

SCOMM

#6:36

RURAL CAP/ANCADA  
ALCOHOLISM LEGISLATION

WORKSHOP

March 31, 1978

TENTATIVE AGENDA

RURAL CAP/ANCADA ALCOHOLISM LEGISLATION WORKSHOP

Friday, March 31, 9:00 am: ANCADA Offices, 750 E. Fireweed Lane  
Anchorage, Alaska

9:00 Call to Order, Introductions

Opening Comments: Phil Smith, RurAL CAP  
George Barrill, ANCADA

9:30 Work Sessions on Proposed Legislation


12:00 Lunch


1:30 Work Sessions Continue


3:30 Drafting of Workshop Report/Resolutions


5:00 Adjourn


BRIEF SUMMARY OF PENDING LEGISLATION  
RELATING TO THE FOLLOWING AREAS OF  
CONCERN:

A--Treatment and Treatment Facilities 

B--Education and Prevention 

C--Training Programs 

D--Enforcement and Regulation 

E--Taxes, Credits, Insurance and Loans 

(Behind each heading is a copy of the bills  
under consideration.)

A--Treatment and Treatment Facilities

- a) SB 542 - Identification and utilization for detoxification of underutilized hospital beds by Office of Alcoholism.
- b) SB 543 - Empower HESS to make grants-in-aid on the basis of community need after consideration and comment by the Advisory Board on Alcoholism.
- c) SB 540 - Appropriate 8,200,000 from general fund to the Office of Alcoholism for planning, coordination, regulation, monitoring and evaluation of statewide alcoholism efforts.
- d) SB 544 - Standards for rural alcoholism programs. Separate standards for communities under 5000. Standards shall only concern health conditions and treatment modalities.
- \*e) HB 241 - Appropriate 1.52 million to HESS and Department of Education for alcohol-related programs.

\*Indicates "Governor's Package"

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 542

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adding to the powers and duties of the office  
7 of alcoholism."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 47.37.030(2) is amended to read:

10 (2) make contracts and award grants necessary or incidental  
11 to the performance of its duties and the execution of its powers, in-  
12 cluding contracts with and grants to public and private agencies, orga-  
13 nizations, and individuals, to pay them for services rendered or fur-  
14 nished to alcoholics or intoxicated persons; to the maximum extent  
15 possible, contracts and grants shall be for a period of at least two  
16 years;

17 \* Sec. 2. AS 47.37.040(7) is amended to read:

18 (7) organize and foster training programs for all persons  
19 engaged in treatment of alcoholics and intoxicated persons and establish  
20 standards for training paraprofessional alcoholism workers;

21 \* Sec. 3. AS 47.30.470(4) is amended to read:

22 (4) identify, and utilize whatever facilities and services  
23 are available or can be made available through community organization  
24 for carrying out the purposes of this section, including identification  
25 and utilization for detoxification of under utilized hospital beds;

26 \* Sec. 4. AS 47.37.040 is amended by adding new paragraphs to read:

27 (18) develop and implement a training program on alcoholism  
28 for employees of state and municipal governments, and private institu-  
29 tions whose duties are such as to bring them into contact with alco-

1 holics;

2 (19) develop curriculum materials on drug and alcohol abuse  
3 for use in grades kindergarten through 12, as well as a course of in-  
4 struction for teachers to be charged with presenting the curriculum.

5 \* Sec. 5. AS 47.37 is amended by adding new sections to read:

6 Sec. 47.37.041. FUND ESTABLISHED. There is established in the  
7 office of alcoholism, Department of Health and Social Services, the re-  
8 volving loan fund for temperate social activities to carry out the  
9 purposes of secs. 41 - 47 of this chapter. Loans made under secs. 41 -  
10 47 of this chapter are to be used to foster social activities at which  
11 alcohol is not served or consumed. The fund may be used for no other  
12 purpose.

13 Sec. 47.37.043. POWERS AND DUTIES OF THE OFFICE IN ADMINISTERING  
14 THE FUND. (a) The office may

15 (1) make loans for the purchase, construction, and modifica-  
16 tion of buildings in which social activities at which alcohol is not  
17 served or consumed may be held;

18 (2) promulgate regulations necessary to carry out the pro-  
19 visions of secs. 41 - 47 of this chapter.

20 (b) The office shall develop eligibility standards for loans made  
21 under secs. 41 - 47 of this chapter and adopt guidelines for the deter-  
22 mination of loan terms.

23 Sec. 47.37.045. LOAN TERMS. (a) A loan for the fostering of  
24 temperate social activities under secs. 41 - 47 of this chapter may not  
25 exceed \$10,000.

26 (b) The duration for repayment of the loan may not exceed 20  
27 years.

28 (c) Loans made under secs. 41 - 47 of this chapter may be used to  
29 finance no more than 80 per cent of the cost of purchase, construction,

1 and modification of buildings to be used for temperate social-activi-  
2 ties.

3 (d) All principal and interest payments on loans made under secs.  
4 41 - 47 of this chapter shall be paid into the revolving loan fund for  
5 temperate social activities.

6 (e) The rate of interest may not exceed eight per cent a year on  
7 the unpaid balance of the loan.

8 Sec. 47.37.047. SALE OR TRANSFER OF MORTGAGES AND NOTES. (a) The  
9 commissioner may sell or transfer at par value or at a premium or dis-  
10 count to any bank or other private purchaser for cash or other consider-  
11 ation the mortgages and notes held by the Department of Health and  
12 Social Services as security for loans made under this chapter.

13 (b) The commissioner may sell or transfer at par value to the  
14 Department of Revenue the mortgages and notes held by the Department of  
15 Health and Social Services as security for loans made under this chap-  
16 ter. The Department of Revenue shall purchase all of these mortgages  
17 and notes offered, allowing the Department of Health and Social Services  
18 a one-half of one per cent service fee.  
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# Rural Alaska Community Action Program, Inc.

TO: DISTRIBUTION

DATE: March 22, 1978

FROM: Phil Smith, Executive Director, RurAL CAP  
~~George Barrill, Executive Director, ANCADA~~

SUBJECT: One-Day Workshop on Alcoholism Bills

RurAL CAP and ANCADA will co-sponsor a one-day workshop on proposed legislation dealing with Alcoholism and Alcohol Abuse on March 31, starting at 9:00 am in the ANCADA offices at 750 E. Fireweed Lane here in Anchorage.

You're invited.

The purpose of the workshop will be to examine, in depth, the legislative recommendations of the Special Committee on Alcoholism and Alcohol-related Legislation, recently introduced (on March 17) in the Legislature. These bills will be compared with major elements of the "Governor's Package" (introduced last year), and recommendations for amendments, adoption, rejection, etc. will be developed and transmitted to the Legislature.

Unfortunately, time and money do not permit us (RurAL CAP) to finance travel for anyone other than the Facilitator and Spokesperson for the recently-concluded CPC Alcoholism Workshop (Judy Meidinger and Kathy Anderson), as well as the RurAL CAP counsellors. However, I would strongly urge you to attend, if your time and budgets allow. ANCADA will finance the extra expenses incurred by its Board for remaining in Anchorage for the workshop.

Attached to this memo is a packet containing the following information.

- I. Tentative Agenda
- II. Brief Summary of Pending Bills Relating to the Following Areas of Concern:
  - Tab A -- Treatment and Treatment Facilities
  - Tab B -- Education and Prevention
  - Tab C -- Training Programs
  - Tab D -- Enforcement and Regulation
  - Tab E -- Taxes, Credits, Insurance and Loans

(Behind each heading is a copy of the bills under consideration.)
- III. (Tab) A Compendium of Recent Positions/Statements on These Issues by Bush Justice and Citizens Participation Conferences and by RurAL CAP.

The results of the deliberations of this "Ad Hoc" Committee will be transmitted to the Legislature, preferably with endorsements from the ANCADA Board. Also, we hope to obtain endorsements from the AFN Human Resources Committee and the RurAL CAP Board's Standing Committee on Legislation.

Please read through these materials carefully -- and BRING THIS PACKET TO THE MEETING!

Thanks for your help--we'll see you at the meeting.

PJS/sh1  
Attachment

Introduced: 3/17/78  
Referred: Health, Education  
& Social Services and  
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 543

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholism grants-in-aid."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 47.30.475(b) is amended to read:

9 (b) Money available under this section shall be awarded by the  
10 department to applicants on the basis of community need, as determined  
11 under standards developed by the department, and only after considera-  
12 tion of comment and advice of the Advisory Board on Alcoholism [THE  
13 DEPARTMENT SHALL AWARD GRANTS UNDER THIS SECTION WITH THE ADVICE OF THE  
14 ADVISORY BOARD ON ALCOHOLISM, IN THE INTEREST OF PROVIDING OR DEVELOPING  
15 A COMPREHENSIVE PROGRAM OF ALCOHOLIC REHABILITATION AND PREVENTION.  
16 GRANTS WILL BE AWARDED ON A COMPETITIVE BASIS]. In awarding grants, the  
17 [THE] department shall further consider the amount of money that is  
18 available for all applications and whether an application would contri-  
19 bute to the wise development of a comprehensive program of alcoholic  
20 rehabilitation and prevention.

21 \* Sec. 2. AS 47.30.475(c) is amended to read:

22 (c) Grants shall be awarded for that portion of the cost of a  
23 program which the department determines the community to be served is  
24 incapable of bearing [IN A RATIO OF 75 PER CENT STATE MONEY TO 25 PER  
25 CENT COMMUNITY MONEY, EXCEPT THAT IN COMMUNITIES DESIGNATED AS POVERTY  
26 AREAS THE RATIO SHALL BE 90 PER CENT STATE MONEY TO 10 PER CENT COMMU-  
27 NITY MONEY], for the purposes of providing staff, educational materials,  
28 and limited improvement, renovation or new construction of facilities  
29 for alcoholic detoxification, rehabilitation or "half-way house" care.

1 No grant for improving, renovating or constructing may exceed \$50,000  
2 except when there is a lack of applicants for available money and then  
3 only with the approval of the Advisory Board on Alcoholism. The depart-  
4 ment is not required to award all money available under this program [,  
5 OR THE FULL PERCENTAGES SPECIFIED IN THIS SUBSECTION] when another  
6 source of money is available or could reasonably be made available to  
7 the applicant.

8 \* Sec. 3. AS 47.30.475 is amended by adding new subsections to read:

9 (e) No grant may be awarded under this section unless the applica-  
10 tion includes a plan which provides for

11 (1) the expenditure of grant money for education and other  
12 preventative measures, as well as the treatment of alcoholics;

13 (2) the reception of advice and comment from a local advisory  
14 board in the design, implementation, and evaluation of the plan and  
15 action to be taken;

16 (3) goals, expressed in terms of a percentage reduction of  
17 the number of persons needing the assistance provided by the program  
18 receiving a grant under this section.

19 (f) The department shall monitor the implementation of the plan  
20 required under (e) of this section, and shall terminate payment of grant  
21 money if the plan is not implemented or approval of the program as a  
22 public or private treatment program under AS 47.37.140 is not granted  
23 within one year of the award of the grant, or is suspended, revoked,  
24 limited or restricted. Modification of the plan required by (e) of this  
25 section must be approved by the department before implementation of the  
26 modification.

27 (g) No grant may be awarded to a program within a municipality  
28 whose officers fail to actively enforce its ordinances, the laws of the  
29 United States, the laws of the state, and the regulations relating to

1 the manufacture and sale of intoxicating liquors in the state, until the  
2 enforcement of the laws and regulations is actively resumed.

3 (h) The department shall provide management training for persons  
4 administering a program receiving grant money under this section.

5 (i) The department shall develop, and programs receiving grant  
6 money shall implement, a uniform accounting system.

7 \* Sec. 4. AS 47.30.477 is amended to read:

8 Sec. 47.30.477. GRANT-IN-AID PROGRAM REGULATIONS. The department  
9 shall adopt regulations implementing sec. 475 of this chapter. The  
10 regulations shall provide for the method of application, the time for  
11 consideration of applications, the processing of applications, the type  
12 of record keeping, the requirements for reporting the progress and  
13 statistics regarding the program, and the notification of the applicant  
14 as to the action taken on the applicatio [, AND THE ISSUANCE OF LICENSES  
15 FOR FACILITIES RECEIVING GRANTS-IN-AID UNDER SEC. 475 OF THIS CHAPTER].  
16 The department shall also establish the necessary forms of application  
17 and may adopt other regulations considered necessary to meet the require-  
18 ments of health and safety and the orderly administration of the grant-  
19 in-aid program.

20 \* Sec. 5. AS 47.37.270(3) is amended to read:

21 (3) "approved public treatment facility" means a treatment  
22 agency operating under the direction and control of the office or pro-  
23 viding treatment under this chapter through a contract with the office  
24 under sec. 130(g) of this chapter or through a grant awarded under  
25 AS 47.30.475, and meeting the standards prescribed in sec. 140(a) of  
26 this chapter and approved under sec. 140(c) of this chapter;  
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Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 540

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the office of  
7 alcoholism in the Department of Health and Social  
8 Services for the prevention and treatment of alcohol  
9 abuse and alcoholism; and providing for an effective  
10 date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 \* Section 1. The sum of \$8,200,000 is appropriated from the general fund  
13 to the office of alcoholism in the Department of Health and Social Services  
14 for the planning, coordination, regulation, monitoring, and evaluation of  
15 statewide alcoholism efforts and for providing training and technical assis-  
16 tance to local programs engaged in the prevention, treatment, and control of  
17 alcohol abuse and alcoholism in the state.

18 \* Sec. 2. This Act takes effect July 1, 1978.

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Introduced: 3/17/78  
Referred: Health, Education  
& Social Services and  
Finance

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 544

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards for alcohol treatment  
7 facilities."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. In recognition of the fact that the standards for alcohol  
10 treatment facilities currently employed by the Department of Health and  
11 Social Services are not entirely appropriate to facilities in the rural  
12 communities of the state, it is the intent of the legislature that standards  
13 more responsive to rural needs and conditions be adopted for application to  
14 alcohol treatment facilities in rural communities.

15 \* Sec. 2. AS 47.37.140(a) is repealed and re-enacted to read:

16 (a) The office shall establish separate standards for (1) faci-  
17 lities in communities having a population of less than 5,000, and (2)  
18 facilities in communities having a population of 5,000 or more; and  
19 shall fix the fees to be charged for the required inspections of those  
20 facilities. Every facility shall meet the applicable standards before  
21 it is approved as a public or private treatment facility. The standards  
22 shall concern only the health conditions to be met and standards of  
23 treatment to be afforded patients.

Introduced: 2/21/77  
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 241

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Health and Social Services and to the Depart-  
8 ment of Education for alcohol-related programs; and  
9 providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. The sum of \$1,521,600 is appropriated from the general  
12 fund to the Department of Health and Social Services for Fiscal Year 1978,  
13 allocated as follows:

14	Medical Alcohol Detoxification Services	\$100,000
15	Non-Medical Alcohol Detoxification Facility	367,100
16	Acquisition Grants	
17	Operation of 30-Day Residential Intensive	
18	Treatment Facility for Alcohol Affected	
19	Persons	600,000
20	Public Information and Education Regarding	
21	Alcohol Abuse	350,000
22	Training of Personnel For Service in Alcohol	
23	Treatment and Counseling Programs at Various	
24	Locations	104,500

25 \* Sec. 2. The sum of \$66,000 is appropriated from the general fund to  
26 the Department of Education for Fiscal Year 1978, for the purpose of  
27 development and implementation of an alcohol education curriculum for use  
28 in the state's schools.

29 \* Sec. 3. This Act takes effect July 1, 1977.

B--Education and Prevention

- a) SB 542 - Empower Office of Alcoholism to develop curriculum materials on drug and alcohol abuse in grades K-12.
- b) SB 543 - Provide grants for education materials to communities on the basis of need.
- c) SB 541 - Encourage all school districts to initiate and conduct a program in health education including alcohol and drug abuse in grades K-12.
- \*d) HB 241 - 1.52 million to HESS and Dept. of Education for alcohol-related programs.

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 542

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adding to the powers and duties of the office  
7 of alcoholism."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 47.37.030(2) is amended to read:

10 (2) make contracts and award grants necessary or incidental  
11 to the performance of its duties and the execution of its powers, in-  
12 cluding contracts with and grants to public and private agencies, orga-  
13 nizations, and individuals, to pay them for services rendered or fur-  
14 nished to alcoholics or intoxicated persons; to the maximum extent  
15 possible, contracts and grants shall be for a period of at least two  
16 years;

17 \* Sec. 2. AS 47.37.040(7) is amended to read:

18 (7) organize and foster training programs for all persons  
19 engaged in treatment of alcoholics and intoxicated persons and establish  
20 standards for training paraprofessional alcoholism workers;

21 \* Sec. 3. AS 47.30.470(4) is amended to read:

22 (4) identify, and utilize whatever facilities and services  
23 are available or can be made available through community organization  
24 for carrying out the purposes of this section, including identification  
25 and utilization for detoxification of under utilized hospital beds;

26 \* Sec. 4. AS 47.37.040 is amended by adding new paragraphs to read:

27 (18) develop and implement a training program on alcoholism  
28 for employees of state and municipal governments, and private institu-  
29 tions whose duties are such as to bring them into contact with alco-

1 holics;

2 (19) develop curriculum materials on drug and alcohol abuse  
3 for use in grades kindergarten through 12, as well as a course of in-  
4 struction for teachers to be charged with presenting the curriculum.

5 \* Sec. 5. AS 47.37 is amended by adding new sections to read:

6 Sec. 47.37.041. FUND ESTABLISHED. There is established in the  
7 office of alcoholism, Department of Health and Social Services, the re-  
8 volving loan fund for temperate social activities to carry out the  
9 purposes of secs. 41 - 47 of this chapter. Loans made under secs. 41 -  
10 47 of this chapter are to be used to foster social activities at which  
11 alcohol is not served or consumed. The fund may be used for no other  
12 purpose.

13 Sec. 47.37.043. POWERS AND DUTIES OF THE OFFICE IN ADMINISTERING  
14 THE FUND. (a) The office may

15 (1) make loans for the purchase, construction, and modifica-  
16 tion of buildings in which social activities at which alcohol is not  
17 served or consumed may be held;

18 (2) promulgate regulations necessary to carry out the pro-  
19 visions of secs. 41 - 47 of this chapter.

20 (b) The office shall develop eligibility standards for loans made  
21 under secs. 41 - 47 of this chapter and adopt guidelines for the deter-  
22 mination of loan terms.

23 Sec. 47.37.045. LOAN TERMS. (a) A loan for the fostering of  
24 temperate social activities under secs. 41 - 47 of this chapter may not  
25 exceed \$10,000.

26 (b) The duration for repayment of the loan may not exceed 20  
27 years.

