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By Mrs Bullock + Nilsson

IN THE HOUSE ~~BY MR.~~ HENDALE & Nakamoto

HOUSE BILL NO. 154

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act to regulate the liquor and beverage industry; providing for the appointment of a Liquor and Beverage License Advisory Board, and setting forth the duties of the Board; providing for the granting, suspension, revocation, and renewal of liquor licenses; prohibiting certain practices, providing criminal penalties and administrative and judicial relief; and repealing Sections 35-4-11, 35-4-12, 35-4-13, ACLA 1949, as amended by Chapter 131, Session Laws of Alaska 1953, and 35-4-14, ACLA 1949, as amended by Chapter 131 Session Laws of Alaska 1953, and 35-4-15, ACLA 1949, as amended by Chapter 85, Session Laws of Alaska 1949, and as amended by Chapter 53, Session Laws of Alaska 1951, and Chapters 56 and 116 Session Laws of Alaska 1953, and 35-4-16, 35-4-17, ACLA 1949, as amended by Chapter 16, Session Laws of Alaska 1951, and as amended by Chapter 131, Session Laws of Alaska 1953, and 35-4-18, 35-4-19, 35-4-20, 35-4-21, ACLA 1949, as amended by Chapters 53 and

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Finished 2/26

90 of Session Laws of Alaska 1949, and Chapter 114, Session Laws of Alaska 1953, and 35-4-22, 35-4-23, 35-4-31, 35-4-32, ACLA 1949, as amended by Chapter 70, Session Laws of Alaska, 1951, and Chapter 70, Session Laws of Alaska 1953, 35-4-33 ACLA 1949, as amended by Chapter 70, Session Laws of Alaska 1951; declaring an emergency."

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

Section 1. There is hereby created a Liquor and Beverage License Advisory Board, hereinafter called the Advisory Board, which Board shall be composed of the [Commissioner of Taxation, Auditor of the Territory of Alaska,] the Treasurer [of the Territory of Alaska] and the Attorney General [of the Territory of Alaska,] [said] [the Advisory Board] shall have the power to study all applications for licenses to be issued under this Act, and to hold hearings on the same when such applications are protested. The Advisory Board shall study all applications and make recommendations on the same to the issuing authority. The Advisory Board shall have power to appoint such agents, assistants, clerks and stenographic employees as may be deemed proper and necessary for the efficient and effective carrying out of the purposes of this Act, and may, when the [approval] [original advisory board is of sufficient necessary to consider] [business necessitates it,] appoint sub-advisory boards in divisions [originating from particular regions of the territory,] [other outside the First Division to study applications under] this Act originating from divisions other than the First Division and to hold hearings upon the same when such applications are protested. Each such sub-advisory board shall consist of three men appointed as follows: one man shall be appointed by

1. Page 2, line 15: Strike "Auditor of the Territory of Alaska," insert "Commissioner of Labor,"; after "Treasurer" strike "of the Territory of Alaska"; after "General" strike "of the Territory of Alaska," and insert "who shall be chairmen of the Board." Strike "said" and insert "The Advisory"

2. Page 2, line 23: After word "may" strike remainder of sentence through line 28 and insert in lieu thereof "appoint regional advisory boards as it considers necessary to consider applications originating from particular regions of the Territory."

To Printer

Finished 2/26

the Treasurer; one man shall be appointed by the Auditor; and one man shall be appointed by the Attorney General. Each such appointee shall be a resident of the division wherein he is appointed and shall not be an interested member of the liquor industry or connected with the same in any way. The Advisory Board shall have and is hereby granted authority to promulgate rules and regulations to effectuate the carrying out of the purposes of this Act, and the same rules and regulations shall have the force and effect of law.

Sec. 2. The Tax Commissioner of the Territory of Alaska shall hold the power and authority to issue, revoke, transfer or suspend licenses according to the recommendations of the Advisory Board. All applications for licenses under this Act shall be made to the Territorial Tax Commissioner who shall then refer them to the Advisory Board for the Board's study and recommendations.

Sec. 3. No person, firm, corporation or company shall manufacture, sell, offer for sale or keep for sale, traffic in, barter or exchange for goods in this Territory, any intoxicating liquor except as hereinafter provided; but this shall not apply to sales made by a person under provisions of law requiring him to sell personal property. Whenever the term "intoxicating liquor" is used in this Act it shall be deemed to include whiskey, brandy, rum, gin, wine, ale, porter, beer, hochelaga, and all spirituous, vinous, malt and other fermented or distilled liquors.

