

1 IN THE SENATE BY SENATOR SMITH

2 SENATE BILL NO. 228

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to administration of laws
7 relating to alcoholic beverages; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 04.05.010(a) is amended to read:

11 (a) There is established an Alcoholic Beverage Control
12 Board within the Department of Revenue consisting of three
13 members appointed for overlapping three-year terms. The
14 board is vested with the duties, powers, and responsibilities
15 involved in the control of alcoholic beverages, including
16 the promulgation of rules and regulations [AND THE HEARING
17 OF APPEALS FROM THE ACTION OF OFFICERS AND EMPLOYEES CHARGED
18 WITH ENFORCING THE ALCOHOLIC BEVERAGE CONTROL LAWS, RULES,
19 AND REGULATIONS]. The governor shall appoint the board sub-
20 ject to confirmation by the legislature. No member of the
21 board may hold any other state or federal office, either
22 elective or appointive. One member of the board shall be
23 actively engaged in the alcoholic beverage industry. No two
24 members of the board may be engaged in the same business,
25 occupation or profession. Two members shall constitute a
26 quorum for the conduct of business. The board shall meet at
27 least once each year in each of the four judicial districts
28 to study, reconsider and modify existing agency rules and
29 regulations in the light of current local problems.

1 * Sec. 2. AS 04.05.030(d) is amended to read:

2 (d) The board may employ necessary clerical assistants
3 [APPOINT AGENTS, ASSISTANTS, CLERKS AND STENOGRAPHIC EMPLOY-
4 EES AS IT CONSIDERS NECESSARY IN GIVING EFFECT TO THIS TITLE]

5 * Sec. 3. AS 04.05.040(5) is amended to read:

6 (5) providing for the delegation to the Department
7 of Revenue [DIRECTOR] of routine administrative functions
8 and powers, including the issuance, transfer, and renewal of
9 licenses and permits where there is no contest or protest;

10 * Sec. 4. AS 04.05 is amended by adding a new section to read:

11 Sec. 04.05.080. ADMINISTRATION AND ENFORCEMENT. (a)
12 The Department of Revenue shall provide the board with admin-
13 istrative services, including keeping records, receiving
14 fees, issuing license and permit certificates approved by
15 the board, and replying to routine requests for information.
16 The Department of Revenue shall perform any function delegat-
17 ed to it by the board.

18 (b) The Department of Public Safety shall enforce this
19 title.

20 * Sec. 5. AS 04.10.190(a) is amended to read:

21 (a) An applicant for a new license shall file with
22 the Department of Revenue [DIRECTOR] a written application,
23 signed and sworn to by the applicant, giving his name and
24 address, and, if a corporation, executed by the duly author-
25 ized officers of the corporation, containing the following:

26 (1) the kind of license desired;

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

1 determined;

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

4 (4) the license fee;

5 (5) the consent of a majority of the citizens
6 over the age of 21 years, residing within one mile of the
7 place where the intoxicating liquor is to be manufactured,
8 bartered, sold and exchanged, or bartered, sold and exchanged,
9 but an applicant for a license outside the corporate bound-
10 aries of an incorporated town need not obtain the consent for
11 a reissuance of the license.

12 * Sec. 6. AS 04.10.340 is amended to read:

13 Sec. 04.10.340. PROVISIONAL LICENSE. The Department
14 of Revenue [DIRECTOR] shall issue a provisional license upon
15 the payment of the minimum fees for the licenses mentioned
16 in sec. 110 of this chapter. Not later than February 15 of
17 each year following that for which a license has been issued
18 to a licensee, the licensee shall file with the board an
19 affidavit showing the amount of business done during the
20 preceding year under his license and the location and
21 establishment from which the business was done. The licensee
22 shall pay to the board the license fees accrued during the
23 preceding year at the time of filing the affidavit. Unless
24 the affidavit is filed and fee paid, any license outstanding
25 in the name of the applicant which has been issued under the
26 laws in effect at the time of passage of this chapter shall
27 be immediately cancelled by order of the board. The failure
28 to file the affidavit or the cancellation of an existing
29 license does not relieve any licensee from paying the

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prescribed fees.

* Sec. 7. The following laws are repealed: AS 04.05.010(b);
04.05.050; and 04.10.030.

* Sec. 8. This Act takes effect on July 1, 1964.