

S

B

6

5

COMMITTEE REPORT

SENATE

FURTHER: None

3/27/81

Date: April 29, 1981

Mr. President:

The Committee on JUDICIARY has had SB 65

alcoholic beverages

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- replace with CS for CSSB65 (Jud.) [  ] same title [ ] new title

and recommends Do Pass

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Handwritten signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*[Handwritten signature]*  
 \_\_\_\_\_  
 CHAIRMAN



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

465-4934  
465-4935

Pouch V  
State Capitol  
Juneau, Alaska 99811

Donald Gilman, Chairman  
Robert H. Ziegler, Sr., Vice-Chairman  
Mike Colletta  
Arliss Sturgulewski  
Frank Ferguson

April 3, 1981

### MEMORANDUM

TO: Senator Pat Rodey  
Chairman  
Senate Judiciary Committee

FROM: Senator *Don* Gilman  
Chairman  
Senate Community and Regional  
Affairs Committee

RE: CS for SB 65 (C&RA)

There was some concern in this Committee about the policy and effect of Sec. 2 of CSSB 65(C&RA). Rather than delay the bill, the Community and Regional Affairs Committee voted to move it to your Committee on condition that a memo be sent requesting that your Committee give special scrutiny to Sec. 2 of the bill to make sure that the policy expressed is equitable and desirable.

## ANALYSIS OF SENATE BILL 65

### Section 1

Under current law a renewal for a liquor license is denied if the licensed premises have not been operated for 30 eight-hour days during the preceding calendar year. This section would allow recreational site licenses (e.g., those at ball parks, speedways, etc.) to be renewed if the license were exercised once during the year.

### Section 2

Under current law corporations cannot be issued a liquor license unless they have been in existence for a year or, in the case of foreign corporations, had a certificate of authority to transact business for one year. This section would remove the time restriction on issuance of licenses to a domestic corporation if each of its stockholders have resided in the state for at least one year.

### Section 3

This section would require that a municipality which files a protest to the issuance, transfer or renewal of a liquor license must also file its reasons for the protest. Under current law no statement of reasons is required.

### Section 4

Current law requires both a municipality and the lieutenant governor to be involved in a local liquor option election. This section would allow a municipality to conduct its own election and would allow special elections on local option questions.

### Section 5

This section prohibits the board from accepting applications for the issuance, renewal or transfer of a liquor license for one year after a local option election.

### Section 6

This section is mostly a stylistic and technical clean-up. The insertion of the words "bona fide" is to emphasize that the language following refers to a type of licensed premises and not restaurants or eating places in the general sense.

Section 7

Under present law no person may accept money to solicit or encourage a patron of a licensed premises to purchase alcoholic beverages for consumption by a person other than the patron. This section would forbid the purchase under such circumstances regardless of the intent to consume.

Section 8

This section allows the board to designate certain eating places where minors, accompanied by a person over 19, may enter and remain for dining. Current law only allows minors in the company of an adult to enter a licensed premises holding a particular type of license known as a "restaurant or eating place license."

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT

MATERIALS TO BE INCLUDED WITH THE TESTIMONY OF  
CAROLE A. BAEKEY

1. ALASKA LEGAL SERVICES CORPORATION HAND-OUT TO VILLAGES ON THE TITLE IV ALCOHOL LOCAL OPTIONS LAW
2. RURALCAPY BETHEL WORKSHOP RESOLUTIONS
3. RURALCAP JUNEAU WORKSHOP RESOLUTIONS
4. RURALCAP CITIZENS PARTICIPATION CONFERENCE ALCOHOL RESOLUTIONS
5. RESOLUTION OF THE STATE REVIEW BOARD ON ALCOHOLISM
6. LETTER FROM ALASKA NATIVE COMMISSION ON ALCOHOLISM AND DRUG ABUSE: SB 65
7. LETTER FROM DIVISION OF ELECTIONS: SB 65
8. LETTER FROM LIEUTENANT GOVERNOR: SB 65
9. LETTER FROM MEKORYUK CITY COUNCIL: SB 65
10. LETTER FROM CITY COUNCIL OF POINT HOPE
11. ST. MARY'S EMERGENCY ORDINANCE
12. CITY COUNCIL OF ALAKANUK RESOLUTIONS
13. LETTER FROM CONRAD EARL ALBRECHT, M. D. TO WILSON CONDON, ATTORNEY GENERAL RE: LOCAL OPTIONS
14. LETTER FROM NICK CHANAR, TOKSOOK BAY RE: LOCAL OPTIONS

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-9431

TO: Local Communities Concerned About the Alcohol Local Law  
RE: Alaska Alcohol Local Option Law  
DATE: March, 1981

-----

Under the new 1980 alcohol "local option" law, your local village government may now control the sale and bringing of alcohol into your village. If your village makes certain choices, state law will back up the village choice.

The village choices are:

1. To forbid the sale of alcohol.
2. To sell liquor only in a community liquor store.
3. To forbid both the sale and bringing in of liquor.
4. To sell liquor only with a community approved liquor license.

A village can choose only one of these four choices. BUT, you must follow the state's rules when your village makes one of these choices. How you will elect and choose depends on whether your village is a municipality or an established village.

In both a municipality and an established village, at least 35% of the number of people voting in the last election must on a PETITION IN WRITING ask the local government of the village to put one of the four choices on a separate ballot at the next election.

EXAMPLE: If your village has 100 voters, 35 people now registered to vote must sign a paper asking the village government to put one of the four choices on a separate piece of paper for voters to choose what they want at the next election.

If the village is a MUNICIPALITY (a SECOND CLASS CITY), the time to make your choice will be next October at the next election.

If your village is an ESTABLISHED VILLAGE, a special election can be held.

If more than one half (1/2) of the people in your village vote for one of the choices, that will be the decision for the whole village.

EXAMPLE: If your village has 100 voters and 51 of the people

Memorandum  
Alaska Alcohol Local Option Law  
March, 1981

voting in the election want the village to forbid the sale and importation of alcohol in the village, that will be the decision for all of the people in the village.

The village must also ask the Lieutenant Governor's office to CERTIFY the decision of the village. That means the village government must ask the Lieutenant Governor's office to say that the election was properly held and that the vote of the village will now be village law. If the Lieutenant Governor's office says the village vote was all right, that means the village will have the permission of the state to follow certain procedures under state law to punish people who do not follow the decision of the village in the election.

BUT, if a liquor license is to be taken away from a store or bar, it will be taken away at the end of the year in which the local option election is held, on December 31st of that year. That will be the December 31st after the Lieutenant Governor's office has said the village vote was all right.

At this time (March, 1980), a second class city, also called a municipality, must wait until its next regularly scheduled election in October to vote. However, the Alaska State Legislature is considering an amendment to provide that a second class city may hold a special election to vote on the law. That means that a village could vote before next October --- after following the procedures for the petition. AT THIS TIME, A VILLAGE MUST WAIT BEFORE IT CAN HOLD A VALID ELECTION. However, a village can now begin to circulate its local option petition so it will be ready to vote as soon as possible. HAVING A PETITION THAT IS PROPERLY SIGNED IS NOT THE SAME THING AS VOTING ON THE LAW --- THOSE ARE TWO SEPARATE ACTIONS A VILLAGE MUST TAKE TO HAVE THE LOCAL OPTION.

ALASKA LEGAL SERVICES CORPORATION has lawyers who can help your village understand the local option law. If your village has questions or wants a lawyer to come to the village to provide assistance with the alcohol local option law, please call or write CAROLE A. BAEKEY, ALASKA LEGAL SERVICES CORPORATION, 615 H STREET, ANCHORAGE, ALASKA 99501, 272-9431. You may call collect. Someone will help your village with the law and will listen to what your village has to say.

REMEMBER YOUR VILLAGE CAN NOW MAKE A CHOICE ABOUT HOW TO HANDLE LIQUOR AND THAT CHOICE WILL BE BACKED UP BY STATE LAW ENFORCEMENT PENALTIES. If you need help, there are lawyers to help your village.

MEMORANDUM

TO: Alaska State Senate  
Alaska House of Representatives  
Office of Attorney General  
Office of the Lieutenant Governor  
Director of Elections  
State Office on Alcoholism & Drug Abuse

FROM: Concerned Citizens Listed Below

RE: Concerns With Respect to Alcohol and Drug Laws and Regulations

DATE: January 30, 1981

-----

As a result of a community participation workshop held in Bethel from January 23-30, 1981, we wish the legislative bodies and agencies listed above to address issues of local concern about alcohol and drug abuse and isolated at a workshop held in Bethel on alcohol abuse and local options:

1. Under existing Title IV legislation, a community designated as a municipality can not presently hold an election on alcohol "local options" until the next regularly scheduled election in October. Many of our communities are deeply concerned about alcohol abuse and its effects and we wish the authority to move as quickly as possible on the "local options" law. We should like Title IV to be amended as quickly as possible to give municipalities the authority to hold special elections <sup>on the local option issue</sup> as soon as possible.

2. Under existing Title IV legislation, an established village's power to enforce alcohol "local option" options is not clear and we would like that clarified.

3. Under existing Title IV legislation, 35% of all registered voters are required for a valid petition to put "local options" on a ballot at the next regularly scheduled election (in the case of a municipality; see paragraph 1 above) or at the next special election (in the case of an "established village"). We recognize that village populations can change radically in a relatively short time span and would like to see that requirement amended to provide 35% of the registered voters voting in the last election OR to define the concept of "registered voters" by the number of people presently residing in a village.

4. Also, under existing Title IV legislation, the office of the Lieutenant Governor is to "conduct" and "certify" the local options election. We should like clarification or regulations to define the meaning of both "to conduct" and "to certify", it being our express wish to be able to conduct the elections and have the Lieutenant Governor's office certify the results.

5. Once a village, be it municipality or established village, has voted on and secured any segment of the local options under Title IV, we wish assurance that the wishes of the village

Memorandum  
 Alaska State Senate  
 Alaska House of Representatives  
 Office of Attorney General  
 Office of the Lieutenant Governor  
 Director of Elections  
 State Office on Alcoholism & Drug Abuse  
 January 30, 1981  
 Page Three

SIGNATURES CONTINUED

	<u>Name</u>	<u>Village</u>	<u>Date</u>
10.	Melvin Tomack	Akiachak	1/30/81
11.	William A. Bean	Mtn. Village, Ak. 99632	1/30/81
12.	Kenneth Smith	McHenry, Ak. 99630	1/30/81
13.	W. Will	Akiak, Ak. 99552	1/30/81
14.	Yak A. Chuk	White Mountain 99784	1/30/81
15.	Patrick G. Grogan	Seward, Ak. 99769	1/30/81
16.	Lois Joo	Aniak, Ak. 99557	1/30/81
17.	Barbara King	Barre Seward, Ak. 99769	1/30/81
18.	Russ E. Pook	St Paul Island Ak. 99610	1-30-81
19.	Walter H. Smith	Wainwright, Ak. 99704	1/30/81
20.	Archie Elbie	Do. Naknek, Ak. 99670	1-30-81

# Rural Alaska

## Community Action Program, Inc.

TO: Workshop Participants and Resource People      DATE: February 27, 1981

FROM: Peg Engwall, Alcoholism Program Director

SUBJECT: Summary of discussion by Workshop Participants on clarification and enforcement of laws.

This summary is compiled from information gathered at Rural Community Action Alcoholism Education Workshop in Juneau, February 18 - 20. It is being mailed to all workshop participants and resource people.

1. Clarification of local option law as it is written to prohibit importation
  - a) Car prohibition of importation include prohibition of shipping alcohol to individuals for their personal use?
  - b) If an established village or incorporated city votes to prohibit importation, are shippers, (planes, ferries, boats, snow machines, cars) who import alcohol subject to search and seizure?
  - c) How can a petition be written by a village so that its language is clearly understandable to the people and still meets requirements of current local option law as a legal petition?
  - d) When the law is clarified, can the ABC Board be required to send letters stating which villages have votes to prohibit sale and/or importation to all liquor companies, warehouses, stores, common carriers and charter aircraft operators? Do the letters spell out the tough penalty for importing alcohol into a dry village?
2. Local law enforcement
  - a) What can be done in a village 1) Where the village safety officer feels threatened when he/she attempts to enforce the law? 2) Where the village council/city government is divided on what to do about alcohol? 3) Where there is a threat of personal injury from people who do not want to give up alcohol or drugs?
  - b) How can penalties against bootleggers be enforced? Are they tough enough? What kind of evidence do you have to have on a bootlegger? Who do you report it to?
  - c) What can be done when traditional village law is in conflict with state and federal law?

3. Drugs other than alcohol
  - a) Stricter penalties are needed for drug pushers/suppliers.
  - b) Better protection for informers and undercover agents is needed.
  - c) Clear lines of communication between people who want to complain about drug abuse and authorities who can investigate are needed.
4. Legislation to be considered
  - a) If possible, prohibit parents from giving their children booze.
  - b) Raise drinking age to 21.
  - c) Change current local option law to read the same for unincorporated villages as second class cities, that is, 35% of registered voters who voted in last election be enough signatures to make a petition valid.

Positive suggestions

1. Educate a group of people on how alcohol affects a village (health, schools, crime, accidents, death) and explain laws that the village itself can use to control alcohol within the village, and laws that can be enforced from outside the village by troopers, magistrate, attorney generals office, etc.
2. Form a group of people (counselor, elders, minister/priest, health aide, school board members, council members) who are willing to support restrictions on alcohol and go as a group to council, safety officer, store or bar, etc. and present specific suggestions to them.
3. If liquor sales are legal in a village and run by the community, restrict hours of sale and amount sold by order of the village council.

Please tell us if we have left anything out or gotten it wrong. Unless we hear objections from you, we will present this to the Citizens Participation Conference delegates in March for them to consider when they make recommendations. If there is anyone else you want us to mail it to, please let us know.

