

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 re-enacting 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11 1949, as repealed by Chapter 43, SLA 1953, and as re-enacted,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 and confirmed by the legislature.
29 No member of the Board shall hold any other office, either

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

7 (B) The Governor shall appoint a Director, subject to
8 confirmation by the legislature, who shall be the executive
9 officer of the Board, and whose duty it shall be to enforce
10 such rules and regulations as are promulgated by the Board.
11 He shall issue all licenses 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. [i]

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

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, as amended by Chapter 131 SLA 1957, and as amended by Chapter
12 62, SLA 1959 are hereby amended and certain subsections added to
13 read as follows:

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

29 Sec. 35-4-12. Licenses: Issuance. The licenses pro-
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1 vided for in this Act shall be issued by THE TAX COMMISSIONER
2 IN COMPLIANCE WITH THE ORDER OF the Director BOARD.

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

1 prohibit the sale of intoxicating liquors therein. In no
2 event shall a license be transferred out of the election dis-
3 trict for the House of Representatives JUDICIAL DIVISION
4 within which it was granted or into an area that exceeds one
5 license of each type for each 1,500 population or fraction
6 thereof. Provided, however, that licenses already issued at
7 the time of the enactment of this Act shall be renewed irre-
8 spective of such ratio, unless the application shall be denied
9 for reason other than that contained in this section. Pro-
10 vided, however, that no person shall own or have an interest
11 in more than three Beverage Dispensary Licenses. Provided
12 further, that the Board may, in its discretion approve the
13 issuance or transfer of a license into an area outside an
14 incorporated municipality without regard to the quota provi-
15 sions of this section where it appears that such issuance or
16 transfer will encourage the construction or improvement of a
17 hotel, motel, resort or similar business related to the
18 tourist trade where such hotel, motel, resort or similar
19 business related to the tourist trade has a minimum accommo-
20 dation of ten rooms.

21 Provided, however, that any application for a new
22 license coming from within an incorporated town shall have
23 attached to the application in lieu of the consent required
24 in Subsection (5) of Section 35-4-14 herein, a recommendation
25 of the city council of said incorporated town and shall be
26 forwarded to AND CONSIDERED BY the Board, in addition to a
27 list of at least five references from within the corporate
28 boundaries of said town; as to the integrity of the applicant
29 and the desirability of the issuing of a license for the

1 premises mentioned therein. Such recommendation shall be
2 binding on the Board unless the Board after a hearing as
3 herein provided shall determine that the city council /CITY
4 COUNCIL/ acted in a capricious or arbitrary manner, and
5 sets forth in writing its findings in what respects the
6 council was acting capriciously or arbitrarily. A failure
7 of the city council to act upon applications for licenses
8 within thirty days of receipt of any such application shall
9 be considered a default and shall subject the city to the
10 penalty of losing its right to a refund as herein provided.
11 At the time set for the hearing, the Board shall consider
12 the application and any protests that may be filed against
13 the same, and shall also hear the applicant or others appear-
14 ing in connection with the matter, and give its judgment
15 in regard to the application /, WHICH SHALL BE FINAL/. If
16 the application is rejected the fee accompanying the same
17 shall be returned less the sum of Twenty-Five Dollars. The
18 licensee shall cause the license to be posted in a conspic-
19 uous position in his place of business, so that anyone enter-
20 ing the premises may easily read it. No license issued under
21 the provisions of this Act shall be transferred except after
22 first securing the consent of the Board. No refund of
23 license fees will be allowed after the issuance of license.

24 Sec. 35-4-14. Filing, Form and Contents of Application:
25 False Statements in Application. All applicants for new
26 licenses mentioned herein shall file with the Director
27 /TAX COMMISSIONER/ an application in writing, signed and
28 sworn to by the applicant, giving his name and address, and,
29 if a corporation, executed by the duly authorized officers

1 thereof, containing the following:

2 (1) Kind of license desired;

3 (2) A description of the place for which the license is
4 desired, giving address by street and number, or other in-
5 formation, so that the location can be definitely determined;

6 (3) A statement of the citizenship or corporate qualifi-
7 cations of the applicant;

8 (4) The necessary license fee;

9 (5) Together with the consent of a majority of the citi-
10 zens over the age of twenty-one years, residing within one
11 mile of the place where the intoxicating liquor or liquors
12 are to be manufactured, bartered, sold and exchanged, or
13 bartered, sold and exchanged; provided, however, that as
14 pertaining to applicants for licenses outside the corporate
15 boundaries of an incorporated town, said consent shall not be
16 required for a reissuance RENEWAL of said license. If any
17 false material statement is made in any part of such applica-
18 tion the applicant or applicants shall be deemed guilty of
19 perjury and upon conviction thereof shall be subject to the
20 penalty provided by law for the crime of perjury.

