

Original sponsor: Community and Regional
Affairs Committee

Offered: 5/3/78
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 599

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 regulation of the sale of alcoholic
7 beverages by municipalities."

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

9 * Section 1. AS 04.10 is amended by adding a new section to read:

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

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

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

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

26 (b) An application for a transfer, renewal or new license within a
27 municipality which has adopted an ordinance under (a) of this section
28 shall be submitted to the board. At the same time, a copy of the
29 application shall be transmitted by the applicant

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

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

5 (3) to the borough assembly, if the application is with re-
6 spect to premises within a borough outside a city.

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

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

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

22 * Sec. 2. AS 04.10.270 is amended to read:

23 Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY. An
24 application for a transfer, renewal or new license coming from within a
25 municipality which has not adopted an ordinance describing standards and
26 criteria for review of licenses in the manner required by sec. 265(a) of
27 this chapter shall be transmitted directly to the board and need not
28 bear a recommendation of the governing body of the municipality. Upon
29 deciding to approve an application, the board shall transmit written

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

12 * Sec. 3. AS 04.10.350(a) is repealed and re-enacted to read:

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

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

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

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

23 (4) the license has been lawfully revoked.

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

25 Sec. 04.10.445. LIMITATIONS ON SALES. (a) A municipality in
26 which the sale of alcoholic beverages is authorized may, by ordinance,
27 limit sales to nondistilled alcoholic beverages. An ordinance adopted
28 under this subsection is not effective unless first approved by the
29 voters at a regular or special election.

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

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

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