

1 IN THE SENATE

BY SENATOR RIVERS

2

SENATE BILL NO. 119

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

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

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

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21 1949, as repealed by Chapter 43 SLA 1953 are hereby re-enacted,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

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

29 Sec. 35-4-2. DUTIES; RULES AND REGULATIONS, ETC. It

1 shall be the duty of the Board OF LIQUOR CONTROL to pre-
2 scribe rules and regulations to govern the manufacture,
3 barter, sale, and possession of intoxicating liquors in the
4 Territory of Alaska; to prescribe the qualifications of those
5 who are to engage in the manufacture, barter, sale, and
6 possession of intoxicating liquors in the Territory of Alaska,
7 and to prescribe application LICENSE fees. AND EXCISE
8 TAKES THEREFOR.

9 Sec. 35-4-3. POWERS, AUTHORITY AND CONTROL. DURATION.

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

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

26 (C) The Board shall have the power to hold public
27 hearings on applications for licenses when any such appli-
28 cations are protested, and to require an applicant to answer
29 any questions it deems pertinent.

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

4 (E) The Board is hereby granted authority to pro-
5 mulgate necessary rules and regulations to effectuate and
6 carry out the purpose of this Act and such rules and regula-
7 tions shall have the full force and effect of law.

8 Sec. 35-4-4. INVESTIGATOR. [ENFORCEMENT OFFICER: LI-
9 CENSE OFFICERS.] The Board may appoint an investigator [
10 UPON ORGANIZATION, SHALL ELECT ONE OF ITS MEMBERS ENFORCE-
11 MENT OFFICER] whose duties it shall be to investigate, for
12 the Board, alleged violations of [ENFORCE] the laws, rules
13 and regulations respecting the manufacture and/or sale of
14 intoxicating liquor within the Territory of Alaska. [THE
15 BOARD MAY APPOINT FROM PERSONS NOMINATED BY THE TREASURER,
16 AT A SALARY OF NOT MORE THAN TWO HUNDRED AND FIFTY DOLLARS
17 (\$250.00) PER MONTH, NOT MORE THAN FOUR LICENSE OFFICERS,
18 WHO SHALL HAVE ALL THE POWERS NOW EXERCISED BY UNITED STATES
19 MARSHALS IN THE ENFORCEMENT OF THE LAWS OF THE TERRITORY.
20 THEY MAY ALSO BE DESIGNATED DEPUTY COLLECTORS OF LICENSES
21 AND TAXES UNDER SUCH RULES AND REGULATIONS AS THE TREASURER
22 MAY PRESCRIBE AND SHALL GIVE BOND TO THE TERRITORY IN SUCH
23 SUM AS THE TREASURER MAY REQUIRE FOR THE FAITHFUL PERFORMANCE
24 OF THEIR DUTIES AND ACCOUNTING FOR ALL MONEYS THAT MAY COME
25 INTO THEIR HANDS.]

26 Sec. 35-4-5. PROVIDING FOR LOCAL OPTION ELECTIONS:
27 INTOXICATING LIQUOR DEFINED. The Board [OF LIQUOR CONTROL]
28 is hereby authorized and directed to provide a system for
29 the holding of local option elections in the Territory of

1 Alaska, as provided for in Section 35-4-17 herein, and to
2 prescribe the rules and regulations for the holding of
3 elections and the canvassing of the votes thereof.

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

16 Sec. 2. Sections 35-4-11 through 35-4-23 inclusive, ACLA
17 1949, as amended by Chapters 83 and 99 SLA 1949, as amended by
18 Chapters 16 and 54 SLA 1951, as amended by Chapters 36, 114, 116
19 and 131 SLA 1953, and as amended by Chapters 115 and 131 SLA 1955
20 are hereby amended and certain subsections added to read as
21 follows:

22 Sec. 35-4-11. LIQUOR MANUFACTURE AND TRAFFIC
23 CONTROLLED BY ACT: WHAT INCLUDED IN TERM "INTOXICATING
24 LIQUOR." No person, firm, corporation, organization,
25 or company shall manufacture, sell, offer for sale or
26 possess ~~[KEEP]~~ for sale, or barter, traffic in, bar-
27 ter or exchange for goods in this Territory, any in-
28 toxicating liquor except as hereinafter provided; but
29 this shall not apply to sales made by a person under

1 provisions of law requiring him to sell personal property.
2 Whenever the term "intoxicating liquor" is used in this Act
3 it shall be deemed to include whiskey, brandy, rum, gin, wine,
4 ale, porter, beer, HOOCHINOO and all other spirituous,
5 vinous, malt and other fermented or distilled liquors in-
6 tended for human consumption and containing more than 1%
7 alcohol by volume.