21 Should it appear to the Board that any of the statements
22 above enumerated and required in the application are untrue
23 at the time of application for such license such application
24 may be denied.

25 Should it appear to the Board after the granting of such
26 license that any of the statements above enumerated and re-
27 quired to be made in the applicatinn are untrue, the Board
28 may forthwith enter an order revoking such license and all
29 license moneys deposited by the applicant shall be thereby

1 forfeited to the State ~~TERRITORY~~, and it shall be the duty
2 of all ~~THE UNITED STATES MARSHALS AND THEIR DEPUTIES, AND~~
3 ~~UNITED STATES ATTORNEYS AND THEIR ASSISTANTS, AND ALL CHIEFS~~
4 ~~OF POLICE AND OTHER~~ peace officers in their respective Div-
5 isions, Districts, Towns or settlements to investigate and
6 report to the Board any violation of any of the provisions
7 of this Act.

8 Sec. 35-4-15. Restrictions on Sale or Disposition of
9 Liquor: Minors and Intoxicated Persons: Election Days:
10 Near Churches and Schools: Licensee's Premises and Inspec-
11 tion thereof: Licenses: Seizure and Sale of Contraband
12 Liquor.

13 (1) Sale to Minors or Intoxicated Persons: Classifica-
14 tion of Premises. It shall be unlawful to give, barter or
15 sell any intoxicating liquors, including beer and wine, to
16 any person under the age of twenty-one years or to any
17 intoxicated person, and it shall be unlawful for any licensee
18 to permit the giving, selling, bartering or drinking of any
19 intoxicating liquor within the premises covered by any li-
20 cense to or by either of the forbidden classes, nor shall
21 such licensee permit the drinking of hard or distilled
22 liquors by any person upon the premises covered by his li-
23 cense, unless the same is permitted under the classification
24 of his license.

25 (2) Suspension or Revocation of License. The drinking
26 of intoxicating liquors by, or the presence of any of the
27 forbidden classes on the premises covered by any license
28 issued hereunder, shall be cause for suspension or revoca-
29 tion of any such license and the burden of determining

1 the age shall be on the licensee.

2 (3) Sales on Election Day. It shall be unlawful to
3 give, barter, sell, or in any licensed premises dispose of
4 any intoxicating liquor, including beer and wine, upon any
5 day on which any General, Special, or Primary Election is
6 held in the State ~~TERRITORY~~ at large, until the polls have
7 been closed on such day, or to so dispose of liquor in any
8 municipality or other political subdivision thereof when an
9 election is being held therein until the polls have been
10 closed on such day.

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

17 (5) Proximity to School or Church. No beverage dispen-
18 sary license or package liquor store license shall be issued
19 for the sale of any intoxicating liquor in any building
20 within two hundred feet of any school ground or church build-
21 ing measured by the shortest direct line from such school
22 ground or church building in which religious services are
23 conducted, within any corporate municipality, nor within two
24 hundred (200) feet of any school ground or church building
25 where such school ground or church building is located out-
26 side the corporate limits of a municipality. No license
27 shall be issued for use in any building within two miles of
28 any college or university. Provided, however, that a license
29 may be reissued or transferred from one licensee to another,

1 for the sale of intoxicating liquor in any building in which
2 such sale was authorized by law on the effective date of this
3 Act.

4 When a license for the sale of intoxicating liquor in
5 any building within two hundred (200) feet of a school ground
6 or church building in which religious services are conducted,
7 is forfeited, lapses or is transferred to other premises, no
8 license for the sale of intoxicating liquor at the prior
9 licensed location shall thereafter be issued; provided,
10 however, said location may be relicensed in the event of the
11 removal of either cause of restriction.

12 (6) Premises to be Accessible for Inspection. The
13 premises of licensees under this Act shall be easily access-
14 ible for inspection by all peace /MUNICIPAL OFFICERS, UNITED
15 STATES ATTORNEYS, ASSISTANT UNITED STATES ATTORNEYS, UNITED
16 STATES MARSHALS, DEPUTY MARSHALS AND ALL OTHER/ officers
17 charged with the enforcement of the provisions of this Act,
18 including members of the Board, the Director or his agent,
19 during all regular hours of the transaction of business upon
20 said premises.

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

26 (8) License Requirements. All licensees under the
27 provisions of this Act selling to the general public shall be
28 charged with the knowledge that the wholesaler, distiller,
29 importer, brewer or bottler from whom they purchased intoxi-

1 cating liquors is properly licensed to sell the same under
2 the provisions of this Act.