SUMMARY OF RECOMMENDATIONS

ALCOHOLISM WORKSHOP

The group elected as officers the following individuals: Karl Ashenfelter, Chairperson; Gail Evanoff, Secretary; Daisy May Lamont, Spokesperson; Stewart Nicolai, Sergeant at Arms. We addressed the following issues by appointing subcommittees and voting on their reports.

- (1) Full funding for alcoholism and drug programs as proposed in HB 50 (Governor's budget); addressing the issue of funding for those wishing to start new programs:

A resolution follows speaking to the above. In addition, meetings were arranged with Senator Parr (Senate HESS) and Representative Cotten (House Finance), to offer them information as to program accomplishments following increased funding for FY 81. (Senator Parr's attitude, as expressed in a letter to Robert Cole, is that he is unwilling to support full funding without seeing results). The workshop recommended that the chairperson of the Workshop send a letter to Senator Parr and that the Fairbanks delegate be asked to address Senator Parr's position and attitude when he reports back to Tanana Chiefs Conference.

- (2) Consideration of revisions of the drug laws (HB 180, SB 177, SB 180) and allied issues.

A series of resolutions on drug issues follows. A roll call on the resolution to recriminalize marijuana showed 18 in favor, 2 opposed, 1 abstention.

- (3) Review of Title 4 provisions on local option elections and proposed amendments as stated in SB 65:

The group requests the legislature to enact amendments permitting maximum use of local option and enabling established villages and second-class cities to move as quickly as possible to hold valid elections, including special elections.

The group recommends against the proposed amendment to SB 65, Section 11. AS.4.11.490(a) as an unnecessary restriction on cities with a population of over 2500 and recommends that it be stricken.

- (4) Consideration of other bills:

A summary of our recommendations follows. Resolutions on SB 71/HB 112, SB 117/HB 117, and SB 177 are attached.

<u>BILL # or SUBJECT</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
SB 65	Amends Title 4 provision for local option election.	Do pass with amendment. See subcommittee report.
SB 71/ HB 112	Raises legal drinking age to 21.	Do pass, resolution attached.
SB 117/ HB 117	Shortens hours bars may be open.	Do pass; reduces opportunities for abusers to obtain liquor.
SB 177/ SB 190/ HB 180	Revision of drug laws, prosecution of minors as adults.	No recommendation; much technical information which we do not feel competent to analyze. Resolutions on issues attached.
HB 5	Removes prohibition for intoxicated persons to enter and remain.	Do pass.
HB 50	Governor's budget. \$18 million for alcohol/drug abuse.	Do pass, resolution attached.
HB 62/ SB 241	Removes provision for civil liability for bartenders.	Do not pass.
HB 114	Combines alcohol/drug abuse review boards.	Do pass. Step toward unifying attack on the total problem.
SSHB 41	Health Insurance	Do pass; good basic bill, can be expanded later.
HB 178	Legal for grocery stores to sell beer and wine.	Do not pass. Already enough retail outlets; too easy for minors to obtain.
HB 226	Legalizes prescription of marijuana for cancer patients.	Do not pass. Not specific enough; beneficial effects of drug in question.
HB 249	Lowers annual fee for beverage dispensary license.	Do not pass. Profits from bars are high enough so that lowering license fee is not warranted.

All of the above were designated high priority.

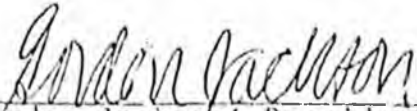
4

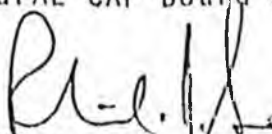
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 1

- ENTITLED: Additional funding for radio and TV programs giving preventive information on alcohol and drug abuse for adults and children alike.
- WHEREAS, The drug and alcohol abuse problems among our youth and adults is an increasing public health threat throughout the State, and,
- WHEREAS, The State Legislature has been supportive of developing programs to deal with the drug and alcohol problems within the state by increasing funds during the last legislative session, and,
- WHEREAS, Public education is one means of making people aware of the dangers involved in alcohol and drug abuse, and,
- WHEREAS, Funding has been allocated to provide limited media broadcasting to address the problems of alcohol and drug abuse in the State of Alaska, now, therefore be it
- RESOLVED: That additional statewide funding be provided to produce and broadcast educational material on alcohol and drug abuse prevention appropriate for the State of Alaska so that public awareness may be further increased.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

The group also voted to present the Rural CAP Board's resolution on additional provisions for informing the public as to what villages and cities have voted "dry".

Following the work session, some members of the group toured the Juneau Regional Rehabilitation Hospital, a component of the Juneau Alcoholism Comprehensive Agency.

The group was given invaluable background information and technical assistance by the following.

Representative Jack Fuller, Bush Caucus, and Cheryl Frasca, Legislative Assistant  
Coordinator Robert L. Cole, State Office of Alcohol and Drug Abuse, and Dr. Earl Albrecht  
Executive Director Matt Felix, Alcoholism Comprehensive Agency, Juneau  
Statewide Alcohol Coordinator Carole A. Baeky and Legal Assistant Barbara Thorn, Alaska Legal Services Corporation  
Legislative Analyst Dave Katzeek, Juneau

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-27

ENTITLED: "Support of HB #50, Governor's Budget"

WHEREAS, Alcoholism and drug abuse are the largest health problems in the State of Alaska, and,

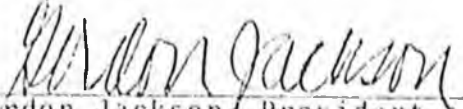
WHEREAS, The State of Alaska has initiated a much needed aggressive attack on the alcohol and drug abuse problem in most areas of the state, and,

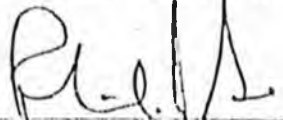
WHEREAS, The problem is present in epidemic proportions throughout the state, and,

WHEREAS, In spite of the new programs there are still some areas of the State which have been overlooked and no programs have been started; now, therefore be it

RESOLVED: That the Governor's requested budget be amended by adding six hundred thousand dollars (\$600,000.) to the requested \$18,035,600 to allow programs to be initiated in those areas of the state that presently have no programs.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

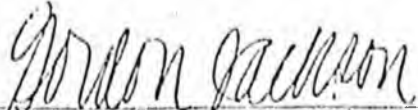
  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP


# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-3

- ENTITLED: "A resolution supporting SB#177 and other legisla-  
tion providing for heavy penalties for individuals  
supplying drugs to children on school grounds and  
for drug rehabilitation offered as an alternative  
to sentencing our youth"
- WHEREAS, Children are our most important resource, and,
- WHEREAS, Suppliers of drugs are endangering the lives of our  
children and thereby the future of our state by enter-  
ing upon school grounds and supplying drugs to our  
children, and,
- WHEREAS, Our children and youth who do get involved with the  
law due to the usage of drugs should be given every  
opportunity for rehabilitation, and,
- WHEREAS, SB#177 states therefore heavy sentencing is proposed  
and is appropriate; now, therefore be it
- RESOLVED: That suppliers of drugs should receive heavy manda-  
tory penalties for supplying drugs to children on  
school grounds; and be it further
- RESOLVED: That sentencing for children and youth who have become  
involved with the law because of drugs should focus  
upon rehabilitation through a drug treatment program.

Adopted by the Delegates to the Citizens Participa-  
tion Conference, March 19, 1981, in Juneau, Alaska.

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

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

Rural Alaska  
Community Action Program, Inc.

CPC RESOLUTION #81- 4

ENTITLED: "Seeking to control the flow of drugs through increased efforts to detect while being transported"

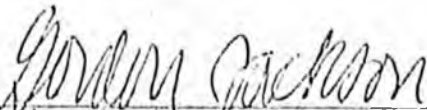
WHEREAS, Drug abuse is increasing at epidemic rates in the State of Alaska and is rapidly approaching a health and social problem equivalent to the alcohol abuse problem, and,

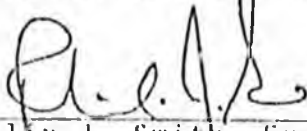
WHEREAS, The transportation and mail systems in the State are being extensively used to transport drugs, and,

WHEREAS, Methods of detecting concealed drugs while in transport do exist and are used in other states; now, therefore be it

RESOLVED: That detection programs (i.e.; trained dogs and surveillance equipment) should be established in transportation stations (i.e. airports, seaports and major bus depots) and the U.S. Postal Service for the purpose of finding and confiscating drugs and reducing the flow of drugs in Alaska.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 5

ENTITLED: "To recriminalize marijuana"

WHEREAS, Our present laws do not protect our children and youth from the suppliers of the drug marijuana; and,

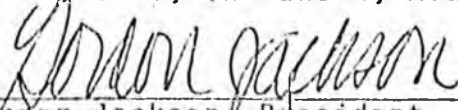
WHEREAS, The use of marijuana is interfering with the education of our children and youth, and,

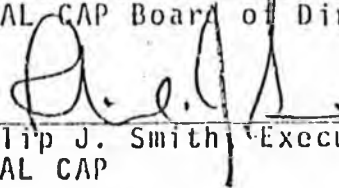
WHEREAS, Marijuana abuse is becoming one of the major problems with the youth of America, and,

WHEREAS, Children and youth are our most important resource, now, therefore be it

RESOLVED: That the drug marijuana should be recriminalized and be it further resolved that heavy penalties be enforced for those suppliers of the drug marijuana.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 6

ENTITLED: "Supporting Senate Bill No. 71 and House Bill No. 112, authorizing vote to raise legal drinking age to 21..

WHEREAS, The epidemic alcohol abuse among our youth is an increasing recognized problem throughout the State of Alaska, and,

WHEREAS, There is an immediate problem concerning students 19 years of age and over in Alaskan high schools who are consuming and distributing alcohol to vulnerable minors, thereby causing detrimental problems in the area of their education and mental stability, and,

WHEREAS, The increasing rate as a result of alcohol abuse in crime, suicide, disorderly conduct, assault, accidental death and drop-outs is affecting our youth, and,

WHEREAS, Our state funded alcoholism programs show an increasing amount of our youths seeking treatment and counseling, and,

WHEREAS, Our youth shows an increasing amount of juvenile arrest and traffic fatalities for driving while under the influence of alcoholic beverages; now, therefore be it

RESOLVED: That the drinking age be legally raised to the age of 21, to lessen the easy access to alcohol by students still in elementary and secondary schools.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

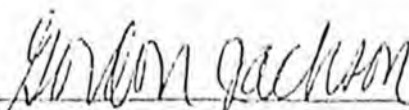
*Philip J. Smith*  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

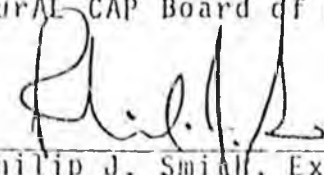
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-7

- ENTITLED: "In support of Senate Bill No. 117 and House Bill No. 117, acts to shorten hours bars may be open"
- WHEREAS, Bills have been introduced in the Senate and the House to limit the hours of the day during which patrons may be present or alcohol sold or consumed on licensed premises, and,
- WHEREAS, The Citizens Participation Conference delegates recognize that limiting of such sale and presence will result in decreased OMVI violations, liquor law violations, minors consuming, disorderly conduct and assault (as occurred in Juneau after earlier closing hours became effective) and,
- WHEREAS, Limitation on hours of sale will result (as in Juneau) in some lowering of per capita consumption, alcohol related human and social costs, and some modification of attitude concerning the wide open acceptability of drinking in Alaska; now, therefore be it
- RESOLVED: That the delegates of the Citizens Participation Conference strongly urges the Alaska State Legislature to pass S.B. No. 117 and H. B. 117..

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
RURAL CAP Board of Directors

  
Philip J. Smith, Executive Director  
RURAL CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-8

ENTITLED: "In support of adequate notification of suppliers and transporters of alcohol as to who are "dry" communities.

WHEREAS, It is in the interest of established villages and second class cities to have their wishes concerning regulation of alcohol use in their communities respected by those who sell and transport alcoholic beverages, and,

WHEREAS, At least 30 villages and cities in rural Alaska have inquired about using the local option law to regulate or prohibit sale and/or importation of alcohol in their communities, and,

WHEREAS, Several cities in the state have already chosen to ban sale and/or importation of alcohol in their communities, and,

WHEREAS, Alcoholism workers representing 16 villages at Rural CAP's Community Action Education Workshop expressed a desire to have the names of "dry" villages and cities supplied to every supplier of liquor and every carrier of passengers and/or freight in the State of Alaska, and

WHEREAS, The Alcoholic Beverage Control Board is presently soliciting public comment on proposed new regulations, and,

WHEREAS, Article VI Section 635 of these proposed regulations provides that the Board maintain a roster of communities which have voted "dry" and make this roster available to the public, and, now therefore be it

RESOLVED: That the Citizens Participation Conference recommend to the Alcoholic Beverage Control Board that a) Article VI Section 635 be amended to require the ABC Board to supply current lists of "dry" communities to all liquor outlets and carriers of freight and passengers in the state and that b) this list contain the text of the laws concerning bootlegging and the penalties for that offense, and that a copy of this resolution be forwarded to the ABC Board.

