

1 IN THE HOUSE

BY TERRITORIAL AFFAIRS COMMITTEE

2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 49

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act for licensure and regulation of the
7 intoxicating liquor industry, providing for
8 the Board of Liquor Control; a Beverage
9 License Advisory Board; and providing penal-
10 ties; providing for appeals; re-enacting
11 and amending Sections 35-4-1 through 35-4-6
12 inclusive ACLA 1949, and amending Sections
13 35-4-11 through 23 inclusive ACLA 1949, as
14 amended by Chapters 83 and 99 SLA 1949, and
15 as amended by Chapters 16 and 54 SLA 1951,
16 and as amended by Chapters 36, 114, 116 and
17 131 SLA 1953, and as amended by Chapters
18 115 and 131 SLA 1955; adding new subsections
19 and declaring an emergency."

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

21 Section 1. Sections 35-4-1 through 35-4-6 inclusive, ACLA
22 1949, as repealed by Chapter 43 SLA 1953 are hereby re-enacted,
23 amended and new subsections added to read as follows:

24 Sec. 35-4-1. CREATION: MEMBERS. There is hereby
25 created a Board of Liquor Control, hereinafter referred to
26 as the "Board", to be composed of the Governor, the
27 Attorney General, the Treasurer, the Director of Finance
28 AUDITOR and the Territorial Highway Engineer, all
29 executive officials of the Territory of Alaska.

1 Sec. 35-4-2. DUTIES: RULES AND REGULATIONS, ETC.

2 It shall be the duty of the Board [OF LIQUOR CONTROL] to
3 proscribe rules and regulations to govern the manufacture,
4 barter, sale, and possession of intoxicating liquors in
5 the Territory of Alaska. [; TO PRESCRIBE THE QUALIFICA-
6 TIONS OF THOSE WHO ARE TO ENGAGE IN THE MANUFACTURE,
7 BARTER, SALE, AND POSSESSION OF INTOXICATING LIQUORS IN
8 THE TERRITORY OF ALASKA, AND TO PRESCRIBE LICENSE FEES
9 AND EXCISE TAXES THEREFOR.]

10 Sec. 35-4-3. POWERS, AUTHORITY AND CONTROL. [; DURATION]

11 (A) The Board [OF LIQUOR CONTROL] is to have
12 full power, authority and control over the manufacture,
13 barter, sale, and possession of intoxicating liquors in the
14 Territory of Alaska, as provided for herein. [IN SECTION
15 3 OF THIS ACT, UNTIL SUCH A TIME AS THE LEGISLATURE OF
16 ALASKA MAY ENACT LAWS THAT WILL PROVIDE FOR AND SUPERSEDE-
17 THE POWERS, DUTIES, AND FUNCTIONS HEREBY DELEGATED TO THE
18 BOARD OF LIQUOR CONTROL.]

19 (B) The Board shall review all applications made
20 under this Act for licenses and upon its direction the
21 Territorial Tax Commissioner shall issue, revoke, transfer,
22 or suspend licenses coming within the purview of this Act.
23 Such licenses shall be issued, revoked, transferred or
24 suspended as the Board deems in the best interests of the
25 public: provided, however, that the denial of any license
26 be made in writing with the reason therefor set forth.

27 (C) The Board shall have the power to hold public
28 hearings on application's for licenses when any such appli-
29 cations are protested, and to require an applicatn to answer

1 any questions it deems pertinent;

2 (D) The Board shall have power to appoint such
3 agents, assistants, clerks and stenographic employees as it
4 N deems necessary in giving effect to this Act;

5 E (E) The Board is hereby granted authority to
6 W promulgate necessary rules and regulations to effectuate
7 and carry out the purpose of this Act and such rules and
8 M regulations shall have the full force and effect of law.

9 A (F) The Board shall appoint advisory boards
10 T in each judicial division which shall consider all appli-
11 T cations for initial licensing renewals, or transfers of
12 B beverage licenses within their respective judicial divi-
13 R sion as well as complaints relating thereto and shall make
14 recommendations to the Board; provided, however, such
15 advisory boards shall have no authority to review any appli-
16 cations pertaining to the issuance, revocation, transfer or
17 suspension of any beverage license originating in any
18 incorporated city.

19 E Each advisory board shall consist of five members
20 M appointed as follows: one shall be appointed by the Gov-
21 D ernor; one shall be appointed by the Attorney General; one
22 shall be appointed by the Highway Engineer; one shall be
23 appointed by the Treasurer and one shall be appointed by the
24 M Director of Finance. Each appointee shall be a resident
25 E of the division from which he is appointed. The advisory
26 W board may hold such hearings as may be directed and in
27 the manner prescribed by the Board, or they may meet on the
28 call of their chairman. The advisory boards' findings
29 and conclusions shall not be binding on the

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Board but shall be considered in the Board's deliberations. No expenses or obligations of any nature shall be incurred by the advisory board, except with the written consent of the Board.

Sec. 35-4-4. INVESTIGATOR, ENFORCEMENT OFFICER; LICENSE OFFICERS. The Board may appoint an investigator, upon organization, shall elect one of its members enforcement officer whose duties it shall be to investigate, for the Board, all violations of enforce the laws, rules and regulations respecting the manufacture and/or sale of intoxicating liquor within the Territory of Alaska. The Board may appoint from persons nominated by the Treasurer, at a salary of not more than two hundred and fifty dollars (\$250.00) per month, not more than four license officers, who shall have all the powers now exercised by deputy sheriffs in the enforcement of the laws of the Territory. They may also be designated deputy collectors of licenses and taxes under such rules and regulations as the Treasurer may prescribe and shall give bond to the Territory in such sum as the Treasurer may require for the faithful performance of their duties and accounting for all moneys that may come into their hands.

Sec. 35-4-5. PROVIDING FOR LOCAL OPTION ELECTIONS: INTOXICATING LIQUOR DEFINED. The Board of liquor control is hereby authorized and directed to provide a system for the holding of local option elections in the Territory of Alaska, as provided for in Section 35-4-17 herein, and to prescribe the rules and regulations for the holding of elections and the canvassing of the votes thereof.

1 Whenever the term intoxicating liquor is used in this Act
2 it shall be deemed to include all spirituous, vinous,
3 malt or other fermented or distilled liquor intended for
4 human consumption and containing more than one per cent
5 alcohol by volume.

