

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

4/15/85

Date: 1-20-85

The Committee on FINANCE has had HB 34

"An Act relating to the limitation of certain types of liquor licenses."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HP 34 (FIN)  same title  new title
- and recommends no recommendation
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

Albert P. Adams  
\_\_\_\_\_  
W. J. ...  
\_\_\_\_\_  
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\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

...  
\_\_\_\_\_  
Richard ...  
\_\_\_\_\_  
Pat ...  
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...  
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...  
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...  
\_\_\_\_\_

Albert P. Adams  
CHAIRMAN

Original sponsors: M.M. Miller and  
Boucher

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 34 (Finance)

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 the licensing of partnerships; and  
8 providing for an effective date."

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

10 \* Section 1. AS 04.06.100(b) is amended by adding a new paragraph to  
11 read:

12 (16) required reports from partnerships and limited part-  
13 nerships licensed under this title, including reports of transferred  
14 interests of 10 percent or more.

15 \* Sec. 2. AS 04.11.040(c) is amended to read:

16 (c) A person may not receive or transfer controlling interest in  
17 a liquor license issued to a partnership, including a limited partner-  
18 ship, or a corporation under this title except with the written con-  
19 sent of the board.

20 \* Sec. 3. AS 04.11 is amended by adding a new section to read:

21 Sec. 04.11.055. REPORTS REQUIRED OF PARTNERSHIPS. (a) A part-  
22 nership, including a limited partnership, issued a license under this  
23 title shall report to the board when a partnership interest of 10  
24 percent or more is transferred and shall report a change of general  
25 partners.

26 (b) The report to the board shall be made in writing in dupli-  
27 cate and shall be sent within 10 days after the change in interest or  
28 change of general partners.

29 \* Sec. 4. AS 04.11.100 is amended by adding a new subsection to read:

1 (e) A license may be renewed under this section only if the  
2 licensee provides evidence to the board's satisfaction that gross  
3 receipts from the sale of food upon the licensed premises constitute  
4 no less than 50 percent of the gross receipts of the licensed premises  
5 for the preceding license year.

6 \* Sec. 5. AS 04.11.260(a) is amended to read:

7 (a) An applicant for a new license or permit shall file with the  
8 director a written application, signed and sworn to by the applicant,  
9 giving the applicant's [HIS] name and address. If the applicant is a  
10 corporation, the application shall be executed by the authorized  
11 officers of the corporation. If the applicant is a partnership,  
12 including a limited partnership, the application shall be executed by  
13 an authorized general partner. The application shall include:

14 (1) the type of license or permit desired;

15 (2) a description of the premises for which the license or  
16 permit is desired, giving the address by street and number, or other  
17 information, so that the location of the premises can be definitely  
18 determined;

19 (3) a statement of the residency of the applicant;

20 (4) the license fee;

21 (5) the duration of the license or permit desired;

22 (6) any other information required by the board.

23 \* Sec. 6. AS 04.11.260 is amended by adding a new subsection to read:

24 (d) A partnership, including a limited partnership, that applies  
25 for a license or permit shall provide information required by the  
26 board including the names and addresses of all general partners and  
27 all partners with an interest of 10 percent or more.

28 \* Sec. 7. AS 04.11.310 is amended by adding a new subsection to read:

29 (b) Upon receipt of an application for the issuance, renewal,

1 relocation, or transfer of ownership of a license within an area of a  
2 municipality under the jurisdiction of a community council established  
3 by municipal charter or ordinance to advise the municipal governing  
4 body, or within an area adjacent to such an area, the board shall

5 (1) immediately provide to the community council written  
6 notice of the application; and

7 (2) at least 10 days before the date set for board action  
8 on the application provide to the community council written notice of  
9 the proposed action and the time and place for a hearing.

10 " Sec. 8. AS 04.11.340 is amended to read:

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

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

17 (2) the relocation [TRANSFER OF LOCATION OF THE LICENSE] is  
18 prohibited under AS 04.11.400(a) or (b) [AS 04.11.400(a) OR PROHIBI-  
19 TION OF TRANSFER IS FOUND NECESSARY UNDER AS 04.11.400(b)];

20 (3) the license would be relocated [TRANSFERRED] out of the  
21 established village, incorporated city, unified municipality, or  
22 population area established under AS 04.11.400(a) [ELECTION DISTRICT]  
23 within which it is located [WAS ORIGINALLY ISSUED, UNLESS THE ELECTION  
24 DISTRICT INTO WHICH THE LICENSE WOULD BE TRANSFERRED IS WITHIN THE  
25 INCORPORATED CITY, ORGANIZED BOROUGH OR UNIFIED MUNICIPALITY WITHIN  
26 WHICH THE LICENSE WAS ORIGINALLY ISSUED];

27 (4) transfer of ownership is to be made concurrently with  
28 the relocation [TRANSFER OF THE LOCATION] of the licensed premises and  
29 a ground for denial of the transfer of ownership under AS 04.11.360 is

1 presented;

2 (5) the application has not been completed in accordance  
3 with AS 04.11.290;

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

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

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

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

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

21 \* Sec. 9. AS 04.11.400(a) is amended to read:

22 (a) Except as provided in (g), (h), (i), and (j) of this sec-  
23 tion, a new license may not be issued and the board may prohibit  
24 relocation of [OR] an existing license [TRANSFERRED TO A NEW LOCATION];

25 (1) outside an established village, incorporated city, [A]  
26 unified municipality, or organized borough [AN ESTABLISHED VILLAGE] if  
27 after the issuance or relocation [TRANSFER] there would be more than  
28 one restaurant or eating place license [OF EACH TYPE] for each 1,500  
29 population or fraction of 1,500 population or more than one license of

1 each other type, including licenses which have been issued under (g)  
2 or (h) of this section, for each 3,000 population or fraction of 3,000  
3 population in a radius of five miles of the licensed premises or  
4 location of premises sought to be licensed, excluding the populations  
5 of established villages, incorporated cities, unified municipalities,  
6 and organized boroughs that are wholly or partly included within the  
7 radius;

8 (2) inside an established village, [AK] incorporated city,  
9 or [A] unified municipality if after the issuance or relocation  
10 [TRANSFER] there would be inside the established village, incorporated  
11 city, or unified municipality more than one restaurant or eating place  
12 license [OF EACH TYPE] for each 1,500 population or fraction of 1,500  
13 population or more than one license of each other type, including  
14 licenses which have been issued under (g) or (h) of this section, for  
15 each 3,000 population or fraction of 3,000 population inside the  
16 established [BOUNDARIES OF THE] village, incorporated city, or unified  
17 municipality;

18 (3) inside an organized borough but outside an established  
19 village or incorporated city located within the borough, if after the  
20 issuance or relocation there would be inside the borough, but outside  
21 the established villages and incorporated cities located within the  
22 borough, more than one restaurant or eating place license for each  
23 1,500 population or fraction of 1,500 population or more than one  
24 license of each other type, including licenses that have been issued  
25 under (g) or (h) of this section, for each 3,000 population or  
26 fraction of 3,000 population inside the borough, excluding the  
27 population of those established villages that have conducted an  
28 election on a question set out in AS 04.11.490, 04.11.496, or  
29 04.11.500, and excluding the population of incorporated cities located

1       within the organized borough.

2       \* Sec. 10. AS 04.11.400(b) is amended to read:

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

11      \* Sec. 11. AS 04.11.400(e) is amended to read:

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

18      \* Sec. 12. AS 04.11.400(f) is amended to read:

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

23      \* Sec. 13. AS 04.11.400(g) is repealed and reenacted to read:

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

29           (1) a hotel, motel, resort, or similar business relating to

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

7 (A) 15 rental rooms if the population is less than  
8 1,501;

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

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

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

15 (E) 35 rental rooms if the population is between  
16 15,001 and 25,000;

17 (F) 40 rental rooms if the population is between  
18 25,001 and 50,000; and

19 (G) 50 rental rooms if the population is greater than  
20 50,000; or

21 (2) an airport terminal.