WHEREAS, many small rural communities, have expressed their feeling of being under seige from the devastating effects of alcohol abuse; and,

WHEREAS, the Title IV alcohol option law was passed in 1980 by the Alaska legislature to enable communities throughout Alaska, both villages and urban areas, to control the sale and importation of alcohol as determined by the vote of the community and giving the force of state law enforcement to such a decision; and,

WHEREAS, several elections that have been held under this law have already been declared invalid because of existing confusion about the law; and,

WHEREAS, the evaluation and practical experience gained since this law was passed show that procedural problems in the law prevent any local community from holding a valid election to exercise their rights under the Title IV local option law. Communities have expressed a desire to have an existing liquor license lifted within a short time after a valid election that decides that the license should not be maintained; and to have the possibility of setting up such a local option election at anytime during the year, rather than only at the general election time in October; and,

WHEREAS, there is a need to give full expression to the will of the voters by providing for prompt lifting of an existing liquor license if a community has had a valid local option election in which that option has been approved; and,

WHEREAS, there is a need to recognize the need to give a holder of an existing liquor license adequate notice prior to lifting of the license following a valid local option election deciding that the license should be lifted; and,

WHEREAS, amendments to the local option law are necessary to address these concerns,

NOW, THEREFORE, BE IT RESOLVED by the Review Board on Alcoholism that it:

1. Supports the availability of the Title IV local option law for all communities in Alaska, including urban areas, regional hub communities and smaller villages.
2. Supports a provision to allow villages and larger communities to have local option elections at any time of the year rather than only at the time of the October general election.
3. Supports a provision lifting a liquor license sixty (60) days after certification of a valid local option election in which a community has voted to lift an existing liquor license in that community.

**ALASKA NATIVE COMMISSION  
ON ALCOHOLISM AND DRUG ABUSE**

274-5531 • 274-7435

750 E. Fireweed Lane, Suite 2  
Anchorage, Alaska 99503

P.O. Box 4-2463  
Anchorage, Alaska 99509

April 22, 1981

To Whom It May Concern:

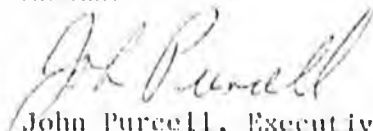
The Alaska Native Commission on Alcoholism and Drug Abuse (ANCADA) wishes to make the following comments on the "CS For Senate Bill" No. 65 (C & RA) offered March 27, 1981. A copy of the pertinent section is attached.

- A) Concerning Section 4(a), it is the opinion of ANCADA that the local option voting question should not be limited to municipalities with a population of less than 2,500. Many municipalities, with a preponderant Alaskan Native population, which have more than 2,500 residents, also should have the opportunity to vote on the local option question.
- B) Regarding Section 5(a), it is the opinion of ANCADA that where the local option issue is of critical importance to a municipality, that community should have the power to conduct a special election as soon as possible, rather than waiting to vote on the issue at the next scheduled October election.
- C) The local governing Body of the Municipality or established Village should have the power both to conduct and certify the local option vote of a community, rather than having this accomplished by the Lieutenant Governor's Office.

It would appear to ANCADA, that unless the above three provisions are approved as part of Senate Bill No. 65, unwarranted restrictions would be placed on the entire local option process, which restrictions would tend to be prejorative to the exercise of local community control on what should be a primarily "local" option question.

Sincerely,

ANCADA



John Purcell, Executive Director

# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

*Rec'd 2/10/81*  
JAY S. HAMMOND, GOVERNOR  
TERRY MILLER, LT. GOV.

POUCH AF—JUNEAU 99811

February 10, 1981

The Honorable Don Gilman  
Chairman  
Community and Regional Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

Senate Bill 65 relating to alcoholic beverages has been referred to the Community and Regional Affairs Committee. I urge your early consideration of Section 4 relating to the conduct of local liquor option elections.

The language that is currently in AS 14.11.502(a) is confusing in that it requires both a municipality and the lieutenant governor to be involved in the local liquor option election. Alaska Statutes generally require a municipality to conduct its own elections, but allow the lieutenant governor to conduct required elections in the unorganized borough area. This procedure has worked through the years and I see no point in requiring the lieutenant governor's involvement in an election that can be conducted by the municipality.

The new language proposed in Section 4 of Senate Bill 65 clearly allows the local liquor option elections to be conducted by the municipality. In addition, the section allows the municipality to call a special election to conduct the election.

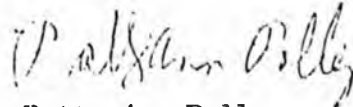
Several cities such as Erimok and Manokotak have petitioned to have the lieutenant governor conduct local option elections, but because of the confused assignment of responsibilities, no election has been conducted. I urge you at your earliest convenience to consider Section 4 of Senate Bill 65 so that the responsibility can be clarified

February 10, 1981  
Page Two

and the election process may proceed. Particularly in bush areas, this bill will have a big impact on efforts to cope with alcohol related problems.

If I may be of any assistance, please call on me.

Sincerely,



Patty Ann Polley  
Director  
Division of Elections

PAP:ko

cc: Senator Bill Ray  
Pat Sharrock, Chairman of ABC Board  
✓ Carol Baeky  
All Election Supervisors

January 29, 1981

William Salmon, Jr., Chief  
Chalkyitsik Village Council  
Chalkyitsik, AK 99788

Dear Chief Salmon:

- This letter is in reference to Chalkyitsik's petition asking the State of Alaska to hold a special election for the purpose of voting Chalkyitsik a dry village. I wanted to let you know that I intend to request revision during this legislative session of the current Alaska Statute relating to local option elections on liquor sales.

The new law which was enacted in 1980 requires the Lieutenant Governor to conduct local option elections. This, however, is impractical in view of current state and municipal election practices and regulations. We are, therefore, seeking to correct the current statutes and ask your patience in waiting to hold this election until the inconsistencies in the new law can be addressed.

Bill, I will continue to be in touch with you on this, and I hope that fairly soon in the session we will have new guidelines by which to advise you concerning this election.

Thank you for your understanding.

Sincerely yours,

Terry Miller  
Lieutenant Governor

bcc: Patty Ann Polley  
Director of Elections

Robert Cole, Coordinator ✓  
Office of Alcoholism and Drug Abuse

TM/JF/bm

# St. Mary's to prohibit importation of alcohol

by Cheryl Keepers

4/16/81  
Dembia/James

Last week St. Mary's City Council enacted a 60-day emergency ordinance prohibiting the importation of alcoholic beverages into its city limits. The ordinance is to be effective for 60 days, unless extended by the City Council: the maximum fine for violation is \$500.

According to a press release from the City Council, there were several reasons for passing the ordinance. Public disturbances, violence and vandalism have increased in recent weeks. Most of the problems were alcohol related, and often caused by residents from other villages who were in St. Mary's to receive shipments of alcohol, the release stated. With one local policeman and one jail

cell, the city is not able to control the disturbances caused by too many people drinking too much.

However, there is some question regarding the legality of the city ordinance. In an informal opinion on the ordinance issued to this reporter by Assistant Attorney General Rod Pegues, Mr. Pegues noted that the ordinance was probably not legal. He stated that there "has to be an election and vote on the question." Under the existing local option law, the election must be held at the next regular election (October), and until then nothing can be done. While sympathizing with St. Mary's

Please turn to page 30

## ST. MARY'S

wish to act sooner, Mr. Pegues commented that there is "nothing they can do about it unless the law is changed."

Tim Troll, City Manager for St. Mary's, said the city has a petition pending with the Division of Elections to put the issue on the ballot at the next regular election, but that the City Council felt the situation was so pressing they "had to try to do something about it." Mr. Troll, who is also a lawyer, noted that he had cautioned the City Council that "some questions would be raised" regarding the legality of their move, but that he feels the ordinance is not necessarily in violation of the state law. Citing the leeway given local governments in controlling alcohol under federal law, and noting that they are looking for voluntary compliance on the part of the airlines, Troll stated "we do think there are arguments on our side too." The city will be enforcing the ordinance by seizing alcohol dropped off and delivered in St. Mary's.

Mr. Troll continued by saying that St. Mary's had wanted to hold the local option election before fishing season and the accompanying increase in alcohol and alcohol related problems. The City Council acting in part is intended to let the state know the severity and urgency of the problem.

The issue of when elections can be held on the local option law has been receiving some attention in the community and Regional Affairs committee of the state legislature, also. Senate Bill 65, (SB65), introduced by Bill Ray (D-Juneau), contains a provision for special elections that would allow municipalities and established villages to hold local option elections at times other than October.

This amendment retains the provision that a petition containing signatures equal to at least 35 percent of the number of votes cast at the last regular municipal election be filed, but provides that in a municipality, the election be carried out in accordance with the election ordinance of that municipality. This is a change from the existing law which has required that the Lt. Governor conduct all local option elections, a provision which has effectively prevented any local option elections from taking place.

An amendment was also introduced, but later dropped, which would have provided for revoking any existing liquor licenses in a community within 60 days after certification of a local option election to prohibit sales. According to David Dye, aide to Sen. Don Gilman, (R-Kenai) chairperson of the Community and Regional Affairs Committee, this amendment was not accepted by the committee due to potential legal problems with this process. The Committee also felt that it would be unfair to a legitimate business person to take away the license when he/she had expected it to be valid.

As SB65 now stands, a liquor license in a community that votes to prohibit sales will be allowed to expire at the end of the year, which would happen in any event, but the license would then not be renewed for at least one full year afterwards.

If the community were to choose in that year to go back to allowing the sale of alcohol, no liquor license would be

issued before the full year had run. If the community does not change its mind, no new licenses would be issued.

Should the community choose the alternative of prohibiting importation, Mr. Dyer noted, this would affect both private individuals and licensed businesses, thus effectively ending any sales business.

Another amendment not in the original legislation, but introduced at the request of the bill's prime sponsor, Bill Ray, would have placed limits on which municipalities could use the local option law, and on what questions could be put before the public. Ray's amendment would have limited the question to one of sales, and would have allowed this only in municipalities under 2,500 in population. This would have meant that hub communities such as Bethel would not have been able to prohibit either sales or importation, and communities under 2,500 would not have been able to prohibit importation. The amendment was rejected by the committee. Mr. Dyer noted that the committee felt it would be unfair to foreclose on any communities' right to control alcohol based on size, and that the local option law should have blanket application.

The bill is now in the Senate Judiciary Committee. Members of that committee include George Hohman (D-Bethel), Bill Ray (D-Juneau), Charles Parr (D-Fairbanks), Don Bennett (R-Fairbanks), and Patrick Rody (D-Anchorage).

# City of St. Mary's

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

April 8, 1981

Mayor Paul Beans  
P.O. Box 204  
Mtn. Village, AK 99632

Enclosed is a copy of our emergency ordinance #81-2 which was past in our April 7, 1981 general city council meeting.

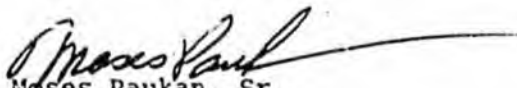
Because of the increasing number of alcohol-related problems at St. Mary's the city council found it necessary to pass and adopt this ordinance which will be in effect for 60 days and which could be extended at the end of 60 days. These alcohol-related problems are caused not only by our residents, but alot of problems are caused from other people coming in from nearby villages and causing problems at St. Mary's.

We are asking that this be posted at a public place and that your council members encourage their people to respect and abide by it when they are within the City of St. Mary's. The city council feels that this is the only way the steady flow of alcohol coming into our city can be stopped.

Thank you for your cooperation and assistance in dealing with this problem.

Sincerely,

CITY OF ST. MARY'S

  
Moses Paukan, Sr.  
Mayor, City of St. Mary's

MD /mm k

cc Russian Mission  
Fortuna Ledge  
Pilot Station  
Pitkas Point  
Mtn. Village  
Emmonak  
Alakanuk  
Sheltons Point  
Kotlik

Encl  
as

ORDINANCE 81-2  
AN EMERGENCY ORDINANCE OF THE CITY OF  
ST. MARY'S, ALASKA RELATING TO THE  
IMPORTATION OF ALCOHOLIC BEVERAGES INTO  
THE CITY LIMITS OF THE CITY OF ST. MARY'S

Declaration of Emergency

In recent weeks problems directly related to the availability of alcoholic beverages have increased. Residents from outlying villages as well as residents of the City of St. Mary's are able to obtain sizeable quantities of alcoholic beverages within three to twenty-four hours. The size and numbers of the shipments indicate that much of this alcohol is being sold in violation of local option and consumed in St. Mary's, causing problems of violence and vandalism which the City is not in a position to control. Alcoholism is becoming epidemic in St. Mary's, jeopardizing the wellbeing of families, the employment of individuals, the stability of businesses and the health of individuals. The only viable course open to the City at present is to stop the importation of alcoholic beverages into City limits. Because the need is immediate and requires quick action, an emergency is declared.

THEREFORE, BE IT ENACTED BY THE COUNCIL FOR THE CITY OF ST. MARY'S:

Section 1. Importation of Alcoholic Beverages Prohibited.

No alcoholic beverages may be imported into the city limits of St. Mary's except for the following:

- A. Alcoholic beverages used in religious services.
- B. Alcoholic beverages ordered prior to the passage of this ordinance upon proof of the date of order.

Section 2. Penalty.

Any person or carrier importing alcoholic beverages into the city limits of St. Mary's in violation of this ordinance will be fined not more than five-hundred dollars (\$500) for each occurrence.

Section 3. Effective Date.

This ordinance becomes effective April 8, 1981 and remains effective for sixty days unless extended or removed by the City Council.

SUBMITTED, PASSED AND APPROVED this 7<sup>th</sup> day of April, 1981

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Resolution No. 81-2

A RESOLUTION OF THE CITY COUNCIL OF ALAKANUK, ALASKA, SUPPORTING SENATE BILL NO. 65 INTRODUCED BY SENATOR RAY AS FOLLOWS:

WHEREAS; The City Council has received a petition containing over 80 signatures equal to over 50% of Alakanuk's Registered voters to have a question put to the vote of the people concerning the Banning of Importation of Alcoholic Beverages as per Alaska Statutes Title 04; and

WHEREAS; The voters wish to vote on the issue as soon as possible; and

WHEREAS; The City Council would like to hold a Special Election, but must wait 9 months to have the question put on the ballot at the Regular Election as per AS 04.11.502 (a); and

WHEREAS; We should be allowed to have a special election on the issue as with other procedures as set out in Title 29;

NOW THEREFORE BE IT RESOLVED THAT, the City Council of Alakanuk supports Amendments to Title 04 as provided by Senate Bill No. 65, Twelfth Legislature - First Session as introduced by Senator Ray allowing municipalities to hold a special election as provided in Title 29; AND

FURTHER BE IT RESOLVED THAT, A.V.C.P., other affected Villages, and other organizations pass concurrent Resolutions supporting this Resolution and SB-65. PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF FEBRUARY 1981, BY THE CITY COUNCIL OF ALAKANUK, ALASKA.

