

Introduced: 1/14/80  
Referred: Judiciary and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE TITLE 4  
CODE REVISION COMMITTEE

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 239

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholic beverages; and providing  
7 for an effective date."

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

9 \* Section 1. AS 04 is amended by adding a new chapter to read:

10 CHAPTER 06. ALCOHOLIC BEVERAGE CONTROL BOARD.

11 Sec. 04.06.010. ESTABLISHMENT OF BOARD. The Alcoholic Beverage  
12 Control Board is established as a regulatory and quasi-judicial agency.  
13 The board is in the Department of Revenue, but for administrative pur-  
14 poses only.

15 Sec. 04.06.020. APPOINTMENT AND QUALIFICATIONS. The board con-  
16 sists of five members appointed by the governor and confirmed by a  
17 majority of the members of the legislature in joint session. A member  
18 of the board may not hold any other state or federal office, either  
19 elective or appointive. Two members of the board shall be persons  
20 actively engaged in the alcoholic beverage industry, except that no  
21 member may hold a wholesale license or be an officer, agent, or employee  
22 of a wholesale alcoholic beverage enterprise. Three members of the  
23 board may not be engaged in the same business, occupation, or profes-  
24 sion.

25 Sec. 04.06.030. TERMS OF OFFICE. (a) Members of the board shall  
26 be appointed for overlapping terms of three years.

27 (b) A vacancy occurring in the membership of the board shall be  
28 filled within 30 days by appointment of the governor for the unexpired  
29 portion of the vacated term.

1 (c) The board shall select a chairman from among its members.

2 Sec. 04.06.040. PER DIEM AND EXPENSES. Members of the board  
3 receive no salary, but are entitled to per diem and travel expenses  
4 authorized by law for other boards and commissions.

5 Sec. 04.06.050. MEETINGS. The board shall meet at the call of the  
6 chairman. The board shall also meet at least once each year in each  
7 judicial district of the state to study this title and to modify exist-  
8 ing board regulations in light of statewide and local problems.

9 Sec. 04.06.060. QUORUM AND MAJORITY. Three members of the board  
10 constitute a quorum for the conduct of business, except that a majority  
11 of the whole membership of the board must approve all applications for  
12 new licenses, and all renewals, transfers, suspensions and revocations  
13 of existing licences. If a majority of the board is present and voting,  
14 the director, with the consent of the members present, may cast a  
15 tie-breaking vote.

16 Sec. 04.06.070. APPOINTMENT AND REMOVAL OF DIRECTOR. The governor  
17 shall appoint a director to serve as the executive officer of the board.  
18 The board may remove the director at its pleasure, and the governor may  
19 remove the director for misconduct, misfeasance or malfeasance in  
20 office. The governor may not remove the director unless the director is  
21 given a copy of the charges against him and afforded an opportunity to  
22 be publicly heard in person or by counsel in his own defense upon at  
23 least 10 days notice. If the director is removed for cause, the  
24 governor shall file with the lieutenant governor a complete statement of  
25 all charges made against the director and the findings based on the  
26 charges, together with a complete record of the hearing.

27 Sec. 04.06.075. AUTHORITY OF DIRECTOR. The director shall enforce  
28 this title and regulations adopted by the board.

29 Sec. 04.06.080. DELEGATION OF AUTHORITY. The director shall

1 issue, renew, transfer, suspend, or revoke all licenses and permits at  
2 the direction of the board. However, the board may delegate authority  
3 to the director to temporarily grant or deny the issuance, renewal, or  
4 transfer, of licenses and permits. The director's temporary grant or  
5 denial of the issuance, renewal, or transfer of a license or permit is  
6 not binding on the board. The board may delegate to the director any  
7 duty imposed by this title except its power to propose and adopt regula-  
8 tions.

9 Sec. 04.06.090. POWERS AND DUTIES. (a) The board shall control  
10 the manufacture, barter, sale, consumption, and possession of alcoholic  
11 beverages in the state. The board is vested with the powers, duties,  
12 and responsibilities necessary for the control of alcoholic beverages,  
13 including the power to propose and adopt regulations and to hear appeals  
14 from actions of the director, and from actions of officers and employees  
15 charged with enforcing the alcoholic beverage control laws and the  
16 regulations of the board.

17 (b) The board shall review all applications for licenses made  
18 under this title and may order the director to issue, renew, revoke,  
19 transfer or suspend licenses and permits authorized under this title.

20 (c) In granting an application, the board may reduce the area to  
21 be designated the licensed premises below the area applied for when, in  
22 the judgment of the board, a reduction in area is necessary to insure  
23 control over the sale and consumption of alcoholic beverages on the  
24 premises or is otherwise in the best interests of the public.

25 (d) The board may employ, directly or through contracts with other  
26 departments and agencies of the state, enforcement agents and staff it  
27 considers necessary to carry out the purposes of this title. The  
28 salaries of personnel of the board in the exempt service shall be set by  
29 the Department of Administration.

1 (e) The board shall promptly notify all licensees and municipali-  
2 ties of major changes to this title and to regulations adopted under  
3 this title. However, if changes only affect specific classifications of  
4 licenses and permits, the board need only notify those licensees and  
5 municipalities directly affected by the changes. Current copies of this  
6 title and current copies of the regulations adopted under it shall be  
7 made available at all offices of the Department of Revenue and the  
8 Department of Public Safety in the state.

9 Sec. 04.06.100. REGULATIONS. (a) The board shall adopt regula-  
10 tions governing the manufacture, barter, sale, consumption, and posses-  
11 sion of alcoholic beverages in the state which are consistent with this  
12 title and necessary to carry out the purpose of this title in a manner  
13 that will protect the public health, safety, and welfare. The regula-  
14 tions shall be adopted in accordance with the Administrative Procedure  
15 Act (AS 44.62).

16 (b) The subjects covered by regulations adopted under (a) of this  
17 section may include, but are not limited to, the following matters:

18 (1) employment, conduct, and duties of the director and of  
19 regular and contractual employees of the board;

20 (2) procedures for the issuance, denial, renewal, transfer,  
21 revocation, and suspension of licenses and permits;

22 (3) terms and conditions of licenses and permits issued;

23 (4) fees for licenses and permits issued for which no fees  
24 are prescribed by statute;

25 (5) conduct of regular and special meetings of the board;

26 (6) delegation to the director of routine administrative  
27 functions and powers, including the temporary granting or denial of  
28 issuance, transfer, and renewal of licenses;

29 (7) manner of giving any notice required by law or regulation

1 when not provided for by statute;

2 (8) requirements relating to the qualifications of licensees,  
3 the conditions upon which a license may be issued, the accommodations of  
4 licensed premises, and board inspection of those premises;

5 (9) making of reports by wholesalers;

6 (10) purchase of fidelity bonds by the state for the director  
7 and the employees of the board;

8 (11) prohibition of possession of alcoholic beverages by  
9 intoxicated persons and by minors;

10 (12) required reports from corporations licensed under this  
11 title, including reports of stock ownership and transfers and changes of  
12 officers and directors;

13 (13) creation of classifications of licenses or permits not  
14 provided for in this title;

15 (14) establishment and collection of fees to be paid on appli-  
16 cation for a license or permit.

17 Sec. 04.06.110. PEACE OFFICER POWERS. The director and the per-  
18 sons employed for the administration and enforcement of this title may  
19 exercise the powers of peace officers when those powers are specifically  
20 granted by the board. Powers granted by the board under this section  
21 may be exercised only when necessary for the enforcement of the crimi-  
22 nally punishable provisions of this title, regulations of the board,  
23 other criminally punishable laws, and regulations governing the manu-  
24 facture, barter, sale, consumption, and possession of alcoholic bever-  
25 ages in the state.

26 \* Sec. 2. AS 04 is amended by adding a new chapter to read:

27 CHAPTER 11. LICENSING.

28 ARTICLE 1: LICENSING AND REPORTING REQUIREMENTS.

29 Sec. 04.11.010. LICENSE OR PERMIT REQUIRED. Except as provided in

1 AS 04.11.020, a person may not manufacture, sell, offer for sale, pos-  
2 sess for sale or barter, traffic in, barter or exchange for goods or  
3 services in this state, an alcoholic beverage unless under license or  
4 permit issued under this title.

5 Sec. 04.11.020. EXCEPTIONS: LICENSE OR PERMIT NOT REQUIRED. (a)  
6 A license or permit is not required to authorize sales made by a person  
7 under a judgment and decree of foreclosure, under the bankruptcy law of  
8 the United States (11 U.S.C. 1101 et seq), or under order of the board  
9 or a court under AS 04.16.220.

10 (b) A license or permit is not required to serve alcoholic bever-  
11 ages in exchange for valuable contributions at a private gathering of a  
12 bona fide group of co-workers or of a professional, social, or fraternal  
13 organization if equal contributions are made by all in attendance and  
14 only the amount required to purchase the alcoholic beverages is contri-  
15 buted. All other applicable provisions of this title and regulations  
16 under this title shall be observed at these private gatherings.

17 Sec. 04.11.030. DEATH OF LICENSEE. (a) The executor or adminis-  
18 trator of the estate of a person who was operating a business as a sole  
19 licensee under a license authorized by this title may continue to oper-  
20 ate the licensed business until an application for transfer of a license  
21 to another person is approved or until the license is forfeited under  
22 (b) of this section.

23 (b) If an application for the transfer of ownership of a license  
24 from the deceased licensee is not made within 90 days of the death of  
25 the licensee or within an additional 90 days if an application for  
26 transfer of ownership made by the executor is denied, or no petition is  
27 made to the board for an extension of time under (c) of this section  
28 within that time, the license shall be forfeited.

29 (c) The board may extend the time limits in (b) of this section or

1 petition of the executor or administrator.

2 (d) This section does not authorize the transfer of a liquor  
3 license by an administrator or executor to the estate of a decedent.

4 (e) The board may transfer a license to an executor or adminis-  
5 trator only in the executor's or administrator's individual capacity.

6 Sec. 04.11.040. BOARD APPROVAL OF TRANSFERS. (a) A license  
7 issued under this title may not be transferred to another person except  
8 with the written consent of the board.

9 (b) A license or permit issued under this title may not be trans-  
10 ferred to a new location except with the written consent of the board.

11 (c) A person may not receive or transfer controlling interest in a  
12 liquor license issued to a corporation under this title except with the  
13 written consent of the board.

14 Sec. 04.11.050. REPORTS REQUIRED OF CORPORATIONS. (a) A corpora-  
15 tion issued a license under this title shall report to the board when 10  
16 per cent or more of its corporate stock is transferred and shall also  
17 report any change in its corporate officers or in the membership of its  
18 board of directors.

19 (b) The report to the board shall be made in writing in duplicate  
20 and must be sent within 10 days after the transfer of the stock or the  
21 change in officers or directors.

22 (c) This section does not apply to a corporation whose stock is  
23 listed on a stock exchange, a corporation which is required by law to  
24 file periodic reports with the United States Securities Exchange Commis-  
25 sion, or to a bank, trust company, financial institution, or title  
26 company to which a license is issued in a fiduciary capacity.

27 Sec. 04.11.060. NONRESIDENT DISTILLER, BREWER, WINERY OR WHOLE-  
28 SALER. A distiller, brewer, winery or wholesaler whose plant or prin-  
29 cipal place of business is outside the state may not sell products

1 directly to licensees in the state without

- 2 (1) obtaining a general wholesale license under AS 04.11.-  
3 160(a) for each wholesale distributing point in the state;  
4 (2) appointing an agent upon whom process can be served; and  
5 (3) obtaining other applicable licenses under the provisions  
6 of this title.

7 Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may  
8 issue, renew, transfer, suspend, or revoke a license under this title.

9 ARTICLE 2. LICENSES AND PERMITS.

10 Sec. 04.11.080. TYPES OF LICENSES AND PERMITS. Licenses and  
11 permits issued under this title are as follows:

- 12 (1) beverage dispensary license;  
13 (2) duplicate beverage dispensary license for additional  
14 rooms;  
15 (3) restaurant or eating place license;  
16 (4) club license;  
17 (5) bottling works license;  
18 (6) brewery license;  
19 (7) package store license;  
20 (8) general wholesale license;  
21 (9) wholesale malt beverage and wine license;  
22 (10) distillery license;  
23 (11) common carrier dispensary license;  
24 (12) retail stock sale license;  
25 (13) recreational site license;  
26 (14) community liquor license;  
27 (15) pub license;  
28 (16) winery license;  
29 (17) caterer's permit;

1 (18) special events permit;

2 (19) conditional contractor's permit.