Sec. 4. All applications for new licenses shall state the name of the applicant, the length of residence within the Territory of Alaska of each applicant, and the kind of license

154

3. Page 3, Line 1: Strike word "Auditor" and insert "Commissioner of Labor"

4. Page 3, Line 11: Strike "shall have" and insert "is hereby given"

5. Page 3, Line 16: Add new sentence as follows: "All licenses issued hereunder, except as hereinafter limited, shall be for the period from 12:01 A.M., January 1, until 12:00 Midnight, December 31 of the new calendar year."

6. Page 3, Line 25: After word "all" insert "other"

To Prem

Finished 2/22

desired, and the location of the licensed premises; including a legal description of the property upon which the premises are located; provided, however, in the case of a corporation, the length of residence of each stockholder of said corporation shall be set forth. Each application shall be accompanied by the fee, and bond, if any, required by law and shall be endorsed by five residents of the community within which the licensed premises is located, as to the integrity and moral character of the applicant and the desirability of the issuing of a license for the premises mentioned therein. Prior to the issuance of any new license a true copy of the application for license shall be posted at the location of the premises, at the nearest Post Office and at one other public location in the area, for a period of ten days prior to the filing of said application, and proof of such posting shall accompany the application.

Sec. 8. Each application for a renewal of license shall contain all of the information required of a new licensee, except that there shall be no proof of posting required. Each application for renewal shall further contain full information as to the violation of any Federal or Territorial law or regulation covering the sale of intoxicating liquors during the term of the preceding license. No license shall be renewed which has not been used or active at least thirty days out of the preceding year.

Sec. 9. Each application for a transfer of license to a new location shall contain such information as shall be required by the Advisory Board and shall be accompanied by proof of posting of application as required in Sec. 3 herein. The transferee of any license shall have all of the qualifications required

154

To Senate

Finished 2/22

under this Act for a new licenses.

Sec. 7. No licence shall be issued unless the application therefore contains all of the information required hereunder, nor shall any application be granted which contains any false statement of a material fact. Any resident of the area who desires to protest the issuance of a licence shall serve upon the applicant and the Advisory Board a statement of the grounds upon which the protest is based. Upon the receipt of any protest the Advisory Board shall, in its discretion, hold a hearing within [illegible] the area at which hearing all persons interested may appear and be heard.

Sec. 8. The Advisory Bear upon receipt of each application from within an incorporated town, shall notify the council of that town of the receipt of said application and request an advisory recommendation from said council. The recommendation may be made by the council in regular or special meeting and notification thereof made to the Advisory Board within the time specified in said notice.

Sec. 9. The fee accompanying an application for a licence shall be returned to the applicant in the event said application is rejected, but no refund of licence fees will be allowed after the issuance of a licence.

Sec. 10. An application for a licence authorized under this Act made before the first day of July, shall be accompanied by the full amount of the licence fee as provided herein. An application for a licence authorized under this Act made after the first day of July, shall be accompanied by a fee in the amount of one half that required herein.

Sec. 11. All licenses issued under this Act shall be posted

154

7. Page 5, Line 9: Strike "shall, in its discretion," and insert "may"

8. Page 5, Line 10: Strike "area" and insert "judicial division in which the protested application originated"

p. 5, line 11: Add new sentence as follows:
"If on such hearing on the question of issuance of a license outside an incorporated town it shall appear that a majority of the citizens over the age of 21 years, residing within two miles of the place for which a license is applied for, object to the issuance of such license, either in person at said hearing or by petition, the Board may refuse to issue such licence."

9. Page 5, Line 19: After "application" insert", less $25.00,"

10. Page 5, Line 28: Add new sentence as follows: "Licenses may, upon request of the applicant, be issued for any designated continuous period of six months during any calendar year, and the fee for such licenses shall be one-half that otherwise required."

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by the licensee in a conspicuous place upon the premises, so that anyone entering the premises may easily read the same.