6 Sec. 35-4-6. VIOLATION OF BOARD'S RULES AND RE-
7 GULATIONS A MISDEMEANOR: PENALTY. Any person, firm, or
8 corporation, who shall violate any of the rules or
9 regulations prescribed by the said Board ~~BOARD~~ governing
10 the manufacture, sale, barter, and possession of intoxicating
11 liquors in the Territory of Alaska, or the qualifications
12 of those engaging in the manufacture, sale, barter, and
13 possession of such liquors in the said Territory, or the
14 payment of license fees and excise taxes therefor, shall
15 be deemed guilty of a misdemeanor, and upon conviction
16 thereof shall be punished as provided in section 65-2-4
17 Alaska Compiled Laws Annotated, 1949. ~~OF THE COMPILED LAWS~~
18 ~~OF ALASKA, 1949.~~

19 Sec. 2. Sections 35-4-11 through 35-4-23 inclusive, ACLA
20 1949, as amended by Chapter 83 and 99 SLA 1949, as amended by
21 Chapter 16 and 54 SLA 1951, as amended by Chapters 36, 114, 116
22 and 131 SLA 1953, and as amended by Chapter 115 and 131 SLA 1955
23 are hereby amended and certain subsections added to read as
24 follows:

25 Sec. 35-4-11. LIQUOR MANUFACTURE AND TRAFFIC CON-
26 TROLLED BY ACT: WHAT INCLUDED IN TERM "INTOXICATING
27 LIQUOR." No person, firm, corporation, organization, or
28 company shall manufacture, sell, offer for sale or possess
29 ~~SELL~~ for sale, or barter, traffic in, barter or exchange

1 for goods in this Territory, any intoxicating liquor with-
2 out first procuring an appropriate license EXCEPT as
3 hereinafter provided; but this shall not apply to sales
4 made by a person under provisions of law requiring him to
5 call personal property. Whenever the term "intoxicating
6 liquor" is used in this Act it shall be deemed to include
7 whiskey, brandy, rum, gin, wine, ale, porter, beer,
8 MECHING and all other spirituous, vinous, malt and other
9 fermented or distilled liquors.

10 Sec. 35-4-12. LICENSES: ISSUANCE. RECORD The
11 licenses provided for in this Act shall be issued by the
12 Tax Commissioner CLERK OF THE DISTRICT COURT OR ANY SUB-
13 DIVISION THEREOF in compliance with the order of the Board,
14 COURT OR JUDGE THEREOF DULY MADE AND ENTERED; AND THE CLERK
15 OF THE COURT SHALL KEEP A FULL RECORD OF ALL APPLICATIONS
16 FOR LICENSES AND OF ALL RECOMMENDATIONS FOR AND REMONSTRANCES
17 AGAINST THE GRANTING OF LICENSES AND OF THE ACTION OF THE
18 COURT THEREON.

19 Sec. 35-4-13. APPLICATION FOR LICENSE: CONSENT OF
20 CITIZENS: PROCEEDINGS AND HEARINGS ON APPLICATION: POSTING
21 LICENSE. TRANSFER OF LICENSE: REFUND OF FEES. RENEWALS

22 No application for a license shall be approved for any
23 location not licensed at the time of application where the
24 total of licensed premises in the aggregate at one time would
25 exceed one license of each type for each 1,500 population
26 or fraction thereof, within a radius of ten miles of the
27 proposed location, save and except that no licensee holding
28 a license shall be denied a renewal of said license for
29 another location where, because of the termination of the

1 licensee's lease on the location or because of condemnation
2 or substantial destruction of the premises by fire or other
3 cause, it becomes necessary to relocate, or where public
4 convenience is better served by said transfer. Provided,
5 however, that in the event said licensee is so deprived of
6 his licensed location his application for another acceptable
7 location must be made within three months of the time when
8 the relocation becomes necessary. In no event shall a
9 license be transferred out of the Judicial Division within
10 which it was granted. Provided, however, that licenses
11 already issued at the time of the enactment of this Act
12 shall be renewed irrespective of such ratio, unless the
13 application shall be denied for reason other than that con-
14 tained in this section. /BEFORE ANY LICENSE IS GRANTED,
15 AS PROVIDED IN THIS ACT, IT SHALL BE SHOWN TO THE SATIS-
16 FACTION OF THE COURT THAT TWO-THIRDS OF THE CITIZENS OVER THE
17 AGE OF TWENTY-ONE YEARS, RESIDING WITHIN ONE MILE OF THE
18 PLACE WHERE INTOXICATING LIQUOR IS TO BE MANUFACTURED, BAR-
19 TERED, SOLD AND EXCHANGED, OR BARTERED, SOLD OR EXCHANGED,
20 HAVE IN GOOD FAITH CONSENTED TO THE MANUFACTURER, BARTER,
21 SALE AND EXCHANGE, OR THE BARTER, SALE AND EXCHANGE OF THE
22 SAME; AND THE BURDEN SHALL BE UPON THE APPLICANT OR APPLICANTS
23 TO SHOW TO THE SATISFACTION OF THE COURT THAT TWO-THIRDS
24 OF THE CITIZENS OVER TWENTY-ONE YEARS OF AGE HAVE CONSENTED
25 THERETO AND NO LICENSE SHALL BE GRANTED IN THE ABSENCE
26 OF SUCH EVIDENCE; PROVIDED, THAT WHEN IT IS MADE TO APPEAR
27 THAT TWO-THIRDS OF SAID CITIZENS OVER THE AGE OF TWENTY-ONE
28 YEARS OF ANY ONE PLACE OUTSIDE THE CORPORATE BOUNDARIES
29 OF AN INCORPORATED TOWN HAVE CONSENTED TO THE MANUFACTURE,

1 BARTER, SALE AND EXCHANGE OR THE BARTER, SALE AND EX-
2 CHANGE OF INTOXICATING LIQUOR, NO FURTHER PROOF OF THE CON-
3 SENT OF THE CITIZENS OF THE PLACE WHERE SUCH INTOXICATING
4 LIQUOR IS TO BE MANUFACTURED, BARTERED, SOLD AND EXCHANGED,
5 OR BARTERED, SOLD AND EXCHANGED, WILL BE REQUIRED FOR A
6 RENEWAL UPON APPLICATION APPROVED BY THE COURT OF SAID
7 LICENSE FROM YEAR TO YEAR SO LONG AS THE LICENSEE SHALL
8 NOT HAVE BEEN FOUND GUILTY OF AN INFRACTION OF THE TER-
9 RITORIAL LIQUOR LAWS; PROVIDED APPLICANT SHALL FILE A
10 SWORN STATEMENT TO THE EFFECT THAT APPLICANT HAS NOT BEEN
11 CONVICTED OF ANY INFRACTION OF THE TERRITORIAL LIQUOR LAWS.7

12 Provided, however, that any application for a license
13 coming from within an incorporated town shall have attached
14 to the application the recommendation of the city council
15 of said incorporated town and shall be forwarded to the
16 Board. 7 THEREIN IN LIEU OF TWO-THIRDS OF THE CITIZENS OF THAT
17 DISTRICT, 7 in addition to a list of at least five references
18 as to the integrity of the applicant and the desirability
19 of the issuing of a license for the premises mentioned
20 therein. 7 THE CLERK OF THE COURT UPON RECEIPT OF EACH
21 APPLICATION FROM WITHIN AN INCORPORATED TOWN, SHALL NOTIFY
22 THE CITY COUNCIL OF THAT TOWN OF THE NECESSITY FOR ACTION
23 ON THE APPLICATION BY THE COUNCIL, IN REGULAR OR SPECIAL
24 MEETINGS AND THE FILING WITH THE CLERK OF THE COURT OF A
25 CERTIFICATE SHOWING THE ACTION TAKEN. 7 A failure of the
26 municipal officers to act upon applications for licenses
27 within thirty days 7 THE PERIOD SPECIFIED IN THE NOTICE FUR-
28 NISHED THEM 7 shall be considered a default and shall subject
29 the city to the penalty of losing its right to a refund as

1 herein provided. At the time set for the hearing, the Board
2 ~~COURT~~ shall consider the application and any protests
3 that may be filed against the same, and shall also hear the
4 applicant or others appearing in connection with the matter,
5 and give its judgment, which shall be final. If the
6 application is rejected the fee accompanying the same shall
7 be returned less the sum of Twenty-Five Dollars. The li-
8 censee shall cause the license to be posted in a conspicuous
9 position in his place of business, so that anyone entering
10 the premises may easily read it. No license issued under
11 the provisions of this Act shall be transferred except
12 after first securing the consent of the Board. ~~COURT~~ No
13 refund of license fees will be allowed after the issuance
14 of license.