3 Sec. 04.11.090. BEVERAGE DISPENSARY LICENSE. (a) A beverage  
4 dispensary license authorizes the holder to sell or serve on the li-  
5 censed premises alcoholic beverages for consumption on the licensed  
6 premises only.

7 (b) The annual beverage dispensary license fee is \$1,250.

8 (c) An applicant for a beverage dispensary license must file with  
9 the application a cash bond or a surety bond executed by a surety com-  
10 pany approved by the board. The bond shall be in the sum of \$2,500.  
11 Upon revocation of the license under AS 04.11.370(4), the bond shall be  
12 forfeited and the amount deposited in the general fund of the state.

13 (d) The area designated as the licensed premises under a beverage  
14 dispensary license issued to a hotel, motel, resort or similar business  
15 which caters to the traveling public as a substantial part of its busi-  
16 ness may include the dining room, banquet room, guests' rooms, and other  
17 public areas approved by the board.

18 (e) A holder of a beverage dispensary license may not maintain  
19 upon the licensed premises more than one room in which there is regu-  
20 larly maintained a fixed counter or service bar at which alcoholic  
21 beverages are sold or served to members of the public for consumption  
22 unless he is issued by the board, after investigation, a duplicate of  
23 the original license for each of the rooms. The holder of the beverage  
24 dispensary license shall pay to the board with each application for a  
25 duplicate license an amount equal to the fee payable for the original  
26 beverage dispensary license under (b) of this section. If the licensed  
27 premises are located within a municipality, a duplicate beverage dis-  
28 pensary license may not be issued unless approved by the council or  
29 assembly, as appropriate.

1 (f) The area designated as the licensed premises under a beverage  
2 dispensary license issued to a bowling alley may include the concourse  
3 or lane areas of the bowling alley. Notwithstanding AS 04.16.049, the  
4 board may, upon application, authorize access by persons under 19 years  
5 of age to the concourse or lane areas designated part of the bowling  
6 alley's licensed premises during hours when no alcoholic beverages are  
7 being sold, served, or consumed.

8 Sec. 04.11.100. RESTAURANT OR EATING PLACE LICENSE. (a) A res-  
9 taurant or eating place license authorizes a restaurant or eating place  
10 to sell beer and wine for consumption only on the licensed premises.

11 (b) A license may be issued under this section only if the board  
12 determines that the premises to be licensed is a bona fide restaurant or  
13 eating place.

14 (c) A license may be issued under this section only if the sale  
15 and service of food and alcoholic beverages and any other business  
16 conducted on the licensed premises of the restaurant or eating place is  
17 under the sole control of the licensee.

18 (d) The annual fee for a restaurant or eating place license is  
19 \$300.

20 Sec. 04.11.110. CLUB LICENSE. (a) A club license authorizes a  
21 club or organization to sell alcoholic beverages for consumption only on  
22 the licensed premises.

23 (b) A club license may only be issued to a club, fraternal organi-  
24 zation, patriotic organization, or social organization chartered by a  
25 state or national organization for a period of two consecutive years  
26 before application for a license under this section. The organization  
27 licensed under this section must be operated for social, recreational,  
28 political, benevolent or athletic purposes and not for profit. A club  
29 license may only be issued to an organization if none of the income

1 from the sale of alcoholic beverages is distributed to its members,  
2 directors, or officers. Soliciting of public patronage of the club  
3 premises except as approved by the board is a violation of this section.

4 (c) The annual club license fee is \$400.

5 (d) Alcoholic beverages sold under a club license may be purchased  
6 only by (1) members of the club and their families, (2) widows or  
7 widowers of deceased members who have been accorded club privileges, and  
8 (3) military personnel in uniform on active duty who are extended the  
9 privilege by patriotic organizations upon special occasions. Alcoholic  
10 beverages may be purchased only in the portion of the club rooms which  
11 are part of the licensed premises.

12 (e) Guests who enter the club premises on the invitation of a  
13 member and in the company of the member may be served but not sold  
14 alcoholic beverages. A guest must leave the premises immediately upon  
15 the departure of the member who extended the invitation to enter.

16 (f) Alcoholic beverages purchased by a club or organization li-  
17 censed under this section may not be used or consumed off the licensed  
18 premises of the club or organization by any person, including club  
19 members and employees.

20 (g) Notwithstanding AS 04.16.049, the board may authorize access  
21 by persons under 19 years of age to a club's licensed premises during  
22 hours when no alcoholic beverages are sold, served or consumed.

23 (h) In this section, "member" means a holder of paid-up membership  
24 entitling the holder to all voting rights and privileges of membership  
25 under the constitution or bylaws of the club or organization.

26 Sec. 04.11.120. BOTTLING WORKS LICENSE. (a) A bottling works  
27 license authorizes the holder to operate a bottling works where beer and  
28 wine may be bottled and sold.

29 (b) A sale under a bottling works license may be made only to a

1 person licensed under this title and only in quantities of more than  
2 five wine gallons.

3 (c) The annual bottling works license fee is \$250.

4 Sec. 04.11.130. BREWERY LICENSE. (a) A brewery license autho-  
5 rizes the holder to operate a brewery where beer is manufactured and  
6 bottled or barreled for sale.

7 (b) A brewery license authorizes the holder to sell beer to per-  
8 sons licensed to sell beer under this title in quantities of more than  
9 five wine gallons.

10 (c) The holder of a brewery license may permit a person to sample  
11 small portions of the brewery's product free of charge unless prohibited  
12 by AS 04.16.030.

13 (d) The annual brewery license fee is \$500.

14 Sec. 04.11.140. WINERY LICENSE. (a) A winery license authorizes  
15 the holder to operate a winery where wine is manufactured and bottled or  
16 barreled for sale.

17 (b) A winery license authorizes the holder to sell wine to persons  
18 licensed under this title in quantities of more than five wine gallons.

19 (c) The holder of a winery license may permit a person to sample  
20 small portions of the wine on the premises free of charge unless pro-  
21 hibited by AS 04.16.030.

22 (d) The annual winery license fee is \$250.

23 Sec. 04.11.150. PACKAGE STORE LICENSE. (a) A package store  
24 license authorizes the holder to sell alcoholic beverages to a person in  
25 response to a verbal or written solicitation for purchase received on  
26 the licensed premises.

27 (b) The annual package store license fee is \$750.

28 (c) The holder of a package store license may not sell alcoholic  
29 beverages requiring Internal Revenue strip stamps unless the stamps are

1 intact on the packages.

2 (d) The consumption of alcoholic beverages on premises licensed  
3 under this section is prohibited.

4 (e) The business premises occupied by a holder of a package store  
5 license may not be connected by a door, opening, or other means of  
6 passage intended for the access of the general public to an adjacent  
7 retail business not licensed under this title.

8 (f) When the holder of a package store license is also a holder of  
9 a beverage dispensary license and the package store premises are con-  
10 tained within or are adjacent to the premises of the beverage dispensary  
11 and the only public entrance to the package store is by a door or other  
12 means within the premises of the beverage dispensary, the board shall  
13 determine if additional entrances to the package store are necessary for  
14 enforcement purposes, to meet health and fire safety standards, or for  
15 the convenience of the public.

16 (g) "Business premises" means that part of the licensed premises  
17 to which the public has access.

18 Sec. 04.11.160. WHOLESALE LICENSES. (a) A general wholesale  
19 license authorizes the holder to sell alcoholic beverages in the origi-  
20 nal package, and wine in bulk, in quantities of not less than five  
21 gallons. A holder of a general wholesale license may not sell to a  
22 person not licensed under this title, except as provided in AS 04.21.-  
23 040. A holder of a general wholesale license may not sell alcoholic  
24 beverages requiring Internal Revenue strip stamps unless the alcoholic  
25 beverages have the stamps intact on the package. A wholesaler must  
26 obtain a general wholesale license for each distributing point. The  
27 annual general wholesale license fee is \$1,000 for the first \$100,000 of  
28 business transacted, payable at the time of making an original applica-  
29 tion or an application for renewal. In addition, the following annual

1 fees shall be paid by a holder of a general wholesale license:

2 Business Transacted During Year	Fee
3 over \$100,000 and not over \$150,000 .....	\$ 500
4 over \$150,000 and not over \$200,000 .....	\$ 1,000
5 over \$200,000 and not over \$250,000 .....	\$ 1,500
6 over \$250,000 and not over \$300,000 .....	\$ 2,000
7 over \$300,000 and not over \$350,000 .....	\$ 2,500
8 over \$350,000 and not over \$400,000 .....	\$ 3,000
9 over \$400,000 and not over \$500,000 .....	\$ 4,000
10 over \$500,000 and not over \$600,000 .....	\$ 5,000
11 over \$600,000 and not over \$700,000 .....	\$ 6,000
12 over \$700,000 and not over \$800,000 .....	\$ 7,000
13 over \$800,000 and not over \$1,000,000 .....	\$ 9,000
14 over \$1,000,000 .....	\$10,000

15 (b) A wholesale malt beverage and wine license authorizes the  
16 holder to sell malt beverages and wine in the original packages in  
17 quantities of not less than five wine gallons. The holder of a whole-  
18 sale malt beverage and wine license may not sell to a person not  
19 licensed under this title except as provided in AS 04.21.040. The  
20 annual wholesale malt beverage and wine license fee is \$200 for the  
21 first \$20,000 of business transacted during a year, payable at the time  
22 of making an original application or application for renewal. In addi-  
23 tion, the following annual fees shall be paid by a holder of a wholesale  
24 malt beverage and wine license:

25 Business Transacted During Year	Fee
26 over \$20,000 and not over \$50,000 .....	\$ 300
27 over \$50,000 and not over \$100,000 .....	\$ 1,000
28 over \$100,000 and not over \$150,000 .....	\$ 1,500
29 over \$150,000 and not over \$200,000 .....	\$ 2,000

1	over \$200,000 and not over \$400,000 .....	\$ 4,000
2	over \$400,000 and not over \$600,000 .....	\$ 6,000
3	over \$600,000 and not over \$800,000 .....	\$ 8,000
4	over \$800,000 .....	\$10,000

5 (c) In this section, the "total business transacted" means the  
6 total value of business transacted by the wholesale business, including  
7 the excise tax imposed by AS 43.60.010.

8 (d) No later than February 28 of each year following that for  
9 which a license has been issued under this section, the licensee shall  
10 file with the board an affidavit showing the total amount of business  
11 transacted during the preceding year under his license and the location  
12 of the licensed premises at which the business was transacted. At the  
13 time of filing the affidavit, the licensee shall pay the license fees  
14 accrued under (a) and (b) of this section during the preceding year.

15 (e) Failure to file an affidavit under (d) of this section or the  
16 expiration of a license under AS 04.11.540 does not relieve a licensee  
17 from paying the prescribed fees.

18 (f) For the purposes of this section, "distributing point" means a  
19 location where alcohol is distributed from a warehouse.

20 Sec. 04.11.170. DISTILLERY LICENSE. (a) A distillery license  
21 authorizes the holder to operate a distillery where alcoholic beverages  
22 are distilled and bottled or barreled for sale.

23 (b) A distillery license authorizes the holder to sell alcoholic  
24 beverages to persons licensed under this chapter in quantities of more  
25 than five gallons.

26 (c) The annual distillery license fee is \$500.

27 Sec. 04.11.180. COMMON CARRIER DISPENSARY LICENSE. (a) A common  
28 carrier dispensary license authorizes the holder to sell alcoholic  
29 beverages for consumption aboard a vehicle, boat, aircraft, or railroad

1 buffet car licensed by a state or federal agency for passenger travel.

2 (b) The annual fee for a common carrier dispensary license is \$350  
3 for each vehicle, boat, aircraft, or railroad buffet car in which al-  
4 coholic beverages are served.

5 Sec. 04.11.190. COMMUNITY LIQUOR LICENSE. (a) A community liquor  
6 license authorizes a city to sell alcoholic beverages to the same extent  
7 authorized under a beverage dispensary or package store license, or  
8 both, subject to the same requirements regarding conditions and payment  
9 of fees applying to those licenses.

10 (b) A city that has within its boundaries privately owned premises  
11 licensed as a beverage dispensary or a package store before June 1,  
12 1970, and operated continuously since the date of licensure is not eli-  
13 gible for a community liquor license.

14 (c) A city which has within its boundaries privately owned  
15 premises licensed as a beverage dispensary or package store after  
16 June 1, 1970, and operated continuously since the date of licensure is  
17 eligible for a community liquor license which does not duplicate the  
18 privately owned beverage dispensary or package store license.

19 (d) A city council shall apply for a community liquor license  
20 whenever the majority of the voters at a local option election favors  
21 the issuance of a community liquor license. Unless prohibited by the  
22 results of an earlier local option election, a city council may also  
23 apply on its own motion for a community liquor license.