3 (9) Seizure and Sale of Shipments to Unlicensed Per-
4 sons. Any intoxicating liquors shipped into the State
5 TERRITORY of Alaska for purposes of sale other than to
6 licensees hereunder shall be deemed contraband and subject
7 to confiscation by the State TERRITORY and any intoxicating
8 liquors so seized shall be sold under the orders of the
9 Board DISTRICT COURT and the proceeds thereof deposited
10 with the State TERRITORIAL Treasurer and covered into the
11 General Fund; provided, however, that the provisions of this
12 Section shall not apply to sacramental wines, alcohol or
13 liquors used for industrial purposes, pharmaceutical or
14 medicinal purposes or any other liquors used for filling the
15 prescriptions of physicians.

16 (10) Duration of Licenses. All licenses in effect at
17 the time of the passage of this Act shall remain in effect
18 for the term specified thereon, and licenses issued under
19 this Act, except for lesser periods authorized, shall be
20 issued for the calendar year ending December 31.

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

28 (12) Any person who influences or attempts to influence
29 the sale, giving or serving of intoxicating liquor, including

1 beer and wine to a person under twenty-one years of age, by
2 misrepresenting the age of such person, or who shall order,
3 request, receive, or procure intoxicating liquor from any
4 licensee, employee, or other person, for the purpose of sell-
5 ing, giving, or serving the same to a person under twenty-one
6 years of age, shall be guilty of a misdemeanor.

7 (13) Any person under the age of twenty-one years who
8 shall enter any licensed premises [PREMISE] where intoxicat-
9 ing liquor is sold and who shall offer or present to any
10 licensee [,] or his employee a fraudulent or false
11 certificate of birth or other written evidence of age, which
12 is not actually his or her own, or who shall otherwise mis-
13 represent his or her age, for the purpose of inducing the
14 licensee or his employee to sell, give, serve, or furnish
15 intoxicating liquor contrary to law, shall be guilty of a
16 misdemeanor.

17 (14) Any licensee or his employee who questions, or has
18 reason to question, whether a person entering upon [A]
19 licensed premises [PREMISE], or ordering, purchasing, attempt-
20 ing to purchase or otherwise procuring or attempting to pro-
21 cure the serving or delivery of intoxicating liquor, has
22 attained the age of twenty-one years, shall require such per-
23 son to sign a statement that he or she is over the age of
24 twenty-one years. Said statement shall be made upon a form
25 to be prepared by and furnished to the licensee by the Board,
26 [TERRITORIAL TAX COMMISSIONER.] If a licensee, or his em-
27 ployee, in good faith, secures such a signed statement he
28 shall not be subject to criminal prosecution for violation of
29 the provisions of Subsections [SECTIONS] (12) and (13) hereof.

1 (15) Any licensee or his employee, who allows to remain
2 upon A licensed premises where intoxicating liquors are
3 sold, any person under the age of twenty-one years not in
4 company of his or her parent or legal guardian or spouse who
5 has attained the age of twenty-one years or sells, gives, or
6 serves intoxicating liquor to any person under the age of
7 twenty-one years, without having procured the signature of
8 said person upon a statement as herein provided, or who know-
9 ingly sells, gives, or serves intoxicating liquor to or allows
10 said person to remain on A licensed premises where intoxi-
11 cating liquor is sold, shall be guilty of a misdemeanor.

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

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

19 (B) Interest in Premises. No corporation, wholesaler,
20 owner, officer, or representative of a wholesaler, brewery,
21 winery, bottling works, or distillery shall be permitted to
22 own any interest in any Beverage Dispensary or Retail Liquor
23 Store, nor be permitted to finance directly, or indirectly,
24 any license-holder in procuring quarters, or supplying equip-
25 ment, furnishings, stock or inventory in order to conduct such
26 business.

27 (C) Non-Resident Distiller, Brewer or Wholesaler. Any
28 distiller, brewer or wholesaler, whose plant or principal
29 place of business is outside of the State, TERRITORY, but

1 whose products are sold directly, by any one ANYONE of the
2 foregoing, in the State, TERRITORY, shall be required to ob-
3 tain a Wholesale License for the sale of his products in the
4 State, TERRITORY, and a separate license shall be required
5 for each wholesale distributing point within the State, TER-
6 RITORY. Any distiller, brewer or wholesaler, not resident
7 in the State, TERRITORY, selling intoxicating liquors in
8 the State, TERRITORY, shall designate a principal place of
9 business, or headquarters, in the State, TERRITORY, where
10 all records shall be located and appoint an agent upon whom
11 process can be had, and shall also obtain a license or
12 licenses under the provisions of this Act.

