

1 IN THE SENATE

BY COMMERCE AND LABOR COMMITTEE

2 SENATE BILL NO. 129

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending and reenacting existing
7 laws relating to intoxicating liquors,
8 and providing an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. Sections 35-4-1 through 35-4-6 inclusive, ACLA
11 1949, as repealed by Chapter 43, SLA 1953, and as re-enacted,
12 amended and new subsections added by Chapter 131, SLA 1957,
13 are hereby amended to read as follows:

14 Sec. 35-4-1. Creation of Board and Office of Director.

15 CREATION: MEMBERS

16 (A) There is hereby established an Alcoholic Beverage
17 Control Board in the Department of Revenue consisting of
18 three members appointed for overlapping three-year terms;
19 and the Board is hereby vested with the duties, powers, and
20 responsibilities involved in the control of alcoholic
21 beverages, including the promulgation of rules and regu-
22 lations and the hearing of appeals from the action of
23 officers and employees charged with enforcing the alcoholic
24 beverage control laws, rules, and regulations. The func-
25 tions and authority heretofore performed and exercised
26 by the Board of Liquor Control are hereby transferred
27 to the Alcoholic Beverage Control Board. The Board shall
28 be appointed by the Governor. No member of the Board
29 shall hold any other

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1 office, either elective or appointive, under the State or
2 Federal Governments. One member of the Board shall be
3 actively engaged in the alcoholic beverage industry. No
4 two members of the Board shall be engaged in the same
5 business, occupation or profession. Two members shall
6 constitute a quorum for the conduct of business.

7 (B) The Governor shall appoint a Director, who shall
8 be the executive officer of the Board, and whose duty it
9 shall be to enforce such rules and regulations as are
10 promulgated by the Board. He shall issue all licenses
11 provided for under this Act.

12 Sec. 35-4-2. Duties: Rules and Regulations ~~/ETC/~~ It
13 shall be the duty of the Board to prescribe rules and
14 regulations consistent with this Act governing /TO GOVERN/
15 the manufacture, barter, sale, and possession of intoxicating
16 liquors in the State /TERRITORY/ of Alaska and to prescribe
17 application fees.

18 Sec. 35-4-3. Powers, Authority and Control.

19 (A) The Board is to have full power, authority and
20 control over the manufacture, barter, sale and possession of
21 intoxicating liquors in the State /TERRITORY/ of Alaska, as
22 provided herein.

23 (B) The Board shall review all applications made under
24 this Act for licenses and /UPON ITS DIRECTION THE TERRITORIAL
25 TAX COMMISSIONER/ shall cause to be issued, reissued, revoked,
26 transferred or suspended /ISSUE, RENEW, REVOKE, TRANSFER OR
27 SUSPEND/ all licenses coming within the purview of this Act.
28 Such licenses shall be issued, reissued /RENEWED/, revoked,
29 transferred or suspended as the Board deems in the best

1 interests of the public; provided, however, that the denial
2 of any license be made in writing with the reason therefor
3 set forth.

4 The Director shall not be a member of the Board but
5 shall have the right to cast tie-breaking votes only.

6 (C) The Board shall have the power to hold public
7 hearings on applications for licenses when any such applica-
8 tions are protested, and to require an applicant to answer
9 any pertinent questions. [IT DEEMS PERTINENT;]

10 (D) The Board shall have power to appoint such agents,
11 assistants, clerks and stenographic employees as it deems
12 necessary in giving effect to this Act. [;]

13 (E) The Board is hereby granted authority to promulgate
14 necessary rules and regulations to effectuate and carry out
15 the purpose of this Act, and such rules and regulations shall
16 have the full force and effect of law.

17 [F] THE BOARD SHALL APPOINT ADVISORY BOARDS IN EACH
18 JUDICIAL DIVISION WHICH SHALL CONSIDER ALL APPLICATIONS FOR
19 INITIAL LICENSING, RENEWALS, OR TRANSFERS OF BEVERAGE
20 LICENSES WITHIN THEIR RESPECTIVE JUDICIAL DIVISION AS WELL
21 AS COMPLAINTS RELATING THERETO AND SHALL MAKE RECOMMENDATIONS
22 TO THE BOARD; PROVIDED, HOWEVER, SUCH ADVISORY BOARDS SHALL
23 HAVE NO AUTHORITY TO REVIEW ANY APPLICATIONS PERTAINING TO
24 THE ISSUANCE, RENEWAL, REVOCATION, TRANSFER OR SUSPENSION OF
25 ANY BEVERAGE LICENSE ORIGINATING IN ANY INCORPORATED CITY.

26 EACH ADVISORY BOARD SHALL CONSIST OF FIVE MEMBERS AP-
27 POINTED AS FOLLOWS: ONE SHALL BE APPOINTED BY THE GOVERNOR;
28 ONE SHALL BE APPOINTED BY THE ATTORNEY GENERAL; ONE SHALL BE
29 APPOINTED BY THE HIGHWAY ENGINEER; ONE SHALL BE APPOINTED BY

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1 THE TREASURER AND ONE SHALL BE APPOINTED BY THE DIRECTOR OF
2 FINANCE. EACH APPOINTEE SHALL BE A RESIDENT OF THE DIVISION
3 FROM WHICH HE IS APPOINTED. THE ADVISORY BOARD MAY HOLD SUCH
4 HEARINGS AS MAY BE DIRECTED AND IN THE MANNER PRESCRIBED BY
5 THE BOARD, OR THEY MAY MEET ON THE CALL OF THEIR CHAIRMAN.
6 THE ADVISORY BOARDS' FINDINGS AND CONCLUSIONS SHALL NOT BE
7 BINDING ON THE BOARD BUT SHALL BE CONSIDERED IN THE BOARD'S
8 DELIBERATIONS. NO EXPENSES OR OBLIGATIONS OF ANY NATURE
9 SHALL BE INCURRED BY THE ADVISORY BOARD, EXCEPT WITH THE
10 WRITTEN CONSENT OF THE BOARD.]

