

CHAPTER 71.

AN ACT

[S. B. 112]

To regulate the sale of beer and wine; to provide for the payment of a license fee by those engaging in the manufacture, bottling and sale of beer and wine; to provide for the issuance and revocation of licenses, and to provide penalties for the violation of its provisions; and for other purposes, and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Beer and wine
licenses re-
quired.

Section 1. That it shall be unlawful for any person, firm or corporation to manufacture, bottle or sell beer or wine within the Territory of Alaska without first having obtained a license to do so. Licenses shall be issued only for permanent established places in suitable locations and to persons of good moral character who are citizens of the United States and who are qualified electors of the Territory of Alaska.

Qualifications
of applicants.

Beer and wine
license fee,
\$50.00.

Section 2. A beer and wine license may be obtained by a person qualified under the provisions of this Act upon the payment of a license fee of Fifty Dollars (\$50.00) per annum.

Rights under
beer and wine
license.

A beer and wine license will give the holder thereof the right and privilege of selling beer and wine on a common carrier in the Territory of Alaska, or in a hotel, or lodging house with not less than 15 rooms or in boarding houses, restaurants or cafeterias with accommodations for not less than 15 patrons and in road houses. Such beer or wine shall be consumed in the rooms of bona fide guests and patrons or with meals furnished in good faith to the guests and patrons.

Beverage dis-
pensary license
fee, \$175.00.

Section 3. A Beverage Dispensary License may be obtained upon payment of the License fee of One Hundred Seventy-Five Dollars (\$175.00) per annum.

A Beverage Dispensary License will give the holder thereof the right to sell and serve draft beer and beer in uncapped bottles to patrons for immediate consumption while seated in the Dispensary. Rights under beverage dispensary license.

Section 4. A Retail License may be obtained upon payment of a license fee of Twenty-five Dollars (\$25.00) per annum. Retail license fee \$25.00.

A Retail license will give the holder thereof the right and privilege to sell in his establishment beer and wine contained in the original packages, but it is not to be consumed on the premises where sold. Rights under retail license.

Section 5. A Club license may be obtained upon a payment of a license fee of Fifty Dollars (\$50.00) per annum. Club license fee \$50.00.

A Club License will give Clubs, Fraternal Organizations and Patriotic Organizations, that have a Territorial or National Charter and which have been so incorporated for a period of Two (2) years, the right and privilege of serving beer and wine to the members and their guests in their Club Rooms. Rights under club license.

Section 6. A Wholesale License may be obtained upon payment of a license fee of One Hundred (\$100.00) Dollars per annum. Wholesale license fee \$100.00.

A Wholesale License will give the holder thereof the right and privilege to sell beer and wine contained in the original packages to retail stores or other places licensed under this Act, but not directly to the consumer or general public. Rights under wholesale license.

Section 7. A Bottling Works License may be obtained upon payment of a license fee of One Hundred Dollars (\$100.00) per annum. Bottling works license fee \$100.00.

A Bottling Works License will give the holder thereof the right and privilege of operating a Bottling Works where beer and wine may be bottled and sold but no sale of beer or wine shall be made in less quantities Rights under bottling works license.

than Five (5) gallons in kegs and Four (4) gallons in bottles.

Brewery license fee \$100.00.

Section 8. A Brewery License may be obtained upon payment of a license fee of One Hundred Dollars (\$100.00) per annum.

Rights under brewery license.

A Brewery License will give the holder the right and privilege to operate a Brewery where beer is manufactured, brewed, prepared, bottled or barreled for sale; but no sale shall be made in less quantities than Five (5) gallons in kegs and Four (4) gallons in bottles.

Brewery or winery prohibited from interest in beverage dispensary.

Section 9. No corporation, owner, officer or representative of a brewery or winery shall be permitted to own any interest in any Beverage Dispensary License, nor shall he or they be permitted to finance directly or indirectly any license holder in procuring quarters or in supplying equipment and furnishings in order to conduct business.

Refunds to incorporated towns.

Section 10. All moneys collected within incorporated towns for licenses issued by the Clerk of the Court under provisions of this Act or for penalties or delinquency fees shall be paid to the Territorial Treasurer. Fifty per cent. (50%) of such license fees, collected hereunder in any incorporated town shall be refunded to that town by the Treasurer. Such refunds shall be made monthly.

No refunds where towns levy tax.

In case the Common Council of any incorporated town levies any tax upon the sale of beer or wine in addition to those provided herein, the entire license fees collected under the provisions of this Act in such towns shall be credited to the general fund of the Territory.

Definitions.

