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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Micaela Fowler, Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: November 28, 2016

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: board administration (3 AAC 306.925 - 3 AAC 306.935)

Attorney General File:	JU2016200436 (Part 1)
Regulation Filed:	November 28, 2016
Effective Date:	December 28, 2016
Print:	220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

The attached two pages of regulations, dealing with Administration of the Marijuana Control Board, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its July 7, 2016 meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 10/27/2016



Cynthia A. Franklin, Director

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

November 28, 2016 at 10:15 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: December 28, 2016

Register: 220, January 2017

3 AAC 306 is amended by adding new sections to read:

3 AAC 306.925. Submissions to the board. Except as otherwise specifically provided in

this chapter, applications and communications of a formal nature must be submitted in writing,

upon prescribed forms as appropriate, to the board at its main office, and are not considered

timely filed until received there.

(Eff. 12/28/2016, Register 220)

Authority: AS 17.38.190

AS 17.38.200

3 AAC 306.930. Staff. (a) The director of the board is responsible for the management

of the board's offices, the administration of the board's functions and the enforcement of AS

17.38 and this chapter.

(b) The director ^{shall} will employ and supervise necessary clerical and investigative personnel and ^{shall} will prescribe their duties and authority.

(c) The director ^{shall} will prescribe forms for application for new licenses, transfers, renewals and for endorsements, petitions, and other necessary documents. ^{and} (Eff. 12/28/2016, Register 220)

Authority: AS 17.38.140

AS 17.38.150

AS 17.38.190

3 AAC 306.935. Conduct of board meetings. (a) The board will, at the first meeting of

each calendar year, select a chair from among its members to preside over board meetings during the ensuing year.

(b) The board will meet at the call of the chair after reasonable public notice is given.

(c) For the purposes of ^{AS 17.38.111(b),} AS 17.38.093(b), the whole membership is all persons appointed and serving as members of the board.

(d) The director is responsible for preparing an informative agenda for each board

meeting. A copy of the agenda ^{must} will be available for inspection by persons who request it. (Eff. 12/23/2016,

Register 220)

AS 17.38.111

AS 17.38.150

AS 17.38.190

Authority:

AS 17.38.121

3 AAC 306.940. Public comment at board meetings. (a) At its public meetings, the

board will receive public comment upon items of agenda business and other issues of public interest related to commercial marijuana establishments, including the conduct of business by

~~licensees and the compliance by licensees and others with the statutes and regulations related to~~

Withdrawn.
XCR
11/23/2016

~~commercial marijuana establishments. Public comment may also be submitted to the board in writing by any person at any time, however comment on a proposed regulation must be made within the time provided in the public notice for the proposed regulation.~~

(b) The right to be heard provided for in this section does not constitute intervention in a proceeding or exhaustion of an administrative remedy. 9

Withdrawn.

ACR 11/23/2016