15 Sec. 35-1-14. FILING, FORM AND CONTENTS OF APPLI-
16 CATION: FALSE STATEMENTS IN APPLICATION. All applicants
17 for licenses mentioned herein shall file with the Tax
18 Commissioner ~~CLERK OF THE DISTRICT COURT~~ an application
19 in writing, signed and sworn to by the applicant, giving
20 his name and address, and, if a corporation, executed by
21 the duly authorized officers thereof, containing the following:

- 22 (1) Kind of license desired;
- 23 (2) A description of the place for which the license
24 is desired, giving address by street and number, or other
25 information, so that the location can be definitely determined;
- 26 (3) A statement of the citizenship or corporate
27 qualifications of the applicant;
- 28 (4) The necessary license fee;
- 29 (5) Together with the consent of two-thirds of the

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

15 That should it appear to the Board DISTRICT COURT
16 that any of the statements above enumerated and required
17 in the application are untrue at the time of application
18 for such license, such application shall be denied.

19 That should it appear to the Board DISTRICT COURT
20 after the granting of such license that any of the
21 statements above enumerated and required to be made in the
22 application are untrue, it shall be the duty of the Board
23 COURT to forthwith enter an order revoking such license
24 and all license moneys deposited by the applicant shall
25 be thereby forfeited to the Territory, and it shall be the
26 duty of the United States Marshals and their deputies,
27 and United States Attorneys and their assistants, and all
28 chiefs of police and other peace officers in their
29 respective Divisions, Districts, Towns or settlements to

1 investigate and report to the Board DISTRICT COURT any
2 violation of any of the provisions of this Act.

3 Sec. 35-4-15. RESTRICTIONS ON SALE OR DISPOSITION
4 OF LIQUOR: MINORS INTOXICATED PERSONS AND DRUNKARDS;
5 ELECTION DAYS: NEAR CHURCHES AND SCHOOLS; LICENSEE'S
6 PREMISES AND INSPECTION THEREOF: LICENSES: SEIZURE AND
7 SALE OF CONTRABAND LIQUOR.

8 (1) SALE ETC. TO MINORS INTOXICATED
9 PERSONS OR DRUNKARDS; CLASSIFICATION OF PREMISES. It
10 shall be unlawful to give, barter or sell any intoxicating
11 liquors, including beer and wine, to any person under the
12 age of twenty-one years TO ANY INTOXICATED PERSON,
13 OR TO ANY HABITUAL DRUNKARD; and it shall be unlawful for
14 any licensee to permit the giving, selling, bartering
15 or drinking of any intoxicating liquor within the premises
16 covered by any license to or by any of the forbidden
17 classes, nor shall such licensee permit the drinking of
18 hard or distilled liquors by any person upon the premises
19 covered by his license, unless the same is permitted under
20 the classification of his license.

21 REVOCATION OF LICENSE: PERSONS DEEMED MINORS.
22 The drinking of intoxicating liquors on the premises
23 covered by any license by any of the forbidden classes,
24 or the presence of any intoxicated person on such premises,
25 shall be cause for revocation of any such license, and
26 further, that any person attending any grade or high
27 school shall be considered less than twenty-one years
28 of age, and the burden of determining the age shall be
29 on the licensee.

1 SALES ON ELECTION DAY. It shall be unlawful to
2 give, barter, sell, or in any licensed premises WAY dispose
3 of any intoxicating liquor, including beer and wine, upon any
4 day on which any General, Special, or Primary Election is
5 held in the Territory at large until the polls have been
6 closed on such day. Municipal and other political sub-
7 divisions of the Territory may provide by ordinance against
8 the sale or disposition of intoxicating liquors on the day
9 of an election held solely within such municipal or other
10 political subdivision OR TO SO DISPOSE OF LIQUOR IN ANY
11 MUNICIPALITY OR OTHER POLITICAL SUBDIVISION THEREOF WHEN
12 AN ELECTION IS BEING HELD THEREIN UNTIL THE POLLS HAVE
13 BEEN CLOSED ON SUCH DAY.

14 (2) PRESENCE OF MINORS ON PREMISES. It shall
15 be unlawful to permit any person under the age of twenty-
16 one years to enter any Beverage Dispensary unless the said
17 minor is accompanied by his parent or guardian.

18 (3) PROXIMITY TO SCHOOL OR CHURCH. No beverage
19 dispensary license or package liquor store license shall
20 be issued for the sale of any intoxicating liquor in any
21 building within two hundred feet of any school ground or
22 church building measured by the shortest direct line from
23 such school ground or church building in which regular
24 religious services are conducted, within any corporate
25 municipality, nor within one quarter of a mile of any school
26 ground or church building where such school ground or
27 church building is located outside the corporate limits of
28 a municipality ; PROVIDED, FURTHER, THAT NO. No license
29 AS REFERRED TO IN THIS SECTION shall be issued for use

1 in any building within two miles of any college or LAND
2 GRANT University. Provided, however, that a license may
3 be reissued or transferred from one licensee to another,
4 for the sale of intoxicating liquor in any building in
5 which such sale was authorized by law on the effective date
6 of this Act AT A TIME SUBSEQUENT TO MARCH 23, 1949.

7 BE IT FURTHER PROVIDED, HOWEVER, THAT WHEN When a
8 license for the sale of intoxicating liquor in any build-
9 ing within 200 feet of a school ground or church building,
10 WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY, OR WITHIN
11 A QUARTER OF A MILE IN AREAS OUTSIDE THE CORPORATE LIMITS
12 OF A MUNICIPALITY, is forfeited, lapses or is transferred
13 to other premises, BY REASON OF A VIOLATION OF LAW, no
14 license for the sale of intoxicating liquor on those premises
15 shall thereafter be issued.

16 (4) PREMISES TO BE ACCESSIBLE FOR INSPECTION.

17 The premises of licensees under this Act shall be easily
18 accessible for inspection by municipal officers, United
19 States Attorneys, Assistant United States Attorneys, United
20 States Marshals, Deputy Marshals AND CLERKS OF THE DISTRICT
21 COURT, and all other officers charged with the enforcement
22 of the provisions of this Act, during all regular hours of
23 the transaction of business upon said premises. For the
24 purpose of this Act, the premises covered by any license
25 issued hereunder, shall be held to include all rooms in any
26 building which can be reached without leaving the building.

