Article 8. General Provisions.

Section

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3 AAC 305.900. Determining population criteria. (a) The board will use population figures generated by the Department of Commerce, Community, and Economic Development to establish a population figure for determining the quota of licenses available under AS 04.11.400(a)(2). The Department of Commerce, Community, and Economic Development figures will be adjusted, however, in the following respects:

(1) prison populations will be excluded;

(2) populations of colleges and universities will be discounted by the number of students who, according to best available information, are domiciled outside of the applicable population area;

(3) populations of military bases and installations will be discounted by the number of military personnel and their families who, according to best available information, are domiciled outside of the applicable population area.

(b) The population of incorporated cities and unified municipalities will be determined annually by the director, within a reasonable time after the figures generated by the Department

of Commerce, Community, and Economic Development are made available to the director.

(c) If figures of the Department of Commerce, Community, and Economic Development are not available to the director by July 31 of any year, the director shall employ the best available information to establish the population figures under AS 04.11.400(m) to determine the quota of available licenses not later than August 31. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.080 AS 04.06.100 AS 04.11.460
AS 04.06.090 AS 04.11.400

3 AAC 305.910. Determining visitor population. (a) For the purposes of determining whether a municipality or established village receives more than 4,000 visitors a year, the board may rely on visitor statistics generated annually by a reliable government, trade association, non-profit, or commercial source presented by

(1) the municipality or established village;

(2) an applicant that would qualify for a seasonal restaurant or eating place tourism license; or

(3) an applicant for a transfer of ownership of a seasonal restaurant or eating place tourism license.

(b) The board will apply the same annual visitor count to every application filed under AS 04.11.260 for a seasonal restaurant or eating place tourism license in a specific qualifying municipality or established village during each calendar year. The board may reconsider that visitor count and how it calculates that visitor count each calendar year. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.360 AS 04.11.260

3 AAC 305.920. Allocations to municipalities. (a) For the purposes of AS 04.11.610. a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the municipality's peace officers' failure to comply with AS 04.21.070.

(b) If the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality or with quarterly reports that evidence a lack of active enforcement of local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state, the director shall recommend that the commissioner of commerce, community, and economic development deny the allocations of biennial license fees under AS 04.11.610. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.11.610 AS 04.21.070
AS 04.06.100

3 AAC 305.930. Colleges and universities. (a) Where prohibitions are imposed under AS 04.11.410 and AS 04.16.080, "school" does not include an accredited college or university as defined in AS 04.09.240 for the granting of a beverage dispensary caterer's permit, nonprofit organization event permit, or restaurant caterer's dining permit under AS 04.09.610, 04.09.650, or 04.09.620.

(b) Along with other approvals required by statute or regulation, the board of regents or similar governing body of the college or university or its designee must approve an application for a permit for a designated premises at a college or university event.

(c) A holder of a recreational site license issued under AS 04.11.210 or a sporting activity or event license under AS 04.09.270 for a site where college or university sporting events are held may petition the board for designation of premises at the site where brewed beverages and wine may be sold during a college or university sporting event. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.610 AS 04.11.210
AS 04.06.100 AS 04.09.620 AS 04.11.410
AS 04.09.240 AS 04.09.650 AS 04.16.080
AS 04.09.270

3 AAC 305.940. Community prohibitions on alcoholic beverages. The director shall maintain a list of the established villages and municipalities that have adopted a local option under AS 04.11.491. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.100 AS 04.11.491

3 AAC 305.950. Definitions. (a) Except as provided under AS 04.11.450(h)(2), in this chapter, "affiliate" means

(1) an individual's general partners and joint venturers, including

(A) any corporation of which the individual owns 10 percent or more of the stock;

(B) any corporation of which the individual is an officer or director;

(C) any limited liability organization of which the individual is a member who holds 10 percent or more of the limited liability organization's ownership interest; and

(D) any limited liability organization of which the individual is a manager;

(2) a partnership's partners or joint venturers, including

(A) any affiliates of a partnership's partners or joint venturers;

(B) any corporation of which the partnership or any individual partner holds 10 percent or more of the stock;

(C) any corporation of which any individual partner is an officer or director;

(D) any limited liability organization of which the partnership or any individual partner is a member who holds 10 percent or more of the limited liability organization's ownership interest; and

(E) any limited liability organization of which any individual partner is a manager;

(3) for a corporation,

(A) the corporation's shareholders who hold 10 percent or more of the corporation's stock;

(B) the corporation's officers and directors;

(C) the corporation's partners or joint venturers;

(D) any affiliates of the corporation's partners or joint venturers;

(E) any other corporation of which the subject corporation owns 10 percent or more of the stock;

(F) any other corporation for which the subject corporation appoints one or more directors;

(G) any other corporation of which 10 percent or more of the stock is held by a shareholder holding 10 percent or more of the subject corporation's stock;

(H) any limited liability organization of which the subject corporation is a member and of which the subject corporation holds 10 percent or more of the limited liability organization's ownership interest;

(I) any limited liability organization for which the subject corporation appoints a manager;

(J) any limited liability organization of which a shareholder holding 10 percent or more of the subject corporation's stock is a member who holds 10 percent or more of the limited liability organization's ownership interest; and

(K) any limited liability organization of which a shareholder holding 10 percent or more of the subject corporation's stock is a manager;

(4) other persons who have significant control or influence over a person as determined by the board;

(5) for a limited liability organization,

(A) the limited liability organization's manager

(B) a limited liability organization's members who hold 10 percent or more of the limited liability organization's ownership interest;

(C) a limited liability organization's partners or joint venturers;

(D) any affiliates of a limited liability organization's partners or joint venturers;

(E) any other limited liability organization of which the subject limited liability organization is a member;

(F) any corporation of which the limited liability organization owns 10 percent of more of the stock;

(G) any corporation for which the limited liability organization appoints one or more directors;

(H) and any corporation of which 10 percent of more of the stock is held by a member holding 10 percent or more of the subject limited liability organization's ownership interest.

(b) For the purposes of sec. 169, ch. 8, SLA 2022, a "license issued" means a license in active status or in approved delegated status before January 1, 2024. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 Sec. 169, ch. 8, SLA 2022