

Offered: 2/25/85  
Referred: Judiciary and Finance

Original sponsors: M.M. Miller and  
Boucher

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 34 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the administration of liquor  
7 licenses; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 04.11.100 is amended by adding a new subsection to  
10 read:  
11 (e) A license may be renewed under this section only if the  
12 licensee provides evidence to the board's satisfaction that gross  
13 receipts from the sale of food upon the licensed premises constitute  
14 no less than 50 percent of the gross receipts of the licensed premises  
15 for the preceding license year.  
16 \* Sec. 2. AS 04.11.340 is amended to read:  
17 Sec. 04.11.340. DENIAL OF REQUEST FOR RELOCATION [TRANSFER OF  
18 LOCATION]. An application requesting approval for the relocation [OF  
19 A TRANSFER OF LOCATION] of licensed premises shall be denied if  
20 (1) the board finds, after review of all relevant informa-  
21 tion, that relocation [TRANSFER OF LOCATION] of the license would not  
22 be in the best interests of the public;  
23 (2) the relocation [TRANSFER OF LOCATION OF THE LICENSE] is  
24 prohibited under AS 04.11.400(a) or (b) [AS 04.11.400(a) OR PROHIBI-  
25 TION OF TRANSFER IS FOUND NECESSARY UNDER AS 04.11.400(b)];  
26 (3) the license would be relocated [TRANSFERRED] out of the  
27 established village, incorporated city, unified municipality, or  
28 population area established under AS 04.11.400(a) [ELECTION DISTRICT]  
29 within which it is located [WAS ORIGINALLY ISSUED, UNLESS THE ELECTION

1 DISTRICT INTO WHICH THE LICENSE WOULD BE TRANSFERRED IS WITHIN THE  
2 INCORPORATED CITY, ORGANIZED BOROUGH OR UNIFIED MUNICIPALITY WITHIN  
3 WHICH THE LICENSE WAS ORIGINALLY ISSUED];

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

8 (5) the application has not been completed in accordance  
9 with AS 04.11.290;

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

12 (7) relocation [TRANSFER OF LOCATION] of the license would  
13 violate the restrictions pertaining to the particular license imposed  
14 by this title;

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

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

25 (10) the license was issued under AS 04.11.400(g), (h), or  
26 (j) [AS 04.11.400(j)].

27 \* Sec. 3. AS 04.11.400(a) is amended to read:

28 (a) Except as provided in (g), (h), (i), and (j) of this sec-  
29 tion, a new license may not be issued and the board may prohibit

1        relocation of [OR] an existing license [TRANSFERRED TO A NEW LOCATION]  
2                (1) outside an established village, incorporated city, [A]  
3 unified municipality, or organized borough [AN ESTABLISHED VILLAGE] if  
4 after the issuance or relocation [TRANSFER] there would be more than  
5 one license of each type [FOR EACH 1,500 POPULATION OR FRACTION OF  
6 1,500 POPULATION], including licenses which have been issued under (g)  
7 or (h) of this section, for each 3,000 population or fraction of 3,000  
8 population in a radius of five miles of the licensed premises or  
9 location of premises sought to be licensed, excluding the populations  
10 of established villages, incorporated cities, unified municipalities,  
11 and organized boroughs that are wholly or partly included within the  
12 radius;  
13                (2) inside an established village, [AN] incorporated city,  
14 or [A] unified municipality if after the issuance or relocation  
15 [TRANSFER] there would be inside the established village, incorporated  
16 city, or unified municipality more than one license of each type [FOR  
17 EACH 1,500 POPULATION OR FRACTION OF 1,500 POPULATION], including  
18 licenses which have been issued under (g) or (h) of this section, for  
19 each 3,000 population or fraction of 3,000 population inside the  
20 established [BOUNDARIES OF THE] village, incorporated city, or unified  
21 municipality;  
22                (3) inside an organized borough but outside an established  
23 village or incorporated city located within the borough, if after the  
24 issuance or relocation there would be inside the borough, but outside  
25 the established villages and incorporated cities located within the  
26 borough, more than one license of each type, including licenses that  
27 have been issued under (g) or (h) of this section, for each 3,000  
28 population or fraction of 3,000 population inside the borough, exclud-  
29 ing the population of those established villages that have conducted

1 an election on a question set out in AS 04.11.490, 04.11.496, or  
2 04.11.500, and excluding the population of incorporated cities located  
3 within the organized borough.

4 \* Sec. 4. AS 04.11.400(b) is amended to read:

5 (b) If [THE APPLICATION IS FOR A LICENSE OUTSIDE OF AN ESTAB-  
6 LISHED VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY AND] the  
7 radius described in (a)(1) of this section encompasses all of an [THE]  
8 established village, incorporated city, or unified municipality and  
9 the population resident inside and outside the established village,  
10 incorporated city, or unified municipality but inside the radius  
11 described in (a)(1) of the section is less than 3,000 [1,500], the  
12 board may deny the issuance or relocation [TRANSFER] of the license.

