

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Debbie Morgan
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: October 29, 2019

RE: Filed Permanent Regulations: Alcoholic Beverage Control Board

Alcoholic Beverage Control Board Regulation re: Alcohol License Issue Date (3 AAC 304.170)

Attorney General File:	2019200413
Regulation Filed:	10/29/2019
Effective Date:	11/28/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached single page of regulations, dealing with licenses issued late in the year, is certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its July 29 meeting, under the authority of AS 04.06.090 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 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 the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 8/9/19

Erika McConnell

Erika McConnell, Director
Alcoholic Beverage Control Board

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

October 29, 2019 at 10:20 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor Kevin Meyer

Effective: November 28, 2019.

Register: 232, January 2020

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

3 AAC 304.170 is amended by adding a new subsection to read:

Italics
(l) If a new license is issued between November 20 and December 31, the licensee is exempt from filing a waiver of annual operating requirement for that year. (Eff. 11/30/90, Register 116; am 5/22/92, Register 122; am 5/1/94, Register 130; am 5/11/96, Register 138; am 2/21/2019, Register 229; am 11 / 28 / 2019, Register 232)

Authority: AS 04.06.090 AS 04.06.100 AS 04.11.330

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: October 17, 2019

File No.: 2019200413

Tel. No.: 465-3600

From: Susan R. Pollard *STW for SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Alcoholic Beverage Control Board
Regulation re: 3 AAC 304.170:
Alcohol License Issue Date

The Department of Law has reviewed the attached regulations of the Alcoholic Beverage Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Alcoholic Beverage Control Board after the close of the public comment period. The regulations concern exempting a licensee who was issued a new license between November 20 and December 31 from filing a waiver of annual operating requirement for that year.

The May 12, 2019, public notice and the August 9, 2019, certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a technical correction to conform the regulations in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SRP:sjw

cc: Honorable Julie Anderson, Commissioner
Department of Commerce, Community & Economic Development
Erika McConnell, Director
Alcoholic Beverage Control Board
Jane Sawyer, Regulations Specialist
Department of Commerce, Community & Economic Development
Debbie Morgan, Administrative Specialist
Department of Commerce, Community & Economic Development
Glenn Hoskinson, Special Assistant
Department of Commerce, Community & Economic Development

NOTICE OF PROPOSED CHANGES ON LICENSE ISSUE DATES
IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

The Alcoholic Beverage Control Board proposes to adopt regulation changes in 3 AAC 304 of the Alaska Administrative Code, dealing with licenses issued late in the year, including the following:

3 AAC 304.170 is proposed to exempt new licenses issued between November 20 and December 31 from filing a waiver of annual operating requirements in that year.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on June 19, 2019.

You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501 or to amco.regs@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Alcohol and Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and AMCO website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350 not later than June 10, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 04.06.090; AS 04.06.100; AS 04.11.330

Statutes being implemented, interpreted, or made specific: AS 04.11.330;

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Alcoholic Beverage Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the AMCO office at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: May 9, 2019



Erika McConnell, Director
Alcoholic Beverage Control Board

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Alcoholic Beverage Control Board
2. General subject of regulation: License issued late in year
3. Citation of regulation (may be grouped): 3 AAC 304.170
4. Department of Law file number, if any: 2019200413

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- (x) Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: None

7. Estimated annual cost to comply with the proposed action to:

A private person: None

Another state agency: None

A municipality: None

8. Cost of implementation to the state agency and available funding (in thousands of dollars):


	Initial Year FY <u>20</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith
Title: Local Government Specialist
Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501
Telephone: (907) 334-2195
E-mail address: Jedediah.smith@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☒ Other (identify): Alcoholic Beverage Control Board

11. Date: May 9, 2019 Prepared by: 

Name (printed): Jedediah Smith
Title (printed): Local Government Specialist
Telephone: (907) 334-2195

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270221

ST OF AK/ALCOHOL AND MARIJUANA
CONTROL BOARD
550 W 7TH AVE #1600
ANCHORAGE AK 99501

Order#
Cost

0001438089
\$378.50

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

May 12, 2019

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 13th day of May, 2019

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

NOTICE OF PROPOSED CHANGES ON LICENSE ISSUE DATES IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or (907) 265-0350.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Responsibilities include:

- Assisting Multi-Media Sales Executives in delivering marketing solutions and preparing presentations that achieve customer goals.
- Monitor campaign fulfillment to determine progress and identify appropriate next steps, and be prepared to communicate with customers.
- Work directly with customers and design staff on campaign creatives.

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Erika McConnell, Director of the Alcoholic Beverage Control Board, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to licenses issued late in the year has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 8/9/19

Erika McConnell

Erika McConnell, Director
Alcoholic Beverage Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 8/9/19.



Jane Sawyer

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Erika McConnell, Director of the Alcoholic Beverage Control Board, being duly sworn, state the following:

In compliance with AS 44.62.215, the Alcoholic Beverage Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alcoholic Beverage Control Board regulation on licenses issued late in the year.

Date: 8/9/19

Erika McConnell

Erika McConnell, Director
Alcoholic Beverage Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 8/9/19.



Jane Sawyer

Notary Public in and for the State of Alaska



**Alcoholic Beverage Control Board
Draft Meeting Minutes Excerpt
July 29, 2019
Anchorage, Alaska**

1. License Issuance Late in Year

TAB 64

Status: Public comment period closed June 19, 2019

Potential Board Actions: Open a regulations project; vote to adopt or substantially amend and/or put out for public comment

Director McConnell states that project "License Issued Late in Year" was never opened as a project and so she requests that the board open the project and then make their motion regarding adoption or amendment.

***Glenn Brady moves to open project "License Issued Late in Year".
Rex Leath seconds the motion.***

Glenn Brady asks if the formality of opening the project is a necessity.

Harriet Milks states that she finds it to be a procedural formality but that all procedures are set out in law.

Erika McConnell states that per statute the board cannot delegate the approval of regulations and states that the motion is to clarify that the board is moving forward on the regulations project rather than staff exercising that authority without approval.

Glenn Brady asks if there's any benefit to the board further delaying the process by formally opening the project.

Harriet Milks states that it should be fine to approve the regulation without a motion to open the project. The opening of the project is separate from the board's authority to adopt the language.

Bob Klein states that, looking at the calendar, adoption is most beneficial to protect the end of year new licenses. He states that he does not find that the staff has gone off course.

Glenn Brady rescinds his motion to open the project.

Glenn Brady moves to approve regulations project "License Issued Late in Year".

Charlie Cross seconds the motion.

None opposed, motion carries.

AFFIDAVIT OF ALCOHOLIC BEVERAGE CONTROL BOARD ACTION

I, Erika McConnell, Director of the Alcoholic Beverage Control Board, being duly sworn, state the following:

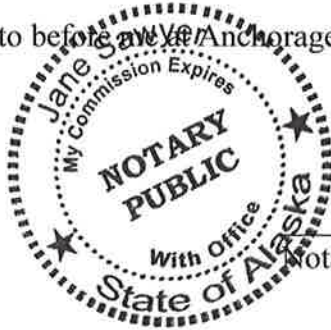
The attached motion dealing with licenses issued late in the year, was passed by the Alcoholic Beverage Control Board during its July 29, 2019, meeting.

Date: 8/9/19

Erika McConnell

Erika McConnell, Director
Alcoholic Beverage Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 8/9/19.



Jane Sawyer

Notary Public in and for the State of Alaska