



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7TH AVENUE, STE 1600
Anchorage, AK 99501
Main: 907.269.0350

Friday, June 20, 2025

To: Alcoholic Beverage Control Board
From: Kevin Richard, Director
RE: AS 04.11.405 Petition for additional restaurant or eating place licenses for certain local governing bodies

Members of the Alcoholic Beverage Control Board,

Previous meeting of the Alcoholic Beverage Control Board have included petitions from certain local governing bodies for additional REPLs under AS 04.11.405:

- At the August 22, 2023, meeting the City of Valdez requested and was approved for an additional 10 REPLs.
- At the November 13, 2023, meeting the City of Wasilla requested and was approved for an additional 20 REPLs
- At the April 16, 2024, meeting the City of Soldotna requested and was approved for an additional 20 REPLs.
- At the June 25, 2024, meeting the Haines Borough was denied issuance of 10 additional REPLs citing a lack of a robust public comment period and a lack of source documentation to validate visitor data.
- At the February 4, 2025, meeting the Haines Borough requested 6 additional REPLs and was approved for an additional 2 REPLs.
- At the April 15, 2025, meeting the City of Homer requested 10 additional REPLs and was approved for 5 additional REPLs.
- At the April 15, 2025, meeting the City and Borough of Juneau requested an additional 8 REPLs and was approved for 8 additional REPLs.

AMCO would like to collaborate with the board on providing educational material to local governments wishing to petition for additional REPLs. AMCO has drafted a requirements document and worksheet, and would like the boards contributions on what else could/should be added to best serve qualifying local governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Richard".

Kevin Richard
Director



**04.11.405 PETITION FOR ADDITIONAL RESTAURANT OR EATING PLACE
LICENSES FOR CERTAIN LOCAL GOVERNING BODIES**

Sec. 04.11.405. Petition for additional restaurant or eating place licenses for certain local governing bodies.

(a) A first class city, a home rule city, or a unified municipality may submit a resolution to the board, adopted by its legislative body, petitioning the board for the issuance of additional restaurant or eating place licenses under [AS 04.09.210](#) that exceed the limits under [AS 04.11.400\(a\)](#) in accordance with this section.

(b) The board, following a public hearing, may issue one or more additional restaurant or eating place licenses under [AS 04.09.210](#), within the boundaries of the municipality, if the board finds that

(1) the municipality

(A) serves as a center for commercial activity within and outside the boundaries of the municipality by providing goods and services to a population that is greater than the permanent resident population within the boundaries of the municipality;

(B) maintains a local law enforcement department;

(C) exercises planning or land use authority; and

(D) at the time of the petition, meets or exceeds the maximum limit under [AS 04.11.400\(a\)](#) for restaurant or eating place licenses issued under [AS 04.09.210](#);

(2) the number of additional licenses does not exceed the number of additional licenses requested by the municipality in the petition; and

(3) granting the additional licenses is in the public interest.

(c) A resolution submitted by a municipality under (a) of this section must include

(1) information demonstrating that the petitioner meets the criteria in (b) of this section;

(2) the most recent estimate of the number of people who claim residency or work outside the boundaries of the municipality and who are served by the municipality, including the



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(A) population located outside the boundaries of the municipality that relies on the municipality for goods and services;

(B) visitor population; and

(C) nonresident worker population that resides in the municipality, but that is not counted in the latest federal or state census for the municipality;

(3) the number of existing restaurant or eating place licenses

(A) within the boundaries of the municipality;

(B) in a geographic area that the municipality serves under (2) of this subsection;

(4) information showing that the number of additional licenses requested does not exceed one license for each 1,500 population of the population identified under (2) of this subsection; and

(5) additional justification, as necessary, to demonstrate that granting of the additional licenses is in the public interest.

(d) If the board grants a petition for additional restaurant or eating place licenses under this section to a municipality, the board may not authorize additional restaurant or eating place licenses to the same municipality under this section for the following year.



Requirements for a Petition for Additional Restaurant or Eating Place Licenses for Certain Local Governing Bodies

1. You must be a:
 - a. First class city
 - b. Home rule city; or
 - c. Unified municipality
2. You must clearly document that the municipality:
 - a. Serves as a center for commercial activity within and outside the boundaries of the municipality by providing goods and services to a population greater than the permanent resident population within the boundaries of the municipality
 - b. Maintains a local law enforcement department
 - c. Exercises planning or land use authority
 - d. At the time of petition meets or exceeds the maximum limit of REPLs allowed under the population cap in AS 04.11.400.
3. The board may not grant additional licenses exceeding the number of additional licenses requested by the municipality.
4. You must provide documentation that demonstrates to the Alcoholic Beverage Control Board that the granting of these additional REPLs will be in the public interest.
5. You must provide a resolution from the municipality that documents:
 - a. Information demonstrating the criteria in sections 1-4 above.
 - b. The most recent estimate of the number of people who claim residency or work outside the boundaries of the municipality that are served by the municipality.
This includes:
 - i. The population located outside the boundaries of the municipality that rely on the municipality for goods and services,
 - ii. Visitor population, and
 - iii. Nonresident worker population that resides in the municipality but is not counted in the latest federal or state census for the municipality
 - c. The number of existing REPLs
 - i. Within the boundary of the municipality
 - ii. In a geographic area that the municipality serves under 5(b)
6. You must provide documentation that shows the number of additional licenses requested does not exceed one license for each 1,500 population under 5(b)



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7. Please provide any additional justification to demonstrate that the granting of additional licenses is in the public interest.



DRAFT WORKSHEET

Petition for REPLs for Certain Local Governing Bodies

Local Governing Body (City/Borough): _____

Contact Person: _____

Are you a: ☐ First Class City ☐ Home Rule City ☐ Unified Municipality

Section 1: Verification of a qualifying local governing body

Please provide additional documentation for each “Yes” response.

Does the municipality serve as a center of commercial activity as defined in AS 04.11.405(b)(1)(A)?

☐ Yes ☐ No

Does the applicant municipality maintain a local law enforcement department?

☐ Yes ☐ No

Does the applicant municipality exercise planning or land use authority?

☐ Yes ☐ No

At the time of petition, does the applicant municipality meet or exceed the maximum limit under AS 04.11.400(a) for a restaurant or eating place licenses issued under AS 04.09.210?

☐ Yes ☐ No

Section 2: Resolution of the Municipality

Please attach the resolution from the municipality requesting additional REPLs. The resolution **must include** all the information required under AS 04.11.405(c).

Provide documentation supporting population counts, visitor population, and nonresident worker population. This documentation must include appropriate source documents describing how the population counts were derived and the party responsible for providing those counts.



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Documentation must include information regarding any public comment period or public commentary regarding the resolution.

Section 3: Public Interest

Please provide any additional justification to demonstrate that granting of the additional licenses is in the public interest.

Section 4: Additional Questions

Has there been a public commentary period for the attached resolution?

☐ Yes

☐ No

How many REPLs are allowed by population?

How many REPLs are currently in your municipality?

How many REPLs are requested?

If all requested REPLS are approved, how many REPLs will be available or issued in your municipality?

Provide an estimate of the number of businesses that are actively seeking an REPL and, if the additional REPLs are granted, will be applying for a license in the next 12 months.