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

17 Sec. 35-4-13. APPLICATION FOR LICENSE; CONSENT OF
18 CITIZENS: PROCEEDINGS AND HEARINGS ON APPLICATION: POSTING
19 LICENSE: TRANSFER OF LICENSE: REFUND OF FEES RENEWALS. Be-
20 fore any license is granted, as provided in this Act, it shall
21 be shown to the satisfaction of the Board COURT that two-
22 thirds of the citizens over the age of twenty-one years, re-
23 siding within one mile of the place where intoxicating liquor
24 is to be manufactured, bartered, sold and exchanged, or bar-
25 tered, sold or exchanged, have in good faith consented to the
26 manufacture, barter, sale and exchange, or the barter, sale or
27 AND exchange of the same; and the burden shall be upon the
28 applicant or applicants to show to the satisfaction of the
29 Board COURT that two-thirds of the citizens over twenty-one

1 years of age have consented thereto and no license shall be
2 granted in the absence of such evidence; provided, that when
3 it is made to appear that two-thirds of said citizens over
4 the age of twenty-one years of any one place outside the
5 corporate boundaries of an incorporated town have consented
6 to the manufacture, barter, sale and exchange or the barter,
7 sale or exchange of intoxicating liquor, no further proof
8 of the consent of the citizens of the place where such intoxi-
9 cating liquor is to be manufactured, bartered, sold and ex-
10 changed, or bartered, sold or exchanged, will be required
11 for a renewal upon application approved by the Board COURT
12 of said license from year to year so long as the licensee
13 shall not have been found guilty of an infraction of the
14 Territorial liquor laws; provided applicant shall file a
15 sworn statement to the effect that applicant has not been
16 convicted of any infraction of the Territorial Liquor Laws.

17 PROVIDED, HOWEVER, THAT ANY Any application for a li-
18 cense coming from within an incorporated town shall have
19 attached thereto in lieu of the consent of two-thirds of the
20 citizens thereof, OF THAT DISTRICT, a list of at least five
21 references as to the integrity of the applicant and the
22 desirability of the issuing of a license for the premises
23 mentioned therein and, together with the recommendation of
24 the city council. THE CLERK OF THE COURT, UPON RECEIPT OF
25 EACH APPLICATION FROM WITHIN AN INCORPORATED TOWN, SHALL
26 NOTIFY THE CITY COUNCIL OF THAT TOWN OF THE NECESSITY FOR
27 ACTION ON THE APPLICATION BY THE COUNCIL, IN REGULAR OR
28 SPECIAL MEETING AND THE FILING WITH THE CLERK OF THE COURT
29 OF A CERTIFICATE SHOWING THE ACTION TAKEN. A failure of the

1 municipal officers to act upon applications for licenses
2 within thirty days of date of requesting approval THE
3 PERIOD SPECIFIED IN THE NOTICE FURNISHED THEM shall be con-
4 sidered a default and shall subject the city to the penalty
5 of losing its right to a refund as herein provided. At the
6 time set for the hearing, the Board COURT shall consider
7 the application and any protests that may be filed against
8 the same, and shall also hear the applicant or others
9 appearing in connection with the matter, and give its judg-
10 ment, which shall be final. If the application is rejected
11 the fee accompanying the same shall be returned less the sum
12 of Twenty-Five Dollars. The licensee shall cause the license
13 to be posted in a conspicuous position in his place of busi-
14 ness, so that anyone entering the premises may easily read
15 it. No license issued under the provisions of this Act
16 shall be transferred except after first securing the consent
17 of the Board COURT. No refund of license fees will be
18 allowed after the issuance of any license.

19 Sec. 35-4-14. FILING, FORM AND CONTENTS OF APPLICATION:
20 FALSE STATEMENTS IN APPLICATION. All applicants for licenses
21 mentioned herein shall file with the Secretary of the Board
22 CLERK OF THE DISTRICT COURT an application in writing,
23 signed and sworn to by the applicant, giving his name and
24 address, and, if a corporation, executed by the duly author-
25 ized officers thereof, containing the following:

- 26 (1) Kind of license desired;
27 (2) A description of the place for which the
28 license is desired, giving address by street and number, or
29 other information, so that the location can be definitely

1 determined;

2 (3) A statement of the citizenship or corporate
3 qualifications of the applicant;

4 (4) The necessary license fee, plus a filing fee.

