

Offered: 5/26/83
Referred: Judiciary

Original sponsor: M.M.Miller

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 158 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 THIRTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the limitation of certain types
8 of liquor licenses."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 04.11.320(a)(9) is amended to read:
11 (9) issuance of the license is prohibited under AS 04.11.-
12 400(a) or (k), or prohibition of issuance of the license is found
13 necessary under AS 04.11.400(b);
14 * Sec. 2. AS 04.11.330(a)(9) is amended to read:
15 (9) the license was issued under former AS 04.11.400(j),
16 and the board finds that the public convenience does not require
17 renewal.
18 * Sec. 3. AS 04.11.340(2) is amended to read:
19 (2) the transfer of location of the license is prohibited
20 under AS 04.11.400(a) or (k), or prohibition of transfer is found
21 necessary under AS 04.11.400(b);
22 * Sec. 4. AS 04.11.340(10) is amended to read:
23 (10) the license was issued under former AS 04.11.400(j).
24 * Sec. 5. AS 04.11.360(11) is amended to read:
25 (11) the license was issued under former AS 04.11.400(j).
26 * Sec. 6. AS 04.11.400(a) is amended to read:
27 (a) Except as provided in (g)(2), (h) and (i) [(g), (h), (i),
28 AND (j)] of this section, a new license may not be issued or an exist-
29 ing license transferred to a new location
(1) outside an incorporated city, a unified municipality,

1 or an established village if after the issuance or transfer there
2 would be more than one license of each type for each 1,500 population
3 or fraction of 1,500 population, including licenses which have been
4 issued under (g) or (h) of this section, in a radius of five miles of
5 the licensed premises or location of premises sought to be licensed;

6 (2) inside an established village, an incorporated city, or
7 a unified municipality if after the issuance or transfer there would
8 be more than one license of each type for each 1,500 population or
9 fraction of 1,500 population, including licenses which have been
10 issued under (g) or (h) of this section, inside the boundaries of the
11 village, city or municipality.

12 * Sec. 7. AS 04.11.400 is amended by adding a new subsection to read:

13 (k) Notwithstanding the provisions of (a) or (b) of this sec-
14 tion, a new beverage dispensary or package store license may not be
15 issued and the location of an existing license may not be transferred
16 if the issuance or transfer results in more than one license of each
17 type for each 3,000 population or fraction of 3,000 population inside
18 the radius described in (a)(1) of this section.

19 * Sec. 8. AS 04.11.504(a) is amended to read:

20 (a) If a prohibition imposed on the issuance, renewal, or trans-
21 fer of licenses between holders and locations under AS 04.11.490 -
22 04.11.500 is removed by a vote of "no" on a question for which the
23 majority of the people voted "yes" in an earlier election, the board
24 shall, upon application, issue the same number and type of licenses
25 which were in effect in the municipality or established village on the
26 date of certification of the earlier election. If the prohibition
27 imposed on issuance, renewal, or transfer of licenses between holders
28 and locations is removed by a "yes" vote on a question set out in
29 AS 04.11.492 and 04.11.500, the board may issue the types of licenses

1 specified in the question presented to the voters in the subsequent
2 election. Licenses may be issued for the same or other premises
3 within the municipality or established village which were licensed on
4 the date of certification of the earlier election. However, if the
5 local governing body requests that fewer licenses of a particular type
6 be issued than would otherwise be issued if the provisions prescribing
7 the ratio of population to licensed premises in AS 04.11.400(a) and
8 (k) are applied, only the number of licenses of that particular type
9 requested by the local governing body may be issued by the board.
10 Priority shall be given applicants who were formerly licensees and
11 whose licenses were not renewed because of the results of the previous
12 election. However, these applicants have no legal right to a license
13 and the board is not required to approve the application.

14 * Sec. 9. AS 04.11.400(g)(1) and (j) are repealed.