13 (D) Financial Interest: Personal Superintendence. No
14 person or persons, other than the licensee, shall have any
15 direct or indirect financial interest in the business for
16 which the license is issued. The licensee shall be solely
17 responsible for the lawful conduct of the business licensed
18 hereunder except as hereinafter provided.

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

22 (A) Election in Incorporated Towns. Whenever thirty-
23 five percent (35%) of the total number of voters at the last
24 general municipal election held in any incorporated city or
25 town shall petition the City Council so to do, the City
26 Council shall cause to be placed upon a separate ballot at
27 the next municipal election in such incorporated city or town
28 the following question: "For the sale of intoxicating
29 liquors" (yes or no). It shall be the duty of the

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14 person or persons, other than the licensee, shall have any
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21 tion of Funds.

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23 five percent (35%) of the total number of voters at the last
24 general municipal election held in any incorporated city or
25 town shall petition the City Council so to do, the City
26 Council shall cause to be placed upon a separate ballot at
27 the next municipal election in such incorporated city or town
28 the following question: "For the sale of intoxicating
29 liquors" (yes or no). It shall be the duty of the

1 regular election officers to canvass the said ballots and to
2 report the results thereof to the City Clerk, who shall cause
3 the results to be published. If, upon receipt of the certifi-
4 cate of election, the City Clerk finds that a majority of
5 the voters are against the sale of intoxicating liquor in
6 said incorporated city or town, notice thereof shall be for-
7 warded to the Board and all applications for licenses within
8 the said city or town shall thereafter be denied and no
9 further licenses shall be issued therein for a period of one
10 year, nor shall the Board issue a new beverage dispensary or
11 retail license for premises located within five (5) miles of
12 said city or town, provided, however, if a majority of the
13 voters at a subsequent election conducted for the purpose and
14 in accordance with the provision hereof favor the sale of
15 intoxicating liquor in said city or town the Board shall upon
16 application issue the number and type and license to the same
17 or other premises ~~PREMISE~~ within said city or town as were
18 in existence on the date of last election, at which a majority
19 of the voters prohibited the sale of intoxicating liquor;
20 priority shall be given those applicants who were licensees
21 and whose licenses were not reissued ~~RE--NEWED~~ by reason of
22 the last election conducted under the provisions of this Act,
23 said license shall be issued irrespective of any resulting
24 restriction which arose subsequent to the prohibiting elec-
25 tion.

26 No license shall be suspended under the provisions of
27 this section during the year for which it was issued except
28 for cause.

29 (B) Consent of Residents Outside of Incorporated Cities

1 or Towns. No new license [S] for the sale of intoxicating
2 liquor shall be issued under this Act in areas [PRECINCTS]
3 outside of incorporated cities or towns unless a petition
4 having signatures of a majority of the bona fide residents
5 residing within one mile of the place where intoxicating
6 liquor is to be sold, and over the age of twenty-one years, is
7 filed with the Board asking that a license [S] be issued
8 within the said area [PRECINCT] ; provided, however, that
9 such petition shall not be required for a reissuance of said
10 license.

11 (C) Disposition of Funds. All moneys collected or due
12 the State [TERRITORY] for licenses under the provisions of
13 this Act shall be deposited with the State [TERRITORIAL]
14 Treasurer and covered into the General Fund; all such moneys
15 derived from the licenses issued excluding wholesale licenses
16 within the incorporated cities shall be refunded semi-
17 annually to said incorporated cities; provided, however, that
18 in the event of the failure of the officers of said incor-
19 porated cities to actively enforce all of the ordinances of
20 said incorporated cities, the law of the United States, the
21 laws of the State [TERRITORY] of Alaska and those regulations
22 relative to the manufacture and sale of intoxicating liquors
23 in the State [TERRITORY] of Alaska, the Treasurer may deny
24 said refund and no further moneys will be paid to said incor-
25 porated cities until the enforcement of such laws and regula-
26 tions is actively resumed within such municipalities.

27 Sec. 35-4-18. Municipal Regulations. Incorporated
28 municipalities [] may, by ordinance duly enacted, provide
29 such rules and regulations governing the barter, sale and

1 possession of intoxicating liquor within such municipalities
2 as may be deemed necessary to the orderly conduct of the
3 business of selling intoxicating liquor; provided, however,
4 that such ordinance or ordinances shall not be inconsistent
5 with this Act or the rules and regulations promulgated here-
6 under, nor shall any municipality impose additional taxes.

