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IN THE SENATE

Snyder
BY SENATOR ROBISON
BY REQUEST

SENATE BILL NO. 13

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the control of intoxicating liquors within the Territory of Alaska, and amending:
Subsection 2, Section 35-4-15 ACLA 1949, affecting the presence of minors on premises;
Subsection 3, Section 35-4-16 ACLA 1949, affecting proximity of liquor establishments to schools or churches;
Section 35-4-13 ACLA 1949; Subsection 5 of Section 35-4-14 ACLA 1949; Section 35-4-17 (B) ACLA 1949 affecting the consents of residents;
Section 35-4-18 ACLA 1949, prohibiting municipalities from increasing punishments or limiting opening or closing hours, and providing for municipal regulation;
Section 35-4-21 ACLA 1949, limiting the number of licenses to be issued;

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Section 35-4-21 (A) establishing the qualification of employees in liquor establishments; Chapter 4, Article 2, AGLA 1949, by adding Section 35-4-24 providing for uniform opening and closing hours for liquor establishments.

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

SECTION 1. That subsection (2) of Section 35-4-15 AGLA 1949, is amended to read *as follows*:

minor (2) Presence of Minors on Premises. Every person under the age of twenty-one years and over the age of sixteen years who goes upon the premises licensed under the provisions of this Act, unless a retail store or in an establishment regularly serving meals and when accompanied by his parent, guardian or other adult person in charge of his custody, or who purchases or attempts to purchase intoxicating liquor shall be subject to the punishment prescribed under this Act, and it shall be unlawful to permit such *any* person *on the premises.*

That Subsection (3) of Section 35-4-15 AGLA 1949 as amended *is amended to read as follows*

(3) Proximity to School or Church. No beverage dispensary license or package liquor store license shall be issued for the sale of any intoxicating liquor in any building within two hundred feet of any school *(school)* ground or church *(to be used)* building by shortest direct line from such school ground or church building within any corporate municipality.

1 nor within one quarter of a mile of any school ground or
2 church building where such school ground or church building
3 is located outside the corporate limits of a municipality.
4 For the purpose of this section an igloo, serie, parlor or
5 lodge of an American national fraternal organization seeking
6 a club license shall not be deemed to be within the classi-
7 fication of a dispensary with respect to proximity to a
8 church. An American national fraternal organization as used
9 in this section means only such organizations as function
10 in not less than 36 States of the Union and have not less
11 than 500 local units in said 36 States, and have been in
12 active and continuous existence for 20 years. Provided,
13 however, that a license may be reissued for the sale of
14 intoxicating liquor in any building in which the sale of
15 intoxicating liquor was at the time of the passing of this
16 Act, authorized by law.

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

25 SECTION 2. Section 35-4-13 AGLA 1949 is hereby amended by
26 adding thereto the following: *with act 1950*

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

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

repealed

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

Section 35-4-14 ACLA 1949, Sub-paragraph (5) is amended by deleting the following sentence: *to read as follows:*

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

repealed

and substituting therefor the following words:

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

repealed

Section 35-4-17 (B) ACLA 1949, as amended, is amended by adding thereto the following: *to read as follows*

16 SLA 1957

word further get page 75 LA 51

Provided further that, in addition to the other re-

repealed

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quirements of this Act, no license for the sale of intoxicating liquor shall be issued under this Act in precincts outside of incorporated cities or towns where the location of the place where intoxicating liquor is to be sold is within three miles of the corporate limits of any municipality, unless a petition having signatures of a majority of the bona fide residents residing within a quarter of a mile of the place where intoxicating liquor is to be sold, and over the age of twenty-one years, is filed with the Clerk of the District Court asking that licenses be issued within the said precinct. *1/1/50 etc.*

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

Section 35-4-18 Municipal Regulations. Incorporated municipalities, in the Territory of Alaska may, by ordinance duly enacted, provide such additional rules and regulations governing the barter, sale and possession of intoxicating liquor within such municipalities as may be deemed necessary to the orderly conduct of the business of selling intoxicating liquor; provided, however, that such ordinances or ordinances shall not be inconsistent with this Act, and that no municipality shall impose any additional license fees or taxes, nor shall any municipality limit the hours of furnishing liquor other than as set forth in this Act, nor shall any municipality ^{establish or impose} ~~increase~~ the punishments for violation of any municipal ordinance or of this Act beyond the amount of punishment set forth in this Act.

Section 35-4-21 ACLA 1949 is hereby amended ^{to read as follows} ~~by deleting the~~ following sentence:

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

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

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

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

~~and substituting therefor the following words:~~

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

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

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

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

~~Section 35-4-21 ACLA 1949 is further amended by adding~~

~~thereto the following:~~

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

~~(1) Within incorporated municipalities, two licenses for each 1500 of population in the municipality, determined by multiplying by 3.5 the total number of dwelling units shown on the last assessment roll of the municipality; the determination of the number of~~

indicated

Section 35-4-21?

pick up the change from page 8 (2/24)

1 dwelling units by the City Council of the municipality
2 shall be conclusive. Nothing herein contained shall
3 preclude municipalities from making further reasonable
4 rules and regulations regarding the transfers of said
5 licenses.

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

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

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

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

8 SECTION 4. ~~Section 35-4-21~~ (A) ^{Agrees on page 6} ACLA 1949 is amended by
9 deleting the following sentence:

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

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

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

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

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ances, mechanical music, juke boxes, radios, sound units
or devices, shall not constitute live entertainment.