

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

Background Checks for Applications

3 AAC 304.105(b) is amended to read:

(b) An application for a new license or for renewal, relocation, or transfer of an existing license, must contain the information required by AS 04.11.260 - 04.11.290. In addition, as appropriate, the application must contain the following:

(1) written authorization **on a form prescribed by the board** for release of conviction and arrest records of a new applicant or transferee, and that person's affiliates, along with a listing of the convictions of any of those individuals in any state or territory for a crime or for a violation of liquor laws;

(2) if the new applicant or transferee is a corporation, written authorization for release of the conviction and arrest records of each officer **required to be listed under AS 4.11.260 [AND DIRECTOR], except as provided under (3) of this section**, unless the applicant is a corporation described in AS 04.11.050(c), of each individual shareholder owning 10 percent or more of the corporation's stock;

(3) if the applicant or transferee is a corporation, an affidavit may be submitted on a form prescribed by the board, in lieu of the requirement under (2) of this section, for officers whose primary residencies are outside of the United States, listing any act described in 3 AAC 304.180(a)(1), only if:

(A) the corporation's home state is not Alaska;

(B) the corporation has ten or more officers listed with the Alaska

Division of Corporations; and

(C) the majority of the corporation's officers have primary residency outside of the United States. Each officer whose primary residency is within the United States must submit a complete copy of the form required under (2) of this section;

[3] **(4)** a statement that no one other than the applicant has a financial interest in the business to be licensed;

[4] **(5)** if the new applicant or transferee is a partnership or joint venture, a copy of its partnership or joint venture agreement, or, if the new applicant or transferee is a corporation, a copy of its certificate of incorporation and a statement of the applicant that the corporation is in good standing;

[5] **(6)** a statement that the applicant or its principals have read and are familiar with AS 04 and with this chapter;

[6] **(7)** copies of deeds, lease agreements, or other documents that show right or title to, or interest in, land and buildings at the location of the business to be licensed; and

[7]**(8)** if the new applicant or transferee is a limited liability organization, a statement of the applicant that the limited liability organization is in good standing, and if it is a

(A) limited liability company, a copy of its articles of organization, certificate of organization, and operating agreement; or

(B) limited liability partnership, a copy of its statement of qualification.

(c) The required biennial license fee must accompany an application for a new license or permit, or for renewal of an existing license or permit.

(d) A non-refundable application fee of \$100 must accompany an application for a new license, relocation, or transfer of an existing license. A non-refundable application fee of \$200 must accompany an application for license renewal.

(e) An application that is incomplete or that is not accompanied by the required fees will be returned to the applicant. (Eff. 11/29/81, Register 80; am 10/4/87, Register 104; am 7/30/89, Register 111; am 5/1/94, Register 130; am 5/11/96, Register 138; am 6/13/2003, Register 166; am __/__/____, Register ____

Authority:	AS 04.06.090	AS 04.11.260	AS 04.11.290
	AS 04.06.100	AS 04.11.270	AS 04.11.450
	AS 04.11.045	AS 04.11.280	AS 04.11.670
	AS 04.11.050		

Bona Fide Restaurant Definition

3 AAC 304.990 is amended by adding a new section to read:

3 AAC 304.990. Restaurant definition (b) The board shall use the following guidelines when determining what qualifies as bona fide restaurant or eating place:

(1) The applicant demonstrates minimum standards for a kitchen to prepare food onsite, in accordance with 18 AAC 31.040(c), and include a detailed to-scale drawing of the food establishment showing the type, model, and location of kitchen equipment;

(2) The license applicant shall provide a menu of food items, including entrees, that are regularly sold, along with written methods of preparation that demonstrate the majority of food is prepared on the premises from basic ingredients.

(3) The establishment has sufficient employees for cooking, preparing and serving meals for consumption at tables or counters in a dining area on the premises.

(4) The applicant includes a detailed security plan to prevent access by minors and introduction or removal of alcoholic beverages. (Eff. 11/29/81, Register 80; am 6/25/88, Register 106; am 5/1/94, Register 130; am 5/11/96, Register 138; am 9/11/98, Register 147; am ___/___/____, Register____)

Authority: AS 0406.090 AS 04.06.100 AS 04.11.100

Tribal IDs

3 AAC 304.425 is amended to read:

3 AAC 304.425 Determining age of patron. (a) It is the responsibility of the licensee to obtain a statement of proof-of-age form[s] required under AS 04.21.050. Licensees must retain completed forms for 90 days and make them available upon request for inspection by the board and peace officers.

(b) A valid identification card as used in AS 04.21.050 means an unexpired, unaltered passport, **an identification card issued by a federally recognized tribe**, or an unexpired, unaltered driver's license or identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards that meet the requirements under AS 04.21.050(b). If a licensee or an agent or employee of a licensee has reason to believe that the identification card presented by a person is fraudulent, the licensee, agent, or employee shall refuse entrance to licensed premises and shall refuse service or sale to that person. (Eff. 11/29/81, Register 80; am 5/22/92, Register 122; am 5/11/2012, Register 202, am __/__/____, Register ____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.21.050