Sec. 12. It shall be unlawful to give, barter, sell, or in any way dispose of any intoxicating liquor, including beer and wine, upon any day which any general, special, or Primary Election is held in the Territory [or in any Municipality or other political subdivision thereof] at large within the polls have been closed on such day. (Old section

Sec. 13. No license shall be issued for the sale of any intoxicating liquor in any building within two hundred feet of any school building or church. Provided, however, that a license may be reissued for the sale of intoxicating liquor in any building in which the sale of intoxicating liquor was, at the time of the passing of this Act, authorized by law.

Be it further provided, however, that when a license for the sale of intoxicating liquor in any building within two hundred feet of a school house or church is forfeited by reason of a violation of law, no license for the sale of intoxicating liquor on those premises shall thereafter be issued.

Sec. 14. It shall be unlawful for the holder of any Wholesaler's, Brewer's, Distiller's, or Bottler's License to carry for sale any stock of intoxicating liquors in the Territory except on the premises licensed, and it shall be unlawful for any of the four above-mentioned classes to sell any such intoxicating liquors from any boat or other carrier.

Sec. 15. No person, firm or corporation shall manufacture, barter, sell or possess for sale, any intoxicating liquor in the Territory of Alaska without having procured an appropriate license. All licensees under the provisions of this Act selling

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11. Page 6, Line 6: After word "Territory" strike "or any Municipality or other Political Subdivision thereof"; insert words "at large";

12. Page 6, Line 8: Add new sentence as follows: "Municipal and other political subdivisions of the Territory may provide by ordinance against the sale or disposition of intoxicating liquors therein on the day of an election held solely within such municipal or other political subdivision.

p. 6: delete section 13 and insert new paragraph 13 as follows:

"No license shall be issued for the sale of any intoxicating liquor in any building within two hundred feet of any school ground or church building measured by shortest direct line from any school ground or church building, within any corporate municipality, nor within one quarter of a mile of any school ground or church building where such school ground or church building is located outside the corporate limits of a municipality. No license shall be issued for use in any building within two miles of any land grant University. Provided, however, a license may be reissued for the sale of intoxicating liquor in any building in which such sale was authorized by law on the effective date of this Act.

When a license for the sale of intoxicating liquor in any building within the proximity of any school ground or church building as set forth in this section, is forfeited, no license for the sale of intoxicating liquor on those premises shall thereafter be issued."

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Finished 7/26

to the general public shall be charged with the knowledge that the wholesaler, distiller, importer, brewer or bottler from whom they purchased intoxicating liquors is properly licensed to sell same.

Sec. 16. Any intoxicating liquors shipped into the Territory of Alaska for purposes of sale other than to licensees hereunder shall be deemed contraband and subject to confiscation by the Territory and any intoxicating liquors so seized shall be sold under the orders of the District Court and the proceeds thereof deposited with the Territorial Treasurer; provided, however, that the provisions of this Section shall not apply to sacramental wines, alcohol or liquors used for pharmaceutical or medicinal purposes or liquors used for filling the prescriptions of physicians.

Sec. 17. All licenses in effect at the time of the passage of this Act shall remain in effect for the term specified thereon ~~and licenses issued under this Act shall be issued for the~~ fiscal Calendar year ending December 31.

Sec. 18. No Beverage Dispensary License, or Retail License shall be issued to any person or association of persons who have not resided in the Territory for at least one year prior to the date of the application, or to any corporation which is not qualified to do business in the Territory.

Sec. 19. No corporation, wholesaler, owners, officer, or representative of a brewery, winery, bottling works, or distillery shall be permitted to own any interest in any Beverage Dispensary or Retail Liquor Store, nor shall he or they be permitted to finance directly, or indirectly, any license-holder in procuring quarters, or supplying equipment or furnishings in order

154

14. Page 7, Line 17: Change word "fiscal" to "calender "

Finished 2/21

to conduct such business.

Sec. 80. Any distiller, brewer or wholesaler, whose plant or principal place of business is outside of the Territory, but whose products are sold in the Territory, shall be required to obtain a Wholesale License for the sale of his products in the Territory, and a separate license shall be required for each wholesale distributing point within the Territory. Any distiller, brewer or wholesaler, not resident in the Territory, selling intoxicating liquors in the Territory, shall, before soliciting any business in the Territory, designate a principal place of business, or headquarters, in the Territory, and appoint an agent upon whom service can be had, and shall also obtain a license under the provisions of this Act. This subdivision shall not apply to sales made to any regularly licensed wholesaler resident in the Territory.