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

13 Sec. 35-4-20. Violation of Act a Misdemeanor: Penalty.
14 A violation of any of the provisions of this Act shall be
15 deemed a misdemeanor, and upon conviction thereof shall be
16 punished by imprisonment of not more than one year, or by a
17 fine of not less than Fifty Dollars [FIVE HUNDRED DOLLARS]
18 (\$50.00) nor more than Five Hundred Dollars (\$500.00), each
19 violation to be considered a separate offense.

20 Provided, further, that upon conviction of a licensee
21 [AS ABOVE PROVIDED], the commissioner, magistrate, [OR]
22 District Judge, or other judge having jurisdiction, as the
23 case may be, shall send a notification thereof together with
24 the certified transcript of the proceedings to the Board
25 which [TERRITORIAL TAX COMMISSIONER WHO] shall, upon the
26 direction of a majority of the members of the Board, suspend
27 said license as hereinafter provided for the first and second
28 violations and shall revoke the license and may upon a third
29 violation forfeit the bond. [SUSPEND OR REVOKE THE LICENSE OF

1 THE PREMISES INVOLVED AS FOLLOWS:7

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

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

8 /THIRD VIOLATION: THE LICENSE SHALL BE REVOKED: THE BOND
9 SHALL BE FORFEITED.7

10 Sec. 35-4-21. Classification of Licenses: Rights and
11 Duties of Licensees: Amounts of Fees. The following li-
12 censes shall upon direction of the board be issued by the
13 Director: /TERRITORIAL TAX COMMISSIONER:7

14 (A) A Beverage Dispensary License gives to the holder
15 thereof the right to sell for cash or serve on the premises
16 beer, wine and hard liquors for consumption on the premises
17 only. The Beverage Dispensary License Fee shall be Five
18 Hundred Dollars (\$500.00) in all towns, villages, settlements
19 and places not exceeding fifteen hundred persons and One
20 Thousand Dollars (\$1,000.00) in all towns, villages and in-
21 corporated cities having a population in excess of fifteen
22 hundred persons. The population shall be determined at the
23 time of filing application. Each applicant for a beverage
24 dispensary license shall file with the application a bond
25 either in cash or executed by a surety company, to be ap-
26 proved by the Board. /TERRITORIAL TAX COMMISSION.7 The
27 condition of such bond or undertaking shall be, that the
28 applicant or applicants are the sole owners of the business
29 sought to be licensed and that no other persons are finan-

1 cially interested either directly or indirectly therein and
2 that the applicant or applicants will conduct said business
3 in accordance with the existing applicable laws pertaining to
4 intoxicating liquor in Alaska. Such bond shall be in the
5 penal sum of Twenty-five Hundred Dollars (\$2,500.00). Upon
6 revocation of license, said bond may ~~SHALL~~ be forfeited and
7 covered into the State ~~TERRITORIAL~~ General Fund.

8 All employees serving intoxicating liquor in an
9 establishment operating under ~~IN~~ a Beverage Dispensary
10 license shall be male citizens of the United States,
11 over the age of 21 years and of good moral character.
12 Provided, however, that female citizens over the age of 21
13 years of good moral character regularly employed as waitresses
14 in an establishment operating under a Beverage Dispensary
15 license may serve intoxicating liquor if such establishment;
16 (1) regularly serves meals as a major and substantial part of
17 its business, (2) applies for and receives a permit to employ
18 females from the Board of Liquor Control. The serving of
19 sandwiches, burgers, hot-dogs, snacks or similar food items
20 shall not qualify an establishment to employ females under
21 this proviso. Any such employee of such place violating the
22 provisions of this Act shall be equally guilty with the holder
23 of the license and shall be punished accordingly.

24 (B) A Restaurant License shall give to the holder there-
25 of the right to sell beer and wine in a restaurant with meals
26 furnished in good faith to patrons. The Restaurant License
27 Fee shall be Three Hundred Dollars (\$300.00).

28 (C) A Road House License shall give to the holder there-
29 of the right to sell beer and wine in a road house which

1 is located not less than 18 miles from the corporate limits
2 of a city and which serves food to the traveling public. The
3 Road House License Fee shall be One Hundred and Fifty (\$150.00)
4 Dollars.

5 (D) A Club License shall give to clubs, fraternal
6 organizations, and patriotic organizations, that have a State
7 TERRITORIAL or National Charter, and which have been so
8 incorporated and active for a period of two years or more,
9 the right to sell intoxicating liquors to their members and
10 their families only in their club rooms. The Club License
11 Fee shall be Four Hundred (\$400.00) Dollars.

12 (E) A Bottling Works License shall give to the holder
13 thereof the right to operate a Bottling Works where beer and
14 wine may be bottled and sold, but no sale of beer or wine
15 shall be made to a consumer or in less quantities than five
16 wine gallons. The Bottling Works License Fee shall be One
17 Hundred Dollars (\$100.00).

