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Cook ✓
4/8/82

Original sponsor: Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
 2 HOUSE CS FOR SENATE BILL NO. 765 (Judiciary)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 TWELFTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act exempting the importation of sacramental wine
 7 for religious purposes from a prohibition on the im-
 8 portation of alcoholic beverages into municipalities or
 9 villages."

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

11 * Section 1. AS 04.11.496(b) is amended to read:
 12 (b) If a majority of the voters vote "yes" on the question set out
 13 in (a) of this section, a person, beginning on the first day of the
 14 month following certification of the results of the election, may not
 15 knowingly send, transport, or bring an alcoholic beverage [BEVERAGES]
 16 into the municipality or established village, unless the alcoholic
 17 beverage is sacramental wine to be used for bona fide religious purposes
 18 based on tenets or teachings of a church or religious body, is limited
 19 in quantity to the amount necessary for religious purposes, and is dis-
 20 dispensed for religious purposes by a person authorized by the church or
 21 religious body to dispense the sacramental wine. The board shall be
 22 notified immediately after certification of the results of the election
 23 and thereafter may not issue, renew, or transfer between holders or
 24 locations a license for licensed premises located within the boundaries
 25 of the municipality and within unincorporated areas within five miles of
 26 the boundaries of the municipality or within the perimeter of the
 27 established village. Licenses that [WHICH] may not be renewed because
 28 of a local option election held under this section are void 90 days
 29 after the results of the election are certified. A license that [WHICH]

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will expire during the 90 days after the results of a local option election under this section are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

ALASKA LEGAL SERVICES CORPORATION

615 "4" STREET, SUITE 100
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-9431

February 8, 1982

HAND-DELIVERED

The Honorable Bill Ray
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Ray:

As discussed in our conversation of February 5, 1982, the ability legally to obtain sacramental wine is a matter of serious concern in communities which have held or are considering holding state Title 4 alcohol local option elections to prohibit the sale and importation of alcoholic beverages. As A.S. 04.11.496 is currently written, the statute sets out no exception to provide for the contingency of sacramental wine to be used for religious services once a municipality or established village has held a valid election to prohibit the sale and importation of alcoholic beverages. This puts church officials in the peculiar position of having to violate the law to bring wine for religious services into villages which have held elections.

In a great many of the sixty or so villages to which the ALSC Alcohol Project staff and I, upon village request, have travelled, the issue has been raised by numerous village residents as well as Roman Catholic and Russian Orthodox priests. In particular, the problem was recently called to our attention by Brown Jug when the church in St. Mary's placed an order with them. Brown Jug was understandably loath to risk the local option law penalties. We have checked the statutes of other states which have alcohol local option laws similar to Alaska. Each state statute researched has an express exception for sacramental wine as part of the statutory scheme.

In these statutes (which I will be delighted to provide if you are interested), the sacramental wine exceptions to prohibition limit acquisition of sacramental wine to officials or authorized representatives of churches or bona fide religious organizations for use and dispensation in bona fide religious ceremonies and rituals. The sacramental wine exception has been, in other states, simply written or can involve complicated procedures involving affidavits and package labelling.

Honorable Bill Ray
Page Two
February 8, 1982

In drafting the enclosed sacramental wine exception, we have opted for a simply written exception adding a new subsection (d) to A.S. 04.11.496.

As indicated in our conversation of February 5, 1982, you will be hearing from some of the people and groups who brought this problem to our attention.

Thank you for agreeing to introduce this piece of legislation.

Please call me if you have any questions or I can otherwise be of assistance.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

Carole A. Baeky /BT

Carole A. Baeky
Statewide Alcohol Coordinator

CAB/js

Enclosure

PROPOSED AMENDMENT TO A.S. 04.11.496

(Sacramental Wine Exception)

A.S. 04.11.496 is amended by adding a subsection (d) which reads as follows:
NOTHING IN THIS SECTION SHALL PREVENT THE IMPORTATION, POSSESSION, AND DISPENSATION OF WINE FOR SACRAMENTAL PURPOSES ONLY BY AN AUTHORIZED REPRESENTATIVE OF ANY CHURCH OR BONA FIDE RELIGIOUS ORGANIZATION. SUCH IMPORTATION SHALL BE LIMITED TO QUANTITIES NECESSARY FOR USE IN BONA FIDE RELIGIOUS CEREMONIES OR RITUALS.