22 \* Sec. 14. AS 04.11.400(h) is amended to read:

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

26 (1) the premises of the restaurant or eating place are more  
27 than 18 miles from the corporate limits of a city or unified munic-  
28 ipality;

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

1 and

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

4 \* Sec. 15. AS 04.11.400(i) is amended to read:

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

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

11 (2) relocation of the licensed premises is necessary due to

12 (A) termination of a lease or rental agreement;

13 (B) condemnation of the premises;

14 (C) the substantial destruction of the premises by any

15 cause.

16 \* Sec. 16. AS 04.11.400(j) is amended to read:

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

22 \* Sec. 17. AS 04.11.430(a) is amended to read:

23 (a) Each license shall be issued to a specific individual or  
24 individuals, to a partnership, including a limited partnership, or to  
25 a corporation. If the license is issued to a corporation, the regis-  
26 tered agent of the corporation must be an individual resident of the  
27 state.

28 \* Sec. 18. AS 04.11.504(a) is amended to read:

29 (a) If a prohibition imposed on the issuance, renewal, [OR]

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

24 \* Sec. 19. AS 04.21.010 is amended by adding a new subsection to read:

25 (d) At least 10 days before the date set for municipal action on  
26 an application for the issuance, renewal, relocation, or transfer of  
27 ownership of a proposed license, the municipality shall provide writ-  
28 ten notice of the proposed action and the time and place for a hearing  
29 to a community council that

1 (1) is established by municipal charter or ordinance to  
2 advise the municipal governing body; and

3 (2) has jurisdiction over the area affected by the proposed  
4 action.

5 \* Sec. 20. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).  
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STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/22/85

**REQUEST**  
 No. 2  
 Bill/Resolution No.: CSHB 34 (FIN)  
 Title: AN ACT RELATING TO THE  
ADMINISTRATION OF LIQUOR LICENSES  
 Sponsor: RFP M M MILLER  
 Requestor: HOUSE STATE AFFAIRS COM  
 Date of Request: 2/21/85

**FISCAL DETAIL**  
 Agency Affected: DEPARTMENT OF REVENUE  
 Program Category Affected: PUBLIC PROTECTION  
 BRU, Program or Subprogram(s) Affected: ALCOHOLIC BEVERAGE CONTROL BOARD

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

|                        | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| <b>OPERATING</b>       |       |       |       |       |       |       |
| 100 PERSONAL SERVICES  |       |       |       |       |       |       |
| 200 TRAVEL             |       |       |       |       |       |       |
| 300 CONTRACTUAL        |       |       |       |       |       |       |
| 400 SUPPLIES           |       |       |       |       |       |       |
| 500 EQUIPMENT          |       |       |       |       |       |       |
| 600 LAND & STRUCTURES  |       |       |       |       |       |       |
| 700 GRANTS, CLAIMS     |       |       |       |       |       |       |
| 800 MISCELLANEOUS      |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

|                |     |     |     |     |     |     |
|----------------|-----|-----|-----|-----|-----|-----|
| <b>REVENUE</b> | -0- | -0- | -0- | -0- | -0- | -0- |
|----------------|-----|-----|-----|-----|-----|-----|

**FUNDING: (Thousands of Dollars)**

|               |  |  |  |  |  |  |
|---------------|--|--|--|--|--|--|
| GENERAL FUND  |  |  |  |  |  |  |
| FEDERAL FUNDS |  |  |  |  |  |  |
| OTHER         |  |  |  |  |  |  |
| <b>TOTAL</b>  |  |  |  |  |  |  |

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 2/22/85  
 Approved by Commissioner: *Marv A. Nordale* Date: 2/22/85  
 Agency: Department Of Revenue

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSHB34 (Jud)  
 Title: Relating to administration of liquor licenses  
 Sponsor: M.M. Miller & Boucher  
 Requestor: House Judiciary  
 Date of Request: 4/17/85

**FISCAL DETAIL**

Agency Affected: Dept. of Revenue  
 Program Category Affected: Public Protection  
 BRU, Program or Subprogram(s) Affected: Alcoholic Beverage Control Board

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

|                        | FY 85      | FY 86      | FY 87      | FY 88      | FY 89      | FY 90      |
|------------------------|------------|------------|------------|------------|------------|------------|
| <b>OPERATING</b>       |            |            |            |            |            |            |
| 100 PERSONAL SERVICES  |            |            |            |            |            |            |
| 200 TRAVEL             |            | .5         | .5         | .5         | .5         | .5         |
| 300 CONTRACTUAL        |            | 1.0        | 1.0        | 1.0        | 1.0        | 1.0        |
| 400 SUPPLIES           |            |            |            |            |            |            |
| 500 EQUIPMENT          |            |            |            |            |            |            |
| 600 LAND & STRUCTURES  |            |            |            |            |            |            |
| 700 GRANTS, CLAIMS     |            |            |            |            |            |            |
| 800 MISCELLANEOUS      |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>-0-</b> | <b>1.5</b> | <b>1.5</b> | <b>1.5</b> | <b>1.5</b> | <b>1.5</b> |

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

**FUNDING: (Thousands of Dollars)**

|                     | FY 85      | FY 86      | FY 87      | FY 88      | FY 89      | FY 90      |
|---------------------|------------|------------|------------|------------|------------|------------|
| <b>GENERAL FUND</b> | <b>-0-</b> | <b>1.5</b> | <b>1.5</b> | <b>1.5</b> | <b>1.5</b> | <b>1.5</b> |
| FEDERAL FUNDS       |            |            |            |            |            |            |
| OTHER               |            |            |            |            |            |            |
| <b>TOTAL</b>        |            |            |            |            |            |            |

**POSITIONS:**

|           | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME |       |       |       |       |       |       |
| PART-TIME |       |       |       |       |       |       |
| TEMPORARY |       |       |       |       |       |       |

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Patrick L. Sharrack  
 Division: Alcoholic Beverage Control Board

Phone: 277-8638  
 Date: 4/26/85

Approved by Commissioner: Mary A. Nordmark  
 Agency: Department of Revenue

Date: 4/30/85

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Offered: 4/15/85  
Referred: Finance

Original sponsors: M.M. Miller and  
Boucher

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 34 (Judiciary)

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  
licenses and the licensing of partnerships; and  
providing for an effective date."

7

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9

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

10

\* Section 1. AS 04.06.100(b) is amended by adding a new paragraph to  
read:

11

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(16) required reports from partnerships and limited part-  
nerships licensed under this title, including reports of transferred  
interests of 10 percent or more.

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\* Sec. 2. AS 04.11.040(c) is amended to read:

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(c) A person may not receive or transfer controlling interest in  
a liquor license issued to a partnership, including a limited partner-  
ship, or a corporation under this title except with the written con-  
sent of the board.

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\* Sec. 3. AS 04.11 is amended by adding a new section to read:

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Sec. 04.11.055. REPORTS REQUIRED OF PARTNERSHIPS. (a) A part-  
nership, including a limited partnership, issued a license under this  
title shall report to the board when a partnership interest of 10  
percent or more is transferred and shall report a change of general  
partners.

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(b) The report to the board shall be made in writing in dupli-  
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9 giving the applicant's [HIS] name and address. If the applicant is a  
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11 officers of the corporation. If the applicant is a partnership,  
12 including a limited partnership, the application shall be executed by  
13 an authorized general partner. The application shall include:

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15 (2) a description of the premises for which the license or  
16 permit is desired, giving the address by street and number, or other  
17 information, so that the location of the premises can be definitely  
18 determined;

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20 (4) the license fee;

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26 board including the names and addresses of all general partners and  
27 all partners with an interest of 10 percent or more.