ATTEST: Elizabeth A. Chikigak  
City Clerk

Mayor Larry K. Phillips  
Vice Mayor Paul R. Aumak H.  
Sec./Tres W. L. ...  
Member Wain Hill  
Member Joe Joseph  
Member Master Shelton  
Member Kenneth L. Joseph

RESOLUTION 81-7

A RESOLUTION OF THE CITY COUNCIL OF ALAKANUK, ALASKA, CONCERNING A PETITION PERTAINING TO SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES AS FOLLOWS:

WHEREAS; the City Council of Alakanuk, Alaska, through the Alakanuk City Clerk, has received a Petition containing 72 valid and Certified signatures of Registered Voters of the City of Alakanuk to place upon the separate ballot at the next Regular or Special Election the question "SHALL THE SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES BE PROHIBITED IN ALAKANUK?(YES OR NO)";and . .

WHEREAS; the City Council finds that 72 signatures were gathered in a proper and timely manner according to Alaska Statutes Title 04 and Title 29 and comcides with the provisions of the Code of Ordinances of the City of Alakanuk;and

WHEREAS; the City Council finds that there represents 107 per cent(%) of the number of Registered voters who cast ballots at the last Regular Election and therefore more than exceeds the required 35 per cent(%) as required by Title 04 to place the question on the ballot at the next Regular election;and

WHEREAS; the City of Alakanuk has been having alcohol related violations of the Alakanuk Code of Ordinances and Alaska's Laws being made in the recent past including "bootlegging";and

WHEREAS; the City Council wishes to respond to the wishes of the community for which we serve; NOW

THEREFORE BE IT RESOLVED THAT in accordance with present laws, the Lieutenant Governor proceed as prescribed by present or future law in the placing of the above mentioned Petitioners' question upon a separate ballot as may be prescibed by law;AND

FURTHER THAT the Lieutenant Governor notify the City Council of his determination and schedule of events concerning the subject of this Resolution at his earliest convenience responding to the following address: Alakanuk City Council  
City of Alakanuk  
P.O.Box 51  
Alakanuk, Alaska 99554.

ADOPTED, PASSED AND APPROVED BY THE CITY COUNCIL OF ALAKANUK, ALASKA, THIS 13<sup>th</sup> DAY OF March 1981.

Mayor Patrick Phillips

ATTEST: Elizabeth Chikigak  
City Clerk

SEAL

CONRAD EARL ALBRECHT, M.D.  
PUBLIC HEALTH PHYSICIAN  
AFFILIATE PROFESSOR OF MEDICAL SCIENCE  
UNIVERSITY OF ALASKA

Box 38, Wirtz, Virginia 24184

26 March 1981

Wilson L. Condon, Attorney General  
Pouch "K"  
Department of Law  
Juneau, Alaska 99811

Dear Sir:

The State Department of Health and Social Services requested that I conduct a review of a major health problem in the Bush Areas of the State concerning alcohol abuse. You may obtain a copy of the report from Mr. Robert L. Cole, Coordinator of the Office of Alcoholism. You will note in my recommendations that some pertain to the activities of your Department. I might say in passing that all personnel of your Department with whom I came into contact were most cooperative and expressive that alcohol abuse was a major, contributing factor to crime in the Bush.

A major deterrent to the misuse of alcohol in these areas of the State, where as you know the highest percentage of crime exists, is going to be the use of the Local Option Laws which were adopted by the legislature in the 1980 session. There is a strong trend apparent that many villages wish to utilize this procedure. Most of them wish to "Forbid both the sale and importation of liquors". However, you and I know that such an ordinance must be enforced. Bootlegging has become a big operation and is usually the source of liquor in the villages.

The purpose of my writing you is to have some guidance on the matter of law enforcement which is being amended under Senate Bill No. 65 that deals with Title 4. My concern is that if a "Local Governing Body of a Municipality Conducts an Election" on Local Option to forbid the sale and importation of liquor under the code and authority, will it be enforced? My concern is that the State Troopers and the Village Public Safety Officers technically will not enforce such a municipally conducted election.

Senate Bill No. 65 has an amendment which will delete "THE LIEUTENANT GOVERNOR SHALL CONDUCT THE ELECTION IN THE GENERAL MANNER PRESCRIBED BY THE ALASKA ELECTION CODE (AS 15.05-15.60)". The Division of Elections in the Lieutenant Governor's office has indicated to me that this is their amendment because there should not be two methods of conducting an election; one by the Lieutenant Governor or one by the governing body of a municipality.

My concern needs your guidance whether or not this amendment should be adopted. I fear that unless the Lieutenant Governor conducts the election, in the general manner prescribed by the Alaska Election Code, the State Troopers will not have the authority to enforce breach of the election decision. Again, if the election conducted by the governing body of a municipality is just as valid and can be enforced by the State, it matters not.

*Copy to Cole  
Baerly*

continued

Wilson L. Condon, Attorney General

28 March 1981

Page Two

Please look into this matter and discuss it with the Division of Elections for it would be most unfortunate if the native population is again misled on this matter. After having worked in three communities, I can assure you this is a very serious matter with them. I am writing to the Lieutenant Governor's office to follow-up on a conference I had with Lieutenant Governor Miller personally.

Sincerely yours,

C. Earl Albrecht, M.D.

CEA/cc

April 23, 1981

To: whom may concern:

The way of action of St. Marys City  
emergency Ordinance ~~is~~ <sup>is very good</sup> to me  
in personally as I am a  
native and couldn't find any  
other ~~and~~ best <sup>way</sup> village or city could  
make ordinance on alcohol.

I hope the other items  
such as Marijuana and drugs,  
being taken care before it's getting  
to change.

Neil Skinner  
Takroak Bay VAFC  
City Council Member  
Takroak Bay, Ak 99637

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

JAY S. HAMMOND, GOVERNOR

201 EAST 9TH AVENUE  
ANCHORAGE, ALASKA 99501

April 1, 1931

Kevin K. Bruce  
Committee Aid  
Senate Judiciary Committee  
Pouch V, State Capitol  
Juneau, Alaska 99811

Dear Kevin:

During our telephone conversation this morning you asked me to send you a copy of the Board's proposed regulations. A copy is enclosed. I believe sections 425, 435 and 445 address the subject you asked about.

If I can be of more help, please let me know.

Sincerely,



Patrick L. Sharrock  
Director

PLS:vk  
Enc.



Official Business

# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### M E M O R A N D U M

TO: Judiciary Committee Members  
FROM: Kevin K. Bruce  
DATE: April 27, 1981  
SUBJECT: COMMITTEE SUBSTITUTE FOR SB 65

You will find attached a rough copy of the proposed substitute for SB 65, based on the testimony heard Friday.

The draft addresses each possible special election concerning alcohol, including:

- AS 04.11.490 - Prohibition of Sale
- AS 04.11.492 - Prohibition of sale except by community license
- AS 04.11.496 - Prohibition of sale and importation
- AS.04.11.500 - Prohibition of sale except by selected licenses

I have included a definite expiration time frame for licenses rather than allowing them to lapse at the end of the calendar year. The draft also now contains an effective date clause.

Please excuse the rough form. I hope to have a regular draft prepared by the meeting.

Original sponsor: Ray

Offered: 3/27/81  
Referred: Judiciary

IN THE SENATE

BY THE ~~COMMERCE AND~~  
~~REGULATORY SERVICES COMMITTEE~~

CS FOR SENATE BILL NO. 65 ~~(C.R. 77)~~ (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to alcoholic beverages."

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

\* Section 1. AS 04.11.330 is amended by adding a new subsection to read:

(d) Notwithstanding (a)(3) of this section, a recreational site license issued under AS 04.11.210 may be renewed if the license was exercised at least once during the immediately preceding calendar year.

\* Sec. 2. AS 04.11.390(b) is amended to read:

(b) A beverage dispensary license or package store license may not be issued to either a domestic corporation which has not been issued a certificate of incorporation or a foreign corporation which has not been issued a certificate of authority to transact business in the state at least one year before the date of the application. However, a beverage dispensary or package store license may be issued to a domestic corporation if each of the stockholders of the corporation has resided in the state for at least one year IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION.

\* Sec. 3. AS 04.11.480(a) is amended to read:

(a) If a local governing body wishes to protest the issuance, renewal, transfer of location or transfer to another person of a license, it shall furnish the board and the applicant with a protest and the reasons for the protest within 30 days of receipt from the board of notice of filing of the application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (b)(4) when it considers the application, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (b)(4)

1 shall be retained as part of the board's permanent record of its review  
2 of the application. If an application is protested, the board may not  
3 approve the application unless the board finds that the protest is  
4 arbitrary, capricious, and unreasonable.

\* SECTION 4. AS 04.11.490 (b) IS AMENDED TO READ:

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter the board may not issue, renew, or transfer between holder or locations a license for licensed premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of an established village. As of midnight of the ninetieth day on [DECEMBER 31 OF THE YEAR IN]

which the results of the election are certified, licenses which may not be renewed are void. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed, except to the extent a license is voided by the vote of the municipality or established village.

\* SECTION 5 AS 04.11.490 IS AMENDED TO READ:

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality, with the exception of a beverage dispensary or package store operated under a community liquor license held by the municipality. As of midnight of the ninetieth day on [DECEMBER 31 OF THE YEAR IN]

P.  
which the results of

the election are certified, licenses in effect are void. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed, except to the extent a license is voided by the vote of the municipality or established village.

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on a question set out in AS 04.11.490, 14.11.496, or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after a certification of the results of the election. As of midnight of the ninetieth day on

[DECEMBER 31 OF THE YEAR IN]

which the results of the election are certified, the prohibitions imposed under (b) of this section on the issuance, renewal, or transfer of licenses between holders and locations as a result of the earlier election are removed except insofar as those prohibitions are imposed in accordance with the results of the subsequent election. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed, except to the extent a license is voided by the vote of the municipality or established village.

Sec. 6 AS 04.11.496(a) IS AMENDED TO READ:

(a) If a majority of the voters vote "yes" on the question set out in (a) of this section, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring alcoholic beverages into the municipality or established village. The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew,

or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and within unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village. As of midnight of the ninetieth day on [ DECEMBER

31 OF THE YEAR IN ] which the

results of the election are certified, licenses which may not be renewed are void. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed, except to the extent a license is voided by the vote of the municipality or established village.

\* Sec. 7 AS 04.11.500 IS AMENDED TO READ:

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village, except those types of licenses listed on the ballot. As of midnight of the

ninetieth day on [ DECEMBER 31 OF THE YEAR IN ]

which the results of the election are certified, licenses in effect within the boundaries of the municipality or perimeter of the established village, and in an unincorporated area outside of but within five miles of the boundaries of the municipality, except those types of licenses listed on the ballot, are void.

P.

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on the questions set out in AS 04.11.490, 04.11.492, 04.11.496, or 04.11.500 if different types of licenses are listed on the ballot in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election. As of the ninetieth day of ~~the~~

[ DECEMBER 31 OF THE YEAR IN ] which the results of the election are certified, licenses in effect in the municipality, in the unincorporated area outside of, but within five miles of the boundaries of the municipality or established village which were excepted from the prohibition on sale in accordance with the results of the earlier election are void. Thereafter the board may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality or within the perimeter of an established village, or in an unincorporated area within five miles of the boundaries of the municipality, except a license which may be issued to a municipality or to one of the types of licenses listed on the ballot as a result of a majority of the voters voting "yes" on the question set out in AS 04.11.492 or this section, respectively.

\* SEC. 8

AS 04.11.502(a) is amended to read:

(a) The local governing body of a municipality, whenever a number of registered voters equal to at least 35 percent of the number of votes cast at the last regular municipal election petition the local governing body to do so, shall place upon a separate ballot at the next regular election or at a special election whichever question or combination of questions set out in AS 04.11.490 - 04.11.500 constitutes the subject of the petition. The local governing body [THE LIEUTENANT GOVERNOR] shall conduct the election in accordance with the election ordinance of the municipality [THE GENERAL MANNER PRESCRIBED BY THE ALASKA ELECTION CODE (AS 15.05 - 15.60)].

\* **Sec. 9** AS 04.11.504 is amended by adding a new subsection to read:  
 (b) Reinstatement of a license under (a) of this section may not occur within 12 months after the license was prohibited under AS 04.11.490 - 04.11.500.

\* **Sec. 10** AS 04.11.510 is amended by adding a new subsection to read:  
 (d) The board may not accept an application for the issuance, renewal, or transfer of a license within one year after a local option election.

\* **Sec. 11** AS 04.11.680(c) is amended to read:

AS 04.11.680 (a) Upon application and payment of one-half of the annual fee, the board may issue a license under this title which will be effective for a continuous six-month period. Otherwise, all licenses issued under this title other than a retail stock sale license are effective for the calendar year ending December 31, unless a shorter period is prescribed by the board or by law.

\* **Sec. 12** AS 04.16.010(c) is amended to read:

(c) A licensee, his agent, or employee may not permit a person to enter and a person may not enter premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection does not apply to common carriers, as defined in AS 42.10.420(2), or to an employee of the licensee who is on the premises to prepare for the next day's business. A person may enter or remain [OR TO PERSONS REMAINING] on the premises of a bona fide restaurant or eating place licensed under this title to consume food or nonalcoholic beverages.

\* **Sec. 13** AS 04.16.020(a) is amended to read:

(a) A person may not pay or receive from another a salary, percentage or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for [CONSUMPTION BY] a person other than the patron.