27 (5) STOCK CONFINED TO LICENSED PREMISES: SALE
28 FROM CARRIER OR HOAT. It shall be unlawful for any licensee
29 under this Act to carry for sale any stock of intoxicating

1 liquors in the Territory except on the premises indicated
2 on his license. /THE HOLDER OF ANY WHOLESALER'S, BREWER'S,
3 DISTILLER'S, OR BOTTLER'S LICENSE TO CARRY FOR SALE ANY
4 STOCK OF INTOXICATING LIQUORS IN THE TERRITORY EXCEPT ON
5 THE PREMISES LICENSED, AND IT SHALL BE UNLAWFUL FOR ANY OF
6 THE FOUR ABOVE-MENTIONED CLASSES TO SELL ANY SUCH IN-
7 TOXICATING LIQUORS FROM ANY BOAT OR OTHER CARRIER./

8 (6) LICENSE REQUIREMENTS. /NO PERSON, FIRM OR
9 CORPORATION SHALL MANUFACTURE, PARTER, SELL OR POSSESS FOR
10 SALE. ANY INTOXICATING LIQUOR IN THE TERRITORY OF ALASKA
11 WITHOUT HAVING PROCURED AN APPROPRIATE LICENSE./ All
12 licensees under the provisions of this Act selling to the
13 general public shall be charged with the knowledge that
14 the wholesaler, distiller, importer, brewer or bottler from
15 whom they purchased intoxicating liquors is properly licen-
16 sed to sell the same under the provisions of this Act.

17 (7) SEIZURE AND SALE OF SHIPMENTS TO UNLICENSED
18 PERSONS. Any intoxicating liquors shipped into the Territ-
19 ory of Alaska for purposes of sale other than to licensees
20 hereunder shall be deemed contraband and subject to con-
21 fiscation by the Territory and any intoxicating liquors so
22 seized shall be sold under the orders of the District Court
23 and the proceeds thereof deposited with the Territorial
24 Treasurer and covered into the General Fund; provided,
25 however, that the provisions of this Section shall not
26 apply to sacramental wines, alcohol or liquors used for
27 industrial purposes, pharmaceutical or medicinal purposes
28 on the prescription of a licensed physician of liquors
29 used for filling the prescriptions of physicians,

1 (8) DURATION OF LICENSES. All licenses in
2 effect at the time of the passage of this Act shall remain
3 in effect for the term specified thereon, and licenses
4 issued under this Act, except for lesser periods authorized,
5 shall be issued for the calendar year ending December 31.
6 LICENSES GRANTED UPON ANY APPLICATION MADE PRIOR TO JULY 1,
7 1937, FOR ANY NEW LICENSES, OR FOR THE RENEWAL OF EXISTING
8 LICENSES, SHALL BE EFFECTIVE ONLY TO THAT DATE, AND ALL
9 LICENSES THEREAFTER SHALL BE ISSUED FOR THE FISCAL YEAR,
10 HAVING ENDING DECEMBER 31, BUT NO LICENSE SHALL BE ISSUED FOR LESS
11 THAN ONE-HALF YEAR.]

12 (9) PURCHASE BY MINORS. It shall be unlawful for
13 any person between the ages of seventeen and twenty-one years
14 to solicit the purchase of or in any other way to attempt to
15 purchase or otherwise secure any intoxicating liquors, in-
16 cluding beer and wine. Any person violating the provisions
17 of this subsection shall be guilty of a misdemeanor, and upon
18 conviction thereof shall be punished as provided in Section
19 35-4-20 herein. [ICLA 1949.]

20 (10) Any person who influences or attempts to in-
21 fluence the sale, giving or serving of intoxicating liquor,
22 including beer and wine, to any intoxicated person or to any
23 habitual drunkard or to a person under twenty-one years of
24 age, by misrepresenting the age of such person, or who shall
25 order, request, receive, or procure intoxicating liquor from
26 any licensee, employee, or other person, for the purpose of
27 selling, giving, or serving the same to a person under twenty-
28 one years of age, shall be [IS] guilty of a misdemeanor.

29 (11) Any person under the age of twenty-one

1 years who shall enter any licensed premise where intoxicat-
2 ing liquor is sold, not in the company of his or her parent
3 or legal guardian, or who shall offer or present to any
4 licensee, or his employee [], OR OTHER PERSON/ a fraudulent or
5 false certificate of birth or other written evidence of age,
6 which is not actually his or her own, or who shall other-
7 wise misrepresent his or her age, for the purpose of
8 inducing the licensee or his employee [], OR OTHER PERSON/ to
9 sell, give, serve, or furnish intoxicating liquor contrary
10 to law, shall be [19] guilty of a misdemeanor.

11 (12) Any licensee [], or his employee [], OR OTHER
12 PERSON/ who questions, or has reason to question, whether
13 a person entering upon a licensed premise, or ordering,
14 purchasing, attempting to purchase or otherwise procuring
15 or attempting to procure the serving or delivery of
16 intoxicating liquor, has attained the age of twenty-one
17 years, shall require such person to sign a statement that
18 he or she is over the age of twenty-one years. Said state-
19 ment shall be made upon a form to be prepared by and
20 furnished to the licensee [], EMPLOYEE, OR OTHER PERSON/ by
21 the Territorial Tax Commissioner. If a licensee, or his
22 employee, in good faith, secures such a signed statement
23 he shall not be subject to criminal prosecution for viola-
24 tion of Sections 30 and 31 of this Act.

25 (13) Any licensee or his employee, [OR OTHER
26 PERSON/ who allows to remain upon a licensed premise where
27 intoxicating liquors are sold, any person under the age
28 of twenty-one years not in company of his or her parent or
29 legal guardian, or sells, gives, or serves intoxicating
C.S. for H.B. # 49 -16-

1 liquor to any person under the age of twenty-one years,
2 without having procured the signature of said person upon
3 a statement as herein provided, or who knowingly sells,
4 gives, or serves intoxicating liquor to or allows said
5 person to remain on a licensed premise where intoxicating
6 liquor is sold, shall be guilty of a misdemeanor.

7 35-4-16 QUALIFICATIONS OF LICENSEES.

8 (A) RESIDENCE. No Beverage Dispensary License,
9 or Retail license shall be issued to any person or associa-
10 tion of persons who have not resided in the Territory for
11 at least one year prior to the date of the application, or
12 to any corporation which is not qualified to do business
13 in the Territory.

14 (B) INTEREST IN PREMISES. No corporation,
15 wholesaler, owner, officer, or representative of a brewery,
16 winery, bottling works, or distillery shall be permitted
17 to own any interest in any Beverage Dispensary or Retail
18 Liquor Store, nor SHALL HE OR THEY be permitted to finance
19 directly, or indirectly, any license-holder in procuring
20 quarters, or supplying equipment, furnishings, stock or
21 inventory in order to conduct such business.

22 (C) NON-RESIDENT DISTILLER, BREWER OR WHOLE-
23 SALE. Any distiller, brewer or wholesaler, whose plant or
24 principal place of business is outside of the Territory,
25 but whose products are sold directly, by anyone of the
26 forgoing, in the Territory, shall be required to obtain
27 a Wholesale License for the sale of his products in the
28 Territory, and a separate license shall be required for
29 each wholesale distributing point within the Territory.