24 Sec. 04.11.200. RETAIL STOCK SALE LICENSE. (a) A retail stock  
25 sale license authorizes the holder to sell the remaining stock of a  
26 package liquor store when the owner wishes to close out or terminate the  
27 business of the store.

28 (b) A sale by a holder of a retail stock sale license may only be  
29 in quantities of five wine gallons or more per sale and may only be to

1 persons licensed under this chapter.

2 (c) The retail stock sale license shall be issued for a period of  
3 90 days from the expiration or forfeiture of the package store license  
4 and is not renewable.

5 (d) The retail stock sale license shall be issued only if the  
6 owner of the package store business does not have a current package  
7 store license. However, if the owner had a package store license which  
8 was suspended or revoked because of a violation of a law, regulation, or  
9 ordinance of the state, the retail stock sale license may not be issued.

10 (e) The retail stock sale license fee is \$100.

11 Sec. 04.11.210. RECREATIONAL SITE LICENSE. (a) The holder of a  
12 recreational site license may sell beer and wine at a recreational site  
13 during and one hour before and after a recreational event which is not a  
14 school event, for consumption on designated areas at the site.

15 (b) The annual fee for a recreational site license is \$400.

16 (c) In this section, "recreational site" means, but is not limited  
17 to, a location where baseball games, car races, hockey games, dog sled  
18 racing events, or curling matches are regularly held during a season.

19 Sec. 04.11.220. PUB LICENSE. (a) A pub license authorizes the  
20 holder to sell beer and wine for consumption only at a designated pre-  
21 mises located on the campus of an accredited college or university.

22 (b) Only one pub license may be issued or renewed for each college  
23 or university campus in the state.

24 (c) A pub license may not be issued or renewed without the written  
25 approval of the governing body of the college or university.

26 (d) The annual fee for a pub license is \$400.

27 (e) In this section, an "accredited college or university" means a  
28 college or university accredited by the Northwest Association of Sec-  
29 ndary and Higher Schools.

1           Sec. 04.11.230. CATERER'S PERMIT. (a) A caterer's permit autho-  
2 rizes the holder of a beverage dispensary license to sell or dispense  
3 alcoholic beverages at conventions, picnics, social gatherings, sporting  
4 events, or similar affairs held off the holder's licensed premises. The  
5 permit may only be issued for designated premises for a specific occa-  
6 sion and for a limited period of time.

7           (b) The written approval of the law enforcement agency having  
8 jurisdiction over the site of the occasion for which the permit is  
9 sought must be obtained and accompany the application.

10          (c) A caterer's permit may not be transferred or renewed.

11          (d) A caterer's permit must be surrendered to the board, its  
12 agent, or the law enforcement agency approving the permit within 48  
13 hours of its expiration time. Failure to surrender the permit is cause,  
14 in the discretion of the board, for denial of applications for permits  
15 made in the future by the permittee.

16          (e) The fee for a caterer's permit is \$50 and shall accompany the  
17 application for a permit.

18           Sec. 04.11.240. SPECIAL EVENTS PERMIT. (a) A special events  
19 permit authorizes the holder to sell or dispense beer or wine for con-  
20 sumption at designated premises for a specific occasion and limited  
21 period of time. Only nonprofit fraternal, civic, or patriotic organiza-  
22 tions active for a period of at least two years before application and  
23 incorporated under AS 10.20 are eligible for a special events permit,  
24 and only if all profits derived from the sale of beer or wine are paid  
25 to the organization and not to an individual.

26          (b) An application for a special events permit must be received in  
27 the main office of the board at least 10 days before the date for which  
28 the permit is requested. The application must be signed by both the  
29 president and secretary of the organization applying for the permit. A

1 sworn affidavit showing the length of time the organization has been in  
2 existence must accompany the application, together with a certified copy  
3 of the resolution of the board of directors authorizing the application.  
4 The written approval of the law enforcement agency having jurisdiction  
5 over the designated premises of the occasion for which the permit is  
6 sought must also be obtained and accompany the application.

7 (c) The special events permit must be surrendered to the board,  
8 its agent, or the law enforcement agency approving the permit, within 48  
9 hours of its expiration time. Failure to surrender the permit is cause,  
10 in the discretion of the board, for denial of applications for permits  
11 made in the future by the organization. No more than five special  
12 events permits may be granted to an organization, including its auxili-  
13 ary, in any one calendar year.

14 (d) A special events permit may not be transferred or renewed.

15 (e) The fee for a special events permit is \$50 a day.

16 Sec. 04.11.250. CONDITIONAL CONTRACTOR'S PERMIT. (a) A condi-  
17 tional contractor's permit authorizes the holder to sell beer or wine  
18 for consumption and sale only on designated premises for one year from  
19 the date of issuance of the permit at construction sites which are  
20 located outside a city and inside the boundaries of a military or naval  
21 reservation.

22 (b) An applicant for a conditional contractor's permit must obtain  
23 and file with the board written permission from the commanding officer  
24 of the military or naval reservation and the prime contractor of the  
25 remotely situated project for the conduct of the activities authorized  
26 by the permit. A conditional contractor's permit may be renewed annu-  
27 ally upon reapplication for a permit and may be revoked or suspended at  
28 the discretion of the commanding officer or the prime contractor.

29 (c) A conditional contractor's permit may not be transferred and

1 is not valid after the completion of the holder's contract or the clos-  
2 ing of the military or naval reservation.

3 (d) The annual conditional contractor's permit fee is \$600.

4 ARTICLE 3. APPLICATION FOR LICENSE OR PERMIT.

5 Sec. 04.11.260. APPLICATION FOR NEW LICENSE OR PERMIT. (a) An  
6 applicant for a new license or permit shall file with the director a  
7 written application, signed and sworn to by the applicant, giving his  
8 name and address. If the applicant is a corporation, the application  
9 shall be executed by the authorized officers of the corporation. The  
10 application shall include:

11 (1) the type of license or permit desired;

12 (2) a description of the premises for which the license or  
13 permit is desired, giving the address by street and number, or other  
14 information, so that the location of the premises can be definitely  
15 determined;

16 (3) a statement of the residency of the applicant;

17 (4) the license fee;

18 (5) any other information required by the board.

19 (b) A corporation applying for a license or permit shall provide  
20 the names and addresses of the president, vice-president, secretary,  
21 managing officer, and all stockholders who own 10 per cent or more of  
22 the stock in the corporation, together with any other information re-  
23 quired by the board.

24 (c) An applicant for a new license or permit must include with his  
25 application

26 (1) proof that notice required by AS 04.11.310 has been  
27 given;

28 (2) any petitions required to be secured under AS 04.11.460  
29 before a license may be issued;

1 (3) evidence of any approval by public authorities required  
2 to be obtained under AS 04.11.090(e), 04.11.220(c), 04.11.230(b), 04.-  
3 11.240(b), or 04.11.250(b), before a license may be issued.

4 Sec. 04.11.270. APPLICATION FOR RENEWAL OF LICENSE OR PERMIT. (a)  
5 Each application for renewal of a license or renewal of a conditional  
6 contractor's permit shall include:

7 (1) the information required for a new license under AS 04.-  
8 11.260 except that proof of notice under AS 04.11.310 is not required;  
9 and

10 (2) a list of all convictions of the applicant of violations  
11 of this title, a regulation adopted under this title, or an ordinance  
12 adopted under AS 04.21.010.

13 (b) A license shall be renewed as follows:

14 (1) On or before November 1 of each year, the director shall  
15 mail an application to renew the license to each licensee at his li-  
16 censed premises or at a mailing address furnished by the licensee.

17 (2) An application to renew a license may be filed on or  
18 before December 31 and shall be accompanied by the annual fee required  
19 for the license. An application to renew the license may be filed after  
20 December 31 and on or before February 28 if accompanied by the annual  
21 fee for the license, plus a penalty equal to the annual fee or \$100,  
22 whichever is less.

23 Sec. 04.11.280. APPLICATION FOR TRANSFER OF A LICENSE TO ANOTHER  
24 PERSON. (a) An application for transfer of a license to another person  
25 shall contain the same information about the transferee as is required  
26 of an applicant for a new license under AS 04.11.260 and may include  
27 other information required by the board.

28 (b) An application for the transfer of a license to another person  
29 shall be accompanied by a statement, under oath, executed by the trans-

1 feror, listing all debts of the business and all taxes due by the busi-  
2 ness. The board shall promptly inform each listed creditor of the  
3 application and the amount shown as owed to that creditor.

4 Sec. 04.11.290. APPLICATION FOR TRANSFER OF LICENSE LOCATION. An  
5 application for a transfer of a license to a new location shall contain  
6 the information required by the board and shall be accompanied by proof  
7 that the notice required in AS 04.11.310 has been given and by any peti-  
8 tions required to be secured under AS 04.11.460 before a license may be  
9 transferred.

10 Sec. 04.11.300. STATE POLICE INVESTIGATION. The state police  
11 shall assist the director in the investigation of applicants for new  
12 licenses and applicants for the transfer of existing licenses before the  
13 applications are considered by the board.

14 Sec. 04.11.310. NOTICE OF APPLICATION. Before a new license is  
15 issued, or transfer of location or transfer of a license to another  
16 person is approved, the applicant must post a copy of the application  
17 for 10 days at the location of the proposed licensed premises and at any  
18 additional locations designated by the board. The board may require the  
19 applicant (1) to provide a copy of the application to newspapers, radio  
20 and television stations for public service announcement or (2) to pro-  
21 vide paid notice of the application for not exceeding 30 days in a news-  
22 paper, or by radio or television. The notice required in this subsec-  
23 tion shall be in more than one language when the board decides it is  
24 necessary.

25 ARTICLE 4. DENIAL, SUSPENSION, OR REVOCATION  
26 OF LICENSES AND PERMITS.

27 Sec. 04.11.320. DENIAL OF NEW LICENSES AND PERMITS. (a) An  
28 application requesting issuance of a new license shall be denied if  
29 (1) the board finds, after review of all relevant informa-

1 tion, that issuance of the license would not be in the best interests of  
2 the public;

3 (2) issuance of the license is prohibited by AS 04.11.390,  
4 relating to residency, or AS 04.11.410, relating to location of premises  
5 near churches and schools;

6 (3) the application has not been completed in accordance with  
7 AS 04.11.260;

8 (4) issuing the license would violate the restrictions per-  
9 taining to the particular license imposed under this title;

10 (5) issuance of the license is prohibited under this title as  
11 a result of an election conducted in accordance with AS 04.11.490 or  
12 04.11.500;

13 (6) the requirements of AS 04.11.420 - 04.11.450 relating to  
14 zoning, ownership and location of the license, and the identity and  
15 financing of a licensee have not been met;

16 (7) the authority sought under the license would duplicate  
17 authority already granted under a community liquor license unless the  
18 new license is to become effective after the termination of the com-  
19 munity liquor license;

20 (8) issuance of the license is prohibited under AS 04.11.-  
21 400(a) or prohibition of issuance is found necessary under AS 04.11.-  
22 400(f);

23 (9) the application contains false statements of material  
24 fact;

25 (10) the license is sought for the sale of alcoholic beverages  
26 in an incorporated city in which, on June 19, 1976, there was no li-  
27 censed premises, unless a local option election on the sale of alcoholic  
28 beverages in the city is conducted as provided in AS 04.11.490(a).

29 (b) An application requesting issuance of a new permit shall be

1 denied if

2 (1) the board finds, after review of all relevant informa-  
3 tion, that issuance of the permit would not be in the best interests of  
4 the public;

5 (2) the board finds that any of the statements made in the  
6 application are untrue;

7 (3) the application has not been completed in accordance with  
8 AS 04.11.260;

9 (4) the permit is sought for the sale of alcoholic beverages  
10 in an incorporated city in which, on June 19, 1976, there was no  
11 licensed premises, unless a local option election on the sale of alco-  
12 holic beverages in the city is conducted as provided in AS 04.11.490(a).