**Sec. 14** AS 04.16.049(a)(2) is amended to read:

(2) accompanied by a person over the age of 19 years and with the consent of the person's parent or guardian if the premises are designated by the board [LICENSED] as a restaurant for the purposes of this section [OR EATING PLACE] and the persons enter and remain only for dining.

\* Sec. 15

A 04.16.210 is amended to read:

Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false statement is made in an application under AS 04.11.260 - 04.11.290 [AS 04.11.260], the applicant is guilty of perjury and, upon conviction is subject to the penalty provided by law for the crime of perjury under AS 11.56.200.

\* Sec. 16

THIS ACT TAKES EFFECT IMMEDIATELY IN ACCORDANCE WITH AS 01.10.070(C).



# Alaska State Legislature

## Senate

### Judiciary Committee

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 11, 1981

Bear 'n Seal Restaurant  
Travelers Inn  
813 Noble Street  
Fairbanks, Alaska 99707

Reference: Senate Bill 65, "An Act relating to alcoholic beverages."

Dear Sir or Madam:

On April 29, 1981, the Senate Judiciary Committee conducted hearings on the above-referenced legislation and voted at that time to move the bill from committee. This past week, the bill was passed by a full vote of the Senate, and I am optimistic of its further passage by the House.

In summary, this legislation amends Title 4 of the Alaska State Statutes (AS 04.16.049) in an attempt to clarify the law. If enacted by the Legislature, it will again permit those restaurants having bar licenses to employ youths, and should alleviate some of the problems resulting from Title 4 as presently written.

I would encourage your support of this important legislation, and would welcome any comments you wish to direct through my office.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey  
Chairman

PMR/ods



Official Business

# Alaska State Legislature

Senate

Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 7, 1981

Commissioner William R. Nix  
Department of Public Safety  
State of Alaska  
Pouch N  
Juneau, Alaska 99811

Dear Commissicner Nix:

*BILL*

Thank you for your letter regarding SB 65.

The committee passed a substitute bill out on April 29, 1981, and is calendered for Senate action on Thursday, May 7.

Again, I appreciate your support.

Sincerely,

*Pat*

Senator Patrick M. Rodey  
Chairman

PMR/ods

*Bill,*

*We passed it!*

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY**  
**OFFICE OF THE COMMISSIONER**

POUCH N - JUNEAU 99811

May 5, 1981

465-4322

The Honorable Patrick M. Rodey  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Rodey:

You have in Committee SB 65 which would amend legislation enacted last year (Sec 04.11.490) that enables local governments to vote on whether or not they wish to control the sale and importation of alcoholic beverages into their communities.

The Department of Public Safety is in complete agreement with the local option elections since alcohol can be traced to practically every public safety problem in outlying villages including interpersonal violence, child abuse and neglect, family disturbances, drownings, exposures, injuries, and accidental fires. To be able to strike at the cause of these problems rather than always reacting to them after they have occurred, has been a long-term goal of mine.

SB 65 seems to clear up procedural questions pertaining to the election process, among its many provisions. However, a major problem remains in that as it is now written, a community which votes to prohibit the sale of liquor would not be able to have the affected liquor license removed until December 31 following certification of the election results. Thus, if a community holds an election and has its results certified in January or February, the prohibition of sale would not be effective until almost a year later. This problem could be easily resolved by providing that the liquor license be removed in 60 to 90 days after certification of the election results.

A problem less easily resolved is how an unincorporated village, and there are approximately 50 of them in Alaska, would enforce the results of such an election. Currently, they have no power to confer authority for enforcement if they have a local policeman or Village Public Safety Officer, and many do not. Thus, as it now stands the State Troopers will have to enforce the election results, which is more difficult than if a locally empowered officer was in place to assist.

Senator

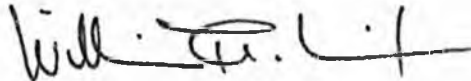
-2-

May 5, 1981

Notwithstanding that problem, I urge that the Committee consider the 60 or 90 day concept, rather than the December 31 date as now exists and report an amended bill out of Committee. There is perhaps no single item of legislation that will contribute more to the well-being of rural Alaska than a workable and unrestrictive local option election for control of alcoholic beverages.

I would be pleased to offer personal testimony on behalf of this important legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "William R. Nix".

William R. Nix  
Commissioner

cc: Ron Lehr, Budget & Management  
Keith Specking, Legislative Assistant  
Carole Burger, Special Assistant  
Walter V. Lawson, Administrative Services, DPS



# Alaska State Legislature

Senate

Official Business

Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 18, 1981

Ms. Carole A. Baekey  
Statewide Alcohol Coordinator  
Alaska Legal Services Corporation  
615 H Street, Suite 100  
Anchorage, Alaska 99501

Dear Carole:

Thanks for your kind letter of May 14. However, any "miracles" must be attributed to you and your persistence, not to my efforts.

I enjoyed working with you, and am pleased to see the progress of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin K. Bruce", with a long horizontal flourish extending to the right.

Kevin K. Bruce  
Committee Aide

KKB/ods

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-9431

May 14, 1981

Kevin Bruce, Legislative Aide  
Office of The Honorable Patrick Rodey  
Alaska State Senate  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Kevin:

Too often the people who do work and make miracles in the offices of the legislators are forgotten. This is a brief note so you will know your efforts were both recognized and appreciated.

Any frustration or rage you saw in me was related to the seemingly long battle, commencing January 13, 1981, to make Senate Bill 65 viable for "bush" communities under siege from alcohol abuse. At some points, it seemed there would be no bill or, if there was, it would represent liquor industry interests rather than the "bush."

Consequently, your help in drafting and willingness to work with me on the dates of testimony and the bill itself were deeply appreciated. Knowingly or not, you - with your efforts - gave "bush" communities a bit more hope that someone would listen and respond.

If I was rude at any time, my apologies. As importantly, thank you.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

  
Carole A. Baekey  
Statewide Alcohol Coordinator

CAB/csn



Official Business

# Alaska State Legislature

Senate

Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 18, 1981

Ms. Carole A. Baekey and  
Ms. Barbara Thorn  
Alaska Legal Services Corporation  
615 H Street, Suite 100  
Anchorage, Alaska 99501

Dear Carole and Barbara:

Thank you for your letter regarding the passage of SB 65.

I was pleased to assist in this legislation and am thankful for your efforts in the area.

I appreciate your kind words.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat".

Senator Patrick M. Rodey  
Chairman

PMR/ods

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-9431

May 14, 1981

RECEIVED

MAY 18 1981

The Honorable Patrick Rodey  
Chairman, Senate Judiciary Committee  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Pat:

We appreciated the Senate Judiciary Committee on April 24, 1981, taking testimony on Senate Bill 65 and the courtesy of you and your committee to each of the persons testifying. Further, we, along with Diane Bergstrom, enjoyed meeting with you on April 27, 1981.

We were delighted to hear Senate Bill 65 was passed out of the Judiciary Committee on April 25, 1981, and were even more pleased about last week's 18-0 vote passing the bill. Now, of course, there is still work to be done on the House side.

In the greater scheme of legislative considerations, Senate Bill 65 addresses a small issue. However, for "bush" communities Senate Bill 65 permitting alcohol local option elections is a life and death issue as communities seek viable ways to cope with alcohol use and abuse. Your recognition of those issue was more than helpful.

On the lighter side, while fishing and otherwise enjoying the summer we will give the Anchorage "car problem" consideration. Are wobbly pedestrians entitled to due process on the same level accorded automobiles?

Again, thank you for your tangible and meaningful efforts.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

*Carole*  
Carole A. Baekey  
Statewide Alcohol Coordinator

*Barbara Thorn*  
Barbara Thorn  
Alcohol Project Legal Assistant

Bering Sea  
Women's  
Services

Box 1592  
Nome AK 99762  
443-5259

April 23, 1981

TO: Members of the Senate Judiciary Committee  
Patrick Rodey, Chairman

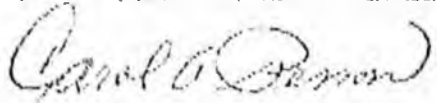
RE: Senate Bill 65 - Amending the Local Options Law

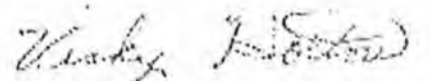
Ninety-eight (98%) percent of the 202 women and children served at the Bering Sea Women's Shelter in 1980 were abused by drunk husbands/fathers. Fifty (50%) percent of the women themselves have alcohol problems.

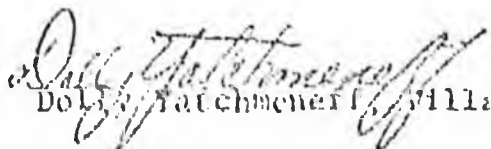
Women have repeatedly expressed their vulnerability in the village setting when there is drinking going on. Village residents who don't drink are afraid of those who do drink because of the well documented tendency of alcohol abusers to become violent.

We have observed village leaders becoming increasingly frustrated when their attempts to limit the availability of alcohol is futile because of bureaucratic blockages. This is resulting in a deepening sense of powerlessness over their own village affairs.

We strongly urge this committee and the Legislature as a whole to allow villages to hold local options elections quickly and to allow local officials to conduct them. Under no circumstances should the privilege to hold such an election be limited to communities under 2,500. The law could be most effectively enforced if regional distribution centers could also elect to go dry locally.

  
Carol Perron, Director

  
Vicky Borton, Alcohol  
Counselor

  
Dolores Patchmeyer, Village Coordinator

SENATOR RUSSELL  
SENATE JUDICIARY COMMITTEE HEARING

MR. GRACE E. LINCOLN, R.N.

WITH THE LONG HISTORY OF ALCOHOL-RELATED  
UNRESOLVED DEATHS OF EIGHT YOUNG WOMEN  
FROM KOTZEBUE IT IS CRUCIAL THAT THE ISSUE  
OF THE LIMIT OF THE POPULATION OF 2500 OR  
LESS FOR A LOCAL OPTION ON THE WET OR DRY  
STATUS OF THAT POPULACE BE LIFTED. IT  
IS INCREASINGLY DANGEROUS TO GO ABOUT  
NORMAL BUSINESS EVEN DURING THE BROAD  
DAYLIGHT HERE IN KOTZEBUE. IT ADDS  
TO THE FEELING OF HELPLESSNESS OR  
FUTILITY WE ARE STRIVING TO ERADICATE.

C.C.

# STATE OF ALASKA

DEPARTMENT OF JUSTICE

ASSISTANT ATTORNEY GENERAL - SECOND JUDICIAL DISTRICT

JAY S. HAMMOND, Governor

582 110 - 4001 5870

April 23, 1981

Senator Pat Rodey, Chairman  
Senate Judiciary Committee  
Juneau, AK. 99811

Re: Hearings on local options provisions.

Dear Chairman Rodey and  
Members of the Senate Judiciary Committee,

I would like to briefly comment on the proposed amendments to the local option provisions. Prior to doing so I must point out the serious problems created in rural Alaska villages due to excessive alcohol consumption. On a daily basis I deal with the victims of violent crime in bush Alaska. These crimes are virtually all committed by an offender who is under the influence of alcohol. An example of this devastation can be seen by the high rate of homicides in the Second Judicial District which is primarily rural. In one village alone there have been two alcohol related killings by firearms in the last year. On a per capita basis, taking into account the small number of residents of the village this would equate to 42 people a week being victims of homicides in a city the size of Anchorage.

Something must be done, and it must be done quickly. Of course, violent acts committed by those under the influence of alcohol are merely the symptoms of the alcohol problem. My office is only able to handle the symptoms by protecting communities from those who have already caused destruction. Local option provisions can start the process of treating the causes of violent crime in bush Alaska.

The current local option statutes have been uniformly heralded by rural Alaska residents. My office has been heavily involved in communications with village spokesmen in trying to assist villages in preparing local option provisions. The particular provisions passed in the last legislative session were extremely good in that they allowed villages to close the loop holes in prior law by keeping alcohol from being imported as well as being sold. Virtually every village I have communicated with wants to enact this provision. To date they have been unable to do so due

to the procedures which require that the vote take place in a state-wide, or state run election handled by the Lt. Governor. I am confident that if the villages had been able to pass the local option provision prohibiting sale and importation when it became effective in 1950, that there would be people alive today that have been killed by intoxicated people in the interim.

I urge this committee to look favorably on the bill before it which would allow special elections in second class municipalities for the purpose of passing local option provisions. It is impossible to tell how many lives will be ended or adversely affected between now and the next state-wide election if the statute remains the way it is. The sooner that small rural communities can prohibit importation of alcohol the better. Based on my experience as the criminal prosecutor for the Sacore Judicial District at least one person will be killed in each two-month period from now until importation of alcohol is banned in this area. These deaths can be prevented by this committee doing everything possible to speed up the mechanism by which villages can ban the importation of alcohol.

Sincerely yours,



Michael R. White  
District Attorney

BNW:ew



To: Members of the Senate Judiciary Commission

Attention: Mr. Patrick Roddy

I am a Catholic priest who has been working in the Alaska bush for the past 25 years (Holy Cross, Mt. Village, Pilot Station, Marshall, St. Marys, Barrow, Little Diomed and the last 15 years in Nome).

In all of those years the only really discouraging thing I have come across is alcoholism.

What used to be a problem is now a disaster, an epidemic in village after village after village.

Everywhere we are faced with family desertion, murder, theft, suicide, beatings, rape, and they are 90% alcohol related. It's threatening an entire people.

Therefore, I would urge you with all my heart to put into the hands of the people in the villages the tool to take advantage of the Title IV Local Options Law -- the adoption of the amendment on special elections at any time and the ability of the local governing body to conduct the elections. If a village then wants to help itself, it may do so.

I remain,

Sincerely and hopefully,

Fr. James E. Poole, S.J.