28 (c) Loans made under secs. 41 - 47 of this chapter may be used to  
29 finance no more than 80 per cent of the cost of purchase, construction,

1 and modification of buildings to be used for temperate social activi-  
2 ties.

3 (d) All principal and interest payments on loans made under secs.  
4 41 - 47 of this chapter shall be paid into the revolving loan fund for  
5 temperate social activities.

6 (e) The rate of interest may not exceed eight per cent a year on  
7 the unpaid balance of the loan.

8 Sec. 47.37.047. SALE OR TRANSFER OF MORTGAGES AND NOTES. (a) The  
9 commissioner may sell or transfer at par value or at a premium or dis-  
10 count to any bank or other private purchaser for cash or other consider-  
11 ation the mortgages and notes held by the Department of Health and  
12 Social Services as security for loans made under this chapter.

13 (b) The commissioner may sell or transfer at par value to the  
14 Department of Revenue the mortgages and notes held by the Department of  
15 Health and Social Services as security for loans made under this chap-  
16 ter. The Department of Revenue shall purchase all of these mortgages  
17 and notes offered, allowing the Department of Health and Social Services  
18 a one-half of one per cent service fee.

Introduced: 3/17/78  
Referred: Health, Education  
& Social Services and  
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 543

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholism grants-in-aid:"

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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10 department to applicants on the basis of community need, as determined  
11 under standards developed by the department, and only after considera-  
12 tion of comment and advice of the Advisory Board on Alcoholism [THE  
13 DEPARTMENT SHALL AWARD GRANTS UNDER THIS SECTION WITH THE ADVICE OF THE  
14 ADVISORY BOARD ON ALCOHOLISM, IN THE INTEREST OF PROVIDING OR DEVELOPING  
15 A COMPREHENSIVE PROGRAM OF ALCOHOLIC REHABILITATION AND PREVENTION.  
16 GRANTS WILL BE AWARDED ON A COMPETITIVE BASIS]. In awarding grants, the  
17 [THE] department shall further consider the amount of money that is  
18 available for all applications and whether an application would contri-  
19 bute to the wise development of a comprehensive program of alcoholic  
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24 incapable of bearing [IN A RATIO OF 75 PER CENT STATE MONEY TO 25 PER  
25 CENT COMMUNITY MONEY, EXCEPT THAT IN COMMUNITIES DESIGNATED AS POVERTY  
26 AREAS THE RATIO SHALL BE 90 PER CENT STATE MONEY TO 10 PER CENT COMMU-  
27 NITY MONEY], for the purposes of providing staff, educational materials,  
28 and limited improvement, renovation or new construction of facilities  
29 for alcoholic detoxification, rehabilitation or "half-way house" care.

1 No grant for improving, renovating or constructing may exceed \$50,000  
2 except when there is a lack of applicants for available money and then  
3 only with the approval of the Advisory Board on Alcoholism. The depart-  
4 ment is not required to award all money available under this program [,  
5 OR THE FULL PERCENTAGES SPECIFIED IN THIS SUBSECTION] when another  
6 source of money is available or could reasonably be made available to  
7 the applicant.

8 \* Sec. 3. AS 47.30.475 is amended by adding new subsections to read:

9 (e) No grant may be awarded under this section unless the applica-  
10 tion includes a plan which provides for

11 (1) the expenditure of grant money for education and other  
12 preventative measures, as well as the treatment of alcoholics;

13 (2) the reception of advice and comment from a local advisory  
14 board in the design, implementation, and evaluation of the plan and  
15 action to be taken;

16 (3) goals, expressed in terms of a percentage reduction of  
17 the number of persons needing the assistance provided by the program  
18 receiving a grant under this section.

19 (f) The department shall monitor the implementation of the plan  
20 required under (e) of this section, and shall terminate payment of grant  
21 money if the plan is not implemented or approval of the program as a  
22 public or private treatment program under AS 47.37.140 is not granted  
23 within one year of the award of the grant, or is suspended, revoked,  
24 limited or restricted. Modification of the plan required by (e) of this  
25 section must be approved by the department before implementation of the  
26 modification.

27 (g) No grant may be awarded to a program within a municipality  
28 whose officers fail to actively enforce its ordinances, the laws of the  
29 United States, the laws of the state, and the regulations relating to

1 the manufacture and sale of intoxicating liquors in the state, until the  
2 enforcement of the laws and regulations is actively resumed.

3 (h) The department shall provide management training for persons  
4 administering a program receiving grant money under this section.

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6 money shall implement, a uniform accounting system.

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8 Sec. 47.30.477. GRANT-IN-AID PROGRAM REGULATIONS. The department  
9 shall adopt regulations implementing sec. 475 of this chapter. The  
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11 consideration of applications, the processing of applications, the type  
12 of record keeping, the requirements for reporting the progress and  
13 statistics regarding the program, and the notification of the applicant  
14 as to the action taken on the applicatio [ , AND THE ISSUANCE OF LICENSES  
15 FOR FACILITIES RECEIVING GRANT'S-IN-AID UNDER SEC. 475 OF THIS CHAPTER].  
16 The department shall also establish the necessary forms of application  
17 and may adopt other regulations considered necessary to meet the require-  
18 ments of health and safety and the orderly administration of the grant-  
19 in-aid program.

20 \* Sec. 5. AS 47.37.270(3) is amended to read:

21 (3) "approved public treatment facility" means a treatment  
22 agency operating under the direction and control of the office or pro-  
23 viding treatment under this chapter through a contract with the office  
24 under sec. 130(g) of this chapter or through a grant awarded under  
25 AS 47.30.475, and meeting the standards prescribed in sec. 140(a) of  
26 this chapter and approved under sec. 140(c) of this chapter;  
27  
28  
29

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 541

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4 TENTH LEGISLATURE - SECOND SESSION

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6 For an Act entitled: "An Act relating to health education in public  
7 schools."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 14.30.360(a) is amended to read:

10 (a) Each district in the state public school system shall be en-  
11 couraged to initiate and conduct a program in health education for  
12 kindergarten through grade 12. The program should include instruction  
13 in physical health (including alcohol and drug abuse education), dental  
14 health, family health, environmental health, and appropriate use of  
15 health services.

16 \* Sec. 2. It is the intent of the legislature that public school systems  
17 implement a program of alcohol and drug abuse education.

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Introduced: 2/21/77  
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 241

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Health and Social Services and to the Depart-  
8 ment of Education for alcohol-related programs; and  
9 providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. The sum of \$1,521,600 is appropriated from the general  
12 fund to the Department of Health and Social Services for Fiscal Year 1978,  
13 allocated as follows:

14	Medical Alcohol Detoxification Services	\$100,000
15	Non-Medical Alcohol Detoxification Facility	367,100
16	Acquisition Grants	
17	Operation of 30-Day Residential Intensive	
18	Treatment Facility for Alcohol Affected	
19	Persons	600,000
20	Public Information and Education Regarding	
21	Alcohol Abuse	350,000
22	Training of Personnel For Service in Alcohol	
23	Treatment and Counseling Programs at Various	
24	Locations	104,500

25 \* Sec. 2. The sum of \$66,000 is appropriated from the general fund to  
26 the Department of Education for Fiscal Year 1978, for the purpose of  
27 development and implementation of an alcohol education curriculum for use  
28 in the state's schools.

29 \* Sec. 3. This Act takes effect July 1, 1977.

C--Training Programs for Alcoholism Service Providers

- a) SB 542 - Empower Office of Alcoholism to foster training programs for all persons engaged in treatment of alcoholics and intoxicated persons and establish standards for training paraprofessional alcoholism workers.

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 542

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adding to the powers and duties of the office  
7 of alcoholism."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 47.37.030(2) is amended to read:

10 (2) make contracts and award grants necessary or incidental  
11 to the performance of its duties and the execution of its powers, in-  
12 cluding contracts with and grants to public and private agencies, orga-  
13 nizations, and individuals, to pay them for services rendered or fur-  
14 nished to alcoholics or intoxicated persons; to the maximum extent  
15 possible, contracts and grants shall be for a period of at least two  
16 years;

17 \* Sec. 2. AS 47.37.040(7) is amended to read:

18 (7) organize and foster training programs for all persons  
19 engaged in treatment of alcoholics and intoxicated persons and establish  
20 standards for training paraprofessional alcoholism workers;

21 \* Sec. 3. AS 47.30.470(4) is amended to read:

22 (4) identify, and utilize whatever facilities and services  
23 are available or can be made available through community organization  
24 for carrying out the purposes of this section, including identification  
25 and utilization for detoxification of under utilized hospital beds;

26 \* Sec. 4. AS 47.37.040 is amended by adding new paragraphs to read:

27 (18) develop and implement a training program on alcoholism  
28 for employees of state and municipal governments, and private institu-  
29 tions whose duties are such as to bring them into contact with alco-

1 holics;

2 (19) develop curriculum materials on drug and alcohol abuse  
3 for use in grades kindergarten through 12, as well as a course of in-  
4 struction for teachers to be charged with presenting the curriculum.

5 \* Sec. 5. AS 47.37 is amended by adding new sections to read:

6 Sec. 47.37.041. FUND ESTABLISHED. There is established in the  
7 office of alcoholism, Department of Health and Social Services, the re-  
8 volving loan fund for temperate social activities to carry out the  
9 purposes of secs. 41 - 47 of this chapter. Loans made under secs. 41 -  
10 47 of this chapter are to be used to foster social activities at which  
11 alcohol is not served or consumed. The fund may be used for no other  
12 purpose.

13 Sec. 47.37.043. POWERS AND DUTIES OF THE OFFICE IN ADMINISTERING  
14 THE FUND. (a) The office may

15 (1) make loans for the purchase, construction, and modifica-  
16 tion of buildings in which social activities at which alcohol is not  
17 served or consumed may be held;

18 (2) promulgate regulations necessary to carry out the pro-  
19 visions of secs. 41 - 47 of this chapter.

20 (b) The office shall develop eligibility standards for loans made  
21 under secs. 41 - 47 of this chapter and adopt guidelines for the deter-  
22 mination of loan terms.

23 Sec. 47.37.045. LOAN TERMS. (a) A loan for the fostering of  
24 temperate social activities under secs. 41 - 47 of this chapter may not  
25 exceed \$10,000.

26 (b) The duration for repayment of the loan may not exceed 20  
27 years.

28 (c) Loans made under secs. 41 - 47 of this chapter may be used to  
29 finance no more than 80 per cent of the cost of purchase, construction,

1 and modification of buildings to be used for temperate social-activi-  
2 ties.

3 (d) All principal and interest payments on loans made under secs.  
4 41 - 47 of this chapter shall be paid into the revolving loan fund for  
5 temperate social activities.

6 (e) The rate of interest may not exceed eight per cent a year on  
7 the unpaid balance of the loan.

8 Sec. 47.37.047. SALE OR TRANSFER OF MORTGAGES AND NOTES. (a) The  
9 commissioner may sell or transfer at par value or at a premium or dis-  
10 count to any bank or other private purchaser for cash or other consider-  
11 ation the mortgages and notes held by the Department of Health and  
12 Social Services as security for loans made under this chapter.

13 (b) The commissioner may sell or transfer at par value to the  
14 Department of Revenue the mortgages and notes held by the Department of  
15 Health and Social Services as security for loans made under this chap-  
16 ter. The Department of Revenue shall purchase all of these mortgages  
17 and notes offered, allowing the Department of Health and Social Services  
18 a one-half of one per cent service fee.  
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D--Enforcement and Regulation

- a) SB 547 - Special appropriation of 200,000 to increase the number of enforcement personnel employed by the Alcoholic Beverage Control Board.
- b) SB 548 - Requirement of permits for waiter and waitresses as well as regulations for issuance and performance.
- c) SB 549 - Restriction of serving more than one intoxicating liquor at a time or to a person already in possession.
- d) SB 551 - Rehabilitation of persons who commit criminal offenses as a result of alcohol problems including sentence to a program of education and rehabilitation; mandates such programs to provide the court with progress reports.
- e) SB 552 - Fines and imprisonment for first and subsequent convictions of DWI as well as mandatory referral to a program of education and rehabilitation.
- f) SB 550 Provides for public hearing on applications for new licenses, renewals, reissuances and transfers and protest in cities and unified municipalities when not less than 10% of residents object. Allows persons within five miles to file objection and provision for a mandatory special election to be held when not less than 35% of persons within five miles file objections in regard to issuance, reissuance, reaccural, or transfer of license.
- \*g) HB 240 - Provide for increased penalties for bootlegging and limit advertising of alcoholic beverages.

\*Indicates "Governor's Package"

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 547

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Revenue to increase the number of enforcement  
8 personnel employed by the Alcoholic Beverage Control  
9 Board; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. The sum of \$200,000 is appropriated from the general fund to  
12 the Department of Revenue, Alcoholic Beverage Control Board, to pay expenses  
13 of employment of additional enforcement personnel.

14 \* Sec. 2. The unexpended and unobligated portion of this appropriation  
15 lapses into the general fund June 30, 1979.

16 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
17 070(c).

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to waiter and waitress permits."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 04.15 is amended by adding new sections to read:

9 Sec. 04.15.115. PERMIT REQUIRED. No employee of the holder of a  
10 beverage dispensary license may serve intoxicating liquor unless autho-  
11 rized by a waiter or waitress permit issued under sec. 120 of this  
12 chapter.

13 Sec. 04.15.120. ISSUANCE OF PERMITS. A waiter or waitress permit  
14 shall be granted upon successful completion of an eight-hour course of  
15 instruction on state law, regulations, and policy regarding alcohol,  
16 developed by the office of alcoholism and conducted by the board, and  
17 compliance with such other requirements as the board may prescribe by  
18 regulation.

19 Sec. 04.15.125. REGULATIONS. The board shall adopt regulations  
20 governing the issuance, renewal, reissuance, revocation, and suspension  
21 of waiter or waitress permits required under sec. 115 of this chapter.

22 \* Sec. 2. AS 04.10.040(b) is amended to read:

23 (b) A citizen of the United States, who holds a waiter or waitress  
24 permit issued under AS 04.15.120 and is over the age of 19 years and of  
25 good moral character, may be regularly employed as a waiter or waitress  
26 in an establishment operating under a beverage dispensary license. The  
27 duties of waiters and waitresses employed therein shall be confined to  
28 taking orders and serving beverages, alcoholic or otherwise, and food.  
29 Waiters and waitresses employed under this section may not solicit or

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 549

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the serving of intoxicating liquor."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 04.15 is amended by adding a new section to read:

9 Sec. 04.15.105. PROHIBITED SERVICE. (a) No person, firm, company,  
10 or corporation holding a license permitting the sale of intoxicating  
11 liquor for consumption on licensed premises, or an employee of the firm,  
12 company, or corporation, may serve patrons more than one drink simultan-  
13 eously nor serve intoxicating liquor to a patron already in the pos-  
14 session of intoxicating liquor served on the premises, regardless of  
15 whether payment for the intoxicating liquor is made by the patron or by  
16 another.

17 (b) For the purposes of this section, "drink" means a single  
18 serving containing an intoxicating liquor for consumption on licensed  
19 premises, served in a single container.

Introduced: 3/17/78  
Referred: Health, Education  
& Social Services and  
Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 551

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rehabilitation of persons who  
7 commit criminal offenses as a result of alcohol pro-  
8 blems; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 12.55 is amended by adding a new section to read:

11 Sec. 12.55.072. ALCOHOL-RELATED OFFENSES. (a) When a court finds  
12 that the commission of an offense was the result of or caused by alcohol  
13 problems suffered by the person committing the offense, upon conviction  
14 for that offense and in addition to any other punishment adjudged by the  
15 court, the person convicted shall be sentenced to undertake for a term  
16 specified by the court that program of alcohol education or rehabilita-  
17 tion which the court, after consideration of any information compiled  
18 under (b) of this section, finds appropriate.

19 (b) Except as prohibited by federal law or regulation, every pro-  
20 vider of treatment programs to which persons are ordered under (a) of  
21 this section shall supply the Alaska court system with the information  
22 regarding the condition and treatment of those persons as the supreme  
23 court may require by rule. Information compiled under this subsection  
24 is confidential and may only be used by a court in sentencing a person  
25 convicted under (a) of this section, or by an officer of the court in  
26 preparing a presentence report for the use of the court in sentencing a  
27 person convicted under (a) of this section.

28 (c) The imposition or execution of a sentence to a term of alcohol  
29 education or rehabilitation required to be imposed under this section

1 may not be suspended and probation or parole may not be granted until  
2 the term of rehabilitation or education has been completed. AS 12.55.-  
3 080 and 12.55.085 are inapplicable to the extent that they are incon-  
4 sistent with this subsection.

5 \* Sec. 2. AS 47.37.210(a) is amended to read:

6 (a) Except as required by AS 12.55.072(b), the [THE] registration  
7 and other records of treatment facilities shall remain confidential and  
8 are privileged to the patient.

9 \* Sec. 3. This Act is inapplicable to criminal proceedings initiated  
10 before January 1, 1979.

11 \* Sec. 4. This Act takes effect January 1, 1979.  
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Introduced: 3/17/78  
Referred: Judiciary

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 552

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. The legislature finds that violations of AS 28.35.030 arise  
9 from misinformation about drugs or alcohol or the chronic abuse of drugs and  
10 alcohol, and further finds that participation in alcohol and drug information  
11 and rehabilitation programs is efficacious in preventing a recurrence of vio-  
12 lations of AS 28.35.030.

13 \* Sec. 2. AS 28.35.030 is amended to read:

14 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING  
15 LIQUOR OR DRUGS. (a) A person who, while under the influence of in-  
16 toxicating liquor, depressant, hallucinogenic or stimulant drugs or  
17 narcotic drugs as defined in AS 17.10.230(13) and AS 17.12.150(3)  
18 operates or drives an automobile, motorcycle or other motor vehicle in  
19 the state, upon conviction, is punishable by a fine of not more than  
20 \$1,000, or by imprisonment for not more than one year, or by both. Upon  
21 a second conviction within five years after a first conviction under  
22 this section, the court shall impose a minimum sentence of imprisonment  
23 of not less than three days. Upon a subsequent conviction within five  
24 years after a second conviction under this section, the court shall  
25 impose a minimum sentence of imprisonment of not less than 10 days. The  
26 execution of sentence may not be suspended nor may probation or parole  
27 be granted until the minimum imprisonment provided in this section has  
28 been served, nor may imposition of sentence be suspended, except upon  
29 the condition that the defendant be imprisoned for no less than the

1 minimum period provided in this section, nor may the punishment provided  
2 for in this section be reduced under AS 11.05.150. In addition, his  
3 operator's license shall be revoked in accordance with AS 28.15.210(c).  
4 In addition, a person convicted under this statute shall undertake, for  
5 a term specified by the court, that program of alcohol education or  
6 rehabilitation which the court, after consideration of any information  
7 compiled under (b) of this section, finds appropriate.