1 Any distiller, brewer or wholesaler, not resident in the
2 Territory, selling intoxicating liquors in the Territory,
3 shall BEFORE SOLICITING ANY BUSINESS IN THE TERRITORY,
4 designate a principal place of business, or headquarters, in
5 the Territory, where all records shall be located and
6 appoint an agent upon whom process SERVICE can be had,
7 and shall also obtain a license under the provisions of
8 this Act. THIS SUBDIVISION SHALL NOT APPLY TO SALES MADE
9 TO ANY REGULARLY LICENSED WHOLESALER RESIDENT IN THE
10 TERRITORY.

11 (D) FINANCIAL INTEREST: PERSONAL SUPERINTENDENCE.

12 No person or persons, other than the licensee, shall have
13 any direct or indirect financial interest in the business
14 for which the license is issued. THAT The licensee
15 shall, WHENEVER POSSIBLE, SUPERINTEND IN PERSON THE
16 MANAGEMENT OF THE BUSINESS FOR WHICH THE LICENSE IS ISSUED;
17 BUT IF ANY OTHER PERSON IS EMPLOYED TO MANAGE THE SAME, HE
18 OR SHE SHALL HAVE ALL THE QUALIFICATIONS OF A LICENSEE AND
19 THE LICENSEE SHALL be solely responsible for the lawful
20 condition, PROPER CONDUCT of the business licensed
21 hereunder except as hereinafter provided.

22 Sec. 35-4-17. LOCAL OPTION: ELECTION: RESIDENTS'
23 CONSENT TO LICENSE IN INCORPORATED UNINCORPORATED CITIES
24 AND TOWNS: DISPOSITION OF FUNDS.

25 (A) ELECTION IN INCORPORATED TOWNS. Whenever
26 thirty-five percent (35%) of the total number of voters
27 at the last general municipal election held in any in-
28 corporated city or town shall petition the Court so to do,
29 the Court shall cause to be placed upon a separate ballot

1 at the next municipal election in such incorporated city
2 or town the following question: "For the sale of
3 intoxicating liquors" (yes or no).
4 It shall be the duty of the regular election officers to
5 canvass the said ballots and to report the results thereof
6 to the Clerk of the District Court. If, upon receipt of the
7 certificate of election, the Clerk of the District Court
8 finds that a majority of the voters are against the sale
9 of intoxicating liquor in said incorporated city or town,
10 notice shall be forwarded to the Board and all applications
11 for licenses within the said city or town shall thereafter
12 be denied and no further licenses shall be issued therein
13 for a period of one year, and until the voters therein, at
14 a subsequent election held in the manner herein provided
15 for, shall decide that licenses may be issued.

16 (B) Consent of Residents outside of incorporated
17 cities or towns. No licenses for the sale of intoxicating
18 liquor shall be issued under this Act in precincts outside
19 of incorporated cities or towns unless a petition having
20 signatures of two-thirds of the bone fide residents residing
21 within one mile of the place where intoxicating liquor is
22 to be sold, and over the age of twenty-one years, is filed
23 with the Board [CLERK OF THE DISTRICT COURT] asking that
24 licenses be issued within the said precinct; provided,
25 however, that such petition shall not be required for a re-
26 newal of said license from year to year so long as the
27 licensee shall not have been guilty of an infraction of the
28 Territorial liquor laws.

29 (C) DISPOSITION OF FUNDS. All moneys collected

1 or due the Territory for licenses under the provisions of
2 this Act shall be deposited with the Territorial Treasurer
3 and covered into the General Fund; all such moneys
4 derived from the licenses issued [COLLECTED] within the
5 incorporated cities shall be [MAY BE] refunded semi-annually
6 to the said incorporated cities, [; PROVIDED, HOWEVER, THAT
7 IN THE EVENT OF THE FAILURE OF THE OFFICERS OF SAID IN-
8 CORPORATED CITIES TO ACTIVELY ENFORCE ALL OF THE ORDINANCES
9 OF SAID INCORPORATED CITIES, THE LAW OF THE UNITED STATES,
10 THE LAWS OF THE TERRITORY OF ALASKA AND THOSE REGULATIONS RE-
11 LATIVE TO THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS IN
12 THE TERRITORY OF ALASKA, THE TREASURER MAY DENY SAID REFUND
13 AND NO FURTHER MONEYS WILL BE PAID TO SAID INCORPORATED
14 CITIES UNTIL THE ENFORCEMENT OF SUCH LAWS AND REGULATIONS
15 IS ACTIVELY RESUMED WITHIN SUCH MUNICIPALITIES.]

16 Sec. 35-4-18. MUNICIPAL REGULATIONS. Incorporated
17 municipalities, [IN THE TERRITORY OF ALASKA,] may, by
18 ordinance duly enacted, provide such additional rules and
19 regulations governing the barter, sale and possession of
20 intoxicating liquor within such municipalities as may be
21 deemed necessary to the orderly conduct of the business of
22 selling intoxicating liquor, provided, however, that such
23 ordinance or ordinances [THUS ENACTED] shall not be
24 inconsistent with this Act. [AND THAT NO MUNICIPALITY
25 SHALL IMPOSE ANY ADDITIONAL TAXES.]

26 Sec. 35-4-19. DURATION AND TRANSFER OF LICENSES. No
27 license shall be issued for a greater period than one year;
28 and no license shall be transferred by the licensee to any
29 other person except with the written consent of the Board

1 Court, but authority for the same may be
2 upon application thereto in writing.

3 Sec. 35-4-20. VIOLATION OF ACT A MISDEMEANOR:
4 PENALTY. A violation of any of the provisions of this
5 Act or any regulation lawfully promulgated hereunder
6 shall be deemed a misdemeanor, and upon conviction thereof
7 shall be punished by imprisonment of not more than one
8 year, or by a fine of not less than fifty dollars (\$50.00)
9 nor more than Five Hundred Dollars (\$500.00), each viola-
10 tion to be considered a separate offense. Any intoxicating
11 liquors shipped into the Territory for purposes of sale,
12 other than to licensees hereunder and contrary to the
13 provisions of this Act, shall be deemed contraband, and
14 subject to confiscation by the Territory, or any enforcement
15 officer; and any intoxicating liquors so seized shall be
16 sold under the order of the District Court, and the proceeds
17 thereof deposited with the Territorial Treasurer.

18 Provided, further, that upon conviction as above
19 provided, the commissioner, magistrate, or District Judge,
20 as the case may be, shall send a notification thereof
21 together with the certified transcript of the proceedings to
22 the Territorial Tax Commissioner who shall, upon the
23 direction of a majority of the members of the Board, suspend,
24 or revoke the license of the premises involved as follows:

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

28 Second Violation: The license of the premises involved
29 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. 39-4-21. CLASSIFICATION OF LICENSES: RIGHTS AND DUTIES OF LICENSEES: AMOUNT OF FEES. The following licenses shall upon direction of the Board, be issued by the Territorial Tax Commissioner MAY BE OBTAINED FROM THE CLERK OF THE DISTRICT COURT:

(A) BEVERAGE DISPENSARY LICENSES: BOND: PENALTIES: REVOCATION: EMPLOYEES: EXISTING LICENSES: A Beverage Dispensary License which gives 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 premises only. Provided, however, that the premises indicated on the FOR WHICH SUCH license, IS ISSUED shall not be connected by doors or otherwise with premises covered by any other license issued hereunder UNDER THESE REGULATIONS; AND PROVIDED FURTHER, THAT THE SALES UNDER BEVERAGE DISPENSARY LICENSES ARE LIMITED TO LESS THAN FIVE WINE GALLONS TO ANY ONE PERSON IN ANY ONE DAY. The 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 a THE population in excess of fifteen hundred persons; and all applicants for DESIRING a Beverage Dispensary License; 7 population shall be determined at the time of filing application with the Territorial Tax Commissioner DISTRICT

