



MEMORANDUM

TO: Marijuana Control Board DATE: April 10, 2020

FROM: Jane P. Sawyer, Regulations Specialist RE: Protest Period for Local
Governments under 3 AAC
306.060

The Alcohol and Marijuana Control Office has received questions from Local Governments regarding extending their protest period under 3 AAC 306.060 which gives a local government 60 days to protest a new, renewal, transfer, conversion, or onsite endorsement applications.

General shorthanded logistics example of how this works: our office deems the application complete; we then send it to the appropriate local government; the local government has 60-day to protest the application; if a protest is not received within the 60-day deadline, the application moves forward.

In the example above, local governments wish to know if our office is going to extend their deadline due to COVID19 being that some of them are "limiting non-essential public hearings since it is so difficult to receive comments right now".

AMCO respectfully requests that the board consider this matter and if the board finds it to be an issue to then issue specific extension. For example, 30-day extension to the 60-day deadline with the understanding that extending this deadline our office must wait the entire deadline period (unless we hear from the local government) in order to move forward.

The extension should be retroactive to March 11, 2020.

It is AMCO's understanding that Section 2, of SB 242 allows this board to make a determination on this matter.

*** Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to read: TOLLING DEADLINES FOR ACTION BY STATE AGENCIES DURING NOVEL CORONAVIRUS DISEASE OUTBREAK. Notwithstanding a contrary provision of state law and to the extent consistent with federal law, for the duration of the state emergency and for 30 days thereafter, statutory and regulatory deadlines for action**

or decision by a state agency are tolled and failure by a state agency to act on a filing or issue a decision does not constitute approval or denial by the state agency. In this section, "state agency" means a department, office, agency, board, commission, or other organizational unit of the executive branch of the 1 state; "state agency" does not include an agency in the judicial or legislative branch.