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

24 (G) A Retail License shall give to the holder thereof
25 the right to sell for cash in his establishment intoxicating
26 liquors, including beer and wine, in the original packages
27 and wine in bulk. All liquor requiring Internal Revenue
28 strip stamps shall have such stamps intact upon the packages.
29 The consumption of any intoxicating liquor on premises li-

1 censed under this provision is prohibited. Sales under a
2 Retail License shall be limited to less than five wine gallons
3 to any one person in any one sale. The Retail License Fee
4 shall be Six Hundred Dollars (\$600.00).

5 (H) (1) A General Wholesale License shall give to the
6 holder thereof the right to sell intoxicating liquors, in-
7 cluding malt beverages and wines, in the original package,
8 and wine in bulk, in quantities of not less than five wine
9 gallons to holders of licenses under this Act, but not to the
10 consumer. All liquor requiring Internal Revenue strip stamps
11 must have such stamps intact on the package. A Wholesale
12 License shall be required for each distributing point. The
13 General Wholesale License Fee schedule shall be as follows:

14 Upon the total amount of business transacted during any
15 year: \$500.00 as a minimum license fee, to accompany the ap-
16 plication, and in payment of the fee for the first \$50,000.00
17 of business transacted, and in addition thereto, on the
18 business transacted during any year,

19 above \$50,000 and not over

20 \$75,000 a fee of \$ 250.00

21 above \$75,000 and not over

22 \$100,000 a fee of \$ 500.00

23 above \$100,000 and not over

24 \$125,000 a fee of \$ 750.00

25 above \$125,000 and not over

26 \$150,000 a fee of \$1000.00

27 above \$150,000 and not over

28 \$175,000 a fee of \$1250.00

29 above \$175,000 and not over

1 \$200,000 a fee of \$1500.00
2 above \$200,000 and not over
3 \$250,000 a fee of \$2000.00
4 above \$250,000 and not over
5 \$300,000 a fee of \$2500.00
6 above \$300,000 and not over
7 \$350,000 a fee of \$3000.00
8 above \$350,000 and not over
9 \$400,000 a fee of \$3500.00
10 above \$400,000 and not over
11 \$500,000 a fee of \$4500.00
12 above \$500,000 a fee of \$5000.00

13 (2) A Wholesale Malt Beverage and Wine License shall
14 give to the holder thereof the right to sell malt beverages
15 and wine in the original packages and malt beverages and wine
16 in bulk in quantities of not less than five wine gallons to
17 holders of licenses under these regulations but not to the
18 consumer. Malt Beverages and Wine License Fee shall be as
19 follows:

20 On the total amount of business transacted in any year:
21 \$100.00 as a minimum license fee, to accompany the applica-
22 tion, and in payment of the fee for the first \$10,000.00 of
23 business transacted, and, in addition thereto, on the
24 business transacted during any year,
25 above \$10,000 and not over
26 \$25,000 a fee of \$150.00
27 above \$25,000 and not over
28 \$50,000 a fee of \$500.00
29 above \$50,000 and not over

1 \$75,000 a fee of \$750.00
 2 above \$75,000 and not over
 3 \$100,000 a fee of \$1000.00
 4 above \$100,000 and not over
 5 \$150,000 a fee of \$1500.00
 6 above \$150,000 and not over
 7 \$200,000 a fee of \$2000.00
 8 above \$200,000 and not over
 9 \$300,000 a fee of \$3000.00
 10 above \$300,000 and not over
 11 \$400,000 a fee of \$4000.00
 12 above \$400,000 a fee of \$5000.00

13 (I) A Distillery License shall give to the holder
 14 thereof the right to operate a Distillery where intoxicating
 15 liquors are distilled, prepared, bottled or barreled for sale,
 16 but no sale shall be made in less quantities than five wine
 17 gallons, and no sale shall be made in the State ~~TERRITORY~~
 18 except to licensees under the provisions of this Act and not
 19 to the consumer. The Distillery License Fee shall be One
 20 Hundred Dollars (\$100.00).

21 (J) A Common Carrier Dispensary License shall give to
 22 the holder thereof the right to sell intoxicating liquors for
 23 consumption aboard a boat, an aircraft licensed hereunder or
 24 a railroad buffet car while in transit only. Provided, how-
 25 ever, that no Common Carrier Dispensary License shall be
 26 issued for any boat or vessel of less than 250 tons, United
 27 States Custom House measurement. The Common Carrier Dispens-
 28 ary License Fee shall be Two Hundred and Fifty Dollars
 29 (\$250.00) for each such vessel, or buffet car so licensed.