Sec. 81. No person or persons, other than the licensee, shall have any direct or indirect financial interest in the business for which the license is issued; that the licensee shall, wherever possible, superintend in person the management of the business for which the license is issued; but if any other person is employed to manage the same, he or she shall have all the qualifications of a licensee and the licensee shall be responsible for the proper conduct of the business.

Sec. 82. Whenever thirty-five per cent (35%) of the total number of voters at the last general municipal election held in any incorporated city or town shall petition the Court so to do, the Court shall cause to be placed upon a separate ballot at the next municipal election in such incorporated city or town the following question: "For the sale of intoxicating liquors . . .

Finished 2/26

. . . . . "(yes or no). It shall be the duty of the regular election officers to canvass the said ballots and to report the results thereof to the Clerk of the District Court. If, upon receipt of the certificate of election, the Clerk of the District Court finds that a majority of the voters are against the sale of intoxicating liquor in said incorporated city or town, said Clerk shall thereupon advise the Territorial Tax Commissioner and all applications for licenses within the said city or town shall thereafter be denied and no further licenses shall be issued therein for a period of one year, and until the voters therein, at a subsequent election held in the manner herein provided for, shall decide that licenses may be issued.

Sec. 23. All moneys collected or due the Territory for licenses under the provisions of this Act shall be deposited with the Territorial Treasurer; all such moneys collected within the incorporated cities may be refunded semi-annually to the said incorporated cities.

Sec. 24. 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 ordinance or ordinances thus enacted shall not be inconsistent with this Act, and that no municipality shall impose any additional taxes.

Sec. 25. (a) The following licenses may be obtained from the Territorial Tax Commissioner: A Beverage Dispensary License shall give to the holder thereof the right to sell or serve on the premises beer, wine, and hard liquors for consumption on the

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15. Page 9, Line 26: After words "Sec. 25." insert "(A)"

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2/26

premises only. Provided, however, that the premises for which such license is issued shall not be connected by doors or otherwise with premises covered by any other license issued under these regulations; and provided further, that the sales under Coverage Dispensary Licenses are limited to less than five wine gallons to any one person in any one day. A Beverage Dispensary License Fee shall be Five Hundred Dollars ($500.00) in all towns, villages, settlements and places of population not exceeding fifteen hundred persons and One Thousand Dollars ($1,000.00) in all towns, villages and incorporated cities having the population in excess of fifteen hundred persons and all applicants desiring a Coverage Dispensary License, at the time of filing with the Territorial Tax Commissioner, the applicant for such license shall also file a bond, either in cash or a surety company bond, to be approved by the Territorial Tax Commissioner, the condition of such bond or undertaking shall be that the licensee or licensees are the sole owners and that no other persons are financially interested either directly or indirectly and will conduct said business in accordance with the existing laws pertaining to the manufacture and sale of intoxicating liquor in Alaska. Such bond shall be in the penal sum of Twenty-five Hundred Dollars ($2500.00). Upon conviction for violation of the laws of Alaska pertaining to the manufacture and sale of intoxicating liquor or upon revocation of a license, said bond may be forfeited and covered into the Territorial Treasury.

(D) A Restaurant License shall give to the holder thereof the right to sell beer and wine in a restaurant with meals furnished in good faith to guests and patrons. A Restaurant License Fee is One Hundred Fifty Dollars ($150.00).

154

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(C) A Road House License shall give to the holder thereof the right to sell beer and wine in a road house situated not less than eighteen miles from any incorporated city and serving food to the traveling public. A Road House License Fee is Seventy-five Dollars ($75.00).

(D) A Club License shall give to clubs, fraternal organizations, and patriotic organizations, that have a Territorial or National Charter, and which have been so incorporated and active for a period of five years or more, the right to sell intoxicating liquors to members and their families only in their club rooms. A Club License Fee is Two Hundred Dollars ($200.00).

Clubs composed of members of the armed forces of the United States may be granted a license under the provisions of this subsection irrespective of the date of their organization.

(E) A Bottling Works License shall give to the holder thereof the right to operate a Bottling ~~Werds~~ Works where beer and wine may be bottled and sold, but no sale of beer or wine shall be made in less quantities than five wine gallons. A Bottling Works License Fee is One Hundred Dollars ($100.00).

