



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: August 26, 2024

FROM: Kristina Serezhenkov, Regulations
Specialist

RE: Transfer of Location and
Endorsement

The board approved the draft regulations for initial Law review at the April 2024 meeting. Upon the Department of Law's approval, the draft was sent out for official public comment with the comment period closing 8.9.2024. No comments were received.

Options for the board:

- Move to adopt and send to Law for final review
- Move to amend and adopt and then send to Law for final review. (If amended, may require additional public comment period-agency attorney to advise.)
- Move to send back to staff for more work
- Table the regulations project
- Close the regulations project

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(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

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

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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 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 ____/____/_____, Register _____)

Authority:	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 ____/____/_____, Register _____)

Authority:	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:

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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;

(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 ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100