

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Micaela Fowler
Commerce, Community, and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: April 25, 2018

RE: Filed Permanent Regulations: Alcoholic Beverage Control Board

Alcoholic Beverage Control Board regulations re: application fees for alcohol licenses, premises diagrams, and alternate premises designation on a seasonal basis (3 AAC 304.105(d); 3 AAC 304.185(c), (e))

Attorney General File:	2017200816
Regulation Filed:	4/25/2018
Effective Date:	7/1/2018
Print:	226, July 2018

cc with enclosures:

Linda Miller, Department of Law
Judy Herndon, LexisNexis

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

The attached two pages of regulations, dealing with fee changes for new licenses, relocations, transfers and renewals of existing licenses, and allowing a seasonal alternating premises designation, are certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its January 23, 2018, meeting, under the authority of AS 04.06.100 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.

Although no public comments were received, the Alcoholic Beverage 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 July 1, 2018, as provided in AS 44.62.180.


Date: 2/1/18



Erika McConnell, Director
Alcohol and Marijuana Control Office

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 25, 2018 at 902 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: July 1, 2018

Register: 226, July 2018

3 AAC 304.105(d) is amended to read:

(d) A non-refundable application fee of \$500 [\$100] must accompany an application for a new license, relocation, or transfer of an existing license. A non-refundable application fee of \$300 [\$200] must accompany an application for license renewal. (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 7/1/2018, Register 226)

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

3 AAC 304.185(c) is amended to read:

(c) A licensee may not alter the functional floor plan, reduce or expand the area, or change the business name of the licensed premises without the prior written approval of the director. The licensee must provide a new line drawing showing the proposed changes in the premises. A licensee must pay fee of \$250 for changing the business name or diagram of the licensee's licensed premises when the name or diagram change is not part of a transfer of ownership or location. A request for a business name or diagram change for licensed premises not part of a transfer must be made on a form prescribed by the board. (Eff. 11/29/81, Register 80; am 12/13/2009, Register 192; am 7/1/2018, Register 226)

Authority: ~~AS 04.06.090 AS 04.11.010 AS 04.11.680~~
~~AS 04.06.100 AS 04.11.070 AS 04.16.130~~

Register 226, July 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 304.185 is amended by adding a new subsection to read:

(e) A licensee may request to have a portion of its licensed premises alternate as licensed or unlicensed premises on a seasonal basis under the following conditions:

(1) the request is made on a form prescribed by the board, accompanied by a detailed premises diagram and \$250 fee;

(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; and

(4) 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. (Eff. 11/29/81, Register 80; am 12/13/2009, Register 192; am 7/1/2018, Register 226)

Authority: AS 04.06.090

(in bold))

AS 04.06.100

⁹
AS 04.11.010

AS 04.11.260

~~AS 04.11.070~~

~~AS 04.11.680~~

AS 04.16.130

AS 04.21.060