St. Matthew's Episcopal Church

1030 Second Avenue Fairbanks, Alaska 99701



February 3, 1982

The Rev. Donald P. Hart, Rector

Senator Bill Ray
Fouch V (H53100)
Juneau, Alaska 99811

Dear Senator Ray:

My attention has been directed to a problem in villages which have passed ordinances prohibiting the importation or use of alcohol. The problem has to do with the use of sacramental wine in services of the church.

As I am sure you know, several churches, the Episcopal, Roman Catholic, and Orthodox Churches, as well as others perhaps, use wine as a part of their primary worship. This is based on Biblical roots, ancient rites, and historic useage. In some cases where priests must come from other locations they are probably bringing a sufficient supply of wine for the service with them. In most normal cases the consumption of wine amounts to a single sip from the chalice for each communicant per service.

While this situation could be overlooked and the law simply not enforced in regard to priests, this would put them in a very peculiar position outside the law. I think this is not what priests want. An amendment to the law, allowing an exception, for sacramental use, would be much more preferred.

Bishop Harris is out of the State at this time. As president of the Diocesan Standing Committee I write to you on behalf of this Diocese. My thanks for your attention to this matter.

Sincerely,

Donald P. Hart
President of the Standing Committee

cc. The Rt. Rev. George C. Harris

HOLY CROSS MISSION

HOLY CROSS, ALASKA

99602

February 8, 1982

Senator Bill Ray
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Ray:

I have high praise for the work that Carol Baekey has done regarding the Alcohol Local Option Law. However, as I have mentioned to her, I find its present wording unsatisfactory, and possibly even unconstitutional. What am I referring to?

Taken in its literal meaning, I find that I would be in violation of said law when, as a Catholic priest, I transport sacramental wine into any village which prohibits the importation of alcohol. Certainly, the use of sacramental wine in our liturgical service does not violate the intent of the law, but I feel this should be clearly stated in black and white.

Let me state a practical case for you. I order my sacramental wine every two years, four cases of four gallons each. I then divide this amount up between the three main villages I serve. Hence, I am importing wine into three villages. Above and beyond that, I generally carry a small bottle of sacramental wine in my Mass kit which is transported in my aircraft to the four or five other villages I frequent on occasion. And to extend that even further, I never know when I will be called upon to fly to other villages such as St. Mary's, Marshall, Emmonak, Alakanuk, Chevak, Etc. on Church business. Generally, my Mass kit will be in the aircraft and in it, a small amount of sacramental wine. Under the present law, if I were to remove my Mass kit in any village prohibiting the importation of alcohol, I am subject to a fine and confiscation of an aircraft.

What I am saying is that the present law involves a violation of my right to religious freedom, and hence, is unconstitutional taken in the strictest sense. I realize that the intent of the local option law is not to restrict sacramental wine and the proper use thereof. However, this should be clearly stated.

What is a practical solution? I don't think you can restrict the amount, for a priest serving three villages will obviously have to import more than a priest serving one village, and even on a one to one basis, the amount will vary. Why? Obviously, the size of the village has something to do with the amount of sacramental wine used a year, especially if communion is given under both species.

Hence, I think that sacramental wine (the importation and use thereof) should be restricted to authorized persons, i.e., persons designated by the Bishop. Notice that I do not restrict the importation to priests, the reason being that in many villages where a priest is not in residence, a layman will pick up the mail, freight, etc., and tend the Church in the priest's absence. The wine is generally kept

HOLY CROSS MISSION

HOLY CROSS, ALASKA

99602

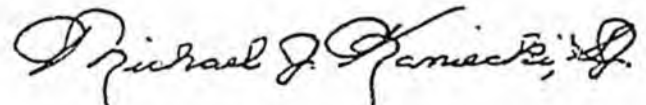
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at such a person's home.

These are just a couple examples to show you there is no simple solution. However, I do feel that there definitely must be some clause or provision for the importation and use of sacramental wine in villages which now have the right to prohibit the importation of alcohol.