5 [(S) TOGETHER WITH] In addition to the above require-
6 ments all applicants for licenses outside of incorporated
7 municipalities shall attach to their application the consent
8 of two-thirds of the citizens over the age of twenty-one
9 years, residing within one mile of the place where the intexi-
10 acting liquor or liquors are to be manufactured, bartered,
11 sold and exchanged, or bartered, sold or exchanged; provided,
12 however, [THAT AS PERTAINING TO APPLICANTS FOR LICENSES OUT-
13 SIDE THE CORPORATE BOUNDARIES OF AN INCORPORATED TOWN] and
14 consent shall not be required for a renewal of said license
15 from year to year so long as the licensee shall not have
16 been found guilty of an infraction of the Territorial liquor
17 laws or regulations of the Board. That if any false material
18 statement is made in any part of such application the appli-
19 cant or applicants shall be deemed guilty of perjury and upon
20 conviction thereof shall be subject to the penalty provided
21 by law for the crime of perjury.

22 That should it appear to the Board [DISTRICT COURT] that
23 any of the statements above enumerated and required in the
24 application are untrue at the time of application for such
25 license, such application shall be denied.

26 That should it appear to the Board [DISTRICT COURT]
27 after the granting of such license that any of the state-
28 ments above enumerated and required to be made in the appli-
29 cation are untrue, it shall be the duty of the Board [COURT]

1 to forthwith enter an order revoking such license and all
2 license moneys deposited by the applicant shall be thereby
3 forfeited to the Territory, and it shall be the duty of the
4 United States Marshals and their deputies, and United States
5 Attorneys and their assistants, and all chiefs of police and
6 other peace officers in their respective Divisions, Districts,
7 Towns or settlements to investigate and report to the Board
8 [DISTRICT COURT] any violation of any of the provisions of
9 this Act [.]; or, upon the request of the Board, to investi-
10 gate and report on the qualifications of applicants for li-
11 censes.

12 Sec. 35-4-15. RESTRICTIONS ON SALE OR DISPOSITION OF
13 LIQUOR: MINORS [, INTOXICATED PERSONS AND DRUNKARDS~~]~~; ELECTION
14 DAYS: NEAR CHURCHES AND SCHOOLS: LICENSEE'S PREMISES AND
15 INSPECTION THEREOF: LICENSES: SEIZURE AND SALE OF CONTRABAND
16 LIQUOR.

17 (1) SALE [, ETC.,] TO MINORS [, INTOXICATED PER-
18 SONS OR DRUNKARDS~~]~~. CLASSIFICATION OF PREMISES. It shall be
19 unlawful to give or sell any intoxicating liquors,
20 including beer and wine, to any person under the age of twen-
21 ty-one years [, TO ANY INTOXICATED PERSON, OR TO ANY HABITUAL
22 DRUNKARD~~]~~; and it shall be unlawful for any licensee to per-
23 mit the giving, selling, bartering or drinking of any intoxi-
24 cating liquor within the premises covered by any license to
25 or by any of the forbidden classes, nor shall such licensee
26 permit the drinking of hard or distilled liquors by any per-
27 son upon the premises covered by his license, unless the same
28 is permitted under the classification of his license.

29 REVOCATION OF LICENSE: PERSONS DEEMED MINORS. The

1 drinking of intoxicating liquors on the premises covered by
2 any license by any of the forbidden classes, or the presence
3 of any intoxicated person on such premises, shall be cause
4 for revocation of any such license, and further, that any per-
5 son attending any grade or high school shall be considered
6 less than twenty-one years of age, and the burden of deter-
7 mining the age shall be on the licensee.

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

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

24 (3) PROXIMITY TO SCHOOL OR CHURCH. No beverage
25 dispensary license or package liquor store license shall be
26 issued for the sale of any intoxicating liquor in any build-
27 ing within two hundred feet of any school ground or church
28 building measured by the shortest direct line from such school
29 ground or church building in which regular religious services

1 are conducted. ✓ WITHIN ANY CORPORATE MUNICIPALITY, NOR
2 WITHIN ONE QUARTER OF A MILE OF ANY SCHOOL GROUND OR CHURCH
3 BUILDING WHERE SUCH SCHOOL GROUND OR CHURCH BUILDING IS
4 LOCATED OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY; PRO-
5 VIDED, FURTHER, THAT NO ✓ No license ✓ AS REFERRED TO IN THIS
6 SECTION shall be issued for use in any building within two
7 miles of any college or ✓ LAND GRANT University. Provided,
8 however, that a license may be reissued or transferred from
9 one licensee to another, for the sale of intoxicating liquor
10 in any building in which such sale was authorized by law on
11 the effective date of this Act ✓ AT A TIME SUBSEQUENT TO
12 MARCH 23, 1949.