(F) A Brewery License shall give to the holder thereof the right to operate a Brewery where beer is manufactured, brewed, prepared, bottled or barreled for sale; but no sale shall be made in less quantities than five wine gallons. A Brewery License Fee is One Hundred Dollars ($100.00).

(G) A Retail License shall give to the holder thereof the right to sell in his establishment intoxicating liquors, including beer and wine, in the original packages and wine in bulk. All liquor requiring Internal Revenue strip stamps shall have such stamps intact upon the packages. The consumption of any

154

To Mann

Finished 2/26

intoxicating liquor on the premises under this license is prohibited. Provided, however, that the premises for which such license is issued shall not be connected by doors or otherwise with [the] premises upon which any other business is conducted. Sales under a Retail License shall be limited to less than five wine gallons to any one person in any one day. A Retail License Fee is Three Hundred Dollars ($300.00).

(D) (1) A General Wholesale License shall give to the holder thereof the right to sell intoxicating liquors, including malt beverages and wines, in the original package, and wine in bulk, in quantities of not less than five wine gallons to holders of licenses under this Act, but not to the consumer. All liquor requiring Internal Revenue strip stamps must have such stamps intact on the package. A General Wholesale License Fee shall be as follows:

Upon the total amount of business transacted during any year: $500.00 as a minimum license fee, to accompany the application, and in payment of the fee for the first $50,000.00 of business transacted, and, in addition thereto, on the business transacted during any year,

above $ 50,000 and not over $ 75,000 . . . . . a fee of $ 250.00
above $ 75,000 and not over $100,000 . . . . . a fee of $ 500.00
above $100,000 and not over $125,000 . . . . . a fee of $ 750.00
above $125,000 and not over $150,000 . . . . . a fee of $1000.00
above $150,000 and not over $175,000 . . . . . a fee of $1250.00
above $175,000 and not over $200,000 . . . . . a fee of $1500.00
above $200,000 and not over $250,000 . . . . . a fee of $2000.00
above $250,000 and not over $300,000 . . . . . a fee of $2500.00
above $300,000 and not over $350,000 . . . . . a fee of $3000.00

154

16. Page 12, Line 4: Strike word "the"; strike "upon which any other business is conducted" and insert in lieu thereof "covered by any other license issued under these regulations"

Finished 7/26

To Mann

above $350,000 and not over $400,000 . . . . . a fee of $3500.00

above $400,000 and not over $500,000 . . . . . a fee of $4000.00

above $500,000 . . . . . a fee of $5000.00

(C) A Wholesale Hard and Distilled Liquor License shall give to the holder thereof the right to sell hard and distilled liquors in the original packages of not less than five wine gallons with the Internal Revenue stamps intact, to holders of licenses under this Act but not to the consumer. A Wholesale Hard and Distilled Liquor License Fee is Five Hundred Dollars ($500.00).

(D) A Wholesale, Malt Beverages, and Wine License shall give to the holder thereof the right to sell malt beverages and wine in the original packages and malt beverages and wine in bulk in quantities of not less than five wine gallons to holders of licenses under these regulations but not to the consumer. A wholesale license shall be required for each distributing point. Malt Beverages and Wine License Fee shall be as follows:

On the total amount of business transacted in any year: $100.00 as a minimum licence fee, to accompany the application, and an payment of the fee for the first $10,000.00 of business transacted, and, in addition thereto, on the business transacted during any year,

above $ 10,000 and not over $ 25,000 . . . . . a fee of $ 150.00

above $ 25,000 and not over $ 50,000 . . . . . a fee of $ 500.00

above $ 50,000 and not over $ 75,000 . . . . . a fee of $ 750.00

above $ 75,000 and not over $100,000 . . . . . a fee of $1000.00

above $100,000 and not over $150,000 . . . . . a fee of $1500.00

above $150,000 and not over $200,000 . . . . . a fee of $2000.00

above $200,000 and not over $300,000 . . . . . a fee of $3000.00

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above $300,000 and not over $400,000 . . . . . a fee of $4000.00
above $400,000 . . . . . a fee of $5000.00

(A) A Distillery License shall give to the holder thereof the right to operate a Distillery where intoxicating liquors are distilled, prepared, bottled or barreled for sale, but no sale shall be made in less quantities than five wine gallons, and no sale shall be made in the Territory except to licensees under the provisions of this Act and not to the consumer or the general public. A Distillery License Fee is One Hundred Dollars ($100.00).

