



# LAWS OF ALASKA

1981

**Source**

CSSB 65(Jud)

**Chapter No.**

28

**AN ACT**

Relating to alcoholic beverages; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 19, 1981  
Actual Effective Date: June 20, 1981

AN ACT

Relating to alcoholic beverages; and providing for an effective date.

\* Section 1. AS 04.11.330 is amended by adding a new subsection to read:

(d) Notwithstanding (a)(3) of this section, a recreational site license issued under AS 04.11.210 may be renewed if the license was exercised at least once during the immediately preceding calendar year.

\* Sec. 2. AS 04.11.390(b) is amended to read:

(b) A beverage dispensary license or package store license may not be issued to either a domestic corporation which has not been issued a certificate of incorporation or a foreign corporation which has not been issued a certificate of authority to transact business in the state at least one year before the date of the application. However, a beverage dispensary or package store license may be issued to a domestic corporation if each of the stockholders of the corporation has resided in the state for at least one year immediately preceding the filing of the application.

\* Sec. 3. AS 04.11.480(a) is amended to read:

(a) If a local governing body wishes to protest the issuance, renewal, transfer of location or transfer to another person of a license, it shall furnish the board and the applicant with a protest and the reasons for the protest within 30 days of receipt from the board of notice of filing of the application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2)

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1 or (b)(4) when it considers the application, and the protest and the  
2 record of the hearing conducted under AS 04.11.510(b)(2) or (b)(4)  
3 shall be retained as part of the board's permanent record of its review  
4 of the application. If an application is protested, the board may not  
5 approve the application unless the board finds that the protest is  
6 arbitrary, capricious, and unreasonable.

7 \* Sec. 4. AS 04.11.490(b) is amended to read:

8 (b) If a majority of the voters vote "yes" on the question set  
9 out in (a) of this section, the board shall be notified immediately  
10 after certification of the results of the election and thereafter the  
11 board may not issue, renew, or transfer between holders or locations a  
12 license for licensed premises located within the boundaries of a muni-  
13 cipality and in unincorporated areas within five miles of the boundaries  
14 of the municipality or within the perimeter of an established village.  
15 Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS  
16 OF THE ELECTION ARE CERTIFIED LICENSES] which may not be renewed  
17 because of a local option election held under this section are void  
18 90 days after the results of the election are certified. A license  
19 which will expire during the 90 days after the results of a local  
20 option election under this section are certified may be extended,  
21 until it is void under this subsection, by payment of a prorated  
22 portion of the annual license fee. [THE RESULTS OF AN ELECTION HELD  
23 UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE  
24 DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

25 \* Sec. 5. AS 04.11.492(b) is amended to read:

26 (b) If a majority of the voters vote "yes" on the question set  
27 out in (a) of this section, the board shall be notified immediately  
28 after certification of the results of the election and thereafter may  
29 not issue, renew, or transfer between holders or locations a license

for licensed premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality, with the exception of a beverage dispensary or package store operated under a community liquor license held by the municipality. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] in effect are void 90 days after the results of the election are certified. A license which will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee. [THE RESULTS OF AN ELECTION HELD UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

\* Sec. 6. AS 04.11.492(c) is amended to read:

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on a question set out in AS 04.11.-490, 04.11.496, or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after a certification of the results of the election. The [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTIFIED, THE] prohibitions imposed under (b) of this section on the issuance, renewal, or transfer of licenses between holders and locations as a result of the earlier election are removed 90 days after the results of the election are certified except insofar as those prohibitions are imposed in accordance with the results of the subsequent election. [THE RESULTS OF AN ELECTION HELD UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

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\* Sec. 7. AS 04.11.496(b) is amended to read:

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring alcoholic beverages into the municipality or established village. The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and within unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] which may not be renewed because of a local option election held under this section are void 90 days after the results of the election are certified. A license which will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee. [THE RESULTS OF AN ELECTION HELD UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF A LICENSE DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

\* Sec. 8. AS 04.11.500(b) is amended to read:

