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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 24, 2023

RE: Filed Permanent Regulations: Alcoholic Beverage Control Board

Alcohol Beverage Control Board regulations re: Alternating Licensed Premises (3 AAC 304.225)

Attorney General File:	2023200128
Regulation Filed:	7/24/2023
Effective Date:	8/23/2023
Print:	247, October 2023

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
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July 18, 2023

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

Re: 3 AAC 304.225: AMCO Alternating Licensed Premises
Our file: 2023200128

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 expansion of the license types eligible to apply for alternating licensed premises.

The May 10, 2023 public notice and the July 10, 2023 certification order 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.

Technical corrections were necessary 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
Digitally signed by
Rebecca C. Polizzotto
Date: 2023.07.18
12:58:56 -08'00'

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

RCP/ahr

CC w/enclosure: Joan M. Wilson, Director
Department of Commerce, Community and Economic Development
Alcohol & Marijuana Control Office

Jane Sawyer, Program Coordinator
Department of Commerce, Community and Economic Development
Alcohol & Marijuana Control Office

Kevin Higgins, Senior Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF ALCOHOLIC BEVERAGE CONTROL BOARD


The attached 1 page of regulations, dealing with alternating licensed premises, is certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its July 6, 2023, 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: 7/10/2023 _____


Joan M. Wilson, Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 24, 2023 at 3:02 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: August 23, 2023

Register: 27, October 2023.

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.



A handwritten signature in blue ink, appearing to read "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

The introductory language of 3 AAC 304.225 is amended to read:

3 AAC 304.225. Alternating licensed premises. Upon a licensee's written request accompanied by a detailed premises diagram, the board may approve a portion of a premises licensed under AS 04.11.090 (beverage dispensary license), AS 04.11.100 (restaurant eating place license), sec. 170, ch. 8, SLA 2022 (seasonal restaurant or eating place tourism license), AS 04.11.115 (golf course license), AS 04.11.130 (brewery license), AS 04.11.140 (winery license), AS 04.11.170 (distillery license), AS 04.11.180 (common carrier dispensary license), AS 04.11.210 (recreational site license), AS 04.11.225 (outdoor recreation lodge license), AS 04.11.255 (destination resort license), or AS 04.11.400(d) to alternate as a licensed or unlicensed premises under the following conditions:

...

(Eff. 12/16/2016, Register 220; am 8/17/2018, Register 227; am 4/9/2023, Register 246; am 8 / 23 / 2023, Register 247)

Authority:	AS 04.06.090	<u>AS 04.11.130</u>	<u>AS 04.11.225</u>
	AS 04.06.100	<u>AS 04.11.140</u>	<u>AS 04.11.255</u>
	AS 04.11.090	<u>AS 04.11.170</u>	AS 04.11.400
	<u>AS 04.11.100</u>	AS 04.11.180	<u>sec. 170, ch. 8, SLA 2022</u>
	<u>AS 04.11.115</u>	<u>AS 04.11.210</u>	