

Stick - daily file last day of session -

1 IN THE SENATE BY SENATORS ROBISON AND SNIDER
2 JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 13
BY REQUEST

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 Section 35-4-13 AGLA
9 1949, sub-section (5) of Section 35-4-14
10 AGLA 1949, and sub-section (B) of Section
11 35-4-17 AGLA 1949 as amended."

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

13 Section 1. Section 35-4-13 AGLA 1949 is amended to read as
14 follows:

15 Section 35-4-13. Application for license: Consent of
16 citizens: Proceedings and hearing on application: Posting
17 license: Transfer of license: Refund of fees. Before any
18 license is granted, as provided in this Act, it shall be
19 shown to the satisfaction of the Court that a majority of the
20 citizens over the age of twenty-one years, residing within
21 two miles of the place where intoxicating liquor is to be
22 manufactured, bartered, sold and exchanged, or bartered, sold
23 or exchanged, have in good faith consented to the manufacture,
24 barter, sale and exchange, or the barter, sale and exchange
25 of the same; and the burden shall be upon the applicant or
26 applicants to show to the satisfaction of the Court that a
27 majority of the citizens over twenty-one years of age have
28 consented thereto and no license shall be granted in the
29 absence of such evidence; provided, that when it is made to

1 appear that a majority of said citizens over the age of
2 twenty-one years of any one place have consented to the
3 manufacture, barter, sale and exchange or the barter, sale
4 and exchange of intoxicating liquor, no further proof of the
5 consent of the citizens of the place where such intoxicating
6 liquor is to be manufactured, bartered, sold and exchanged,
7 or bartered, sold and exchanged, will be required for twelve
8 months thereafter.

9 Provided, however, that any application for a license
10 coming from within an incorporated town shall have attached
11 thereto in lieu of a majority of the citizens of that district
12 a list of at least five references as to the integrity of
13 the applicant and the desirability of the issuing of a
14 license for the premises mentioned therein. The Clerk
15 of the Court, upon receipt of each application from within
16 an incorporated town, shall notify the city council of that
17 town of the necessity for action on the application by the
18 council, in regular or special meeting and the filing with
19 the Clerk of the Court of a certificate showing the action
20 taken. A failure of the municipal officers to act upon
21 applications for licenses within the period specified in the
22 notice furnished them shall be considered a default and shall
23 subject the city to the penalty of losing its right to a re-
24 fund as herein provided. At the time set for the hearing,
25 the Court shall consider the application and any protests
26 that may be filed against the same, and shall also hear the
27 applicant or others appearing in connection with the matter,
28 and give its judgment, which shall be final. If the appli-
29 cation is rejected the fee accompanying the same shall be

1 returned. The licensee shall cause the license to be posted
2 in a conspicuous position in his place of business, so that
3 anyone entering the premises may easily read it. No license
4 issued under the provisions of the Act shall be transferred
5 except after first securing the consent of the Court. No
6 refund of license fees will be allowed after the issuance of
7 license.

8 Provided further that before any new application for a
9 license coming from outside an incorporated town where the
10 location of the place where intoxicating liquor is to be
11 manufactured, bartered, sold and exchanged, is within
12 three miles of the corporate limits of any municipality,
13 is granted, it shall be shown to the satisfaction of the
14 Court that, in addition to the other requirements of this
15 Act, a majority of the citizens over the age of twenty-one
16 years, residing within a quarter of a mile of the place
17 where intoxicating liquor is to be manufactured, bartered,
18 sold and exchanged, have in good faith consented to the
19 manufacture, barter, sale, and exchange of the same.

20 Provided further that no application for a license
21 shall be entertained by the Court where the Court has denied
22 such application for the same location or by the same appli-
23 cant within the six months preceding.

24 Section 2. Sub-section (5) of Section 35-4-14 ACLA 1949 is
25 amended to read as follows:

26 (5) Together with the consent of a majority of the cit-
27 izens over the age of twenty-one years, residing within two
28 miles of the place where the intoxicating liquor or liquors
29 are to be manufactured, bartered, sold and exchanged, or bar-

1 tered, sold and exchanged, and together with the consent of
2 the citizens over the age of twenty-one years, residing
3 within a quarter mile radius of the place where the intoxi-
4 cating liquor or liquors are to be manufactured, bartered,
5 sold and exchanged. That if any false material statement
6 is made in any part of such application the applicant or
7 applicants shall be deemed guilty of perjury and upon con-
8 viction thereof shall be subject to the penalty provided
9 by law for the crime of perjury.

10 That should it appear to the District Court that any
11 of the statements above enumerated and required in the appli-
12 cation are untrue at the time of application for such lic-
13 ense, such application shall be denied.

14 That should it appear to the District Court after the
15 granting of such license that any of the statements above
16 enumerated and required to be made in the application are
17 untrue, it shall be the duty of the Court to forthwith enter
18 and order revoking such license and all license moneys de-
19 posited by the applicant shall be thereby forfeited to the
20 Territory, and it shall be the duty of the United States
21 Marshals and their deputies, and United States Attorneys and
22 their assistants, and all chiefs of police and other peace
23 officers in their respective Divisions, Districts, Towns or
24 settlements to investigate and report to the District Court
25 any violation of any of the provisions of this Act.

26 Section 3. Sub-section (B) of Section 35-4-17, AGLA 1949,
27 as amended by Chapter 16 of the Session Laws of Alaska 1951, is
28 amended to read as follows:

29 (B) (Consent of residents outside incorporated cities

1 or towns.) No licenses for the sale of intoxicating liquors
2 shall be issued under this Act in precincts outside of in-
3 corporated cities or towns unless a petition having signa-
4 tures of a majority of the bona fide residents residing
5 within two miles of the place where intoxicating liquor is
6 to be sold, and over the age of twenty-one years, is filed
7 with the Clerk of the District Court asking that such lic-
8 enses be issued within the said precinct. Only those per-
9 sons shall be considered "bona fide residents" within the
10 meaning of this sub-section who shall have been physically
11 present, living and residing within the two mile area, for
12 more than six out of the 12 months immediately preceding
13 the filing of said petition; provided, that except as to
14 new licenses, petitions shall not be circulated during the
15 period between April 1. and October 15.

16 Provided further that, in addition to the other re-
17 quirements of this Act, no license for the manufacture,
18 barter, sale or exchange of intoxicating liquor shall be
19 issued under this Act in precincts outside of incorporated
20 cities or towns where the location of the business concerned
21 is within three miles of the corporate limits of any munici-
22 pality, unless a petition having signatures of a majority
23 of the bona fide residents within a quarter of a mile of the
24 place where intoxicating liquor is to be manufactured,
25 bartered, sold or exchanged and who are over the age of
26 twenty-one years, is filed with the Clerk of the District
27 Court asking that such license be issued within the said
28 precinct.

29 It is further provided that no license shall be granted

1 for the sale of intoxicating liquor, outside of incorporated
2 cities or towns, on any land which is part of a school section
3 owned by the Territory of Alaska or any premise which is
4 located within one mile of any land grant college or univer-
5 sity.

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