

Introduced: 1/14/85
Referred: State Affairs, Judiciary
and Finance

1 IN THE HOUSE

BY M.M.MILLER

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HOUSE BILL NO. 34

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the limitation of certain types
of liquor licenses."

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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
denied if

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(1) the board finds, after review of all relevant informa-
tion, that renewal of the license would not be in the best interests
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(2) the license has been revoked for any cause;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
for at least 30 eight-hour days during the immediately preceding
calendar year, unless the board determines that the licensed premises
are under construction or cannot be operated through no fault of the
applicant;

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(4) the board finds that issuance of an existing license
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
to zoning, ownership of the license, and financing of the licensee
have not been met;

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(6) renewal of the license would violate the restrictions
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 AS 04.06.-
010 - 04.21.080 as a result of an election conducted in accordance

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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 former AS 04.11.400(j),
5 and the board finds that the public convenience does not require
6 renewal.

7 * Sec. 2. AS 04.11.340 is amended to read:

8 Sec. 04.11.340. DENIAL OF REQUEST FOR RELOCATION [TRANSFER OF
9 LOCATION]. An application requesting approval for the relocation [OF
10 A TRANSFER OF LOCATION] of licensed premises shall be denied if

11 (1) the board finds, after review of all relevant informa-
12 tion, that relocation [TRANSFER OF LOCATION] of the license would not
13 be in the best interests of the public;

14 (2) the relocation [TRANSFER OF LOCATION] of the license is
15 prohibited under AS 04.11.400(a) or prohibition of relocation [TRANS-
16 FER] is found necessary under AS 04.11.400(b);

17 (3) the license would be relocated [TRANSFERRED] out of the
18 election district within which it was originally issued, unless the
19 election district into which the license would be relocated [TRANS-
20 FERRED] is within the incorporated city, organized borough or unified
21 municipality within which the license was originally issued;

22 (4) transfer of ownership is to be made concurrently with
23 the relocation [TRANSFER OF THE LOCATION] of the licensed premises and
24 a ground for denial of the transfer of ownership under AS 04.11.360 is
25 presented;

26 (5) the application has not been completed in accordance
27 with AS 04.11.290;

28 (6) relocation [TRANSFER OF LOCATION] of the license would
29 result in violation of a local zoning law;

1 (7) relocation [TRANSFER OF LOCATION] of the license would
2 violate the restrictions pertaining to the particular license, imposed
3 by this title;

4 (8) relocation [TRANSFER OF LOCATION] of the license is
5 prohibited under this title as a result of an election conducted in
6 accordance with AS 04.11.502;

7 (9) the licensed premises are to be located in a municipal-
8 ity, the type of license sought to be relocated [TRANSFERRED] is a
9 beverage dispensary or package store license, and that type of license
10 is already in effect in the municipality under a community liquor
11 license, unless the relocation [TRANSFER] is to become effective after
12 the community liquor license is no longer effective, whether as the
13 result of a local option election or otherwise;

14 (10) the license was issued under former AS 04.11.400(j).

15 * Sec. 3. AS 04.11.360 is amended to read:

16 Sec. 04.11.360. DENIAL OF TRANSFER OF A LICENSE TO ANOTHER
17 PERSON. An application requesting approval of a transfer of a license
18 to another person under this title shall be denied if

19 (1) the board finds, after review of all relevant informa-
20 tion, that transfer of a license to another person would not be in the
21 best interests of the public;

22 (2) the application has not been completed in accordance
23 with AS 04.11.280;

24 (3) the application contains false statements of material
25 fact;

26 (4) the transferor has not paid all debts or taxes arising
27 from the conduct of the business licensed under this title unless

28 (A) the transferor [HE] gives security for the payment
29 of the debts or taxes satisfactory to the creditor or taxing

1 authority; or

2 (B) the transfer is pursuant to a promise given as
3 collateral by the transferor to the transferee in the course of
4 an earlier transfer of the license under which promise the trans-
5 feror is obliged to transfer the license back to the transferee
6 in the event of default in payment for property conveyed as part
7 of the earlier transfer of the license;

8 (5) transfer of the license to another person would result
9 in violation of the provisions of this title relating to identity of
10 licensees and financing of licensees;