(B) An Importers License shall give the holder thereof the right to import into the Territory of Alaska malt beverages of one per cent (1%) (alcoholic content by volume) or over. An Importer (of malt beverages) License Fee is Five Hundred Dollars ($500.00).

(C) A Common Carrier Dispensary License shall give to the holder thereof the right to sell intoxicating liquors for consumption aboard a boat, or a railroad buffet car while in transit only. Provided, however, that no Common Carrier Dispensary License shall be issued for any boat or vessel of less than 250 tons United States Custom House measurement. A Common Carrier Dispensary License Fee shall be $250.00 for each such vessel, or buffet car so licensed.

(D) A Retail Stock Sale License shall give to the holder thereof the right to sell in bulk quantities, of not less than five wine gallons per sale, but not to the consumer, the entire stock of a former retail liquor store, where the owner thereof is desirous of closing out or terminating the business of the store. Such license shall issue only when the owner does not

154

Finished 2/26

have a retail license, but not where he has been deprived of a retail license because of a violation of this Act, or a violation of any other law of the Territory of Alaska. Such license shall issue for a period of ninety days only for each store so closing out, and shall not be renewable. A Retail Stock Sale License Fee shall be One Hundred Dollars ($100.00).

Sec. 26. The Territorial Tax Commissioner upon the advise of the Advisory Board shall issue a provisional license upon the payment of the minimum fees for a license mentioned in Sections (B) (1) and (3) of Sec. 25 of this Act, and not later than February 10 of each year following that for which any license had been issued to a licensee, said licensee shall make an affidavit showing the amount of business done during the preceding year under said respective licenses and the points and establishments from which such business was done, which shall be filed with the Territorial Tax Commissioner. The licensee shall pay to said Territorial Tax Commissioner the license fees accrued during such preceding year at the time of filing such affidavit. Unless such affidavit is so filed and fee paid, any licenses outstanding in the name of such licensee which have been issued under the laws in effect at the time of passage of this Act, shall be forthwith cancelled by an order of said Territorial Tax Commissioner. But the failure to file the affidavit or cancellation of any existing license shall not relieve any licensee from paying the fees in this Act prescribed.

Sec. 27. Every brewer, distiller, bottler, jobber, retailer, wholesaler or manufacturer, who sells intoxicating liquors in the Territory of Alaska or who consigns shipments of same into the Territory of Alaska, regardless of whether such liquors are

Finished 2/26

brewed, distilled, bottled or manufactured within or without Alaska, shall pay on all malt beverages (alcoholic content of one per cent (1%) or more by volume), wines and hard or distilled liquors, the following prescribed taxes: malt beverages at the rate of ten cents (10¢) per gallon, or fraction thereof; wine, or any other liquor of twenty-one percent (21%) of alcohol by volume or less, at the rate of twenty-five cents (25¢) per gallon, or fraction thereof; any other liquors having a content of more than twenty-one per cent (21%) of alcohol by volume shall pay at the rate of three dollars ($3.00) per gallon.

Sec. 23. Each such brewer, distiller, bottler, jobber, wholesaler, manufacturer or other consignor shall on the first day of each calendar month mail, postage prepaid, to the Territorial Tax Commissioner at Juneau, Alaska, a statement containing a true account of the total number of gallons, including fractional gallons, together with the respective names and Alaskan addresses of, and itemized as to the respective gallonage of each such kind of liquor sold to, or consigned to, the respective buyers or consignees thereof which such brewer, distiller, bottler, jobber, wholesaler, or manufacturer sold or consigned to retailers or other buyers in Alaska during the immediately preceding calendar month, and shall pay quarterly to the Territorial Tax Commissioner all taxes, computed at the foregoing or the then prevailing rates, on the respective total quantities of such respective classes of liquor so sold or consigned to Alaskan buyers or others during the immediately preceding three calendar months. The quarterly return shall be filed and the tax paid within thirty (30) days after the last day of third month of each quarter.

