

HOUSE BILL NO. 92

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MEYER, Cissna, Dyson, Croft

Introduced: 1/26/01

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sales of alcoholic beverages near a school or church."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

4 (f) Notwithstanding the provisions of (b) of this section, upon written
5 application and approval of the local governing body, the board may renew a
6 restaurant or eating place license and exempt the licensee from the requirements of (b)
7 of this section if the license was issued under the provisions of this subsection before
8 October 1, 1996. The board may not

9 (1) renew a license as provided under this subsection if

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

13 (B) the premises would be located in a building having a public
14 entrance within **400** [200] feet of the boundary line of a school or a church
15 building in which religious services are being regularly conducted; **however, a**

1 license issued before the effective date of this Act for premises that are
 2 within 400 feet of but more than 200 feet from a school ground or church
 3 building may be renewed notwithstanding this subparagraph; for purposes
 4 of this subparagraph, the 400-foot [200-FOOT] prohibition is measured from
 5 the outer boundary line of the school or the public entrance of the church
 6 building by the shortest pedestrian route to the nearest public entrance of the
 7 restaurant or eating place; or

8 (2) transfer an exempt license issued under this subsection to another
 9 person.

10 * **Sec. 2.** AS 04.11.410 is amended to read:

11 **Sec. 04.11.410. Restriction of location near churches and schools.** (a) A
 12 beverage dispensary or package store license may not be issued and the location of an
 13 existing license may not be transferred if the licensed premises would be located in a
 14 building the public entrance of which is within 400 [200] feet of a school ground or a
 15 church building in which religious services are regularly conducted, measured by the
 16 shortest pedestrian route from the outer boundaries of the school ground or the public
 17 entrance of the church building. However, a license issued before the presence of
 18 either cause of restriction within 400 [200] feet of the licensed premises may be
 19 renewed or transferred to a person notwithstanding this subsection.

20 (b) If a beverage dispensary or package store license for premises located
 21 within 400 [200] feet of a school ground or church building in which religious services
 22 are regularly conducted is revoked, expires, or is transferred to another location, a
 23 beverage dispensary or package store license may not be issued or transferred to the
 24 formerly licensed premises until the cessation of either cause of restriction.