28 \* Sec. 7. AS 04.11.310 is amended by adding a new subsection to read:

29 (b) Upon receipt of an application for the issuance, renewal,

1 relocation, or transfer of ownership of a license within an area of a  
2 municipality under the jurisdiction of a community council established  
3 by municipal charter or ordinance to advise the municipal governing  
4 body, the board shall

5 (1) immediately provide to the community council written  
6 notice of the application; and

7 (2) at least 10 days before the date set for board action  
8 on the application provide to the community council written notice of  
9 the proposed action and the time and place for a hearing.

10 \* Sec. 8. AS 04.11.340 is amended to read:

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

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

17 (2) the relocation [TRANSFER OF LOCATION OF THE LICENSE] is  
18 prohibited under AS 04.11.400(a) or (b) [AS 04.11.400(a) OR PROHIBI-  
19 TION OF TRANSFER IS FOUND NECESSARY UNDER AS 04.11.400(b)];

20 (3) the license would be relocated [TRANSFERRED] out of the  
21 established village, incorporated city, unified municipality, or  
22 population area established under AS 04.11.400(a) [ELECTION DISTRICT]  
23 within which it is located [WAS ORIGINALLY ISSUED, UNLESS THE ELECTION  
24 DISTRICT INTO WHICH THE LICENSE WOULD BE TRANSFERRED]; WITHIN THE  
25 INCORPORATED CITY, ORGANIZED BOROUGH OR UNIFIED MUNICIPALITY WITHIN  
26 WHICH THE LICENSE WAS ORIGINALLY ISSUED];

27 (4) transfer of ownership is to be made concurrently with  
28 the relocation [TRANSFER OF THE LOCATION] of the licensed premises and  
29 a ground for denial of the transfer of ownership under AS 04.11.360 is

1 presented;

2 (5) the application has not been completed in accordance  
3 with AS 04.11.290;

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

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

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

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

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

21 \* Sec. 9. AS 04.11.400(a) is amended to read:

22 (a) Except as provided in (g), (h), (i), and (j) of this sec-  
23 tion, a new license may not be issued and the board may prohibit  
24 relocation of [OR] an existing license [TRANSFERRED TO A NEW LOCATION]

25 (1) outside an established village, incorporated city, [A]  
26 unified municipality, or organized borough [AN ESTABLISHED VILLAGE] if  
27 after the issuance or relocation [TRANSFER] there would be more than  
28 one restaurant or eating place license [OF EACH TYPE] for each 1,500  
29 population or fraction of 1,500 population or more than one license

1 of each other type, including licenses which have been issued under  
2 (g) or (h) of this section, for each 3,000 population or fraction of  
3 3,000 population in a radius of five miles of the licensed premises or  
4 location of premises sought to be licensed, excluding the populations  
5 of established villages, incorporated cities, unified municipalities,  
6 and organized boroughs that are wholly or partly included within the  
7 radius;

8 (2) inside an established village, [AN] incorporated city,  
9 or [A] unified municipality if after the issuance or relocation  
10 [TRANSFER] there would be inside the established village, incorporated  
11 city, or unified municipality more than one restaurant or eating place  
12 license [OF EACH TYPE] for each 1,500 population or fraction of 1,500  
13 population or more than one license of each other type, including  
14 licenses which have been issued under (g) or (h) of this section, for  
15 each 3,000 population or fraction of 3,000 population inside the  
16 established [BOUNDARIES OF THE] village, incorporated city, or unified  
17 municipality;

18 (3) inside an organized borough but outside an established  
19 village or incorporated city located within the borough, if after the  
20 issuance or relocation there would be inside the borough, but outside  
21 the established villages and incorporated cities located within the  
22 borough, more than one restaurant or eating place license for each  
23 1,500 population or fraction of 1,500 population or more than one  
24 license of each other type, including licenses that have been issued  
25 under (g) or (h) of this section, for each 3,000 population or  
26 fraction of 3,000 population inside the borough, excluding the  
27 population of those established villages that have conducted an  
28 election on a question set out in AS 04.11.490, 04.11.496, or  
29 04.11.500, and excluding the population of incorporated cities located

1        within the organized borough.

2        \* Sec. 10. AS 04.11.400(b) is amended to read:

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

11       \* Sec. 11. AS 04.11.400(e) is amended to read:

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

18       \* Sec. 12. AS 04.11.400(f) is amended to read:

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

23       \* Sec. 13. AS 04.11.400(g) is repealed and reenacted to read:

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

29            (1) a hotel, motel, resort, or similar business relating to

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

7 (A) 15 rental rooms if the population is less than  
8 1,501;

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

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

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

15 (E) 35 rental rooms if the population is between  
16 15,001 and 25,000;

17 (F) 40 rental rooms if the population is between  
18 25,001 and 50,000; and

19 (G) 50 rental rooms if the population is greater than  
20 50,000; or

21 (2) an airport terminal.

22 \* Sec. 14. AS 04.11.400(h) is amended to read:

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

26 (1) the premises of the restaurant or eating place are more  
27 than 18 miles from the corporate limits of a city or unified munic-  
28 ipality;

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

1 and

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

4 \* Sec. 15. AS 04.11.400(i) is amended to read:

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

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

11 (2) relocation of the licensed premises is necessary due to

12 (A) termination of a lease or rental agreement;

13 (B) condemnation of the premises;

14 (C) the substantial destruction of the premises by any  
15 cause.

16 \* Sec. 16. AS 04.11.400(j) is amended to read:

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

22 \* Sec. 17. AS 04.11.430(a) is amended to read:

23 (a) Each license shall be issued to a specific individual or  
24 individuals, to a partnership, including a limited partnership, or to  
25 a corporation. If the license is issued to a corporation, the regis-  
26 tered agent of the corporation must be an individual resident of the  
27 state.

28 \* Sec. 18. AS 04.11.504(a) is amended to read:

29 (a) If a prohibition imposed on the issuance, renewal, [OR]

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

24       \* Sec. 19. AS 04.21.010 is amended by adding a new subsection to read:

25                (d) At least 10 days before the date set for municipal action on  
26       an application for the issuance, renewal, relocation, or transfer of  
27       ownership of a proposed license, the municipality shall provide writ-  
28       ten notice of the proposed action and the time and place for a hearing  
29       to a community council that

1                   (1) is established by municipal charter or ordinance to  
2           advise the municipal governing body; and

3                   (2) has jurisdiction over the area affected by the proposed  
4           action.

5       \* Sec. 20. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).

**STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: 2/22/85

**REQUEST** No. 2  
 Bill/Resolution No.: CSHB 34 (SA)  
 Title: AN ACT RELATING TO THE  
ADMINISTRATION OF LIQUOR LICENSES  
 Sponsor: REP M.M. MILLER  
 Requestor: HOUSE STATE AFFAIRS COM.  
 Date of Request: 2/21/85

**FISCAL DETAIL**  
 Agency Affected: DEPARTMENT OF REVENUE  
 Program Category Affected: PUBLIC PROTECTION  
 BRU, Program or Subprogram(s) Affected: ALCOHOLIC BEVERAGE CONTROL BOARD

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

|                        | FY 85      | FY 86      | FY 87      | FY 88      | FY 89      | FY 90      |
|------------------------|------------|------------|------------|------------|------------|------------|
| <b>OPERATING</b>       |            |            |            |            |            |            |
| 100 PERSONAL SERVICES  |            |            |            |            |            |            |
| 200 TRAVEL             |            |            |            |            |            |            |
| 300 CONTRACTUAL        |            |            |            |            |            |            |
| 400 SUPPLIES           |            |            |            |            |            |            |
| 500 EQUIPMENT          |            |            |            |            |            |            |
| 500 LAND & STRUCTURES  |            |            |            |            |            |            |
| 700 GRANTS, CLAIMS     |            |            |            |            |            |            |
| 800 MISCELLANEOUS      |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |
| <b>CAPITAL</b>         |            |            |            |            |            |            |
| <b>REVENUE</b>         | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> | <b>-0-</b> |

**FUNDING: (Thousands of Dollars)**

|               |  |  |  |  |  |  |
|---------------|--|--|--|--|--|--|
| GENERAL FUND  |  |  |  |  |  |  |
| FEDERAL FUNDS |  |  |  |  |  |  |
| OTHER         |  |  |  |  |  |  |
| <b>TOTAL</b>  |  |  |  |  |  |  |

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 2/22/85  
 Approved by Commissioner: *Mary A. Nordale* Date: 2/22/85  
 Agency: Department Of Revenue

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 24, 1985

SUBJECT: Liquor Licenses; CSHB 34 (Jud)

TO: Representative M. Mike Miller  
Chairman, House Judiciary Committee

FROM: George W. Edwards *GWE*  
Legislative Counsel

This is in response to your request for a sectional analysis of CSHB 34 (Jud) offered on April 15, 1985.