HB 154

Finished
7/26

1 Provided, however, that each such brewer, distiller, bottler,
2 wholesaler, manufacturer or other consignor shall be entitled to
3 a credit for any and all excise taxes paid on such alcoholic
4 beverages as may have been sold and delivered to any U. S. Gov-
5 ernment operated vessel for ship stores, ship's service stores,
6 and to any post exchange, officers club, non-commissioned offi-
7 cers club, or any club maintained for enlisted personnel, and
8 to any and all other authorized beverage dispensers on any mili-
9 tary, naval, air force or governmental reservation within the
10 Territory of Alaska upon furnishing proof in the form of signed
11 and certified invoices evidencing such sales to such military,
12 naval, air force or governmental liquor dispensary. Upon re-
13 ceipt by the Territorial Tax Commissioner of the monthly state-
14 ment hereinabove provided for, said Commissioner shall promptly
15 allow a credit to the account of, and issue a notice showing the
16 amount of credit allowed to, such brewer, distiller, bottler,
17 jobber, wholesaler, manufacturer or other consignor for that
18 portion of the excise taxes which shall have been paid on sales
19 made to any U. S. Government operated vessel for ship stores,
20 ship's service stores, and to any post exchange, officers club,
21 non-commissioned officers club, or to any other club maintained
22 for enlisted personnel, and to any and all authorized military,
23 naval, air force or governmental dispensaries, as evidenced by
24 properly signed and certified invoices proving such sales. The
25 amount of credit allowed on sales made to any U. S. Government
26 vessel for ship stores, ship's service stores, or to any post
27 exchange, officers club, or any club maintained for enlisted
28 personnel and to military, naval, air force or governmental
29 liquor dispensaries in the Territory of Alaska shall be applied

154

17. Page 17, Line 1: Strike paragraph beginning on Page 17, Line 1 and ending on Page 18, Line 11

only against the excise taxes becoming due the Territory of Alaska from said brewer, distiller, bottler, jobber, wholesaler, manufacturer or other consignor because of sales of intoxicating liquors made from and after the effective date of this Act. In order to obtain the excise tax credit herein provided for, the claimant shall in making the monthly statement required by law, certify as to the truthfulness of the invoice and quantities upon which such claim to said credit is based. Provided, however, that no credit shall be claimed or allowed on account of sales made to civilian clubs or stores located on military, naval, air force or governmental reservations.

In the case of any failure to make and file a return and remit the tax within the time prescribed by law or prescribed by the Territorial Tax Commissioner in pursuance of law, unless such failure is due to reasonable cause and not due to willful neglect there shall be added to the tax, 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25% in the aggregate. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added should be collected in the same manner as the tax; provided, that in all cases of delinquency the legal rate of interest shall be assessed.

Sec. 20. Any person required under this Act to pay excise tax, or required to make a return, keep or display any records, or supply information, for the purposes of the computation, assessment or collection of excise tax imposed by this Act, who

To Print

Finished 4/26

willfully fails to obtain such license certificate, pay the excise tax, make such return, keep or display such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $1,000.00, or imprisoned for not less than one year, or both, together with the cost of prosecution.

Sec. 30. No application for a license shall be approved for any location not licensed at the time of application where the total of licensed premises in the aggregate at one time would exceed one license of each type for each 1,500 population or fraction thereof, within a radius of ten miles of the proposed location, save and except that no licensee holding a license shall be denied a renewal of said license for another location where, because of the termination of the licensee's lease on the location or because of condemnation or substantial destruction of the premises by fire or other cause, it becomes necessary to relocate, or where public convenience is better served by said transfer. Provided, however, that in the event said licensee is so deprived of his licensed location his application for another acceptable location must be made within three months of the time when the relocation becomes necessary. In no event shall a license be transferred out of the Judicial Division within which it was granted. Provided, however, that licenses already issued at the time of the enactment of this Act shall be renewed irrespective of such ratio, unless the application shall be denied for cause other than that contained in this section.

Sec. 31. Any person who influences or attempts to influence

154

To Mem

Finished 2/26.

the sale, giving, or serving of intoxicating liquor, including beer and wine, to a person under twenty-one years of age, by misrepresenting the age of such person, or who shall order, request, receive, or procure intoxicating liquor from any licensee, employee, or other person, for the purpose of selling, giving, or serving the same to a person under twenty-one years of age, is guilty of a misdemeanor.

Sec. 32. Any person under the age of twenty-one years who shall enter any licensed premise where intoxicating liquor is sold, not in the company of his or her parent or legal guardian, or who shall offer or present to any licensee, employee, or other person a fraudulent or false certificate of birth or other written evidence of age, which is not actually his or her own, or who shall otherwise misrepresent his or her age, for the purpose of inducing the licensee or employee, or other person to sell, give, serve, or furnish intoxicating liquor contrary to law, is guilty of a misdemeanor.