8 \* Sec. 3. AS 28.35.030 is amended by adding a new subsection to read:

9 (b) Except as prohibited by federal law or regulation, every  
10 provider of treatment programs to which persons are ordered under (a) of  
11 this section shall supply the Alaska court system with the information  
12 regarding the condition and treatment of those persons as the supreme  
13 court may require by rule. Information compiled under this subsection  
14 is confidential and may only be used by a court in sentencing a person  
15 convicted under (a) of this section, or by an officer of the court in  
16 preparing a presentence report for the use of the court in sentencing a  
17 person convicted under (a) of this section.

18 \* Sec. 4. AS 47.37.210(a) is amended to read:

19 (a) Except as required by AS 28.35.030(b), the [THE] registration  
20 and other records of treatment facilities shall remain confidential and  
21 are privileged to the patient.  
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Introduced: 3/17/78  
Referred: Commerce and  
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to administration and enforcement of  
7 alcoholic beverage control statutes and regulations."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 04.05.030(c) and (d) are amended to read:

10 (c) The board shall [MAY] hold public hearings on applications for  
11 new licenses and on applications for license renewals, reissuances or  
12 transfers when any applications are protested in the manner provided in  
13 AS 04.10.270 - 04.10.300, and require an applicant to answer any per-  
14 tinent questions.

15 (d) The board may appoint agents, assistants, clerks and steno-  
16 graphic employees as it considers necessary in giving effect to this  
17 title. Agents and assistants employed by the board to enforce the pro-  
18 visions of this title are "peace officers" within the meaning of the  
19 term as defined in AS 01.10.060.

20 \* Sec. 2. AS 04.10.270 is repealed and re-enacted to read:

21 Sec. 04.10.270. PROTEST IN CITIES AND UNIFIED MUNICIPALITIES. (a)  
22 An application for a transfer, renewal, or new license coming from with-  
23 in a city or a unified municipality shall be transmitted directly to the  
24 board and need not bear a recommendation of the governing body of the  
25 municipality.. Upon receipt of an application under this section, the  
26 director shall immediately transmit written notice of receipt of the  
27 transfer, renewal, or new license application to the governing body of  
28 the city or unified municipality.

29 (b) The governing body of the city or unified municipality shall

1 have 30 days from receipt of the director's written notice to protest  
2 approval of the transfer, renewal or issuance of a new license. Not  
3 less than 10 nor more than 20 days before expiration of the period  
4 allowed for protest, the governing body shall provide opportunity at a  
5 regular or special meeting for the receipt of public comments with re-  
6 spect to a license application.

7 (c) The license application shall be protested by the governing  
8 body of the municipality

9 (1) for licensed premises within a city, if not less than 10  
10 per cent of the residents of the city petition the council to object to  
11 the license application; or

12 (2) for licensed premises within a unified municipality, if  
13 not less than 10 per cent of the residents of a service area of the  
14 unified municipality within which the premises for which application is  
15 submitted is located or, if the unified municipality has no service  
16 areas, if not less than 10 per cent of the residents of the unified  
17 municipality petition the assembly to object to the license application.

18 (d) The license application may be protested by the governing body  
19 of the municipality for any other valid reason.

20 (e) Upon receipt of a protest under (c) or (d) of this section,  
21 the board may not take final action on the application until it has pro-  
22 vided for a hearing on the protest in accordance with the requirements  
23 of the Administrative Procedure Act (AS 44.62).

24 \* Sec. 3. AS 04.10.300(a) and (b) are amended to read:

25 Sec. 04.10.300. PROTEST IN AREAS OUTSIDE CITIES AND UNIFIED  
26 MUNICIPALITIES. (a) An adult resident in an area outside a city or  
27 unified municipality who desires to protest the issuance, reissuance,  
28 renewal or transfer of a license for an establishment that is outside  
29 the city or the unified [A] municipality and within five [TWO] miles of

1 his permanent place of abode or within the established village in which  
2 his permanent place of abode is located shall serve upon the applicant  
3 and the director [BOARD] a written statement of the reasons for his pro-  
4 test. Upon the receipt of the protest, the director, after consulting  
5 with members of the board, may give notice and schedule [HOLD] a board  
6 hearing in the area in which the protestant resides, at which all per-  
7 sons interested may be heard.

8 (b) If the protest is made in writing to the board by at least 35  
9 per cent of the adult residents having a permanent place of abode within  
10 the established village where the licensed premises is situated or is to  
11 be situated and within five [TWO] miles of the established village, a  
12 special election conducted by the Department of Community and Regional  
13 Affairs held within the protest area [VILLAGE] is mandatory. If at the  
14 election the majority of the adult residents having a permanent place of  
15 abode within the established village and within five [TWO] miles of the  
16 established village object to issuance, reissuance, renewal or transfer,  
17 the board may not issue, reissue, renew or transfer any licenses in, or  
18 within five [TWO] miles of, the established village.

19 \* Sec. 4. AS 04.15.300(c) is repealed and re-enacted to read:

20 (c) If the licensed premises is situated or is to be situated  
21 outside a city or unified municipality or established village and at the  
22 hearing more than 20 per cent of the adult residents having a permanent  
23 place of abode within five miles of the premises but outside the city or  
24 unified municipality or established village object to issuance, re-  
25 issuance, renewal or transfer, the board shall refuse to issue, reissue,  
26 renew or transfer the license unless, in the opinion of the board, no  
27 grounds for refusal exist by law and no substantial harm will occur to  
28 the health, safety or general welfare of the residents. A decision of  
29 the board under this subsection shall be accompanied by a statement of

1 the findings of the board and the reasons supporting the decision of the  
2 majority of the board.

3 \* Sec. 5. AS 04.10.350(a) is repealed and re-enacted to read:

4 (a) A license issued under this chapter is renewable automatically  
5 if the fee is paid in accordance with secs. 40 - 149 of this chapter.  
6 However, a license may not be automatically renewed if

7 (1) protest to renewal has been made in accordance with secs.  
8 270 - 300 of this chapter; or

9 (2) the licensee has been convicted under AS 04.15.100.

10 \* Sec. 6. AS 04.15.100(b) is amended to read:

11 (b) Upon conviction of a licensee for a violation under (a) of  
12 this section, or for violation of a municipal ordinance adopted by a  
13 municipality in conformity with sec. 70 of this chapter, the judge  
14 having jurisdiction shall send a notification of conviction together  
15 with a certified copy of the record of conviction to the board. The  
16 board shall [MAY, UPON THE DIRECTION OF A MAJORITY OF ITS MEMBERS,  
17 THEREUPON] suspend the license as [HEREINAFTER] provided in this sub-  
18 section for the first and second violations and upon a third violation  
19 shall [MAY] revoke the license and declare the bond forfeited. For the  
20 purpose of this section, the terms "second violation" and "third vio-  
21 lation" include only those violations which occur within five years of  
22 the first violation, but are not limited to repeated violations of the  
23 same statutory provision or municipal ordinance.

24 (1) First violation. The license of the premises involved  
25 shall [MAY] be suspended for not less than 10 consecutive days nor more  
26 than 45 consecutive days;

27 (2) Second violation. The license of the premises involved  
28 shall [MAY] be suspended for a period of not less than 30 consecutive  
29 days nor more than 90 consecutive days.

Introduced: 2/21/77  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholic beverages; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 04.05.010(b) is amended to read:

10 (b) The governor shall appoint a director [, SUBJECT TO CON-  
11 FIRMATION BY THE LEGISLATURE,] who is the executive officer of the  
12 board. The director shall enforce this title and the [RULES AND]  
13 regulations adopted [PROMULGATED] by the board. The director is not a  
14 member of the board but may cast a tie-breaking vote. He shall issue  
15 all licenses provided for under this title.

16 \* Sec. 2. AS 04.10.020(m) is amended to read:

17 (m) unlimited community liquor license; [.]

18 \* Sec. 3. AS 04.10.020 is amended by adding new subsections to read:

19 (p) limited community liquor license;

20 (q) in-flight catering license.

21 \* Sec. 4. AS 04.10.100 is amended to read:

22 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license  
23 may sell for cash in his establishment intoxicating liquor in the  
24 original packages and wine in bulk. He may not sell intoxicating  
25 liquor which has been ordered by mail or telephone from (1) an incor-  
26 porated city, organized borough, unified municipality or election pre-  
27 inct which has prohibited the sale of intoxicating liquor if the  
28 governing body by resolution or the precinct voters by election have  
29 expressed opposition to mail and telephone orders and notified the

1 ~~board; (2) an incorporated city, organized borough, or unified municipi-~~  
2 ality which has been issued a limited community liquor license;  
3 or (3) an incorporated city, organized borough, or unified municipality  
4 which has no licensed premises and has not authorized the sale of  
5 intoxicating liquor if its governing body has expressed by resolution  
6 its opposition to mail and telephone orders and notified the board.  
7 The board shall regularly furnish retail license holders with a current  
8 list of these municipalities and precincts. All liquor requiring  
9 internal revenue strip stamps shall have the stamps intact upon the  
10 packages. The consumption of intoxicating liquor on premises licensed  
11 under this provision is prohibited. Sales under a retail license are  
12 limited to less than 20 wine gallons to any one person in any one  
13 sale. The retail license fee is \$600, but the retail license fee for  
14 a retail liquor store having gross sales from the sale of intoxicating  
15 liquors not exceeding \$20,000 in any calendar year is \$300.

16 \* Sec. 5. AS 04.10 is amended by adding a new section to read:

17       Sec. 04.10.135. IN-FLIGHT CATERING LICENSE. The holder of an  
18 in-flight catering license may sell intoxicating liquors in the origi-  
19 nal package and wine in bulk with prepared meals catered to certifi-  
20 cated domestic and international air carriers. The holder of an in-  
21 flight catering license may not sell to a consumer and must purchase  
22 intoxicating liquor, wine, and beer from a wholesaler licensed under  
23 sec. 110 of this chapter. The in-flight catering license fee is \$600.

24 \* Sec. 6. AS 04.10.139 is amended to read:

25       Sec. 04.10.139. COMMUNITY LIQUOR LICENSES. (a) The holder of  
26 an unlimited [A] community liquor license must be an incorporated  
27 city, unified municipality, or organized borough in which the majority  
28 of voters has authorized unlimited community sale of intoxicating  
29 liquor by a local-option election under secs. 430 or 433 of this

1 chapter [A FIRST OR SECOND CLASS CITY]. [A CITY WHICH HAS WITHIN ITS  
2 MUNICIPAL BOUNDARIES A LIQUOR LICENSE COMING UNDER SEC. 20(a) OR (g)  
3 OF THIS CHAPTER AND ISSUED TO A PRIVATE PERSON WITHIN THE CITY BEFORE  
4 JUNE 1, 1970 IS NOT ELIGIBLE FOR A COMMUNITY LIQUOR LICENSE, EXCEPT  
5 THAT A CITY HAVING HELD A LIQUOR LICENSE THROUGH A LOCAL CORPORATION  
6 OR OTHERWISE BEFORE JUNE 1, 1970 IS ELIGIBLE FOR THE LICENSE.]

7 Unlimited community [COMMUNITY] liquor licenses issued under this  
8 subsection [SECTION] are restricted to the types of licenses authorized  
9 under sec. 20(a) and (g) of this chapter. [THIS SECTION DOES NOT  
10 CHANGE THE PROVISIONS OF SEC. 430 OF THIS CHAPTER PROVIDING FOR LOCAL  
11 OPTION ELECTIONS.]

12 \* Sec. 7. AS 04.10.139 is amended by adding new subsections to read:

13 (b) The holder of a limited community liquor license must be an  
14 incorporated city, unified municipality, or organized borough in which  
15 the majority of voters has authorized limited community sale of intoxi-  
16 cating liquor by a local-option election under secs. 430 or 433 of  
17 this chapter. It may conduct only retail sales of intoxicating liquor  
18 as provided by sec. 100 of this chapter for a license under sec.  
19 20(g), except that sales shall be limited to no more than 2.4 wine  
20 gallons to any one person in any one day, and sales may be made only  
21 by advance orders placed at least two weeks before delivery.

22 (c) Upon the issuance of a limited or unlimited community liquor  
23 license the board may not issue or renew a privately held liquor  
24 license as long as the community liquor license is in effect. All  
25 existing privately held liquor licenses will remain in effect for  
26 three months after the local-option election or until the current  
27 period of licensure expires, whichever is later. No fees may be  
28 imposed for this extension of existing licenses beyond their normal  
29 expiration date.

1 (d) A community liquor license remains in effect for the  
2 period specified in sec. 320 of this chapter. Subject to local-option  
3 election results, a community liquor license may be renewed.

4 (e) A community liquor license issued before the effective  
5 date of this Act is considered an unlimited community liquor license.  
6 If a majority of the voters at an election in an incorporated  
7 city, unified municipality, or organized borough holding an  
8 unlimited community liquor license approves application for a limited  
9 community liquor license, or reject both classes of community  
10 liquor license, it may not be reissued by the board after it has  
11 expired. A new community liquor license may be issued following  
12 voter approval at a new election under secs. 430 or 433 of this  
13 chapter.

14 \* Sec. 8. AS 04.10.200 is repealed and re-enacted to read:

15 Sec. 04.10.200. PUBLIC NOTICE. (a) Notice shall be given by  
16 the applicant for a new license or for the renewal, reissuance, or  
17 transfer of an existing license by posting at the premises for a  
18 period of at least 10 days a true copy of the application. If the  
19 application is for a location in the unorganized borough, the appli-  
20 cant shall, in addition to posting at the premises, post notice at the  
21 nearest post office.

22 (b) When it determines that the public interest requires, the  
23 board shall require the applicant to cause announcements to be made to  
24 inform the public of the proposed issuance, renewal, or transfer of  
25 licenses in newspapers and on radio or television stations beginning  
26 not later than 10 days after the application is filed. Announcements  
27 must be bilingual when necessary, and the board may direct or require  
28 that the announcement be published or delivered in a language other  
29 than English that serves to inform the public.

1 \* Sec. 9. AS 04.10.270 is amended to read:

2 Sec. 04.10.270. [HEARING ON] PROTEST OF LOCAL GOVERNING BODY.

3 An application for a transfer, renewal or new license [COMING FROM]  
4 within a municipality shall be transmitted directly to the board and  
5 need not bear a recommendation of the governing body of the municipality.

6 Upon receipt of [DECIDING TO APPROVE] an application, the board shall  
7 transmit a copy of the application to the city council [WRITTEN NOTICE  
8 OF ITS INTENT TO APPROVE THE TRANSFER, RENEWAL OR NEW LICENSE REQUESTED  
9 TO THE CITY GOVERNING BODY], if the application is for premises within  
10 an incorporated city, or to the borough assembly, if the application  
11 is for premises within the area of an organized borough outside the  
12 boundaries of an incorporated city. If the [LOCAL] governing body  
13 wishes to protest the application [APPROVAL], it shall furnish the  
14 board with a notice of protest within 30 days after [OF] receipt of  
15 the copy of the application provided by the board [NOTICE OF INTENT TO  
16 APPROVE THE APPLICATION]. Upon receipt of the [A] protest by the  
17 local governing body, the board may not take final action on the  
18 application until it has provided for a hearing on the protest in  
19 accordance with the administrative adjudication provisions [REQUIRE-  
20 MENTS] of the Administrative Procedure Act (AS 44.62).

21 \* Sec. 10. AS 04.10.300 is repealed and re-enacted to read:

22 Sec. 04.10.300. PROTEST IN AREAS OUTSIDE MUNICIPALITIES. An  
23 adult resident of the unorganized borough outside incorporated cities  
24 who resides within a 10-mile radius of an establishment may protest  
25 the issuance of a new license or the renewal or transfer of an existing  
26 license within that area. Within 30 days after a copy of an application  
27 is first posted, an adult resident may protest by delivering or mailing  
28 to the applicant and the board a written statement of the reasons for  
29 his protest. In considering the application, the board shall consider

1 every protest duly received. The board may give notice and hold a  
2 hearing within the area at which all persons residing there may be  
3 heard. The board may, if in its opinion the public interest would be  
4 served by the refusal, refuse to issue, renew, or transfer the license.

5 \* Sec. 11. AS 04.10.330(b) is amended to read:

6 (b) Application for the transfer of ownership of an existing  
7 license shall be accompanied by a statement, under oath, executed by  
8 the transferor in which he lists all debts and the amounts which he  
9 owes to a creditor of the business and the taxes due. The board shall  
10 promptly inform each creditor of the application and of the amount  
11 owed that creditor. The board shall determine those debts and taxes  
12 which must be paid or for which satisfactory security must be given  
13 before an application for transfer may be approved. The board may  
14 [SHALL] not approve the application for transfer unless all of the  
15 debts and taxes which it determines must be paid are in fact paid, or  
16 the transferor gives security for the payment of them satisfactory to  
17 the creditor or taxing authority prior to approval of the application.

18 \* Sec. 12. AS 04.10.350(c)(4)(A) is amended to read:

19 (A) upon application filed during the 30-day [SIX-  
20 MONTH] period beginning with February 28;

21 \* Sec. 13. AS 04.10.430 is repealed and re-enacted to read:

22 Sec. 04.10.430. ELECTION IN INCORPORATED CITIES OR UNIFIED  
23 MUNICIPALITIES. (a) Whenever 35 per cent of the total number of  
24 voters at the last general municipal election held in an incorporated  
25 city or unified municipality petition the governing body to do so, the  
26 governing body shall conduct an election on the following questions:

- 27 (1) Do you favor allowing the sale of intoxicating YES [ ]  
28 liquor within this municipality? NO [ ]  
29 (2) If the results of this election show a majority

1           in favor of the sale of intoxicating liquor   PRIVATE [ ]

2           would you favor having private licenses or   COMMUNITY [ ]  
3           only a community license?

4           (3) If the results of this election show a  
5           majority in favor of a community license,   LIMITED [ ]

6           would you favor an unlimited community  
7           license or limited community license?   UNLIMITED [ ]

8           (4) If the results of this election show a majority  
9           against the sale of intoxicating liquor, would   YES [ ]

10          you also favor prohibiting purchases of intoxi-  
11          cating liquor by mail or telephone order from   NO [ ]  
12          other areas by residents of this municipality?

