

This document is provided for comparison purpose only between 3 AAC 304 and the proposed new chapter (305) in 3 AAC. For the actual draft to comment on see the actual draft attachments in the Online Public Notice <http://notice.alaska.gov/210530>

## **Chapter 305. Alcoholic Beverage Control Board.**

### **Article**

#### **1. Board; Administration; Licensing; Fees (3 AAC 305.010 – 3 AAC 305.160)**

#### **Article 1. Board; Administration; Licensing; Fees**

#### **(3AAC 305.010 – 3 AAC 305.035)**

### **Section**

10. Conduct of board meetings

15. Submissions to the board

20. Public comment at board meetings

25. Conduct of office

30. Issuance of license and endorsement

35. Additional delegation of authority

**3 AAC 305.010 (old 304.025). Conduct of board meetings.** (a) The board will, at its first **regular** meeting of each calendar year, select a chair 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) The director is responsible for preparing an informative agenda for each board meeting. A copy of the agenda **will be posted on the Alcohol and Marijuana Control Office's Internet website.** ~~[available for inspection by persons who request it.]~~

(d) Three members of the board constitute a quorum for the conduct of business, except that a majority of the whole membership of the board must approve all applications for new licenses **and endorsements**, and all renewals, transfers, suspensions, and revocations of existing licenses **and endorsements**. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 04.06.050 AS 04.06.100 Sec. 171, ch.8, SLA 2022

AS 04.06.060 Sec. 1, ch.8, SLA 2022

**Editor's note:** Alcohol and Marijuana Control Office's website is  
<https://www.commerce.alaska.gov/web/amco/> .

**3 AAC 305.015 (old 304.005). 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 **applicable** ~~[appropriate]~~, to the board **through its online licensing system or** at its main office and are not considered timely filed until received there. (Eff. \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 04.06.090 Sec. 1, ch.8, SLA 2022 Sec. 171, ch.8, SLA 2022

AS 04.06.100

**3 AAC 305.020 (old 304.035). Public comment at board meetings.** (a) At its

**regular public meetings held in each judicial district in compliance with AS**

**04.06.050**, the board will receive public comment upon items of agenda business and other issues of the public interest related to alcoholic beverages, including the conduct of business by licensees and others with the statutes and regulations related to alcoholic beverages. Public comment may also be submitted to the board in writing by any person at any time.

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

\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 04.06.050                      Sec. 1, ch.8, SLA 2022    Sec. 171, ch.8, SLA 2022  
AS 04.06.100

**3 AAC 305.025 (old 304.015). Conduct of Office (formerly 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 04 and this chapter.

(b) The director will employ and supervise necessary **administrative, professional, paraprofessional** [~~clerical~~] and investigative personnel and will prescribe **that person's** duties and authority.

(c) The director will prescribe forms for application for new licenses, **endorsement**, transfers, renewals and for permits, petitions, and other necessary documents as approved by the board.

**(d) The director shall prepare and submit to the board an annual, fiscal year budget for the board that includes funding for administration, enforcement, education, training, and prevention activities under this title.**

**(e) The director shall post information on the Alcohol and Marijuana Control Office's Internet website about fetal alcohol syndrome and fetal alcohol effects resulting from a woman consuming alcohol during pregnancy.** (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 04.06.080                      Sec. 1, ch.8, SLA 2022    Sec. 171, ch.8, SLA 2022  
AS 04.06.100

**3 AAC 305.030 (old 304.155). Issuance of license and endorsement.** Upon: (1) approval of an application for a new license, **a new license with one or more endorsements, a renewal or transfer of an existing license, a renewal or transfer of an existing license with one or more endorsements, or an application for an endorsement**, (2) receipt by the board of necessary public health and public safety approvals, and (3) completion of any inspection considered necessary by the director, the director will issue an appropriate license **or endorsement**. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 04.06.090                      Sec. 1, ch.8, SLA 2022    Sec. 171, ch.8, SLA 2022  
AS 04.06.100

**3 AAC 305.035 (brand new). Additional delegation of authority.** Only the board may issue, renew, transfer, relocate, suspend or revoke a license or endorsement under this title. However, the board may delegate the authority to the director to temporarily grant or deny the issuance, renewal, and transfer of location of licenses, endorsements, and permits. The director's temporary grant or denial of the issuance, renewal, or transfer of location of a license, endorsement, or permit is not binding on the board. The board may delegate to the director any other duty imposed by this title, except its power to propose and adopt regulations. The board

shall review its delegations of authority to the director on an annual basis and upon change of director. (Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 04.06.080            Sec. 1, ch.8, SLA 2022    Sec. 171, ch.8, SLA 2022  
                 AS 04.06.100            Sec. 48, ch.8, SLA 2022