11 (6) transfer of the license to another person would violate
12 the restrictions pertaining to the particular license under this
13 title;

14 (7) transfer of the license to another person is prohibited
15 under the provisions of this title as a result of an election con-
16 ducted in accordance with AS 04.11.502;

17 (8) the prospective transferee does not have the qualifica-
18 tions required under this title of an original applicant;

19 (9) the licensed premises are located in a municipality,
20 the type of license sought to be transferred is a beverage dispensary
21 or package store license, and that type of license is already in
22 effect in the municipality under a community liquor license, unless
23 the transfer is to become effective after the community liquor license
24 is no longer effective, whether as the result of a local option elec-
25 tion or otherwise;

26 (10) the authority sought is authority to operate a beverage
27 dispensary or package store under a community liquor license for
28 premises to be located in a municipality where the authority sought is
29 already held by a private licensee under a beverage dispensary or

1 package store license, unless the transfer is to become effective
2 after the privately held license is no longer effective, whether as
3 the result of a local option election or otherwise;

4 (11) the license was issued under former AS 04.11.400(j).

5 * Sec. 4. AS 04.11.400(a) is amended to read:

6 (a) Except as provided in (g), (h), and (i) [, AND (j)] of this
7 section, a new beverage dispensary or package store license may not be
8 issued, and premises licensed as a beverage dispensary or package
9 store may not be relocated [OR AN EXISTING LICENSE TRANSFERRED TO A
10 NEW LOCATION]

11 (1) outside an incorporated city, a unified municipality,
12 or an established village if after the issuance or relocation [TRANS-
13 FER] there would be more than one license of each type for each 3,000
14 [1,500] population or fraction of 3,000 [1,500] population, including
15 licenses which have been issued under (g) or (h) of this section, in a
16 radius of five miles of the licensed premises or location of premises
17 sought to be licensed;

18 (2) inside an established village, an incorporated city, or
19 a unified municipality if after the issuance or relocation [TRANSFER]
20 there would be more than one license of each type for each 3,000
21 [1,500] population or fraction of 3,000 [1,500] population, including
22 licenses which have been issued under (g) or (h) of this section,
23 inside the boundaries of the village, city or municipality.

24 * Sec. 5. AS 04.11.400(g) is amended to read:

25 (g) The board may, in its discretion, approve the issuance or
26 relocation [TRANSFER OF LOCATION] of a beverage dispensary or restau-
27 rant or eating place license without regard to (a) of this section if
28 it appears that the issuance or relocation [TRANSFER] will encourage
29 the tourist trade by encouraging the construction or improvement of

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

3 (A) a minimum of 50 [10] rental rooms, and

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

6 (2) an airport terminal.

7 * Sec. 6. AS 04.11.504(a) is amended to read:

8 (a) If a prohibition imposed on the issuance, renewal, [OR]
9 transfer, or relocation of licenses between holders and locations
10 under AS 04.11.490 - 04.11.500 is removed by a vote of "no" on a
11 question for which the majority of the people voted "yes" in an
12 earlier election, the board shall, upon application, issue the same
13 number and type of licenses which were in effect in the municipality
14 or established village on the date of certification of the earlier
15 election. If the prohibition imposed on issuance, renewal, [OR]
16 transfer, or relocation of licenses between holders and locations is
17 removed by a "yes" vote on a question set out in AS 04.11.492 and
18 04.11.500, the board may issue the types of licenses specified in the
19 question presented to the voters in the subsequent election. Licenses
20 may be issued for the same or other premises within the municipality
21 or established village which were licensed on the date of certifica-
22 tion of the earlier election. However, if the local governing body
23 requests that fewer licenses of a particular type be issued than would
24 otherwise be issued if the provisions prescribing the ratio of popu-
25 lation to licensed premises in AS 04.11.400(a) are applied, only the
26 number of licenses of that particular type requested by the local
27 governing body may be issued by the board. Priority shall be given
28 applicants who were formerly licensees and whose licenses were not
29 renewed because of the results of the previous election. However,

1 these applicants have no legal right to a license and the board is not
2 required to approve the application.
3 * Sec. 7. AS 04.11.400(j) is repealed.