13          (b) The election shall be conducted in accordance with standard  
14          election procedures in the city or unified municipality not later than  
15          60 days after receipt of a proper petition. The regular election  
16          officials for the city or unified municipality shall canvass the  
17          ballots and certify the election results to the board. The board  
18          shall proceed as follows:

19                 (1) if a majority of the votes cast on question 1 is against  
20          the sale of intoxicating liquor in the city or unified municipality,  
21          the board shall reject all applications for a new license or to  
22          transfer or renew a license for an establishment within the city or  
23          unified municipality or within five miles of it;

24                 (2) if a majority of the votes cast on question 1 favors  
25          the sale of intoxicating liquor in the city or unified municipality,  
26          the board may issue, renew, or transfer licenses within the city or  
27          unified municipality or within five miles of it solely on the basis of  
28          the election results on questions (2) and (3).

29          (c) If, at an election under (a) of this section, a majority is

1 against the sale of intoxicating liquor but is not against mail or  
2 telephone orders, question 4 alone may be presented to the voters at a  
3 subsequent date, upon following the procedures set out in (a) of this  
4 section.

5 (d) If, following an election resulting in a prohibition against  
6 or a limitation upon the sale of intoxicating liquor in the municipality,  
7 a majority of the voters at a subsequent election conducted for the  
8 purpose and in accordance with (a) of this section favor a change from  
9 the then existing status of the sale of intoxicating liquor, the board  
10 may issue licenses solely on the basis of the election results on  
11 questions 2 and 3, and, if no restrictions are adopted, may, upon  
12 application, issue the number and type of license to the same or other  
13 premises within the municipality as were in existence at the time of  
14 the last election at which a majority of the voters favored prohibit-  
15 ing or restricting the sale of intoxicating liquor. Those applicants  
16 who were licensees and whose licenses were not reissued by reason of  
17 the last election conducted under the provisions of this section have  
18 a preference over other applicants.

19 (e) No new license for the sale of intoxicating liquor may be  
20 issued under this title for an establishment in an incorporated city  
21 or unified municipality in which, on the effective date of this Act,  
22 there are no licensed premises, unless an election under this section  
23 is first conducted.

24 \* Sec. 14. AS 04.10 is amended by adding new sections to read:

25 Sec. 04.10.433. ELECTION IN ORGANIZED BOROUGHES. (a) Whenever  
26 35 per cent of the total number of voters at the last general municip-  
27 al election held in an organized borough outside incorporated cities  
28 within that borough petition the governing body to do so, the govern-  
29 ing body shall conduct an election on the following questions:

1 (1) Do you favor allowing the sale of intoxicating YES [ ]  
2 liquor within this borough outside incorporated NO [ ]  
3 cities?

4 (2) If the results of this election show a  
5 majority in favor of the sale of intoxicating PRIVATE [ ]  
6 liquor, would you favor having private COMMUNITY [ ]  
7 licenses or only a community license?

8 (3) If the results of this election show a majority  
9 in favor of a community license, would you LIMITED [ ]  
10 favor an unlimited community license or a UNLIMITED [ ]  
11 limited community license?

12 (4) If the results of this election show a majority  
13 against the sale of intoxicating liquor, would YES [ ]  
14 you also favor prohibiting purchases of intoxi-  
15 cating liquor by mail or telephone order from NO [ ]  
16 other areas by residents of this borough outside  
17 incorporated cities?

18 (b) The election shall be conducted in accordance with standard  
19 election procedures in the borough not later than 60 days after re-  
20 ceipt of a proper petition. The regular election officials for the  
21 borough shall canvass the ballots and certify the election results to  
22 the board. The board shall proceed as follows:

23 (1) if a majority of the votes cast on question 1 is against  
24 the sale of intoxicating liquor in the borough outside incorporated  
25 cities, the board shall reject all applications for a new license or  
26 to transfer or renew a license for an establishment within that area,  
27 or within five miles of it outside the borough;

28 (2) if a majority of the votes cast on question 1 favors  
29 the sale of intoxicating liquor in the borough outside incorporated

1 cities, the board may issue, renew, or transfer licenses within that  
2 area or within five miles of it outside the borough solely on the  
3 basis of the election results on questions (2) and (3).

4 (c) The provisions of this section apply to an organized borough  
5 on an areawide basis if 35 per cent of the voters at the last general  
6 election in the borough, with proportionate representation of incor-  
7 porated cities within the borough and of the area outside those  
8 cities, petition the governing body of the borough under this section.

9 (d) If, at an election under (a) of this section, a majority is  
10 against the sale of intoxicating liquor but is not against mail or  
11 telephone orders, question 4 may be presented alone to the voters at a  
12 subsequent date, upon following the procedures set out in (a) of this  
13 section.

14 (e) If, following an election resulting in a prohibition against  
15 or a limitation upon the sale of intoxicating liquor within an organized  
16 borough outside incorporated cities, a majority of the voters at a  
17 subsequent election conducted for the purpose and in accordance with  
18 (a) of this section favor a change from the then existing status of  
19 the sale of intoxicating liquor within that area, the board may issue  
20 licenses solely on the basis of the election results on questions 2  
21 and 3, and, if no restrictions are adopted, may, upon application,  
22 issue the number and type of license to the same or other premises  
23 within that area as were in existence at the time of the last election  
24 at which a majority of the voters favored prohibiting or restricting  
25 the sale of intoxicating liquor. Those applicants who were licensees  
26 and whose licenses were not reissued by reason of the last election  
27 conducted under the provisions of this section have a preference over  
28 other applicants.

29 (f) No new license for the sale of intoxicating liquor may be

1 issued under this title for an establishment in an organized borough  
2 outside an incorporated city in which area, on the effective date of  
3 this Act, there are no licensed premises unless an election under this  
4 section is first conducted.

5 Sec. 04.10.436. ELECTION IN THE UNORGANIZED BOROUGH. (a)

6 Whenever 35 per cent of the total number of voters at the last general  
7 election within an election precinct of the unorganized borough  
8 outside incorporated cities petition the lieutenant governor to do so,  
9 he shall conduct a special election within the election precinct on  
10 the following questions:

- 11 (1) Do you favor allowing the sale of intoxicating YES [ ]  
12 liquor within this election precinct? NO [ ]
- 13 (2) If the results of this election show a majority  
14 against the sale of intoxicating liquor, would YES [ ]  
15 you also favor prohibiting purchases of intoxi-  
16 cating liquor by mail or telephone order from NO [ ]  
17 other areas by residents of this election  
18 precinct?

19 (b) The lieutenant governor shall conduct the election substan-  
20 tially in accordance with the provisions of the Alaska Election Code  
21 (AS 15.05 - 15.60), except that the election shall be conducted not  
22 later than 60 days after the receipt of a proper petition. The lieu-  
23 tenant governor shall canvass the ballots and certify the election  
24 results to the board. If a majority of the votes is against the sale  
25 of intoxicating liquor in the precinct, the board shall reject all  
26 applications for new licenses or to transfer or renew licenses for  
27 establishments within the precinct.

28 (c) If, at an election under (a) of this section, a majority is  
29 against the sale of intoxicating liquor but is not against mail or

1 telephone orders, question 2 may be presented alone to the voters at  
2 a subsequent date, upon following the procedures set out in (a) of  
3 this section.

4 (d) If, following an election resulting in a prohibition against  
5 the sale of intoxicating liquor in the precinct, a majority of the  
6 voters at a subsequent election conducted for the purpose and in  
7 accordance with (a) of this section favor the sale of intoxicating  
8 liquor within the precinct, the board may issue the number and type of  
9 license to the same or other premises within the precinct as were in  
10 existence at the time of the last election at which a majority of the  
11 voters prohibited the sale of intoxicating liquor. Those applicants  
12 who were licensees and whose licenses were not reissued by reason of  
13 the last election conducted under the provisions of this section have  
14 a preference over other applicants.

15 (e) No new license for the sale of intoxicating liquor may be  
16 issued under this title for an establishment in a precinct in the  
17 unorganized borough outside incorporated cities in which precinct, on  
18 the effective date of this Act, there are no licensed premises unless  
19 an election under this section is first conducted.

20 Sec. 04.10.439. COMPENSATION FOR LOST REVENUE. (a) A munici-  
21 pality with a population of fewer than 12,000 which has prohibited the  
22 sale of intoxicating liquor is eligible for and may apply to the  
23 Department of Community and Regional Affairs for payment to compensate  
24 the municipality for any revenue which it may have lost or foregone as  
25 a result of prohibiting the sale of intoxicating liquor. The muni-  
26 cipality is eligible for payment of \$10 per resident for Fiscal Year  
27 1978. The commissioner of community and regional affairs shall adjust  
28 the payment rate for future fiscal years in accordance with changes in  
29 the Consumer Price Index for Anchorage, Alaska, published by the

1 Bureau of Labor Statistics, United States Department of Labor. The  
2 Consumer Price Index for October 1976 is considered the initial  
3 Consumer Price Index. No payment may be made for any fiscal year  
4 preceding Fiscal Year 1978.

5 (b) In making the adjustments under (a) of this section, the  
6 commissioner of community and regional affairs shall comply with the  
7 following procedure:

8 (1) before December 31 of each year, the commissioner shall  
9 calculate the change in the October Consumer Price Index for the  
10 current year from the October Consumer Price Index for the previous  
11 year;

12 (2) the commissioner shall then

13 (A) compute the percentage increase or decrease for  
14 that period; and

15 (B) adjust the payment rate by the same percentage  
16 increase or decrease, rounded to the nearest tenth of a dollar.

17 (c) The determination of the Department of Community and Regional  
18 Affairs on the adjustment to be made, if any, is final and not subject  
19 to judicial review.

20 (d) In this section, "municipality" means an incorporated city,  
21 organized borough, and municipality unified under AS 29.68.240 -  
22 29.68.440.

23 \* Sec. 15. AS 04.15 is amended by adding a new section to read:

24 Sec. 04.15.015. RESTRICTION ON ADVERTISING. No holder of a  
25 license issued by the board, with the exception of those authorized by  
26 AS 04.10.080, 04.10.090, and 04.10.120, may advertise intoxicating  
27 liquor in any newspaper or magazine, or on any broadcasting station or  
28 community cable system, in the State of Alaska. As used in this  
29 section, "newspaper" includes shopping news and local television

1 program guides carrying advertisements for various businesses.

2 \* Sec. 16. AS 04.15.090 is amended to read:

3 Sec. 04.15.090. PROHIBITION WITH RESPECT TO CERTAIN PERSONS  
4 [FEMALES] IN CONNECTION WITH THE SALE OF BEVERAGES UPON LICENSED PRE-  
5 MISES. (a) No [FEMALE] person employed in any capacity or for any  
6 purpose by the holder of a license for a beverage dispensary establish-  
7 ment, club, roadhouse, restaurant, or common carrier dispensary, or by  
8 the operator or manager thereof may solicit or encourage the purchase  
9 of any beverage, alcoholic or otherwise, by patrons of the licensed  
10 premises for consumption by the patrons or by the [FEMALE] person; nor  
11 may the [FEMALE] person accept a beverage, alcoholic or otherwise,  
12 purchased by a patron of the establishment.

13 (b) No [FEMALE] person, whether an employee or patron of a  
14 licensed beverage dispensary establishment, club, roadhouse, restau-  
15 rant, or common carrier dispensary may remain about the premises of  
16 the establishment and solicit any beverage, alcoholic or otherwise,  
17 from a patron of the establishment, whether the beverage is for that  
18 person [HERSELF], the patron, or another.

19 (c) No holder of a license for a beverage dispensary establish-  
20 ment, club, roadhouse, restaurant, or common carrier dispensary, or an  
21 operator or manager thereof may permit a [FEMALE] person employed by  
22 him, in any capacity or for any purpose, to solicit or encourage the  
23 purchase of any beverage, alcoholic or otherwise, by patrons of the  
24 licensed premises for consumption by the patron or by the [FEMALE]  
25 person; nor may the holder, operator, or manager permit an [A FEMALE]  
26 employee to accept any beverage, alcoholic or otherwise, purchased or  
27 offered by a patron of the licensed premises.

28 (d) No holder of a license for a beverage dispensary establish-  
29 ment, club, roadhouse, restaurant, or common carrier dispensary, or an

1 operator or manager thereof may permit any [FEMALE] person to remain  
2 about the premises of the establishment and solicit any beverage,  
3 alcoholic or otherwise, from a patron of the licensed premises,  
4 whether the said beverage be for that person [HERSELF], the patron, or  
5 another.

6 (e) A holder of a license for a beverage dispensary establish-  
7 ment, club, roadhouse, restaurant, or common carrier dispensary, or  
8 the operator or manager thereof, or an [A FEMALE] employee thereof who  
9 violates this section is guilty of a misdemeanor.

10 (f) A [FEMALE] person, not an employee of any licensed premises  
11 described in this section, who violates (b) of this section is guilty  
12 of a misdemeanor.

13 \* Sec. 17. AS 04.15.100(b) is amended to read:

14 (b) Upon conviction of a licensee for a violation under (a) of  
15 this section, or for violation of a municipal ordinance adopted by a  
16 municipality in conformity with sec. 70 of this chapter, the judge  
17 having jurisdiction shall send a notification of conviction together  
18 with a certified copy of the record of conviction to the board and to  
19 the city or unified municipality, if any, in which the licensed estab-  
20 lishment is located or to the organized borough, if the licensed  
21 establishment is located outside a city in an organized borough. The  
22 board, council, or assembly may, upon the direction of a majority of  
23 its members, thereupon suspend the license as hereinafter provided for  
24 the first and second violations and upon a third violation, the board,  
25 but not a council or assembly, may revoke the license and declare the  
26 bond forfeited. For the purpose of this section, the terms "second  
27 violation" and "third violation" include only those violations which  
28 occur within five years of the first violation, but are not limited to  
29 repeated violations of the same statutory provision or municipal

1 ordinance.

2 (1) First Violation. The license of the premises involved  
3 may be suspended for not less than 10 nor more than 45 days;

4 (2) Second Violation. The license of the premises involved  
5 may be suspended for a period of not less than 30 days nor more than  
6 90 days.

7 \* Sec. 18. AS 04.15 is amended by adding new sections to read:

8 Sec. 04.15.105. POSSESSION OF ALCOHOLIC BEVERAGES FOR COMMERCIAL  
9 PURPOSES. No person may, for commercial purposes and without a  
10 license, possess or bring into the state intoxicating liquor in excess  
11 of 20 wine gallons. A person who violates this section is guilty of a  
12 misdemeanor and, upon conviction, is punishable in accordance with  
13 sec. 100 of this chapter.

14 Sec. 04.15.107. POSSESSION IN VIOLATION OF LOCAL OPTION. (a)  
15 No person may possess more than 2.4 wine gallons of intoxicating  
16 liquor other than beer and wine, and 4.5 wine gallons of beer and  
17 wine, in a municipality or election precinct which has prohibited the  
18 sale of intoxicating liquor or a municipality which holds a limited  
19 community liquor license unless he has obtained a permit from the  
20 board for possession for special occasions. The board may issue a  
21 permit that allows a person to possess up to 20 wine gallons of in-  
22 toxicating liquor in a municipality or election district which has  
23 prohibited the sale of intoxicating liquor or a municipality which  
24 holds a limited community license, for a restricted period of time so  
25 that it may be served to a large group of persons at a wedding or  
26 similar special occasion. A person who violates this section is  
27 guilty of a misdemeanor and, upon conviction, is punishable in accord-  
28 ance with sec. 100 of this chapter.

29 (b) In this section, "municipality" means an incorporated city,

1 organized borough, or municipality unified under AS 29.68.240 -  
2 29.68.440.

3 \* Sec. 19. AS 04.15.110 is amended to read:

4 Sec. 04.15.110. SALE IN VIOLATION OF LOCAL OPTION. Notwith-  
5 standing any other provision of this chapter, a person who unlawfully  
6 sells or offers for sale an intoxicating liquor in an area where the  
7 local option election has made these activities illegal is, upon  
8 conviction, guilty of a felony [MISDEMEANOR] and punishable by imprison-  
9 ment for a period not to exceed six years [ONE YEAR], or a fine not to  
10 exceed \$30,000 [\$5,000], or by both.

11 \* Sec. 20. AS 04.15 is amended by adding new sections to read:

12 Sec. 04.15.120. SEIZURE OF CONVEYANCE. A conveyance used, or  
13 intended for use, to transport or in any manner to facilitate the  
14 transportation, sale, receipt, possession or concealment of an alcoholic  
15 beverage sold in an area where a local option election has made its  
16 sale or offering for sale illegal may be seized when the seizure is  
17 incident to an arrest or a search under a search warrant.

18 Sec. 04.15.130. FORFEITURE AND SALE OF CONVEYANCE. Upon con-  
19 viction of the offender or upon judgment of the court having jurisdic-  
20 tion that a conveyance was used or intended for use to transport or in  
21 any manner to facilitate the transportation, sale, receipt, possession  
22 or concealment of an alcoholic beverage illegally sold in an area  
23 described in sec. 120, it is forfeited and shall be disposed of to the  
24 community in the local-option area most directly affected by the sale  
25 of the intoxicating liquor or to the state, as directed by the court.  
26 If the conveyance is sold for the benefit of the state, the proceeds  
27 of the sale shall be transmitted to the proper state officer for  
28 deposit in the general fund. If not ordered disposed of by the court,  
29 any seized conveyance shall be returned after completion of the case

1 and payment of the fine, if any.

2 Sec. 04.15.140. LIMITATIONS ON SEIZURE AND FORFEITURE. (a) No  
3 conveyance used as a common carrier in the transaction of business as  
4 a common carrier is forfeited under sec. 130 of this chapter unless  
5 the owner or other person legally in charge of the conveyance consented  
6 to or knew of the illegal conduct.

7 (b) No conveyance is forfeited under sec. 130 of this chapter  
8 because of conduct of a person, other than the owner, having unlawful  
9 possession of it.

10 Sec. 04.15.150. APPEARANCE BY PERSON HAVING INTEREST IN CONVEYANCE.  
11 A person holding a lien, mortgage, or conditional sales contract on a  
12 conveyance seized under sec. 120 of this chapter may appear before the  
13 court in the proceeding involving the forfeiture to petition for  
14 remittance or mitigation of the forfeiture. The court shall remit or  
15 mitigate the forfeiture if it finds that the petitioner has an interest  
16 in the conveyance which he acquired in good faith and without knowledge  
17 or reason to believe that the conveyance was being used or would be  
18 used in the transportation of an illegally sold alcoholic beverage.

19 Sec. 04.15.160. DEFINITIONS. In secs. 120 - 160 of this chapter

20 (1) "conveyance" means a vessel, motor vehicle, trailer,  
21 aircraft or other means, except animals, of transporting goods or  
22 people;

23 (2) "illegally sold alcoholic beverage" means any intoxicat-  
24 ing liquor as defined in AS 04.20.010 which is sold in the manner  
25 described in AS 04.15.110.

26 \* Sec. 21. AS 04.10.310 and 04.10.440 are repealed.