Official Business

# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 5, 1981

Mr. Paul Z. Wasserman  
Alcohol & Drug Abuse Program  
Association of Alaska  
P. O. Box 4-1338  
Anchorage, Alaska 99509

Dear Mr. Wasserman:

Thank you for your letter alerting me to an increased substance abuse problem in the Bethel/Yukon-Kuskokwim region.

The Judiciary Committee has recently passed out two bills which should assist local communities in retarding further trafficking of these substances. First, SB 65 gave communities the statutory authority to limit or prohibit the sale and importation of alcohol into their areas. Secondly, SB 190 has recodified the state's drug laws and should assist prosecuting attorneys and enforcement officers in stemming the flow of drugs.

I appreciate your concerns in this area and will continue to work on legislation that will alleviate some of these problems.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey  
Chairman

PMR/ods

**Alcohol & Drug Abuse Program  
Association of Alaska**

---

P.O. Box 4-1338 Anchorage, Alaska 99509

April 29, 1981

Senator Patrick M. Rodey  
Pouch V  
State Capitol  
Juneau, AK 99811

RECEIVED

MAY 04 1981

Dear Senator Rodey:

I am writing to apprise you of an important matter which has come to my attention in recent months.

Health Corporation officials and staff in the Bethel/ Yukon-Kuskokwim region have become increasingly aware and concerned about the spreading use of marijuana, and other illicit drugs, among the young people in that area.

This problem appears to be particularly evident in the villages surrounding Bethel, where marijuana used in combination with alcohol accounts for a great deal of the crime, mortality and other impacts afflicting these communities.

It is suspected that most of these drugs arrive through the mail or other parcels aboard outbound flights from places such as Anchorage, Fairbanks and Juneau.

As I am sure you know, it is generally much more effective to prevent a problem such as alcohol or drug abuse than it is to deal with the consequences of the problem.

The abuse of illicit drugs lends itself particularly well to effective prevention efforts, especially when the avenue for their transportation and distribution is fairly narrow and illegal as such. For example, increased efforts at detecting the presence of such contraband at points of departure and arrival might prove to be effective control measures.

Any efforts you may make which are directed toward the examination and solution of this costly and destructive problem would be of real service to us all.

Your kind attention to this matter and your continuing concern for the welfare of all Alaskans is greatly appreciated.

Respectfully yours,

*Paul Wasserman*

Paul Z. Wasserman



Official Business

# Alaska State Legislature

Senate

Judiciary Committee

SB 65  
Pouch V  
State Capitol  
Juneau, Alaska 99811

May 5, 1981

Dr. Helen D. Beirne  
Commissioner  
Department of Health and  
Social Services  
Pouch H-01  
Juneau, Alaska 99811

Dear Helen:

Thank you for your letter of May 1 and your comments with respect to SB 65, "An Act relating to alcoholic beverages."

I am pleased to report that, after extensive hearings, the Senate Judiciary Committee passed SB 65 out of committee on April 29, 1981.

I consider this important legislation, and will work to ensure its passage when it reaches the Senate floor.

Thank you again for your comments.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey  
Chairman

PMR/ods

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

May 1, 1981

JAY S. HAMMOND, GOVERNOR

POUCH H 01  
JUNEAU, ALASKA 99811

PHONE:

Document# 121-81

The Honorable Patrick M. Rodey  
Alaska State Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

RECEIVED

Dear Senator Rodey:

MAY 05 1981

The Department was pleased to host a conference in Juneau on April 24-26, 1981 on rural violence prevention. Representatives from virtually all parts of rural Alaska attended. The purpose of the conference was to plan ways to strengthen self-image and self-reliance of Alaska's rural population.

The conference was an extremely exciting one and much information was exchanged. Alcohol and drug abuse appeared to be fairly persistent problems for rural communities, taking their toll in increased numbers of violent deaths, family problems, suicides, and accidents. Because of the seriousness of these problems, strong feelings regarding the need to strengthen local options to control the sale and transportation of alcohol into a village were expressed. The group passed a resolution in support of alcohol programs and SB 65 which permits special elections to be held to vote on opting to go "dry", rather than waiting for the general election to be held each fall. We have attached a copy of that resolution and the list of participants, as well.

We, too, join with the participants of this conference in acknowledging the seriousness of the problem of alcoholism in our state. We look forward to working with you to find solutions to Alaska's number one health problem.

Sincerely,

*Helen D. Beirne*

Helen D. Beirne  
Commissioner

## Participants to Rural Violence Prevention Conference

April 24-26 Juneau Alaska

American Legions Conference Room, 339 Franklin Street

Sadie Neakok	Barrow
Mary Edwardsen	Barrow
Della Keats	Kotzebue
Augie Hoffman	Kotzebue
Minnie Norton	Kotzebue
Max Brown	Sitka
Olof Hansen	Dillingham
Samuel Smith	Bethel
Willa Ashenfelter	White Mountain
Georgenne Anasogak	Koyuk
Katherine Kobuk	St. Michaels
Irene Aukongak	Golovin
David Salman	Chalkyitsik
Jim Sozoff	Anchorage - Facilitator
Martha Jack	Bethel
Nancy Davis	Sitka
Anna Frank	Fairbanks
Mary Mc Quillan	Port Townsend, WA
Rene Astruc	Emmonak
Dale Sarles	Juneau - Facilitator
Elizabeth Kubler-Ross	Escondido, CA
Carole Baekley	Anchorage

Representatives from Dept. of Health & Social Services

Helen D. Beirne	Commissioner
Allen Korhonen	Dep. Commissioner, Management Services
Verner Stillner, M.D.	Director, Mental Health & Dev. Dis.
Charles Campbell	Director, Adult Corrections
Bob Cole	Director, Alcoholism & Drug Abuse
Liz Muktarian	Director, Adult & Aging Services
Betsy McGuire	Coordinator, Domestic Violence
Nina Kinney	Soc. Serv. Program Coordinator
Nils Annerud	Coordinator, Prev/Holistic Health
Lois Bergerson	Chief of Nursing, Public Health
Bella Hammond	Alaska's First Lady, Juneau
Dixie Belcher	Pres. AK. Hol. Health Ass., Juneau
Jim Messick	Public Safety, Anchorage
Caren Robinson	Rep. Dom. Violence, Juneau
Maureen Conerton	Rep. Dom. Violence, Juneau
Penny Holden	SEARHC, Juneau
Bill Richards, M.D.	Alaska Area Nat. Health Services, Anchorage
Donna Lindstedt	Seattle, WA
Ellen Campbell	Juneau
Barbara Thorn	Anchorage

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5  
JUNEAU, ALASKA 99811

February 24, 1981

The Honorable Donald E. Gilman  
Chairman  
Senate Community and Regional  
Affairs Committee  
Room 203 - Behrends Building  
Juneau, Alaska

Re: Senate Bill No. 65

Dear Senator Gilman:

Senate Bill No. 65, an Act relating to alcoholic beverages, was introduced in the Senate of January 13, 1981 and was referred to the Senate Community and Regional Affairs and Judiciary Committees.

For the consideration of the Senate Community and Regional Affairs Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Patrick Sharrcock, Director, Alcoholic Beverage Control Board, Department of Revenue, Anchorage concerning the proposed legislation.

Sincerely,

R. D. Stevenson  
Special Assistant

cc: The Honorable Patrick M. Rodey  
Chairman  
Senate Judiciary Committee

Joseph K. Donohue  
Deputy Commissioner  
Department of Revenue

Patrick Sharrock, Director  
Alcoholic Beverage Control Board  
Department of Revenue  
Anchorage, Alaska

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB#65  
Title An Act Relating to Alcoholic Beverages  
Requested by Senator Ray Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Revenue  
Program Category Affected Consumer Protection  
BRU, Program, or Subprogram(s) Affected Alcoholic Beverage Control 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 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)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

*Enactment of this legislation will not have fiscal impact on the  
Alcoholic Beverage Control Board.*

IV. DATE February 24, 1981 PREPARED BY Patrick L. Sharrock, Director  
AGENCY Alcoholic Beverage Control Board  
PHONE 277-8638

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

RESOLUTION FROM RURAL VIOLENCE CONFERENCE

RECEIVED

APR 27 1981

Whereas we representative native Alaskans from across the State, many from smaller villages, gathered in Juneau April 24-26 at the invitation of the Commissioner of Health and Social Services to assess ways to help our people possess a healthier self image and more self reliance, and

Whereas all of us present acknowledged that substance abuse, especially of alcohol, is a particularly serious problem in village settings, and must be addressed from many perspectives, including individual and group responsibility to make choices on how to live well, healthy, and wholesome lives, and

Whereas we were addressed at length on the nature of SB 65 (and amendments) and believe it to be a step in the right direction for people in the villages to have State legal support whenever they may choose by local option to control the sale and bringing of alcohol into a village, and

Whereas it is believed that because of the severe nature of alcohol abuse in the villages (2nd class cities) should be allowed to hold special elections as prescribed by municipal election procedures rather than waiting for the general election in the fall, and

Whereas it is believed that liquor licenses should be invalidated 90 days after the election has been certified so that villages do not have to wait until December 31st of that year, and

Whereas it is known that a number of communities have already sent petitions to the Division of Elections concerning Title IV local option law and request prompt action from the State as soon as the amendments to SB 65 becomes law, and

Whereas we discussed our support for the alcohol programs throughout Alaska and urge continued funding for these services, and

THEREFORE BE IT RESOLVED that we urge the First Session of the 12th State Legislature to act on SB 65 and refunding of the alcohol programs as a means to support and encourage the welfare, health, and self reliance of Alaskans in small communities and villages.

Juneau April 24-26, 1981

Mary Edvardson	Box 211	Barrow Alaska
Ladie Neakok	Box 276	" "
North Jack	Box 825	Bethel, Alaska
Katherine Kobuk	Gen. Del.	St. Michael, Ak 9965
Georgianne Quasogak	Gen Del	Kayuk, Ak 99753
Willa Ashenfelter		White Mountain, Ak 99784
Irene Autongak		Solonine, Ak. 99762
David Salmer		Chalkyitsik Ak 99788
<del>Margie</del>		
Auzie Hobbs	Box 256 H	Kingbone Alaska 99752
Anna Frank	1302 21st	Fairbanks 99701
Claf T. Hanson	Box 12	Dillingham aka
David Scott	1065 Cherry St.	Anchorage, Ak 99504
Rene Astruc	Emmonak.	Ak. 99581

(12) the license is sought for the sale of alcoholic beverages in an established village in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490 or have voted "yes" on the question set out in AS 04.11.500.

(b) An application requesting issuance of a new permit shall be denied if

(1) the board finds, after review of all relevant information, that issuance of the permit would not be in the best interests of the public;

(2) the board finds that any of the statements made in the application are untrue;

(3) the application has not been completed in accordance with AS 04.11.260;

(4) the permit is sought for the sale of alcoholic beverages in a first or second class city or established village in which there are no licensed premises at the time of application unless a majority of the voters in a local option election conducted in accordance with AS 04.11.502 have voted "no" on the question set out in AS 04.11.490. (§ 2 ch 131 SLA 1980)

**Cross reference.** — As to application for new license or permit, see AS 04.11.260.

**Sec. 04.11.330. Denial of license or permit renewal.** (a) An application requesting renewal of a license shall be denied if

(1) the board finds, after review of all relevant information, that renewal of the license would not be in the best interests of the public;

(2) the license has been revoked for any cause;

(3) the applicant has not operated the licensed premises for at least 30 eight-hour days during the immediately preceding calendar year, unless the board determines that the licensed premises are under construction or cannot be operated through no fault of the applicant;

(4) the board finds that issuance of an existing license under AS 04.11.400(g) has not encouraged tourist trade;

(5) the requirements of AS 04.11.420 — 04.11.450 relating to zoning, ownership of the license, and financing of the licensee have not been met;

(6) renewal of the license would violate the restrictions pertaining to the particular license under this title;

(7) renewal of the license is prohibited under this title as a result of an election conducted in accordance with AS 04.11.502;

(8) the application has not been completed in accordance with AS 04.11.270;

(9) the license was issued under AS 04.11.400(j), and the board finds that the public convenience does not require renewal.

(b) An application for renewal of a license may be denied if the applicant is delinquent in the payment of taxes if the tax liability arises in whole or in part out of the licensed business.

(c) An application requesting renewal of a conditional contractor permit shall be denied if

(1) the board finds, after review of all relevant information, that issuance of the permit would not be in the best interests of the public;

(2) the application has not been completed in accordance with AS 04.11.270. (§ 2 ch 131 SLA 1980)

**Cross reference.** — As to application for renewal of license or permit, see AS 04.11.270.

**Sec. 04.11.340. Denial of transfer of location.** An application requesting approval of a transfer of location of licensed premises shall be denied if

(1) the board finds, after review of all relevant information, that transfer of location of the license would not be in the best interests of the public;

(2) the transfer of location of the license is prohibited under AS 04.11.400(a) or prohibition of transfer is found necessary under AS 04.11.400(b);

(3) the license would be transferred out of the election district within which it was originally issued, unless the election district into which the license would be transferred is within the incorporated city, organized borough or unified municipality within which the license was originally issued;

(4) transfer of ownership is to be made concurrently with the transfer of the location of the licensed premises and a ground for denial of the transfer of ownership under AS 04.11.360 is presented;

(5) the application has not been completed in accordance with AS 04.11.290;

(6) transfer of location of the license would result in violation of local zoning law;

(7) transfer of location of the license would violate the restrictions pertaining to the particular license imposed by this title;

(8) transfer of location of the license is prohibited under this title as a result of an election conducted in accordance with AS 04.11.502;

(9) the licensed premises are to be located in a municipality, the type of license sought to be transferred is a beverage dispensary or package store license, and that type of license is already in effect in that municipality under a community liquor license, unless the transfer to become effective after the community liquor license is no longer effective, whether as the result of a local option election or otherwise.

