

*C. Coghill*

House  
IN THE SENATE

BY Coghill

House  
SENATE BILL NO. 100

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act to amend Secs. 35-4-13, 35-4-14(5) and 35-4-17(B) ACLA 1949, pertaining to liquor licenses."

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

Section 1. That Sec. 35-4-13 ACLA 1949 is hereby amended to read as follows:

Sec. 35-4-13. Application for license: Consent of citizens: Proceedings and hearing on application: Posting license: Transfer of license: Refund of fees: Renewals. Before any license is granted, as provided in this Act, it shall be shown to the satisfaction of the Court that (a majority) <sup>two thirds</sup> of the citizens over the age of twenty-one years, residing within (two) <sup>one</sup> mile(s) of the place where intoxicating liquor is to be manufactured, bartered, sold and exchanged, or bartered, sold or exchanged, have in good faith consented to the manufacture, barter, sale and exchange, or the barter, sale and exchange of the same; and the burden shall be upon the applicant or applicants to show to the satisfaction of the Court that (a majority) <sup>two thirds</sup> of the citizens over twenty-one years of age have consented thereto and no license shall be granted in the absence of such evidence; provided, that when it is made to appear that (a majority) <sup>two thirds</sup> of said citizens over the age of twenty-one years of any one place outside the corporate

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boundaries of an incorporated town have consented to the  
manufacture, barter, sale and exchange or the barter, sale  
and exchange of intoxicating liquor, no further proof of  
the consent of the citizens of the place where such  
intoxicating liquor is to be manufactured, bartered, sold  
and exchanged, or bartered, sold and exchanged, will be  
required for (TWELVE MONTHS THEREAFTER) <sup>upon application</sup> a renewal of said  
license from year to year so long as the licensee shall not  
have been found guilty of an infraction of the Territorial  
liquor laws. *provided applicant shall file a sworn*  
*statement to the effect that applicant has not been convicted*  
Provided, however, that any application for a license  
coming from within an incorporated town shall have attached  
thereto in lieu of (a majority) <sup>two thirds</sup> of the citizens of that  
district, a list of at least five references as to the  
integrity of the applicant and the desirability of the  
issuing of a license for the premises mentioned therein.  
The Clerk of the Court, upon receipt of each application  
from within an incorporated town, shall notify the city  
council of that town of the necessity for action on the  
application by the council, in regular or special meeting  
and the filing with the Clerk of the Court of a certifi-  
cate showing the action taken; ~~provided that when it appears~~  
~~from the certificate filed with the Clerk of the District~~  
~~Court by the council or official of an incorporated town~~  
~~that said municipal council has once approved the issuance~~  
~~of a license authorizing applicant to manufacture, barter,~~  
~~sell and exchange intoxicating liquor, no further action~~  
~~shall be required or taken by the municipal council or~~  
~~officers of a municipal corporation for a renewal or~~

*approved by the Court*  
*and infraction of the Territorial Liquor Laws*

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1 disapproval of said license from year to year so long as  
2 the licensee shall not have been found guilty of an in-  
3 fraction of the Territorial liquor laws, and in such case  
4 each license in an incorporated town shall be renewed each  
5 year by an order of the Court or Judge and a license issued  
6 as provided by Section 35-4-12, ACLA 1949, without the  
7 Clerk of Court notifying the City council as hereinabove  
8 provided, and without any additional or further approval  
9 from or action by the city council of an incorporated town.

10 A failure of the municipal officers to act upon applications  
11 for licenses within the period specified in the notice fur-  
12 nished them shall be considered a default and shall subject  
13 the city to the penalty of losing its right to a refund as  
14 herein provided. At the time set for the hearing, the  
15 Court shall consider the application and any protests that  
16 may be filed against the same, and shall also hear the  
17 applicant or others appearing in connection with the  
18 matter, and give its judgment, which shall be final. If  
19 the application is rejected the fee accompanying the same  
20 shall be returned. The licensee shall cause the license  
21 to be posted in a conspicuous position in his place of  
22 business, so that anyone entering the premises may easily  
23 read it. No license issued under the provisions of this  
24 Act shall be transferred except after first securing the  
25 consent of the Court. No refund of license fees will be  
26 allowed after the issuance of license.

27 Section 2. That Sec. 35-4-14(5) ACLA 1949 is hereby  
28 amended to read as follows:

29 (5) Together with the consent of (a majority) of <sup>two-thirds</sup> of  
30 <sub>the</sub>

1 citizens over the age of twenty-one years, residing within  
2 <sup>two</sup>(two/miles) of the place where the intoxicating liquor or  
3 liquors are to be manufactured, bartered, sold and  
4 exchanged, or bartered, sold and exchanged; provided,  
5 however, that as pertaining to applicants for licenses  
6 outside the corporate boundaries of an incorporated town,  
7 said consent shall not be required for a renewal of said  
8 license from year to year so long as the licensee shall  
9 not have been found guilty of an infraction of the  
10 Territorial liquor laws. That if any false material  
11 statement is made in any part of such application the  
12 applicant or applicants shall be deemed guilty of perjury  
13 and upon conviction thereof shall be subject to the  
14 penalty provided by law for the crime of perjury.

15 Section 3. That Sec. 35-4-17(B) ACLA 1949 is hereby  
16 amended to read as follows:

17 (B) Consent of residents outside incorporated cities  
18 or towns. No licenses for the sale of intoxicating liquor  
19 shall be issued under this Act in precincts outside of  
20 incorporated cities or towns unless a petition having  
21 signatures of (a majority) <sup>two-thirds</sup> of the bona fide residents  
22 residing within <sup>two</sup>(two/miles) of the place where intoxicating  
23 liquor is to be sold, and over the age of twenty-one years,  
24 is filed with the Clerk of the District Court asking that  
25 licenses be issued within the said precinct; provided,  
26 however, that such petition shall not be required for a  
27 renewal of said license from year to year so long as the  
28 licensee shall not have been found guilty of an infraction  
29 of the Territorial liquor laws.