Section 1 AS 04.06.100(b) is amended by adding a new paragraph permitting the Alcoholic Beverage Control Board (the board) to adopt regulations that require partnerships that hold liquor licenses, including limited partnerships, to submit reports that include notice of any change of a partnership interest of 10 percent or more.

Section 2 AS 04.11.040(c) is amended to prohibit transfer of controlling interest in a liquor license held by a partnership except with the written consent of the board.

Section 3 AS 04.11 is amended by adding a new section 04.11.055, REPORTS REQUIRED OF PARTNERSHIPS. Subsection (a) requires that a partnership holding a liquor license report a transfer of a partnership interest of 10 percent or more or a change of general partners.

Subsection (b) provides that such a report be submitted to the board in duplicate within 10 days of the change in interest or change of general partners.

Section 4 AS 04.11.100 is amended by adding a new subsection that permits renewal of a restaurant or eating place license only if the licensee provides evidence to the board's satisfaction that gross receipts from the sale of food on the licensed premises constitute no less than 50

percent of the gross receipts of the premises for the preceding license year.

Section 5 AS 04.11.260(a) is amended by replacing the pronoun "him" with the sex-neutral term "applicant's" and by providing that the application for a liquor license for a partnership shall be executed by an authorized general partner.

Section 6 AS 04.11.260 is amended by adding a new subsection that requires partnerships applying for a liquor license to provide information required by the board including the names and addresses of all general partners and all other partners with an interest of 10 percent or more.

Section 7 AS 04.11.310 is amended by adding a new subsection requiring that upon receipt of an application for issuance, renewal, relocation, or transfer of ownership of a liquor license within an area of a municipality under the jurisdiction of a community council established by charter or ordinance to advise the municipality, the board shall provide notice of the application to the community council and, at least 10 days in advance, advise the council of the date and time of any proposed action on the application.

Section 8 AS 04.11.340 is amended by substituting the term "relocation" for the term "transfer." The change eliminates possible confusion caused by the current usage of "transfer" as applicable both to the sale of an existing liquor license and to the relocation of licensed premises. Since there is a critical difference between the two acts, this section substitutes the term "relocation" for "transfer" with reference to the relocation of licensed premises. The term "transfer" remains applicable to sales of licenses.

Paragraph (2) of the section requires that relocation of a license be denied if prohibited under AS 04.11.400 (a) or (b).

Paragraph (3) of the section requires that relocation of a license be denied if the license would be relocated outside of the established village, incorporated city, unified municipality, or population area established under AS 04.11.400(a) within which it is located.

Paragraph (10) of the section requires that relocation of a license be denied if the license was issued under

AS 04.11.400(g), (h), or (j).

Section 9 AS 04.11.400(a) is amended to substitute "relocation" language for "transfer" language.

Paragraph (1) provides for retention of the population requirement, outside a specified governmental unit including an established village and organized borough, at 1,500 or a fraction of 1,500 for each restaurant or eating place license that may be issued and for raising the population requirement to 3,000 or a fraction of 3,000 for each other license that may be issued within a five mile radius of the licensed premises, excluding the populations of established villages, incorporated cities, unified municipalities, and organized boroughs that are wholly or partly included within the radius.

Paragraph (2) provides for retention of the population requirement, inside a specified governmental unit including an established village, organized borough and unified municipality, at 1,500 or a fraction of 1,500 for each restaurant or eating place license that may be issued and for raising the population requirement to 3,000 or a fraction of 3,000 for each other license that may be issued within the unit.

Paragraph (3) provides for a population limitation inside an organized borough but outside an established village or incorporated city within the borough of 1,500 or a fraction of 1,500 for each restaurant or eating place license that may be issued and 3,000 or a fraction of 3,000 for each other license that may be issued within the area, excluding the population of those established villages that have conducted an election under AS 04.11.490, 04.11.496, or 04.11.500 and the population of incorporated cities within the organized borough.

Section 10 AS 04.11.400(b) is amended to provide that when the five-mile radius described in subsection (a) encompasses all of a governmental unit, including an established village, incorporated city, or unified municipality, and the population inside and outside of the unit but inside the five-mile radius is less than 3,000, rather than the former 1,500, the board may deny issuance or relocation of a liquor license.

Section 11 AS 04.11.400(e) is amended to define "population," as used in subsection (a)(1), as persons residing within the five-mile radius not later than the date the application is received by the board and not earlier than 60 days before the application is received.

Section 12 AS 04.11.400(f) is amended to include within the "population" referred to in subsection (a)(2) and (3) only those persons who resided in a specified governmental unit, including an organized borough, as of December 31 of the year preceding the date of application.

Section 13 AS 04.11.400(g) is repealed and reenacted to provide for the issuance or transfer of ownership of a beverage dispensary license or a restaurant or eating place license without regard to subsection (a) population restrictions to encourage tourism. A license may be issued under this section to an airport terminal or to a hotel-type business that has a dining room or kitchen facilities if:

- (a) it is within a population area of less than 1,501 and has at least 15 rental rooms;
- (b) it is within a population area of 1,501 to 2,500 and has at least 20 rental rooms;
- (c) it is within a population area of 2,501 to 5,000 and has at least 25 rental rooms;
- (d) it is within a population area of 5,001 to 15,000 and has at least 30 rental rooms;
- (e) it is within a population area of 15,001 to 25,000 and has at least 35 rental rooms;
- (f) it is within a population area of 25,001 to 50,000 and has at least 40 rental rooms; or
- (g) it is within a population area of greater than 50,000 and has at least 50 rental rooms.

Section 14 AS 04.11.400(h) is amended to restate the board's authority to issue a restaurant or eating place license without regard to subsection (a) under certain circumstances.

Section 15 AS 04.11.400(i) is amended to make the license transfer provision of this section applicable to licenses limited under either subsection (a) or (b).

Section 16 AS 04.11.400(j) is amended to provide that the board may approve the issuance or transfer of a restaurant or eating place license in a municipality without regard to subsection (a) if necessary for the public convenience.

Section 17 AS 04.11.430 (a) is amended to include partnerships and limited partnerships among entities that may hold liquor licenses.

Section 18 AS 04.11.504(a) is amended by the insertion of the term "relocation" to indicate the relocation of licensed premises.

Section 19 AS 04.21.010 is amended by adding a new subsection that requires that at least 10 days before a date set for municipal action on an application for the issuance, renewal, relocation, or transfer of ownership of a liquor license, the municipality provide written notice of the time and place of hearing to a community council, with jurisdiction over the affected area, established by charter or ordinance to advise the municipality.

Section 20 provides for an immediate effective date.

GWE:ojb  
J14/025

SUMMARY

February 1985

ANALYSIS OF AVAILABILITY FACTORS  
RELATED TO PER CAPITA ALCOHOL CONSUMPTION

For

THE ALASKA COUNCIL ON PREVENTION  
OF ALCOHOL AND DRUG ABUSE, INC.  
Anchorage, Alaska

Partially funded by

THE STATE OFFICE OF ALCOHOLISM AND DRUG ABUSE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
STATE OF ALASKA

Prepared by

P.C.H.S. GROUP  
Pouch 3-6500 - #15A  
Juneau, Alaska 99802

## SUMMARY

### DO ALCOHOL LAWS AFFECT ALCOHOL CONSUMPTION

#### Synopsis

In the simplest possible terms, this report indicates that:

- States with "strict," "tight," or "conservative" liquor laws have low per capita alcohol consumption.
- And, states with "permissive," "loose," or "liberal" liquor laws have high per capita alcohol consumption rates.

