

Offered: 2/24/84
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 430 (Judiciary)

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:

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

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(a) An application requesting renewal of a license shall be

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denied if

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(1) the board finds, after review of all relevant informa-

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tion, that renewal of the license would not be in the best interests

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of the public;

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(2) the license has been revoked for any cause;

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(3) the applicant has not operated the licensed premises

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for at least 90 [30] eight-hour days during the immediately preceding

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calendar year, unless the board determines that the licensed premises

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are under construction or cannot be operated through no fault of the

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applicant;

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(4) the board finds that issuance of an existing license

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under AS 04.11.400(g) has not encouraged tourist trade;

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(5) the requirements of AS 04.11.420 - 04.11.450 relating

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to zoning, ownership of the license, and financing of the licensee

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have not been met;

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(6) renewal of the license would violate the restrictions

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pertaining to the particular license under AS 04.06.010 - 04.21.080;

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(7) renewal of the license is prohibited under

1 AS 04.06.010 - 04.21.080 as a result of an election conducted in
2 accordance with AS 04.11.502;

3 (8) the application has not been completed in accordance
4 with AS 04.11.270;

5 (9) the license was issued under AS 04.11.400(j), and the
6 board finds that the public convenience does not require renewal;

7 (10) the application contains false statements of material
8 fact.

9 * Sec. 2. AS 04.11.330(a) is amended to read:

10 (a) An application requesting renewal of a license shall be
11 denied if

12 (1) the board finds, after review of all relevant informa-
13 tion, that renewal of the license would not be in the best interests
14 of the public;

15 (2) the license has been revoked for any cause;

16 (3) the applicant has not operated the licensed premises
17 for at least 30 eight-hour days during the immediately preceding
18 calendar year, unless the board determines that the licensed premises
19 are under construction or cannot be operated through no fault of the
20 applicant;

21 (4) the board finds that issuance of an existing license
22 under AS 04.11.400(g) has not encouraged tourist trade;

23 (5) the requirements of AS 04.11.420 - 04.11.450 relating
24 to zoning, ownership of the license, and financing of the licensee
25 have not been met;

26 (6) renewal of the license would violate the restrictions
27 pertaining to the particular license under AS 04.06.010 - 04.21.080;

28 (7) renewal of the license is prohibited under AS 04.06.-
29 010 - 04.21.080 as a result of an election conducted in accordance

1 with AS 04.11.502;

2 (8) the application has not been completed in accordance
3 with AS 04.11.270;

4 (9) the license was issued under AS 04.11.400(j), and the
5 board finds that the public convenience does not require renewal;

6 (10) the application contains false statements of material
7 fact.

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

9 (c) If a majority of the voters vote "no" on the question set
10 out in (a) of this section or vote "yes" on a question set out in
11 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
12 AS 04.11.502 after an election in which the voters voted "yes" on the
13 question set out in (a) of this section, the board shall be notified
14 immediately after certification of the results of the election.
15 Thereafter, the prohibitions imposed under (b) of this section on the
16 issuance, renewal, or transfer of licenses between holders and lo-
17 cation as a result of the earlier election are removed except insofar
18 as those prohibitions are imposed in accordance with the results of
19 the subsequent election and under AS 04.11.504(b) and 04.11.510(d).

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

21 (c) If a majority of the voters vote "no" on the question set
22 out in (a) of this section or vote "yes" on a question set out in
23 AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in
24 accordance with AS 04.11.502 after an election in which the voters
25 voted "yes" on the question set out in (a) of this section, the board
26 shall be notified immediately after a certification of the results of
27 the election. The prohibitions imposed under (b) of this section on
28 the issuance, renewal, or transfer of licenses between holders and
29 locations as a result of the earlier election are removed 90 days

1 after the results of the election are certified except insofar as
2 those prohibitions are imposed in accordance with the results of the
3 subsequent election and under AS 04.11.504(b) and 04.11.510(d).