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors  
45 Am. Jur. 2d Intoxicating Liquors §§ 147-150.  
§§ 156-158.

**Sec. 04.11.480. Protest.** (a) If a local governing body wishes to protest the issuance, renewal, transfer of location or transfer to another person of a license, it shall furnish the board and the applicant with a protest within 30 days of receipt from the board of notice of filing of the application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (b)(4) when it considers the application, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (b)(4) shall be retained as part of the board's permanent record of its review of the application. If an application is protested, the board may not approve the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) If the permanent residents residing outside of but within two miles of an incorporated city or an established village wish to protest the issuance, renewal, or transfer of a license within the city or village, they shall file with the board a petition meeting the requirements of AS 04.11.510(b)(3) requesting a public hearing within 30 days of the posting of notice required under AS 04.11.310, or by December 31 of the year application is made for renewal of a license. The board shall consider testimony received at a hearing conducted under AS 04.11.510(b)(3) when it considers the application, and the record of a hearing conducted under AS 04.11.510(b)(3) shall be retained as part of the board's permanent record of its review of the application. (§ 2 ch 131 SLA 1980)

Former law construed. — See In re Alaska 599 (1945); In re Kaye, 11 Alaska  
Alaska Labor Trades Ass'n, 10 Alaska 472 556 (1948); In re Martin's Retail Liquor  
(1945); Application of Wakefield, 10 License No. 1517, 16 Alaska 225 (1954).

**Sec. 04.11.490. Prohibition of the sale of alcoholic beverages.**

(a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 04.11.502: "Shall the sale of alcoholic beverages in . . . . (name of municipality or village) be prohibited? (yes or no)".

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter the board may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of an established village. As of midnight December 31 of the year in which the results of the election are certified, licenses which may not be renewed are void. The results

of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed.

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on a question set out in AS 04.11.492 or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election. Thereafter, the prohibitions imposed under (b) of this section on the issuance, renewal, or transfer of licenses between holders and location as a result of the earlier election are removed except insofar as those prohibitions are imposed in accordance with the results of the subsequent election. (§ 2 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors §§ 58-98.  
45 Am. Jur. 2d Intoxicating Liquors  
§§ 79-113.

**Sec. 04.11.492. Community liquor license; complete prohibition on sales.** (a) The following question, appearing alone,

may be placed before the voters of a municipality in accordance with AS 04.11.502: "Shall the sale of alcoholic beverages be prohibited in . . . . (name of municipality) unless sold by a . . . . (either a beverage dispensary or package store, or both, operated under a community liquor license)? (yes or no)".

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality, with the exception of a beverage dispensary or package store operated under a community liquor license held by the municipality. As of midnight December 31 of the year in which the results of the election are certified, licenses in effect are void. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed.

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on a question set out in AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after a certification of the results of the election. As of midnight December 31 of the year in which the results of the election are certified, the prohibitions imposed under (b) of this section on the

issuance, renewal, or transfer of licenses between holders and locations as a result of the earlier election are removed except insofar as those prohibitions are imposed in accordance with the results of the subsequent election. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed. (§ 2 ch 131 SL A 1980)

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors §§ 58-98.  
45 Am. Jur. 2d Intoxicating Liquors  
§§ 79-113.

**Sec. 04.11.496. Prohibition of sale and importation of alcoholic beverages.** (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 04.11.502: "Shall the sale and importation of alcoholic beverages be prohibited in . . . . (name of municipality or village)? (yes or no)".

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring alcoholic beverages into the municipality or established village. The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and within unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village. As of midnight December 31 of the year in which the results of the election are certified, licenses which may not be renewed are void. The results of an election held under this section are not a ground for the suspension of a license during the year for which the license was issued or renewed.

(c) If a majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on the questions set out in AS 04.11.492 or 04.11.500 in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the prohibition on the importation of alcoholic beverages and the prohibition on the issuance, renewal, or transfers of licenses between holders and locations, imposed as a result of the earlier election in which the voters voted "yes" on the question set out in (a) of this section are removed effective on the first day of the month following certification of the results of the election except as those prohibitions continue to be imposed in accordance with the results of the subsequent election. (§ 2 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors §§ 58-98.  
45 Am. Jur. 2d Intoxicating Liquors  
§§ 79-113.

**Sec. 04.11.500. Prohibition of the sale of alcoholic beverages except by selected licenses.** (a) The following question, appearing alone, may be placed before the voters of a municipality or an established village in accordance with AS 04.11.502: "Shall the sale of alcoholic beverages be prohibited in . . . . (name of municipality or village) except by . . . . (listing of the types of licenses which premises would be exempted from the prohibition on the sale of alcoholic beverages if the measure passes)? (yes or no)".

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village, except those types of licenses listed on the ballot. As of midnight December 31 of the year in which the results of the election are certified, licenses in effect within the boundaries of the municipality or perimeter of the established village, and in an unincorporated area outside of but within five miles of the boundaries of the municipality, except those types of licenses listed on the ballot, are void.

(c) If the majority of the voters vote "no" on the question set out in (a) of this section or vote "yes" on the questions set out in AS 04.11.490, 04.11.492, 04.11.496, or this section if different types of licenses are listed on the ballot in an election conducted in accordance with AS 04.11.502 after an election in which the voters voted "yes" on the question set out in (a) of this section, the board shall be notified immediately after certification of the results of the election. As of midnight December 31 of the year in which the results of the election are certified, licenses in effect in the municipality, in the unincorporated area outside of but within five miles of the boundaries of the municipality or established village which were excepted from the prohibition on sale in accordance with the results of the earlier election are void. Thereafter the board may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality or within the perimeter of an established village, or in an unincorporated area within five miles of the boundaries of the municipality, except a license which may be issued to a municipality or to one of the types of licenses listed on the ballot as a result of a majority of the voters voting "yes" on the question set out in AS 04.11.492 or this section, respectively. (§ 2 ch 131 SLA 1980)

(1) if an application is denied, the notice of denial shall be furnished the applicant immediately in writing stating the reason for the denial in clear and concise language; the notice of denial shall inform the applicant that he is entitled to an informal conference with either the director or the board, and that, if not satisfied by the informal conference, he is then entitled to a formal hearing before the board; if the applicant requests a formal hearing, the board shall adhere to AS 44.62.330 — 44.62.630 (Administrative Procedure Act); all interested persons may be heard at the hearing and unless waived by the applicant and the board, the formal hearing shall be held in the area for which the application is requested;

(2) the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under (1), (3), or (4) or this subsection;

(3) if a petition containing the signatures of 35 percent of the adult residents having a permanent place of abode outside of but within two miles of an incorporated city or an established village is filed with the board, the board shall hold a public hearing on the question of whether the issuance, renewal, or transfer of the license in the city or village would be in the public interest;

(4) if a protest to the issuance, renewal, transfer of location or transfer to another person of a license made by a local governing body is based on a question of law, the board shall hold a public hearing.

(c) Unless the grounds for the suspension or revocation are under AS 04.11.370(4), board proceedings to suspend or revoke a license shall be conducted in accordance with AS 44.62.330 — 44.62.630 (Administrative Procedure Act), except that the licensee is entitled to an opportunity to informally confer with the director or the board within 10 days after the accusation is served upon him. Notice of the opportunity for an informal conference shall be served upon the licensee along with the accusation. If an informal conference is requested, the running of the period of time specified in AS 44.62.380 for filing a notice of defense is tolled from the date of receipt of the request for the conference until the day following the date of the conference unless extended by the board. After the conference, the licensee, if not satisfied by the results of the conference, may obtain a hearing by filing a notice of defense as provided in AS 44.62.390. If the grounds for suspension or revocation are under AS 04.11.370(4), the licensee is not entitled to notice and hearing under AS 44.62.330 — 44.62.630 on the merits of the suspension or revocation. However, the board shall afford the licensee notice and hearing on the issue of what administrative sanction to impose under AS 04.16.180. (§ 2 ch 131 SLA 1980)

Editor's note. — The cases cited in the note below were decided under former AS 04.05.030, 04.15.100, and earlier statute.

Compliance with Administrative Procedure Act. — An authorized proceeding of the Alcoholic Beverage Control Board to consider a license application constituted a public hearing on the application, and as such, was subject to the requirements of the Administrative Procedure Act (AS 44.62). *Ketchikan Retail Liquor Dealers Ass'n v. State, ABC Bd., Sup. Ct. Op. No. 1963 (File No. 3697), 602 P.2d 434 (1979).*

Discretion. — That lawful and sound,

and not arbitrary, discretion must be exercised in granting or refusing licenses is beyond question. In re Alaska Labor Trades Ass'n, 10 Alaska 472 (1945).

For discussion of hearing required before suspension of license under prior law, see *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd., Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).*

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 153-169.

48 C.J.S. Intoxicating Liquors §§ 142-166.

Sec. 04.11.520. Notice to local governing body. After receipt of an application from within (1) an established village, (2) an incorporated city, (3) an organized borough, or (4) a unified municipality, the board shall transmit written notice to the local governing body within 10 days so that the local governing body may protest under AS 04.11.480. (§ 2 ch 131 SLA 1980)

Sec. 04.11.530. Consideration of reports. A license may not be suspended or revoked under AS 04.11.370(4) or (5) unless the board considers the reports prepared by arresting and investigating officers and the sentencing report sent to the board under AS 12.55.025(b). (§ 2 ch 131 SLA 1980)

Sec. 04.11.535. Suspension and revocation based on acts of employees. (a) If, in a proceeding to suspend or revoke a license under AS 04.11.370(5), the board finds that a sentencing report sent to the board under AS 12.55.025(b) or a report prepared by the investigating or arresting officers in connection with the violation, contains information which if uncontradicted or unexplained would provide a ground for suspension or revocation under AS 04.11.370(5), the licensee has the burden of proof to establish that he neither knowingly allowed the violation nor recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030.

(b) If the board suspends or revokes a license on grounds that a licensee knowingly allowed or recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030 resulting in unlawful action of an agent or employee, the board shall file a criminal complaint charging the licensee with violation of AS 04.16.150. (§ 2 ch 131 SLA 1980)

Sec. 04.11.537. Application of precedent. In determining whether issuance, renewal, transfer, suspension, or revocation of a license is in the best interests of the public, the board need not conform to or distinguish its decision from any action it has taken in the past on applications presenting similar facts, but may instead base its decision only on the particular facts before it. (§ 2 ch 131 SLA 1980)

**Sec. 04.11.502. Procedure for local option elections.** (a) The local governing body of a municipality, whenever a number of registered voters equal to at least 35 percent of the number of votes cast at the last regular municipal election petition the local governing body to do so, shall place upon a separate ballot at the next regular election whichever question or combination of questions set out in AS 04.11.490 — 04.11.500 constitutes the subject of the petition. The lieutenant governor shall conduct the election in the general manner prescribed by the Alaska Election Code (AS 15.05 — 15.60).

(b) The lieutenant governor, whenever 35 percent of the registered voters residing within an established village petition the lieutenant governor to do so, shall place upon a separate ballot at a special election that question or combination of questions set out in AS 04.11.490 — 04.11.500 which constitutes the subject of the petition. The lieutenant governor shall conduct the election in the general manner prescribed by the Alaska Election Code (AS 15.05 — 15.60). (§ 2 ch 131 SLA 1980)

**Editor's note.** — Chapter 129, SLA 1980, amended various local option provisions of former AS 04. However, the subsequent enactment of the major revision of AS 04 by ch 131, SLA 1980, repealed the earlier local option provisions of AS 04 and all amendments to them.

Am. Jur. 2d, ALR and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 79-113.

Operation and effect, in dry territory, of general state statute making sale or possession for sale of intoxicating liquor, without a license, an offense, 8 ALR2d 750.

Change of "wet" or "dry" status fixed by local option election by change of name, character, or boundaries of voting unit, without later election, 25 ALR2d 863.

48 C.J.S. Intoxicating Liquors §§ 58-98.

**Sec. 04.11.504. Reinstatement of licenses.** If a prohibition imposed on the issuance, renewal, or transfer of licenses between holders and locations under AS 04.11.490 — 04.11.500 is removed by a vote of "no" on a question for which the majority of the people voted "yes" in an earlier election, the board shall, upon application, issue the same number and type of licenses which were in effect in the municipality or established village on the date of certification of the earlier election. If the prohibition imposed on issuance, renewal, or transfer of licenses between holders and locations is removed by a "yes" vote on a question set out in AS 04.11.492 and 04.11.500, the board may issue the types of licenses specified in the question presented to the voters in the subsequent election. Licenses may be issued for the same or other premises within the municipality or established village which were licensed on the date of certification of the earlier election. However, if the local governing body requests that fewer licenses of a particular type be issued than would otherwise be issued if the

provisions prescribing the ratio of population to licensed premises in AS 04.11.400(a) are applied, only the number of licenses of that particular type requested by the local governing body may be issued by the board. Priority shall be given applicants who were formerly licensees and whose licenses were not renewed because of the results of the previous election. However, these applicants have no legal right to a license and the board is not required to approve the application. (§ 2 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors §§ 58-98.  
45 Am. Jur. 2d Intoxicating Liquors §§ 79-113.

**Sec. 04.11.506. Notice of the results of a local option election.** (a) If a majority of the voters vote "yes" on a question set out in AS 04.11.490 — 04.11.500, the board shall immediately notify the Department of Law and the Department of Public Safety of the results of the election.

(b) If a majority of the voters vote "yes" on a question set out in AS 04.11.496, the following actions, in addition to those prescribed in (a) of this section, shall be undertaken before the date the prohibition on importation becomes effective:

(1) the board shall notify by registered mail all holders of package store licenses of the prohibition;

(2) the municipality or established village shall post notice of the prohibition in the municipality or village. (§ 2 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors §§ 58-98.  
45 Am. Jur. 2d Intoxicating Liquors §§ 79-113.