13 Sec. 04.11.330. DENIAL OF LICENSE OR PERMIT RENEWAL. (a) An  
14 application requesting renewal of a license shall be denied if

15 (1) the board finds, after review of all relevant informa-  
16 tion, that renewal of the license would not be in the best interests of  
17 the public;

18 (2) the license has been revoked for any cause;

19 (3) a judicial determination on the legality of the license  
20 is pending;

21 (4) the applicant has not operated the licensed premises for  
22 at least 30 eight-hour days during the immediately preceding calendar  
23 year, unless the board determines that the licensed premises are under  
24 construction or cannot be operated through no fault of the applicant;

25 (5) the applicant does not file with the board a petition  
26 containing the requisite number of signatures if required by the board  
27 under AS 04.11.460 or the application has otherwise not been completed  
28 in accordance with AS 04.11.270;

29 (6) the board finds that issuance of an existing license

1 issued under AS 04.11.400(g) has not encouraged tourist trade;

2 (7) the requirements of AS 04.11.420 - 04.11.450 relating to  
3 zoning, ownership of the license, and financing of the licensee have not  
4 been met;

5 (8) renewal of the license would violate the restrictions  
6 pertaining to the particular license under this title;

7 (9) renewal of the license is prohibited under this title as  
8 a result of an election conducted in accordance with AS 04.11.490 or  
9 04.11.500;

10 (10) the application has not been completed in accordance with  
11 AS 04.11.270.

12 (b) An application for renewal of a license may be denied if the  
13 applicant is delinquent in the payment of taxes if the tax liability  
14 arises in whole or in part out of the licensed business.

15 (c) An application requesting renewal of a conditional contrac-  
16 tor's permit shall be denied if

17 (1) the board finds, after review of all relevant informa-  
18 tion, that issuance of the permit would not be in the best interests of  
19 the public;

20 (2) the application has not been completed in accordance with  
21 AS 04.11.270.

22 Sec. 04.11.340. DENIAL OF TRANSFER OF LOCATION. An application  
23 requesting approval of a transfer of location of licensed premises shall  
24 be denied if

25 (1) the board finds, after review of all relevant informa-  
26 tion, that transfer of location of the license would not be in the best  
27 interests of the public;

28 (2) the transfer of location of the license is prohibited  
29 under AS 04.11.400(a) or prohibition of transfer is found necessary

1 under AS 04.11.400(f);

2 (3) the license would be transferred out of the election  
3 district within which it was originally issued, unless the election  
4 district into which the license would be transferred is within the  
5 incorporated city, organized borough or unified municipality within  
6 which the license was originally issued;

7 (4) transfer of ownership is to be made concurrently with the  
8 transfer of the location of the licensed premises and a ground for  
9 denial of the transfer of ownership under AS 04.11.360 is presented;

10 (5) the application has not been completed in accordance with  
11 AS 04.11.290;

12 (6) transfer of location of the license would result in  
13 violation of a local zoning law;

14 (7) transfer of location of the license would violate the  
15 restrictions pertaining to the particular license imposed by this title;

16 (8) transfer of location of the license is prohibited under  
17 this title as a result of an election conducted in accordance with  
18 AS 04.11.490 or 04.11.500.

19 Sec. 04.11.360. DENIAL OF TRANSFER OF A LICENSE TO ANOTHER PERSON.  
20 An application requesting approval of a transfer of a license to another  
21 person under this title shall be denied if

22 (1) the board finds, after review of all relevant informa-  
23 tion, that transfer of a license to another person would not be in the  
24 best interests of the public;

25 (2) the application has not been completed in accordance with  
26 AS 04.11.280;

27 (3) the application contains false statements of material  
28 fact;

29 (4) the transferor has not paid all debts or taxes arising

1 from the conduct of the business licensed under this title unless

2 (A) he gives security for the payment of the debts or  
3 taxes satisfactory to the creditor or taxing authority; or

4 (B) the transfer is pursuant to a promise given as  
5 collateral by the transferor to the transferee in the course of an  
6 earlier transfer of the license under which promise the transferor  
7 is obliged to transfer the license back to the transferee in the  
8 event of default in payment for property conveyed as part of the  
9 earlier transfer of the license;

10 (5) transfer of the license to another person would result in  
11 violation of the provisions of this title relating to identity of li-  
12 censees and financing of licensees;

13 (6) transfer of the license to another person would violate  
14 the restrictions pertaining to the particular license under this title;

15 (7) transfer of the license to another person is prohibited  
16 under the provisions of this title as a result of an election conducted  
17 in accordance with AS 04.11.490 or 04.11.500;

18 (8) the prospective transferee does not have the qualifica-  
19 tions required under this title of an original applicant.

20 Sec. 04.11.370. SUSPENSION AND REVOCATION OF LICENSES AND PERMITS.  
21 A license or permit shall be suspended or revoked if the board finds  
22 that one or more of the following grounds exists:

23 (1) misrepresentation of a material fact on an application  
24 for a license or permit;

25 (2) continuation of activities authorized under a license or  
26 permit would be contrary to the best interests of the public;

27 (3) failure on the part of the licensee to correct objection-  
28 able conditions within a prescribed time after receipt of notice issued  
29 by the board or its agent;

1 (4) conviction of a licensee of a violation of a provision of  
2 this title, a regulation adopted under this title, or an ordinance  
3 adopted under AS 04.21.010;

4 (5) conviction of the agent or employee of a licensee of a  
5 violation of this title, a regulation adopted under this title, or an  
6 ordinance adopted under AS 04.21.010, if the licensee is found by the  
7 board to have either knowingly allowed the violation or to have reck-  
8 lessly or with criminal negligence failed to act in accordance with the  
9 duty prescribed under AS 04.21.030 with the result that an agent or  
10 employee violates a law, regulation, or ordinance;

11 (6) failure of the licensee to comply with the laws and  
12 regulations pertaining to public health in the state;

13 (7) use of the licensed premises as a resort for illegal  
14 possessors or users of narcotics, prostitutes, pimps, or panderers; in  
15 addition to any other legally competent evidence, the character of the  
16 premises may be proved by the general reputation of the premises in the  
17 community as a resort for illegal possessors or users of narcotics,  
18 prostitutes, pimps, or panderers;

19 (8) occurrence of illegal gambling within the limits of the  
20 licensed premises;

21 (9) disciplinary action has been taken against a licensed  
22 premises by military or naval authorities;

23 (10) occurrence of any public offense involving moral turpi-  
24 tude on the licensed premises;

25 (11) violation by a licensee of this title, a regulation  
26 adopted under this title, or an ordinance adopted under AS 04.21.010;

27 (12) violation by an agent or employee of a licensee of a  
28 provision of this title, a regulation adopted under this title, or an  
29 ordinance adopted under AS 04.21.010, if the licensee is found by the

1 board to have either knowingly allowed the violation or to have reck-  
2 lessly or with criminal negligence failed to act in accordance with the  
3 duty prescribed under AS 04.21.030 with the result that the agent or  
4 employee violates the law, regulation, or ordinance.

5 ARTICLE 5. RESTRICTIONS ON ISSUANCE AND TRANSFER OF LICENSES.

6 Sec. 04.11.390. RESIDENCE. A beverage dispensary license or  
7 package store license may not be issued to a person or association of  
8 persons who have not resided in the state for at least one year before  
9 the date of application. A beverage dispensary license or package store  
10 license may not be issued to either a domestic corporation which has not  
11 been issued a certificate of incorporation or a foreign corporation  
12 which has not been issued a certificate of authority to transact busi-  
13 ness in the state at least one year before the date of the application.

14 Sec. 04.11.400. POPULATION LIMITATIONS. (a) Except as provided  
15 in (g) and (h) of this section, a new license may not be issued or an  
16 existing license transferred to a new location

17 (1) outside an incorporated city, a unified municipality, or  
18 an established village if after the issuance or transfer there would be  
19 more than one license of each type for each 1,500 population or fraction  
20 of 1,500 population, including licenses which have been issued under (g)  
21 or (h) of this section, in a radius of five miles of the licensed prem-  
22 ises or location of premises sought to be licensed;

23 (2) inside an established village, an incorporated city, or a  
24 unified municipality if after the issuance or transfer there would be  
25 more than one license of each type for each 1,500 population or fraction  
26 of 1,500 population, including licenses which have been issued under (g)  
27 or (h) of this section, inside the boundaries of the village, city or  
28 unified municipality.

29 (b) If the application is for a license outside of an established

1 village, incorporated city, or unified municipality and the radius  
2 encompasses all of the established village, incorporated city, or  
3 unified municipality and the population resident inside and outside the  
4 village, city, or municipality but inside the radius is less than 1,500,  
5 the board may deny the issuance or transfer of the license.

6 (c) In this section "unified municipality" means a unified muni-  
7 cipality established under AS 29.68.

8 (d) In this section "radius" means a straight line originating at  
9 the proposed licensed premises and extending outward.

10 (e) In (a)(1) of this section, "population" includes only those  
11 persons residing inside the radius but outside of an established  
12 village, an incorporated city, or a unified municipality as of  
13 December 31 of the year preceding the date of application.

14 (f) In (a)(2) of this section, "population" includes only those  
15 persons residing inside an established village, an incorporated city, or  
16 a unified municipality as of December 31 of the year preceding the date  
17 of application.

18 (g) The board may, in its discretion, approve the issuance or  
19 transfer of location of a beverage dispensary or restaurant or eating  
20 place license without regard to (a) of this section if it appears that  
21 the issuance or transfer will encourage the tourist trade by encouraging  
22 the construction or improvement of

23 (1) a hotel, motel, resort, or similar business relating to  
24 the tourist trade having

25 (A) a minimum of 10 rental rooms, and

26 (B) a dining facility, which requirement may be waived  
27 if most of the rental rooms have kitchen facilities; or

28 (2) an airport terminal.

29 (h) A restaurant or eating place license may be issued or trans-

1           ferred notwithstanding (a) of this section if

2                   (1) the premises of the restaurant or eating place are more  
3 than 18 miles from the corporate limits of a city or unified municipali-  
4 ty;

5                   (2) the premises will serve food to the traveling public; and

6                   (3) the board finds that the public convenience will be  
7 served by the issuance or transfer.

8           (i) An application requesting a transfer of location of licensed  
9 premises shall be granted notwithstanding (a) of this section if the new  
10 location is less than one mile from the original location and

11                   (1) no ground for denial exists under AS 04.11.340(1) or (3);  
12 and

13                   (2) relocation of the licensed premises is necessary due to

14                           (A) termination of a lease or rental agreement;

15                           (B) condemnation of the premises;

16                           (C) the substantial destruction of the premises by any  
17 cause.

18           Sec. 04.11.410. RESTRICTION OF LOCATION NEAR CHURCHES AND SCHOOLS.

19           (a) A beverage dispensary or package store license may not be issued  
20 or renewed nor may the location of an existing license be transferred if  
21 the licensed premises would be located in a building the public entrance  
22 of which is within 200 feet of a school ground or church building,  
23 measured by the shortest pedestrian route from the outer boundaries of  
24 the school ground or the public entrance of a church building in which  
25 religious services are regularly conducted. However, a license issued  
26 before April 25, 1960 may be renewed or transferred to a person notwith-  
27 standing this subsection.

28           (b) If a beverage dispensary or retail license for premises  
29 located within 200 feet of a school ground or church building in which

1 religious services are regularly conducted is revoked, expires or is  
2 transferred to another location, a beverage dispensary or retail license  
3 may not be issued or transferred to the formerly licensed premises.

4 Sec. 04.11.420. ZONING LIMITATIONS. (a) A person may not be  
5 issued a license or permit in a municipality if a zoning regulation or  
6 ordinance prohibits the sale or consumption of alcoholic beverages  
7 unless a variance of the regulation or ordinance has been approved.

8 (b) The municipality shall inform the board of zoning regulations  
9 or ordinances which prohibit the sale or consumption of alcoholic beverages.  
10

11 Sec. 04.11.430. PERSON AND LOCATION. Each license shall be issued  
12 to a specific person or persons or to a corporation. If the license is  
13 issued to a corporation, the registered agent of the corporation must be  
14 an individual resident of the state. Except for a license authorizing  
15 the sale of alcoholic beverages on a common carrier, a specific location  
16 shall be indicated on the license or permit as the licensed premises,  
17 the principal address of which shall be indicated on the license or  
18 permit. The mailing address of a licensee or, if the licensee is a  
19 corporation, the address of the registered office of the corporation  
20 must be kept current and on file in the main office of the board.

21 Sec. 04.11.450. PROHIBITED FINANCIAL INTEREST. (a) No person  
22 other than a licensee may have a direct or indirect financial interest  
23 in the business for which the license is issued.

24 (b) A person who is a representative or owner of a wholesale  
25 business, brewery, winery, bottling works, or distillery may not be  
26 issued, solely or together with others, a beverage dispensary license or  
27 package store license.

28 (c) In this section, "direct or indirect financial interest" means  
29 holding a legal or equitable interest in the operation of a business

1 licensed under this title. However, credit extended by a distiller, a  
2 brewery or a winery to a wholesaler, or credit extended by a wholesaler  
3 to persons licensed under this title, is not considered a financial  
4 interest in a business licensed under this title.

