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IN THE HOUSE

BY MR. TAYLOR

HOUSE BILL NO. 402

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to alcoholic beverages;  
amending certain sections of law pertaining  
thereto; and providing for an effective  
date."

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

Section 1. Item (10) of Subsec. (A), Sec. 35-4-3, ACLA  
1949, as repealed by Ch. 43, SLA 1953, as re-enacted by Ch. 131,  
SLA 1957, as amended by Chs. 64 and 197, SLA 1959, and by Sec. 2,  
Ch. 183, SLA 1960, is amended to read:

(10) providing for the issuance, renewal and [,]  
re-issuance [ ,REVOCATION AND SUSPENSION] of licenses and  
permits;

Sec. 2. Subsec. (B), of Sec. 35-4-3, ACLA 1949, as repealed  
by Ch. 43, SLA 1953, as re-enacted by Ch. 131, SLA 1957, and as  
amended by Chs. 64 and 197, SLA 1959, is amended to read:

(B) The Board shall review all applications made under  
this Act for licenses and shall cause to be issued, re-  
issued or [, REVOKED,] transferred [OR SUSPENDED] all  
licenses coming within the purview of this Act. No applica-  
tion for the issuance, reissuance or transfer of a license  
shall be denied unless such denial is in the best interests  
of the public and in accordance with the provisions of this  
Act or the rules and regulations of the Board duly made and  
promulgated pursuant to this Act. The [SUCH LICENSES SHALL

1 BE ISSUED, REISSUED, REVOKED, TRANSFERRED OR SUSPENDED AS  
2 THE BOARD DEEMS IN THE BEST INTERESTS OF THE PUBLIC; PRO-  
3 VIDEL, HOWEVER, THAT THE] denial of any application shall  
4 [LICENSE] be made in writing with the reason therefor set  
5 forth.

6 The Director shall [NOT] be ex-officio a member of the  
7 Board but he shall have the right to cast tie-breaking votes  
8 only.

9 Sec. 3. Sec. 35-4-20, ACLA 1949, as amended by Ch. 131,  
10 SLA 1957, Ch. 197, SLA 1959, and Ch. 183, SLA 1960, is amended  
11 to read:

12 Sec. 35-4-20. VIOLATION OF ACT A MISDEMEANOR: PENALTY.  
13 A violation of any of the provisions of this Act shall be  
14 deemed a misdemeanor, and upon conviction thereof shall be  
15 punished by imprisonment of not more than one year, or by a  
16 fine of not more than Five Hundred Dollars (\$500.00), each  
17 violation to be considered a separate offense.

18 Provided, further, that upon conviction of a licensee,  
19 the magistrate or other judge having jurisdiction, as the  
20 case may be, may [SHALL SEND A NOTIFICATION THEREOF TOGETHER  
21 WITH THE CERTIFIED TRANSCRIPT OF THE PROCEEDINGS TO THE  
22 BOARD WHICH MAY, UPON THE DIRECTION OF A MAJORITY OF THE  
23 MEMBERS OF THE BOARD,] suspend said license as hereinafter  
24 provided for the first and second violations and may revoke  
25 the license and may upon a third violation forfeit the bond.  
26 For the purpose of this section, the terms "second violation"  
27 and "third violation" include only those violations which  
28 occur within five years of the first violation.

29 First Violation: The license of the premises involved

1 may be suspended for not [LESS THAN 10 NOR] more than  
2 forty-five (45) days;

3 Second Violation: The license of the premises involved  
4 may be suspended for a period of not [LESS THAN 30 DAYS NOR]  
5 more than ninety (90) days.

6 Third Violation: The license of the premises involved,  
7 if not revoked, may be suspended for a period of not more  
8 than One-Hundred Eighty (180) days.

9 A certified transcript of any proceedings resulting in  
10 the conviction of a licensee shall be transmitted by said  
11 magistrate or other judge to the Director.

12 Sec. 4. Subsec.(H), of Sec. 35-4-22, ACLA 1949, as amended  
13 by Ch. 131, SLA 1957, and Ch. 197, SLA 1959, is amended to read:

14 (H) Any action relating to the administrative duties  
15 imposed by this Act shall be subject to review by the Board  
16 at the instance of any aggrieved party. Any action or de-  
17 cision by the Board relating to the issuance or [,]  
18 reissuance [,SUSPENSION OR REVOCATION] of licenses under  
19 this Act shall be subject to review.

20 Sec. 5. This Act takes effect on the day after its passage  
21 and approval or on the day it becomes law without such approval.  
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