

Original sponsor: Ray

Offered: 3/27/81
Referred: Judiciary

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 65 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholic beverages."

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

8 * Section 1. AS 04.11.330 is amended by adding a new subsection to read:

9 (d) Notwithstanding (a)(3) of this section, a recreational site
10 license issued under AS 04.11.210 may be renewed if the license was
11 exercised at least once during the immediately preceding calendar year.

12 * Sec. 2. AS 04.11.390(b) is amended to read:

13 (b) A beverage dispensary license or package store license may
14 not be issued to either a domestic corporation which has not been
15 issued a certificate of incorporation or a foreign corporation which
16 has not been issued a certificate of authority to transact business in
17 the state at least one year before the date of the application. How-
18 ever, a beverage dispensary or package store license may be issued to
19 a domestic corporation if each of the stockholders of the corporation
20 has resided in the state for at least one year.

21 * Sec. 3. AS 04.11.480(a) is amended to read:

22 (a) If a local governing body wishes to protest the issuance,
23 renewal, transfer of location or transfer to another person of a li-
24 cense, it shall furnish the board and the applicant with a protest and
25 the reasons for the protest within 30 days of receipt from the board of
26 notice of filing of the application. The board shall consider a protest
27 and testimony received at a hearing conducted under AS 04.11.510(b)(2)
28 or (b)(4) when it considers the application, and the protest and the
29 record of the hearing conducted under AS 04.11.510(b)(2) or (b)(4)

shall be retained as part of the board's permanent record of its review of the application. If an application is protested, the board may not approve the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

* Sec. 4. AS 04.11.490(a) is amended to read:

(a) The following question, appearing alone, may be placed before the voters of a municipality with a population of less than 2,500 or an established village in the unorganized borough in accordance with AS 04.11.502: "Shall the sale of alcoholic beverages in...(name of municipality or village) be prohibited? (yes or no)".

* Sec. 5. AS 04.11.502(a) is amended to read:

(a) The local governing body of a municipality, whenever a number of registered voters equal to at least 35 percent of the number of votes cast at the last regular municipal election petition the local governing body to do so, shall place upon a separate ballot at the next regular election or at a special election whichever question or combination of questions set out in AS 04.11.490 - 04.11.500 constitutes the subject of the petition. The local governing body [THE LIEUTENANT GOVERNOR] shall conduct the election in accordance with the election ordinance of the municipality [THE GENERAL MANNER PRESCRIBED BY THE ALASKA ELECTION CODE (AS 15.05 - 15.60)].

* Sec. 6. AS 04.11.504 is amended by adding a new subsection to read:

(b) Reinstatement of a license under (a) of this section may not occur within 12 months after the license was prohibited under AS 04.-11.490 - 04.11.500.

* Sec. 7. AS 04.11.510 is amended by adding a new subsection to read:

(d) The board may not accept an application for the issuance, renewal, or transfer of a license within one year after a local option election.

1 * Sec. 8. AS 04.16.010(c) is amended to read:

2 (c) A licensee, his agent, or employee may not permit a person to
3 enter and a person may not enter premises licensed under this title
4 between the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection
5 does not apply to common carriers, as defined in AS 42.10.420(2), or to
6 an employee of the licensee who is on the premises to prepare for the
7 next day's business. A person may enter or remain [OR TO PERSONS
8 REMAINING] on the premises of a bona fide restaurant or eating place
9 licensed under this title to consume food or nonalcoholic beverages.

10 * Sec. 9. AS 04.16.020(a) is amended to read:

11 (a) A person may not pay or receive from another a salary, per-
12 centage or commission to solicit or encourage a patron of licensed
13 premises to purchase alcoholic or other beverages for [CONSUMPTION BY]
14 a person other than the patron.

15 * Sec. 10. AS 04.16.049(a)(2) is amended to read:

16 (2) accompanied by a person over the age of 19 years and
17 with the consent of the person's parent or guardian if the premises are
18 designated by the board [LICENSED] as a restaurant for the purposes of
19 this section [OR EATING PLACE] and the persons enter and remain only
20 for dining.

21 * Sec. 11. A 04.16.210 is amended to read:

22 Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false
23 statement is made in an application under AS 04.11.260 - 04.11.290
24 [AS 04.11.260], the applicant is guilty of perjury and, upon conviction,
25 is subject to the penalty provided by law for the crime of perjury
26 under AS 11.56.200.
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