27 \* Sec. 22. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).

E--Tax, Credits, Insurance and Loans

- a) SB 542 - Empower the Office of Alcoholism to make loans for facilities supporting temperate activities up to 10,000. Such loans may be used to finance no more than 80% of cost for purchase, construction and modification of facilities.
- b) SB 545 - All individual or group health insurance in the state would define alcoholism as an illness and provide for treatment benefits at a rate no less than any other illness.
- c) SB 546 - Establishes a tax credit for contributions to approved alcoholism programs.
- \*d) HB 196/SB 167 - Increase excise tax on alcoholic beverages.
- \*e) HB 232 - Allow municipalities to tax alcoholic beverage sales at a higher rate than other communities.
- \*f) HB 240 - Provide compensation to communities voting themselves dry for loss of alcoholic beverage sales tax revenues.

\*Indicates "Governor's Package"

Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

SENATE BILL NO. 542

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act adding to the powers and duties of the office  
of alcoholism."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 47.37.030(2) is amended to read:

(2) make contracts and award grants necessary or incidental to the performance of its duties and the execution of its powers, including contracts with and grants to public and private agencies, organizations, and individuals, to pay them for services rendered or furnished to alcoholics or intoxicated persons; to the maximum extent possible, contracts and grants shall be for a period of at least two years;

\* Sec. 2. AS 47.37.040(7) is amended to read:

(7) organize and foster training programs for all persons engaged in treatment of alcoholics and intoxicated persons and establish standards for training paraprofessional alcoholism workers;

\* Sec. 3. AS 47.30.470(4) is amended to read:

(4) identify, and utilize whatever facilities and services are available or can be made available through community organization for carrying out the purposes of this section, including identification and utilization for detoxification of under utilized hospital beds;

\* Sec. 4. AS 47.37.040 is amended by adding new paragraphs to read:

(18) develop and implement a training program on alcoholism for employees of state and municipal governments, and private institutions whose duties are such as to bring them into contact with alco-

1 holics;

2 (19) develop curriculum materials on drug and alcohol abuse  
3 for use in grades kindergarten through 12, as well as a course of in-  
4 struction for teachers to be charged with presenting the curriculum.

5 \* Sec. 5. AS 47.37 is amended by adding new sections to read:

6 Sec. 47.37.041. FUND ESTABLISHED. There is established in the  
7 office of alcoholism, Department of Health and Social Services, the re-  
8 volving loan fund for temperate social activities to carry out the  
9 purposes of secs. 41 - 47 of this chapter. Loans made under secs. 41 -  
10 47 of this chapter are to be used to foster social activities at which  
11 alcohol is not served or consumed. The fund may be used for no other  
12 purpose.

13 Sec. 47.37.043. POWERS AND DUTIES OF THE OFFICE IN ADMINISTERING  
14 THE FUND. (a) The office may

15 (1) make loans for the purchase, construction, and modifica-  
16 tion of buildings in which social activities at which alcohol is not  
17 served or consumed may be held;

18 (2) promulgate regulations necessary to carry out the pro-  
19 visions of secs. 41 - 47 of this chapter.

20 (b) The office shall develop eligibility standards for loans made  
21 under secs. 41 - 47 of this chapter and adopt guidelines for the deter-  
22 mination of loan terms.

23 Sec. 47.37.045. LOAN TERMS. (a) A loan for the fostering of  
24 temperate social activities under secs. 41 - 47 of this chapter may not  
25 exceed \$10,000.

26 (b) The duration for repayment of the loan may not exceed 20  
27 years.

28 (c) Loans made under secs. 41 - 47 of this chapter may be used to  
29 finance no more than 80 per cent of the cost of purchase, construction,

1 and modification of buildings to be used for temperate social activi-  
2 ties.

3 (d) All principal and interest payments on loans made under secs.  
4 41 - 47 of this chapter shall be paid into the revolving loan fund for  
5 temperate social activities.

6 (e) The rate of interest may not exceed eight per cent a year on  
7 the unpaid balance of the loan.

8 Sec. 47.37.047. SALE OR TRANSFER OF MORTGAGES AND NOTES. (a) The  
9 commissioner may sell or transfer at par value or at a premium or dis-  
10 count to any bank or other private purchaser for cash or other consider-  
11 ation the mortgages and notes held by the Department of Health and  
12 Social Services as security for loans made under this chapter.

13 (b) The commissioner may sell or transfer at par value to the  
14 Department of Revenue the mortgages and notes held by the Department of  
15 Health and Social Services as security for loans made under this chap-  
16 ter. The Department of Revenue shall purchase all of these mortgages  
17 and notes offered, allowing the Department of Health and Social Services  
18 a one-half of one per cent service fee.  
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Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 545

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to health insurance."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 21.89 is amended by adding a new section to read:

9       Sec. 21.89.050. ALCOHOLISM UNDER HEALTH INSURANCE. All policies,  
10 contracts or prepaid plans for individual or group health insurance  
11 issued or delivered in the state on or after the effective date of this  
12 Act shall provide that alcoholism is an illness and that benefits for  
13 treatment of alcoholism may not be less than for any other illness,  
14 except that this coverage may be waived in writing by the policyholder  
15 of an individual health insurance policy on or before the effective date  
16 of the policy.

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Introduced: 3/17/78  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 546

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a tax credit for contributions to  
7 alcoholism programs; and providing for an effective  
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 43.20.031 is amended by adding a new subsection to read:

11 (i) An individual is entitled to a tax credit not to exceed \$50  
12 for the amount of contributions made during the tax year to a state or  
13 municipally approved alcoholism program.

14 \* Sec. 2. This Act takes effect January 1, 1979 and applies to tax years  
15 beginning on or after January 1, 1978.

*Alcoholism*

Introduced: 2/9/77  
Referred: Commerce and  
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the excise tax on and license  
7 fees for sale of intoxicating liquors; and providing  
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 43.60.010(a) is amended to read:

11 (a) Every brewer, distiller, bottler, jobber, retailer, whole-  
12 saler, or manufacturer who sells intoxicating liquors in the state or  
13 who consigns shipments of intoxicating liquors into the state, whether  
14 or not the liquors are brewed, distilled, bottled, or manufactured in  
15 the state, shall pay on all malt beverages (alcoholic content of one  
16 per cent or more by volume) wines, and hard or distilled liquors, the  
17 following taxes: (1) malt beverages at the rate of 75 [25] cents a  
18 gallon or fraction of a gallon; (2) wine or other liquor of less than  
19 14 [21] per cent alcohol by volume [OR LESS] at the rate of \$1.50 [60  
20 CENTS] a gallon or fraction of a gallon; (3) wine or other liquor of  
21 at least 14 per cent alcohol by volume but not more than 21 per cent  
22 alcohol by volume at the rate of \$2.50 a gallon or fraction of a  
23 gallon; and (4) [(3)] other liquors having a content of more than 21  
24 per cent alcohol by volume at the rate of \$6.50 [\$4.00] a gallon.

25 \* Sec. 2. AS 04.10.110 is amended to read:

26 Sec. 04.10.110. WHOLESALE LICENSE. (a) The holder of a general  
27 wholesale license may sell intoxicating liquors in the original pack-  
28 age, and wine in bulk, in quantities of not less than five wine gallons  
29 to holders of licenses. The holder of a general wholesale license may

1 not sell to a consumer. Liquor requiring internal revenue strip  
2 stamps shall have the stamps intact on the package. A general whole-  
3 sale license shall be required for each distributing point. The  
4 general wholesale license fee schedule is based upon the total amount  
5 of business transacted during any year and is \$500 as a minimum license  
6 fee, to accompany the application, and in payment of the fee for the  
7 first \$50,000 of business transacted, and, in addition thereto, on the  
8 business transacted during any year,

9	above \$50,000 and not	
10	over \$75,000	a fee of \$250
11	above \$75,000 and not	
12	over \$100,000	a fee of \$500
13	above \$100,000 and not	
14	over \$125,000	a fee of \$750
15	above \$125,000 and not	
16	over \$150,000	a fee of \$1000
17	above \$150,000 and not	
18	over \$175,000	a fee of \$1250
19	above \$175,000 and not	
20	over \$200,000	a fee of \$1500
21	above \$200,000 and not	
22	over \$250,000	a fee of \$2000
23	above \$250,000 and not	
24	over \$300,000	a fee of \$2500
25	above \$300,000 and not	
26	over \$350,000	a fee of \$3000
27	above \$350,000 and not	
28	over \$400,000	a fee of \$3500
29	above \$400,000 and not	



1 over \$400,000

a fee of \$4000

2 above \$500,000

1 per cent of the business  
transacted

[A FEE OF \$5000]

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5 \* Sec. 3. AS 04.10.040(a) is amended to read:

6 (a) The holder of a beverage dispensary license may sell for  
7 cash or serve on the premises beer, wine and hard liquors for consump-  
8 tion on the premises only. The beverage dispensary license fee is  
9 \$750 [\$500] in all unincorporated communities and incorporated cities  
10 having a population not exceeding 1,500 persons and \$1500 [\$1,000] in  
11 all unincorporated communities and incorporated cities having a popula-  
12 tion in excess of 1,500 persons. The population shall be determined  
13 at the time of filing the application. Each applicant for a beverage  
14 dispensary license shall file with the application a cash bond or a  
15 surety bond executed by a surety company approved by the board. The  
16 condition of the bond or undertaking shall be that the applicant or  
17 applicants are the sole owners of the business to be licensed, and  
18 that no other person is financially interested directly or indirectly,  
19 and that the applicant or applicants will conduct the business in  
20 accordance with the applicable laws pertaining to intoxicating liquor  
21 in the state. The bond shall be in the penal sum of \$2,500. Upon  
22 revocation of the license, the bond may be forfeited and the amount  
23 deposited into the general fund of the state.

24 \* Sec. 4. AS 04.10.050 is amended to read:

25 Sec. 04.10.050. RESTAURANT LICENSE. The holder of a restaurant  
26 license may sell beer and wine in a restaurant with meals furnished in  
27 good faith to patrons. The restaurant license fee is \$500 [\$300].

28 \* Sec. 5. AS 04.10.060 is amended to read:

29 Sec. 04.10.060. ROADHOUSE LICENSE. The holder of a roadhouse

1 license whose licensed premises are located not less than 18 miles  
2 from the corporate limits of a city and who serves food to the traveling  
3 public, may sell beer and wine for consumption on the premises only.  
4 The roadhouse license fee is \$250 [\$150].

5 \* Sec. 6. AS 04.10.070 is amended to read:

6 Sec. 04.10.070. CLUB LICENSE. A club license gives to clubs,  
7 fraternal organizations, and patriotic organizations, that have a  
8 state or national charter, and that have been so incorporated and  
9 active for a period of two years or more, the right to sell intoxicat-  
10 ing liquors to members and their families only in their club rooms.  
11 The club license fee is \$800 [\$400], except that where any club has  
12 certified to the board that the gross sales of intoxicating liquor for  
13 the preceding year were less than \$5,000 the club license fee is \$200.

14 \* Sec. 7. AS 04.10.080 is amended to read:

15 Sec. 04.10.080. BOTTLING WORKS LICENSE. The holder of a bottling  
16 works license may operate a bottling works where beer and wine may be  
17 bottled and sold. No sale of beer or wine may be made to a consumer  
18 or in quantities less than five wine gallons. The bottling works  
19 license fee is \$500 [\$100].

20 \* Sec. 8. AS 04.10.100 is amended to read:

21 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license  
22 may sell for cash in his establishment intoxicating liquors in the  
23 original packages and wine in bulk. All liquor requiring internal  
24 revenue strip stamps shall have the stamps intact upon the packages.  
25 The consumption of intoxicating liquor on premises licensed under this  
26 provision is prohibited. Sales under a retail license are limited to  
27 less than 20 wine gallons to any one person in any one sale. The  
28 retail license fee is \$1,000 [\$600], but the retail license fee for a  
29 retail liquor store having gross sales from the sale of intoxicating

1 liquors not exceeding \$20,000 in any calendar year is \$300.

2 \* Sec. 9. This Act takes effect July 1, 1977.

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Introduced: 2/18/77  
Referred: Commerce and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 167

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the excise tax on and license  
7 fees for sale of intoxicating liquors; and providing  
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 43.60.010(a) is amended to read:

11 (a) Every brewer, distiller, bottler, jobber, retailer, whole-  
12 saler, or manufacturer who sells intoxicating liquors in the state or  
13 who consigns shipments of intoxicating liquors into the state, whether  
14 or not the liquors are brewed, distilled, bottled, or manufactured in  
15 the state, shall pay on all malt beverages (alcoholic content of one  
16 per cent or more by volume), wines, and hard or distilled liquors, the  
17 following taxes: (1) malt beverages at the rate of 75 [25] cents a  
18 gallon or fraction of a gallon; (2) wine or other liquor of less than  
19 14 [21] per cent alcohol by volume [OR LESS] at the rate of \$1.50 [60  
20 CENTS] a gallon or fraction of a gallon; (3) wine or other liquor of  
21 at least 14 per cent alcohol by volume but not more than 21 per cent  
22 alcohol by volume at the rate of \$2.50 a gallon or fraction of a  
23 gallon; and (4) [(3)] other liquors having a content of more than 21  
24 per cent alcohol by volume at the rate of \$6.50 [\$4.00] a gallon.

25 \* Sec. 2. AS 04.10.110 is amended to read:

26 Sec. 04.10.110. WHOLESALE LICENSE. (a) The holder of a general  
27 wholesale license may sell intoxicating liquors in the original pack-  
28 age, and wine in bulk, in quantities of not less than five wine gallons  
29 to holders of licenses. The holder of a general wholesale license may

1 not sell to a consumer. Liquor requiring internal revenue strip  
2 stamps shall have the stamps intact on the package. A general whole-  
3 sale license shall be required for each distributing point. The  
4 general wholesale license fee schedule is based upon the total amount  
5 of business transacted during any year and is \$500 as a minimum license  
6 fee, to accompany the application, and in payment of the fee for the  
7 first \$50,000 of business transacted, and, in addition thereto, on the  
8 business transacted during any year,

9	above \$50,000 and not	
10	over \$75,000	a fee of \$250
11	above \$75,000 and not	
12	over \$100,000	a fee of \$500
13	above \$100,000 and not	
14	over \$125,000	a fee of \$750
15	above \$125,000 and not	
16	over \$150,000	a fee of \$1000
17	above \$150,000 and not	
18	over \$175,000	a fee of \$1250
19	above \$175,000 and not	
20	over \$200,000	a fee of \$1500
21	above \$200,000 and not	
22	over \$250,000	a fee of \$2000
23	above \$250,000 and not	
24	over \$300,000	a fee of \$2500
25	above \$300,000 and not	
26	over \$350,000	a fee of \$3000
27	above \$350,000 and not	
28	over \$400,000	a fee of \$3500
29	above \$400,000 and not	

1	over \$500,000	a fee of \$4500
2	above \$500,000	<u>1 per cent of the business</u>
3		<u>transacted</u>
4		[A FEE OF \$5000]

5 (b) The holder of a wholesale malt beverage and wine license may  
6 sell malt beverages and wine in the original packages and malt bever-  
7 ages and wine in bulk in quantities of not less than five wine gallons  
8 to holders of licenses. The holder of a wholesale malt beverage and  
9 wine license may not sell to a consumer. The malt beverages and wine  
10 license fee schedule is based on the total amount of business trans-  
11 acted in any year and is \$100 as a minimum license fee, to accompany  
12 the application, and in payment of the fee for the first \$10,000 of  
13 business transacted, and, in addition, on the business transacted  
14 during any year,

15	above \$10,000 and not	
16	over \$25,000	a fee of \$150
17	above \$25,000 and not	
18	over \$50,000	a fee of \$500
19	above \$50,000 and not	
20	over \$75,000	a fee of \$750
21	above \$75,000 and not	
22	over \$100,000	a fee of \$1000
23	above \$100,000 and not	
24	over \$150,000	a fee of \$1500
25	above \$150,000 and not	
26	over \$200,000	a fee of \$2000
27	above \$200,000 and not	
28	over \$300,000	a fee of \$3000
29	above \$300,000 and not	

1 over \$400,000

a fee of \$4000

2 above \$500,000

1 per cent of the business

transacted

[A FEE OF \$5000]

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5 \* Sec. 3. AS 04.10.040(a) is amended to read:

6 (a) The holder of a beverage dispensary license may sell for  
7 cash or serve on the premises beer, wine and hard liquors for consump-  
8 tion on the premises only. The beverage dispensary license fee is  
9 \$750 [\$500] in all unincorporated communities and incorporated cities  
10 having a population not exceeding 1,500 persons and \$1500 [\$1,000] in  
11 all unincorporated communities and incorporated cities having a popula-  
12 tion in excess of 1,500 persons. The population shall be determined  
13 at the time of filing the application. Each applicant for a beverage  
14 dispensary license shall file with the application a cash bond or a  
15 surety bond executed by a surety company approved by the board. The  
16 condition of the bond or undertaking shall be that the applicant or  
17 applicants are the sole owners of the business to be licensed, and  
18 that no other person is financially interested directly or indirectly,  
19 and that the applicant or applicants will conduct the business in  
20 accordance with the applicable laws pertaining to intoxicating liquor  
21 in the state. The bond shall be in the penal sum of \$2,500. Upon  
22 revocation of the license, the bond may be forfeited and the amount  
23 deposited into the general fund of the state.

24 \* Sec. 4. AS 04.10.050 is amended to read:

25 Sec. 04.10.050. RESTAURANT LICENSE. The holder of a restaurant  
26 license may sell beer and wine in a restaurant with meals furnished in  
27 good faith to patrons. The restaurant license fee is \$500 [\$300].

28 \* Sec. 5. AS 04.10.060 is amended to read:

29 Sec. 04.10.060. ROADHOUSE LICENSE. The holder of a roadhouse

1 license whose licensed premises are located not less than 18 miles  
2 from the corporate limits of a city and who serves food to the traveling  
3 public, may sell beer and wine for consumption on the premises only.  
4 The roadhouse license fee is \$250 [\$150].

5 \* Sec. 6. AS 04.10.070 is amended to read:

6 Sec. 04.10.070. CLUB LICENSE. A club license gives to clubs,  
7 fraternal organizations, and patriotic organizations, that have a  
8 state or national charter, and that have been so incorporated and  
9 active for a period of two years or more, the right to sell intoxicat-  
10 ating liquors to members and their families only in their club rooms.  
11 The club license fee is \$800 [\$400], except that where any club has  
12 certified to the board that the gross sales of intoxicating liquor for  
13 the preceding year were less than \$5,000 the club license fee is \$200.