The factors which apparently most affect per capita consumption are:

- The cost of alcohol.
- The hours in which alcohol is available for sale.
- The number of outlets in which alcohol may be purchased.

#### Background and Reason for this Research

This report is a small part of an intensive two-year study by the Alaska Council on Prevention of Alcohol and Drug Abuse, Inc., to determine if Alaska's liquor laws and policies were in any way responsible for that state's inordinately high per capita alcohol consumption rate.

Much research has been done on the relationship of individual factors in affecting per capita consumption, and/or attempting to tie in one factor or another with a specific type of health disorder or crime problem.

Only one piece of research attempted to look at the overall liquor policies of a specific state as they relate to per capita alcohol consumption. In 1975, Dr. Reginald Smart of the Addiction Research Foundation in Toronto, developed an "availability score" by assigning weights to a variety of factors. He has proved that states with a high "availability score" (e.g. Alaska) had high per capita alcohol consumption rates. States which had low scores on his "availability scale" (e.g. North Carolina) had low per capita alcohol consumption levels.

The 1975 Smart Study, which was cited as "an overwhelming preponderance of scientific evidence," indicated a direct correlation between availability factors and per capita consumption. However, any attempt to change liquor laws to moderate alcohol availability anywhere is always challenged with the statement that the specific factor under discussion cannot be proven to have any specific effect. This research attempted to find the specific effect.

## Methodology

The following factors were considered in an attempt to learn how much each of these factors influences per capita alcohol consumption in each of the 50 states and the District of Columbia.

- Minimum drinking age.
- Per capita income.
- Hours per week that alcohol may be purchased.
- Number of outlets which sell alcohol per population.
- Whether alcohol is sold through licensed, independent retail outlets or a state monopoly.

Baseline data was accumulated for each state, for the year 1980. Regression analysis, a commonly-used statistical technique, was utilized with a formula designed to indicate how much each of these factors influenced per capita consumption.

In the final analysis:

- Minimum drinking age does not seem to affect the per capita consumption rate.
- Having individual licensees rather than a state monopoly does not seem to affect the per capita consumption rate.
- Per capita income does affect per capita consumption. Every \$1,000 of per capita income indicates additional consumption of approximately one quart of alcohol.
- The cost of alcohol does directly affect consumption. Each additional dollar of cost reduces consumption by more than a quart.
- The number of outlets does affect consumption. One point of logarithmic difference will decrease per capita consumption by .39 gallons.

## Conclusions

There are many demographic variables which influence per capita consumption, that cannot be changed by legislation. For example, per capita income is a variable that would be of little help to decision makers in attempts to reduce per capita consumption.

Should any political jurisdiction wish to lower its per capita consumption level, the three most influential factors to be considered are:

- Cost of alcohol
- Number of outlets
- Hours of availability

← ESTIMATE

HILANOHIL WEVETAPA 10/11/1 LOAVN  
Unadjusted Population

\* Local Census

B/D Figures Include Duplicate No.

All Figures Include Tension Lic -

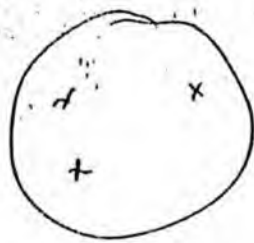
Municipal

Populations For Cities - 12/31/1981

Period Ending 12-31-1981

Indian Date  
Prepared By J.C. 1-24-75  
Approved By

| City         | Unadjusted Population | Package Disposal | Package Store | Restaurant Eating Room | Club | General Wholesale | Popul/Wine Wholesale | Recreation Site | Duplicate Building | Public Enclosure | City Total |
|--------------|-----------------------|------------------|---------------|------------------------|------|-------------------|----------------------|-----------------|--------------------|------------------|------------|
| Anchorage *  | 244,030               | 147              | 133           | 141                    | 19   | 10                | 2                    | 4               | 21                 | 1                | 478        |
| Cordova *    | 2,130                 | 6                | 6             | 1                      | 2    | 0                 | 0                    | 0               | 0                  | 0                | 15         |
| 3rd Banks    | 17,003                | 44               | 24            | 10                     | 2    | 4                 | 0                    | 2               | 9                  | 0                | 107        |
| Healy        | 1,079                 | 5                | 3             | 1                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 12         |
| Homer *      | 3,132                 | 10               | 7             | 3                      | 2    | 0                 | 0                    | 1               | 0                  | 0                | 22         |
| Turkey *     | 28,941                | 18               | 16            | 19                     | 1    | 1                 | 3                    | 1               | 0                  | 1                | 72         |
| Ketchikan *  | 6,776                 | 11               | 4             | 4                      | 4    | 0                 | 0                    | 0               | 1                  | 0                | 75         |
| Ketchikan    | 8,414                 | 21               | 15            | 4                      | 0    | 0                 | 0                    | 0               | 1                  | 0                | 51         |
| Kodiak       | 6,072                 | 2                | 6             | 3                      | 0    | 0                 | 0                    | 0               | 0                  | 1                | 24         |
| McCook **    | 570                   | 2                | 3             | 0                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 5          |
| Nome *       | 3,132                 | 3                | 4             | 3                      | 0    | 0                 | 0                    | 0               | 1                  | 0                | 17         |
| Palmer *     | 2,792                 | 7                | 3             | 2                      | 0    | 0                 | 0                    | 0               | 1                  | 0                | 14         |
| Petersburg * | 3,137                 | 1                | 5             | 1                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 12         |
| Seward *     | 2,072                 | 10               | 4             | 2                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 19         |
| Seldovia *   | 3,547                 | 7                | 3             | 3                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 15         |
| Seldovia     | 3,087                 | 10               | 5             | 3                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 20         |
| Wasilla *    | 2,148                 | 7                | 4             | 2                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 12         |
| Wasilla      | 2,376                 | 5                | 6             | 0                      | 0    | 0                 | 0                    | 0               | 0                  | 0                | 12         |
| SIT KA       | 8221                  | 11               | 8             | 8                      | 3    | 0                 | 0                    | 0               | 0                  | 0                | 30         |



Total Number of Licenses by Type,<sup>1</sup> by Year, Alaska  
1978 - 1982.\*

|                     | 1978  | 1979  | 1980  | 1981  | 1982  | Number on<br>2/26/85 |
|---------------------|-------|-------|-------|-------|-------|----------------------|
| Beverage Dispensary | 483   | 583   | 592   | 624   | 629   | 625                  |
| Club                | 51    | 61    | 62    | 66    | 66    | 73                   |
| Commercial Carrier  | 64    | 78    | 79    | 83    | 84    | 129                  |
| Restaurant          | 181   | 218   | 222   | 234   | 236   | 272                  |
| Retail              | 351   | 424   | 431   | 454   | 458   | 487                  |
| Pub                 | 1     | 1     | 1     | 1     | 1     | 1                    |
| Total               | 1,131 | 1,365 | 1,387 | 1,462 | 1,474 | 1,587                |
| On-Premise          | 780   | 941   | 956   | 1,008 | 1,016 | 1,100                |
| Off-Premise         | 351   | 424   | 431   | 454   | 458   | 487                  |

1. Department of Revenue: Alcohol Beverage Control Board

\* The total number of Liquor License's was made available by the ABC Board. The distribution of license's by type was based on the percentage breakout for 1981 a year for which data on number of each type of license was available. Data on the exact type breakout for previous years was unavailable.