11 Sec. 35-4-4. Delegation. [INVESTIGATOR.] The Board
12 may delegate to the Director any duty imposed herein except
13 its power to make rules and regulations. [MAY APPOINT AN
14 INVESTIGATOR WHOSE DUTY IT SHALL BE TO INVESTIGATE, FOR THE
15 BOARD, ALLEGED VIOLATIONS OF THE LAWS, RULES AND REGULATIONS
16 RESPECTING THE MANUFACTURE AND/OR SALE OF INTOXICATING LIQUOR
17 WITHIN THE TERRITORY OF ALASKA.]

18 Sec. 35-4-5. Providing for Local Option Elections.
19 The Board is hereby authorized and directed to provide a
20 system for the holding of local option elections in the State
21 [TERRITORY] of Alaska, as provided for in Section 35-4-17
22 herein, and to prescribe the rules and regulations for the
23 holding of elections and the canvassing of the votes thereof.

24 Sec. 35-4-6. Violation of Board's Rules and Regulations
25 a Misdemeanor: Penalty. Any person, firm, or corporation,
26 who shall violate any of the rules or regulations prescribed
27 by the said Board governing the manufacture, sale, barter,
28 and possession of intoxicating liquors in the State
29 [TERRITORY] of Alaska, or the qualifications of those engaging

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1 in the manufacture, sale, barter, and possession of such
2 liquors in the said State TERRITORY, or the payment of
3 license fees and excise taxes therefor, shall be deemed
4 guilty of a misdemeanor, and upon conviction thereof shall
5 be punished as provided in Section 35-4-20 herein. SECTION
6 65-2-4 ALASKA COMPILED LAWS ANNOTATED, 1949.

7 Sec. 2. Sections 35-4-11 through 35-4-23 inclusive, ACLA
8 1949, as amended by Chapters 83 and 99 SLA 1949, as amended by
9 Chapters 16 and 54 SLA 1951, as amended by Chapters 36, 114, 116
10 and 131 SLA 1953, AND as amended by Chapters 115 and 131 SLA
11 1955, and as amended by Chapter 131 SLA 1957 are hereby amended
12 and certain subsections added to read as follows:

13 Sec. 35-4-11. Liquor Manufacture and Traffic Controlled
14 by Act: What Included in Term "Intoxicating Liquor". No
15 person, firm, corporation, organization, or company shall
16 manufacture, sell, offer for sale or possess for sale or
17 barter, traffic in, barter or exchange for goods in this
18 State TERRITORY, any intoxicating liquor without first
19 procuring an appropriate license as hereinafter provided; but
20 this shall not apply to sales made by a person under pro-
21 visions of law requiring him to sell personal property.
22 Whenever the term "intoxicating liquor" is used in this Act
23 it shall be deemed to include whiskey, brandy, rum, gin,
24 wine, ale, porter, beer, and all other spirituous, vinous,
25 malt and other fermented or distilled liquors intended for
26 human consumption and containing more than 1% alcohol by
27 volume.

28 Sec. 35-4-12. Licenses: Issuance. The licenses pro-
29 vided for in this Act shall be issued by THE TAX COMMISSIONER

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1 IN COMPLIANCE WITH THE ORDER OF⁷ the Director BOARD.

2 Sec. 35-4-13. Application for License: Consent of
3 Citizens: Proceedings and Hearings on Application: Posting
4 License. Transfer of License. Refund of Fees. Unless other-
5 wise provided, no application for a new license shall be
6 approved for any location outside an incorporated town and
7 not licensed at the time of application where the total of
8 licensed premises in the aggregate at one time would exceed
9 one license of each type for each 1,500 population or fraction
10 thereof, within a radius of five miles of the proposed loca-
11 tion nor shall any application for a new license be approved
12 for any location within an incorporated city and not licensed
13 at the time of application where the total of licensed prem-
14 ises in the aggregate at one time would exceed one license
15 of each type for each 1,500 population or fraction thereof
16 within such city; save and except that no licensee holding a
17 license shall be denied a renewal of said license for another
18 location where, because of the termination of the licensee's
19 lease on the location or because of condemnation or substan-
20 tial destruction of the premises by fire or other cause, it
21 becomes necessary to relocate, or where public convenience is
22 better served by said transfer; provided, however, that in
23 the event said licensee is so deprived of his licensed
24 location his application for another acceptable location
25 must be made within three months of the time when the re-
26 location becomes necessary. In no event shall a license be
27 transferred out of the major election district JUDICIAL
28 DIVISION⁷ within which it was granted or into an area that
29 exceeds one license of each type for each 1,500 population

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1 or fraction thereof. Provided, however, that licenses al-
2 ready issued at the time of the enactment of this Act shall
3 be renewed irrespective of such ratio, unless the application
4 shall be denied for reason other than that contained in this
5 section. Provided, however, that no person shall own or have
6 an interest in more than three Beverage Dispensary Licenses.

7 Provided, however, that any application for a new license
8 coming from within an incorporated town shall have attached
9 to the application in lieu of the consent required in Sub-
10 section (5) of Section 35-4-14 herein, a recommendation of
11 the city council of said incorporated town and shall be for-
12 warded to AND CONSIDERED BY the Board, in addition to a
13 list of at least five references from within the corporate
14 boundaries of said town, as to the integrity of the applicant
15 and the desirability of the issuing of a license for the
16 premises mentioned therein. Such recommendation shall be
17 binding on the Board unless the Board after a hearing as
18 herein provided shall determine that the city council CITY
19 COUNCIL acted in a capricious or arbitrary manner. A fail-
20 ure of the city council to act upon applications for licenses
21 within thirty days of receipt of any such application shall
22 be considered a default and shall subject the city to the
23 penalty of losing its right to a refund as herein provided.
24 At the time set for the hearing, the Board shall consider the
25 application and any protests that may be filed against the
26 same, and shall also hear the applicant or others appearing
27 in connection with the matter, and give its judgment, which
28 shall be final. If the application is rejected the fee
29 accompanying the same shall be returned less the sum of