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village, except

those types of licenses listed on the ballot. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] in effect within the boundaries of the municipality or perimeter of the established village, and in an unincorporated area outside of but within five miles of the boundaries of the municipality, except those types of licenses listed on the ballot, are void 90 days after the results of the election are certified. A license which will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

\* Sec. 9. AS 04.11.500(c) is amended to read:

(c) If the majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on the questions set out in AS 04.11.490, 04.11.492, 04.11.496, or this section if different types of licenses are listed on the ballot in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] in effect in the municipality, in the unincorporated area outside of but within five miles of the boundaries of the municipality or established village which were excepted from the prohibition on sale in accordance with the results of the earlier election are void 90 days after the results of the election are certified. Thereafter the board may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality or within the perimeter of an established village, or in an unincorporated area within

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1 five miles of the boundaries of the municipality, except a license  
2 which may be issued to a municipality or to one of the types of licenses  
3 listed on the ballot as a result of a majority of the voters voting  
4 "yes" on the question set out in AS 04.11.492 or this section, respec-  
5 tively. A license which will expire during the 90 days after the  
6 results of a local option election under this section are certified  
7 may be extended, until it is void under this subsection, by payment  
8 of a prorated portion of the annual license fee.

9 \* Sec. 10. AS 04.11.502(a) is amended to read:

10 (a) The local governing body of a municipality, whenever a number  
11 of registered voters equal to at least 35 percent of the number of  
12 votes cast at the last regular municipal election petition the local  
13 governing body to do so, shall place upon a separate ballot at the next  
14 regular election or at a special election whichever question or combi-  
15 nation of questions set out in AS 04.11.490 - 04.11.500 constitutes the  
16 subject of the petition. The local governing body [THE LIEUTENANT  
17 GOVERNOR] shall conduct the election in accordance with the election  
18 ordinance of the municipality [THE GENERAL MANNER PRESCRIBED BY THE  
19 ALASKA ELECTION CODE (AS 15.05 - 15.60)].

20 \* Sec. 11. AS 04.11.504 is amended by adding a new subsection to read:

21 (b) Reinstatement of a license under (a) of this section may not  
22 occur within 12 months after the license was prohibited under AS 04.-  
23 11.490 - 04.11.500.

24 \* Sec. 12. AS 04.11.510 is amended by adding a new subsection to read:

25 (d) The board may not accept an application for the issuance,  
26 renewal, or transfer of a license within one year after a local option  
27 election.

28 \* Sec. 13. AS 04.11.680(a) is amended to read:

29 (a) Upon application and payment of one-half of the annual fee,

the board may issue a license under this title which will be effective for a continuous six-month period. Otherwise, all licenses issued under this title other than a retail stock sale license are effective for the calendar year ending December 31, unless a shorter period is prescribed by the board or by law.

\* Sec. 14. AS 04.16.010(c) is amended to read:

(c) A licensee, his agent, or employee may not permit a person to enter and a person may not enter premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection does not apply to common carriers, as defined in AS 42.10.420(2), or to an employee of the licensee who is on the premises to prepare for the next day's business. A person may enter or remain [OR TO PERSONS REMAINING] on the premises of a bona fide restaurant or eating place licensed under this title to consume food or nonalcoholic beverages.

\* Sec. 15. AS 04.16.020(a) is amended to read:

(a) A person may not pay or receive from another a salary, percentage or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for [CONSUMPTION BY] a person other than the patron.

\* Sec. 16. AS 04.16.049(a)(2) is amended to read:

(2) accompanied by a person over the age of 19 years and with the consent of the person's parent or guardian if the premises are designated by the board [LICENSED] as a restaurant for the purposes of this section [OR EATING PLACE] and the persons enter and remain only for dining.

\* Sec. 17. AS 04.16.210 is amended to read:

Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false statement is made in an application under AS 04.11.260 - 04.11.290 [AS 04.11.260], the applicant is guilty of perjury and, upon conviction,

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1 is subject to the penalty provided by law for the crime of perjury  
2 under AS 11.56.200.

3 \* Sec. 18. This Act takes effect immediately in accordance with AS 01.,  
4 10.070(c).