Section 11. As used in this Act:

(a) "Beer" means lager beer, ale, porter and similar malt liquor of alcoholic content lawful under the laws of the United States; "wine" means any vinous

liquor and fruit juice of alcoholic content lawful under the laws of the United States; terms "beer" and "wine" are to include beer and wine upon which all United States government taxes have been paid.

(b) "Package" means any container or containers, or receptacle or receptacles used for holding beer or wine;

(c) "Person" means natural person, partnership, association, company, corporation, organization, or the manager, agent, servant, officer or employee of any of them;

(d) "License fee" means any fee required to be paid for any license issued under this Act;

(e) "Territory" means the Territory of Alaska;

(f) "Treasurer" means the Treasurer of the Territory of Alaska.

Section 12. Whenever a license is required, such license must be taken out for each place in which beer or wine are to be sold and it shall be held to cover only the place described therein. All licenses must be in the owner's name and no license is transferable except by permission of the District Judge, endorsed thereon.

License required for each place.

All licenses provided for by this Act are for one year beginning on the first (1st) day of July and ending on the thirtieth (30th) day of June and are payable on or before the thirtieth (30th) day of June of each year, and no license shall be issued for less than one-quarter (1-4) of a year.

Licenses for fiscal year.

Section 13. Any persons desiring to take out a license under the provisions of this Act shall make application therefor to the District Court of the Division in which such business is to be conducted upon forms provided by the Territorial Treasurer. Before the license is issued, the Judge of the District Court shall

Applications to be made to District Court.

satisfy himself of the moral character and financial responsibility of the applicant, and generally of the applicant's fitness for the trust to be in him reposed, and shall make a finding of these facts upon the application. He shall also satisfy himself as to the appropriateness of the location of the business and shall not issue a license to a Beverage Dispensary located within Four Hundred Feet (400) of any public school. The application for license shall contain the following:

Contents of
application.

(a) Name and address of applicant, and if an individual, the length of time he has resided within the Territory, and if a corporation, the length of time the corporation has been engaged in business and the place of its incorporation;

(b) The kind of license desired;

(c) The particular place in which the business of the applicant is to be conducted; giving its size, structure and the approximate value of the real property to be used as well as of the furniture and fittings to be used and the distance from the nearest public school;

(d) The name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted;

(e) A statement that the applicant, if an individual, is a citizen of the United States, and not less than Twenty-one (21) years of age, and a qualified elector of the Territory of Alaska.

(f) In all cases, a statement that no other than the applicant has any direct or indirect financial interest in the business for which the license is applied for and that such business will not be conducted with any equipment, furniture, fixtures or property rented from or leased or given by any brewer or manufacturer of beer or wine;

(g) A statement of all other licenses under this Act issued to or applied for by the applicant;

(h) A statement that the applicant intends to carry on the business authorized by the license for himself and not as the agent of any other person;

(i) A statement that the applicant intends to superintend in person the management of the business licensed or that the applicant intends some other person, who has the qualifications required of an applicant to manage the business for him, and if beer or wine is to be sold for consumption on the premises the applicant shall furnish the name of such manager and a statement under oath by the designated manager containing all of the information as far as applicable required of an applicant hereunder, including a statement of the intention of such manager to superintend in person the management of the business licensed;

(j) Such application must be verified by the affidavit of the applicant, if an individual, or by the proper officer of a corporation. If any false statement is made in said application or in the accompanying statements, the person making the same shall be deemed guilty of perjury and be subjected to the penalties provided by law for that crime. The making of a false statement in said application or in any statement accompanying the same, whether made with or without the knowledge or consent of the applicant shall constitute sufficient cause for the revocation of the license in the discretion of the Court.

Penalty for
false statement
in application.

When said application is allowed by the District Court and the license fees therefor paid to the Clerk of the Court, he shall issue the license applied for. Before commencing business, the licensee shall post the license in a conspicuous place in the room where said business is conducted.

Clerk to issue
license.

Monthly reports of clerks on licenses.

On or before the Tenth (10th) day of each month the Clerks of the several District Courts shall transmit to the Territorial Treasurer, all license fees received by them together with a list containing a statement of the kind of license, the date of issue and the name and residence of each licensee.

Licenses may be revoked, how.

Section 14. Proceedings for the revocation of any license for any false statement in any application for license hereunder or for any other violation of this Act may be commenced, by the filing of an appropriate action in the District Court of the Division in which such license was granted, by the United States Attorney for such Division. After a license has been revoked, no other license shall be granted the same licensee for a period of Two (2) years after such revocation.

Importer and manufacturer to make reports.