13 ✓ BE IT FURTHER PROVIDED, HOWEVER, THAT WHEN ✓ When a li-
14 cense for the sale of intoxicating liquor in any building
15 within 200 feet of a school ground or church building, ✓ WITH-
16 IN THE CORPORATE LIMITS OF A MUNICIPALITY, OR WITHIN A QUAR-
17 TER OF A MILE IN AREAS OUTSIDE THE CORPORATE LIMITS OF A
18 MUNICIPALITY, ✓ is forfeited, lapses or is transferred to
19 other premises, ✓ BY REASON OF A VIOLATION OF LAW, ✓ no license
20 for the sale of intoxicating liquor on those premises shall
21 thereafter be issued.

22 (4) PREMISES TO BE ACCESSIBLE FOR INSPECTION. The
23 premises of licensees under this Act shall be easily acces-
24 sible for inspection by municipal officers, United States
25 Attorneys, Assistant United States Attorneys, United States
26 Marshals, Deputy Marshals ✓ AND CLERKS OF THE DISTRICT COURT, ✓
27 and all other officers charged with the enforcement of the
28 provisions of this Act, during all regular hours of the
29 transaction of business upon said premises. For the purpose

1 of this Act, the premises covered by any license issued here-
2 under, shall be held to include all rooms in any building
3 which can be reached without leaving the building.

4 (5) STOCK CONFINED TO LICENSED PREMISES FOR SALE
5 FROM CARRIER OR BOAT⁷. It shall be unlawful for any licensee
6 under this Act to carry for sale any stock of intoxicating
7 liquors in the Territory except on the premises indicated on
8 his license. THE HOLDER OF ANY WHOLESALER'S, BREWER'S,
9 DISTILLER'S, OR BOTTLER'S LICENSE TO CARRY FOR SALE ANY STOCK
10 OF INTOXICATING LIQUORS IN THE TERRITORY EXCEPT ON THE PRE-
11 MISES LICENSED, AND IT SHALL BE UNLAWFUL FOR ANY OF THE FOUR
12 ABOVE-MENTIONED CLASSES TO SELL ANY SUCH INTOXICATING LIQUORS
13 FROM ANY BOAT OR OTHER CARRIER.⁷

14 (6) LICENSE REQUIREMENTS. No person, firm or
15 corporation shall manufacture, barter, sell or possess for
16 sale, any intoxicating liquor in the Territory of Alaska with-
17 out having procured an appropriate license. All licensees
18 under the provisions of this Act selling to the general
19 public shall be charged with the knowledge that the whole-
20 saler, distiller, importer, brewer or bottler from whom they
21 purchased intoxicating liquors is properly licensed to sell
22 the same under the provisions of this Act.

23 (7) SEIZURE AND SALE OF SHIPMENTS TO UNLICENSED
24 PERSONS. Any intoxicating liquors shipped into the Territory
25 of Alaska for purposes of sale other than to licensees here-
26 under shall be deemed contraband and subject to confiscation
27 by the Territory and any intoxicating liquors so seized shall
28 be sold under the orders of the District Court and the pro-
29 ceeds thereof deposited with the Territorial Treasurer and

1 covered into the General Fund; provided, however, that the
2 provisions of this Section shall not apply to sacramental
3 wine, alcohol or liquors used for industrial purposes,
4 pharmaceutical or medicinal purposes on the prescription of
5 a licensed physician of liquors used for filling the prescrip-
6 tions of physicians.

7 (3) DURATION OF LICENSES. All licenses in effect
8 at the time of the passage of this Act shall remain in effect
9 for the term specified thereon, unless revoked or suspended
10 by the board for cause, and licenses issued under this act
11 hereafter shall be issued for the calendar year ending
12 December 31. LICENSES GRANTED UNDER ANY APPLICATION MADE
13 BEFORE JULY 1, 1937, FOR ANY NEW LICENSES, OR FOR THE RE-
14 NEWAL OF EXISTING LICENSES, SHALL BE EFFECTIVE ONLY TO THAT
15 DATE, AND ALL LICENSES HEREAFTER SHALL BE ISSUED FOR THE
16 FISCAL YEAR, ENDING DECEMBER 31, BUT NO LICENSE SHALL BE
17 ISSUED FOR LESS THAN ONE-HALF YEAR.]

18 (9) PURCHASE BY MINORS. It shall be unlawful for
19 any person between the ages of seventeen and twenty-one years
20 to solicit the purchase of or in any other way to attempt to
21 purchase or otherwise secure any intoxicating liquors, includ-
22 ing beer and wine. Any person violating the provisions of
23 this subsection shall be guilty of a misdemeanor, and upon
24 conviction thereof shall be punished as provided in Section
25 35-4-20 herein. [ACLA 1949.]

