

Nancy Dahlstrom  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



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

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Sara Chambers, Department of Commerce, Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor *AS*  
465.4081

**DATE:** September 25, 2024

**RE:** Filed Permanent Regulations: Alcoholic Beverage Control Board

Alcoholic Beverage Control Board regulations re: Transfer of Location & Endorsements  
(3 AAC 305.070 - .145)

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Attorney General File:	2024200226
Regulation Filed:	9/25/2024
Effective Date:	10/25/2024
Print:	252, January 2025

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis  
Jane P. Sawyer, Regulations Specialist  
Kristina Serezhenkov, Regulations Specialist



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

P.O. Box 110300  
Juneau, Alaska 99811  
Main: 907.465.3600  
Fax: 907.465.2520

September 25, 2024

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *3 AAC 305.070 - .145: AMCO - Transfer of Location & Endorsements*  
Our file: 2024200226

Dear Lieutenant Governor Dahlstrom:

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 letter 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 transfers of license locations. The regulations delete references in the Alaska Administrative Code to the transfer of a license with one or more endorsements to a new location, because statute does not authorize the transfer of a license endorsement.

The July 10, 2024 public notice and the September 19, 2024 certification of adoption both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2024.09.25  
14:52:01 -08'00'

RCP/PWP

CC w/enclosure: Kristina Serezhenkov  
Department of Commerce, Community and Economic Development

Parker W. Patterson, Assistant Attorney General  
Department of Law

Kevin Higgins, Assistant Attorney General  
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF ALCOHOLIC BEVERAGE CONTROL BOARD

The attached four pages of regulations, dealing with the of changes to 3 AAC 305, regarding the transfer of location and endorsement, are certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its September 10, 2024, 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 30<sup>th</sup> day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 9/19/2024

  
\_\_\_\_\_  
Lizzie Kubitz, Acting Director

*for* 

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on September 25, 2024 at 3:20 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
*for* \_\_\_\_\_  
Lieutenant Governor *Nancy Dahlstrom*

Effective: October 25, 2024.

Register: 252, January 2025.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, 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:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



*Nancy Dahlstrom*

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

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3 AAC 305.070(a) is amended to read:

**3 AAC 305.070. Application for transfer of location.** (a) An applicant to transfer an alcoholic beverage license [OR AN ALCOHOLIC BEVERAGE LICENSE WITH ONE OR MORE ENDORSEMENTS] to a new location shall [MUST] file an application on a form prescribed by the board. The application must include the information and documentation described in this section. The application may be initiated and completed electronically.

3 AAC 305.070(b) is amended to read:

(b) An application to transfer an alcoholic beverage license [OR AN ALCOHOLIC BEVERAGE LICENSE WITH ONE OR MORE ENDORSEMENTS] to a new location must contain the information required by AS 04.11.260 for the new location and be executed as described under AS 04.11.260(a). The application must also contain proof of public notice under AS 04.11.310 and 3 AAC 305.075 for the new location and the petition [ANY PETITIONS] required under AS 04.11.460, if applicable.

The introductory language of 3 AAC 305.070(c) is amended to read:

(c) In addition to the requirements set out in (b) of this section, an application for a transfer of an alcoholic beverage license [OR AN ALCOHOLIC BEVERAGE LICENSE WITH ONE OR MORE ENDORSEMENTS] to a new location must contain the following:

...

3 AAC 305.070(d) is amended to read:

(d) If a transfer of an alcoholic beverage license [OR AN ALCOHOLIC BEVERAGE

LICENSE WITH ONE OR MORE ENDORSEMENTS] to another location is subject to AS 04.11.400(k), before the application is submitted to the board [:]

(1) not more than 10 business days after the board office determines that the application is complete and the prerequisites of AS 04.11.400(k) are satisfied, the office of the board will notify the affected borough and incorporated city of the transfer of location application, and [, IF APPLICABLE,] an accompanying transfer of license to another person, **if applicable**; the notice will include

- (A) the date the board office received the complete application;
- (B) the license number;
- (C) the present or previous business name of the license to be transferred;
- (D) the names of the transferee and the transferor, if the application

includes a request to transfer a license [OR A LICENSE WITH ONE OR MORE ENDORSEMENTS] to another person; and

- (E) the proposed new location of the license;

(2) the borough and incorporated city affected by the transfer request under AS 04.11.400(k) may respond to the notice under (a) of this section not later than 60 days after receipt of the notice; the borough **or** [AND] incorporated city may request **that the board grant** an extension of **up to 120 additional days** [TIME] to respond [. THE BOARD MAY GRANT A REQUEST FOR AN EXTENSION OF UP TO 120 ADDITIONAL DAYS];

(3) within the notification period, the borough and the municipality must provide written notification that they agree to the transfer under AS 04.11.400(k) to be approved by the office of the board; the board will not approve a transfer of location if the notification required by this paragraph is not received within the time allowed under (d)(2) of this section; if the

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borough and municipality timely respond, the board may consider whether to approve the relocation under 3 AAC 305.130. (Eff. 1/1/2024, Register 248; am 10 / 25 / 2024, Register 252)

<b>Authority:</b>	AS 04.06.005	AS 04.11.050	AS 04.11.290
	AS 04.06.090	AS 04.11.260	AS 04.11.450
	AS 04.06.100	AS 04.11.270	AS 04.11.670
	AS 04.11.045	AS 04.11.280	

3 AAC 305.085(a)(1)(C) is amended to read:

(C) transfer the location of an existing license [, A LICENSE WITH ONE OR MORE ENDORSEMENTS, OR ENDORSEMENT];

3 AAC 305.085(a)(1)(D) is amended to read:

(D) transfer an existing license, or a license with one or more endorsements [, OR ENDORSEMENT] to another person; or

(Eff. 1/1/2024, Register 248; am 10 / 25 / 2024, Register 252)

<b>Authority:</b>	AS 04.06.005	AS 04.11.330	AS 04.11.510
	AS 04.06.090	AS 04.11.360	AS 04.11.520
	AS 04.06.100	AS 04.11.480	

3 AAC 305.145(a) is amended to read:

**3 AAC 305.145. License and endorsement application and biennial fees.** (a) A non-refundable application fee of \$500 must accompany an application for a

(1) new license;



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(2) new license with one or more endorsements;

(3) transfer of an existing license to another location [OR TO ANOTHER PERSON]; or

(4) a transfer of an existing license or an existing license with one or more endorsements [TO ANOTHER LOCATION OR] to another person.

(Eff. 1/1/2024, Register 248; am 10 / 25 / 2024, Register 252)

**Authority:** AS 04.06.005 AS 04.06.090 AS 04.06.100