Section 15. Any person, firm, association, partnership or corporation who imports or causes to be imported from any state or country any beer or wine for distribution, sale or use in the Territory of Alaska, and any person, firm, association, partnership or corporation who produces and manufactures any beer or wine for distribution, sale or use in the Territory shall on or before the Tenth (10th) day of each month render to the Treasurer, on forms prescribed, prepared and furnished by the Treasurer, a sworn statement of the amount of beer and wine imported, produced or manufactured by him or them during the preceding calendar month and shall pay to the Treasurer a tax of One Dollar and Fifty-five Cents (\$1.55) per barrel of Thirty-one (31) standard U. S. gallons or Five Cents (5c) per such gallon. On bottle goods the tax shall be One Cent (1c) per trade quart and One-half Cent ($\frac{1}{2}$ c) per trade print or less. The amount of the tax due shall be transmitted to the Treasurer at the same time the statement required in this Section is rendered and upon receipt of the same the Treasurer shall give his receipt for the amount received. Any person, firm, association, partnership or corporation who shall fail or

Tax on manufacture and importation.

Penalty for violation.

refuse to pay the tax imposed by this Section shall be liable to a penalty of treble the amount of the tax imposed, to be recovered by an action at law in the name of the Territory, and in addition thereto shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the Federal Jail for not less than Thirty (30) days nor more than One (1) year, or by both said fine and imprisonment in the discretion of the Court.

Section 16. It shall be unlawful for any person conducting a business under the provisions of this Act to sell beer or wine to any intoxicated person or to any person less than Eighteen (18) years of age, unless such minor person is accompanied by a parent or legal guardian. A violation of the provisions of this Section shall be grounds for a revocation of the license and the person violating the provisions of this Section may also be proceeded against criminally, and upon conviction shall be deemed guilty of a misdemeanor and fined not less than Ten Dollars (\$10.00) nor more than Two Hundred and Fifty Dollars (\$250.00) for each offense.

Penalty for sale to intoxicated person or minor.

Section 17. The violation of any of the provisions of Section 15 of this Act shall constitute a grounds for revocation of the license issued and all beer and wine in the possession of the parties named in said section upon which the report required has not been made are declared to be contraband and subject to seizure and confiscation by the United States Marshal or other Peace officers.

Violations of act grounds for revocation and seizure.

Section 18. Any person, firm, association, partnership or corporation who manufactures, brews, prepares, or bottles any beer or other beverage for sale, or offers the same for sale, that contains more than Three and Two-tenths (3.2) per cent. alcoholic content by weight

Penalty for manufacture, etc., of illegal beverage.

shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00) or by imprisonment in the Federal Jail for not less than Five (5) days or more than Ninety (90) days or by both such fine and imprisonment in the discretion of the Court.

Penalty for sale or barter without license.

Section 19. Any person, firm, association, partnership or corporation who engages in the barter and sale of beer or wine as defined in this Act without first having procured a license as provided herein shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) or more than Two Hundred and Fifty Dollars (\$250.00) or by imprisonment in the Federal Jail for not less than Twenty (20) days or more than One Hundred and Twenty (120) days or by both such fine and imprisonment in the discretion of the Court.

Treasurer empowered to make rules and regulations.

Section 20. The Territorial Treasurer is hereby empowered to make such rules and regulations in addition to this Act as he may deem necessary for the proper enforcement of the provisions hereinabove provided.

Repeal.

Section 21. All Acts and parts of Acts in conflict herewith are hereby repealed.

Validity of Act.

Section 22. If any Section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional such decision shall not be held to affect the validity of any other portion of this Act.

Intent and spirit of Act.

Section 23. It is hereby declared that the spirit and intent of this Law is to control and license those who engage in the manufacture, bottling and sale of beer or wine, and to regulate the traffic in beer and wine, and all provisions contained in this Law shall be liberally construed so as to give force and effect to this Act.

Section 24. An emergency is hereby declared to exist ^{Emergency.} and this Act shall take effect immediately upon its passage and approval.

Approved May 2, 1933.

CHAPTER 72.

AN ACT

[H. B. 25]

To amend Chapter 83 Session Laws of Alaska, 1931, relating to a license tax on motor vehicles and providing a method of identification and record and imposing a penalty and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Chapter 83 of the 1931 Session Laws of the Territory of Alaska be and the same is hereby amended to read as follows:

“Section 1. Any person, firm or corporation who shall run or operate any motor vehicle in the Territory of Alaska, shall apply for, obtain and pay for a license in the manner and amounts hereinafter set forth. ^{License for motor vehicles —amount of.}

(a) On automobiles or trucks carrying passengers for hire, fifteen (\$15.00) dollars per annum.

(b) On all other automobiles, trucks, delivery cars, motorcycles, and tractors where customarily used on the streets or public highways, ten (\$10.00) dollars per annum.

“Per annum” shall be deemed to mean for the calendar year for which issued.