

SENATE CS FOR CS FOR HOUSE BILL NO. 372(JUD) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 5/7/96

Offered: 5/4/96

Sponsor(s): REPRESENTATIVES ROKEBERG, B.Davis, Brown

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a restaurant or eating place license; relating to the
2 Alcoholic Beverage Control Board; and providing for an effective date."

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

4 * Section 1. AS 04.11.100(f) is amended to read:

5 (f) Notwithstanding the provisions of (b) [AND (e)] of this section, upon
6 written application and approval of the local governing body, the board may **renew**
7 [ISSUE OR REISSUE] a restaurant or eating place license and exempt the licensee
8 from the requirements of (b) [AND (e)] of this section **if the license was issued under**
9 the provisions of this subsection before the effective date of this Act. [A
10 LICENSEE EXEMPT AS PROVIDED IN THIS SUBSECTION SHALL PROVIDE
11 FOOD ITEMS FOR SALE ON THE PREMISES AS SHOWN ON A MENU
12 APPROVED BY THE BOARD AND AVAILABLE TO PATRONS.] The board may
13 not

14 (1) renew [ISSUE OR REISSUE] a license as provided under this

subsection if

(A) the renewal [ISSUANCE OR REISSUANCE] would result in more than one exempt restaurant or eating place license for every 10 restaurant or eating place licenses allowed under the provisions of AS 04.11.400(a)(2) or (3);

(B) the premises would be located in a building having a public entrance within 200 feet of the boundary line of a school or a church building in which religious services are being regularly conducted; for purposes of this subparagraph, the 200-foot prohibition is measured from the outer boundary line of the school or the public entrance of the church building by the shortest pedestrian route to the nearest public entrance of the restaurant or eating place;

or

(2) [REISSUE A RESTAURANT OR EATING PLACE LICENSE AS EXEMPT AS PROVIDED UNDER THE PROVISIONS OF THIS SUBSECTION IF THE LICENSE WAS ISSUED UNDER THE PROVISIONS OF AS 04.11.400(g); OR

(3)] transfer an exempt license issued under this subsection to another person.

* **Sec. 2.** AS 04.11.100 is amended by adding a new subsection to read:

(g) A restaurant or eating place licensee

(1) operating under a license issued under (f) of this section shall offer a full-service menu of food items available to the public during all times that beer or wine is served or consumed; the menu must be approved by the board;

(2) may only provide entertainment on the licensed premises between the hours of 3:00 p.m. and 11:00 p.m. unless approved by the director after written request by the licensee for a specific occasion; in this paragraph, "entertainment" includes dancing, karaoke, live performances, or similar activities, but does not include recorded or broadcast performances without live participation.

* **Sec. 3.** AS 04.11.135(a) is amended to read:

(a) A brewpub license authorizes the holder of a beverage dispensary license to

1 (1) manufacture on premises licensed under the beverage dispensary
2 license not more than 75,000 gallons of beer in a calendar year; [AND]

3 (2) sell beer manufactured on premises licensed under the beverage
4 dispensary license for consumption only on the licensed premises;

5 (3) sell beer manufactured on the premises licensed under the
6 beverage dispensary license in quantities of not more than five gallons per day to
7 an individual who is present on the licensed premises; and

8 (4) provide a small sample of the brewpub's beer manufactured on
9 the premises free of charge unless prohibited by AS 04.16.030.

10 * Sec. 4. AS 04.11.450(b) is amended to read:

11 (b) A person who is a representative or owner of a wholesale business,
12 brewery, winery, bottling works, or distillery may not be issued, solely or together with
13 others, a beverage dispensary license, a restaurant or eating place license, or package
14 store license. A holder of a beverage dispensary license may be issued a brewpub
15 license, subject to the provisions of AS 04.11.135. The prohibition against issuance
16 of a restaurant or eating place license imposed under this subsection does not
17 apply to a restaurant or eating place license issued on or before the effective date
18 of this Act or a restaurant or eating place license issued under an application for
19 a restaurant or eating place license approved on or before the effective date of
20 this Act.

21 * Sec. 5. REQUIRED HEARING. The Alcoholic Beverage Control Board shall hold a
22 public hearing on or before January 1, 1997, for the purpose of discussing the alcoholic
23 beverage licenses currently being issued by the board and the interrelationship between those
24 licenses.

25 * Sec. 6. This Act takes effect October 1, 1996.