

Introduced: 2/13/79  
Referred: Health, Education &  
Social Services and Community  
& Regional Affairs

1 IN THE SENATE

BY SACKETT

2 SENATE BILL NO. 148

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST 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, to meet health and  
15 fire safety standards, or for the convenience of the general public.

16 \* Sec. 2. AS 04.10.145(a) is amended to read:

17 (a) The holder of a recreational-site license may sell beer or  
18 wine at the site of a recreational event, during and one hour before and  
19 after the event, for consumption at the site. However, sale during a  
20 school event is prohibited.

21 \* Sec. 3. AS 04.10 is amended by adding a new section to read:

22 Sec. 04.10.265. LICENSE APPLICATIONS. (a) An application for a  
23 new license, or for the renewal or transfer of an existing license for  
24 premises within a municipality which has adopted an ordinance under (c)  
25 of this section shall be submitted to the board. At the same time, a  
26 copy of the application shall be transmitted by the applicant

27 (1) to the city council, if the applicant seeks a license for  
28 premises within a city;

29 (2) to the assembly of a unified municipality, if the appli-

1 cant seeks a license for premises within a unified municipality;

2 (3) to the borough assembly, if the applicant seeks a license  
3 for premises in a borough outside a city.

4 (b) The governing body of a municipality shall notify the board of  
5 receipt of an application transmitted to it in accordance with (a) of  
6 this section. The governing body of the municipality has 30 days from  
7 the date of receipt of the copy of the application from the applicant  
8 under (a) of this section to disapprove the transfer, renewal or  
9 issuance of a new license. During the 30-day period allowed for dis-  
10 approval, the governing body shall provide opportunity at a regular or  
11 special meeting for the receipt of public comments with respect to the  
12 license application.

13 (c) A license application may be reviewed by a municipality under  
14 (b) of this section only if the governing body of the municipality has  
15 adopted an ordinance describing standards and criteria for review of  
16 licenses within the municipality. 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 municipi-  
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) may not preclude review and approval or disapproval of a  
24 license application on the basis of the municipality's comprehensive  
25 plan and zoning ordinances.

26 (d) A license application may not be acted upon by the board for a  
27 period of 30 days following the date the copy of the application is  
28 received by the governing body of the municipality.

29 (e) A license application which is disapproved by the governing

1 body of a municipality under this section may not be acted upon by the  
2 board.

3 (f) A determination on a license application made under this  
4 section may be appealed to the superior court. The court may amend or  
5 reverse a determination made under this section if it finds, by a pre-  
6 ponderance of the evidence, that

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

9 (2) the determination was not made in accordance with the  
10 procedures required under AS 04.05.030(f).

11 \* Sec. 4. AS 04.10.270 is amended to read:

12 Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY. An  
13 application for a transfer, renewal or new license coming from within a  
14 municipality which has not adopted an ordinance describing standards and  
15 criteria for review of licenses in the manner required by AS 04.10.-  
16 265(c) shall be transmitted directly to the board and need not bear a  
17 recommendation of the governing body of the municipality. Upon deciding  
18 to approve an application, the board shall transmit written notice of  
19 its intent to approve the transfer, renewal or new license requested to  
20 the city governing body, if the application is for premises within an  
21 incorporated city, or to the borough assembly, if the application is for  
22 premises within the area of an organized borough outside the boundaries  
23 of an incorporated city. If the local governing body wishes to protest  
24 approval, it shall furnish the board with a notice of protest within 30  
25 days of receipt of the board notice of intent to approve the applica-  
26 tion. Upon receipt of a protest by the local governing body, the board  
27 may not take final action on the application until it has provided for a  
28 hearing on the protest in accordance with the requirements of the Admin-  
29 istrative Procedure Act (AS 44.62).

1 \* Sec. 5. AS 04.10.350(a) is repealed and re-enacted to read:

2 (a) A license issued under this chapter is renewable automatically  
3 if the fee is paid in accordance with AS 04.10.040 - 04.10.140. A  
4 license is not automatically renewable under this section if

5 (1) the license renewal application is disapproved by the  
6 governing body of the municipality under AS 04.10.265;

7 (2) the license renewal application is protested in the  
8 manner provided in AS 04.10.300;

9 (3) the licensee has been convicted under AS 04.15.100(a) and  
10 the board is considering suspension or revocation of the license, or a  
11 court of competent jurisdiction is reviewing a board suspension or  
12 revocation; or

13 (4) the license has been lawfully revoked.

14 \* Sec. 6. AS 04.10 is amended by adding a new section to read:

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

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

25 (c) For purposes of this title, a regular or special election con-  
26 ducted by a municipality under (a) or (b) of this section to approve an  
27 ordinance limiting sales of alcoholic beverages constitutes a "local  
28 option" election.

29 (d) In this section, "nondistilled alcoholic beverages" means beer

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

and wine.