5 (d) A license may not be leased by a licensee to another person or  
6 corporation.

7 (e) For the purposes of this section, a lessor under a graduated  
8 or percentage lease-rent agreement involving premises licensed under  
9 this title does not hold a financial interest in the business.

10 Sec. 04.11.460. PRIOR PUBLIC APPROVAL. (a) A new license or the  
11 transfer of location of an existing license may not be approved by the  
12 board in an area outside but within 50 miles of the boundaries of a  
13 municipality unless a petition asking that the license be issued or  
14 transferred within the area containing signatures of a majority of the  
15 permanent residents residing within one mile of the proposed premises is  
16 filed with the board. A petition is not required for the renewal of a  
17 license issued or transferred in accordance with this subsection unless  
18 specifically required by the board.

19 (b) A license may not be issued in an area which is 50 miles or  
20 more from the boundaries of a municipality unless a petition asking that  
21 the license be issued within the area containing the signatures of  
22 two-thirds of the permanent residents residing within a radius of five  
23 miles of the United States post office station nearest to the proposed  
24 licensed premises, is filed with the board. A petition is not required  
25 for the renewal of a license issued in accordance with this subsection  
26 unless specifically required by the board. If

27 (1) there are two or more United States post office stations  
28 in the vicinity of the proposed licensed premises, the nearest station  
29 to the premises constitutes the point of beginning under this subsec-

1 tion;

2 (2) there is no United States post office station within a  
3 radius of five miles of the proposed licensed premises, the applicant  
4 must obtain the signatures of two-thirds of the permanent residents  
5 residing within a five mile radius of the proposed licensed premises.

6 (c) For the purposes of this section, "permanent resident" means a  
7 person 19 years of age or older who has established a permanent place of  
8 abode.

9 ARTICLE 6. PROCEDURES FOR PUBLIC INFLUENCE.

10 Sec. 04.11.470. OBJECTION. A person may object to an application  
11 for issuance, renewal, transfer of location, or transfer to another  
12 person of a license, or for issuance of a permit by serving upon the  
13 applicant and the board the reasons for the objection. The board shall  
14 consider the objections and testimony received at a hearing conducted  
15 under AS 04.11.510(b)(2) when it considers the application, and the  
16 objection and the record of the hearing conducted under AS 04.11.510-  
17 (b)(2) shall be retained as part of the board's permanent record of its  
18 review of the application.

19 Sec. 04.11.480. PROTEST. (a) If a local governing body wishes to  
20 protest the issuance, renewal, transfer of location or transfer to  
21 another person of a license, it shall furnish the board and the appli-  
22 cant with a protest within 30 days of receipt from the board of notice  
23 of filing of the application. The board shall consider a protest and  
24 testimony received at a hearing conducted under AS 04.11.510(b)(2) or  
25 (4) when it considers the application, and the protest and the record of  
26 the hearing conducted under AS 04.11.510(b)(2) or (4) shall be retained  
27 as part of the board's permanent record of its review of the applica-  
28 tion.

29 (b) If the permanent residents residing outside of but within two

1 miles of an incorporated city or an established village wish to protest  
2 the issuance, renewal, or transfer of a license within the city or  
3 village, they shall file with the board a petition meeting the require-  
4 ments of AS 04.11.510(b)(3) requesting a public hearing within 30 days  
5 of the posting of notice required under AS 04.11.310, or by December 31  
6 of the year application is made for renewal of a license. The board  
7 shall consider testimony received at a hearing conducted under AS 04.-  
8 11.510(b)(3) when it considers the application, and the record of a  
9 hearing conducted under AS 04.11.510(b)(3) shall be retained as part of  
10 the board's permanent record of its review of the application.

11 Sec. 04.11.490. LOCAL OPTION ELECTION. (a) A local governing  
12 body shall, whenever 35 percent of the total number of voters at the  
13 last general municipal election held in a municipality petition the  
14 local governing body to do so, place upon a separate ballot at the next  
15 municipal election whichever of the following questions is the subject  
16 of the petition:

17 (1) "Should the sale of alcoholic beverages in ..... (name  
18 of municipality) be prohibited?" (yes or no);

19 (2) "Should the sale of alcoholic beverages be prohibited in  
20 ..... (name of city) unless sold by a ..... (either a beverage dispen-  
21 sary or a package store operated under a community liquor license)?"  
22 (yes or no);

23 (3) "Should the sale of alcoholic beverages be allowed in  
24 .....(name of city) if sold by ..... (either a beverage  
25 dispensary or a package store operated under a community liquor  
26 license)?" (yes or no);

27 (4) "Should the sale of alcoholic beverages be prohibited by  
28 ..... (either a beverage dispensary or a package store, or both)  
29 in .....(name of city) unless under a community liquor license?"

1 (yes or no);

2 (5) "Should the sale of alcoholic beverages be prohibited in  
3 ..... (name of municipality) except if sold under a restaurant or  
4 eating place license?" (yes or no).

5 (b) The lieutenant governor shall conduct the election, canvass  
6 the ballots, and publish the results.

7 (c) When the lieutenant governor certifies that a majority of  
8 those voting are in favor of (a)(1), (2), (3), (4) or (5) of this  
9 section, the lieutenant governor shall immediately notify the board and  
10 the local governing body.

11 (d) When the lieutenant governor certifies to the board that a  
12 majority of those voting are in favor of the question in (a)(1) of this  
13 section, the board may not issue, renew, or transfer the location of any  
14 license or permit provided for under this title within the municipality.

15 (e) When the lieutenant governor certifies to the board that a  
16 majority of those voting are in favor of the question in (a)(2) of this  
17 section, the board may not issue, renew, or transfer the location of a  
18 license other than a community liquor license, or issue a permit within  
19 the city. However, the board may consider the city's application for a  
20 community liquor license and, if statutory requirements are met, may  
21 issue the license.

22 (f) When the lieutenant governor certifies to the board that a  
23 majority of those voting are in favor of the question in (a)(3) of this  
24 section, the board may issue a community liquor license to a city which  
25 previously prohibited the sale of alcoholic beverages if all statutory  
26 requirements are met.

27 (g) When the lieutenant governor certifies to the board that a  
28 majority of those voting are in favor of the question in (a)(4) of this  
29 section, the board may not renew, transfer the location of, or issue in

1 the city the type of license prohibited by the results of the election.  
2 However, the board may consider an application for a community liquor  
3 license authorizing a city to sell alcoholic beverages as specified in  
4 the question placed on the ballot under (a)(4) of this section. If  
5 statutory requirements are met, the board may issue the community liquor  
6 license.

7 (h) If the lieutenant governor certifies to the board that a  
8 majority of those voting are in favor of the question in (a)(5) of this  
9 section, the board may not issue, renew, or transfer the location of a  
10 license or a permit other than a restaurant or eating place license in  
11 the city.

12 (i) If the lieutenant governor certifies that a majority of those  
13 voting are in favor of a question in (a)(1), (2), (3), (4) or (5) of  
14 this section, licenses and permits which may not be renewed are void as  
15 of midnight December 31 of the year the election occurred. The results  
16 of an election held under this section may not result in the suspension  
17 of a license during the year for which it was issued.

18 (j) After receipt of notification under (d), (e), (f), (g) or (h)  
19 of this section, the board may not issue a new beverage dispensary or  
20 package store license in an unincorporated area outside but within five  
21 miles of the recognized boundaries of the area in which the election was  
22 held, and the board may not renew or transfer the location of an exist-  
23 ing beverage dispensary or package store license within that radius if  
24 the board considers such action would not be in the best interests of  
25 the public.

26 (k) If, after an election under this section prohibiting the sale  
27 of alcoholic beverages, a majority of the voters in a subsequent elec-  
28 tion conducted in accordance with (a) of this section favors the sale of  
29 alcoholic beverages by private persons under one or more of the type of

1 license terminated as a result of the previous election, the board shall  
2 consider all applications for licenses and may issue the number of  
3 licenses of each type favored by the voters in the subsequent election  
4 and which were terminated by the voters in the previous election.  
5 Licenses may be issued for premises previously licensed or for other  
6 premises. However, if fewer licenses would be issued if the provisions  
7 prescribing the ratio of population to licensed premises in AS 04.11.-  
8 400(a) are applied and the local governing body requests that AS 04.11.-  
9 400(a) apply, only the number of licenses authorized under AS 04.11.-  
10 400(a) may be issued. Priority shall be given applicants who were  
11 formerly licensees and whose licenses were not renewed because of the  
12 results of the previous election. However, these applicants have no  
13 legal right to a license and the board is not required to approve the  
14 application.

15 Sec. 04.11.500. LOCAL OPTION ELECTION IN UNINCORPORATED AREAS.  
16 When 35 percent or more of the adult residents (1) having a permanent  
17 place of abode within an established village where a licensed premises  
18 is situated or is to be situated and (2) having a permanent place of  
19 abode within two miles of any point on the circumference of the circle  
20 comprising the boundaries of that village petition the board to do so,  
21 the board shall provide for a special election conducted by the lieuten-  
22 ant governor. All persons eligible to sign the petition may vote in the  
23 election. If at the election the majority of the adult residents eli-  
24 gible to vote in the election under both (1) and (2) of this section  
25 object to the sale of alcoholic beverages, the board may not issue,  
26 renew or transfer the location of a license in, into, or within the area  
27 determined under this section.

28 ARTICLE 7. BOARD PROCEDURES.

29 Sec. 04.11.510. PROCEDURE FOR ACTION ON LICENSE APPLICATIONS,

1 SUSPENSIONS, AND REVOCATIONS. (a) Unless a legal action relating to  
2 the license, applicant or premises to be licensed is pending, the board  
3 shall decide whether to grant or deny an application within 90 days of  
4 receipt of the application at the main office of the board. However,  
5 the decision may not be made before the 30 days allowed for protest  
6 under AS 04.11.480 have elapsed unless received by the municipality.

7 (b) The board may review an application for the issuance, renewal,  
8 transfer of location, or transfer to another person, of a license with-  
9 out affording the applicant notice or hearing, except

10 (1) if an application is denied, the notice of denial shall  
11 be furnished the applicant immediately in writing stating the reason for  
12 the denial in clear and concise language; the notice of denial shall  
13 inform the applicant that he is entitled to an informal conference with  
14 either the director or the board, and that, if not satisfied by the  
15 informal conference, he is then entitled to a formal hearing before the  
16 board; if the applicant requests a formal hearing, the board shall  
17 adhere to AS 44.62.330 - 44.62.630; all interested persons may be heard  
18 at the hearing and unless waived by the applicant and the board, the  
19 formal hearing shall be held in the area for which the application is  
20 requested;

21 (2) the board may, on its own initiative or in response to an  
22 objection or protest, hold a hearing to ascertain the reaction of the  
23 public or a local governing body to an application of a hearing is not  
24 required under (1), (3), or (4) or this subsection;

25 (3) if a petition containing the signatures of 35 percent of  
26 the adult residents having a permanent place of abode outside of but  
27 within two miles of an incorporated city or an established village is  
28 filed with the board, the board shall hold a public hearing on the  
29 question of whether the issuance, renewal, or transfer of the license in

1 the city or village would be in the public interest;

2 (4) if a protest to the issuance, renewal, transfer of loca-  
3 tion or transfer to another person of a license made by a local govern-  
4 ing body is based on a question of law, the board shall hold a public  
5 hearing.

6 (c) Unless the grounds for the suspension or revocation are under  
7 AS 04.11.370(4), board proceedings to suspend or revoke a license shall  
8 be conducted in accordance with AS 44.62.330 - 44.62.630 (Administrative  
9 Procedure Act), except that the licensee is entitled to an opportunity  
10 to informally confer with the director or the board within 10 days after  
11 the accusation is served upon him. Notice of the opportunity for an  
12 informal conference shall be served upon the licensee along with the  
13 accusation. If an informal conference is requested, the running of the  
14 period of time specified in AS 44.62.380 for filing a notice of defense  
15 is tolled from the date of receipt of the request for the conference  
16 until the day following the date of the conference unless extended by  
17 the board. After the conference, the licensee, if not satisfied by the  
18 results of the conference, may obtain a hearing by filing a notice of  
19 defense as provided in AS 44.62.390. If the grounds for suspension or  
20 revocation are under AS 04.11.370(4), the licensee is not entitled to  
21 notice and hearing under AS 44.62.330 - 44.62.630 on the merits of the  
22 suspension or revocation. However, the board shall afford the licensee  
23 notice and hearing on the issue of what administrative sanction to  
24 impose under AS 04.16.180.