Number of persons per license, Alaska, 1978-1982

|                                 | 1978  | 1979  | 1980  | 1981  | 1982  | Number on<br>2/26/85 |
|---------------------------------|-------|-------|-------|-------|-------|----------------------|
| ON PREMISE LICENSE'S            | 780   | 941   | 956   | 1,008 | 1,016 | 1,100                |
| 19+ Population                  | 345   | 288   | 277   | 271   | 291   | 299                  |
| State Population                | 525   | 431   | 418   | 426   | 452   | 465                  |
| OFF PREMISE LICENSE'S           | 351   | 424   | 431   | 454   | 458   | 487                  |
| 19+ Population                  | 766   | 639   | 614   | 603   | 646   | 676                  |
| State Population                | 1,168 | 957   | 928   | 947   | 1,004 | 1,049                |
| TOTAL LICENSE'S                 | 1,131 | 1,365 | 1,387 | 1,462 | 1,474 | 1,587                |
| 19+ Population                  | 237   | 198   | 191   | 187   | 200   | 207                  |
| State Population                | 363   | 297   | 288   | 294   | 312   | 322                  |
| STATE POP. (000's) <sup>1</sup> |       |       |       |       |       |                      |
| 19+ years <sup>2</sup>          | 269   | 271   | 265   | 274   | 296   | 329                  |
| State Pop. <sup>3</sup>         | 410   | 406   | 400   | 430   | 460   | 511                  |

1. Department of Labor: Annual Population Statistics.
2. The number of state population aged 19 and over.
3. The entire state population.

# Annual Statistical Review 1981

DISTILLED SPIRITS INDUSTRY

## The Distilled Spirits Market

*Spirits Entering Trade Channels*

|           |      |
|-----------|------|
| GIN       | 9.5% |
| CORDIALES | 8.5% |
| RUM       | 7.0% |
| BRANDY    | 4.6% |
| COCKTAILS | 1.8% |
| TEQUILA   | 1.7% |



DISTILLED SPIRITS  
COUNCIL OF THE  
UNITED STATES

**Table 47. Number of Retail Outlets or Licenses Issued for the Sale of Distilled Spirits, Number of Outlets/Licenses per 1,000 Population, and Number of Persons per Outlet/License, 1981**

