



LAWS OF ALASKA

1976

Source

Chapter No.

SCS CSHB 246 am S

184

AN ACT

Relating to the sale of intoxicating liquor; and providing for an effective date.

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

* Section 1. AS 04.10.200 is repealed and re-enacted to read:

Sec. 04.10.200. PUBLIC NOTICE. The board shall provide by regulation for adequate notice to inform the public and the local governing body of a proposed issuance of a new license, renewal or transfer of an existing license. The notice shall be bilingual when necessary. Notice shall be given by posting at the location of the premises, at the nearest post office, and at one other conspicuous location in the area for a period of at least 10 days a true copy of the application and by public service announcements provided to newspapers and radio and television stations at least 30 days before filing the application.

* Sec. 2. AS 04.10.300 is repealed and re-enacted to read:

Sec. 04.10.300. PROTEST IN AREAS OUTSIDE MUNICIPALITIES. (a) An adult resident in an area outside a municipality who desires to protest the issuance, reissuance, renewal or transfer of a license for an establishment that is outside a municipality and within two miles of his permanent place of abode or within the established village in which his permanent place of abode is located shall serve upon the applicant and the board a written statement of the reasons for his protest. Upon the receipt of the protest, the board may give notice and hold a hearing in the area in which the protestant resides, at which all persons interested may be heard.

(b) If the protest is made in writing to the board by

at least 35 per cent of the adult residents having a permanent place of abode within the established village where the licensed premises is situated or is to be situated and within two miles of the established village, a special election conducted by the Department of Community and Regional Affairs held within the village is mandatory. If at the election the majority of the adult residents having a permanent place of abode within the established village and within two miles of the established village object to issuance, renewal or transfer, the board may not issue, renew or transfer any licenses in, or within two miles of, the established village.

(c) If the licensed premises is situated or is to be situated outside a municipality or established village and at the hearing the majority of the adult residents having a permanent place of abode within two miles of the premises but outside the municipality or established village object to issuance, renewal or transfer, the board may, if in its opinion the public interest will be served by the refusal or if other grounds for refusal exist by law, refuse to issue or transfer the license.

(d) For purposes of this section, an "established village" means an unincorporated area where at least 25 people reside as a social unit, as determined by the Department of Community and Regional Affairs.

* Sec. 3. AS 04.10.350(a) is amended 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 as provided in sec. 300 of this chapter or 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. 4. AS 04.15.070(a) is amended to read:

(a) A municipality may by ordinance provide rules and regulations governing the barter, sale and possession of intoxicating liquor within the municipality necessary to the orderly conduct of the business of selling intoxicating liquor. When, under a local option election, the city clerk finds the majority of the voters are against the sale of intoxicating liquor, the municipality, by ordinance, may make the sale of intoxicating liquor within the municipality a misdemeanor whether the sale is made pursuant to license or otherwise. The ordinance may not be inconsistent with this title or the rules and regulations promulgated under this title. No municipality may impose taxes other than property taxes on liquor inventories and sales taxes on liquor sales when these taxes are levied on other property and sales within the municipality.

* Sec. 5. AS 04.10.255 is repealed.

* Sec. 6. AS 04.10.430 is amended by adding a new subsection to read:

(d) A new license or permit for the sale of intoxicating liquor may not be issued within an incorporated city in which, on the effective date of this Act, there is no licensed premise unless the city council has first conducted a local option referendum election on the sale of intoxicating liquor within the city as provided in (a) of this section.

* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).