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

5 (c) If a majority of the voters vote "no" on the question set
6 out in (a) of this section or vote "yes" on the questions set out in
7 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
8 AS 04.11.502 after an election in which the voters voted "yes" on the
9 question set out in (a) of this section, the prohibition on the impor-
10 tation of alcoholic beverages and the prohibition on the issuance,
11 renewal, or transfers of licenses between holders and locations,
12 imposed as a result of the earlier election in which the voters voted
13 "yes" on the question set out in (a) of this section are removed
14 effective on the first day of the month following certification of the
15 results of the election except as those prohibitions continue to be
16 imposed in accordance with the results of the subsequent election and
17 under AS 04.11.504(b) and 04.11.510(d).

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

19 (c) If the majority of the voters vote "no" on the question set
20 out in (a) of this section or vote "yes" on the questions set out in
21 AS 04.11.490, 04.11.492, or 04.11.496, or [THIS SECTION] if different
22 types of licenses are listed on the ballot in an election conducted in
23 accordance with AS 04.11.502 after an election in which the voters
24 voted "yes" on the question set out in (a) of this section, the board
25 shall be notified immediately after certification of the results of
26 the election. Licenses in effect in the municipality and [,] in the
27 unincorporated area outside of but within five miles of the boundaries
28 of the municipality or established village which were excepted from
29 the prohibition on sale in accordance with the results of the earlier

1 election are void 90 days after the results of the election are cer-
2 tified. Thereafter the board may not issue, renew, or transfer be-
3 tween holders or locations a license for licensed premises located
4 within the boundaries of the municipality, [OR] within the perimeter
5 of an established village, or in an unincorporated area within five
6 miles of the boundaries of the municipality, except a license which
7 may be issued to a municipality or to one of the types of licenses
8 listed on the ballot as a result of a majority of the voters voting
9 "yes" on the question set out in AS 04.11.492 or this section, respec-
10 tively. A license which will expire during the 90 days after the
11 results of a local option election under this section are certified
12 may be extended, until it is void under this subsection, by payment of
13 a prorated portion of the annual license fee.

14 * Sec. 7. AS 04.11.502(b) is amended to read:

15 (b) The lieutenant governor, whenever 35 percent of the regis-
16 tered voters residing within an established village petition the
17 lieutenant governor to do so, shall place upon a separate ballot at a
18 special election that question or combination of questions set out in
19 AS 04.11.490, 04.11.496, and 04.11.500 that [AS 04.11.490 - 04.11.500
20 WHICH] constitute the subject of the petition. The lieutenant gover-
21 nor shall conduct the election in the general manner prescribed by the
22 Alaska Election Code (AS 15.05.010 - AS 15.60.020).

23 * Sec. 8. AS 04.11.506(b) is amended to read:

24 (b) If a majority of the voters vote "yes" on a question set out
25 in AS 04.11.496, the following actions, in addition to those pre-
26 scribed in (a) of this section, shall be undertaken before the date
27 the prohibition on importation becomes effective:

28 (1) the board shall notify by registered or certified mail
29 all holders of package store licenses of the prohibition;

1 (2) the municipality or established village shall post
2 notice of the prohibition in the municipality or village.

3 * Sec. 9. AS 04.11.510(d) is amended to read:

4 (d) The board may not accept an application for the issuance,
5 renewal, or transfer of a license within one year after a local option
6 election, other than an application for a temporary extension of a
7 license under AS 04.11.490(b), 04.11.492(b), 04.11.496(b), or 04.11.-
8 500(b).

9 * Sec. 10. AS 04.16.030 is amended to read:

10 Sec. 04.16.030. SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES TO
11 DRUNKEN PERSONS. A licensee, an [HIS] agent of the licensee, or
12 employee may not with criminal negligence

13 (1) sell, give, or barter alcoholic beverages to a drunken
14 person;

15 (2) allow another person to sell, give, or barter an alco-
16 holic beverage to a drunken person within licensed premises;

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

20 (4) permit a drunken person to sell or serve alcoholic
21 beverages.

22 * Sec. 11. Section 1 of this Act takes effect January 1, 1985.

23 * Sec. 12. Sections 2 - 10 of this Act take effect immediately in
24 accordance with AS 01.10.070(c).