

1 IN THE SENATE

BY SENATOR MCNEES

2 SENATE BILL NO. 92

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing bonded warehouses for
7 storage of intoxicating liquors; amending
8 Sec. 35-4-32, ACLA 1949 as last amended by
9 Ch. 42, SLA 1957; amending Sec. 35-4-33,
10 ACLA 1949 as last amended by Ch. 72, SLA
11 1955; and providing for an effective date."

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

13 Section 1. LIQUOR STORED IN BONDED WAREHOUSES. Intoxicating
14 liquors may be imported into Alaska by brewers, distillers, bot-
15 tlers, jobbers, wholesalers, or manufacturers and stored in
16 bonded warehouses without the payment of the excise tax levied
17 under this Act. However, the tax shall be payable on removal of
18 the liquor from the bonded warehouse.

19 Sec. 2. GENERAL REGULATIONS. The entire stock of intoxi-
20 cating liquors of each licensed brewer, distiller, bottler, job-
21 ber, wholesaler, or manufacturer, except in the case of a dis-
22 tillery where those liquors are in the process of distillation or
23 manufacture, shall be kept in a bonded warehouse. The Commis-
24 sioner of Revenue shall prescribe the records which the pro-
25 prietor of a bonded warehouse shall keep concerning liquor while
26 in the process of manufacture or distillation and after those
27 liquors are delivered to bonded warehouses.

28 Sec. 3. RECEIPTS AND WITHDRAWING OF LIQUOR FROM BONDED WARE-
29 HOUSES. When intoxicating liquors are received by brewers, dis-

SB #92

1 tillers, bottlers, jobbers, wholesalers or manufacturers making
2 use of bonded warehouses, entries of the receipts to the bonded
3 warehouses shall be made under the rules and upon the form issued
4 by the Commissioner of Revenue. Intoxicating liquors stored in
5 bonded warehouses may be withdrawn under the rules and upon the
6 forms issued by the Commissioner of Revenue and upon payment of
7 the tax.

8 Sec. 4. BCND. Each brewer, distiller, bottler, jobber,
9 wholesaler, or manufacturer, or combination of them, who makes use
10 of a bonded warehouse, shall give an annual bond for that ware-
11 house in the sum and form the Commissioner of Revenue shall pre-
12 scribe, never less in amount than \$5,000.00, conditioned that he
13 or they shall pay the excise tax or other taxes or duties imposed
14 by law before removal of any intoxicating liquors from that bonded
15 warehouse when the liquors sold or furnished to any licensed re-
16 tail liquor dealers or distributors within the State of Alaska,
17 and, that he or they will faithfully make and file true and
18 accurate monthly reports required by the Commissioner of Revenue,
19 and will remit monthly to the commissioner the taxes or duties
20 required by the laws of this state.

21 Sec. 5. PENALTIES. The Commissioner of Revenue, or his duly
22 authorized agent, may measure, gauge or check the intoxicating
23 liquors in bond in any bonded warehouse, and if the amount of
24 liquor on hand does not correspond with the reports filed with
25 the commissioner by the brewer, distiller, bottler, jobber, whole-
26 saler or manufacturer making use of the bonded warehouse, the
27 proprietor or proprietors of the warehouse shall have his or their
28 licenses revoked, and in addition shall be guilty of a misdemeanor
29 and upon conviction thereof shall be fined a sum not exceeding

1 \$1,000.00, or be imprisoned not more than 60 days, or punished by
2 both fine and imprisonment.

3 Sec. 6. DEFINITION OF BONDED WAREHOUSE. Each licensed
4 brewer, distiller, bottler, jobber, wholesaler or manufacturer of
5 intoxicating liquors may individually or jointly with one or more
6 other licensed brewer, distiller, bottler, jobber or manufacturer,
7 provide a warehouse to be situated in Alaska, and to be used only
8 for the storage of intoxicating liquors manufactured or distri-
9 buted by him or them for purposes of resale until the tax levied
10 on the intoxicating liquors are paid. The warehouse, when ap-
11 proved by the Commissioner of Revenue, shall be a bonded warehouse
12 of the State of Alaska, and shall be under the control of the
13 commissioner. He may assign one or more of his revenue agents to
14 be known as "inspectors" to enforce the provisions of this Act
15 with respect to the warehouse or warehouses.