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

8 Sec. 35-4-14. Filing, Form and Contents of Application:
9 False Statements in Application. All applicants for new licenses
10 mentioned herein shall file with the Director TAX COMMISSION-
11 ER an application in writing, signed and sworn to by the
12 applicant, giving his name and address, and, if a corporation,
13 executed by the duly authorized officers thereof, containing
14 the following:

- 15 (1) Kind of license desired;
- 16 (2) A description of the place for which the license is
17 desired, giving address by street and number, or other in-
18 formation, so that the location can be definitely determined;
- 19 (3) A statement of the citizenship or corporate qualifi-
20 cations of the applicant;
- 21 (4) The necessary license fee;
- 22 (5) Together with the consent of a majority of the citi-
23 zens over the age of twenty-one years, residing within one
24 mile of the place where the intoxicating liquor or liquors
25 are to be manufactured, bartered, sold and exchanged, or
26 bartered, sold and exchanged; provided, however, that as per-
27 taining to applicants for licenses outside the corporate boun-
28 daries of an incorporated town, said consent shall not be required
29 for a reissuance RENEWAL of said license. If any false material

1 statement is made in any part of such application the
2 applicant or applicants shall be deemed guilty of perjury and
3 upon conviction thereof shall be subject to the penalty pro-
4 vided by law for the crime of perjury.

5 Should it appear to the Board that any of the statements
6 above enumerated and required in the application are untrue
7 at the time of application for such license such application
8 may be denied.

9 Should it appear to the Board after the granting of such
10 license that any of the statements above enumerated and re-
11 quired to be made in the application are untrue, the Board
12 may forthwith enter an order revoking such license and all
13 license moneys deposited by the applicant shall be thereby
14 forfeited to the State ~~TERRITORY~~, and it shall be the duty
15 of all ~~THE UNITED STATES MARSHALS AND THEIR DEPUTIES, AND~~
16 ~~UNITED STATES ATTORNEYS AND THEIR ASSISTANTS, AND ALL CHIEFS~~
17 ~~OF POLICE AND OTHER~~ peace officers in their respective Div-
18 isions, Districts, Towns or settlements to investigate and
19 report to the Board any violation of any of the provisions
20 of this Act.

21 Sec. 35-4-15. Restrictions on Sale or Disposition of
22 Liquor: Minors and Intoxicated Persons: Election Days:
23 Near Churches and Schools: Licensee's Premises and Inspec-
24 tion thereof: Licenses: Seizure and Sale of Contraband
25 Liquor.

26 (1) Sale to Minors or Intoxicated Persons: Classifica-
27 tion of Premises. It shall be unlawful to give, barter or
28 sell any intoxicating liquors, including beer and wine, to
29 any person under the age of twenty-one years or to any

1 intoxicated person, and it shall be unlawful for any licensee
2 to permit the giving, selling, bartering or drinking of any
3 intoxicating liquor within the premises covered by any li-
4 cense to or by either of the forbidden classes, nor shall
5 such licensee permit the drinking of hard or distilled
6 liquors by any person upon the premises covered by his li-
7 cense, unless the same is permitted under the classification
8 of his license.

9 (2) Suspension or Revocation of License. The drinking
10 of intoxicating liquors by, or the presence of any of the
11 forbidden classes on the premises covered by any license
12 issued hereunder, shall be cause for suspension or revoca-
13 tion of any such license and the burden of determining
14 the age shall be on the licensee.

15 (3) Sales on Election Day. It shall be unlawful to
16 give, barter, sell, or in any licensed premises dispose of
17 any intoxicating liquor, including beer and wine, upon any
18 day on which any General, Special, or Primary Election is
19 held in the State ~~TERRITORY~~ at large, until the polls have
20 been closed on such day, or to so dispose of liquor in any
21 municipality or other political subdivision thereof when an
22 election is being held therein until the polls have been
23 closed on such day.

24 (4) Presence of Minors on Premises. It shall be unlaw-
25 ful to permit any person under the age of twenty-one years to
26 enter any licensed premises authorized herein ~~BEVERAGE~~
27 ~~DISPENSARY~~ unless the said minor is accompanied by his
28 parent, guardian or spouse who has attained the age of
29 twenty-one years.

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1 (5) Proximity to School or Church. No beverage dispens-
2 ary license or package liquor store license shall be issued
3 for the sale of any intoxicating liquor in any building
4 within two hundred feet of any school ground or church build-
5 ing measured by the shortest direct line from such school
6 ground or church building in which religious services are
7 conducted, within any corporate municipality, nor within two
8 hundred (200) feet of any school ground or church building
9 where such school ground or church building is located out-
10 side the corporate limits of a municipality. No license
11 shall be issued for use in any building within two miles of
12 any college or university. Provided, however, that a license
13 may be reissued or transferred from one licensee to another,
14 for the sale of intoxicating liquor in any building in which
15 such sale was authorized by law on the effective date of this
16 Act.

17 When a license for the sale of intoxicating liquor in
18 any building within two hundred (200) feet of a school ground
19 or church building in which religious services are conducted,
20 is forfeited, lapses or is transferred to other premises, no
21 license for the sale of intoxicating liquor at the prior
22 licensed location shall thereafter be issued; provided,
23 however, said lication may be relicensed in the event of the
24 removal of either cause of restriction.

25 (6) Premises to be Accessible for Inspection. The
26 premises of licensees under this Act shall be easily access-
27 ible for inspection by all peace /MUNICIPAL OFFICERS, UNITED
28 STATES ATTORNEYS, ASSISTANT UNITED STATES ATTORNEYS, UNITED
29 STATES MARSHALS, DEPUTY MARSHALS AND ALL OTHER/ officers

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1 charged with the enforcement of the provisions of this Act,
2 including members of the Board, during all regular hours of
3 the transaction of business upon said premises.