25 Sec. 04.11.520. NOTICE. After receipt of an application from  
26 within (1) an established village, (2) an incorporated city, (3) an  
27 organized borough, or (4) a unified municipality, the board shall trans-  
28 mit written notice to the local governing body so that the local govern-  
29 ing body may protest under AS 04.11.480.

1           Sec. 04.11.530. CONSIDERATION OF REPORTS. A license may not be  
2 suspended or revoked under AS 04.11.370(4) or (5) unless the board takes  
3 into consideration the reports prepared by arresting and investigating  
4 officers and the sentencing report sent to the board under AS 12.55.-  
5 025(b).

6           Sec. 04.11.535. SUSPENSION AND REVOCATION BASED ON ACTS OF EM-  
7 PLOYEES. (a) If, in a proceeding to suspend or revoke a license under  
8 AS 04.11.370(5), the board finds that a sentencing report sent to the  
9 board under AS 12.55.025(b), or reports prepared by the investigating or  
10 arresting officers in connection with the violation, contain information  
11 which if uncontradicted or unexplained would provide a basis for sus-  
12 pension or revocation under AS 04.11.370(5), the licensee has the burden  
13 of proof to establish that he neither knowingly allowed the violation  
14 nor recklessly or with criminal negligence failed to act in accordance  
15 with the duty prescribed under AS 04.21.030 thereby resulting in the  
16 unlawful action.

17           (b) If the board suspends or revokes a license on grounds that a  
18 licensee knowingly allowed or recklessly or with criminal negligence  
19 failed to act in accordance with the duty prescribed under AS 04.21.030  
20 resulting in unlawful action of an agent or employee, the board shall  
21 file a criminal complaint charging the licensee with violation of AS  
22 04.16.150.

23           Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining whether  
24 issuance, renewal, transfer, suspension, or revocation of a license is  
25 in the best interests of the public, the board need not conform to or  
26 distinguish its decision from any action it has taken in the past on  
27 applications presenting similar facts, but may instead base its decision  
28 only on the particular facts before it.

29           **ARTICLE 8. EXPIRATION OF LICENSES.**

1           Sec. 04.11.540. LICENSE RENEWAL AND EXPIRATION. Notwithstanding  
2 AS 04.11.680, an application for renewal of a license which is in effect  
3 on December 31 may be submitted up until the next February 28 but the  
4 authority granted under the license may not be exercised until the  
5 license is renewed. If the application for renewal and applicable  
6 affidavits have not been filed by February 28 or the required fees and  
7 the penalty fees have not been paid by that date, the license expires at  
8 12:00 midnight February 28. A new license may not be issued to the  
9 holder of an expired license for the same premises except on proof  
10 satisfactory to the board of good cause for the failure to file and pay.

11           Sec. 04.11.550. NOTICE OF EXPIRATION. On or before February 15,  
12 the director shall mail a notice of expiration to each licensee who has  
13 not either (1) filed an application to renew his license, along with any  
14 applicable affidavits and all fees due, or (2) notified the director of  
15 his intent not to do so. Failure of the director to mail this notice of  
16 expiration does not waive the requirement that the application for  
17 renewal be filed by February 28.

18                   ARTICLE 9. MISCELLANEOUS PROVISIONS.

19           Sec. 04.11.560. APPEALS. (a) An action of an officer, employee  
20 or agent of the board relating to the administration or enforcement of  
21 this title may be appealed to the board by the aggrieved party.

22           (b) A decision by the board relating to the issuance, renewal,  
23 transfer, suspension, or revocation of a license under this title may be  
24 appealed to the superior court under AS 44.62.560.

25           Sec. 04.11.570. REFUND AND FORFEITURE OF FEES. (a) If an appli-  
26 cation for a license is denied, the board shall refund the license fee  
27 less the application fee.

28           (b) A license fee may not be refunded after the license has been  
29 issued unless the board determines it has erred in the issuance through

1 no fault of the applicant.

2 (c) If a license is revoked on grounds that statements made in the  
3 application are untrue, the license fee paid by the applicant is for-  
4 feited to the state.

5 Sec. 04.11.580. SURRENDER OR DESTRUCTION OF LICENSE. (a) A  
6 license issued under this title shall, if the board so directs, be sur-  
7 rendered on demand to a peace officer, agent, or officer of the board.

8 (b) The licensee shall surrender his current license to the board  
9 within 10 days after the loss or vacation of his licensed premises.

10 (c) If the license is destroyed, the licensee shall so notify the  
11 board.

12 Sec. 04.11.590. DISPOSITION OF FUNDS. (a) Money collected from  
13 licenses under this title shall be transferred by the board to the  
14 Department of Revenue and deposited in the general fund.

15 (b) A fee prescribed by the board in addition to fees authorized  
16 under this title shall be transferred to the Department of Revenue and  
17 deposited in the general fund.

18 Sec. 04.11.610. REFUND TO MUNICIPALITIES. (a) Annual license  
19 fees, excluding annual wholesale license fees, collected within a mu-  
20 nicipality shall be refunded semi-annually to the municipality.

21 (b) If the officers of a municipality fail to actively enforce  
22 local ordinances, laws of the United States and the state, and the  
23 regulations relating to the manufacture and sale of alcoholic beverages  
24 in the state, the commissioner of revenue may deny the refund provided  
25 for under (a) of this section until the board finds the enforcement of  
26 the ordinances, laws and regulations is resumed.

27 (c) The Department of Revenue shall recover any amounts errone-  
28 ously refunded under (a) of this section. The Department of Revenue  
29 shall schedule repayments of erroneously refunded amounts over a suffi-

1       cient period of time to minimize financial hardship to the municipality  
2       involved.

3           Sec. 04.11.630.   ACCESSIBILITY OF LICENSE AND LICENSED PREMISES TO  
4       INSPECTION. (a) A licensee shall, upon request, make his licensed pre-  
5       mises and places authorized for storage under AS 04.21.060 available for  
6       inspection by officers charged with the enforcement of this title,  
7       including members of the board and the director or his employee, during  
8       all regular business hours.

9           (b) A license issued under this title shall be posted within the  
10       licensed premises so as to be easily available for inspection upon  
11       request by a peace officer or other person during regular business  
12       hours.

13          Sec. 04.11.660.   LICENSE A PRIVILEGE. (a) A license issued under  
14       this title is a personal privilege, not a property right.

15          (b) The privilege conferred upon the licensee is personal in  
16       nature and affords protection to the licensee only.

17          Sec. 04.11.670.   FORECLOSURE. A license issued under this title is  
18       not subject to foreclosure, and may not be used as collateral to secure  
19       a debt. However, if a license is transferred to another person, the  
20       transferor may secure payment for real and personal property conveyed to  
21       the transferee upon the promise of the transferee to transfer the  
22       license back to the transferor upon default in payment.

23          Sec. 04.11.680.   DURATION OF LICENSES AND PERMITS. (a) A license  
24       issued under this title shall be issued for the calendar year ending  
25       midnight December 31 unless a shorter period is prescribed by the board.

26          (b) A permit issued under this title shall be for the period  
27       prescribed by the board, which period shall be clearly designated on the  
28       permit.

29          Sec. 04.11.690.   DISCOURAGEMENT OF MONOPOLIES. (a) In a general

1 sense, it is against the public interest that the issuance, renewal or  
2 transfer of licenses issued under this title will create, or assist in  
3 the creation of, a monopoly.

4 (b) The board may submit proposals to the governor and the legis-  
5 lature addressed to the discouragement of the creation of monopolies.

6 (c) The board may not by regulation adopt a definition of a mono-  
7 poly.

8 \* Sec. 3. AS 04 is amended by adding a new chapter to read:

9 CHAPTER 16. REGULATION OF SALES AND DISTRIBUTION.

10 ARTICLE 1. PROHIBITED ACTS.

11 Sec. 04.16.010. HOURS OF SALE AND PRESENCE ON LICENSED PREMISES  
12 (STANDARD CLOSING HOURS). (a) A person may not sell, offer for sale,  
13 give, furnish, deliver or consume an alcoholic beverage on premises  
14 licensed under this title between the hours of 5:00 a.m. and 8:00 a.m.  
15 each day.

16 (b) A licensee, his agent, or employee may not permit a person to  
17 consume alcoholic beverages on the licensed premises, or on premises  
18 where the licensee, his agent or employee is employed, between the hours  
19 of 5:00 a.m. and 8:00 a.m. each day.

20 (c) A licensee, his agent, or employee may not permit a person to  
21 and a person may not enter premises licensed under this title between  
22 the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection does not  
23 apply to common carriers, as defined in AS 42.10.420(2), or to an em-  
24 ployee of the licensee who is on the premises to prepare for the next  
25 day's business or to persons remaining on the premises of a restaurant  
26 or eating place licensed under this title to consume food or nonalco-  
27 holic beverages.

28 (d) A municipality may provide for additional hours of closure  
29 under AS 04.21.010.

1           Sec. 04.16.020. SOLICITATION OF ALCOHOLIC BEVERAGES. (a) A  
2 person may not pay or receive from another a salary, percentage or  
3 commission to solicit or encourage a patron of licensed premises to  
4 purchase alcoholic or other beverages.

5           (b) A licensee, his agent, or employee may not knowingly permit a  
6 person to loiter within or about premises licensed under this title for  
7 the purpose of begging or soliciting a patron or visitor to purchase  
8 alcoholic or other beverages for the person who is begging or solicit-  
9 ing.

10           Sec. 04.16.030. SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES TO  
11 DRUNKEN PERSONS. A licensee, his agent, or employee may not knowingly  
12 or with criminal negligence

13           (1) sell, give, or barter alcoholic beverages to a drunken  
14 person;

15           (2) allow another person to sell, give, or barter an alco-  
16 holic beverage to a drunken person within his licensed premises or  
17 within premises in which employed;

18           (3) allow a drunken person to enter and remain within li-  
19 censed premises or to consume an alcoholic beverage within his licensed  
20 premises or within premises in which employed;

21           (4) permit a drunken person to sell or serve alcoholic bever-  
22 ages.

23           Sec. 04.16.040. ACCESS OF DRUNKEN PERSONS TO LICENSED PREMISES. A  
24 drunken person may not knowingly enter or remain on premises licensed  
25 under this title.

26           Sec. 04.16.041. OBLIGATION TO ENFORCE RESTRICTIONS IN LICENSED  
27 PREMISES. A licensee, his agent or employee may not permit the consump-  
28 tion of alcoholic beverages by any person within licensed premises  
29 unless it is permitted by the license.

1           Sec. 04.16.049. ACCESS OF PERSONS UNDER THE AGE OF 19 TO LICENSED  
2 PREMISES. (a) A person under the age of 19 years may not knowingly  
3 enter or remain in premises licensed under this title unless

4           (1) accompanied by a parent, guardian or spouse who has at-  
5 tained the age of 19 years;

6           (2) accompanied by a person over the age of 19 years and with  
7 the consent of the person's parent or guardian if the premises are  
8 licensed as a restaurant or eating place and the persons enter and  
9 remain only for dining and dancing.

10           (b) Notwithstanding (a) of this section, a licensee, his agent, or  
11 employee may refuse entry to a person under the age of 19 years to that  
12 part of licensed premises in which alcoholic beverages are sold, served  
13 or consumed, may refuse service to a person under the age of 19 years,  
14 or may require a person under the age of 19 years to leave the portion  
15 of the licensed premises in which alcoholic beverages are sold, served,  
16 or consumed.

17           (c) Notwithstanding this section, a person between 16 and 18 years  
18 of age may enter and remain within the licensed premises of a hotel,  
19 restaurant, or eating place in the course of his employment if (1) the  
20 employment does not involve the serving, mixing, delivering, or dis-  
21 pensing of alcoholic beverages; (2) the person has the written consent  
22 of a parent or guardian; and (3) an exemption from the prohibition of  
23 AS 23.10.355 is granted by the Department of Labor. The board, with the  
24 approval of the governing body having jurisdiction and at the licensee's  
25 request, shall designate which premises are hotels, restaurants or  
26 eating places for the purposes of this subsection.

27           Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE AGE  
28 OF 19. A person under the age of 19 years may not knowingly consume,  
29 possess, or control alcoholic beverages except those furnished persons

1 under AS 04.16.051(b).

2 Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER  
3 THE AGE OF 19. (a) No person may furnish an alcoholic beverage to a  
4 person under the age of 19 years.

5 (b) This section does not prohibit the furnishing of an alcoholic  
6 beverage

7 (1) by a parent to his child, by a guardian to his ward, or  
8 by a spouse to his or her legal spouse if the furnishing occurs off  
9 licensed premises; or

10 (2) by a licensed physician or nurse to a patient in the  
11 course of administering medical treatment.