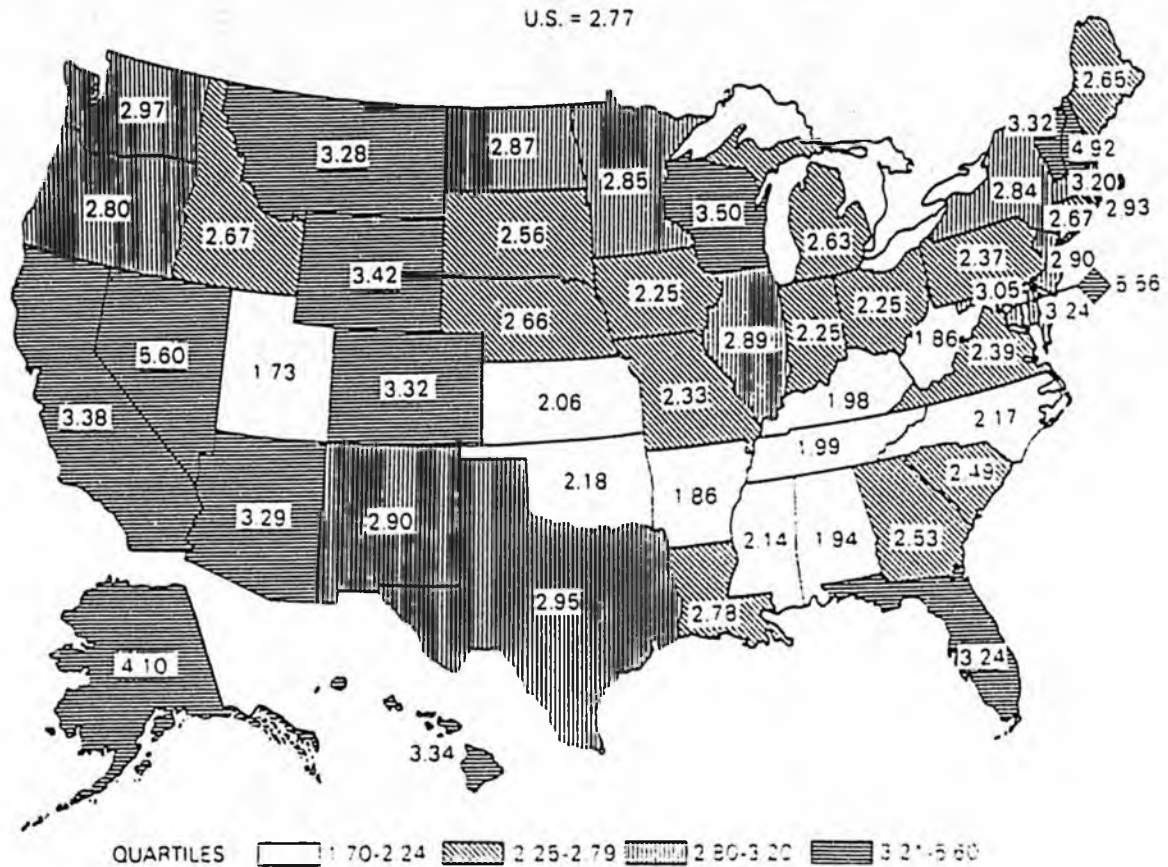
| State                          | Number of Outlets/Licenses |               |                    |                | Total Population July 1, 1981 (000) | Number of Outlets/Licenses per 1,000 Population |             |                    |                | Number of Persons per Outlet/License |              |                    |                |
|--------------------------------|----------------------------|---------------|--------------------|----------------|-------------------------------------|---|-------------|--------------------|----------------|--------------------------------------|--------------|--------------------|----------------|
|                                | On Premise                 | Off Premise   | On and Off Premise | Total Licenses |                                     | On Premise                                      | Off Premise | On and Off Premise | Total Licenses | On Premise                           | Off Premise  | On and Off Premise | Total Licenses |
| <b>LICENSE STATES</b>          |                            |               |                    |                |                                     |   |             |                    |                |                                      |              |                    |                |
| Alaska                         | 766                        | 443           | —                  | 1,209          | 412                                 | 1.86  | 1.07        | —                  | 2.93           | 538                                  | 930          | —                  | 341            |
| Arizona                        | 2,598                      | 1,262         | —                  | 3,860          | 2,794                               | 0.93  | 0.45        | —                  | 1.38           | 1,075                                | 2,214        | —                  | 724            |
| Arkansas                       | 516                        | 682           | —                  | 1,198          | 2,296                               | 0.22  | 0.30        | —                  | 0.52           | 4,450                                | 3,367        | —                  | 1,917          |
| California                     | 14,053                     | 11,248        | —                  | 25,301         | 24,196                              | 0.58  | 0.46        | —                  | 1.05           | 1,722                                | 2,151        | —                  | 956            |
| Colorado                       | 3,436                      | 1,294         | —                  | 4,730          | 2,965                               | 1.16  | 0.44        | —                  | 1.60           | 863                                  | 2,291        | —                  | 627            |
| Connecticut                    | 3,378                      | 1,922         | —                  | 5,300          | 3,134                               | 1.08  | 0.61        | —                  | 1.05           | 928                                  | 1,631        | —                  | 950            |
| Delaware                       | 435                        | 293           | 180                | 908            | 598                                 | 0.73  | 0.49        | 0.30               | 1.52           | 1,375                                | 2,041        | 3,322              | 659            |
| Dist. of Columbia              | 869                        | 357           | —                  | 1,226          | 631                                 | 1.38  | 0.57        | —                  | 1.94           | 726                                  | 1,768        | —                  | 515            |
| Florida                        | 1,208                      | 544           | 5,830              | 7,582          | 10,183                              | 0.13  | 0.05        | 0.57               | 0.74           | 7,955                                | 18,719       | 1,747              | 1,343          |
| Georgia*                       | 1,674                      | 1,420         | —                  | 3,094          | 5,574                               | 0.30  | 0.25        | —                  | 0.56           | 3,330                                | 3,925        | —                  | 1,802          |
| Hawaii                         | 1,051                      | 754           | —                  | 1,805          | 981                                 | 1.07  | 0.77        | —                  | 1.84           | 933                                  | 1,301        | —                  | 543            |
| Illinois                       | —                          | —             | 29,020             | 29,020         | 11,462                              | —   | —           | 2.53               | 2.53           | —                                    | —            | 395                | 395            |
| Indiana                        | 1,150                      | 1,677         | 3,399              | 6,226          | 5,468                               | 0.21  | 0.31        | 0.62               | 1.14           | 4,755                                | 3,261        | 1,609              | 878            |
| Kansas                         | 1,135                      | 1,140         | —                  | 2,275          | 2,383                               | 0.48  | 0.48        | —                  | 0.95           | 2,100                                | 2,090        | —                  | 1,047          |
| Kentucky                       | 1,127                      | 872           | 89                 | 2,088          | 3,662                               | 0.31  | 0.24        | 0.02               | 0.57           | 3,249                                | 4,200        | 41,146             | 1,754          |
| Louisiana                      | 6,783                      | 2,746         | —                  | 9,529          | 4,308                               | 1.57  | 0.64        | —                  | 2.21           | 635                                  | 1,569        | —                  | 452            |
| Maryland                       | 559                        | 964           | 3,229              | 4,752          | 4,263                               | 0.13  | 0.23        | 0.76               | 1.11           | 7,626                                | 4,422        | 1,320              | 897            |
| Massachusetts                  | 6,561                      | 1,508         | —                  | 8,069          | 5,773                               | 1.14  | 0.26        | —                  | 1.40           | 880                                  | 3,828        | —                  | 715            |
| Minnesota                      | 2,331                      | 701           | 1,103              | 4,135          | 4,094                               | 0.57  | 0.17        | 0.27               | 1.01           | 1,756                                | 5,840        | 3,712              | 990            |
| Missouri                       | —                          | 3,981         | 4,132              | 8,113          | 4,941                               | —   | 0.81        | 0.84               | 1.64           | —                                    | 1,241        | 1,196              | 609            |
| Nebraska                       | 430                        | 527           | 1,985              | 2,942          | 1,577                               | 0.27  | 0.33        | 1.26               | 1.87           | 3,667                                | 2,992        | 794                | 536            |
| Nevada                         | 793                        | 571           | 795                | 2,159          | 845                                 | 0.94  | 0.68        | 0.94               | 2.56           | 1,066                                | 1,480        | 1,063              | 391            |
| New Jersey                     | 1,555                      | 1,973         | 8,259              | 11,787         | 7,404                               | 0.21  | 0.27        | 1.12               | 1.59           | 4,761                                | 3,753        | 896                | 628            |
| New Mexico**                   | 169                        | 67            | 1,243              | 1,479          | 1,328                               | 0.13  | 0.05        | 0.94               | 1.11           | 7,858                                | 19,821       | 1,068              | 898            |
| New York*                      | 23,766                     | 4,395         | —                  | 28,161         | 17,602                              | 1.35  | 0.25        | —                  | 1.60           | 741                                  | 4,005        | —                  | 625            |
| North Dakota                   | 115                        | 86            | 1,020              | 1,221          | 658                                 | 0.17  | 0.13        | 1.55               | 1.86           | 5,722                                | 7,651        | 645                | 539            |
| Oklahoma                       | —                          | 809           | —                  | 809            | 3,100                               | —   | 0.26        | —                  | 0.26           | —                                    | 3,832        | —                  | 3,832          |
| Rhode Island                   | 1,441                      | 309           | —                  | 1,750          | 953                                 | 1.51  | 0.32        | —                  | 1.84           | 661                                  | 3,084        | —                  | 545            |
| South Carolina                 | 1,468                      | 1,220         | —                  | 2,688          | 3,167                               | 0.46  | 0.39        | —                  | 0.85           | 2,157                                | 2,596        | —                  | 1,178          |
| South Dakota                   | 825                        | 572           | —                  | 1,397          | 686                                 | 1.20  | 0.83        | —                  | 2.04           | 832                                  | 1,199        | —                  | 491            |
| Tennessee                      | 902                        | 567           | —                  | 1,469          | 4,612                               | 0.20  | 0.12        | —                  | 0.32           | 5,113                                | 8,134        | —                  | 3,140          |
| Texas                          | 7,738                      | 3,663         | —                  | 11,401         | 14,766                              | 0.52  | 0.25        | —                  | 0.77           | 1,908                                | 4,031        | —                  | 1,295          |
| Wisconsin                      | 12,638                     | 1,702         | —                  | 14,340         | 4,742                               | 2.67  | 0.36        | —                  | 3.02           | 375                                  | 2,786        | —                  | 331            |
| <b>Subtotal License States</b> | <b>101,470</b>             | <b>50,269</b> | <b>60,284</b>      | <b>212,023</b> | <b>161,558</b>                      | <b>0.63</b>                                     | <b>0.31</b> | <b>0.37</b>        | <b>1.31</b>    | <b>1,592</b>                         | <b>3,214</b> | <b>2,680</b>       | <b>762</b>     |
| <b>CONTROL STATES</b>          |                            |               |                    |                |                                     |   |             |                    |                |                                      |              |                    |                |
| Alabama                        | 2,139                      | 130           | —                  | 2,269          | 3,917                               | 0.55  | 0.03        | —                  | 0.58           | 1,831                                | 30,131       | —                  | 1,726          |
| Idaho                          | 885                        | 131           | —                  | 1,016          | 959                                 | 0.92  | 0.14        | —                  | 1.06           | 1,084                                | 7,321        | —                  | 944            |
| Iowa                           | 4,491                      | 213           | —                  | 4,704          | 2,899                               | 1.55  | 0.07        | —                  | 1.62           | 646                                  | 13,610       | —                  | 616            |
| Maine                          | 1,116                      | 127           | —                  | 1,243          | 1,133                               | 0.98  | 0.11        | —                  | 1.10           | 1,015                                | 8,921        | —                  | 912            |
| Michigan                       | 9,060                      | 3,790         | —                  | 12,850         | 9,204                               | 0.98  | 0.41        | —                  | 1.40           | 1,016                                | 2,428        | —                  | 716            |
| Mississippi                    | 564                        | 653           | —                  | 1,217          | 2,531                               | 0.22  | 0.26        | —                  | 0.48           | 4,488                                | 3,876        | —                  | 2,080          |
| Montana                        | —                          | 146           | 1,504              | 1,650          | 793                                 | —   | 0.18        | 1.90               | 2.08           | —                                    | 5,432        | 527                | 481            |
| New Hampshire                  | 989                        | 69            | —                  | 1,058          | 936                                 | 1.06  | 0.07        | —                  | 1.13           | 946                                  | 13,565       | —                  | 885            |
| North Carolina                 | 1,034                      | 377           | —                  | 1,411          | 5,953                               | 0.17  | 0.06        | —                  | 0.24           | 5,757                                | 15,790       | —                  | 4,219          |
| Ohio                           | 11,788                     | 431           | —                  | 12,219         | 10,781                              | 1.09  | 0.04        | —                  | 1.13           | 915                                  | 25,014       | —                  | 882            |
| Oregon                         | 1,475                      | 226           | —                  | 1,701          | 2,651                               | 0.56  | 0.09        | —                  | 0.64           | 1,797                                | 11,730       | —                  | 1,558          |
| Pennsylvania                   | 19,289                     | 729           | —                  | 20,018         | 11,871                              | 1.62  | 0.06        | —                  | 1.69           | 615                                  | 16,284       | —                  | 593            |
| Utah                           | 155                        | 108           | 156                | 419            | 1,518                               | 0.10  | 0.07        | 0.10               | 0.28           | 9,794                                | 14,056       | 9,731              | 3,623          |
| Vermont                        | 1,022                      | 63            | —                  | 1,085          | 516                                 | 1.98  | 0.12        | —                  | 2.10           | 505                                  | 8,190        | —                  | 476            |
| Virginia                       | 1,978                      | 250           | —                  | 2,228          | 5,430                               | 0.36  | 0.05        | —                  | 0.41           | 2,745                                | 21,720       | —                  | 2,437          |
| Washington                     | 2,395                      | 368           | —                  | 2,763          | 4,217                               | 0.57  | 0.09        | —                  | 0.66           | 1,761                                | 11,459       | —                  | 1,526          |
| West Virginia                  | 1,245                      | 167           | —                  | 1,412          | 1,952                               | 0.64  | 0.09        | —                  | 0.72           | 1,568                                | 11,689       | —                  | 1,382          |
| Wyoming                        | 684                        | 107           | 176                | 967            | 492                                 | 1.39  | 0.22        | 0.36               | 1.97           | 719                                  | 4,598        | 2,795              | 509            |
| <b>Subtotal Control States</b> | <b>60,309</b>              | <b>8,085</b>  | <b>1,836</b>       | <b>70,230</b>  | <b>67,753</b>                       | <b>0.89</b>                                     | <b>0.12</b> | <b>0.03</b>        | <b>1.04</b>    | <b>1,123</b>                         | <b>8,380</b> | <b>36,903</b>      | <b>965</b>     |
| <b>TOTAL UNITED STATES</b>     | <b>161,779</b>             | <b>58,354</b> | <b>62,120</b>      | <b>282,253</b> | <b>229,307</b>                      | <b>0.71</b>                                     | <b>0.25</b> | <b>0.27</b>        | <b>1.23</b>    | <b>1,417</b>                         | <b>3,930</b> | <b>3,691</b>       | <b>812</b>     |

