

HB

1000

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 700

DEPARTMENT JUDICIARY

ATTENTION _____

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER 3150

DEPARTMENT C+KA

BY Mekie Campbell DATE 4/25/88

02-002 (REV.10/73)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 1000

Title An Act allowing municipalities to prescribe offenses related to marijuana

Requested by _____ Date 4-15-80

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Local Government Assistance

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	0	0	0	0	0	0
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. / .SIS (See Fiscal Note Preparation Instructions, Section III)

None

IV. DATE 4-15-80 PREPARED BY Steve Van Sant 

AGENCY Community & Regional Affairs

PHONE 465-4787

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

April 10, 1980

To: Rep. Randy Phillips
House Judiciary

From: Rep. Eliason

For your information



City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835

March 13, 1980

Representative Richard I. Eliason
State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Dick:

Enclosed is a copy of City and Borough of Sitka Ordinance No. 80-418 which was ratified by the electorate at a Special Election held on February 13, 1980. Also enclosed is a copy of City and Borough of Sitka Resolution No. 80-154 requesting that you initiate and support legislation which will enable Sitka to carry out the provisions of Ordinance No. 80-418. Please note that the legislation requested is for local option, and it is not the intent of Sitka to impose our views in this matter on any other political subdivision.

Very truly yours,


Fermin Gutierrez
Administrator

Enclosures

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 80-154

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA REQUESTING OUR REPRESENTATIVES IN THE STATE LEGISLATURE TO PASS LEGISLATION GIVING HOME RULE CITIES THE OPTION OF MAKING LAWS TO CONTROL THE SALE OF MARIJUANA, HASHISH OR OTHER CANNABIS MATERIALS OUTSIDE THE RESIDENCE OF THE POSSESSOR.

WHEREAS, on February 13, 1980 at a Special Election, the electorate of Sitka by a vote of 706 - 562, voted approval of Ordinance No. 80-418, "AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA PROHIBITING POSSESSION OF MARIJUANA, HASHISH, OR OTHER CANNABIS MATERIALS OUTSIDE THE RESIDENCE OF THE POSSESSOR", and

WHEREAS, this ordinance was prepared after a petition signed by several hundred citizens requested the Assembly to take some positive action to help control and alleviate drug-related problems of the community, and

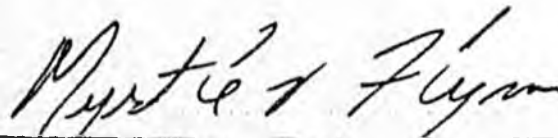
WHEREAS, Sitka has been contacted by many other Alaskan communities who also express concern over drug problems in their communities and are seeking solutions,

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that Sitka's representatives to the Legislature are hereby requested to pass legislation giving Home Rule cities the option of making their own laws to control the sale of marijuana, hashish, or other cannabis materials outside the residence of the possessor.

PASSED, APPROVED AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 11th day of MARCH, 1980, with copies of this Resolution directed to be sent to Representative Dick Eliason, Senator Pete Meland, and Governor Jay Hammond.


John E. Dapcevich, Mayor

A T T E S T:


Myrtle V. Flynn, Clerk.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 80-418

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA PROHIBITING POSSESSION OF MARIJUANA, HASHISH OR OTHER CANNABIS MATERIALS OUTSIDE THE RESIDENCE OF THE POSSESSOR.

BE IT ENACTED by the Assembly of the City and Borough of Sitka, as follows:

1. CLASSIFICATION. This ordinance is of a general and permanent nature and shall become a part of the SITKA GENERAL CODE.

2. SEVERABILITY. If any provision of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application thereof to any person or circumstance shall not be affected thereby.

3. PURPOSE. This ordinance is to prohibit possession of marijuana to the greatest extent allowable by the Alaska Constitution. Presently, Alaska State Law allows adults to possess up to one ounce in certain places. In addition, the Alaska Supreme Court has held that the Alaska Constitution allows adults to have marijuana in their homes.

The Assembly believes that possession by adults outside of the home should be governed by local option rather than by Statewide law.

If this ordinance is approved by the Sitka voters at an election, the Assembly will work toward amending State Law so that local governments will be allowed (through local elections) to determine if they wished to regulate marijuana within their boundaries.

Before this ordinance can go into effect, two things must happen:

1. The ordinance must be approved by the Sitka voters.
2. Alaska State Law must be amended to allow for local option on marijuana control.

4. ENACTMENT. There is hereby added to the SITKA GENERAL CODE a new Section 10.90 to read as follows:

Possession of Marijuana Prohibited

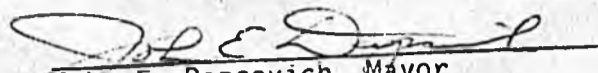
10.90.010 It is unlawful to possess or transport any amount of marijuana, hashish or other cannabis products within the City and Borough of Sitka except where such possession may be constitutionally protected.

10.90.020 Any person possessing or transporting marijuana, hashish or other cannabis products as prohibited in 10.90.010 shall be subject to a fine of not more than five hundred (\$500) dollars, a jail term of not more than 30 days, or both.

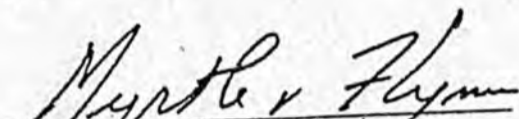
5. EFFECTIVE DATE. This ordinance shall become effective after passed by the voters of Sitka and Alaska State Law is amended to allow local option on marijuana control.

Ordinance No. 80-418

PASSED, APPROVED AND ADOPTED by the Assembly of the City and Borough of Sitka,
Alaska, on this 22nd day of January, 1980.


John E. Dapcevich, Mayor

ATTEST:


Myrtle V. Flynn, Clerk