4 (7) Stock Confined to Licensed Premises: Sale from
5 Carrier or Boat. It shall be unlawful for any licensee under
6 this Act to carry for sale any stock of intoxicating liquors
7 in the State /TERRITORY/ except on the premises indicated on
8 his license.

9 (8) License Requirements. All licensees under the
10 provisions of this Act selling to the general public shall be
11 charged with the knowledge that the wholesaler, distiller,
12 importer, brewer or bottler from whom they purchased intoxi-
13 cating liquors is properly licensed to sell the same under
14 the provisions of this Act.

15 (9) Seizure and Sale of Shipments to Unlicensed Per-
16 sons. Any intoxicating liquors shipped into the State
17 /TERRITORY/ of Alaska for purposes of sale other than to
18 licensees hereunder shall be deemed contraband and subject
19 to confiscation by the State /TERRITORY/ and any intoxicating
20 liquors so seized shall be sold under the orders of the
21 Board /DISTRICT COURT/ and the proceeds thereof deposited
22 with the State /TERRITORIAL/ Treasurer and covered into the
23 General Fund; provided, however, that the provisions of this
24 Section shall not apply to sacramental wines, alcohol or
25 liquors used for industrial purposes, pharmaceutical or
26 medicinal purposes or any other liquors used for filling the
27 prescriptions of physicians.

28 (10) Duration of Licenses. All licenses in effect at
29 the time of the passage of this Act shall remain in effect

1 for the term specified thereon, and licenses issued under
2 this Act, except for lesser periods authorized, shall be
3 issued for the calendar year ending December 31.

4 (11) Purchase by Minors. It shall be unlawful for any
5 person under the age of twenty-one years to solicit the pur-
6 chase of or in any other way to attempt to purchase or other-
7 wise secure any intoxicating liquors, including beer and wine.
8 Any person violating the provisions of this subsection shall
9 be guilty of a misdemeanor, and upon conviction thereof shall
10 be punished as provided in Section 35-4-20 herein.

11 (12) Any person who influences or attempts to influence
12 the sale, giving or serving of intoxicating liquor, including
13 beer and wine to a person under twenty-one years of age, by
14 misrepresenting the age of such person, or who shall order,
15 request, receive, or procure intoxicating liquor from any
16 licensee, employee, or other person, for the purpose of sell-
17 ing, giving, or serving the same to a person under twenty-one
18 years of age, shall be guilty of a misdemeanor.

19 (13) Any person under the age of twenty-one years who
20 shall enter any licensed premises PREMISE where intoxicat-
21 ing liquor is sold and who shall offer or present to any
22 licensee [,] or his employee a fraudulent or false
23 certificate of birth or other written evidence of age, which
24 is not actually his or her own, or who shall otherwise mis-
25 represent his or her age, for the purpose of inducing the
26 licensee or his employee to sell, give, serve, or furnish
27 intoxicating liquor contrary to law, shall be guilty of a
28 misdemeanor.

29 (14) Any licensee or his employee who questions, or has

1 reason to question, whether a person entering upon A
2 licensed premises PREMISE , or ordering, purchasing, attempt-
3 ing to purchase or otherwise procuring or attempting to pro-
4 cure the serving or delivery of intoxicating liquor, has
5 attained the age of twenty-one years, shall require such per-
6 son to sign a statement that he or she is over the age of
7 twenty-one years. Said statement shall be made upon a form
8 to be prepared by and furnished to the licensee by the Board.
9 TERRITORIAL TAX COMMISSIONER. If a licensee, or his em-
10 ployee, in good faith, secures such a signed statement he
11 shall not be subject to criminal prosecution for violation of
12 the provisions of Subsections SECTIONS (12) and (13) hereof.

13 (15) Any licensee or his employee, who allows to remain
14 upon A licensed premises where intoxicating liquors are
15 sold, any person under the age of twenty-one years not in
16 company of his or her parent or legal guardian or spouse who
17 has attained the age of twenty-one years or sells, gives, or
18 serves intoxicating liquor to any person under the age of
19 twenty-one years, without having procured the signature of
20 said person upon a statement as herein provided, or who know-
21 ingly sells, gives, or serves intoxicating liquor to or allows
22 said person to remain on A licensed premises where intoxi-
23 cating liquor is sold, shall be guilty of a misdemeanor.

24 Sec. 35-4-16. Qualifications of Licensees.

25 (A) Residence. No Beverage Dispensary License , or
26 Retail license shall be issued to any person or association
27 of persons who have not resided in the State TERRITORY for
28 at least one year prior to the date of the application, or to
29 any corporation which is not qualified to do business in the

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1 State. TERRITORY.

2 (B) Interest in Premises. No corporation, wholesaler,
3 owner, officer, or representative of a wholesaler, brewery,
4 winery, bottling works, or distillery shall be permitted to
5 own any interest in any Beverage Dispensary or Retail Liquor
6 Store, nor be permitted to finance directly, or indirectly,
7 any license-holder in procuring quarters, or supplying equip-
8 ment, furnishings, stock or inventory in order to conduct such
9 business.

10 (C) Non-Resident Distiller, Brewer or Wholesaler. Any
11 distiller, brewer or wholesaler, whose plant or principal
12 place of business is outside of the State, TERRITORY, but
13 whose products are sold directly, by any one ANYONE of the
14 foregoing, in the State, TERRITORY, shall be required to ob-
15 tain a Wholesale License for the sale of his products in the
16 State, TERRITORY, and a separate license shall be required
17 for each wholesale distributing point within the State. TER-
18 RITORY. Any distiller, brewer or wholesaler, not resident
19 in the State, TERRITORY, selling intoxicating liquors in
20 the State, TERRITORY, shall designate a principal place of
21 business, or headquarters, in the State, TERRITORY, where
22 all records shall be located and appoint an agent upon whom
23 process can be had, and shall also obtain a license or
24 licenses under the provisions of this Act.

