

Introduced: 2/26/73
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 271 *Am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act concerning alcoholic beverage licenses; and
7 providing for an effective date."

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

9 * Section 1. AS 04.10.020 is amended by adding a new subsection to
10 read:

11 (n) manufacturing license.

12 * Sec. 2. AS 04.10.030 is amended to read:

13 Sec. 04.10.030. ISSUANCE OF LICENSES. The licenses described in
14 secs. 40-145 [140] of this chapter shall be issued by the director
15 upon direction of the board.

16 * Sec. 3. AS 04.10.080 is amended to read:

17 Sec. 04.10.080. BOTTLING WORKS LICENSE. The holder of a bottling
18 works license may operate a bottling works where intoxicating liquor
19 [BEER AND WINE] may be bottled and sold. The holder of a bottling
20 works license may not sell intoxicating liquor in quantities of less
21 than five wine gallons, and, unless he also obtains a wholesale
22 license, he may not sell intoxicating liquor to a person in the state
23 other than a holder of a wholesale license. [NO SALE OF BEER OR WINE
24 MAY BE MADE TO A CONSUMER OR IN QUANTITIES LESS THAN FIVE WINE
25 GALLONS.]The bottling works license fee is \$100.

26 * Sec. 4. AS 04.10. is amended by adding a new section to read:

27 Sec. 04.10.125. MANUFACTURING LICENSE. (a) The holder of a
28 manufacturing license may operate a brewery, winery, distillery,
29 rectifying plant, or other manufacturing plant where beer, wine,

1 distilled liquor, or other intoxicating liquor is brewed, fermented,
2 distilled, refined, or otherwise manufactured, and where the manu-
3 factured product is bottled, barreled, canned, or otherwise prepared
4 for sale. The holder of a manufacturing license may not sell intoxi-
5 cating liquor in quantities of less than five wine gallons, and, unless
6 he also obtains a wholesale license, he may not sell intoxicating
7 liquor to a person in the state other than a holder of a bottling
8 works license or a holder of a wholesale license.

9 (b) The manufacturing license shall specify what kinds of
10 intoxicating liquor may be manufactured by the holder, and the holder
11 may not manufacture any kinds of intoxicating liquor other than those
12 specified in his license, unless he first obtains the consent of the
13 board and the board amends the license accordingly.

14 (c) The manufacturing license fee is \$100.

15 * Sec. 5. AS 04.10.170 is amended to read:

16 Sec. 04.10.170. NONRESIDENT MANUFACTURER, BOTTLER, [DISTILLER,
17 BREWER] OR WHOLESALER. A manufacturer, bottler, [DISTILLER, BREWER]
18 or wholesaler, whose plant or principal place of business is outside
19 the state, but who himself sells his products [WHOSE PRODUCTS ARE
20 SOLD] directly [BY ANY ONE OF THE FOREGOING] in the state shall
21 obtain a separate wholesale license for the sale of his products in
22 the state and shall obtain a separate license for each wholesale
23 distributing point inside the state. A manufacturer, bottler, [DISTIL-
24 LER, BREWER,] or wholesaler, not resident in the state, selling intoxi-
25 cating liquors in the state, shall designate a principal place of
26 business, or headquarters, in the state, where all records shall be
27 located, and shall appoint an agent upon whom process can be had, and
28 shall also obtain any other appropriate [A LICENSE OR] licenses under
29 the provisions of this title.

1 * Sec. 6. AS 04.10.200 is repealed and re-enacted to read:

2 Sec. 04.10.200. POSTING OF APPLICATIONS. (a) Before a new
3 license is issued the applicant shall post a true copy of the appli-
4 cation:

5 (1) at the location of the premises;

6 (2) at the nearest post office, unless the postmaster or
7 his authorized representative does not permit posting, in which case
8 the copy shall be posted:

9 (A) at the municipal office building, if the location
10 of the premises is within an incorporated city; or

11 (B) at the borough office building, if the location of
12 the premises is within an organized borough but not within an
13 incorporated city; or

14 (C) at the nearest state courthouse or magistrate's
15 office, if the location of the premises is in the unorganized
16 borough but not within an incorporated city;

17 and

18 (3) at one other conspicuous location in the area.