1 COURT, 7 a bond shall be filed THE APPLICANT FOR SUCH
2 LICENSE SHALL ALSO FILE A BOND, either in cash or a
3 surety company bond, to be approved by the Territorial
4 Tax Commissioner. COURT, 7 The THE condition of
5 such bond or undertaking shall be, that the applicant
6 or applicants LICENSEE OR LICENSEES are the sole
7 owners of the business sought to be licensed and that
8 no other persons are financially interested either
9 directly or indirectly and that the applicant or appli-
10 cants will conduct said business in accordance with the
11 existing laws pertaining to THE MANUFACTURE AND SALE
12 OF intoxicating liquor in Alaska. Such bond shall be
13 in the penal sum of Twenty-five Hundred Dollars (\$2500.00).
14 Upon conviction for violation of the laws of Alaska per-
15 taining to the manufacture or AND sale of intoxicating
16 liquor or upon revocation of A license, said bond
17 shall be forfeited and covered into the Territorial
18 General Fund TREASURY.

19 THE JUDGE OF THE DISTRICT COURT FOR THE TERRITORY
20 OF ALASKA IS HEREBY EMPOWERED AND AUTHORIZED TO REVOKE ANY
21 LICENSE HEREAFTER GRANTED, AS WELL AS THOSE NOW ISSUED.
22 COMPLAINTS FOR REVOCATION OF LICENSES UNDER THIS ACT SHALL
23 BE FILED BY THE U. S. ATTORNEY, HIS ASSISTANTS OR ANY
24 FEDERAL OR ANY TERRITORIAL ENFORCEMENT OFFICER. SUCH
25 COMPLAINTS SHALL BE FILED WITH THE CLERK OF THE U. S.
26 DISTRICT COURT. UPON SUCH COMPLAINT BEING FILED, DULY
27 VERIFIED, THE U. S. DISTRICT JUDGE SHALL ISSUE AN ORDER
28 TO SHOW CAUSE AGAINST THE LICENSEE AND UPON HEARING THE
29 SAME, OR UPON DEFAULT OF THE LICENSEE, THE SAID JUDGE

1 SHALL ISSUE HIS JUDGMENT AND ORDER IN THE MATTER.7

2 PENALTY FOR VIOLATION OF ANY OF THE PROVISIONS OF
3 THIS ACT SHALL BE AS FOLLOWS:

4 FOR THE FIRST VIOLATION, THE LICENSED PREMISES SHALL
5 BE CLOSED FOR A PERIOD OF FORTY-FIVE (45) DAYS;

6 FOR THE SECOND VIOLATION, THE LICENSED PREMISES
7 SHALL BE CLOSED FOR A PERIOD OF NINETY (90) DAYS;

8 FOR THE THIRD VIOLATION, THE BOND SHALL BE FORFEITED,
9 THE LICENSE CANCELLED AND THE PREMISES ABATED FOR ONE YEAR
10 FOR USE AS A BEVERAGE DISPENSARY.

11 THE HOLDER OF ANY LICENSE WHICH HAS BEEN REVOKED
12 AS HEREIN PROVIDED SHALL NOT BE ENTITLED TO APPLY FOR
13 AND RECEIVE ANOTHER LICENSE UNDER THIS ACT FOR A
14 PERIOD OF FIVE YEARS FROM THE DATE OF THE ORDER OF
15 REVOCATION.7

16 All employees serving intoxicating liquor in a
17 Beverage Dispensary shall be male citizens of the United
18 States, over the age of 21 years and of good moral
19 character. Any such employee of such place violating
20 the provisions of this Act shall be equally guilty with
21 the holder of the license and shall be punished accord-
22 ingly. THE TREASURER OF ALASKA IS EMPOWERED AND
23 DIRECTED, WITH RESPECT TO EXISTING LICENSES, TO MAKE
24 ANY AND ALL ADJUSTMENTS NECESSARY BY EXTENDING CREDIT ON
25 NEW LICENSES OR MAKING REFUNDS TO THE LICENSEES FOR THE
26 UNUSED PORTION OF THE LICENSES HERETOFORE ISSUED AT THE
27 OPTION OF THE LICENSEES.7

28 PROVIDED THAT SUCH BEVERAGE DISPENSARY LICENSEE
29 SHALL BE PERMITTED TO CONTINUE IN OPERATION DURING

1 THE PERIOD FOR WHICH HIS PRESENT LICENSE IS EFFECTIVE, IF HE
2 SHALL SO ELECT. PROVIDED, HOWEVER, SUCH LICENSE SHALL NOT
3 BE EXTENDED TO INCLUDE INTOXICATING LIQUOR OTHER THAN BEER
4 OR WINE UNLESS HE FIRST OBTAIN A NEW LICENSE AND POST BOND
5 AS PROVIDED HEREINBEFORE.]

6 (B) RESTAURANT LICENSE:] A Restaurant License which
7 shall give to the holder thereof the right to sell beer and
8 wine in a restaurant with meals furnished in good faith to
9 GUESTS AND patrons. The A Restaurant License Fee shall
10 be IS One Hundred Fifty Dollars (150.00).

11 (C) ROAD HOUSE LICENSES:] A Road House License which
12 shall give to the holder thereof the right to sell beer and
13 wine in a road house which is located not less than 18 miles
14 from the corporate limits of a city SITUATED NOT LESS THAN
15 EIGHTEEN MILES FROM ANY INCORPORATED CITY] and which serves
16 SERVING food to the traveling public. The A Road House
17 License Fee shall be IS Seventy-five Dollars (\$75.00).

18 (D) CLUB LICENSES:] A Club License which shall give
19 to clubs, fraternal organizations, and patriotic organiza-
20 tions, that have a Territorial or National Charter, and which
21 have been so incorporated and active for a period of five
22 TWO years or more, the right to sell intoxicating liquors
23 to their members and their families only in their club rooms,
24 The A Club License Fee shall be IS Two Hundred Dollars
25 (\$200.00).

26 CLUBS COMPOSED OF MEMBERS OF THE ARMED FORCES OF THE
27 UNITED STATES MAY BE GRANTED A LICENSE UNDER THE PROVISIONS
28 OF THIS SUBSECTION IRRESPECTIVE OF THE DATE OF THEIR ORGANI-
29 ZATION.]

1 (E) BOTTLING WORKS LICENSES: A Bottling Works License
2 which shall give to the holder thereof the right to operate
3 a Bottling Works where beer and wine may be bottled and sold,
4 but no sale of beer or wine shall be made in less quantities
5 than five wine gallons. The A Bottling Works License Fee
6 shall be IS One Hundred Dollars (\$100.00),

7 (F) BREWERY LICENSES: A Brewery License which shall
8 give to the holder thereof the right to operate a Brewery where
9 beer is manufactured, brewed, prepared, bottled or barreled
10 for sale; but no sale shall be made in less quantities than
11 five wine gallons. The A Brewery License Fee shall be
12 IS One Hundred Dollars (\$100.00).

