

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

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 271

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 the 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. AS 04.10.110 is amended to read:

26 Sec. 04.10.110. WHOLESALE LICENSE. (a) The holder of a general  
27 wholesale license may sell intoxicating liquors in the original package,  
28 and wine in bulk, in quantities of not less than five wine gallons to  
29 holders of licenses. The holder of a general wholesale license may not

1 sell to a consumer. Liquor requiring internal revenue strip stamps  
2 shall have the stamps intact on the package. A general wholesale li-  
3 cense shall be required for each distributing point. The general  
4 wholesale license fee schedule is based upon the total amount of busi-  
5 ness transacted during any year and is \$500 as a minimum license fee,  
6 to accompany the application, and in payment of the fee for the first  
7 \$50,000 of business transacted, and, in addition thereto, a sum equal  
8 to one per cent of the business transacted during the year for which  
9 the license is issued. [ON THE BUSINESS TRANSACTED DURING ANY YEAR,

10	ABOVE \$50,000 AND NOT OVER \$75,000.....	A FEE OF \$ 250
11	ABOVE \$75,000 AND NOT OVER \$100,000.....	A FEE OF \$ 500
12	ABOVE \$100,000 AND NOT OVER \$125,000.....	A FEE OF \$ 750
13	ABOVE \$125,000 AND NOT OVER \$150,000 .....	A FEE OF \$1000
14	ABOVE \$150,000 AND NOT OVER \$175,000.....	A FEE OF \$1250
15	ABOVE \$175,000 AND NOT OVER \$200,000.....	A FEE OF \$1500
16	ABOVE \$200,000 AND NOT OVER \$250,000.....	A FEE OF \$2000
17	ABOVE \$250,000 AND NOT OVER \$300,000 .....	A FEE OF \$2500
18	ABOVE \$300,000 AND NOT OVER \$350,000 .....	A FEE OF \$3000
19	ABOVE \$350,000 AND NOT OVER \$400,000 .....	A FEE OF \$3500
20	ABOVE \$400,000 AND NOT OVER \$500,000.....	A FEE OF \$4500
21	ABOVE \$500,000.....	A FEE OF \$5000]

22 (b) The holder of a wholesale malt beverage and wine license may  
23 sell malt beverages and wine in the original packages and malt beverages  
24 and wine in bulk in quantities of not less than five wine gallons to  
25 holders of licenses. The holder of a wholesale malt beverage and wine  
26 license may not sell to a consumer. The malt beverages and wine license  
27 fee schedule is based on the total amount of business transacted in any  
28 year and is \$100 as a minimum license fee, to accompany the application,  
29 and in payment of the fee for the first \$10,000 of business transacted.

1 and, in addition, a sum equal to one per cent of the business transacted  
2 during the year for which the license is issued. [ON THE BUSINESS  
3 TRANSACTED DURING ANY YEAR,

4 ABOVE \$10,000 AND NOT OVER \$25,000.....A FEE OF \$ 150  
5 ABOVE \$25,000 AND NOT OVER \$50,000.....A FEE OF \$ 500  
6 ABOVE \$50,000 AND NOT OVER \$75,000.....A FEE OF \$ 750  
7 ABOVE \$75,000 AND NOT OVER \$100,000.....A FEE OF \$ 1000  
8 ABOVE \$100,000 AND NOT OVER \$150,000.....A FEE OF \$ 1500  
9 ABOVE \$150,000 AND NOT OVER \$200,000.....A FEE OF \$ 2000  
10 ABOVE \$200,000 AND NOT OVER \$300,000.....A FEE OF \$ 3000  
11 ABOVE \$300,000 AND NOT OVER \$400,000.....A FEE OF \$ 4000  
12 ABOVE \$400,000.....A FEE OF \$ 5000]

13 \* Sec. 13. This Act takes effect on the day after its passage and  
14 approval or on the day it becomes law without approval.  
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