

## ***Barrow Liquor Election Illegal—***

# **Wet Status Turns Dry**

The city of Barrow, voted to go "wet" last September, but no liquor licenses can be issued without a second election, according to director of the Alcoholic Beverage Control Board, Raymond Hackstock.

The State Attorney General's office has ruled that the election last fall was illegal. Therefore, Hackstock said, the ABC board cannot consider issuing any licenses unless Barrow has a legally-constituted election in which it again votes to allow the sale of intoxicating beverages.

At a board meeting in Fairbanks in June, Alaska Legal Services on behalf of Barrow Liquor Sales, Inc. filed a brief in opposition to an application for a liquor license from a private citizen on the basis that the election to go "wet" was not legal.

According to the brief, the election was not legal because no petition requesting the election was signed by 35 per cent of the voters and presented to the city council and the election was held at a special election rather than

at the next municipal election. Both are required under State statutes.

Controversy arose in Barrow when the City was told that there was a legal question as to whether it could own the only liquor license in the city through Barrow Liquor Sales. Profits from liquor sales of the corporation were to go into the general fund of the city for community improvements.

One spokesman in Barrow said the city went "wet" only because it had been assured that the city could be the sole owner of liquor licenses.

The city decides who is to be issued a license and the ABC board is bound by its decision unless it determines that the city has acted "arbitrarily and capriciously."

The legal controversy centers on whether a city can own a license and then sit in judgment on others applying for a license, and possibly have a monopoly on licenses. Until recently, the ABC board held that such was legal.

There was a bill in the House that would have settled the controversy, but it was not passed before adjournment.

So the question remains unanswered and thus some Barrow residents might find it hard to decide whether to vote "wet" or "dry" in the event a second election is held.