

Original

Public Bill

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 35-4-15 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;

29 Chapter 4, Article 2, ACLA 1949, by adding

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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, serie, 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 ACLA 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) ACLA 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 dispen-
25 sary 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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licenses within any one Recording District. Persons or corporations having licenses or interests in more than three beverage dispensaries and more than three retail liquor stores at the time of the enactment of this Subsection shall not be precluded from retaining or renewing said licenses or interests. The District Courts of each Judicial Division shall make such necessary rules and regulations as to effectuate the purposes this Subsection.

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

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

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

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

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

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

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