25 (D) Financial Interest: Personal Superintendence. No
26 person or persons, other than the licensee, shall have any
27 direct or indirect financial interest in the business for
28 which the license is issued. The licensee shall be solely
29 responsible for the lawful conduct of the business licensed.

1 hereunder except as hereinafter provided.

2 Sec. 35-4-17. Local Option: Election: Residents' Con-
3 sent to License in Incorporated Cities and Towns: Disposi-
4 tion of Funds.

5 (A) Election in Incorporated Towns. Whenever thirty-
6 five percent (35%) of the total number of voters at the last
7 general municipal election held in any incorporated city or
8 town shall petition the City Council so to do, the City
9 Council shall cause to be placed upon a separate ballot at
10 the next municipal election in such incorporated city or town
11 the following question: "For the sale of intoxicating
12 liquors" (yes or no). It shall be the duty of the
13 regular election officers to canvass the said ballots and to
14 report the results thereof to the City Clerk, who shall cause
15 the results to be published. If, upon receipt of the certif-
16 icate of election, the City Clerk finds that a majority of
17 the voters are against the sale of intoxicating liquor in
18 said incorporated city or town, notice thereof shall be for-
19 warded to the Board and all applications for licenses within
20 the said city or town shall thereafter be denied and no
21 further licenses shall be issued therein for a period of one
22 year, nor shall the Board issue a new beverage dispensary or
23 retail license for premises located within five (5) miles of
24 said city or town, provided, however, if a majority of the
25 voters at a subsequent election conducted for the purpose and
26 in accordance with the provision hereof favor the sale of
27 intoxicating liquor in said city or town the Board shall upon
28 application issue the number and type and license to the same
29 or other premises /~~PREMISE~~/ within said city or town as were

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1 in existence on the date of last election, at which a major-
2 ity of the voters prohibited the sale of intoxicating liquor;
3 priority shall be given those applicants who were licensees
4 and whose licenses were not reissued ~~RE--NEWED~~ by reason of
5 the last election conducted under the provisions of this Act,
6 said license shall be issued irrespective of any resulting
7 restriction which arose subsequent to the prohibiting elec-
8 tion.

9 No license shall be suspended under the provisions of
10 this section during the year for which it was issued except
11 for cause.

12 (B) Consent of Residents Outside of Incorporated Cities
13 or Towns. No new license ~~s~~ for the sale of intoxicating liquor
14 shall be issued under this Act in precincts outside of incor-
15 porated cities or towns unless a petition having signatures
16 of a majority of the bona fide residents residing within one
17 mile of the place where intoxicating liquor is to be sold,
18 and over the age of twenty-one years, is filed with the
19 Board asking that a license ~~s~~ be issued within the said pre-
20 cinct; provided, however, that such petition shall not be
21 required for a reissuance of said license.

22 (C) Disposition of Funds. All moneys collected or due
23 the State ~~TERRITORY~~ for licenses under the provisions of
24 this Act shall be deposited with the State ~~TERRITORIAL~~
25 Treasurer and covered into the General Fund; all such moneys
26 derived from the licenses issued excluding wholesale licenses
27 within the incorporated cities shall be refunded semi-
28 annually to said incorporated cities; provided, however, that
29 in the event of the failure of the officers of said incor-

1 porated cities to actively enforce all of the ordinances of
2 said incorporated cities, the law of the United States, the
3 laws of the State [TERRITORY] of Alaska and those regulations
4 relative to the manufacture and sale of intoxicating liquors
5 in the State [TERRITORY] of Alaska, the Treasurer may deny
6 said refund and no further moneys will be paid to said incor-
7 porated cities until the enforcement of such laws and regula-
8 tions is actively resumed within such municipalities.

9 Sec. 35-4-18. Municipal Regulations. Incorporated
10 municipalities [] may, by ordinance duly enacted, provide
11 such additional duties [RULES AND REGULATIONS] governing the
12 barter, sale and possession of intoxicating liquor within
13 such municipalities as may be deemed necessary to the orderly
14 conduct of the business of selling intoxicating liquor; pro-
15 vided, however, that such ordinance or ordinances shall not
16 be inconsistent with this Act or the rules and regulations
17 promulgated hereunder, nor shall any municipality impose
18 additional taxes.

19 Sec. 35-4-19. Duration and Transfer of Licenses. No
20 license shall be issued for a greater period than one year;
21 and no licenses shall be transferred by the licensee to any
22 other person except with the written consent of the Board,
23 but authority for the same may issue upon application there-
24 to in writing.

25 Sec. 35-4-20. Violation of Act a Misdemeanor: Penalty.
26 A violation of any of the provisions of this Act shall be
27 deemed a misdemeanor, and upon conviction thereof shall be
28 punished by imprisonment of not more than one year, or by a
29 fine of not less than Fifty Dollars [FIFTY DOLLARS] (\$50.00)

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1 nor more than Five Hundred Dollars (\$500.00), each violation
2 to be considered a separate offense.

