

Introduced: 2/9/84
Referred: Judiciary and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 430

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 licensing and regulation of the
7 sale and distribution of alcoholic beverages; and
8 providing for an effective date."

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

10 * Section 1. AS 04.11.330(a)(3) is amended to read:

11 (3) the applicant has not operated the licensed premises
12 for at least 90 [30] eight-hour days during the immediately preceding
13 calendar year, unless the board determines that the licensed premises
14 are under construction or cannot be operated through no fault of the
15 applicant;

16 * Sec. 2. AS 04.11.330(a) is amended by adding a new paragraph to read:

17 (10) the application contains false statements of material
18 fact.

19 * Sec. 3. AS 04.11.490(c) is amended to read:

20 (c) If a majority of the voters vote "no" on the question set
21 out in (a) of this section or vote "yes" on a question set out in
22 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
23 AS 04.11.502 after an election in which the voters voted "yes" on the
24 question set out in (a) of this section, the board shall be notified
25 immediately after certification of the results of the election.
26 Thereafter, the prohibitions imposed under (b) of this section on the
27 issuance, renewal, or transfer of licenses between holders and lo-
28 cation as a result of the earlier election are removed except insofar
29 as those prohibitions are imposed in accordance with the results of

1 the subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

2 * Sec. 4. AS 04.11.492(c) is amended to read:

3 (c) If a majority of the voters vote "no" on the question set
4 out in (a) of this section or vote "yes" on a question set out in
5 AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in
6 accordance with AS 04.11.502 after an election in which the voters
7 voted "yes" on the question set out in (a) of this section, the board
8 shall be notified immediately after a certification of the results of
9 the election. The prohibitions imposed under (b) of this section on
10 the issuance, renewal, or transfer of licenses between holders and
11 locations as a result of the earlier election are removed 90 days
12 after the results of the election are certified except insofar as
13 those prohibitions are imposed in accordance with the results of the
14 subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

15 * Sec. 5. AS 04.11.496(c) is amended to read:

16 (c) If a majority of the voters vote "no" on the question set
17 out in (a) of this section or vote "yes" on the questions set out in
18 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
19 AS 04.11.502 after an election in which the voters voted "yes" on the
20 question set out in (a) of this section, the prohibition on the impor-
21 tation of alcoholic beverages and the prohibition on the issuance,
22 renewal, or transfers of licenses between holders and locations,
23 imposed as a result of the earlier election in which the voters voted
24 "yes" on the question set out in (a) of this section are removed
25 effective on the first day of the month following certification of the
26 results of the election except as those prohibitions continue to be
27 imposed in accordance with the results of the subsequent election and
28 under AS 04.11.504(b) and AS 04.11.510(d).

29 * Sec. 6. AS 04.11.500(c) is amended to read:

1 (c) If the majority of the voters vote "no" on the question set
2 out in (a) of this section or vote "yes" on the questions set out in
3 AS 04.11.490, 04.11.492, or 04.11.496, or [THIS SECTION] if different
4 types of licenses are listed on the ballot in an election conducted in
5 accordance with AS 04.11.502 after an election in which the voters
6 voted "yes" on the question set out in (a) of this section, the board
7 shall be notified immediately after certification of the results of
8 the election. Licenses in effect in the municipality and [,] in the
9 unincorporated area outside of but within five miles of the boundaries
10 of the municipality or established village which were excepted from
11 the prohibition on sale in accordance with the results of the earlier
12 election are void 90 days after the results of the election are cer-
13 tified. Thereafter the board may not issue, renew, or transfer be-
14 tween holders or locations a license for licensed premises located
15 within the boundaries of the municipality, [OR] within the perimeter
16 of an established village, or in an unincorporated area within five
17 miles of the boundaries of the municipality, except a license which
18 may be issued to a municipality or to one of the types of licenses
19 listed on the ballot as a result of a majority of the voters voting
20 "yes" on the question set out in AS 04.11.492 or this section, respec-
21 tively. A license which will expire during the 90 days after the
22 results of a local option election under this section are certified
23 may be extended, until it is void under this subsection, by payment of
24 a prorated portion of the annual license fee.

25 * Sec. 7. AS 04.11.500(d) is amended to read:

26 (d) The board may not accept an application for the issuance,
27 renewal, or transfer of a license within one year after a local option
28 election, other than an application for a temporary extension of a
29 license under AS 04.11.490(b), 04.11.492(b), 04.11.496(b), or

1 04.11.500(b).

2 * Sec. 8. AS 04.11.502(b) is amended to read:

3 (b) The lieutenant governor, whenever 35 percent of the regis-
4 tered voters residing within an established village petition the
5 lieutenant governor to do so, shall place upon a separate ballot at a
6 special election that question or combination of questions set out in
7 AS 04.11.490, 04.11.496, and [--] 04.11.500 which constitute the
8 subject of the petition. The lieutenant governor shall conduct the
9 election in the general manner prescribed by the Alaska Election Code
10 (AS 15.05.010 -- AS 15.60.020).

11 * Sec. 9. AS 04.11.506(b)(1) is amended to read:

12 (1) the board shall notify by [REGISTERED] mail all holders
13 of package store licenses of the prohibition;

14 * Sec. 10. AS 04.16.030(3) is amended to read:

15 (3) allow a drunken person to enter or [AND] remain within
16 licensed premises or to consume an alcoholic beverage within licensed
17 premises;

18 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).