26 (10) FURNISHING LIQUOR TO MINORS. Any person who
27 influences or attempts to influence the sale, giving or
28 selling of intoxicating liquor, including beer and wine, to
29 a person under twenty-one years of age, by misrepresenting

1 the age of such person, or who shall order, request, receive,
2 or procure intoxicating liquor from any licensee, employee,
3 or other person, for the purpose of selling, giving, or
4 serving the same to a person under twenty-one years of age,
5 shall be [IS] guilty of a misdemeanor.

6 (11) MINORS ENTERING LICENSED PREMISES. Any per-
7 son under the age of twenty-one years who shall enter any
8 licensed premise where intoxicating liquor is sold, not in
9 the company of his or her parent or legal guardian, or who
10 shall offer or present to any licensee, or his employee [OR
11 OTHER PERSON] a fraudulent or false certificate of birth or
12 other written evidence of age, which is not actually his or
13 her own, or who shall otherwise misrepresent his or her age,
14 for the purpose of inducing the licensee or his employee [
15 OR OTHER PERSON] to sell, give, serve, or furnish intoxicat-
16 ing liquor contrary to law, shall be [IS] guilty of a mis-
17 demeanor.

18 (12) REQUIRING SIGNED STATEMENT. Any licensee [
19 or his employee [OR OTHER PERSON] who questions, or has
20 reason to question, whether a person entering upon a licensed
21 premise, or ordering, purchasing, attempting to purchase or
22 otherwise procuring or attempting to procure the serving or
23 delivery of intoxicating liquor, has attained the age of
24 twenty-one years, shall require such person to sign a state-
25 ment that he or she is over the age of twenty-one years.
26 Said statement shall be made upon a form to be prepared by
27 and furnished to the licensee [EMPLOYEE, OR OTHER PERSON]
28 by the Board. [TERRITORIAL TAX COMMISSIONER.] If a licensee,
29 or his employee, in good faith, secures such a signed state-

1 ment he shall not be subject to criminal prosecution for
2 violation of Sections 35-4-15 (10) and 35-4-15 (11), herein.

3 (13) MINOR REMAINING ON PREMISES. Any licensee
4 or his employee, [OR OTHER PERSON] who allows to remain upon
5 a licensed premise where intoxicating liquors are sold, any
6 person under the age of twenty-one years not in company of
7 his or her parent or legal guardian, or sells, gives, or
8 serves intoxicating liquor to any person under the age of
9 twenty-one years, without having procured the signature of
10 said person upon a statement as herein provided, or who know-
11 ingly sells, gives, or serves intoxicating liquor to or
12 allows said person to remain on a licensed premise where in-
13 toxicating liquor is sold, shall be guilty of a misdemeanor.

14 Sec. 35-4-16. QUALIFICATIONS OF LICENSEES.

15 (A) RESIDENCE. No Beverage Dispensary License, or
16 Retail license shall be issued to any person or association
17 of persons who have not resided in the Territory for at
18 least one year prior to the date of the application, or to
19 any corporation which is not qualified to do business in the
20 Territory.

21 (B) INTEREST IN PREMISES. No corporation, whole-
22 seller, owner, officer, or representative of a brewery, winery,
23 bottling works, or distillery shall be permitted to own any
24 interest in any Beverage Dispensary or Retail Liquor Store,
25 nor [SHALL HE OR THEY] be permitted to finance directly, or
26 indirectly, any license-holder in procuring quarters, or
27 supplying equipment, [OR] furnishings, stock or inventory in
28 order to conduct such business.

29 (C) NON-RESIDENT DISTILLER, BREWER OR WHOLESALER.

1 Any distiller, brewer or wholesaler, whose plant or principal
2 place of business is outside of the Territory, but whose pro-
3 ducts are sold directly, by anyone of the foregoing, in the
4 Territory, shall be required to obtain a Wholesale License
5 for the sale of his products in the Territory. AND A SEPARATE
6 LICENSE SHALL BE REQUIRED FOR EACH WHOLESALE DISTRIBUTING
7 POINT WITHIN THE TERRITORY. Any distiller, brewer or whole-
8 caler, not resident in the Territory, selling intoxicating
9 liquors in the Territory, shall before soliciting any busi-
10 ness in the Territory, designate a principal place of busi-
11 ness, or headquarters, in the Territory, where all records
12 shall be located and appoint an agent upon whom process
13 SERVICE can be had, and shall also obtain a license under
14 the provisions of this Act. THIS SUBDIVISION SHALL NOT
15 APPLY TO SALES MADE TO ANY REGULARLY LICENSED WHOLESALER
16 RESIDENT IN THE TERRITORY.

17 (D) FINANCIAL INTEREST; PERSONAL SUPERINTENDENCE.