12 (c) Acts unlawful under AS 11.51.130 are not made legal by (b) of  
13 this section.

14 Sec. 04.16.052. DISPOSITION OF ALCOHOLIC BEVERAGES TO PERSONS  
15 UNDER THE AGE OF 19 BY LICENSEES. A licensee, his agent, or employee  
16 may not

17 (1) allow another person to sell, barter, or give an alco-  
18 holic beverage to a person under the age of 19 years within the licensed  
19 premises or within premises in which employed;

20 (2) allow a person under the age of 19 years to enter and  
21 remain within licensed premises except as provided in AS 04.16.049(c);

22 (3) allow a person under the age of 19 years to consume an  
23 alcoholic beverage within his licensed premises or within premises in  
24 which employed;

25 (4) permit a person under the age of 19 years to sell or  
26 serve alcoholic beverages.

27 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 19. (a) A  
28 person under the age of 19 years may not purchase alcoholic beverages or  
29 solicit another to purchase alcoholic beverages on his behalf.

1 (b) A person may not influence the sale, gift, or service of an  
2 alcoholic beverage to a person under the age of 19 years, by misrepre-  
3 senting the age of that person.

4 (c) A person may not order or receive an alcoholic beverage from a  
5 licensee, his agent, employee, or another person, for the purpose of  
6 selling, giving, or serving it to a person under the age of 19 years.

7 (d) A person under the age of 19 years may not enter licensed  
8 premises where alcoholic beverages are sold and offer or present to a  
9 licensee, his agent, or employee a birth certificate or other written  
10 evidence of age, which is fraudulent or false or which is not actually  
11 his own, or otherwise misrepresent his age, for the purpose of inducing  
12 the licensee, his agent, or employee to sell, give, serve, or furnish  
13 alcoholic beverages contrary to law.

14 (e) A person who has attained the age of 19 years accompanying a  
15 person under the age of 19 who is seeking to enter and remain in a  
16 licensed premises under AS 04.16.049(a)(2) may not misrepresent having  
17 obtained the consent of the parent or guardian of the person under the  
18 age of 19 years.

19 Sec. 04.16.070. SALES ON ELECTION DAY. (a) It is unlawful to  
20 sell, barter, give, consume, or dispose of alcoholic beverages within  
21 licensed premises

22 (1) in the state on a day on which a statewide special,  
23 primary, or general election is held for the purpose of voting for a  
24 candidate for public office, until the polls have closed;

25 (2) in a municipality on a day on which a local option elec-  
26 tion or an election is held for the purpose of voting for a candidate  
27 for public office, until the polls are closed.

28 (b) The governing body of a municipality may provide by ordinance  
29 that the provisions of this section do not apply in a municipality.

1           Sec. 04.16.080. SALES OR CONSUMPTION AT SCHOOL EVENTS. It is  
2 unlawful to sell or consume alcoholic beverages during a school event at  
3 the site of the event.

4           Sec. 04.16.090. PROHIBITION OF BOTTLE CLUBS. (a) A person may  
5 not maintain a place in which alcoholic beverages are received or kept,  
6 or to which alcoholic beverages are brought, for consumption by members  
7 of the public or by members of a club, corporation, or association,  
8 unless the person is authorized to do so under this title.

9           (b) A person may not maintain, operate, or lease premises for the  
10 purpose of providing, for a consideration, a place for drinking alco-  
11 holic beverages by members of the public or other persons, unless the  
12 person is authorized to do so under this title.

13           (c) For the purposes of this section, "consideration" includes but  
14 is not limited to cover charge, the sale of food, ice, mixers, or other  
15 liquids used with alcoholic beverage drinks, or the furnishing of glass-  
16 ware or other containers for use in the consumption of alcoholic bever-  
17 ages.

18           Sec. 04.16.100. RESTRICTION ON SIZE OF CONTAINERS. A person may  
19 not sell alcoholic beverages in 1/6 gallon or 1/10 gallon containers,  
20 nor may a person sell alcoholic beverages in a container deceptively  
21 similar in appearance to a container of a different volume. This  
22 section does not apply to 1/10 gallon or 1/6 gallon containers sold in  
23 the state before August 15, 1962.

24           Sec. 04.16.110. SALE OF POWDERED ALCOHOL PROHIBITED. No substance  
25 having alcoholic content and intended for human consumption may be sold  
26 in the state unless in liquid form.

27           Sec. 04.16.120. REMOVAL OR INTRODUCTION OF ALCOHOLIC BEVERAGES.  
28 (a) A person may not remove from a licensed premises alcoholic bever-  
29 ages which have been sold or furnished for consumption only on the

1 premises.

2 (b) A person may not bring an alcoholic beverage into licensed  
3 premises for use or consumption by himself or another person on the  
4 premises unless that person is a licensee, his agent, employee, or  
5 common carrier in the regular course of employment.

6 Sec. 04.16.130. STOCK CONFINED TO LICENSED PREMISES. (a) Unless  
7 authorized under AS 04.21.060, a licensee may not store before sale any  
8 alcoholic beverages elsewhere than on the premises indicated on his  
9 license.

10 (b) This section does not apply to stocks of beer carried on a  
11 delivery truck by a licensed wholesaler if carried for the purpose of  
12 sale and delivery to persons licensed under this title in quantities of  
13 not less than 10 wine gallons for each sale.

14 Sec. 04.16.140. SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN A  
15 WAREHOUSE. Alcoholic beverages may not be sold or consumed on premises  
16 approved for storage under AS 04.21.060.

17 Sec. 04.16.150. LICENSEE RESPONSIBLE FOR VIOLATIONS. A licensee  
18 may neither knowingly allow his agents or employees to violate this  
19 title or regulations adopted under this title nor recklessly or with  
20 criminal negligence fail to act in accordance with the duty prescribed  
21 under AS 04.21.030 with the result that an agent or employee of the  
22 licensee violates a law or regulation.

23 Sec. 04.16.170. SOURCE OF ALCOHOLIC BEVERAGES. (a) Alcoholic  
24 beverages for consumption by the purchaser may not be sold unless ob-  
25 tained from a person licensed under this title.

26 (b) A person transporting alcoholic beverages into the state from  
27 outside the state may not sell those alcoholic beverages to a person not  
28 licensed under this title, unless the alcoholic beverages are used for  
29 religious, industrial, pharmaceutical, or medical purposes.

1                   ARTICLE 2. PENALTIES AND FORFEITURES.

2                   Sec. 04.16.180. PENALTIES FOR VIOLATION. (a) Except as provided  
3 in AS 04.16.200 - 04.16.210, a person who violates a provision of this  
4 title or a regulation adopted by the board is guilty of a misdemeanor  
5 and, upon conviction, is punishable by imprisonment for not more than  
6 one year, or by a fine of not more than \$1,000, or by both. Each viola-  
7 tion is a separate offense.

8                   (b) A suspension or revocation of a license ordered by the board  
9 under AS 04.11.370(4) and (5) shall be as follows:

10                   (1) On first conviction: the license of the premises involved  
11 may not be revoked, but may be suspended for not more than 45 days.

12                   (2) On second conviction: the license of the premises in-  
13 volved may not be revoked, but may be suspended for not more than 90  
14 days.

15                   (3) On third conviction: the license of the premises involved  
16 may be revoked.

17                   (c) In this section, the terms "second conviction" and "third  
18 conviction" include only convictions for violations which occur within  
19 five years of the first conviction. The terms refer to the cumulative  
20 number of convictions of a licensee of any combination of violations of  
21 the provisions of this title, regulations adopted under this title, or  
22 ordinances adopted under AS 04.21.010. The terms "second conviction"  
23 and "third conviction" include a conviction of the agent or employee of  
24 a licensee of a violation of a law, regulation, or ordinance if the  
25 conviction constitutes a ground for suspension or revocation under  
26 AS 04.11.370(5).

27                   (d) This section does not affect the authority of the board to  
28 suspend or revoke a license when the board determines that continuance  
29 of activities under a license would not be in the best interests of the

1 public.

2 Sec. 04.16.200. UNLICENSED PERSONS. A person who violates AS 04.-  
3 11.010 is, upon conviction, guilty of

4 (1) a misdemeanor and punishable by imprisonment for not more  
5 than one year, or by a fine of not more than \$5,000, or by both;

6 (2) a felony and punishable by imprisonment for not more than  
7 six years, or by a fine of not more than \$30,000, or by both, if, in  
8 addition to the manufacture, sale, offer for sale, possession for sale,  
9 trafficking in, barter, or exchange for goods

10 (A) the prohibited conduct involved a sale, barter, or  
11 exchange to a person under the age of 19 years; or

12 (B) the person had previously been convicted under this  
13 section.

14 Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false  
15 statement is made in an application under AS 04.11.260, the applicant is  
16 guilty of perjury and, upon conviction, is subject to the penalty pro-  
17 vided by law for the crime of perjury under AS 11.56.200.

18 Sec. 04.16.220. FORFEITURES. (a) The following are subject to  
19 forfeiture:

20 (1) alcoholic beverages manufactured, sold, offered for sale  
21 or possessed for sale, bartered or exchanged for goods and services in  
22 this state in violation of AS 04.11.010; alcoholic beverages stocked,  
23 warehoused, or otherwise stored in violation of AS 04.21.060; alcoholic  
24 beverages sold or offered for sale in an area where a local option  
25 election has made the sale illegal; alcoholic beverages transported into  
26 the state and sold to persons not licensed under this chapter in viola-  
27 tion of AS 04.16.170(b);

28 (2) materials and equipment used in the manufacture, sale,  
29 possession for sale, barter or exchange of alcoholic beverages for goods

1 and services in this state in violation of AS 04.11.010; materials and  
2 equipment used in the stocking, warehousing, or storage of alcoholic  
3 beverages in violation of AS 04.21.060; materials and equipment used in  
4 the sale or offering for sale of an alcoholic beverage in an area where  
5 a local option election has made the sale illegal;

6 (3) aircraft, vehicles, or vessels used to transport, or  
7 facilitate the transportation of

8 (A) alcoholic beverages manufactured, sold, offered for  
9 sale or possessed for sale, bartered or exchanged for goods and  
10 services in this state in violation of AS 04.11.010;

11 (B) property stocked, warehoused, or otherwise stored in  
12 violation of AS 04.21.060;

13 (C) alcoholic beverages sold or offered for sale in an  
14 area where a local option election has made these sales illegal;

15 (4) alcoholic beverages found on licensed premises which do  
16 not bear federal excise stamps.

17 (b) Property subject to forfeiture under this section may be  
18 actually or constructively seized under an order issued by the superior  
19 court upon a showing of probable cause that the property is subject to  
20 forfeiture under this section. Constructive seizure is effected upon  
21 posting a signed notice of seizure on the item to be forfeited, stating  
22 the violation and the date and place of seizure. Seizure without a  
23 court order may be made if

24 (1) the seizure is incident to a valid arrest or search;

25 (2) the property subject to seizure is the subject of a prior  
26 judgment in favor of the state; or

27 (3) there is probable cause to believe that the property is  
28 subject to forfeiture under (a) of this section; property seized under  
29 this paragraph may not be held over 48 hours or until an order of for-

1       feiture is issued by the court, whichever is earlier.

2               (c) Within 30 days of a seizure under this section the Department  
3 of Law shall make reasonable efforts to ascertain the identity and  
4 whereabouts of any person holding an interest or an assignee of a person  
5 holding an interest in the property seized, including a right to posses-  
6 sion, a lien, mortgage, or conditional sales contract. The Department  
7 of Law shall notify any person ascertained to have an interest in prop-  
8 erty seized of the impending forfeiture, and before forfeiture the  
9 Department of Law shall publish, once a week for four consecutive calen-  
10 dar weeks, a notice of the impending forfeiture in a newspaper of  
11 general circulation in the judicial district in which the seizure was  
12 made, or if no newspaper is published in that judicial district, in a  
13 newspaper published in the state and distributed in that judicial dis-  
14 trict.

15               (d) Property subject to forfeiture under (a) of this section may  
16 be forfeited

17                       (1) upon conviction of a person under AS 04.11.010, AS 04.-  
18 16.190 or AS 04.21.060;

19                       (2) upon judgment by the superior court in a proceeding in  
20 rem that the property was used in a manner subjecting it to forfeiture  
21 under (a) of this section.

22               (e) The owner of property subject to forfeiture under (a) of this  
23 section is entitled to relief from the forfeiture in the nature of  
24 remission of the forfeiture if in an action under (d) of this section  
25 the owner shows that he was not a party to the violation and had no  
26 actual knowledge that the property was used or was to be used in viola-  
27 tion of the law.