3 Provided, further, that upon conviction of a licensee
4 AS ABOVE PROVIDED, the commissioner, magistrate, OR
5 District Judge, or other judge having jurisdiction, as the
6 case may be, shall send a notification thereof together with
7 the certified transcript of the proceedings to the Board
8 which TERRITORIAL TAX COMMISSIONER WHO shall, upon the
9 direction of a majority of the members of the Board, suspend
10 said license as hereinafter provided for the first and second
11 violations and shall revoke the license and may upon a third
12 violation forfeit the bond. SUSPEND OR REVOKE THE LICENSE OF
13 THE PREMISES INVOLVED AS FOLLOWS:

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

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

20 THIRD VIOLATION: THE LICENSE SHALL BE REVOKED: THE BOND
21 SHALL BE FORFEITED.

22 Sec. 35-4-21. Classification of Licenses: Rights and
23 Duties of Licensees: Amounts of Fees. The following li-
24 censes shall upon direction of the board be issued by the
25 Director: TERRITORIAL TAX COMMISSIONER:

26 (A) A Beverage Dispensary License gives to the holder
27 thereof the right to sell for cash or serve on the premises
28 beer, wine and hard liquors for consumption on the premises
29 only. The Beverage Dispensary License Fee shall be Five

1 Hundred Dollars (\$500.00) in all towns, villages, settlements,
2 and places not exceeding fifteen hundred persons and One
3 Thousand Dollars (\$1,000.00) in all towns, villages and in-
4 corporated cities having a population in excess of fifteen
5 hundred persons. The population shall be determined at the
6 time of filing application. Each applicant for a beverage
7 dispensary license shall file with the application a bond
8 either in cash or executed by a surety company, to be ap-
9 proved by the Board. [TERRITORIAL TAX COMMISSION.] The
10 condition of such bond or undertaking shall be, that the
11 applicant or applicants are the sole owners of the business
12 sought to be licensed and that no other persons are finan-
13 cially interested either directly or indirectly therein and
14 that the applicant or applicants will conduct said business
15 in accordance with the existing applicable laws pertaining to
16 intoxicating liquor in Alaska. Such bond shall be in the
17 penal sum of Twenty-five Hundred Dollars (\$2,500.00). Upon
18 revocation of license, said bond may [SHALL] be forfeited and
19 covered into the State [TERRITORIAL] General Fund.

20 All employees serving intoxicating liquor in an
21 establishment operating under [IN] a Beverage Dispensary
22 license shall be male citizens of the United States,
23 over the age of 21 years and of good moral character.
24 Provided, however, that female citizens over the age of
25 21 years of good moral character regularly employed as
26 waitresses in an establishment operating under a Bever-
27 age Dispensary license may serve intoxicating liquor if
28 such establishment; (1) regularly serves meals as a
29 major and substantial part of its business, (2) applies

1 for and receives a permit to employ females from the Board
2 of Liquor Control. The serving of sandwiches, burgers,
3 hot-dogs, snacks or similar food items shall not qualify
4 an establishment to employ females under this proviso.

5 Any such employee of such place violating the provisions
6 of this Act shall be equally guilty with the holder of the
7 license and shall be punished accordingly.

8 (B) A Restaurant License shall give to the holder
9 thereof the right to sell beer and wine in a restaurant with
10 meals furnished in good faith to patrons. The Restaurant
11 License Fee shall be Three Hundred Dollars (\$300.00).

12 (C) A Road House License shall give to the holder
13 thereof the right to sell beer and wine in a road house which
14 is located not less than 18 miles from the corporate limits
15 of a city and which serves food to the traveling public. The
16 Road House License Fee shall be One Hundred and Fifty (\$150.00)
17 Dollars.

18 (D) A Club License shall give to clubs, fraternal
19 organizations, and patriotic organizations, that have a State
20 /TERRITORIAL/ or National Charter, and which have been so
21 incorporated and active for a period of two years or more,
22 the right to sell intoxicating liquors to their members and
23 their families only in their club rooms. The Club License
24 Fee shall be Four Hundred (\$400.00) Dollars.

25 (E) A Bottling Works License shall give to the holder
26 thereof the right to operate a Bottling Works where beer and
27 wine may be bottled and sold, but no sale of beer or wine
28 shall be made to a consumer or in less quantities than five
29 wine gallons. The Bottling Works License Fee shall be One

1 Hundred Dollars (\$100.00).

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

8 (G) A Retail License shall give to the holder thereof
9 the right to sell for cash in his establishment intoxicating
10 liquors, including beer and wine, in the original packages
11 and wine in bulk. All liquor requiring Internal Revenue
12 strip stamps shall have such stamps intact upon the packages.
13 The consumption of any intoxicating liquor on premises li-
14 censed under this provision is prohibited. Sales under a
15 Retail License shall be limited to less than five wine gallons
16 to any one person in any one sale. The Retail License Fee
17 shall be Six Hundred Dollars (\$600.00).

18 (H) (1) A General Wholesale License shall give to the
19 holder thereof the right to sell intoxicating liquors, in-
20 cluding malt beverages and wines, in the original package,
21 and wine in bulk, in quantities of not less than five wine
22 gallons to holders of licenses under this Act, but not to the
23 consumer. All liquor requiring Internal Revenue strip stamps
24 must have such stamps intact on the package. A Wholesale
25 License shall be required for each distributing point. The
26 General Wholesale License Fee schedule shall be as follows:

27 Upon the total amount of business transacted during any
28 year: \$500.00 as a minimum license fee, to accompany the ap-
29 plication, and in payment of the fee for the first \$50,000.00

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1 of business transacted, and in addition thereto, on the
 2 business transacted during any year,
 3 above \$50,000 and not over
 4 \$75,000 a fee of \$ 250.00
 5 above \$75,000 and not over
 6 \$100,000 a fee of \$ 500.00
 7 above \$100,000 and not over
 8 \$125,000 a fee of \$ 750.00
 9 above \$125,000 and not over
 10 \$150,000 a fee of \$1000.00
 11 above \$150,000 and not over
 12 \$175,000 a fee of \$1250.00
 13 above \$175,000 and not over
 14 \$200,000 a fee of \$1500.00
 15 above \$200,000 and not over
 16 \$250,000 a fee of \$2000.00
 17 above \$250,000 and not over
 18 \$300,000 a fee of \$2500.00
 19 above \$300,000 and not over
 20 \$350,000 a fee of \$3000.00
 21 above \$350,000 and not over
 22 \$400,000 a fee of \$3500.00
 23 above \$400,000 and not over
 24 \$500,000 a fee of \$4500.00
 25 above \$500,000 a fee of \$5000.00
 26 (2) A Wholesale Malt Beverage and Wine License shall
 27 give to the holder thereof the right to sell malt beverages
 28 and wine in the original packages and malt beverages and wine
 29 in bulk in quantities of not less than five wine gallons to

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1 holders of licenses under these regulations but not to the
2 consumer. Malt Beverages and Wine License Fee shall be as
3 follows:

4 On the total amount of business transacted in any year:
5 \$100.00 as a minimum license fee, to accompany the applica-
6 tion, and in payment of the fee for the first \$10,000.00 of
7 business transacted, and, in addition thereto, on the
8 business transacted during any year.