Sec. 33. Any licensee, employee, or other person who questions, or has reason to question, whether a person entering upon a licensed premise, or ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of intoxicating liquor, has attained the age of twenty-one years, shall require such person to sign a statement that he or she is over the age of twenty-one years. Said statement shall be made upon a form to be prepared by and furnished to the licensee, employee, or other person by the Territorial Tax Commissioner.

Sec. 34. Any licensee, employee, or other person who allows to remain upon a licensed premise where intoxicating liquors are

To Mem

Finished 2/26

sold, not in company of his or her parent or legal guardian, or sells, gives, or serves intoxicating liquor to any person under the age of twenty-one years, without having procured the signature of said person upon a statement as herein provided, or who knowingly sells, gives, or serves intoxicating liquor to or allows said person to remain on a licensed premise where intoxicating liquor is sold, shall be guilty of a misdemeanor.

Sec. 33. Any person violating any provision of this Act, or any provision of the law of Alaska pertaining to intoxicating liquor, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment of not more than one year or by a fine of not less than fifty dollars nor more than $500.00, each violation to be considered a separate offense.

Provided, further, that upon conviction as above provided, the commissioner, magistrate, or District Judge, as the case may be, shall send a notification thereof together with the certified transcript of the proceedings to the Territorial Tax Commissioner who may, upon the advice and recommendation of a majority of the members of the Advisory Board, suspend, or revoke the license of the premises involved as follows:

First Violation: The license of the premises involved may be suspended for not less than 10 days nor more than forty-five (45) days;

Second Violation: The license of the premises involved may be suspended for a period of not less than 30 days nor more than ninety (90) days;

~~Third Violation: The license may be cancelled; the bond may be forfeited.~~

Sec. 34. All employees serving intoxicating liquor in a Territorial Dispensary shall be male persons over the age of 21 years and of good moral character. Any such employee of such

154

p. 21, line 12: insert after "not" the following "less than fifty dollars nor"

p. 21, line 22: after word "not" insert "less than 10 nor"

p. 21, line 24: after word "not" insert "less than 30 days nor"

Section

Finished 2/23

1 place violating the provisions of this Act shall be equally
2 guilty with the holder of the license and shall be punished ac-
3 cordingly.

4 Sec. 37. Sections 35-4-11, 35-4-12, 35-4-13, ACLA 1949, as
5 amended by Chapter 131, Session Laws of Alaska 1953, and 35-4-14,
6 ACLA 1949, as amended by Chapter 131, Session Laws of Alaska
7 1953, and 35-4-15, ACLA 1949, as amended by Chapter 83, Session
8 Laws of Alaska 1949, and as amended by Chapter 84, Session Laws
9 of Alaska 1951, and Chapters 33 and 116 Session Laws of Alaska
10 1957, and 35-4-16, 35-4-17, ACLA 1949, as amended by Chapter 16,
11 Session Laws of Alaska 1951, and as amended by Chapter 131,
12 Session Laws of Alaska 1953, and 35-4-18, 35-4-19, 35-4-20,
13 35-4-21 ACLA 1949, as amended by Chapters 83 and 50 of Session
14 Laws of Alaska 1949, and Chapter 114, Session Laws of Alaska
15 1953, and 35-4-22, 35-4-23, 35-4-31, 35-4-32, ACLA 1949, as
16 amended by Chapter 70, Session Laws of Alaska, 1951, and Chapter
17 70, Session Laws of Alaska 1953, 35-4-33 ACLA 1949, as amended
18 by Chapter 70, Session Laws of Alaska 1951; are hereby repealed.

19 Sec. 38. The Territorial Tax Commissioner's decision as
20 authorized by this Act relating to the issuance, suspension or
21 revocation of licenses shall be subject to judicial review at
22 the instance of any aggrieved party.

23 Sec. 39. If any provision hereof or the application there-
24 of to any person or circumstance is held invalid, such invalidity
25 shall not affect other provisions or applications of the act
26 which can be given effect without the invalid provision or ap-
27 plication, and to this end the provisions of this Act are
28 declared to be severable.

29 Sec. 40. An emergency is hereby declared to exist and this

154

Act shall take effect immediately upon its passage and approval.