

Introduced: 1/9/84
Referred: Judiciary and
Finance

1 IN THE SENATE

BY ZIEGLER BY REQUEST

2

SENATE BILL NO. 329

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to liquor licenses."

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

8 * Section 1. AS 04.11.400 is amended to read:

9 Sec. 04.11.400. POPULATION LIMITATIONS. (a) Except as provided
10 in (g), (h), (i), and (j) of this section, a new license may not be
11 issued or an existing license transferred to a new location

12 (1) outside an incorporated city, a unified municipality,
13 or an established village if after the issuance or transfer there
14 would be more than one license of each type for each 1,500 population
15 or fraction of 1,500 population, including licenses that [WHICH] have
16 been issued under (g) [OR (h)] of this section, in a radius of five
17 miles of the licensed premises or location of premises sought to be
18 licensed;

19 (2) inside an established village, an incorporated city, or
20 a unified municipality if after the issuance or transfer there would
21 be more than one license of each type for each 1,500 population or
22 fraction of 1,500 population, including licenses that [WHICH] have
23 been issued under (g) [OR (h)] of this section, inside the boundaries
24 of the village, city or municipality.

25 (b) Except as provided in (h) of this section, if [IF] the
26 application is for a license outside of an established village, incor-
27 porated city, or unified municipality and the radius described in
28 (a)(1) of this section encompasses all of the established village,
29 incorporated city, or unified municipality and the population resident

1 [INSIDE AND OUTSIDE THE VILLAGE, CITY, OR MUNICIPALITY BUT] inside the
2 radius described in (a)(1) of this [THE] section is less than 1,500,
3 the board may deny the issuance or transfer of the license.

4 (c) In this section, "unified municipality" means a unified
5 municipality established under AS 29.68.

6 (d) In this section, "radius" means the circular area or dis-
7 tance limited by the sweep of a straight line originating at the
8 proposed licensed premises and extending outward.

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

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

17 (g) The board may, in its discretion, approve the issuance or
18 transfer of location of a beverage dispensary [OR RESTAURANT OR EATING
19 PLACE] license without regard to (a) of this section if it appears
20 that the issuance or transfer will encourage the tourist trade by
21 encouraging the construction or improvement of

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

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

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

27 (2) an airport terminal.

28 (h) A restaurant or eating place license may be issued or trans-
29 ferred to a qualified applicant under AS 04.11.260, 04.11.280, or

1 04.11.290 without regard to [NOTWITHSTANDING] (a) and (b) of this
2 section [IF

3 (1) THE PREMISES OF THE RESTAURANT OR EATING PLACE ARE MORE
4 THAN 18 MILES FROM THE CORPORATE LIMITS OF A CITY OR UNIFIED MUNICI-
5 PALITY;

6 (2) THE PREMISES WILL SERVE FOOD TO THE TRAVELING PUBLIC:
7 AND

8 (3) THE BOARD FINDS THAT THE PUBLIC CONVENIENCE WILL BE
9 SERVED BY THE ISSUANCE OR TRANSFER].

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

13 (1) no ground for denial exists under AS 04.11.340(1) or
14 (3); and

15 (2) relocation of the licensed premises is necessary due to
16 (A) termination of a lease or rental agreement;
17 (B) condemnation of the premises;
18 (C) the substantial destruction of the premises by any
19 cause.

20 (j) The board may issue a new license in a municipality notwith-
21 standing the provisions of (a) of this section if the board finds that
22 issuance of the license is necessary for the public convenience.