

Original sponsor: Ray

Offered: 5/1/81
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 65 (Judiciary)

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; and providing
7 for an effective date."

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

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

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

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

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

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

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

1 or (b)(4) when it considers the application, and the protest and the
2 record of the hearing conducted under AS 04.11.510(b)(2) or (b)(4)
3 shall be retained as part of the board's permanent record of its review
4 of the application. If an application is protested, the board may not
5 approve the application unless the board finds that the protest is
6 arbitrary, capricious, and unreasonable.

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

8 (b) If a majority of the voters vote "yes" on the question set
9 out in (a) of this section, the board shall be notified immediately
10 after certification of the results of the election and thereafter the
11 board may not issue, renew, or transfer between holders or locations a
12 license for licensed premises located within the boundaries of a muni-
13 cipality and in unincorporated areas within five miles of the boundaries
14 of the municipality or within the perimeter of an established village.
15 Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS
16 OF THE ELECTION ARE CERTIFIED LICENSES] which may not be renewed
17 because of a local option election held under this section are void
18 90 days after the results of the election are certified. A license
19 which will expire during the 90 days after the results of a local
20 option election under this section are certified may be extended,
21 until it is void under this subsection, by payment of a prorated
22 portion of the annual license fee. [THE RESULTS OF AN ELECTION HELD
23 UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE
24 DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

25 * Sec. 5. AS 04.11.492(b) is amended to read:

26 (b) If a majority of the voters vote "yes" on the question set
27 out in (a) of this section, the board shall be notified immediately
28 after certification of the results of the election and thereafter may
29 not issue, renew, or transfer between holders or locations a license

1 for licensed premises located within the boundaries of a municipality
2 and in unincorporated areas within five miles of the boundaries of the
3 municipality, with the exception of a beverage dispensary or package
4 store operated under a community liquor license held by the munic-
5 pality. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE
6 RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] in effect are void
7 90 days after the results of the election are certified. A license
8 which will expire during the 90 days after the results of a local
9 option election under this section are certified may be extended,
10 until it is void under this subsection, by payment of a prorated
11 portion of the annual license fee. [THE RESULTS OF AN ELECTION HELD
12 UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE
13 DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

14 * Sec. 6. AS 04.11.492(c) is amended to read:

15 (c) If a majority of the voters vote "no" on the question set out
16 in (a) of this section or vote "yes" on a question set out in AS 04.11.-
17 490, 04.11.496, or 04.11.500 in an election conducted in accordance
18 with AS 04.11.502 after an election in which the voters voted "yes" on
19 the question set out in (a) of this section, the board shall be notified
20 immediately after a certification of the results of the election. The
21 [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE
22 ELECTION ARE CERTIFIED, THE] prohibitions imposed under (b) of this
23 section on the issuance, renewal, or transfer of licenses between
24 holders and locations as a result of the earlier election are removed
25 90 days after the results of the election are certified except insofar
26 as those prohibitions are imposed in accordance with the results of the
27 subsequent election. [THE RESULTS OF AN ELECTION HELD UNDER THIS
28 SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE DURING THE
29 YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

1 * Sec. 7. AS 04.11.495(b) is amended to read:

2 (b) If a majority of the voters vote "yes" on the question set
3 out in (a) of this section, a person, beginning on the first day of the
4 month following certification of the results of the election, may not
5 knowingly send, transport, or bring alcoholic beverages into the muni-
6 cipality or established village. The board shall be notified imme-
7 diately after certification of the results of the election and there-
8 after may not issue, renew, or transfer between holders or locations a
9 license for licensed premises located within the boundaries of the
10 municipality and within unincorporated areas within five miles of the
11 boundaries of the municipality or within the perimeter of the estab-
12 lished village. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN
13 WHICH THE REUSLTS OF THE ELECTION ARE CERTIFIED, LICENSES] which may
14 not be renewed because of a local option election held under this
15 section are void 90 days after the results of the election are certi-
16 fied. A license which will expire during the 90 days after the
17 results of a local option election under this section are certified
18 may be extended, until it is void under this subsection, by payment
19 of a prorated portion of the annual license fee. [THE RESULTS OF AN
20 ELECTION HELD UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF
21 A LICENSE DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

