(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 304.225(a) is amended to read:

3 AAC 304.225 Alternating licensed premises

Upon a licensee's written request accompanied by a detailed premises diagram, the board may approve a portion of a premises licensed under AS 04.11.090 (beverage dispensary license), AS 4.11.100 (restaurant eating place license), **8 SLA 2022 Sec. 170 (seasonal restaurant or eating place tourism license),** AS 4.11.115 (golf course license), AS 04.11.180 (common carrier dispensary license), AS 04.11.210 (recreational site license), AS 04.11.225 (destination resort license) or AS 04.11.400(d)to alternate as a licensed or unlicensed premises under the following conditions:

(1) approval will be granted only if the board finds that use of the identified area as alternating premises will stimulate tourism or promote activities open to the general public;

(2) a debt that is incurred during times when the identified area is unlicensed will be considered a debt incurred in the operation of the licensed business for purposes of transfer of the license under AS 04.11.360;

(3) at any time with written notice to the licensee, the board may withdraw its approval of use of the identified area as alternating premises.

DRAFT

(4) caterer's permits issued under AS 04.11.090 may be exercised in the alternating area during the times the identified area is unlicensed premises;

(5) during times the identified area is designated as an unlicensed premises, all alcoholic beverages must either be removed from the identified area or be stored in a location approved by the board to be secure from the public;

(6) A licensee may apply hours that it is operating as an alternating unlicensed premises to meet the operating requirement set out in AS 04.11.330(a)(3).

(Eff. 12/16/2016, Register 220; am 8/17/2018, Register 227)

Authority: AS 04.06.090 AS 04.11.090 AS 04.11.400
AS 04.06.100 AS 04.11.180 8 SLA 2022 (sec. 170)

A new section 3 AAC 304.310 is added to read to read:

3 AAC 304.310. Seasonal restaurant or eating place tourism license

(a) In this section, a "bona fide restaurant or eating place" means an establishment of portion of an establishment where, during all times alcoholic beverages are served or consumed,

(1) The patron's principal activity is consumption of food; and

(2) A variety of types of food items appropriate for means is prepared on site and available for sale as shown on a menu provided to patrons and filed with the board.

(b) Subject to the limitations of licenses as set forth at 3 AAC 304.908, the board may approve an application for a seasonal restaurant eating place license, as described at 8 SLA 2022, sec. 170(b), or an application for the transfer of ownership of a seasonal restaurant eating

place license that is located in a municipality or established village that has a population of 40,000 or less and receives more than 4,000 visitors a year, as determined under 3 AAC 304.907, to a person who files a license application under AS 04.11.260 and whose licensed premises qualifies as a bona fide restaurant or eating place under the sole control of the applicant.

(c) Notwithstanding 3 AAC 304.725, the holder of a seasonal restaurant or eating place tourism license may provide entertainment as described and identified at Section 170(i) of 8 S.L.A. 2022

(am ___/___/23, Register ____)

Authority: 8 SLA 2022 (sec. 170)

3 AAC 304.715(a) is amended to read:

3 AAC 304.715. Application for designation

(a) A licensee desiring designation under 3 AAC 304.715 - 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or 04.16.049 must file with the director an application, on a form prescribed by the board, together with an initial application fee of $50. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, outdoor recreation lodge, destination resort, [OR] restaurant or eating place**, or seasonal restaurant or eating place tourism** license, and only if the requirements of 3 AAC 304.725 and 3 AAC 304.745, as applicable, are met.

(Eff. 10/24/87, Register 104; am 9/11/98, Register 147; am 7/19/2000, Register 155; am

12/16/2016, Register 220; am ___/___/23, Register ____)

Authority: 8 SLA 2022 (sec. 170)

Section 3 AAC 304.907 is added to read:

3 AAC 304.907. Determining Visitor Population.

(a) For 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 the Alaska Department of Labor and Workplace Development, another reliable government or commercial source, or other information presented by the municipality or established village that would qualify for a seasonal restaurant eating place license, the applicant for a seasonal restaurant or eating place tourism license, or the 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.

(am ___/___/23, Register ____)

Authority: 8 SLA 2022 (sec. 170)

DRAFT

Section 3 AAC 304.908 is added to read:

<u>3 AAC 304.908. Determining Available Seasonal Restaurant Eating Place Licenses</u>.

(a) For purposes of implementing Section 170(h) of 8 SLA 2022, the board may not issue a seasonal restaurant or eating place tourism licenses in municipalities or established villages that qualify for this license type if there would be more than one seasonal restaurant or eating place tourism license per 1500 visitors per visitor day.

(b) Visitor count or fraction of visitor per visitor day is calculated by dividing the total annual visitor count as determined under 3 AAC 304.907 by 182 days and dividing that number by 1500.

(c) The Board may further limit the available seasonal restaurant and eating place tourism licenses if the number of restaurant and eating place licenses issued under AS 04.11.100 exceed the restaurant and eating place licenses permissible under AS 04.11.400(a).

(am ___/___/23, Register ____)

Authority: 8 SLA 2022 (sec. 170)

DRAFT