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

28 Sec. 35-4-17. LOCAL OPTION: ELECTION: RESIDENTS' CON*
29 SENT TO LICENSE IN INCORPORATED UNINCORPORATED CITIES AND

1 TOWNS: DISPOSITION OF FUNDS.

2 (A) ELECTION IN INCORPORATED TOWNS. Whenever
3 thirty-five percent (35%) of the total number of voters at
4 the last general municipal election held in any incorporated
5 city or town shall petition the Board [COURT] so to do, the
6 Board [COURT] shall cause to be placed upon a separate
7 ballot at the next municipal election in such incorporated
8 city or town the following question: "For the sale of in-
9 toxicating liquors. [] (yes or no)."
10 It shall be the duty of the regular election officers to
11 canvass the said ballots and to report the results thereof
12 to the Secretary [CLERK] of the Board [DISTRICT COURT]. If,
13 upon receipt of the certificate of election, the Secretary
14 [CLERK] of the Board [DISTRICT COURT] finds that a majority
15 of the voters are against the sale of intoxicating liquor in
16 said incorporated city or town, all applications for licenses
17 within the said city or town shall thereafter be denied and
18 no further licenses shall be issued therein for a period of
19 one year, and until the voters therein, at a subsequent
20 election held in the manner herein provided for, shall decide
21 that licenses may be issued.

22 (B) CONSENT OF RESIDENTS OUTSIDE OF INCORPORATED
23 CITIES OR TOWNS. No licenses for the sale of intoxicating
24 liquor shall be issued under this Act in precincts outside
25 of incorporated cities or towns unless a petition having
26 signatures of two-thirds of the bona fide residents residing
27 within one mile of the place where intoxicating liquor is to
28 be sold, and over the age of twenty-one years, is filed with
29 the Board [CLERK OF THE DISTRICT COURT] asking that licenses

1 TOWNS: DISPOSITION OF FUNDS.

2 (A) ELECTION IN INCORPORATED TOWNS. Whenever
3 thirty-five percent (35%) of the total number of voters at
4 the last general municipal election held in any incorporated
5 city or town shall petition the Board [COURT] so to do, the
6 Board [COURT] shall cause to be placed upon a separate
7 ballot at the next municipal election in such incorporated
8 city or town the following question: "For the sale of in-
9 toxicating liquors. [] (yes or no)."
10 It shall be the duty of the regular election officers to
11 canvass the said ballots and to report the results thereof
12 to the Secretary [CLERK] of the Board [DISTRICT COURT]. If,
13 upon receipt of the certificate of election, the Secretary
14 [CLERK] of the Board [DISTRICT COURT] finds that a majority
15 of the voters are against the sale of intoxicating liquor in
16 said incorporated city or town, all applications for licenses
17 within the said city or town shall thereafter be denied and
18 no further licenses shall be issued therein for a period of
19 one year, and until the voters therein, at a subsequent
20 election held in the manner herein provided for, shall decide
21 that licenses may be issued.

22 (B) CONSENT OF RESIDENTS OUTSIDE OF INCORPORATED
23 CITIES OR TOWNS. No licenses for the sale of intoxicating
24 liquor shall be issued under this Act in precincts outside
25 of incorporated cities or towns unless a petition having
26 signatures of two-thirds of the bona fide residents residing
27 within one mile of the place where intoxicating liquor is to
28 be sold, and over the age of twenty-one years, is filed with
29 the Board [CLERK OF THE DISTRICT COURT] asking that licenses

1 be issued within the said precinct; provided, however, that
2 such petition shall not be required for a renewal of said li-
3 cense from year to year so long as the licensee shall not
4 have been guilty of an infraction of the Territorial liquor
5 laws or the rules and regulations of the Board.

6 (C) DISPOSITION OF FUNDS. All license moneys
7 collected or due the Territory for all licenses under the
8 provisions of this Act shall be deposited with the Terri-
9 torial Treasurer and covered into the General Fund; and all
10 such moneys derived from all licenses, except wholesale li-
11 censes, issued [COLLECTED] within the incorporated cities
12 shall be [MAY BE] refunded semi-annually to the said in-
13 corporated cities; provided, however, that in the event of
14 the failure of the officers of said incorporated cities to
15 actively enforce all of the ordinances of said incorporated
16 cities, the law of the United States, the laws of the Terri-
17 tory of Alaska and those regulations relative to the manu-
18 facture and sale of intoxicating liquors in the Territory
19 of Alaska, the Board [TREASURER] may deny said refund and
20 no further moneys will be paid to said incorporated cities
21 until the enforcement of such laws and regulations is
22 actively resumed within such municipalities.