- 9 above \$10,000 and not over
- 10 \$25,000 a fee of \$150.00
- 11 above \$25,000 and not over
- 12 \$50,000 a fee of \$500.00
- 13 above \$50,000 and not over
- 14 \$75,000 a fee of \$750.00
- 15 above \$75,000 and not over
- 16 \$100,000 a fee of \$1000.00
- 17 above \$100,000 and not over
- 18 \$150,000 a fee of \$1500.00
- 19 above \$150,000 and not over
- 20 \$200,000 a fee of \$2000.00
- 21 above \$200,000 and not over
- 22 \$300,000 a fee of \$3000.00
- 23 above \$300,000 and not over
- 24 \$400,000 a fee of \$4000.00
- 25 above \$400,000 a fee of \$5000.00

26 (I) A Distillery License shall give to the holder
27 thereof the right to operate a Distillery where intoxicating
28 liquors are distilled, prepared, bottled or barreled for sale,
29 but no sale shall be made in less quantities than five wine

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1 gallons, and no sale shall be made in the State ~~TERRITORY~~
2 except to licensees under the provisions of this Act and not
3 to the consumer. The Distillery License Fee shall be One
4 Hundred Dollars (\$100.00).

5 (J) A Common Carrier Dispensary License shall give to
6 the holder thereof the right to sell intoxicating liquors for
7 consumption aboard a boat, an aircraft licensed hereunder or
8 a railroad buffet car while in transit only. Provided, how-
9 ever, that no Common Carrier Dispensary License shall be
10 issued for any boat or vessel of less than 250 tons, United
11 States Custom House measurement. The Common Carrier Dispens-
12 ary License Fee shall be Two Hundred and Fifty Dollars
13 (\$250.00) for each such vessel, or buffet car so licensed.

14 (K) A Retail Stock Sale License shall give to the
15 holder thereof the right to sell in bulk quantities, of not
16 less than five wine gallons per sale, but not to the consumer,
17 the entire stock of a former retail liquor store, where the
18 owner there is desirous of closing out or terminating the
19 business of the store. Such license shall issue only when
20 the owner does not have a retail license, but not where he
21 has been deprived of a retail license because of a violation
22 of this Act, or a violation of any other law of the State
23 ~~TERRITORY~~ of Alaska. Such license shall issue for a period
24 of ninety days only for each store so closing out, and shall
25 not be renewable. The Retail Stock Sale License Fee shall be
26 One Hundred Dollars (\$100.00).

27 Sec. 35-4-22. General Provisions.

28 (A) All applications for licenses under this Act shall
29 be made to the Board. ~~TERRITORIAL TAX COMMISSIONER OR HIS~~

1 AUTHORIZED DEPUTY WHO SHALL REFER THEM TO THE ADVISORY BOARD
2 IN THE DIVISION CONCERNED UNLESS OTHERWISE PROVIDED.] All
3 licenses issued hereunder, except as hereinafter limited, shall
4 be for the period from 12:01 A.M. January 1, until 12:00 Midnight,
5 December 31 of the calendar year.

6 (B) Prior to the issuance of any new license, a true
7 copy of the application for license shall be posted by the
8 applicant at the location of the premises, at the nearest
9 Post Office and at one other conspicuous location in the area,
10 for a period of ten days prior to the filing of said applica-
11 tion, and proof of such posting shall accompany the applica-
12 tion on a form to be provided by the Board.

13 (C) A license may be reissued each year, prior to the
14 termination of the existing license, upon payment of the
15 applicable fees, save and except in case of a conviction as
16 provided in Section 35-4-20 hereof.

17 In case of a conviction relating to the sale of intoxi-
18 cating liquors, application for renewal shall be made as
19 follows:

20 Each such application for a reissuance RENEWAL of
21 license shall contain all of the information required of
22 a new license, except that there shall be no proof of
23 posting required. Each such application for reissuance
24 RENEWAL shall further contain a statement of convic-
25 tions , IF ANY, of the applicant of Federal or State
26 TERRITORIAL law or regulation covering the sale of in-
27 toxicating liquors during the term of the preceding
28 license. No license shall be reissued RENEWED which has not
29 been exercised or active at least thirty days during the preceding

1 year.

2 (D) Any license may be transferred to a new location
3 to be operated by a qualified transferee subject to the lim-
4 itation contained in Section 35-4-13, herein. Each applica-
5 tion for a transfer of a license to a new location shall con-
6 tain such information as may be required by the Board and
7 shall be accompanied by proof of posting of application as
8 required in Subsection (B), herein. The transferee of any
9 license shall have all of the qualifications required under
10 this Act for a new license. No license shall be issued,
11 reissued RENEWED or transferred, unless the application there-
12 for contains all the information required hereunder, nor shall
13 any application be granted which contains any false statements
14 of material fact.

15 (E) Any resident of an area outside an incorporated
16 town who desires to protest the issuance of a license in the
17 voting precinct in which he resides, shall serve upon the
18 applicant and the Board a written statement of the reasons
19 for his protest. Upon the receipt of protest the Board may
20 give notice and hold a hearing, in the voting precinct from
21 which such application originated, OR DELEGATE THE ADVISORY
22 BOARD TO HOLD SUCH A HEARING at which all persons interested
23 may be heard. If at such hearing it shall appear that the
24 majority of the citizens IN ATTENDANCE AND over the age of
25 21 years, and who reside within two miles of the place
26 for which a license is sought, object to the issuance of such
27 license, the Board may refuse to issue the same.