13 \* Sec. 5. AS 04.11.400(e) is amended to read:

14 (e) In (a)(1) of this section, "population" includes only those  
15 persons residing inside the radius not later than the date the appli-  
16 cation is received by the board and not earlier than 60 days before  
17 the application is received by the board [BUT OUTSIDE OF AN ESTAB-  
18 LISHED VILLAGE, AN INCORPORATED CITY, OR A UNIFIED MUNICIPALITY AS OF  
19 DECEMBER 31 OF THE YEAR PRECEDING THE DATE OF APPLICATION].

20 \* Sec. 6. AS 04.11.400(f) is amended to read:

21 (f) In (a)(2) and (3) of this section, "population" includes  
22 only those persons residing inside the [AN] established village, [AN]  
23 incorporated city, [OR A] unified municipality, or organized borough  
24 as of December 31 of the year preceding the date of application.

25 \* Sec. 7. AS 04.11.400(g) is repealed and reenacted to read:

26 (g) The board may approve the issuance or transfer of ownership  
27 of a beverage dispensary or restaurant or eating place license without  
28 regard to (a) of this section if it appears that the issuance or  
29 transfer will encourage the tourist trade by encouraging the

1 construction or improvement of

2 (1) a hotel, motel, resort, or similar business relating to  
3 the tourist trade with a dining facility or having kitchen facilities  
4 in a majority of its rental rooms and at least a minimum number of  
5 rental rooms required according to the population of the established  
6 village, incorporated city, unified municipality or population area  
7 established under AS 04.11.400(a) in which the facility will be  
8 located, as follows:

9 (A) 15 rental rooms if the population is less than  
10 1,501;

11 (B) 20 rental rooms if the population is between 1,501  
12 and 2,500;

13 (C) 25 rental rooms if the population is between 2,501  
14 and 5,000;

15 (D) 30 rental rooms if the population is between 5,001  
16 and 15,000;

17 (E) 35 rental rooms if the population is between  
18 15,001 and 25,000;

19 (F) 40 rental rooms if the population is between  
20 25,001 and 50,000; and

21 (G) 50 rental rooms if the population is greater than  
22 50,000; or

23 (2) an airport terminal.

24 \* Sec. 8. AS 04.11.400(h) is amended to read:

25 (h) The board may approve the issuance or transfer of ownership  
26 of a [A] restaurant or eating place license without regard to [MAY BE  
27 ISSUED OR TRANSFERRED NOTWITHSTANDING] (a) of this section if

28 (1) the premises of the restaurant or eating place are more  
29 than 18 miles from the corporate limits of a city or unified

1 municipality;

2 (2) the premises will serve food to the traveling public;  
3 and

4 (3) the board finds that the public convenience will be  
5 served by the issuance or transfer.

6 \* Sec. 9 AS 04.11.400(i) is amended to read:

7 (i) An application requesting a transfer of location of licensed  
8 premises limited under (a) or (b) of this section shall be granted  
9 without regard to [NOTWITHSTANDING] (a) of this section if the new  
10 location is less than one mile from the original location and

11 (1) no ground for denial exists under AS 04.11.340(1) or  
12 (3); and

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

18 \* Sec. 10. AS 04.11.400(j) is amended to read:

19 (j) The board may approve the issuance or transfer of ownership  
20 of [ISSUE] a restaurant or eating place [NEW] license in a municipal-  
21 ity without regard to [NOTWITHSTANDING THE PROVISIONS OF] (a) of this  
22 section if the board finds that issuance or transfer of the license is  
23 necessary for the public convenience.

24 \* Sec. 11. AS 04.11.504(a) is amended to read:

25 (a) If a prohibition imposed on the issuance, renewal, [OR]  
26 transfer, or relocation of licenses between holders and locations  
27 under AS 04.11.490 - 04.11.500 is removed by a vote of "no" on a  
28 question for which the majority of the people voted "yes" in an  
29 earlier election, the board shall, upon application, issue the same

1 number and type of licenses which were in effect in the municipality  
2 or established village on the date of certification of the earlier  
3 election. If the prohibition imposed on issuance, renewal, [OR]  
4 transfer, or relocation of licenses between holders and locations is  
5 removed by a "yes" vote on a question set out in AS 04.11.492 and  
6 04.11.500, the board may issue the types of licenses specified in the  
7 question presented to the voters in the subsequent election. Licenses  
8 may be issued for the same or other premises within the municipality  
9 or established village which were licensed on the date of certifica-  
10 tion of the earlier election. However, if the local governing body  
11 requests that fewer licenses of a particular type be issued than would  
12 otherwise be issued if the provisions prescribing the ratio of popu-  
13 lation to licensed premises in AS 04.11.400(a) are applied, only the  
14 number of licenses of that particular type requested by the local  
15 governing body may be issued by the board. Priority shall be given  
16 applicants who were formerly licensees and whose licenses were not  
17 renewed because of the results of the previous election. However,  
18 these applicants have no legal right to a license and the board is not  
19 required to approve the application.

20 \* Sec. 12. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).