28               (f) A person, other than the owner, holding or the assignee of a  
29 lien, mortgage, conditional sales contract on, or the right to posses-

1 sion to property subject to forfeiture under (a) of this section is  
2 entitled to relief from the forfeiture in the nature of remission of the  
3 forfeiture if in an action under (d) of this section the person shows  
4 that he was not a party to the violation subjecting the property to  
5 forfeiture and had no actual knowledge that the property was used or was  
6 to be used in violation of the law.

7 (g) It is no defense in an in rem forfeiture action brought by the  
8 Department of Law under (d)(2) of this section that a criminal proceed-  
9 ing is pending or has resulted in conviction or acquittal of a person  
10 charged with violating AS 04.11.010, AS 04.16.190, or AS 04.21.060.

11 (h) A bona fide wholesaler's bill of lading describing the pro-  
12 perty may be asserted in defense to forfeiture of property subject to  
13 forfeiture under (a)(4) of this section.

14 (i) Property forfeited under this section shall be placed in the  
15 custody of the commissioner of public safety for disposition according  
16 to an order entered by the court. The court shall order destroyed any  
17 property forfeited under this section which is harmful to the public.  
18 Other property shall be ordered sold and the proceeds used for payment  
19 of expenses of the proceedings for forfeiture and sale, including  
20 expenses of seizure, custody and court costs. The remainder of the  
21 proceeds shall be deposited in the general fund.

22 \* Sec. 4. AS 04 is amended by adding a new chapter to read:

23 CHAPTER 21. GENERAL PROVISIONS.

24 Sec. 04.21.010. MUNICIPAL REGULATION. (a) A municipality may  
25 adopt those ordinances governing the sale, barter, consumption, and  
26 possession of alcoholic beverages within its boundaries which are neces-  
27 sary to the orderly conduct of the business of selling alcoholic bever-  
28 ages. The ordinance must be consistent with this title and the regu-  
29 lations adopted under this title.

1 (b) A municipality may impose no taxes on alcoholic beverages  
2 except (1) property taxes on alcoholic beverage inventories and (2)  
3 sales taxes on alcoholic beverage sales if levied on other property or  
4 sales within the municipality.

5 Sec. 04.21.020. LIMITATION ON CIVIL LIABILITY. A licensee, or the  
6 employee or agent of a licensee, who furnishes an alcoholic beverage to  
7 an individual on premises licensed under this title may not be held  
8 civilly liable for injuries resulting from the intoxication of that  
9 individual unless the furnishing of alcoholic beverages occurred in  
10 violation of AS 04.16.030, 04.16.051, or 04.16.052.

11 Sec. 04.21.030. RESPONSIBILITY OF LICENSEES, AGENTS AND EMPLOYEES.  
12 The licensee has a duty to exercise that degree of care which a reason-  
13 able person would observe to insure that a business under his control is  
14 lawfully conducted. This duty of the licensee includes, but is not  
15 limited to,

16 (1) insuring the compliance by agents or employees with this  
17 title and regulations adopted under this title, including acting with  
18 reasonable diligence to determine that his agents or employees are  
19 advised of the provisions of this title and the regulations adopted  
20 under this title, either by securing the agent's or employee's written  
21 acknowledgement of posted instructions or otherwise; and

22 (2) insuring the compliance of the premises with public  
23 health, fire, and safety codes and ordinances of the state or munici-  
24 pality having jurisdiction.

25 Sec. 04.21.040. SALES ON FEDERAL RESERVATIONS. (a) A wholesaler  
26 of alcoholic beverages may sell alcoholic beverages to a person who does  
27 not have a license under this title who has a fixed place of business on  
28 land in the state maintained by the United States government as a mili-  
29 tary or naval reservation, a national park, or other federal reserva-

1 tion. A sale may be made under this section only if the purchaser is a  
2 ship's service store, officers club, officers mess, post exchange, or  
3 similar organization. The wholesaler may deliver alcoholic beverages  
4 only to persons specified and at places designated in a written order  
5 issued by the federal organization for which the purchase is made. A  
6 licensee making sales and deliveries under this section shall keep the  
7 original order attached to the copy of the invoice on file at his prem-  
8 ises.

9 (b) Alcoholic beverages received on federal reservations under  
10 this section may not be removed for use outside the federal reservation.

11 (c) A wholesaler who sells alcoholic beverages on a federal reser-  
12 vation under this section shall pay the state excise tax imposed by AS  
13 43.60.010 on the alcoholic beverages sold and may subsequently claim  
14 credit for the excise taxes paid if the sale is made to an organization  
15 which is an instrumentality of the federal government.

16 Sec. 04.21.050. PROOF OF AGE. (a) If a licensee, or an agent or  
17 employee of the licensee questions or has reason to question whether a  
18 person entering a licensed premises, or ordering, purchasing, attempting  
19 to purchase, or otherwise procuring or attempting to procure alcoholic  
20 beverages has attained the age of 19 years, that licensee, agent, or  
21 employee shall require the person to furnish proof of age acceptable  
22 under (b) of this section. If the person questioned does not furnish  
23 proof of age acceptable under (b) of this section, or if a licensee,  
24 agent, or employee questions or has reason to question the validity of  
25 the proof of age furnished, the licensee, employee or agent shall re-  
26 quire the person to sign a statement that he is over the age of 19  
27 years. This statement shall be made upon a form prepared by and furn-  
28 ished to the licensee by the board.

29 (b) A valid driver's license or a valid identification card is

1 acceptable as proof of age when used for identification in the purchase  
2 of alcoholic beverages and for securing entry to and remaining on pre-  
3 mises where alcoholic beverages are sold if the license or identifica-  
4 tion card is made of or encased in plastic and contains a photograph of  
5 the license or card holder and a statement of his age or date of birth.

6 (c) A licensee, or an agent or employee of the licensee, may not  
7 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed  
8 statement as provided in (b) of this section is secured in good faith,  
9 or a valid driver's license or identification card is presented indi-  
10 cating that the owner and possessor of the presented driver's license or  
11 identification card is 19 years of age or over.

12 Sec. 04.21.060. WAREHOUSING OF ALCOHOLIC BEVERAGES. A licensee  
13 may stock, warehouse, or otherwise store alcoholic beverages in a place  
14 elsewhere than premises indicated on his license if

15 (1) the premises to be used for storage are inspected and  
16 approved by the board before their use;

17 (2) the use of the premises for storage is authorized by  
18 local zoning ordinances; and

19 (3) the premises are accessible for inspection as provided in  
20 AS 04.11.630.

21 Sec. 04.21.070. ENFORCEMENT. Peace officers shall investigate and  
22 report to the board violations of this title.

23 Sec. 04.21.080. DEFINITIONS. (a) In this title

24 (1) a person acts with "criminal negligence" with respect to  
25 a result or to a circumstance described by a provision of law defining  
26 an offense when he fails to perceive a substantial and unjustifiable  
27 risk that the result will occur or that the circumstance exists; the  
28 risk must be of such a nature and degree that the failure to perceive it  
29 constitutes a gross deviation from the standard of care that a reason-

1 able person would observe in the situation;

2 (2) a person acts "knowingly" with respect to conduct or to a  
3 circumstance described by a provision of law defining an offense when he  
4 is aware that his conduct is of that nature or that the circumstance  
5 exists; when knowledge of the existence of a particular fact is an  
6 element of an offense, that knowledge is established if a person is  
7 aware of a substantial probability of its existence, unless he actually  
8 believes it does not exist; a person who is unaware of conduct or a  
9 circumstance of which he would have been aware had he not been intoxi-  
10 cated acts knowingly with respect to that conduct or circumstance;

11 (3) a person acts "recklessly" with respect to a result or to  
12 a circumstance described by a provision of law defining an offense when  
13 he is aware of and consciously disregards a substantial and unjusti-  
14 fiable risk that the result will occur or that the circumstance exists;  
15 the risk must be of such a nature and degree that disregard of it con-  
16 stitutes a gross deviation from the standard of conduct that a reason-  
17 able person would observe in the situation; a person who is unaware of a  
18 risk of which he would have been aware had he not been intoxicated acts  
19 recklessly with respect to that risk.

20 (b) In this title

21 (1) "alcoholic beverage" includes, but is not limited to,  
22 whiskey, brandy, rum, gin, wine, ale, porter, beer, and all other spiri-  
23 tous, vinous, malt and other fermented or distilled liquors intended for  
24 human consumption and containing more than one per cent alcohol by  
25 volume;

26 (2) "board" means the Alcoholic Beverage Control Board;

27 (3) "designated premises" means any or all designated por-  
28 tions of a building or structure, rooms or enclosures in the building or  
29 structure, or real estate leased, used, controlled, or operated by a

1 licensee for the purpose for which the permit is issued by the board at  
2 the location of the site for which the permit is issued;

3 (4) "director" means the director of the Alcoholic Beverage  
4 Control Board;

5 (5) "drunken person" means a person exhibiting those plain  
6 and easily observed or discovered outward manifestations of behavior  
7 commonly known to be produced by the use of intoxicating liquor;

8 (6) "established village" means an unincorporated area that

9 (A) is within the circumference of a circle described by  
10 drawing a one-mile radius around the licensed premises or premises  
11 sought to be licensed under this title; and

12 (B) has 25 or more permanent residents;

13 (7) "licensed premises" means any or all designated portions  
14 of a building or structure, rooms or enclosures in the building or  
15 structure, or real estate leased, used, controlled, or operated by a  
16 licensee in the conduct of business for which he is licensed by the  
17 board at the specific address for which the license is issued;

18 (8) "local governing body" means, as appropriate, a city  
19 council, a borough assembly, or a traditional village council, but does  
20 not include a corporation established under the Alaska Native Claims  
21 Settlement Act;

22 (9) "municipality" means an incorporated city, an organized  
23 borough, or a unified municipality established under AS 29.68.

24 \* Sec. 5. AS 09.35.087 is amended to read:

25 Sec. 09.35.087. EXEMPTION FOR LIQUOR LICENSES. In addition to the  
26 exemptions set out in AS 09.35.080 and 09.35.085, the liquor license of  
27 a judgment debtor is ~~exempt~~ exempt from attachment, garnishment, and execution.

28 \* Sec. 6. AS 12.55.025(a) is amended to read:

29 (a) When imposing a sentence of imprisonment exceeding 180 days

1 or upon a conviction of a violation of AS 04, a regulation adopted  
2 under AS 04, or an ordinance adopted in conformity with AS 04.21.010,  
3 the court, shall prepare, as a part of the record, a sentencing report  
4 which includes the following:

5 (1) a verbatim record of the sentencing hearing and any other  
6 in-court sentencing procedures;

7 (2) findings on material issues of fact and on factual ques-  
8 tions required to be determined as a prerequisite to the selection of  
9 the sentence imposed;

10 (3) a clear statement of the terms of the sentence imposed;  
11 and

12 (4) recommendations as to the place of confinement or the  
13 manner of treatment.

14 \* Sec. 7. AS 12.55.025(b) is repealed and re-enacted to read:

15 (b) The sentencing report required under (a) of this section shall  
16 be furnished within 30 days after imposition of sentence to the Depart-  
17 ment of Law, the defendant, the division of corrections, the state Board  
18 of Parole if the defendant will be eligible for parole, and to the Alco-  
19 holic Beverage Control Board if the defendant is to be sentenced for a  
20 conviction of a violation of AS 04, a regulation adopted under AS 04, or  
21 an ordinance adopted under AS 04.21.010.

22 \* Sec. 8. AS 29.33.090 is amended by adding a new subsection to read:

23 (e) A zoning ordinance adopted or amended under (a) of this sec-  
24 tion may not preclude an activity authorized under a license or permit  
25 issued under AS 04 if the activity was licensed or permitted by the  
26 Alcoholic Beverage Control Board before the adoption of the zoning  
27 ordinance or zoning ordinance amendment.

28 \* Sec. 9. AS 39.25.110 is amended by adding a new paragraph to read:

29 (22) officers, agents, and employees of the Alcoholic Beverage

1 Control Board granted limited peace officer powers by the Alcoholic  
2 Beverage Control Board under AS 04.06.110.

3 \* Sec. 10. AS 04.05, AS 04.10, AS 04.15, AS 04.20, and AS 44.62.330(17)  
4 are repealed.

5 \* Sec. 11. Notwithstanding AS 04.06, members of the Alcoholic Beverage  
6 Control Board on the effective date of this Act continue in office until the  
7 expiration of their terms.

8 \* Sec. 12. Sections 6 and 7 of this Act take effect January 1, 1981.

9 \* Sec. 13. Sections 1 - 5 and secs. 8 - 11 of this Act take effect  
10 July 1, 1980.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29