16 Sec. 7. The first paragraph of Sec. 35-4-32, ACLA 1949 as
17 amended by Ch. 70, SLA 1951, Ch. 79, SLA 1953, and Ch. 42, SLA
18 1957, is amended to read:

19 Sec. 35-4-32. MONTHLY STATEMENT AS TO LIQUOR SOLD:
20 MONTHLY PAYMENTS: PENALTY AND INTEREST. Each such brewer,
21 distiller, bottler, jobber, wholesaler, manufacturer or other
22 consignor shall on or before the last day of each calendar
23 month, airmail, postage prepaid, to the [TERRITORIAL TAX]
24 Commissioner of Revenue at Juneau, Alaska, a statement con-
25 taining a true account of the total number of gallons, in-
26 cluding fractional gallons, together with the respective
27 names and Alaskan addresses of, and itemized as to the re-
28 spective gallonage of each such kind of liquor sold to, or
29 consigned to, the respective buyers or any consignee thereof

1 which such brewer, distiller, bottler, jobber, wholesaler,
2 or manufacturer sold or consigned to such buyers or con-
3 signees in Alaska during the immediately preceding calendar
4 month, and shall pay monthly to the [TERRITORIAL TAX] Com-
5 missioner of Revenue, all taxes, computed at the foregoing
6 or the then prevailing rates, on the respective total quanti-
7 ties of such respective classes of liquor so sold or con-
8 signed to such buyers or consignees during the immediately
9 preceding calendar month. However, if a brewer, distiller,
10 bottler, jobber, wholesaler or manufacturer makes use of a
11 bonded warehouse, as defined by law, he shall only pay taxes
12 on the respective total of the respective classes of liquors
13 withdrawn from the warehouse, in the manner provided by law,
14 during the immediately preceding month. The monthly return
15 shall be filed and the tax paid on or before the last day of
16 each calendar month to cover the immediately preceding
17 calendar month.

18 Sec. 8. Sec. 35-4-33(1), ACLA 1949, as amended by Ch. 70,
19 SLA 1951, and Ch. 72, SLA 1955, is amended to read:

20 (1) Each brewer, distiller, bottler, jobber, wholesaler or
21 manufacturer shall be primarily liable for the payment of
22 said excise taxes on such liquors so sold, and shall furnish
23 a good and sufficient surety bond in the amount of Twenty-
24 five Thousand (\$25,000.00) Dollars payable to the [TAX]
25 Commissioner of Revenue and approved by the Attorney General,
26 and failure of any wholesaler to pay the tax to the State
27 [TERRITORY] of Alaska shall forfeit the bond and its license
28 shall be revoked except that the Commissioner of Revenue, in
29 his discretion, may issue permits in lieu of bond to resident

1 holders of wholesale, malt beverages, and wine licenses,
2 doing business wholly within the state [TERRITORY], upon pay-
3 ment of said excise tax in advance of shipment and except
4 further that each brewer, distiller, bottler, jobber, whole-
5 saler or manufacturer making use of a bonded warehouse in the
6 manner prescribed by law shall be entitled to the permit in
7 lieu of bond. Upon receipt of the bond and its subsequent
8 approval, the [TAX] Commissioner of Revenue shall issue a
9 license certificate authorizing the brewer, distiller, bot-
10 tler, jobber, wholesaler or manufacturer, liable for the pay-
11 ment of the tax, to sell intoxicating liquors in the State
12 [TERRITORY] of Alaska or to consign shipments of same into
13 the State [TERRITORY] of Alaska and it shall be unlawful for
14 any such brewer, distiller, bottler, jobber, wholesaler or
15 manufacturer to sell intoxicating liquors in the State [TERRI-
16 TORY] of Alaska or to consign shipments of same into the
17 State [TERRITORY] of Alaska without first furnishing the re-
18 quired bond and obtaining the license certificate or permit
19 from the [TAX] Commissioner of Revenue. Provided, however,
20 that the license certificate shall not be taken as permission
21 to sell intoxicating liquors in the State [TERRITORY] of
22 Alaska or to consign same into the State [TERRITORY] of
23 Alaska without having complied with the other requirements of
24 the laws of the State [TERRITORY] of Alaska or of the United
25 States. The retailer or buyer shall be secondarily liable
26 for such taxes on such of said liquors as are sold to such
27 retailer or buyer, and the State [TERRITORY] of Alaska is
28 also hereby given a lien upon, and is hereby authorized and
29 empowered to seize, confiscate and sell, for the satisfaction

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

of the payment of such taxes and of all costs incurred in such proceedings, all such liquors wheresoever and in whomsoever's possession found, and if unfound or not identifiable, to seize, confiscate and sell an equal quantity of like kind of such liquor found in the possession of the retailer or other buyer to whom such liquors were sold on which such taxes were not paid.

Sec. 9. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.