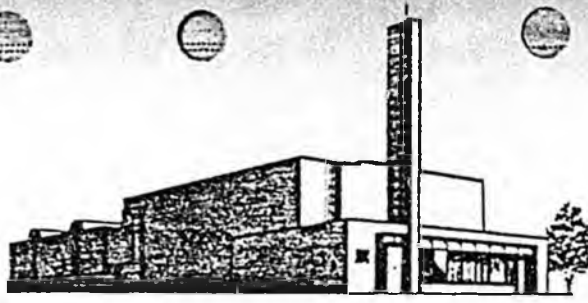
Thank you for your time and interest in this matter.

Sincerely yours,



Michael J. Kaniecki, S.J.

cc: Carol Baekey
Bishop Whelan



J. Elliot P. Morrison
 Pastor
 Philip E. Gilbert
 Parish Associate
 Mary Ann Warden
 Lay Preacher

First Presbyterian Church

CUSHMAN AT SEVENTH TEL. 452-2406 FAIRBANKS, ALASKA 99701
 Mailing Address: 547 Seventh Ave.,

February 10, 1982

Senator Bill Ray
 Pouch V
 Juneau, AK 99811

Dear Senator Ray:

I do believe that barring wine from communion services in dry communities would be a bit of "overkill." Thus I encourage you to amend the bill for this technicality.

Grace and peace,

J. Elliot P. Morrison
 J. Elliot P. Morrison
 JEPM/mm

City of St. Mary's

P.O. Box 163
ST. MARY'S, ALASKA 99658

February 8, 1982

Senator Bill Ray
Pouch #1
Juneau, Ak. 99811

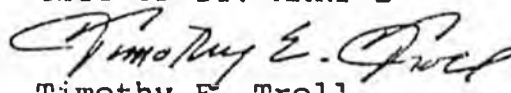
Dear Senator Ray:

I am enclosing for your reference a resolution recently passed by the City Council of St. Mary's regarding the importation of alcohol into communities for religious services. St. Mary's voted to prohibit the importation and sale of alcohol under the local option provisions of Title 4. St. Mary's, as you can probably judge from the name, is primarily a Catholic community. Recently the church had some difficulty bringing alcohol into the community because of the law. This is a technical oversight in the present law and I would encourage you to support an amendment to correct the situation.

I particularly want to thank you for your support of these local options in Title 4. The options have given rural communities like St. Mary's an opportunity to deal with alcohol in the manner that is most locally appropriate.

Sincerely,

CITY OF ST. MARY'S



Timothy E. Troll
City Manager

cc. John Sackett
Vern Hurlbert

RESOLUTION 82-5
OF THE CITY COUNCIL FOR
ST. MARY'S, ALASKA

WHEREAS: The City of St. Mary's in Emergency Ordinance 81-2 prohibiting the importation of alcoholic beverages into St. Mary's specifically provided exception for alcoholic beverages used in religious services; and

WHEREAS: The local option provisions of Alaska Statutes, Title 4 prohibiting importation do not provide exception for alcoholic beverages used in religious services; and

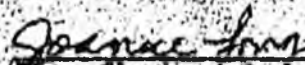
WHEREAS: Alcoholic beverages used in church services do not contribute to the problems caused by alcohol in village Alaska;

THEREFORE, BE IT RESOLVED that the Alaska State Legislature amend Alaska Statutes, Title 4 to provide that alcoholic beverages used in religious services may be imported into communities that have opted under the provisions of Title 4 to prohibit the importation of alcoholic beverages.

PASSED AND APPROVED by a duly constituted quorum of the City Council of St. Mary's Alaska this 12th day of Feb, 1982.


Mayor

ATTEST:


City Clerk

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 765am

Title Exempting importation of alcoholic beverages for religious purposes

Requested by House Judiciary Committee Date 2/26/82

II. FISCAL DETAIL

Agency Affected Revenue

Program Category Affected Consumer Protection

BRU, Program, Or Subprogram(s) Affected ABC Board

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
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)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

There will not be any fiscal impact on this BRU if this legislation is passed.

IV. DATE 3/3/82

PREPARED BY Patrick L. Sharrock, Director
AGENCY Alcoholic Beverage Control Board

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

PHONE 277-8638