

Introduced: 1/30/85
Referred: State Affairs,
Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 150

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 alcoholic beverage licenses; and
7 providing for an effective date."

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

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

10 Sec. 04.11.400. POPULATION LIMITATIONS. (a) Except as provided
11 in (g), (h), (i), and (j) of this section, a new license may not be
12 issued nor [OR] an existing license transferred to a new location

13 (1) outside an established village, incorporated city, [A]
14 unified municipality, or organized borough [AN ESTABLISHED VILLAGE] if
15 after the issuance or transfer there would be more than one license of
16 each type [FOR EACH 1,500 POPULATION OR FRACTION OF 1,500 POPULATION],
17 including licenses which have been issued under (g) or (h) of this
18 section, for each 1,500 population or fraction of 1,500 population in
19 a radius of five miles of the licensed premises or location of prem-
20 ises sought to be licensed, excluding the populations of established
21 villages, incorporated cities, unified municipalities, and organized
22 boroughs that are wholly or partly included within the radius:

23 (2) inside an established village, [AN] incorporated city,
24 or [A] unified municipality if after the issuance or transfer there
25 would be inside the established village, incorporated city, or unified
26 municipality more than one license of each type [FOR EACH 1,500 POPU-
27 LATION OR FRACTION OF 1,500 POPULATION], including licenses which have
28 been issued under (g) or (h) of this section, for each 1,500 popula-
29 tion or faction of 1,500 population inside the [BOUNDARIES OF THE]

1 established village, incorporated city, or unified municipality;

2 (3) inside an organized borough but outside an established
3 village or incorporated city located within the borough, if after the
4 issuance or transfer there would be inside the borough, but outside
5 the established villages and incorporated cities located within the
6 borough, more than one license of each type, including licenses that
7 have have been issued under (g) or (h) of this section, for each 1,500
8 population or fraction of 1,500 population inside the borough, exclud-
9 ing the population of those established villages that have conducted
10 an election on a question set out in AS 04.11.490, 04.11.496, or
11 04.11.500, and excluding the population of incorporated cities located
12 within the organized borough.

13 (b) If [THE APPLICATION IS FOR A LICENSE OUTSIDE OF AN ESTAB-
14 LISHED VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY AND] the
15 radius described in (a)(1) of this section encompasses all of an
16 [THE] established village, incorporated city, or unified municipality
17 and the population resident inside and outside the established
18 village, incorporated city, or unified municipality but inside the
19 radius described in (a)(1) of this section is less than 1,500, the
20 board may deny the issuance or transfer of the license.

21 (c) In this section "unified municipality" means a unified
22 municipality established under AS 29.68.

23 (d) In this section "radius" means the circular area or distance
24 limited by the sweep of a straight line originating at the proposed
25 licensed premises and extending outward.

26 (e) In (a)(1) of this section, "population" includes only those
27 persons residing inside the radius not later than the date the appli-
28 cation is received by the board and not earlier than 60 days before
29 the application is received by the board [BUT OUTSIDE OF AN

1 ESTABLISHED VILLAGE, AN INCORPORATED CITY, OR A UNIFIED MUNICIPALITY
2 AS OF DECEMBER 31 OF THE YEAR PRECEDING THE DATE OF APPLICATION].

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

7 (g) The board may, in its discretion, approve the issuance or
8 transfer of location of a beverage dispensary or restaurant or eating
9 place license without regard to (a) of this section if it appears that
10 the issuance or transfer will encourage the tourist trade by encourag-
11 ing the construction or improvement of

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

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

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

17 (2) an airport terminal.

18 (h) A restaurant or eating place license may be issued or trans-
19 ferred notwithstanding (a) of this section if

20 (1) the premises of the restaurant or eating place are more
21 than 18 miles from the corporate limits of an incorporated [A] city or
22 unified municipality;

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

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

27 (i) An application requesting a transfer of location of licensed
28 premises must [SHALL] be granted notwithstanding (a) of this section
29 if the new location is less than one mile from the original location

1 and

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

4 (2) relocation of the licensed premises is necessary due to
5 (A) termination of a lease or rental agreement;
6 (B) condemnation of the premises;
7 (C) the substantial destruction of the premises by any
8 cause.

9 (j) The board may issue a new license in an incorporated city,
10 unified [A] municipality, or organized borough notwithstanding the
11 provisions of (a) of this section if the board finds that issuance of
12 the license is necessary for the public convenience.

13 * Sec. 2. APPLICABILITY. AS 04.11.400, as amended in sec. 1 of this
14 Act, applies to alcoholic beverage license applications pending before the
15 Alcoholic Beverage Control Board on the effective date of this Act and to
16 applications filed after the effective date of this Act.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).