1 (K) A Retail Stock Sale License shall give to the
2 holder thereof the right to sell in bulk quantities, of not
3 less than five wine gallons per sale, but not to the consumer,
4 the entire stock of a former retail liquor store, where the
5 owner there is desirous of closing out or terminating the
6 business of the store. Such license shall issue only when
7 the owner does not have a retail license, but not where he
8 has been deprived of a retail license because of a violation
9 of this Act, or a violation of any other law of the State
10 TERRITORY of Alaska. Such license shall issue for a period
11 of ninety days only for each store so closing out, and shall
12 not be renewable. The Retail Stock Sale License Fee shall be
13 One Hundred Dollars (\$100.00).

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

15 (A) All applications for licenses under this Act shall
16 be made to the Board. TERRITORIAL TAX COMMISSIONER OR HIS
17 AUTHORIZED DEPUTY WHO SHALL REFER THEM TO THE ADVISORY BOARD
18 IN THE DIVISION CONCERNED UNLESS OTHERWISE PROVIDED. All
19 licenses issued hereunder, except as hereinafter limited,
20 shall be for the period from 12:01 A.M. January 1, until
21 12:00 Midnight, December 31 of the calendar year.

22 (B) Prior to the issuance of any new license, a true
23 copy of the application for license shall be posted by the
24 applicant at the location of the premises, at the nearest
25 Post Office and at one other conspicuous location in the area,
26 for a period of ten days prior to the filing of said applica-
27 tion, and proof of such posting shall accompany the applica-
28 tion on a form to be provided by the Board.

29 (C) Upon application a license may be reissued each

1 year, prior to the termination of the existing license, upon
2 payment of the applicable fees, save and except in case of a
3 conviction as provided in Section 35-4-20 hereof.

4 Each such application for a reissuance /RENEWAL/ of
5 license shall contain all of the information required of
6 a new license, except that there shall be no proof of
7 posting required. Each such application for reissuance
8 /RENEWAL/ shall further contain a statement of convictions
9 /, IF ANY, / of the applicant of Federal or State /TERRITORIAL/
10 law or regulation covering the sale of intoxicating liquors
11 during the term of the preceding license. No license shall
12 be reissued /RENEWED/ which has not been exercised or active
13 at least thirty days during the preceding year.

14 (D) Any license may be transferred to a new location
15 to be operated by a qualified transferee subject to the lim-
16 itation contained in Section 35-4-13, herein. Each applica-
17 tion for a transfer of a license to a new location shall con-
18 tain such information as may be required by the Board and
19 shall be accompanied by proof of posting of application as
20 required in Subsection (B), herein. The transferee of any
21 license shall have all of the qualifications required under
22 this Act for a new license. No license shall be issued,
23 reissued /RENEWED/ or transferred, unless the application
24 therefor contains all the information required hereunder, nor
25 shall any application be granted which contains any false
26 statements of material fact.

27 (E) Any resident of an area outside an incorporated
28 town who desires to protest the issuance of a license in the
29 voting area /PRECINCT/ in which he resides, shall serve upon

1 the applicant and the Board a written statement of the reasons
2 for his protest. Upon the receipt of protest the Board may
3 give notice and hold a hearing, in the voting precinct from
4 which such application originated, OR DELEGATE THE ADVISORY
5 BOARD TO HOLD SUCH A HEARING at which all persons interested
6 may be heard. If at such hearing it shall appear that the
7 majority of the citizens IN ATTENDANCE AND over the age of
8 21 years, and who reside within two miles of the place for
9 for which a license is sought, object to the issuance of such
10 license, the Board shall MAY refuse to issue the same.

11 (F) The Director may issue any license provided in this
12 Act for any continuous six-month period upon application and
13 the payment of one-half of the yearly license fee as provided
14 herein. AN APPLICATION FOR A LICENSE AUTHORIZED UNDER THIS
15 ACT MADE BEFORE THE FIRST DAY OF JULY, SHALL BE ACCOMPANIED
16 BY THE FULL AMOUNT OF THE LICENSE FEE AS PROVIDED HEREIN,
17 EXCEPT THAT A LICENSE MAY, UPON REQUEST OF THE APPLICANT AND
18 APPROVAL OF THE BOARD, BE ISSUED FOR ANY DESIGNATED CONTIN-
19 UOUS PERIOD OF SIX MONTHS DURING ANY CALENDAR YEAR, AND THE
20 FEE THEREFOR SHALL BE ONE-HALF THAT PRESCRIBED FOR A CALENDAR
21 YEAR.