14 \* Sec. 7. AS 04.10.080 is amended to read:

15 Sec. 04.10.080. BOTTLING WORKS LICENSE. The holder of a bottling  
16 works license may operate a bottling works where beer and wine may be  
17 bottled and sold. No sale of beer or wine may be made to a consumer  
18 or in quantities less than five wine gallons. The bottling works  
19 license fee is \$500 [\$100].

20 \* Sec. 8. AS 04.10.100 is amended to read:

21 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license  
22 may sell for cash in his establishment intoxicating liquors in the  
23 original packages and wine in bulk. All liquor requiring internal  
24 revenue strip stamps shall have the stamps intact upon the packages.  
25 The consumption of intoxicating liquor on premises licensed under this  
26 provision is prohibited. Sales under a retail license are limited to  
27 less than 20 wine gallons to any one person in any one sale. The  
28 retail license fee is \$1,000 [\$500], but the retail license fee for a  
29 retail liquor store having gross sales from the sale of intoxicating

1 liquors not exceeding \$20,000 in any calendar year is \$300.

2 \* Sec. 9. This Act takes effect July 1, 1977.

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Introduced: 2/18/77  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 232

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal sales taxes."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 04.15.070(a) is amended to read:

9 (a) A municipality may by ordinance provide [RULES AND] regu-  
10 lations governing the barter, sale and possession of intoxicating  
11 liquor within the municipality necessary to the orderly conduct of the  
12 business of selling intoxicating liquor. When, under a local option  
13 election, the city clerk finds the majority of the voters are against  
14 the sale of intoxicating liquor, the municipality, by ordinance, may  
15 make the sale of intoxicating liquor within the municipality a mis-  
16 demeanor whether the sale is made pursuant to license or otherwise.  
17 The ordinance may not be inconsistent with this title or the rules and  
18 regulations promulgated under this title. No municipality may impose  
19 taxes other than property taxes on liquor inventories and sales taxes  
20 on liquor sales [WHEN THESE TAXES ARE LEVIED ON OTHER PROPERTY AND  
21 SALES WITHIN THE MUNICIPALITY].

22 \* Sec. 2. AS 29.53.415(a) is amended to read:

23 (a) A borough may levy and collect a sales tax not exceeding  
24 three per cent on sales or rents, and on services made within the  
25 borough, except that a higher rate may be imposed on the sales of  
26 intoxicating liquor. The sales tax may apply to any or all of these  
27 sources. Exemptions may be granted by ordinance. Nothing in this  
28 subsection prohibits the levy of a sales tax on a single class of  
29 commodity, or the levy of a higher rate of tax on one class of com-

1 modity than on another.  
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Introduced: 2/21/77  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholic beverages; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 04.05.010(b) is amended to read:

10 (b) The governor shall appoint a director [, SUBJECT TO CON-  
11 FIRMATION BY THE LEGISLATURE,] who is the executive officer of the  
12 board. The director shall enforce this title and the [RULES AND]  
13 regulations adopted [PROMULGATED] by the board. The director is not a  
14 member of the board but may cast a tie-breaking vote. He shall issue  
15 all licenses provided for under this title.

16 \* Sec. 2. AS 04.10.020(m) is amended to read:

17 (m) unlimited community liquor license; [.]

18 \* Sec. 3. AS 04.10.020 is amended by adding new subsections to read:

19 (p) limited community liquor license;

20 (q) in-flight catering license.

21 \* Sec. 4. AS 04.10.100 is amended to read:

22 Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license  
23 may sell for cash in his establishment intoxicating liquor in the  
24 original packages and wine in bulk. He may not sell intoxicating  
25 liquor which has been ordered by mail or telephone from (1) an incor-  
26 porated city, organized borough, unified municipality or election pre-  
27 inct which has prohibited the sale of intoxicating liquor if the  
28 governing body by resolution or the precinct voters by election have  
29 expressed opposition to mail and telephone orders and notified the

1 board; (2) an incorporated city, organized borough, or unified municipi-  
2 pality which has been issued a limited community liquor license;  
3 or (3) an incorporated city, organized borough, or unified municipality  
4 which has no licensed premises and has not authorized the sale of  
5 intoxicating liquor if its governing body has expressed by resolution  
6 its opposition to mail and telephone orders and notified the board.

7 The board shall regularly furnish retail license holders with a current  
8 list of these municipalities and precincts. All liquor requiring  
9 internal revenue strip stamps shall have the stamps intact upon the  
10 packages. The consumption of intoxicating liquor on premises licensed  
11 under this provision is prohibited. Sales under a retail license are  
12 limited to less than 20 wine gallons to any one person in any one  
13 sale. The retail license fee is \$600, but the retail license fee for  
14 a retail liquor store having gross sales from the sale of intoxicating  
15 liquors not exceeding \$20,000 in any calendar year is \$300.

16 \* Sec. 5. AS 04.10 is amended by adding a new section to read:

17       Sec. 04.10.135. IN-FLIGHT CATERING LICENSE. The holder of an  
18 in-flight catering license may sell intoxicating liquors in the origi-  
19 nal package and wine in bulk with prepared meals catered to certifi-  
20 cated domestic and international air carriers. The holder of an in-  
21 flight catering license may not sell to a consumer and must purchase  
22 intoxicating liquor, wine, and beer from a wholesaler licensed under  
23 sec. 110 of this chapter. The in-flight catering license fee is \$600.

24 \* Sec. 6. AS 04.10.139 is amended to read:

25       Sec. 04.10.139. COMMUNITY LIQUOR LICENSES. (a) The holder of  
26 an unlimited [A] community liquor license must be an incorporated  
27 city, unified municipality, or organized borough in which the majority  
28 of voters has authorized unlimited community sale of intoxicating  
29 liquor by a local-option election under secs. 430 or 433 of this

1 chapter [A FIRST OR SECOND CLASS CITY]. [A CITY WHICH HAS WITHIN ITS  
2 MUNICIPAL BOUNDARIES A LIQUOR LICENSE COMING UNDER SEC. 20(a) OR (g)  
3 OF THIS CHAPTER AND ISSUED TO A PRIVATE PERSON WITHIN THE CITY BEFORE  
4 JUNE 1, 1970 IS NOT ELIGIBLE FOR A COMMUNITY LIQUOR LICENSE, EXCEPT  
5 THAT A CITY HAVING HELD A LIQUOR LICENSE THROUGH A LOCAL CORPORATION  
6 OR OTHERWISE BEFORE JUNE 1, 1970 IS ELIGIBLE FOR THE LICENSE.]

7 Unlimited community [COMMUNITY] liquor licenses issued under this  
8 subsection [SECTION] are restricted to the types of licenses authorized  
9 under sec. 20(a) and (g) of this chapter. [THIS SECTION DOES NOT  
10 CHANGE THE PROVISIONS OF SEC. 430 OF THIS CHAPTER PROVIDING FOR LOCAL  
11 OPTION ELECTIONS.]

12 \* Sec. 7. AS 04.10.139 is amended by adding new subsections to read:

13 (b) The holder of a limited community liquor license must be an  
14 incorporated city, unified municipality, or organized borough in which  
15 the majority of voters has authorized limited community sale of intoxi-  
16 cating liquor by a local-option election under secs. 430 or 433 of  
17 this chapter. It may conduct only retail sales of intoxicating liquor  
18 as provided by sec. 100 of this chapter for a license under sec.  
19 20(g), except that sales shall be limited to no more than 2.4 wine  
20 gallons to any one person in any one day, and sales may be made only  
21 by advance orders placed at least two weeks before delivery.

22 (c) Upon the issuance of a limited or unlimited community liquor  
23 license the board may not issue or renew a privately held liquor  
24 license as long as the community liquor license is in effect. All  
25 existing privately held liquor licenses will remain in effect for  
26 three months after the local-option election or until the current  
27 period of licensure expires, whichever is later. No fees may be  
28 imposed for this extension of existing licenses beyond their normal  
29 expiration date.

1 (d) A community liquor license remains in effect for the  
2 period specified in sec. 320 of this chapter. Subject to local-option  
3 election results, a community liquor license may be renewed.

4 (e) A community liquor license issued before the effective  
5 date of this Act is considered an unlimited community liquor license.  
6 If a majority of the voters at an election in an incorporated  
7 city, unified municipality, or organized borough holding an  
8 unlimited community liquor license approves application for a limited  
9 community liquor license, or reject both classes of community  
10 liquor license, it may not be reissued by the board after it has  
11 expired. A new community liquor license may be issued following  
12 voter approval at a new election under secs. 430 or 433 of this  
13 chapter.

14 \* Sec. 8. AS 04.10.200 is repealed and re-enacted to read:

15 Sec. 04.10.200. PUBLIC NOTICE. (a) Notice shall be given by  
16 the applicant for a new license or for the renewal, reissuance, or  
17 transfer of an existing license by posting at the premises for a  
18 period of at least 10 days a true copy of the application. If the  
19 application is for a location in the unorganized borough, the appli-  
20 cant shall, in addition to posting at the premises, post notice at the  
21 nearest post office.

22 (b) When it determines that the public interest requires, the  
23 board shall require the applicant to cause announcements to be made to  
24 inform the public of the proposed issuance, renewal, or transfer of  
25 licenses in newspapers and on radio or television stations beginning  
26 not later than 10 days after the application is filed. Announcements  
27 must be bilingual when necessary, and the board may direct or require  
28 that the announcement be published or delivered in a language other  
29 than English that serves to inform the public.

1 \* Sec. 9. AS 04.10.270 is amended to read:

2 Sec. 04.10.270. [HEARING ON] PROTEST OF LOCAL GOVERNING BODY.

3 An application for a transfer, renewal or new license [COMING FROM]  
4 within a municipality shall be transmitted directly to the board and  
5 need not bear a recommendation of the governing body of the municipality.  
6 Upon receipt of [DECIDING TO APPROVE] an application, the board shall  
7 transmit a copy of the application to the city council [WRITTEN NOTICE  
8 OF ITS INTENT TO APPROVE THE TRANSFER, RENEWAL OR NEW LICENSE REQUESTED  
9 TO THE CITY GOVERNING BODY], if the application is for premises within  
10 an incorporated city, or to the borough assembly, if the application  
11 is for premises within the area of an organized borough outside the  
12 boundaries of an incorporated city. If the [LOCAL] governing body  
13 wishes to protest the application [APPROVAL], it shall furnish the  
14 board with a notice of protest within 30 days after [OF] receipt of  
15 the copy of the application provided by the board [NOTICE OF INTENT TO  
16 APPROVE THE APPLICATION]. Upon receipt of the [A] protest by the  
17 local governing body, the board may not take final action on the  
18 application until it has provided for a hearing on the protest in  
19 accordance with the administrative adjudication provisions [REQUIRE-  
20 MENTS] of the Administrative Procedure Act (AS 44.62).

21 \* Sec. 10. AS 04.10.300 is repealed and re-enacted to read:

22 Sec. 04.10.300. PROTEST IN AREAS OUTSIDE MUNICIPALITIES. An  
23 adult resident of the unorganized borough outside incorporated cities  
24 who resides within a 10-mile radius of an establishment may protest  
25 the issuance of a new license or the renewal or transfer of an existing  
26 license within that area. Within 30 days after a copy of an application  
27 is first posted, an adult resident may protest by delivering or mailing  
28 to the applicant and the board a written statement of the reasons for  
29 his protest. In considering the application, the board shall consider

every protest duly received. The board may give notice and hold a hearing within the area at which all persons residing there may be heard. The board may, if in its opinion the public interest would be served by the refusal, refuse to issue, renew, or transfer the license.

\* Sec. 11. AS 04.10.330(b) is amended to read:

(b) Application for the transfer of ownership of an existing license shall be accompanied by a statement, under oath, executed by the transferor in which he lists all debts and the amounts which he owes to a creditor of the business and the taxes due. The board shall promptly inform each creditor of the application and of the amount owed that creditor. The board shall determine those debts and taxes which must be paid or for which satisfactory security must be given before an application for transfer may be approved. The board may [SHALL] not approve the application for transfer unless all of the debts and taxes which it determines must be paid are in fact paid, or the transferor gives security for the payment of them satisfactory to the creditor or taxing authority prior to approval of the application.

\* Sec. 12. AS 04.10.350(c)(4)(A) is amended to read:

(A) upon application filed during the 30-day [SIX-MONTH] period beginning with February 28;

\* Sec. 13. AS 04.10.430 is repealed and re-enacted to read:

Sec. 04.10.430. ELECTION IN INCORPORATED CITIES OR UNIFIED MUNICIPALITIES. (a) Whenever 35 per cent of the total number of voters at the last general municipal election held in an incorporated city or unified municipality petition the governing body to do so, the governing body shall conduct an election on the following questions:

(1) Do you favor allowing the sale of intoxicating liquor within this municipality? YES [ ]  
NO [ ]

(2) If the results of this election show a majority

1 in favor of the sale of intoxicating liquor PRIVATE [ ]  
2 would you favor having private licenses or COMMUNITY [ ]  
3 only a community license?

4 (3) If the results of this election show a  
5 majority in favor of a community license, LIMITED [ ]  
6 would you favor an unlimited community UNLIMITED [ ]  
7 license or limited community license?

8 (4) If the results of this election show a majority  
9 against the sale of intoxicating liquor, would YES [ ]  
10 you also favor prohibiting purchases of intoxi-  
11 cating liquor by mail or telephone order from NO [ ]  
12 other areas by residents of this municipality?

13 (b) The election shall be conducted in accordance with standard  
14 election procedures in the city or unified municipality not later than  
15 60 days after receipt of a proper petition. The regular election  
16 officials for the city or unified municipality shall canvass the  
17 ballots and certify the election results to the board. The board  
18 shall proceed as follows:

19 (1) if a majority of the votes cast on question 1 is against  
20 the sale of intoxicating liquor in the city or unified municipality,  
21 the board shall reject all applications for a new license or to  
22 transfer or renew a license for an establishment within the city or  
23 unified municipality or within five miles of it;

24 (2) if a majority of the votes cast on question 1 favors  
25 the sale of intoxicating liquor in the city or unified municipality,  
26 the board may issue, renew, or transfer licenses within the city or  
27 unified municipality or within five miles of it solely on the basis of  
28 the election results on questions (2) and (3).

29 (c) If, at an election under (a) of this section, a majority is

1 against the sale of intoxicating liquor but is not against mail or  
2 telephone orders, question 4 alone may be presented to the voters at a  
3 subsequent date, upon following the procedures set out in (a) of this  
4 section.

5 (d) If, following an election resulting in a prohibition against  
6 or a limitation upon the sale of intoxicating liquor in the municipality,  
7 a majority of the voters at a subsequent election conducted for the  
8 purpose and in accordance with (a) of this section favor a change from  
9 the then existing status of the sale of intoxicating liquor, the board  
10 may issue licenses solely on the basis of the election results on  
11 questions 2 and 3, and, if no restrictions are adopted, may, upon  
12 application, issue the number and type of license to the same or other  
13 premises within the municipality as were in existence at the time of  
14 the last election at which a majority of the voters favored prohibit-  
15 ing or restricting the sale of intoxicating liquor. Those applicants  
16 who were licensees and whose licenses were not reissued by reason of  
17 the last election conducted under the provisions of this section have  
18 a preference over other applicants.

19 (e) No new license for the sale of intoxicating liquor may be  
20 issued under this title for an establishment in an incorporated city  
21 or unified municipality in which, on the effective date of this Act,  
22 there are no licensed premises, unless an election under this section  
23 is first conducted.

24 \* Sec. 14. AS 04.10 is amended by adding new sections to read:

25 Sec. 04.10.433. ELECTION IN ORGANIZED BOROUGHS. (a) Whenever  
26 35 per cent of the total number of voters at the last general municip-  
27 al election held in an organized borough outside incorporated cities  
28 within that borough petition the governing body to do so, the govern-  
29 ing body shall conduct an election on the following questions:

- 1 (1) Do you favor allowing the sale of intoxicating YES [ ]  
 2 liquor within this borough outside incorporated NO [ ]  
 3 cities?
- 4 (2) If the results of this election show a  
 5 majority in favor of the sale of intoxicating PRIVATE [ ]  
 6 liquor, would you favor having private COMMUNITY [ ]  
 7 licenses or only a community license?
- 8 (3) If the results of this election show a majority  
 9 in favor of a community license, would you LIMITED [ ]  
 10 favor an unlimited community license or a UNLIMITED [ ]  
 11 limited community license?
- 12 (4) If the results of this election show a majority  
 13 against the sale of intoxicating liquor, would YES [ ]  
 14 you also favor prohibiting purchases of intoxi-  
 15 cating liquor by mail or telephone order from NO [ ]  
 16 other areas by residents of this borough outside  
 17 incorporated cities?

18 (b) The election shall be conducted in accordance with standard  
 19 election procedures in the borough not later than 60 days after re-  
 20 ceipt of a proper petition. The regular election officials for the  
 21 borough shall canvass the ballots and certify the election results to  
 22 the board. The board shall proceed as follows:

- 23 (1) if a majority of the votes cast on question 1 is against  
 24 the sale of intoxicating liquor in the borough outside incorporated  
 25 cities, the board shall reject all applications for a new license or  
 26 to transfer or renew a license for an establishment within that area,  
 27 or within five miles of it outside the borough;
- 28 (2) if a majority of the votes cast on question 1 favors  
 29 the sale of intoxicating liquor in the borough outside incorporated

1 cities, the board may issue, renew, or transfer licenses within that  
2 area or within five miles of it outside the borough solely on the  
3 basis of the election results on questions (2) and (3).

4 (c) The provisions of this section apply to an organized borough  
5 on an areawide basis if 35 per cent of the voters at the last general  
6 election in the borough, with proportionate representation of incor-  
7 porated cities within the borough and of the area outside those  
8 cities, petition the governing body of the borough under this section.

9 (d) If, at an election under (a) of this section, a majority is  
10 against the sale of intoxicating liquor but is not against mail or  
11 telephone orders, question 4 may be presented alone to the voters at a  
12 subsequent date, upon following the procedures set out in (a) of this  
13 section.

14 (e) If, following an election resulting in a prohibition against  
15 or a limitation upon the sale of intoxicating liquor within an organized  
16 borough outside incorporated cities, a majority of the voters at a  
17 subsequent election conducted for the purpose and in accordance with  
18 (a) of this section favor a change from the then existing status of  
19 the sale of intoxicating liquor within that area, the board may issue  
20 licenses solely on the basis of the election results on questions 2  
21 and 3, and, if no restrictions are adopted, may, upon application,  
22 issue the number and type of license to the same or other premises  
23 within that area as were in existence at the time of the last election  
24 at which a majority of the voters favored prohibiting or restricting  
25 the sale of intoxicating liquor. Those applicants who were licensees  
26 and whose licenses were not reissued by reason of the last election  
27 conducted under the provisions of this section have a preference over  
28 other applicants.

