

Introduced: 1/15/80  
Referred: Judiciary

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 533

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the prohibition of possession in  
7 and importation of intoxicating liquor into local  
8 communities by local option."

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

10 \* Section 1. AS 04.10.430 is repealed and re-enacted to read:

11 Sec. 04.10.430. ELECTION IN CITIES. (a) The city council shall,  
12 upon a petition signed by voters equal in number to 35 percent of the  
13 total number of votes cast at the last general municipal election held  
14 in the city, place upon a separate ballot at the next municipal election  
15 whichever of the following propositions is the subject of the petition:

16 (1) "Shall the sale of intoxicating liquor be prohibited in  
17 .....(name of city)?" (yes or no)

18 (2) "Shall the possession of intoxicating liquor be pro-  
19 hibited in .....(name of city)?" (yes or no)

20 (3) "Shall the importation of intoxicating liquor into  
21 .....(name of city) be prohibited?" (yes or no)

22 (b) A municipal election official shall canvass the ballots and  
23 report the results to the city clerk, who shall publish the results.

24 (c) If, upon receipt of certification of the results of a vote on  
25 the proposition set out in (a)(1) of this section, the city clerk finds  
26 that a majority of the voters are against the sale of intoxicating  
27 liquor in the city, notice shall be forwarded to the Alcoholic Beverage  
28 Control Board and applications for licenses within the city shall there-  
29 after be denied and no further licenses issued in the city for one year,

1 and the board may not issue a new beverage dispensary or retail license  
2 for premises located within five miles of the city for one year.

3 (d) If, upon receipt of certification of the results of a vote in  
4 a subsequent election on the proposition set out in (a)(1) of this  
5 section, the city clerk finds that a majority of the voters favors the  
6 sale of intoxicating liquor in the city, the Alcoholic Beverage Control  
7 Board shall, upon application, issue the number and type of licenses to  
8 the same or other premises within the city as existed on the date of the  
9 last election at which the voters prohibited the sale of intoxicating  
10 liquor. Priority shall be given those applicants who were licensees and  
11 whose licenses were not reissued because of an election held under this  
12 section. The board shall issue the licenses notwithstanding any re-  
13 strictions which arose after the election which prohibited the sale of  
14 intoxicating liquor.

15 (e) If, upon receipt of certification of the results of a vote on  
16 the proposition set out in (a)(2) of this section, the city clerk finds  
17 that a majority of the voters is against the possession of intoxicating  
18 liquor in the city, a person may not possess intoxicating liquor in the  
19 city for one year, beginning on the first day of the month following  
20 certification of the results of the election.

21 (f) If, upon receipt of certification of the results of a vote in  
22 a subsequent election on the proposition set out in (a)(2) of this  
23 section at an election held under this section, the city clerk finds  
24 that a majority of the voters favors the possession of intoxicating  
25 liquor, the prohibition on possession terminates on the first day of the  
26 month following certification of the results of the election.

27 (g) If, upon receipt of certification of the results of a vote on  
28 the proposition set out in (a)(3) of this section, the city clerk finds  
29 that a majority of the voters is against the importation of intoxicating

1 liquor into the city, a person may not knowingly transport or import  
2 intoxicating liquor into the city, or receive or possess intoxicating  
3 liquor transported or imported into the city for one year, beginning on  
4 the first day of the month following certification of the results of the  
5 election.

6 (h) If, upon receipt of certification of the results of a vote in  
7 a subsequent election on the proposition set out in (a)(3) of this  
8 section at an election held under this section, the city clerk finds  
9 that a majority of the voters favors the importation of intoxicating  
10 liquor, the prohibition of importation terminates on the first day of  
11 the month following certification of the results of the election.

12 (i) A license may not be suspended under this section during the  
13 year for which it was issued except for cause.

14 (j) If a petition for a local option election is for a community  
15 liquor license under AS 04.10.139, the Alcoholic Beverage Control Board  
16 may not issue a license of any other type within the boundaries of the  
17 city which voted for the community liquor license. This section does  
18 not apply to licenses issued under AS 04.10.260 or to licenses issued  
19 before September 10, 1972.

20 (k) A new license for the sale of intoxicating liquor may not be  
21 issued within a city in which, on June 19, 1976, there was no licensed  
22 premise unless the city council has first conducted a local option  
23 election on the sale of intoxicating liquor within the city as provided  
24 in (a) of this section.

25 \* Sec. 2. AS 04.15.110 is repealed and re-enacted to read:

26 Sec. 04.15.110. SALE, POSSESSION, AND IMPORTATION IN VIOLATION OF  
27 LOCAL OPTION. (a) A person who unlawfully sells or offers for sale an  
28 intoxicating liquor in an area where the local option election has made  
29 these activities illegal is, upon conviction,

1 (1) guilty of a misdemeanor if the quantity sold or offered  
2 for sale is less than 12 liters of distilled spirits, 24 liters of wine,  
3 or 45 liters of malt beverages; or

4 (2) guilty of a felony if the quantity sold or offered for  
5 sale is 12 liters or more of distilled spirits, 24 liters or more of  
6 wine, or 45 liters or more of malt beverages.

7 (b) A person who unlawfully possesses an intoxicating liquor in a  
8 community where a local option election has prohibited that activity is,  
9 upon conviction, guilty of a misdemeanor.

10 (c) A person who unlawfully imports an intoxicating liquor in a  
11 community where a local option election has prohibited that activity is,  
12 upon conviction,

13 (1) guilty of a misdemeanor if the quantity imported is less  
14 than 12 liters of distilled spirits, 24 liters of wine, or 45 liters of  
15 malt beverages; or

16 (2) guilty of a felony if the quantity possessed is 12 liters  
17 or more of distilled spirits, 24 liters or more of wine, or 45 liters or  
18 more of malt beverages.

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