22 (G) In the event any person operating a business as
23 sole licensee under any license authorized by this Act,
24 should die, the Executor or Administrator of his estate
25 shall, within ninety days of the death of the licensee or
26 before December 31 of the year for which the license was
27 issued, whichever date shall first occur, SHALL make ap-
28 plication to the Board for transfer of the license. If no
29 such application is made within the time set forth herein the

1 license shall be forfeited and deemed void. The Executor or
2 Administrator may continue to operate the business until the
3 transfer is approved and completed or until the license is
4 deemed forfeited as set out above. The Board, in its discre-
5 tion, may extend said time on petition of said Executor or
6 Administrator. During the period in which licensed premises
7 or any business license hereunder may be subject to control
8 of any Executor or Administrator, he shall be personally
9 responsible for the conduct of said business or licensed
10 premises.

11 (H) Any action BY THE TERRITORIAL TAX COMMISSIONER
12 relating to the administrative duties imposed by this Act
13 shall be subject to review by the Board at the instance of any
14 aggrieved party. Any action or decision by the Board relating
15 to the issuance, reissuance, RENEWAL, suspension or revoca-
16 tion of licenses under this Act shall be subject to review.

17 FINAL.

18 (I) Any application fee prescribed by the Board as pro-
19 vided in Sec. 35-4-2 shall be in addition to any other fee
20 charged under this Act and shall be deposited in the State
21 TERRITORIAL Treasury and withdrawn therefrom on voucher
22 approved by the Board DIRECTOR OF FINANCE to be used for
23 the purpose of administering the provisions of this Act.

24 (J) No licenses for the sale of intoxicating liquor
25 shall be issued under this Act in any area, which is fifty
26 miles or more from the incorporated boundaries of a city,
27 town, public utility district or school district, unless a
28 petition having the signatures of two-thirds of the bona fide
29 residents, twenty-one years of age or over, residing within

1 a radius of five miles of the nearest United States post
2 office station, is filed with the Board asking that licenses
3 be issued within said area; provided, however, that should
4 there be two or more such post office stations within the
5 vicinity of the place where intoxicating liquor is to be
6 sold, the nearest such station to such place shall constitute
7 the point of beginning; provided, further, however, that such
8 a petition shall not be required for a reissuance /RENEWAL/
9 of any such licenses granted pursuant to this Subsection;
10 provided, further, however, that if no such post office
11 station exists within a radius of five miles of the place
12 where intoxicating liquor is to be sold then Section 35-4-17
13 (B), herein, shall apply.

14 (K) The business premises occupied by a holder of a
15 retail license issued under this Act shall not be connected
16 by a door, opening or any other means of passage to any other
17 business premises licensed under this Act or connected
18 directly with any other retail business establishment.

19 (L) All licenses issued for the year 1959 under the
20 provisions of Chapter 131, SLA 1957, shall be deemed to have
21 been issued under the provisions of this Act, and the
22 issuance of all said licenses is hereby ratified and con-
23 firmed except as to those licenses with regard to which a
24 challenge is pending on the date of this Act before the Board
25 or any court of competent jurisdiction.

26 (M) The City Council of any incorporated town may with
27 the approval of the Board by ordinance increase the number of
28 licenses authorized under Section 35-4-13 of this Act.

29 Sec. 35-4-23. Provisional License: Affidavit and Pay-

1 ment of Fees. The Director /TAX COMMISSIONER/ shall issue
2 only a provisional license upon the payment of the minimum
3 fees for the licenses mentioned in Section 35-4-21 (H) (1)
4 (2) herein and not later than February 15th of each year
5 following that for which any license has been issued to a
6 licensee, said licensee shall make an affidavit or affidavits
7 showing the amount of business done during the preceding year
8 under his respective license or licenses and the locations
9 and establishments from which such business was done, which
10 shall be filed with the Board. /TAX COMMISSIONER/ The
11 licensee shall pay to the Board /SAID TAX COMMISSIONER/ the
12 license fees accrued during such preceding year at the time
13 of filing such affidavit or affidavits. Unless such affidavit
14 or affidavits are /IS/ so filed and fee paid, any licenses
15 outstanding in the name of such applicant which have been
16 issued under the laws in effect at the time of passage of
17 this Act shall be forthwith cancelled by order of said Board.
18 The failure to file the affidavit or affidavits or the can-
19 cellation of any existing license shall not relieve any licen-
20 see from paying the fees as prescribed herein.

21 Sec. 3. If any provision hereof or the application thereof
22 to any person or circumstance is held invalid, such invalidity
23 shall not affect other provisions or applications of this Act which
24 can be given effect without the invalid provision or application,
25 and to this end the provisions of this Act are declared to be
26 severable.

27 Sec. 4. EFFECTIVE DATE. This Act shall take effect upon its
28 passage and approval or upon becoming law without such approval.
29