29 (f) No new license for the sale of intoxicating liquor may be

1 issued under this title for an establishment in an organized borough  
2 outside an incorporated city in which area, on the effective date of  
3 this Act, there are no licensed premises unless an election under this  
4 section is first conducted.

5 Sec. 04.10.436. ELECTION IN THE UNORGANIZED BOROUGH. (a)

6 Whenever 35 per cent of the total number of voters at the last general  
7 election within an election precinct of the unorganized borough  
8 outside incorporated cities petition the lieutenant governor to do so,  
9 he shall conduct a special election within the election precinct on  
10 the following questions:

- 11 (1) Do you favor allowing the sale of intoxicating YES [ ]  
12 liquor within this election precinct? NO [ ]
- 13 (2) If the results of this election show a majority  
14 against the sale of intoxicating liquor, would YES [ ]  
15 you also favor prohibiting purchases of intoxi-  
16 cating liquor by mail or telephone order from NO [ ]  
17 other areas by residents of this election  
18 precinct?

19 (b) The lieutenant governor shall conduct the election substan-  
20 tially in accordance with the provisions of the Alaska Election Code  
21 (AS 15.05 - 15.60), except that the election shall be conducted not  
22 later than 60 days after the receipt of a proper petition. The lieu-  
23 tenant governor shall canvass the ballots and certify the election  
24 results to the board. If a majority of the votes is against the sale  
25 of intoxicating liquor in the precinct, the board shall reject all  
26 applications for new licenses or to transfer or renew licenses for  
27 establishments within the precinct.

28 (c) If, at an election under (a) of this section, a majority is  
29 against the sale of intoxicating liquor but is not against mail or

1 telephone orders, question 2 may be presented alone to the voters at  
2 a subsequent date, upon following the procedures set out in (a) of  
3 this section.

4 (d) If, following an election resulting in a prohibition against  
5 the sale of intoxicating liquor in the precinct, a majority of the  
6 voters at a subsequent election conducted for the purpose and in  
7 accordance with (a) of this section favor the sale of intoxicating  
8 liquor within the precinct, the board may issue the number and type of  
9 license to the same or other premises within the precinct as were in  
10 existence at the time of the last election at which a majority of the  
11 voters prohibited the sale of intoxicating liquor. Those applicants  
12 who were licensees and whose licenses were not reissued by reason of  
13 the last election conducted under the provisions of this section have  
14 a preference over other applicants.

15 (e) No new license for the sale of intoxicating liquor may be  
16 issued under this title for an establishment in a precinct in the  
17 unorganized borough outside incorporated cities in which precinct, on  
18 the effective date of this Act, there are no licensed premises unless  
19 an election under this section is first conducted.

20 Sec. 04.10.439. COMPENSATION FOR LOST REVENUE. (a) A municipi-  
21 pality with a population of fewer than 12,000 which has prohibited the  
22 sale of intoxicating liquor is eligible for and may apply to the  
23 Department of Community and Regional Affairs for payment to compensate  
24 the municipality for any revenue which it may have lost or foregone as  
25 a result of prohibiting the sale of intoxicating liquor. The muni-  
26 cipality is eligible for payment of \$10 per resident for Fiscal Year  
27 1978. The commissioner of community and regional affairs shall adjust  
28 the payment rate for future fiscal years in accordance with changes in  
29 the Consumer Price Index for Anchorage, Alaska, published by the

1 Bureau of Labor Statistics, United States Department of Labor. The  
2 Consumer Price Index for October 1976 is considered the initial  
3 Consumer Price Index. No payment may be made for any fiscal year  
4 preceding Fiscal Year 1978.

5 (b) In making the adjustments under (a) of this section, the  
6 commissioner of community and regional affairs shall comply with the  
7 following procedure:

8 (1) before December 31 of each year, the commissioner shall  
9 calculate the change in the October Consumer Price Index for the  
10 current year from the October Consumer Price Index for the previous  
11 year;

12 (2) the commissioner shall then

13 (A) compute the percentage increase or decrease for  
14 that period; and

15 (B) adjust the payment rate by the same percentage  
16 increase or decrease, rounded to the nearest tenth of a dollar.

17 (c) The determination of the Department of Community and Regional  
18 Affairs on the adjustment to be made, if any, is final and not subject  
19 to judicial review.

20 (d) In this section, "municipality" means an incorporated city,  
21 organized borough, and municipality unified under AS 29.68.240 -  
22 29.68.440.

23 \* Sec. 15. AS 04.15 is amended by adding a new section to read:

24 Sec. 04.15.015. RESTRICTION ON ADVERTISING. No holder of a  
25 license issued by the board, with the exception of those authorized by  
26 AS 04.10.080, 04.10.090, and 04.10.120, may advertise intoxicating  
27 liquor in any newspaper or magazine, or on any broadcasting station or  
28 community cable system, in the State of Alaska. As used in this  
29 section, "newspaper" includes shopping news and local television

1 program guides carrying advertisements for various businesses.

2 \* Sec. 16. AS 04.15.090 is amended to read:

3 Sec. 04.15.090. PROHIBITION WITH RESPECT TO CERTAIN PERSONS  
4 [FEMALES] IN CONNECTION WITH THE SALE OF BEVERAGES UPON LICENSED PRE-  
5 MISES. (a) No [FEMALE] person employed in any capacity or for any  
6 purpose by the holder of a license for a beverage dispensary establish-  
7 ment, club, roadhouse, restaurant, or common carrier dispensary, or by  
8 the operator or manager thereof may solicit or encourage the purchase  
9 of any beverage, alcoholic or otherwise, by patrons of the licensed  
10 premises for consumption by the patrons or by the [FEMALE] person; nor  
11 may the [FEMALE] person accept a beverage, alcoholic or otherwise,  
12 purchased by a patron of the establishment.

13 (b) No [FEMALE] person, whether an employee or patron of a  
14 licensed beverage dispensary establishment, club, roadhouse, restau-  
15 rant, or common carrier dispensary may remain about the premises of  
16 the establishment and solicit any beverage, alcoholic or otherwise,  
17 from a patron of the establishment, whether the beverage is for that  
18 person [HERSELF], the patron, or another.

19 (c) No holder of a license for a beverage dispensary establish-  
20 ment, club, roadhouse, restaurant, or common carrier dispensary, or an  
21 operator or manager thereof may permit a [FEMALE] person employed by  
22 him, in any capacity or for any purpose, to solicit or encourage the  
23 purchase of any beverage, alcoholic or otherwise, by patrons of the  
24 licensed premises for consumption by the patron or by the [FEMALE]  
25 person; nor may the holder, operator, or manager permit an [A FEMALE]  
26 employee to accept any beverage, alcoholic or otherwise, purchased or  
27 offered by a patron of the licensed premises.

28 (d) No holder of a license for a beverage dispensary establish-  
29 ment, club, roadhouse, restaurant, or common carrier dispensary, or an

1 operator or manager thereof may permit any [FEMALE] person to remain  
2 about the premises of the establishment and solicit any beverage,  
3 alcoholic or otherwise, from a patron of the licensed premises,  
4 whether the said beverage be for that person [HERSELF], the patron, or  
5 another.

6 (e) A holder of a license for a beverage dispensary establish-  
7 ment, club, roadhouse, restaurant, or common carrier dispensary, or  
8 the operator or manager thereof, or an [A FEMALE] employee thereof who  
9 violates this section is guilty of a misdemeanor.

10 (f) A [FEMALE] person, not an employee of any licensed premises  
11 described in this section, who violates (b) of this section is guilty  
12 of a misdemeanor.

13 \* Sec. 17. AS 04.15.100(b) is amended to read:

14 (b) Upon conviction of a licensee for a violation under (a) of  
15 this section, or for violation of a municipal ordinance adopted by a  
16 municipality in conformity with sec. 70 of this chapter, the judge  
17 having jurisdiction shall send a notification of conviction together  
18 with a certified copy of the record of conviction to the board and to  
19 the city or unified municipality, if any, in which the licensed estab-  
20 lishment is located or to the organized borough, if the licensed  
21 establishment is located outside a city in an organized borough. The  
22 board, council, or assembly may, upon the direction of a majority of  
23 its members, thereupon suspend the license as hereinafter provided for  
24 the first and second violations and upon a third violation, the board,  
25 but not a council or assembly, may revoke the license and declare the  
26 bond forfeited. For the purpose of this section, the terms "second  
27 violation" and "third violation" include only those violations which  
28 occur within five years of the first violation, but are not limited to  
29 repeated violations of the same statutory provision or municipal

ordinance.

(1) First Violation. The license of the premises involved may be suspended for not less than 10 nor more than 45 days;

(2) Second Violation. The license of the premises involved may be suspended for a period of not less than 30 days nor more than 90 days.

\* Sec. 18. AS 04.15 is amended by adding new sections to read:

Sec. 04.15.105. POSSESSION OF ALCOHOLIC BEVERAGES FOR COMMERCIAL PURPOSES. No person may, for commercial purposes and without a license, possess or bring into the state intoxicating liquor in excess of 20 wine gallons. A person who violates this section is guilty of a misdemeanor and, upon conviction, is punishable in accordance with sec. 100 of this chapter.

Sec. 04.15.107. POSSESSION IN VIOLATION OF LOCAL OPTION. (a) No person may possess more than 2.4 wine gallons of intoxicating liquor other than beer and wine, and 4.5 wine gallons of beer and wine, in a municipality or election precinct which has prohibited the sale of intoxicating liquor or a municipality which holds a limited community liquor license unless he has obtained a permit from the board for possession for special occasions. The board may issue a permit that allows a person to possess up to 20 wine gallons of intoxicating liquor in a municipality or election district which has prohibited the sale of intoxicating liquor or a municipality which holds a limited community license, for a restricted period of time so that it may be served to a large group of persons at a wedding or similar special occasion. A person who violates this section is guilty of a misdemeanor and, upon conviction, is punishable in accordance with sec. 100 of this chapter.

(b) In this section, "municipality" means an incorporated city,

1 organized borough, or municipality unified under AS 29.68.240 -  
2 29.68.440.

3 \* Sec. 19. AS 04.15.110 is amended to read:

4 Sec. 04.15.110. SALE IN VIOLATION OF LOCAL OPTION. Notwith-  
5 standing any other provision of this chapter, a person who unlawfully  
6 sells or offers for sale an intoxicating liquor in an area where the  
7 local option election has made these activities illegal is, upon  
8 conviction, guilty of a felony [MISDEMEANOR] and punishable by imprison-  
9 ment for a period not to exceed six years [ONE YEAR], or a fine not to  
10 exceed \$30,000 [\$5,000], or by both.

11 \* Sec. 20. AS 04.15 is amended by adding new sections to read:

12 Sec. 04.15.120. SEIZURE OF CONVEYANCE. A conveyance used, or  
13 intended for use, to transport or in any manner to facilitate the  
14 transportation, sale, receipt, possession or concealment of an alcoholic  
15 beverage sold in an area where a local option election has made its  
16 sale or offering for sale illegal may be seized when the seizure is  
17 incident to an arrest or a search under a search warrant.

18 Sec. 04.15.130. FORFEITURE AND SALE OF CONVEYANCE. Upon con-  
19 viction of the offender or upon judgment of the court having jurisdic-  
20 tion that a conveyance was used or intended for use to transport or in  
21 any manner to facilitate the transportation, sale, receipt, possession  
22 or concealment of an alcoholic beverage illegally sold in an area  
23 described in sec. 120, it is forfeited and shall be disposed of to the  
24 community in the local-option area most directly affected by the sale  
25 of the intoxicating liquor or to the state, as directed by the court.  
26 If the conveyance is sold for the benefit of the state, the proceeds  
27 of the sale shall be transmitted to the proper state officer for  
28 deposit in the general fund. If not ordered disposed of by the court,  
29 any seized conveyance shall be returned after completion of the case

1 and payment of the fine, if any.

2 Sec. 04.15.140. LIMITATIONS ON SEIZURE AND FORFEITURE. (a) No  
3 conveyance used as a common carrier in the transaction of business as  
4 a common carrier is forfeited under sec. 130 of this chapter unless  
5 the owner or other person legally in charge of the conveyance consented  
6 to or knew of the illegal conduct.

7 (b) No conveyance is forfeited under sec. 130 of this chapter  
8 because of conduct of a person, other than the owner, having unlawful  
9 possession of it.

10 Sec. 04.15.150. APPEARANCE BY PERSON HAVING INTEREST IN CONVEYANCE.  
11 A person holding a lien, mortgage, or conditional sales contract on a  
12 conveyance seized under sec. 120 of this chapter may appear before the  
13 court in the proceeding involving the forfeiture to petition for  
14 remittance or mitigation of the forfeiture. The court shall remit or  
15 mitigate the forfeiture if it finds that the petitioner has an interest  
16 in the conveyance which he acquired in good faith and without knowledge  
17 or reason to believe that the conveyance was being used or would be  
18 used in the transportation of an illegally sold alcoholic beverage.

19 Sec. 04.15.160. DEFINITIONS. In secs. 120 - 160 of this chapter

20 (1) "conveyance" means a vessel, motor vehicle, trailer,  
21 aircraft or other means, except animals, of transporting goods or  
22 people;

23 (2) "illegally sold alcoholic beverage" means any intoxicat-  
24 ing liquor as defined in AS 04.20.010 which is sold in the manner  
25 described in AS 04.15.110.

26 \* Sec. 21. AS 04.10.310 and 04.10.440 are repealed.

27 \* Sec. 22. This Act takes effect immediately in accordance with AS 01 -  
28 10.070(c).

A COMPENDIUM OF RECENT POSITIONS/STATEMENTS  
ON THESE ISSUES BY BUSH JUSTICE AND CITIZENS'  
PARTICIPATION CONFERENCES AND RURAL CAP

There was legislative action on subsistence last session with mixed results. House Bill 369, amending AS 16.05.255, provided that the Department of Fish and Game "may" adopt regulations providing for subsistence hunting. The act also includes a definition of subsistence hunting but as indicated earlier, the department interprets the definition as entitling both urban and rural people to the same subsistence rights. Given this interpretation, it is unlikely that the department will approve regulations which limit the "right" of an urban hunter to hunt as he wishes in what would normally be called a "subsistence zone." A tighter definition of subsistence to exclude urban dwellers might therefore be appropriate. Any such definition, of course, would involve significant constitutional considerations and would require careful drafting.

PROBLEM 2: LOCAL CONTROL OF ALCOHOLIC BEVERAGES

*ape Report*  
Dec., 1975

Under present law, incorporated villages (i.e. Second Class Cities) have the power to adopt dry laws by referendum. It also appears that these villages can enforce the dry law with a local police force and according to local ordinance. Enforcement can include prohibition of possession on "public property" (i.e. airports) and thereby virtually exclude the legal importation of alcohol into the village. The real question is the effectiveness of the village police force in this capacity. The problem is compounded by the frequent lack of a Court in which to judge and penalize the offender and the ambiguity surrounding the ability of the village council to do the same.

The problem is even worse in an unincorporated village or in a village

organized under an I.R.A. Council. The Indian Reorganization Act Councils are not recognized by the State government but they are recognized by the Federal authorities. Consequently the State will not recognize any laws adopted by the I.R.A. Council, and therefore, the I.R.A. village cannot vote itself dry under State law. It may be able to do so under Federal law, but only a Federal Court can judge and penalize an offender. The unincorporated village appears to be without even the theoretical protections of the State incorporated or Federally organized villages.

There are several legislative options that come to mind and more than one of these may be necessary to enable all Native communities to vote themselves dry and obtain effective enforcement of their local laws. One approach might be specific legislation permitting a local municipality to impose fines and to confiscate liquor under local ordinances. A village municipality may presently have that power, but it is an unsettled question. Legislative clarification of that matter would benefit at least those native villages which are incorporated under state law.

The I.R.A. villages pose another problem because under State law, the State has concurrent jurisdiction with the I.R.A. Council. The State will not enforce "dry laws" in such a village because (1), the village is not incorporated under state law and, (2) State law does not prohibit the use or importation of alcoholic beverages. It might be possible to draft legislation which would recognize the validity of I.R.A. (and perhaps unorganized village) dry law ordinances under State statute. If it were a matter of State law, the State Troopers could then be

required to enforce I.R.A. or unincorporated "dry" laws. It should be noted, though, that this approach is likely to meet stiff resistance from the State and it may also be unconstitutional under the provision of the State Constitution which prevents the legislature from passing "local laws."

### PROBLEM 3: FUNDING FOR PROBLEM BOARDS

The Problem Board Project is a pilot project now being implemented by the State Court System. Under this project, village boards of from three to seven members are trained in the art of dispute resolution. People who have disputes in the village of a minor criminal or non-criminal nature can take the dispute to the Problem Board for resolution. In this way, potential criminal and other legal problems can avoid Court action and be handled at the local level. The role of the Problem Board is enforced by the knowledge that if the dispute cannot be resolved at the local level, the people involved in the dispute may have to go to Court. Usually nobody wants to do that.

The Project seems to be functioning quite well, although it is really too early to say for sure. Nevertheless, the Court is requesting funding to continue the project and to expand the number of villages served. If the Conferees agree that this is an important project, then they might consider supporting legislation for continued funding of it.

### PROBLEM 4: COURT INTERPRETERS

The Court has also initiated a Court Interpreter Project in Bethel. Presently, two interpreters are being trained under the project and are

#### D. Juvenile Intake

Our office received a copy of the proposed Children's Rules revisions for comment. When reviewed, it appeared that the magistrate's authority to informally adjust a juvenile matter was deleted.<sup>2</sup> Our concerns about such a change were that it would deprive the justice system of the necessary flexibility required to function efficiently in the bush by requiring that a child travel to the city for informal adjustment. This defeats the purpose of the informal approach.

*Bush Justice Final Report  
7/20/76*

#### E. Alcohol and Rural Juveniles

The relationship of alcohol abuse to adult crime is well-documented. Alcohol is also a major area of concern in rural areas when speaking of juvenile crime. For example, in the Nome area from January 1974 through October 1975 there were 346 juvenile arrests; 270 (78%) were arrested for direct alcohol law violations. In addition, an unknown percentage of the other arrests were for crimes committed while the juveniles were intoxicated.

The juvenile alcohol problem is aggravated by the lack of recreational facilities in rural areas. In addition, juveniles find little help for their alcohol problems, as most alcoholism programs are oriented toward adult alcoholics.