22 * Sec. 8. AS 04.11.500(b) is amended to read:

23 (b) If a majority of the voters vote "yes" on the question set
24 out in (a) of this section, the board shall be notified immediately
25 after certification of the results of the election and thereafter may
26 not issue, renew, or transfer between holders or locations a license
27 for licensed premises located within the boundaries of the municipality
28 and in unincorporated areas within five miles of the boundaries of the
29 municipality or within the perimeter of the established village, except

1 those types of licenses listed on the ballot. Licenses [AS OF MIDNIGHT
2 DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTI-
3 FIED, LICENSES] in effect within the boundaries of the municipality or
4 perimeter of the established village, and in an unincorporated area
5 outside of but within five miles of the boundaries of the municipality,
6 except those types of licenses listed on the ballot, are void 90 days
7 after the results of the election are certified. A license which will
8 expire during the 90 days after the results of a local option elec-
9 tion under this section are certified may be extended, until it is
10 void under this subsection, by payment of a prorated portion of the
11 annual license fee.

12 * Sec. 9. AS 04.11.500(c) is amended to read:

13 (c) If the majority of the voters vote "no" on the question set
14 out in (a) of this section or vote "yes" on the questions set out in
15 AS 04.11.490, 04.11.492, 04.11.496, or this section if different types
16 of licenses are listed on the ballot in an election conducted in accor-
17 dance with AS 04.11.502 after an election in which the voters voted
18 "yes" on the question set out in (a) of this section, the board shall
19 be notified immediately after certification of the results of the
20 election. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH
21 THE RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] in effect in the
22 municipality, in the unincorporated area outside of but within five
23 miles of the boundaries of the municipality or established village
24 which were excepted from the prohibition on sale in accordance with the
25 results of the earlier election are void 90 days after the results of
26 the election are certified. Thereafter the board may not issue, renew,
27 or transfer between holders or locations a license for licensed premises
28 located within the boundaries of the municipality or within the peri-
29 meter of an established village, or in an unincorporated area within

1 five miles of the boundaries of the municipality, except a license
2 which may be issued to a municipality or to one of the types of licenses
3 listed on the ballot as a result of a majority of the voters voting
4 "yes" on the question set out in AS 04.11.492 or this section, respec-
5 tively. A license which will expire during the 90 days after the
6 results of a local option election under this section are certified
7 may be extended, until it is void under this subsection, by payment
8 of a prorated portion of the annual license fee.

9 * Sec. 10. AS 04.11.502(a) is amended to read:

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

20 * Sec. 11. AS 04.11.504 is amended by adding a new subsection to read:

21 (b) Reinstatement of a license under (a) of this section may not
22 occur within 12 months after the license was prohibited under AS 04.-
23 11.490 - 04.11.500.

24 * Sec. 12. AS 04.11.510 is amended by adding a new subsection to read:

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

28 * Sec. 13. AS 04.11.680(a) is amended to read:

29 (a) Upon application and payment of one-half of the annual fee,

1 the board may issue a license under this title which will be effective
2 for a continuous sixmonth period. Otherwise, all licenses issued under
3 this title other than a retail stock sale license are effective for the
4 calendar year ending December 31, unless a shorter period is prescribed
5 by the board or by law.

6 * Sec. 14. AS 04.16.010(c) is amended to read:

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

15 * Sec. 15. AS 04.16.020(a) is amended to read:

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

20 * Sec. 16. AS 04.16.049(a)(2) is amended to read:

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

26 * Sec. 17. AS 04.16.210 is amended to read:

27 Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false
28 statement is made in an application under AS 04.11.260 - 04.11.290
29 [AS 04.11.260], the applicant is guilty of perjury and, upon conviction,

1 is subject to the penalty provided by law for the crime of perjury
2 under AS 11.56.200.

3 * Sec. 18. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

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