23 Sec. 35-4-18. MUNICIPAL REGULATIONS. [Incorporated
24 municipalities [IN THE TERRITORY OF ALASKA,] may, by ordi-
25 nance duly enacted, provide such additional rules and regula-
26 tions governing the barter, sale and possession of intoxi-
27 cating liquor within such municipalities as may be deemed
28 necessary to the orderly conduct of the business of selling
29 intoxicating liquor, provided, however, that such ordinance

1 or ordinances [THUS ENACTED] shall not be inconsistent with
2 this Act, [AND THAT NO MUNICIPALITY SHALL INPOSE ANY ADDI-
3 TIONAL TAXES.] nor shall any municipality impose additional
4 excise taxes or require additional licenses.

5 Sec. 35-4-19. DURATION AND TRANSFER OF LICENSES. No
6 license shall be issued for a greater period than one year;
7 and no license shall be transferred by the licensee to any
8 other person except with the written consent of the Board
9 [COURT], but authority for the same may [SHALL] issue upon
10 application thereto in writing.

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

25 Provided, further, that upon conviction as above pro-
26 vided, the commissioner, magistrate, or District Judge, as
27 the case may be, shall send a notification thereof together
28 with the certified transcript of the proceedings to the Secre-
29 tary of the Board who shall, upon the direction of a majority

1 of the members of the Board, suspend, or revoke the license
2 of the premises involved as follows:

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

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

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

11 Sec. 35-4-21. CLASSIFICATION OF LICENSES: RIGHTS AND
12 DUTIES OF LICENSEES: AMOUNT OF FEES. The following licenses
13 shall upon direction of the Board, be issued by the Secretary
14 of the Board MAY BE OBTAINED FROM THE CLERK OF THE DISTRICT
15 COURT:

16 (A) BEVERAGE DISPENSARY LICENSES: BOND: PENALTIES:
17 REVOCATION: EMPLOYEES. EXISTING LICENSES: A Beverage
18 Dispensary License which gives LICENSE SHALL GIVE to the
19 holder thereof the right to sell or serve on the premises
20 beer, wine and hard liquors for consumption on the premises
21 only. Provided, however, that the premises indicated on the
22 FOR WHICH SUCH license IS ISSUED shall not be connected
23 by doors or otherwise with premises covered by any other
24 license issued hereunder UNDER THESE REGULATIONS; AND PRO-
25 VIDED FURTHER, THAT THE SALES UNDER BEVERAGE DISPENSARY
26 LICENSES ARE LIMITED TO LESS THAN FIVE WINE GALLONS TO ANY
27 ONE PERSON IN ANY ONE DAY. The A Beverage Dispensary
28 License Fee shall be Five Hundred Dollars (\$500.00) in all
29 towns, villages, settlements and places OF POPULATION not

1 exceeding fifteen hundred persons and One Thousand Dollars
2 (\$1,000.00) in all towns, villages and incorporated cities
3 having a THE population in excess of fifteen hundred per-
4 sons; and all applicants desiring a Beverage Dispensary
5 License AT THE TIME OF FILING WITH THE DISTRICT COURT,
6 THE APPLICANT FOR SUCH LICENSE shall also file a bond,
7 either in cash or a surety company bond, to be approved by
8 the Board. COURT, The THE condition of such bond or
9 undertaking shall be, that the applicant or applicants
10 LICENSEE OR LICENSEES are the sole owners of the business
11 sought to be licensed and that no other persons are
12 financially interested either directly or indirectly and
13 that the applicant or applicants will conduct said business
14 in accordance with the existing laws pertaining to the
15 manufacture and sale of intoxicating liquor in Alaska. Such
16 bond shall be in the penal sum of Twenty-five Hundred
17 Dollars (\$2500.00). Upon conviction for violation of the
18 laws of Alaska pertaining to the manufacture or AND sale
19 of intoxicating liquor or upon revocation of A license,
20 said bond shall be forfeited and covered into the Territorial
21 General Fund TREASURY.

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

1 DISTRICT JUDGE SHALL ISSUE AN ORDER TO SHOW CAUSE AGAINST
2 THE LICENSEE AND UPON HEARING THE SAME, OR UPON DEFAULT OF
3 THE LICENSEE, THE SAID JUDGE SHALL ISSUE HIS JUDGMENT AND
4 ORDER IN THE MATTER.7

5 PENALTY FOR VIOLATION OF ANY OF THE PROVISIONS OF
6 THIS ACT SHALL BE AS FOLLOWS:

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

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

11 FOR THE THIRD VIOLATION, THE BOND SHALL BE FORFEITED,
12 THE LICENSE CANCELLED AND THE PREMISES ABATED FOR ONE YEAR
13 FOR USE AS A BEVERAGE DISPENSARY.

