

*Original*

1 IN THE HOUSE

BY MRS DIMOCK  
By Request

2 HOUSE BILL NO. 24

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the control of intoxi-  
7 cating liquors within the Territory of  
8 Alaska; and amending:

9 Subsection 2, Section 35-4-15 ACLA 1949,  
10 affecting the presence of minors on  
11 premises;

12 Subsection 3, Section 35-4-16 ACLA 1949,  
13 affecting proximity of liquor estab-  
14 lishments to schools or churches;

15 Section 35-4-13 ACLA 1949; Subsection 5  
16 of Section 35-4-14 ACLA 1949; Section  
17 35-4-17 (B) ACLA 1949 affecting the  
18 consents of residents;

19 Section 35-4-18 ACLA 1949, prohibiting  
20 municipalities from increasing  
21 punishments or limiting opening or  
22 closing hours, and providing for  
23 municipal regulation;

24 Section 35-4-21 ACLA 1949, limiting the  
25 number of licenses to be issued;

26 Section 35-4-21 (A) establishing the  
27 qualification of employees in liquor  
28 establishments;

Chapter 4, Article 2, ACLA 1949, by adding

1 Section 35-4-24 providing for uniform  
2 opening and closing hours for liquor  
3 establishments."

4 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

5 Section 1. That subsection (2) of Section 35-4-15 ACLA  
6 1949, is deleted and the following substituted therefor:

7 (2) PRESENCE OF MINORS ON PREMISES. Every  
8 person under the age of twenty-one years and over the  
9 age of sixteen years who goes upon the premises licensed  
10 under the provisions of this Act, unless a retail store  
11 or in an establishment regularly serving meals and  
12 when accompanied by his parent, guardian or other  
13 adult person in charge of his custody, or who purchases  
14 or attempts to purchase intoxicating liquor shall be  
15 subject to the punishment prescribed under this Act,  
16 and it shall be unlawful to permit such person on the  
17 premises.

18 That subsection (3) of Section 35-4-15 as amended is  
19 amended to read as follows:

20 (3) PROXIMITY TO SCHOOL OR CHURCH. No beverage  
21 dispensary license or package liquor store license shall  
22 be issued for the sale of any intoxicating liquor in  
23 any building within two hundred feet of any school  
24 (BUILDING) ground or church building (MEASURED) by  
25 shortest direct line from such school (GROUND) or  
26 church (TO ANY SUCH BUILDING.) building, within any  
27 corporate municipality, nor within one quarter of a mile  
28 of any school ground or church building where such school  
29 ground or church building is located outside the corporate

1 limits of a municipality. For the purpose of this  
2 section an igloo, aerie, parlor or lodge of an  
3 American national fraternal organization seeking a  
4 club license shall not be deemed to be within the  
5 classification of a dispensary with respect to  
6 proximity to a church. An American national fraternal  
7 organization as used in this section means only such  
8 organizations as function in not less than 36 states of  
9 the Union and have not less than 500 local units in  
10 said 36 states, and have been in active and continuous  
11 existence for 20 years. Provided, however, that a  
12 license may be reissued for the sale of intoxicating  
13 liquor in any building in which the sale of intoxicating  
14 liquor was at the time of the passing of this Act,  
15 authorized by law.

16       Be it further provided, however, that when a license  
17 for the sale of intoxicating liquor in any building  
18 within 200 feet of a school (HOUSE) ground or church  
19 building, within the corporate limits of a municipality,  
20 or within a quarter of a mile, in areas outside the  
21 corporate limits of a municipality, is forfeited by  
22 reason of a violation of law, no license for the sale  
23 of intoxicating liquor on these premises shall thereafter  
24 be issued.

25 Section 2. Section 35-4-13 ACLA 1949 is hereby  
26 amended by adding thereto the following:

27       Provided further that before any new application  
28 for a license coming from outside an incorporated town  
29 where the location of the place where intoxicating

1 liquor is to be manufactured, bartered, sold and  
2 exchanged, is within three miles of the corporate  
3 limits of any municipality, is granted, it shall be  
4 shown to the satisfaction of the Court that, in  
5 addition to the other requirements of this Act, a  
6 majority of the citizens over the age of twenty-one  
7 years, residing within a quarter of a mile of the  
8 place where intoxicating liquor is to be manufactured,  
9 bartered, sold and exchanged, have in good faith consented  
10 to the manufacture, barter, sale, and exchange of the same.

11 Provided further that no application for a license  
12 shall be entertained by the Court where the Court has  
13 denied such application for the same location or by the  
14 same applicant within the six months preceding.

15 Section 35-4-14 AOLA 1949, Sub-paragraph (5) is amended  
16 by deleting the following sentence:

17 "(5) Together with the consent of a majority of the  
18 citizens over the age of twenty-one years, residing within  
19 two miles of the place where the intoxicating liquor or  
20 liquors are to be manufactured, bartered, sold, and ex-  
21 changed."

22 and substituting therefor the following words:

23 "(5) Together with the consent of a majority of the  
24 citizens over the age of twenty-one years, residing  
25 within a quarter mile radius of the place where the  
26 intoxicating liquor or liquors are to be manufactured,  
27 bartered, sold and exchanged."

28 Section 35-4-17 (B) AOLA 1949, as amended, is amended  
29 by adding thereto the following:

1            Provided further that, in addition to the other re-  
2            quirements of this Act, no license for the sale of in-  
3            toxicating liquor shall be issued under this Act in  
4            precincts outside of incorporated cities or towns where  
5            the location of the place where intoxicating liquor is to  
6            be sold is within three miles of the corporate limits of  
7            any municipality, unless a petition having signatures of  
8            a majority of the bona fide residents residing within a  
9            quarter of a mile of the place where intoxicating liquor  
10           is to be sold, and over the age of twenty-one years, is  
11           filed with the Clerk of the District Court asking that  
12           licenses be issued within the said precinct.