19 (b) The applicant shall post the copies required by this section
20 for a period of 10 days before the filing of the application and shall
21 submit with the application proof of posting on a form provided by
22 the board.

23 * Sec. 7. AS 04.10.350(a) is amended to read:

24 (a) A license issued under this chapter is renewable automatically
25 if the fee is paid in accordance with secs. 40-~~145~~ [140] of this
26 chapter, except in the case of conviction of licensee under AS 04.15.-
27 100, pending the outcome of a board hearing or judicial determination
28 as to the legality of issuing the license, or in the case of a lawful
29 revocation in which event the license is renewable only as provided

1 by law and regulation.

2 * Sec. 8. AS 04.10.350(c) is amended to read:

3 (c) Licenses shall be renewed as follows:

4 (1) On or before November 1, the director shall mail to
5 each licensee at his licensed premises or at a mailing address
6 designated by the licensee, an application to renew the license.

7 (2) The application to renew the license may be filed on
8 or before December 31 on payment of the applicable annual fee under
9 secs. 40-145 [140] of this chapter.

10 (3) After December 31, and on or before the last day of
11 February [28], a license may be renewed on payment of the applicable
12 annual renewal fee under secs. 40-145 [140] of this chapter plus a
13 penalty which shall be equal to the annual fee or \$50, whichever is
14 less.

15 (4) Unless otherwise terminated, a license which is in
16 effect on December 31 continues in effect through the next March 1
17 at 12:01 a.m. (local time at the location of the licensee's premises)
18 [FEBRUARY 28]. However, if, on or before the last day of February
19 [28], the renewal application has not been filed and the fees provided
20 for in (2) or (3) of this subsection have not been paid, the license
21 is automatically revoked at 12:01 [2:00] a.m. March 1 (local time at
22 the location of the licensee's premises) [FEBRUARY 28], and may only
23 be reinstated

24 (A) upon application filed during the six-month period
25 beginning with the last day of February [28];

26 (B) upon proof satisfactory to the board of good cause
27 for the failure to file and pay; and

28 (C) in accordance with rules or regulations promulgated
29 by the board; the fee for filing an application for reinstatement

1 shall, in addition to the annual fee, include the penalty fee
2 provided in (3) of this subsection, no part of which is return-
3 able to the applicant.

4 (5) On or before February 15, the director shall mail a
5 notice of forfeiture to each licensee who has not either filed an
6 application to renew his license or notified the director of his
7 intent not to do so; failure to mail this notice or the renewal
8 application in accordance with (c)(1) of this section does not con-
9 tinue the right to a license.

10 * Sec. 9. AS 04.15.040 is amended to read:

11 Sec. 04.15.040. LICENSE REQUIREMENTS. Licensees selling to the
12 general public are charged with the knowledge that the wholesaler,
13 manufacturer [DISTILLER], importer, [BREWER] or bottler from whom
14 they purchased intoxicating liquor is properly licensed.

15 * Sec. 10. AS 04.10.020(f), 04.10.020(i), 04.10.090. and 04.10.120
16 are repealed.

17 * Sec. 11. Within 60 days after the effective date of this Act, the
18 director shall, without charge, issue a manufacturing license to a person
19 who is a holder of a brewery or distillery license on the effective date of
20 this Act and whose existing license has not been revoked after the effective
21 date of this Act. Upon receipt of a manufacturing license, the holder
22 shall return his existing brewery or distillery license to the director.
23 The manufacturing license issued under this section expires on the same date
24 as the brewery or distillery license which it replaces.

25 * Sec. 12. This Act takes effect on the day after its passage and
26 approval or on the day it becomes law without approval.
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