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

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

29 PROVIDED THAT SUCH BEVERAGE DISPENSARY LICENSEE SHALL

1 BE PERMITTED TO CONTINUE IN OPERATION DURING THE PERIOD FOR
2 WHICH HIS PRESENT LICENSE IS EFFECTIVE, IF HE SHALL SO ELECT.
3 PROVIDED, HOWEVER, SUCH LICENSE SHALL NOT BE EXTENDED TO IN-
4 CLUDE INTOXICATING LIQUOR OTHER THAN BEER OR WINE UNLESS HE
5 FIRST OBTAIN A NEW LICENSE AND POST BOND AS PROVIDED HEREIN-
6 BEFORE.

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

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

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

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

1 ZATION.

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

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

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

29 (H) WHOLESALE LICENSES: (1) A General Wholesale

1 License which shall give to the holder thereof the right to
2 sell intoxicating liquors, including malt beverages and
3 wines, in the original package, and wine in bulk, in quan-
4- tities of not less than five wine gallons to holders of
5 licenses under this Act, but not to the consumer. All
6 liquor requiring Internal Revenue strip stamps must have
7 such stamps intact on the package. The A General Whole-
8 sale License Fee schedule shall be as follows:

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

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

26 (2) A WHOLESALE HARD AND DISTILLED LIQUOR LICENSE
27 SHALL GIVE TO THE HOLDER THEREOF THE RIGHT TO SELL HARD AND
28 DISTILLED LIQUORS IN THE ORIGINAL PACKAGES OF NOT LESS THAN
29 FIVE WINE GALLONS WITH THE INTERNAL REVENUE STAMPS INTACT,

1 TO HOLDERS OF LICENSES UNDER THIS ACT BUT NOT TO THE CON-
2 SUMER, A WHOLESALE HARD AND DISTILLED LIQUOR LICENSE FEE IS
3 FIVE HUNDRED DOLLARS (\$500.00).7

4 (2) [(3)] A Wholesale, Malt Beverages, and Wine
5 License which shall give to the holder thereof the right to
6 sell malt beverages and wine in the original packages and
7 malt beverages and wine in bulk in quantities of not less
8 than five wine gallons to holders of licenses under these
9 regulations but not to the consumer. [A WHOLESALE LICENSE
10 SHALL BE REQUIRED FOR EACH DISTRIBUTING POINT.] The Malt
11 Beverages and Wine License Fee schedule shall be as follows:

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

26 (I) DISTILLERY LICENSES: A Distillery License
27 which shall give to the holder thereof the right to operate
28 a Distillery where intoxicating liquors are distilled, pre-
29 pared, bottled or barreled for sale, but no sale shall be

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

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

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

1 shall not be renewable. The A Retail Stock Sale License
2 Fee shall be Ten Dollars (\$10.00) ONE HUNDRED DOLLARS
3 (\$100.00).

4 Sec. 35-4-22. GENERAL PROVISIONS. LICENSE OFFICERS.

5 (A) All applications for licenses under this Act
6 shall be made to the Secretary of the Board. All licenses
7 issued hereunder, except as hereinafter limited, shall be for
8 the period from 12:01 A.M., January 1, until 12:00 Midnight,
9 December 31 of the calendar year.

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

19 (C) Any license may be transferred to a new loca-
20 tion to be operated by a qualified transferee. Each appli-
21 cation for a transfer of license to a new location shall con-
22 tain such information as may be required by the Board and
23 shall be accompanied by proof of posting of application as
24 required in Subsection (F), herein. The transferee of any
25 license shall have all of the qualifications required under
26 this Act for a new license. No license shall be issued, re-
27 viewed, or transferred, unless the application therefor con-
28 tains all the information required hereunder; nor shall any
29 application be granted which contains any false statements of

1 material fact.

2 (D) Any resident of an area outside an incorporated
3 town who desires to protest the issuance of a license shall
4 serve upon the applicant and the Board a written statement of
5 the reasons for his protest. Upon the receipt of protest the
6 Board may give notice and hold a hearing at which all persons
7 interested may be heard. If at such hearing it shall appear
8 that the majority of the citizens in attendance and over the
9 age of 21 years, who reside within two miles of the place,
10 for which a license is sought, object to the issuance of such
11 license, the Board may refuse to issue the same.

12 (E) The fee accompanying an application, less
13 \$25.00, shall be returned to the applicant in the event appli-
14 cation is rejected, but no refund will be allowed after the
15 issuance of a license.

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

1 SHALL GIVE BOND TO THE TERRITORY IN SUCH SUM AS THE TREASURER
2 MAY PRESCRIBE FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES
3 AND ACCOUNTING FOR ALL MONEYS THAT MAY COME INTO THEIR HANDS.]

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

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 appli-
2 cation, and to this end the provisions of this Act are declared
3 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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