13 (G) RETAIL LICENSES: A Retail License which shall
14 give to the holder thereof the right to sell in his establish-
15 ment intoxicating liquors, including beer and wine, in the
16 original packages and wine in bulk. All liquor requiring
17 Internal Revenue strip stamps shall have such stamps intact
18 upon the packages. The consumption of any intoxicating
19 liquor on THE premises licensed under this provision
20 LICENSE is prohibited. Provided, however, that the premises
21 for which such license is issued shall not be connected
22 by doors or otherwise with premises covered by any other
23 license issued hereunder UPON WHICH ANY OTHER BUSINESS IN
24 CONDUCTED. Sales under a Retail License shall be limited
25 to less than five wine gallons to any one person in any one
26 day. The A Retail License Fee shall be IS Three Hundred
27 Dollars (\$300.00).

28 (H) WHOLESALE LICENSES: (1) A General Wholesale
29 License which shall give to the holder thereof the right

1 to sell intoxicating liquors, including malt beverages
2 and wines, in the original package, and wine in bulk,
3 in quantities of not less than five wine gallons to holders
4 of licenses under this Act, but not to the consumer.

5 All liquor requiring Internal Revenue strip stamps must
6 have such stamps intact on the package. The A General
7 Wholesale License Fee schedule shall be as follows:

8 Upon the total amount of business transacted during
9 any year: \$500.00 as a minimum license fee, to accompany
10 the application, and in payment of the fee for the first
11 \$50,000.00 of business transacted, and, in addition there-
12 to, on the business transacted during any year

13 above \$50,000 and not over \$75,000a fee of \$250.00
14 above \$75,000 and not over \$100,000.....a fee of \$500.00
15 above \$100,000 and not over \$125,000.....a fee of \$750.00
16 above \$125,000 and not over \$150,000.....a fee of \$1000.00
17 above \$150,000 and not over \$175,000.....a fee of \$1250.00
18 above \$175,000 and not over \$200,000.....a fee of \$1500.00
19 above \$200,000 and not over \$250,000.....a fee of \$2000.00
20 above \$250,000 and not over \$300,000.....a fee of \$2500.00
21 above \$300,000 and not over \$350,000.....a fee of \$3000.00
22 above \$350,000 and not over \$400,000.....a fee of \$3500.00
23 above \$400,000 and not over \$500,000.....a fee of \$4500.00
24 above \$500,000.....a fee of \$5000.00

25 (2) A Wholesale Hard and Distilled Liquor License
26 shall give to the holder thereof the right to sell hard
27 and distilled liquors in the original packages of not less
28 than five wine gallons with the Internal Revenue stamps
29 intact, to holders of licenses under this Act but not to

1 the consumer. A Wholesale Hard and Distilled Liquor
2 Licence may be issued upon the payment of the MINIMUM fees
3 for a licence mentioned in subsection (H) (1) of this Section
4 FEE IS FIVE HUNDRED DOLLARS (\$500.00).

5 (3) A Wholesale, Malt Beverages, and Wine Licen
6 shall give to the holder thereof the right to sell malt bev-
7 erages and wine in the original packages and malt beverages
8 and wine in bulk in quantities of not less than five wine gal-
9 lons to holders of licenses under these regulations but not toth-
10 consumer. A Wholesale License shall be required for each dis-
11 tributing point. Malt Beverages and Wine License Fee shall be
12 as follows:

13 On the total amount of business transacted in
14 any year: \$100.00 as a minimum license fee, to accompany the
15 application, and in payment of the fee for the first \$10,000.00
16 of business transacted, and, in addition thereto, on the busi-
17 ness transacted during any year,
18 above \$ 10,000 and not over \$ 25,000.....a fee of \$ 150.00
19 above \$ 25,000 and not over \$ 50,000.....a fee of \$ 500.00
20 above \$ 50,000 and not over \$ 75,000.....a fee of \$ 750.00
21 above \$ 75,000 and not over \$100,000.....a fee of \$ 1000.00
22 above \$100,000 and not over \$150,000.....a fee of \$ 1500.00
23 above \$150,000 and not over \$200,000.....a fee of \$ 2000.00
24 above \$200,000 and not over \$300,000.....a fee of \$ 3000.00
25 above \$300,000 and not over \$400,000.....a fee of \$ 4000.00
26 above \$400,000.....a fee of \$ 5000.00

27 (1) DISTILLERY LICENSES: A Distillery License which
28 shall give to the holder thereof the right to operate a
29 Distillery where intoxicating liquors are distilled,

1 prepared, bottled or barreled for sale, but no sale shall be
2 made in less quantities than five wine gallons, and no sale
3 shall be made in the Territory except to licensees under the
4 provisions of this Act and not to the consumer OR THE GENERAL
5 PUBLIC. The A Distillery License Fee shall be IS One
6 Hundred Dollars (\$100.00).

7 (J) (K) COMMON CARRIER DISPENSARY LICENSES: A Common
8 Carrier Dispensary License COMMON CARRIER DISPENSARY LICENSE
9 which shall give to the holder thereof the right to sell in-
10 toxicating liquors for consumption aboard a boat or or a
11 railroad buffet car while in transit only. Provided, however,
12 that no Common Carrier Dispensary License COMMON CARRIER
13 DISPENSARY LICENSE shall be issued for any boat or vessel of
14 less than 250 tons, United States Custom House measurement.
15 The A Common Carrier Dispensary License Fee COMMON CAR-
16 RIER DISPENSARY LICENSE FEE shall be Two Hundred and Fifty
17 Dollars (\$250.00) for each such vessel, or buffet car so
18 licensed.

19 (K) L. RETAIL STOCK SALE LICENSE. A Retail Stock Sale
20 License which shall give to the holder thereof the right to
21 sell in bulk quantities, of not less than five wine gallons
22 per sale, but not to the consumer, the entire stock of a
23 former retail liquor store, where the owner thereof is
24 desirous of closing out or terminating the business of the
25 store. Such license shall issue only when the owner does not
26 have a retail license, but not if WHERE he has been de-
27 prived of a retail license because of a violation of this Act,
28 regulations hereunder, or a violation of any other law of the
29 Territory of Alaska. Such license shall issue for a period of

1 ninety days only for each store so closing out, and shall not
2 be renewable. The 7 Retail Stock Sale License Fee
3 shall be Ten Dollars (\$10.00) ONE HUNDRED DOLLARS (\$100.00) 7.

4 N Sec. 35-4-22. GENERAL PROVISIONS:

5 (A) All applications for licenses under this
6 Act shall be made to the Territorial Tax Commissioner who
7 shall refer them to the Advisory Board in the division
8 concerned unless otherwise provided. All licenses issued
9 hereunder, except as hereinafter limited, shall be for the
10 W period from 12:01 A.M., January 1, until 12:00 Midnight,
11 December 31 of the calendar year.

12 (B) Each application for a renewal of license
13 shall contain all of the information required of a new
14 M license, except that there shall be no proof of posting
15 required. Each application for renewal shall further con-
16 tain a statement of convictions, if any, of the applicant of
17 A Federal or Territorial law or regulation covering the sale
18 of intoxicating liquors during the term of the preceding
19 license. No license shall be renewed which has not been
20 T exercised or active at least thirty days during the preced-
21 ing year.