NOTE: Because of rounding, detail may not add to total.

\*Georgia and New York outlet data are for 1979.

\*\*New Mexico outlet data are for 1980.

Figure 2. Apparent Consumption of Ethanol from All Alcoholic Beverages in U.S. Gallons Per Capita of the Population Age 14 and Older, 1981



SOURCE: NIAAA 1982a, b, c

NUMBER OF PERSONS PER ON PREMISE OUTLET/LICENSE  
 TEN STATES WITH LOWEST POPULATION TO OUTLET/LICENSE RATIO  
 Calendar Year 1983

|              | <u>Persons Per on<br/>Premise Outlet</u> |              | <u>Persons Per on<br/>Premise License</u> |
|--------------|--|--------------|---|
| Wisconsin    | 375                                      | Louisiana    | 641                                       |
| Vermont      | 473                                      | Rhode Island | 658                                       |
| Alaska       | 599                                      | South Dakota | 730                                       |
| Pennsylvania | 625                                      | New York     | 746                                       |
| Iowa         | 633                                      | Wyoming      | 787                                       |

National Average 1428

NUMBER OF PERSONS PER TOTAL ON AND OFF PREMISE OUTLETS/LICENSES  
 TEN STATES WITH LOWEST POPULATION TO OUTLET/LICENSE RATIO  
 Calendar Year 1983

|              | <u>Persons Per<br/>Total Outlets</u> |              | <u>Persons Per<br/>Total Outlets</u> |
|--------------|--------------------------------------|--------------|--------------------------------------|
| Wisconsin    | 328                                  | Louisiana    | 450                                  |
| Nevada       | 377                                  | Montana      | 481                                  |
| Alaska       | 379                                  | Nebraska     | 495                                  |
| South Dakota | 444                                  | North Dakota | 532                                  |
| Vermont      | 448                                  | Rhode Island | 543                                  |

National Average 847

MEMORANDUM

February 14, 1985

TO: Rep. Mike Miller  
FROM: denise zachary  
RE: For Your Information: LIQUOR LICENSE FEES

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BEVERAGE DISPENSARY: AS 04.11.090 \$1,250.00 annual fee

. authorizes holder to serve or sell alcoholic beverages for consumption on licenses premises only

. applicant must file with application a cash bond or surety bond by a surety company approved by the Board, bond = \$2,500.00

. upon revocation of license (under AS 04.11.370(4)) the bond is forfeited and deposited into state's G.F.

RESTAURANT/ EATING PLACE: AS 04.11.100 \$300.00 annual fee

. license authorizes sale of wine or beer for consumption on premises

CLUB: AS 04.11.110 \$600.00 annual fee

. authorizes club or organization to sell alcohol for consumption on premises

BOTTLING WORKS: AS 04.11.120 \$250.00 annual fee

. authorizes holder to operate bottling works where beer and wine may be bottled and sold

. sales may be made only to a person licensed under this title and only in quantities of more than 5 wine gallons

BREWERY: AS 04.11.130 \$500.00 annual fee

. authorizes holder to operate a brewery where beer is manufactured and bottled or barrelled for sale

. holder may sell beer in quantities of more than 5 wine gallons

WINERY: AS 04.11.140 \$250.00 annual fee

. authorizes holder to operate a winery where wine is manufactured and bottled or barrelled for sale

. holder may sell wine in quantities of more than 5 wine gallons

PACKAGE STORE: AS 04.11.150 \$750.00 annual fee

. sale of alcohol beverages on premises, consumption on premises is prohibited

. package store license holder may also be holder of beverage dispensary license

WHOLESALE: AS 04.11.160 \$1,000 for first \$100,000 of business  
. authorizes holder to sell alcoholic beverages in original package; wine in bulk, in quantities of not less than 5 gal.  
. wholesaler must obtain general wholesale license for each distributing point  
. no later than Feb. 28 of each year following year license was issued, licensee shall file an affidavit showing total business transacted; at time of filing affidavit, licensee shall pay license fees  
. additional fees are outlined in AS 04.11.160: see fee schedule

DISTILLERY: AS 04.11.170 \$500.00 annual fee  
. authorizes operation of a distillery where alcoholic beverages are distilled and bottled or barrelled for sale  
. holder may sell in quantities of more than 5 gal.

COMMON CARRIER: AS 04.11.180 \$350.00/ each carrier annual fee  
. authorizes sale for consumption aboard vehicles, boats, aircraft, or railroad licensed by state or federal agency

RETAIL STOCK: AS 04.11.200 \$400.00  
. authorizes holder to sell remaining stock of package liquor store when owner terminates business  
. license is issued for 90 days and is non-renewable

RECREATIONAL SITE: AS 04.11.210 \$400.00  
. holder may sell beer and wine at recreational site during and one hour before and after event (not to include school event)

PUB: AS 04.11.220 \$400.00 annual fee  
. sale of beer and wine for consumption only at a designated premises on campus of accredited college or university  
. only 1 pub license may be issued or renewed on campus  
. must have written approval from governing body of college

CATERER'S: AS 04.11.230 \$50.00  
. authorizes holder of beverage dispensary license to sell or dispense alcoholic beverages at conventions, picnics, social gatherings, sporting events  
. permit is issued for designated premises for special occasions, and for limited periods of time

SPECIAL EVENTS: AS 04.11.240 \$50.00/ day  
. authorizes holder to sell or dispense beer or wine at designated premises for special occasions for limited periods of time  
. only non-profit organizations are eligible for this permit; profits going to organization  
. no more than 5 special event permits allowed in one calendar year  
. no transfer or renewal

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Additionally, for your information:

LICENSE RENEWALS:

- . on or before Nov. 1, director will mail renewal application to each licensee
- . renewal may be filed on or before Dec. 31 and shall be accompanied by annual fee
- . renewal filed after Dec. 31 and on or before Feb. 28 shall have annual fee plus penalty equal to annual fee or \$100.00, whichever is less

Public Convenience licenses (AS 04.11.330 (9)) do not require renewal.

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).

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

1 IN THE HOUSE

BY M.M.MILLER

2

HOUSE BILL NO. 34

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 limitation of certain types  
7 of liquor licenses."

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

9 \* Section 1. 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 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.