28 (F) The Director may issue any license provided in this
29 Act for any continuous six-month period upon application and

1 the payment of one-half of the yearly license fee as provided
2 herein. AN APPLICATION FOR A LICENSE AUTHORIZED UNDER THIS
3 ACT MADE BEFORE THE FIRST DAY OF JULY, SHALL BE ACCOMPANIED
4 BY THE FULL AMOUNT OF THE LICENSE FEE AS PROVIDED HEREIN,
5 EXCEPT THAT A LICENSE MAY, UPON REQUEST OF THE APPLICANT AND
6 APPROVAL OF THE BOARD, BE ISSUED FOR ANY DESIGNATED CONTIN-
7 UOUS PERIOD OF SIX MONTHS DURING ANY CALENDAR YEAR, AND THE
8 FEE THEREFOR SHALL BE ONE-HALF THAT PRESCRIBED FOR A CALENDAR
9 YEAR.

10 (G) In the event any person operating a business as
11 sole licensee under any license authorized by this Act,
12 should die, the Executor or Administrator of his estate
13 shall, within ninety days of the death of the licensee or
14 before December 31 of the year for which the license was
15 issued, whichever date shall first occur, SHALL make ap-
16 plication to the Board for transfer of the license. If no
17 such application is made within the time set forth herein the
18 license shall be forfeited and deemed void. The Executor or
19 Administrator may continue to operate the business until the
20 transfer is approved and completed or until the license is
21 deemed forfeited as set out above. The Board, in its discre-
22 tion, may extend said time on petition of said Executor or
23 Administrator. During the period in which licensed premises
24 or any business license hereunder may be subject to control
25 of any Executor or Administrator, he shall be personally
26 responsible for the conduct of said business or licensed
27 premises.

28 (H) Any action BY THE TERRITORIAL TAX COMMISSIONER
29 relating to the administrative duties imposed by this Act

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1 shall be subject to review by the Board at the instance of any
2 aggrieved party. Any action or decision by the Board relating to
3 the issuance, reissuance, ~~RENEWAL~~ suspension or revocation of
4 licenses under this Act shall be subject to review. ~~FINAL~~

5 (I) Any application fee prescribed by the Board as pro-
6 vided in Sec. 35-4-2 shall be in addition to any other fee
7 charged under this Act and shall be deposited in the State
8 ~~TERRITORIAL~~ Treasury and withdrawn therefrom on voucher
9 approved by the Board ~~DIRECTOR OF FINANCE~~ to be used for
10 the purpose of administering the provisions of this Act.

11 (J) No licenses for the sale of intoxicating liquor
12 shall be issued under this Act in any area, which is fifty miles
13 or more from the incorporated boundaries of a city, town, pub-
14 lic utility district or school district, unless a petition
15 having the signatures of two-thirds of the bona fide residents,
16 twenty-one years of age or over, residing within a radius of
17 five miles of the nearest United States post office station,
18 is filed with the Board asking that licenses be issued within
19 said area; provided, however, that should there be two or more
20 such post office stations within the vicinity of the place
21 where intoxicating liquor is to be sold, the nearest such
22 station to such place shall constitute the point of beginning;
23 provided, further, however, that such a petition shall not be
24 required for a reissuance ~~RENEWAL~~ of any such licenses granted
25 pursuant to this Subsection; provided, further, however, that
26 if no such post office station exists within a radius of five
27 miles of the place where intoxicating liquor is to be sold
28 then Section 35-4-17(B), herein, shall apply.

29 (K) The business premises occupied by a holder of a

1 retail license issued under this Act shall not be connected
2 by a door, opening or any other means of passage to any other
3 business premises licensed under this Act or connected
4 directly with any other retail business establishment.

5 (L) All licenses issued for the year 1959 under the
6 provisions of Chapter 131, SLA 1957, shall be deemed to have
7 been issued under the provisions of this Act, and the
8 issuance of all said licenses is hereby ratified and con-
9 firmed.

10 (M) The City Council of any incorporated town may by
11 ordinance increase the number of licenses authorized under
12 Section 35-4-13 of this Act.

13 Sec. 35-4-23. Provisional License: Affidavit and Pay-
14 ment of Fees. The Director [TAX COMMISSIONER] shall issue only
15 a provisional license upon the payment of the minimum fees
16 for the licenses mentioned in section 35-4-21 (H) (1) (2)
17 herein and not later than February 15th of each year follow-
18 ing that for which any license has been issued to a licensee,
19 said licensee shall make an affidavit or affidavits showing
20 the amount of business done during the preceding year under
21 his respective license or licenses and the locations and es-
22 tablishments from which such business was done, which shall
23 be filed with the Board. [TAX COMMISSIONER] The licensee
24 shall pay to the Board [SAID TAX COMMISSIONER] the license
25 fees accrued during such preceding year at the time of filing
26 such affidavit or affidavits. Unless such affidavit or
27 affidavits are [IS] so filed and fee paid, any licenses out-
28 standing in the name of such applicant which have been issued
29 under the laws in effect at the time of passage of this Act

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1 shall be forthwith cancelled by order of said Board. The
2 failure to file the affidavit or affidavits or the cancella-
3 tion of any existing license shall not relieve any licensee
4 from paying the fees as prescribed herein.

5 Section 3. If any provision hereof or the application there-
6 of to any person or circumstance is held invalid, such invalidity
7 shall not affect other provisions or applications of this Act
8 which can be given effect without the invalid provision or appli-
9 cation, and to this end the provisions of this Act are declared
10 to be severable.

11 Sec. 4. EFFECTIVE DATE. This Act shall take effect upon
12 its passage and approval or upon becoming law without such
13 approval.

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