22 (C) Any license may be transferred to a new
23 T location to be operated by a qualified transferee. Each
24 application for a transfer of license to a new location
25 shall contain such information as may be required by the
26 B Board and shall be accompanied by proof of posting of
27 application as required in Subsection K, herein. The trans-
28 ferree of any license shall have all of the qualifications re-
29 B quired under this Act for a new license. No license shall be

1 N issued, reviewed, or transferred, unless the application
2 therefor contains all the information required hereunder;
3 E nor shall any application be granted which contains any
4 false statements of material fact.

5 W (D) Any resident of an area outside an incor-
6 porated town who desires to protest the issuance of a
7 license shall serve upon the applicant and the Board a
8 M written statement of the reasons for his protest. Upon the
9 receipt of protest the Board may give notice and hold a
10 hearing or delegate the advisory board to hold such a hearing
11 at which all persons interested may be heard. If at such
12 A hearing it shall appear that the majority of the citizens in
13 attendance and over the age of 21 years, who reside within
14 two miles of the place, for which a license is sought,
15 T object to the issuance of such license, the Board may refuse
16 to issue the same.

17 (E) The fee accompanying an application, less
18 \$25.00, shall be returned to the applicant in the event
19 application is rejected, but no refund will be allowed after
20 the issuance of a license.

21 T (F) An application for a license authorized under
22 this Act made before the first day of July, shall be ac-
23 companied by the full amount of the license fee as provided
24 herein. An application for a license authorized under this
25 E Act made after the first day of July, shall be accompanied
26 by a fee in the amount of one-half that prescribed herein.
27 A license may, upon request of the applicant and approval of
28 the Board, be issued for any designated continuous period of
29 R six months during any calendar year, and the fee for such

1 N license shall be one-half that prescribed for a calendar year.

2 (G) In the event any person operating a business
3 E as sole licensee under any license authorized by this Act,
4 should die, the Executor or Administrator of his estate shall
5 W within ninety days of the death of the licensee or before
6 December 31 of the year for which the license was issued,
7 whichever date shall first occur, shall make application
8 to the Board for transfer of the license. If no such
9 application is made within the time set forth herein the
10 license shall be forfeited and deemed void.. The Executor
11 or Administrator may continue to operate the business until
12 the transfer is approved and completed or until the license
13 is deemed forfeited as set out above. The Board, in its
14 discretion, may extend said time on petition of said Executor
15 M or Administrator. During the period in which licensed
16 premises or any business license hereunder may be subject to
17 A control of any Executor or Administrator, he shall be person-
18 ally responsible for the conduct of said business or licensed
19 T premises.

20 (H) Any action by the Territorial Tax Commissioner
21 T relating to the administrative duties imposed by this Act
22 shall be subject to review by the Board at the instance of
23 any aggrieved party. Any action or decision by the Board
24 E relating to the issuance, suspension or revocation of
25 licenses under this Act shall be final.

26 (I) If the inhabitants of any town or city
27 shall by virtue of any act, allowing them to vote, declare
28 themselves as being in favor of not allowing the sale of
29 R intoxicating liquor, as defined in this Act, within the

1 E territorial limits of the town or city, the Board shall
2 N refuse to allow the renewal or the issuance of any licenses
3 D to premises located within the limits of the town or city
4 and shall refuse to allow the issuance of any new licenses
5 to premises located within five miles of such town or city.

6 (J) It shall be unlawful to sell or consume
7 intoxicating liquer or beverages aboard any commercial
8 N aircraft while such aircraft is in transit within the
9 E boundaries of the Territory of Alaska on a regularly
10 W scheduled flight; provided, however, that wine, beer, cook-
11 tails or liquer may be served and consumed immediately
12 before, during and immediately after meals.

13 (K) Prior to the issuance of any new license
14 a true copy of the application for license shall be
15 M posted by the applicant at the location of the premises,
16 A at the nearest Post Office and at one other conspicuous
17 T location in the area, for a period of ten days prior to
18 T the filing of said application, and proof of such posting
19 E shall accompany the application on a form to be provided
20 R by the Board. LICENSE OFFICERS. THE TERRITORIAL
21 TREASURER MAY APPOINT AT A SALARY NOT TO EXCEED MORE THAN
22 TWO HUNDRED AND FIFTY DOLLARS (\$250.00) PER MONTH NOT LESS
23 THAN FOUR, NOR MORE THAN SIX, LICENSE OFFICERS, WHO SHALL
24 HAVE THE POWERS NOW EXERCISED BY UNITED STATES MARSHALS IN
25 THE ENFORCEMENT OF THE LAWS OF THE TERRITORY. THEY MAY ALSO
26 BE DESIGNATED DEPUTY COLLECTORS OF LICENSES AND TAXES UNDER
27 SUCH RULES AND REGULATIONS AS THE TREASURER MAY PRESCRIBE
28 AND SHALL GIVE BOND TO THE TERRITORY IN SUCH SUM AS THE
29 TREASURER MAY PRESCRIBE FOR THE FAITHFUL PERFORMANCE OF

1 THEIR DUTIES AND ACCOUNTING FOR ALL MONEYS THAT MAY COME INTO
2 THEIR HANDS.7

3 Sec. 35-4-23. PROVISIONAL LICENSE: AFFIDAVIT AND
4 PAYMENT OF FEES. The Tax Commissioner /CLERK OF THE DISTRICT
5 COURT7 shall issue only a provisional license upon the pay-
6 ment of the minimum fees for the licenses /A LICENSE7
7 mentioned in sections /1 AND 2 OF THIS ACT:7 35-4-21 H(1) (3)
8 herein and not later than February 15th of each year follow-
9 ing that for which any license has been issued to a licensee,
10 said licensee shall make an affidavit showing the amount of
11 business done during the preceding year under his /SAID7
12 respective license /LICENSES7 and the locations /POINTS7 and
13 establishments from which such business was done, which shall
14 be filed with the Tax Commissioner /CLERK OF SAID COURT7
15 The licensee shall pay to said Tax Commissioner /CLERK7 the
16 license fees accrued during such preceding year at the time
17 of filing such affidavit. Unless such affidavit is so filed
18 and fee paid, any licenses outstanding in the name of such
19 applicant which have been issued under the laws in effect
20 at the time of passage of this Act, /LICENSEE WHICH HAVE BEEN
21 ISSUED UNDER CHAPTER 78 OF THE SESSION LAWS OF ALASKA FOR
22 1937, AS AMENDED,7 shall be forthwith cancelled by any order
23 of said Board. /COURT7 But the failure to file the
24 affidavit or cancellation of any existing license shall not
25 relieve any licensee from paying the fees in this Act prescri-
26 bed.

27 Sec. 3. If any provision hereof or the application thereof
28 to any person or circumstance is held invalid, such invalidity
29 shall not affect other provisions or applications of this Act

1 which can be given effect without the invalid provision or
2 application, and to this end the provisions of this Act are de-
3 clared to be severable.

4 Sec. 4. An emergency is hereby declared to exist and this
5 Act shall be in full force and effect from and after the date of
6 its passage and approval.
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