



LAWS OF ALASKA

1971

Source

Chapter No.

FCCS SCSHB 311

108

AN ACT

Relating to alcoholic beverage licenses; and providing for an effective date.

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

* Section 1. AS 04.10.060 is repealed and re-enacted to read:

Sec. 04.10.060. ROADHOUSE LICENSE. The holder of a roadhouse license whose licensed premises is located not less than 18 miles from the corporate limits of a city and who serves food to the traveling public, may sell beer and wine for consumption on the premises only. The roadhouse license fee is \$150.

* Sec. 2. AS 04.10.100 is amended to read:

Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license may sell for cash in his establishment intoxicating liquors in the original packages and wine in bulk. All liquor requiring internal revenue strip stamps shall have the stamps intact upon the packages. The consumption of intoxicating liquor on premises licensed under this provision is prohibited. Sales under a retail license shall be limited to less than 20 wine gallons to any one person in any one sale. The retail license fee is \$600, but the retail license fee for a retail liquor store having gross sales from the sale of intoxicating liquors not exceeding \$20,000 in any calendar year is \$300.

* Sec. 3. AS 04.10.260 is amended to read:

Sec. 04.10.260. LICENSING TO ENCOURAGE TOURIST TRADE. The board may, in its discretion approve the issuance or transfer of a license without regard to the

quota provisions of secs. 210 - 290 of this chapter when it appears that the issuance or transfer will encourage the construction or improvement of a hotel, motel, resort or similar business related to the tourist trade having a minimum accommodation of 10 rooms and a dining facility. The dining facility requirement may be waived if the majority of rooms have kitchen facilities.

* Sec. 4. AS 04.10.270 is repealed and re-enacted to read:

Sec. 04.10.270. HEARING ON PROTEST OF LOCAL GOVERNING BODY. An application for a transfer, renewal or new license coming from within an incorporated municipality shall be transmitted directly to the board and need not bear a recommendation of the governing body of the municipality. Upon deciding to approve an application, the board shall transmit written notice of its intent to approve the transfer, renewal or new license requested to the city governing body, if the application is for premises within an incorporated city, or to the borough assembly, if the application is for premises within the area of an organized borough outside the boundaries of an incorporated city. If the local governing body wishes to protest approval, it shall furnish the board with a notice of protest within 30 days of receipt of the board notice of intent to approve the application. Upon receipt of a protest by the local governing body, the board shall not take final action on the application until it has provided for a hearing on the protest in accordance with the requirements of the Administrative Procedure Act (AS 44.62).

* Sec. 5. AS 04.10.350(a) is repealed and re-enacted to read:

(a) A license issued under this chapter is renewable automatically if the fee is paid in accordance with secs. 40 - 140 of this chapter, except in the case of conviction of the licensee under AS 04.15.100, pending the outcome of a board hearing or judicial determination as to the legality of issuing the license, or in the case of a lawful revocation in which event the license is renewable only as provided by law and regulation.

* Sec. 6. AS 04.10.350 is amended by adding a new subsection to read:

(c) Licenses shall be renewed as follows:

(1) On or before November 1, the director shall mail to each licensee at his licensed premises or at a mailing address designated by the licensee, an application to renew the license.

(2) The application to renew the license may be filed on or before December 31 on payment of the applicable annual fee under secs. 40 - 140 of this chapter.

(3) After December 31, and on or before February 28, a license may be renewed on payment of the applicable annual renewal fee under secs. 40 - 140 of this chapter plus a penalty which shall be equal to the annual

fee or \$50, whichever is less.

(4) Unless otherwise terminated, a license which is in effect on December 31 continues in effect through the next February 28. However, if on or before February 28 the renewal application has not been filed and the fees provided for in (c)(2) or (3) of this section have not been paid, the license is automatically revoked at 2:00 a.m. February 28, and may only be reinstated

(A) upon application filed during the six-month period beginning with February 28;

(B) upon proof satisfactory to the board of good cause for the failure to file and pay; and

(C) in accordance with rules or regulations promulgated by the board; the fee for filing an application for reinstatement shall, in addition to the annual fee, include the penalty fee provided in (c)(3) of this section, no part of which is returnable to the applicant.

(5) On or before February 15, the director shall mail a notice of forfeiture to each licensee who has not either filed an application to renew his license or notified the director of his intent not to do so; failure to mail this notice or the renewal application in accordance with (c)(1) of this section does not continue the right to a license.

* Sec. 7. AS 04.10.020 is amended by adding a new paragraph to read:

(m) community liquor license.

* Sec. 8. AS 04.10 is amended by adding a new section to read:

Sec. 04.10.139. COMMUNITY LIQUOR LICENSES. The holder of a community liquor license must be a city of any class. A city of any class which has within its municipal boundaries a liquor license coming under sec. 20(a) or (g) of this chapter and issued to a private person within the city before June 1, 1970 is not eligible for a community liquor license, except that a city of any class having held a liquor license through a local corporation or otherwise before June 1, 1970 is eligible for the license. Community liquor licenses issued under this section are restricted to the types of licenses authorized under sec. 20(a) and (g) of this chapter. This section does not change the provisions of sec. 430 of this chapter providing for local option elections.

* Sec. 9. AS 04.15.020(e) is amended to read:

(e) Churches and schools. The board shall not issue a beverage dispensary license or package liquor store license for the sale of intoxicating liquor in any building in which the public entrance is within 200 feet of a school ground or church building measured by the shortest pedestrian route from the outer boundaries of the school ground or public entrance of a church building in which.

religious services are conducted, within or outside any corporate municipality. . A license may be reissued or transferred from one licensee to another, for the sale of intoxicating liquor in a building in which that sale was authorized by law on April 25, 1960. When a license for the sale of intoxicating liquor in a building within 200 feet of a school ground or church building in which religious services are conducted is forfeited, lapses or is transferred to other premises, no license for the sale of intoxicating liquor at the prior licensed location shall thereafter be issued. However, the location may be relicensed in the event of the removal of either cause of the restriction.

* Sec. 10. AS 04.10 is amended by adding a new section to read:

Sec. 04.10.255. REGULATIONS AGAINST MONOPOLIES. The board shall adopt regulations which prohibit the formation of monopolies of alcoholic beverage dispensary and retail liquor store licenses and shall by regulation define "monopoly", as used in this section.

* Sec. 11. AS 04.10.400 is repealed.

* Sec. 12. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.