13           Section 3. Section 35-4-18 ACLA 1949 is hereby amended  
14           to read as follows:

15           Section 35-4-18 MUNICIPAL REGULATIONS. Incorporated  
16           municipalities, in the Territory of Alaska, may, by  
17           ordinance duly enacted, provide such additional rules and  
18           regulations governing the barter, sale and possession of  
19           intoxicating liquor within such municipalities as may be  
20           deemed necessary to the orderly conduct of the business  
21           of selling intoxicating liquor; provided, however, that  
22           such ordinance or ordinances thus enacted shall not be  
23           inconsistent with this Act, and that no municipality shall  
24           impose any additional license fees or taxes (.), nor  
25           shall any municipality limit the hours of furnishing  
26           liquor other than as set forth in this Act, nor shall any  
27           municipality increase the punishments for violation of any  
28           municipal ordinance or of this Act beyond the amount of  
29           punishment set forth in this Act.

1 Section 35-4-21 ACLA 1949 is hereby amended by deleting  
2 the following sentences:

3 "Penalty for violation of any of the provisions of  
4 this Act shall be as follows:

5 "For the first violation, the licensed premises shall  
6 be closed for a period of forty-five (45) days;

7 "For the second violation, the licensed premises shall  
8 be closed for a period of ninety (90) days;

9 "For the third violation, the bond shall be forfeited,  
10 the license cancelled and the premises abated for one  
11 year for use as a beverage dispensary."

12 and substituting therefor the following words:

13 Penalty for violation of any of the provisions of this  
14 Act shall be as follows:

15 For the first violation, the licensed premises shall  
16 be closed for a period of 5 days;

17 For the second violation, the licensed premises shall  
18 be closed for a period of 15 days;

19 For the third violation, the bond shall be forfeited,  
20 the license cancelled, and the premises abated for one  
21 year for use as a beverage dispensary.

22 Section 35-4-21 ACLA 1949 is further amended by adding  
23 thereto the following:

24 (1) The number of premises for which a beverage dispensary  
25 license or retail license is issued shall be limited  
26 as follows:

27 (1) Within incorporated municipalities, two licenses  
28 for each 1500 of population in the municipality, de-  
29 termined by multiplying by 3.5 the total number of

1 dwelling units shown on the last assessment roll of  
2 the municipality; the determination of the number of  
3 dwelling units by the City Council of the municipality  
4 shall be conclusive. Nothing herein contained shall  
5 preclude municipalities from making further reasonable  
6 rules and regulations regarding the transfers of said  
7 licenses.

8 (2) Within areas outside of incorporated municipalities  
9 two licenses for each 1500 of population within each  
10 Recording District, determined by multiplying by 2  
11 the total number of those voting in the Recording  
12 District and outside of municipalities at the last  
13 general election.

14 PROVIDED, however, that licenses or their transferees,  
15 otherwise qualified, already licensed at the time of  
16 the passage of this Section shall be relicensed annually  
17 for such location within such municipalities and  
18 Recording Districts irrespective of such limitation,  
19 and except that beverage dispensary licenses may be  
20 granted irrespective of such ratio for establishments  
21 located in bona fide hotels having 50 or more rooms or  
22 apartments, and to which there is an interior public  
23 entrance to the establishment in said hotel.

24 (3) No person or corporation shall be eligible under  
25 this Act for more than three beverage dispensary  
26 licenses and three retail liquor licenses within any  
27 one Recording District. No person or corporation shall  
28 have any direct or indirect interest in more than three  
29 beverage dispensary licenses and three retail liquor

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2 licenses within any one Recording District. Persons or  
3 corporations having licenses or interests in more than  
4 three beverage dispensaries and more than three retail  
5 liquor stores at the time of the enactment of this  
6 Subsection shall not be precluded from retaining or  
7 renewing said licenses or interests. The District  
8 Courts of each Judicial Division shall make such  
9 necessary rules and regulations as to effectuate the  
10 purposes this Subsection.

11 SECTION 4. Section 35-4-21 (A) ACLA 1949 is amended by  
12 deleting the following sentence:

13 "All employees serving intoxicating liquor in a Beverage  
14 Dispensary shall be male citizens of the United States, over  
15 the age of 21 years and of good moral character",  
16 and substituting therefor the following words:

17 All employees serving intoxicating liquor in a beverage  
18 dispensary shall be citizens of the United States over the  
19 age of 21 years and of good moral character. Females, other  
20 than managers or licensees, shall be prohibited from mixing  
21 or concocting any intoxicating drink.

22 SECTION 5. Chapter 4, Article 2, ACLA 1949 is hereby amended  
23 by adding thereto a Section to be known as Section 35-4-24.

24 Section 35-4-24. No person shall sell, furnish, give  
25 or deliver any intoxicating liquor between the hours of one  
26 o'clock A.M. and eight o'clock A.M. EXCEPT that establish-  
27 ments presenting live entertainment for which there is paid  
28 the federal tax on cabarets, roof gardens, etc., under the  
29 provisions of Section 1700, Chapter 10, United States Internal  
30 Revenue Code as amended, may additionally sell, furnish,

1 give or deliver intoxicating liquor during the hours of one  
2 o'clock A.M. and two o'clock A.M. Mechanical sound contriv-  
3 ances, mechanical music, juke boxes, radios, sound units  
4 or devices, shall not constitute live entertainment.  
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