#### F. Summary

Urban correctional agencies are not designed to handle the cultural diversity of rural children and should not be required to take on the responsibility of rural correctional facility and service needs. There is evidence of the detrimental effect of transporting rural children to urban Alaska for rehabilitative corrections. Urban corrections are not able to re-integrate children back into their environment nor are they able to provide follow-up job or career counseling when the children are released. Lack of correctional detention, group homes, temporary receiving homes and foster homes in the regional service centers has a special impact on rural children. Increased local control would help alleviate the problem of rural children spending more pre-adjudicative time in detention. Rural input into legislative and administrative changes is needed to provide productive revisions in childrens laws. Laws which are intended to have uniform impact affect urban and rural situations differently. Elimination of flexibility in the justice system can have a disastrous effect on rural Alaska and cause at the same time little or no impact on urban juvenile justice. Alcohol contributes to a large portion of rural juvenile crimes. There are no youth alcohol programs available.

In the juvenile justice system, rural Native involvement in the decision-making process and the availability of local facilities and services will provide juvenile justice in the bush.

<sup>2</sup>

Children's Rule 2(b)(1).

ALASKA FEDERATION OF NATIVES, INC.  
CONVENTION RESOLUTION 76-20

RELATING TO RURAL COUNCILS AND BOARDS IN THEIR DEALINGS WITH JUVENILES

WHEREAS, rural councils and boards do not always deal with juveniles;

BE IT RESOLVED, where conciliation boards and local village councils are being used, they deal more with juvenile problems and that they be encouraged to recruit young adults to serve on their boards and councils.

ALCOHOLISM

or

*"What Shall We Do with a Drunken, Etc. . . ."*

The issues considered most important here were:

Alcohol:

Should the funding of the A.B.C. Board be increased? Should it concentrate more on endorsement in rural areas? How can the Department of Health and Social Services develop better programs for dealing with rural patterns of alcohol abuse?

The resolutions in which these issues took form were:

ALASKA FEDERATION OF NATIVES, INC.  
CONVENTION RESOLUTION 76-27

RELATING TO THE ALCOHOL BEVERAGE CONTROL (ABC) BOARD

WHEREAS, the FY 77 budget for the ABC Board has only \$325,000 and is intended to support a staff of ten (10) — including only five (5) investigators; and

WHEREAS, the ABC Board is responsible for the control of some 1,300 licensed premises and liquor distributors throughout the state as well as control of bootlegging; and

WHEREAS, this level of staffing and funding is absolutely disgraceful considering the ABC Board's statewide enforcement responsibilities — especially in rural Alaska;

NOW, THEREFORE BE IT RESOLVED as follows: (1) That the governor and the legislature increase the ABC Board's funding to at least \$1,000,000; (2) That sufficient positions of that funding be devoted to providing adequate enforcement of state and local alcohol beverage control laws in rural areas; (3) That sufficient portions of that funding also be devoted to investigate and overhaul the present alcohol control procedures and to develop new and better coordination of control procedures throughout the state; and (4) That such procedures should be enacted as law and fully funded no later than July 1, 1978 (FY-79).

ALASKA FEDERATION OF NATIVES, INC.  
CONVENTION RESOLUTION 76-36

RELATING TO ALCOHOLISM PREVENTION AND TREATMENT

WHEREAS, the DISS Office of Alcoholism is the responsible state agency for providing alcoholism treatment programs throughout Alaska; and

WHEREAS, there are inadequate and inefficient alcoholism treatment centers in rural Alaska; and

WHEREAS, there are no current alcoholism prevention programs conducted by the DISS, Office of Alcoholism; and

WHEREAS, the convention delegates recognize that alcoholism is a major health problem in Alaska.

NOW, THEREFORE BE IT RESOLVED, that the Department of Health and Social Services establish as a top, ongoing priority, alcoholism prevention programs for rural Alaska. Be it further resolved that the department work closely with local communities in rural Alaska to determine the kind of treatment facilities needed and the appropriate kind of alcoholism services.

BE IT FURTHER RESOLVED, that this program be integrated with the existing and future systems of providing health care.



*Dave Case and Ronda Conatser*

FEBRUARY, 1977

The second session of the Alcoholism Committee decided to concentrate their efforts on the Governor's Alcoholism package. The conclusions of the group regarding this legislation were as follows.

HB 196/SB 167: "An Act relating to an excise tax on and license fees for sale of intoxicating liquors."

This bill, which would raise \$10 million additional revenues from increased excise taxes on alcoholic beverages, received a "high priority" ranking by the Alcoholism Committee.

HB 241: "An Act making a special appropriation of \$1.52 million to the Dept. of Health and Social Services and to the Dept. of Education for alcoholic related programs."

While the Alcoholism group endorsed the need for a special appropriation for expanding alcoholism and alcohol abuse related programs as a companion measure to the legislation increasing state alcoholism excise taxes, the amount of the special appropriation for such programs specified in HB 241 was considered wholly inadequate.

AMENDMENT: (1) At least half of the new revenues raised with the increased excise taxes proposed in SB 196 \$5,000,000 should be dedicated for provision of new and improved programs for alcoholism prevention and rehabilitation. The allocation of the \$1.5 million special appropriation set out in HB 241 was endorsed with the provision that the bill be amended so that the allocation is increased by an additional \$3.5 million.

(2) This additional \$3.5 million would be appropriated to the Dept. of Health and Social Services, Office of Alcoholism to be utilized for alcoholism programs in the rural areas of the state. Further, the Office of Alcoholism should be directed to give equal consideration to funding of local programs in alcoholism prevention and rehabilitation. The Office of Alcoholism should also be directed to coordinate with other state and federal agencies whenever possible to assure that follow-up services such as job training and recreational programs are available in conjunction with alcoholism rehabilitation programs.

HB 232: "An Act relating to municipal sales taxes."

This bill, which would allow municipalities to tax beverage alcohol at a rate higher than other commodities, was given a high priority rating by the Alcoholism Committee. The Group also endorsed the concept of a constitutional amendment to remove the existing prohibition against specially designated, "earmarked funds" Passage of such a constitutional amendment would allow revision of this bill to require that increased tax revenues from sale of alcohol be spent in local communities only for alcohol abuse and prevention related programs.

## ALCOHOLISM

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HB 240 :

"An Act relating to alcoholic beverages."

Briefly this bill would: provide for compensation to communities voting themselves dry for loss of sales tax revenues. Provide for increased penalties for bootlegging & limit advertising of alcoholic beverages.

This bill was also assigned a high priority rating by the Alcoholism Committee with the following recommendation:

The legislature should investigate the possibility of making provision for transitional appropriations to communities which operate community-owned liquor stores and choose to vote themselves dry. Such transitional appropriations would be for the purpose of assisting such communities while they develop other sources of local revenue.

Legislation to combine the Offices of Alcoholism & Drug Abuse (not yet introduced);

The Alcoholism Committee endorsed the idea of integration of the two offices by assigning a "high priority" to such legislation with the provision that the attention of the legislators be called to the importance of clearly defining and protecting the due process rights of individuals involuntarily committed to alcoholism treatment facilities.

Other Recommendations:

The Alcoholism Committee also voted to endorse Resolution No. 76-15 submitted by the Bush Justice Committee at the last CPC Conference held in Dec., 1976:

WHEREAS, there is a lack of emphasis in existing alcoholism, drug abuse and mental health programs specifically relating to the treatment of juveniles;

BE IT RESOLVED that the State of Alaska address the problem of treatment of alcoholism as it related to juveniles and families in rural Alaska; that more emphasis be put on research and treatment of alcoholism, drug abuse, and mental health as it pertains specifically to juveniles and their families for treatment at the rural level, and that the State of Alaska make their findings available to the Alaska Federation of Natives, and incorporate into its alcohol and drug abuse programs more emphasis on research and treatment of juveniles.



# RurAL ALaska Community Action Program, Inc.

MAILING ADDRESS: DRAWER 412 ECB  
TELEPHONE 279-2441  
ANCHORAGE, ALASKA 99501

## RESOLUTION NO. 75-10

ENTITLED: IN SUPPORT OF ALCOHOL PROGRAMS FOR THE ALASKAN PEOPLE

WHEREAS, the National Institute on Alcoholism and Alcohol Abuse has seen fit to grant \$600,000 to the State of Alaska to deal with problems of alcohol abuse made worse by the impact of construction of the Trans-Alaska Oil Pipeline, and

WHEREAS, the Governor's Advisory Board has seen fit to apply for these monies, committing \$200,000 for troubled employees' programs to be conducted by the Alaska Labor Management Employees Association, and

WHEREAS, this Association is a corporation formed by a coalition of organizations involved in constructing the pipeline, and

WHEREAS, Federal monies allocated to Alaska to deal with impact problems should be utilized by the State to assist Alaskan people, now, therefore, be it

RESOLVED, that the RurAL CAP Board of Directors goes on record as formally and vigorously opposing the granting of any State Impact funds to ALMEA or any other organization which represents the cause of adverse impact on the Alaskan people.

ADOPTED at a regular meeting of the RurAL CAP Board of Directors held on February 11, 1975, in Juneau, Alaska.

Signed: \_\_\_\_\_

*Gordon Jackson*  
Gordon Jackson, President  
RurAL CAP Board of Directors

Signed: \_\_\_\_\_

*Phil Smith*  
Phil Smith, Executive Director  
Rural Alaska Community Action Program, Inc.

RESOLUTION 76-32

ENTITLED: URGING THE ESTABLISHMENT OF A PERMANENT FUNDING MECHANISM FOR ALCOHOL AND DRUG ABUSE PROGRAMS IN ALASKA'S SCHOOLS

WHEREAS, Alcoholism and Drug Abuse remain the most serious threat to public health in Alaska, and

WHEREAS, one approach to the problem that is demonstratively effective is the inclusion of appropriate curricula in the schools, and

WHEREAS, the Community Schools Act established a model for Local Education Agencies to work with to obtain State Support for locally designed programs, and

WHEREAS, the Community School Program is funded primarily by an appropriation of 1/2 of 1% of the General Fund Appropriation for the Public School Foundation Program; now, therefore, be it

RESOLVED 1) That the Board of Directors of the Rural Alaska Community Action Program urges the 10th State Legislature to enact a program which would provide an incentive for Local Education Agencies to design and implement Alcohol and Drug curricula in their schools, subject to community control and participation;

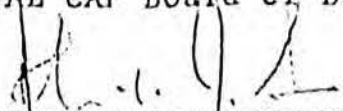
2) that the Legislature is requested to provide funding for such programs by appropriating an additional 1/2 of 1% of the annual PSFP support provided from the General Fund.

Adopted at a regular meeting of the Rural Alaska Community Action Program Board of Directors held on December 14, 1976, in Anchorage, Alaska.

Signed:

\_\_\_\_\_  
Gordon Jackson, President  
Rural CAP Board of Directors

Signed:

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural Alaska Community Action Program

# Rural Alaska Community Action Program, Inc.

## RESOLUTION 76-37

ENTITLED: REQUESTING THE STATE OFFICE OF ALCOHOLISM  
TO STREAMLINE ITS ADMINISTRATION

WHEREAS, Alcoholism is recognized as the number one health problem in rural Alaska, and

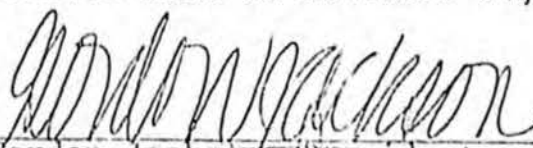
WHEREAS, within the Department of Health and Social Services there exists a "State Office" on Alcoholism, whose primary purpose is to assist local governments and private grantees with funding locally relevant programs to combat alcoholism, and

WHEREAS, present administrative constraints and attendant paperwork tend to discourage rather than encourage potential grantees from applying for available funding; now, therefore, be it

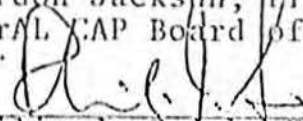
RESOLVED that the Board of Directors of the Rural Alaska Community Action Program urges the State Office of Alcoholism to reduce its administrative requirements and attendant paperwork so that small rural communities are no longer discouraged from seeking grant funds.

Adopted at a regular meeting of the Rural Alaska Community Action Program Board of Directors held on December 14, 1976, in Anchorage, Alaska.

Signed:

  
Gordon Jackson, President  
Rural CAP Board of Directors

Signed:

  
Philip J. Smith, Executive Director  
Rural Alaska Community Action Program

# Rural Alaska Community Action Program, Inc.

## RESOLUTION 77-6

ENTITLED: RELATING TO INCREASED MUNICIPAL COMPENSATION FOR COMMUNITIES PROHIBITING THE SALE OF INTOXICATING LIQUOR

WHEREAS, HB 240, "An Act Relating to Alcoholic Beverages, and Providing for an Effective Date," provides an incentive for organized municipalities within the State to "vote themselves dry" by compensating them for revenues lost thereby, and

WHEREAS, a number of unincorporated communities have passed such local ordinances, under authority of either Traditional Councils or the Indian Reorganization Act, and

WHEREAS, the intent of the proposed legislation is laudable and should apply to all Alaskan communities, now, therefore, be it

RESOLVED, that the Board of Directors of the Rural Alaska Community Action Program urges that the full intent of HB 240 be implemented in the legislation by extending the opportunity to receive compensatory revenues to all Alaskan communities, whether or not they are formally incorporated under Title XXIX of State Statutes.

Adopted at a regular meeting of the Rural Alaska Community Action Program Board of Directors held on February 25, 1977, in Juneau, Alaska.

Signed: \_\_\_\_\_

*Gordon Jackson*  
Gordon Jackson, President  
Rural CAP Board of Directors

Signed: \_\_\_\_\_

*P. J. Smith*  
Philip J. Smith, Executive Director  
Rural Alaska Community Action Program

# Rural Alaska Community Action Program, Inc.

## RESOLUTION #77-20

ENTITLED: IN OPPOSITION TO THE CONDUCT OF THE SPECIAL COMMITTEE  
ON ALCOHOLISM AND ALCOHOL-RELATED LEGISLATION

WHEREAS, the leadership of the Ninth State Legislature appointed a "Special Committee on Alcoholism and Alcohol-Related Legislation" to hold hearings throughout the State on a series of legislative proposals designed by the Administration to combat the problems of alcoholism, and

WHEREAS, the proposals represent a complex set of recommendations to deal with a complex problem; and, therefore, deserve a wide hearing by an informed public, and

WHEREAS, the Special Committee has chosen to complete a tour of certain parts of rural Alaska apparently without advance notification to the affected regions or villages, and

WHEREAS, in light of the fact that as many as 5 locations were to be visited during one day, and the Committee's schedule of hearings was obviously not designed to permit any reasonable degree of public participation in the hearings, Rural CAP views these factors as being illustrative of a breach of public faith and an insult to rural Alaska; now, therefore, be it

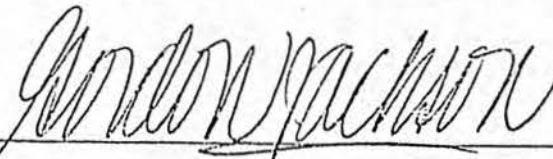
RESOLVED, that the Board of Directors of the Rural Alaska Community Action Program does hereby express its dismay at the irresponsible conduct of the Special Committee on Alcoholism and Alcohol-Related Legislation, whose activities demonstrate a total lack of sensitivity to the urgency of the problems they are charged to address and a similar lack of commitment to approaching those problems in a responsible manner.

And, be it further

RESOLVED, that this Resolution shall be forwarded immediately to the press, the leadership of the Legislature, and the several regions and villages who must bear the brunt of this legislative insult.

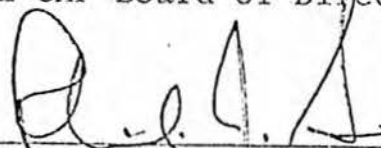
Adopted at a meeting of the Board of Directors of Rural Alaska Community Action Program, Inc., on September 16, 1977, in Kodiak, Alaska.

Signed: \_\_\_\_\_



Gordon Jackson, President  
Rural CAP Board of Directors

Signed: \_\_\_\_\_



Philip J. Smith, Executive Director  
Rural Alaska Community Action Program

*File  
Rural  
CAP*

# Rural Alaska Community Action Program, Inc.

September 27, 1977

The Honorable Mike Colletta  
State Senator  
Box 3188  
Anchorage, Alaska 99501

Dear Senator Colletta:

As the enclosed resolution indicates, the RurAL CAP Board of Directors was outraged at the conduct of your committee in your recent swing through rural Alaska to hold "hearings" on the package of alcoholism bills submitted by the Administration last February. It is our opinion that your jaunt accomplished little other than gaining a few page one stories in the Anchorage Times, expressing the (perfectly predictable) finding that "the Bush opposes booze taxes."

As the resolution indicates, the package of bills submitted by Governor Hammond was highly complex, of great importance to the rural areas, and therefore worthy of far greater attention than your committee has paid to it. We would hardly consider a three-day swing through Northwest Alaska as being adequate for your committee to achieve any true reading as to how the rural areas feel about the proposed legislation.

In order to obviate the impression that you may be receiving that this correspondence is entirely negative, let me stress that it is not intended to be. In fact, I would strongly recommend that you contact the Alaska Federation of Natives in the very near future. As you know, the AFN Convention is scheduled to begin early in the second week in November. The format for the convention will be workshop and several very important issues will be explored in depth at the convention. If it is truly your intention to obtain a broad cross section of rural input on these bills, I think the convention would be an excellent forum in which to accomplish that. If not, then you shouldn't have spent state money in conducting the hearings in the manner that you did.

Thank you very much for your attention to these concerns.

Sincerely,



Phil Smith  
Executive Director

PJS/shl

cc: Gov. Jay Hammond, Comm. Frank Williamson, Sen. John Rader, Sen. Chancy Croft,  
Byron Mallot, George Barrill

Administration

P.O. BOX 3-3908, Anchorage, Alaska 99501

• (907) 279-2441

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WHEREAS, in light of the fact that as many as 5 locations were to be visited during one day, and the Committee's schedule of hearings was obviously not designed to permit any reasonable degree of public participation in the hearings, RurAL CAP views these factors as being illustrative of a breach of public faith and an insult to rural Alaska; now, therefore, be it

RESOLVED, that the Board of Directors of the Rural Alaska Community Action Program does hereby express its dismay at the irresponsible conduct of the Special Committee on Alcoholism and Alcohol-Related Legislation, whose activities demonstrate a total lack of sensitivity to the urgency of the problems they are charged to address and a similar lack of commitment to approaching those problems in a responsible manner.

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RESOLVED, that this Resolution shall be forwarded immediately to the press, the leadership of the Legislature, and the several regions and villages who must bear the brunt of this legislative insult.

Adopted at a meeting of the Board of Directors of Rural Alaska Community Action Program, Inc., on September 16, 1977, in Kodiak, Alaska.

Signed: 

Gordon Jackson, President  
RurAL CAP Board of Directors

Signed: 

Philip J. Smith, Executive Director  
Rural Alaska Community Action Program