may be re-
7 pealed. The repeal of an ordinance under this subsection is not effec-
8 tive unless first approved by the voters at a regular or special elec-
9 tion.

10 (c) For purposes of this title, a regular or special election con-
11 ducted by a municipality under (a) of this section to approve an or-
12 dinance limiting sales of alcoholic beverages constitutes a "local
13 option" election.

14 (d) In this section, "nondistilled alcoholic beverages" means beer
15 and wine.

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