#### Article 7. Board Procedures.

Section	Section
510. Procedure for action on license applications, suspensions, and revocations	530. Consideration of reports
520. Notice to local governing body	535. Suspension and revocation based on acts of employees
	536. Application of precedent

**Sec. 04.11.510. Procedure for action on license applications, suspensions, and revocations.** (a) Unless a legal action relating to the license, applicant or premises to be licensed is pending, the board shall decide whether to grant or deny an application within 90 days of receipt of the application at the main office of the board. However, the decision may not be made before the 30 days allowed for protest under AS 04.11.480 have elapsed unless waived by the municipality.

(b) The board may review an application for the issuance, renewal, transfer of location, or transfer to another person of a license without affording the applicant notice or hearing, except

286), see 1967 House Journal, p. 544. For report on ch. 84, SLA 1968 (CSSB 344), see 1968 House Journal, p. 672. For report on ch. 86, SLA 1968 (CSHB 47 am S), see 1967 House Journal, p. 458. Chapter 245, SLA 1970 (HCSSB 399 am H), was identical to CSHB 406 (Jud.). For report on

CSHB 406 (Jud.), see 1970 House Journal Supplement No. 6. For report on ch. 63, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 793, 885. For report on ch. 184, SLA 1976 (SCS CSHB 246 am S), see 1976 House Journal, p. 944.

## Chapter 16. Regulation of Sales and Distribution.

### Article

1. Prohibited Acts (§§ 04.16.010 — 04.16.175)
2. Penalties and Forfeitures (§§ 04.16.180 — 04.16.220)

### Article 1. Prohibited Acts.

Section	Section
10. Hours of sale and presence on licensed premises (standard closing hours)	60. Purchase by persons under the age of 19
20. Solicitation of alcoholic beverages	70. Sales on election day
30. Sale or disposition of alcoholic beverages to drunken persons	80. Sales or consumption at school events
40. Access of drunken persons to licensed premises	90. Prohibition of bottle clubs
45. Obligation to enforce restrictions in licensed premises	100. Restriction on size of containers
49. Access of persons under the age of 19 to licensed premises	110. Sale of powdered alcohol prohibited
50. Possession or consumption by persons under the age of 19	120. Removal or introduction of alcoholic beverages
51. Furnishing of alcoholic beverages to persons under the age of 19	130. Stock confined to licensed premises
52. Furnishing of alcoholic beverages to persons under the age of 19 by licensees	140. Sale or consumption of alcoholic beverages in a warehouse
	150. Licensee responsible for violations
	170. Source of alcoholic beverages
	175. Furnishing alcoholic beverages in aid of gambling enterprise

**Sec. 04.16.010. Hours of sale and presence on licensed premises (standard closing hours).** (a) A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day.

(b) A licensee, his agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day.

(c) A licensee, his agent, or employee may not permit a person to and a person may not enter premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection does not apply to common carriers, as defined in AS 42.10.420(2), or to an employee of the licensee who is on the premises to prepare for the next day's business or to persons remaining on the premises of a restaurant or eating place licensed under this title to consume food or nonalcoholic beverages.

(d) A municipality may provide for additional hours of closure under AS 04.21.010. (§ 3 ch 131 SLA 1980)

**ALR and C.J.S. references.** — Power of municipality to require Sunday closing, 29 ALR 407, 420; 37 ALR 575.

Validity, construction and application of statute or ordinance requiring closing,

during certain hours, of place where intoxicating liquor is sold, as affected by fact that such places are also used for other business, 139 ALR 756.

48 C.J.S. Intoxicating Liquors § 207.

**Sec. 04.16.020. Solicitation of alcoholic beverages.** (a) A person may not pay or receive from another a salary, percentage or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for consumption by a person other than the patron.

(b) A licensee, his agent, or employee may not knowingly permit a person to loiter within or about premises licensed under this title for the purpose of begging or soliciting a patron or visitor to purchase alcoholic or other beverages for the person who is begging or soliciting. (§ 3 ch 131 SLA 1980)

**Former law construed.** — See Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc., Sup. Ct. Op. No. 208 (File No. 363), 331 P.2d 441 (1964).

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquor §§ 297, 298.

48 C.J.S. Intoxicating Liquors § 267.

**Sec. 04.16.030. Sale or disposition of alcoholic beverages to drunken persons.** A licensee, his agent, or employee may not with criminal negligence

- (1) sell, give, or barter alcoholic beverages to a drunken person;
- (2) allow another person to sell, give, or barter an alcoholic beverage to a drunken person within licensed premises;
- (3) allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;
- (4) permit a drunken person to sell or serve alcoholic beverages. (§ 3 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 266, 268.

48 C.J.S. Intoxicating Liquors §§ 257, 258.

**Sec. 04.16.040. Access of drunken persons to licensed premises.** A drunken person may not knowingly enter or remain on premises licensed under this title. (§ 3 ch 131 SLA 1980)

**Sec. 04.16.045. Obligation to enforce restrictions in licensed premises.** A licensee, his agent or employee may not permit the consumption of alcoholic beverages by any person within licensed premises unless it is permitted by the license. (§ 3 ch 131 SLA 1980)

**Revisor's note.** — This section was originally enacted as AS 04.16.041 but was renumbered by the revisor of statutes.

**Cross reference.** — As to responsibility of licensee for violations, see AS 04.16.150.

04.16.049  
ALASKA STATUTES  
Sec. 04.16.049. Access of persons under the age of 19 to licensed premises. (a) A person under the age of 19 years may not knowingly enter or remain in premises licensed under this title unless

(1) accompanied by a parent, guardian or spouse who has attained the age of 19 years;

(2) accompanied by a person over the age of 19 years and with the consent of the person's parent or guardian if the premises are licensed as a restaurant or eating place and the persons enter and remain only for dining.

(b) Notwithstanding (a) of this section, a licensee, his agent, or employee may refuse entry to a person under the age of 19 years to that part of licensed premises in which alcoholic beverages are sold, served or consumed, may refuse service to a person under the age of 19 years, or may require a person under the age of 19 years to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

(c) Notwithstanding this section, a person between 16 and 19 years of age may enter and remain within the licensed premises of a hotel, restaurant, or eating place in the course of his employment if (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages; (2) the person has the written consent of a parent or guardian; and (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor. The board, with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurants or eating places for the purposes of this subsection (§ 3 ch 131 SLA 1980)

Sec. 04.16.050. Possession or consumption by persons under the age of 19. A person under the age of 19 years may not knowingly consume, possess, or control alcoholic beverages except those furnished persons under AS 04.16.051(b). (§ 3 ch 131 SLA 1980)

Sec. 04.16.051. Furnishing of alcoholic beverages to persons under the age of 19. (a) A person may not furnish an alcoholic beverage to a person under the age of 19 years.

(b) This section does not prohibit the furnishing of an alcoholic beverage

(1) by a parent to his child, by a guardian to his ward, or by a spouse to his or her legal spouse if the furnishing occurs off licensed premises; or

(2) by a licensed physician or nurse to a patient in the course of administering medical treatment.

(c) Acts unlawful under AS 11.51.130 are not made legal by (b) of this section. (§ 3 ch 131 SLA 1980)

Sec. 04.16.052. Furnishing of alcoholic beverages to persons under the age of 19 by licensees. A licensee, his agent, or employee may not with criminal negligence

(1) allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 19 years within licensed premises;

(2) allow a person under the age of 19 years to enter and remain within licensed premises except as provided in AS 04.16.049;

(3) allow a person under the age of 19 years to consume an alcoholic beverage within licensed premises;

(4) allow a person under the age of 19 years to sell or serve alcoholic beverages. (§ 3 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 48 C.J.S. Intoxicating Liquors §§ 257, 259.  
45 Am. Jur. 2d Intoxicating Liquors §§ 267 — 276.

Sec. 04.16.060. Purchase by persons under the age of 19. (a) A person under the age of 19 years may not purchase alcoholic beverages or solicit another to purchase alcoholic beverages on his behalf.

(b) A person may not influence the sale, gift, or service of an alcoholic beverage to a person under the age of 19 years, by misrepresenting the age of that person.

(c) A person may not order or receive an alcoholic beverage from a licensee, his agent, employee, or another person, for the purpose of selling, giving, or serving it to a person under the age of 19 years.

(d) A person under the age of 19 years may not enter licensed premises where alcoholic beverages are sold and offer or present to a licensee, his agent, or employee a birth certificate or other written evidence of age, which is fraudulent or false or which is not actually his own, or otherwise misrepresent his age, for the purpose of inducing the licensee, his agent, or employee to sell, give, serve, or furnish alcoholic beverages contrary to law.

(e) A person who has attained the age of 19 years accompanying a person under the age of 19 who is seeking to enter and remain in a licensed premises under AS 04.16.049(a)(2) may not misrepresent having obtained the consent of the parent or guardian of the person under the age of 19 years. (§ 3 ch 131 SLA 1980)

Am. Jur. 2d reference. — 45 Am. Jur. 2d Intoxicating Liquors §§ 299, 300.

Sec. 04.16.070. Sales on election day. (a) It is unlawful to sell, barter, give, consume, or dispose of alcoholic beverages within licensed premises

(1) in the state on a day on which a statewide special, primary, or general election is held for the purpose of voting for a candidate for public office, until the polls have closed;

(2) in a municipality on a day on which a local option election or an election is held for the purpose of voting for a candidate for public office, until the polls are closed.

(c) It is an affirmative defense to a prosecution under (a) of this section that no profit was involved in the solicitation or receipt of an order for the delivery of an alcoholic beverage. However, the affirmative defense created under this subsection is not available in a prosecution of a person charged with selling or offering for sale alcoholic beverages to a person under 19 years of age.

(d) Upon conviction of a person of a violation under (a) of this section, the court shall impose a minimum sentence of imprisonment of not less than 10 consecutive days. The execution of the sentence may not be suspended and probation or parole may not be granted until the minimum imprisonment provided in this subsection has been served. Imposition of sentence may not be suspended except upon the condition that the defendant be imprisoned for no less than the minimum period provided in this subsection.

(e) A person who sends, transports, or brings alcoholic beverages into a municipality or established village in violation of AS 04.11.496 is, upon conviction,

(1) guilty of a class A misdemeanor if the quantity imported is less than 12 liters of distilled spirits, 24 liters of wine, or 45 liters of malt beverages; or

(2) guilty of a class C felony if the quantity imported is 12 liters or more of distilled spirits, 24 liters or more of wine, or 45 liters or more of malt beverages. (§ 3 ch 131 SLA 1980)

**Sec. 04.16.210. Penalty for making false statement.** If a false statement is made in an application under AS 04.11.260, the applicant is guilty of perjury and, upon conviction, is subject to the penalty provided by law for the crime of perjury under AS 11.56.200. (§ 3 ch 131 SLA 1980)

**Sec. 04.16.220. Forfeitures.** (a) The following are subject to forfeiture:

(1) alcoholic beverages manufactured, sold, offered for sale or possessed for sale, bartered or exchanged for goods and services in this state in violation of AS 04.11.010; alcoholic beverages stocked, warehoused, or otherwise stored in violation of AS 04.21.060; alcoholic beverages sold or offered for sale in an area where the results of a local option election have, under AS 04.11.490 — 04.11.500, prohibited the board from issuing, renewing, or transferring one or more licenses or permits under this title in the area; alcoholic beverages transported into the state and sold to persons not licensed under this chapter in violation of AS 04.16.170(b);

(2) materials and equipment used in the manufacture, sale, offering for sale, possession for sale, barter or exchange of alcoholic beverages for goods and services in this state in violation of AS 04.11.010; materials and equipment used in the stocking, warehousing, or storage of alcoholic beverages in violation of AS 04.21.060; materials and

equipment used in the sale or offering for sale of an alcoholic beverage in an area where the results of a local option election have, under AS 04.11.490 — 04.11.500, prohibited the board from issuing, renewing, or transferring one or more licenses or permits under this title in the area;

(3) aircraft, vehicles, or vessels used to transport, or facilitate the transportation of

(A) alcoholic beverages manufactured, sold, offered for sale or possessed for sale, bartered or exchanged for goods and services in this state in violation of AS 04.11.010;

(B) property stocked, warehoused, or otherwise stored in violation of AS 04.21.060;

(C) alcoholic beverages imported into a municipality or established village in violation of AS 04.11.496;

(4) alcoholic beverages found on licensed premises which do not bear federal excise stamps if excise stamps are required under federal law;

(5) alcoholic beverages, materials or equipment used in violation of AS 04.16.175.

(b) Property subject to forfeiture under this section may be actually or constructively seized under an order issued by the superior court upon a showing of probable cause that the property is subject to forfeiture under this section. Constructive seizure is effected upon posting a signed notice of seizure on the item to be forfeited, stating the violation and the date and place of seizure. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or search;

(2) the property subject to seizure is the subject of a prior judgment in favor of the state; or

(3) there is probable cause to believe that the property is subject to forfeiture under (a) of this section; property seized under this paragraph may not be held over 48 hours or until an order of forfeiture is issued by the court, whichever is earlier.

(c) Within 30 days of a seizure under this section the Department of Public Safety shall make reasonable efforts to ascertain the identity and whereabouts of any person holding an interest or an assignee of a person holding an interest in the property seized, including a right to possession, a lien, mortgage, or conditional sales contract. The Department of Public Safety shall notify the person ascertained to have an interest in property seized of the impending forfeiture, and before forfeiture the Department of Law shall publish, once a week for four consecutive calendar weeks, a notice of the impending forfeiture in a newspaper of general circulation in the judicial district in which the seizure was made, or if no newspaper is published in that judicial district, in a newspaper published in the state and distributed in that judicial district.

(d) Property subject to forfeiture under (a) of this section may be forfeited



# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5  
JUNEAU, ALASKA 99811

April 17, 1981

The Honorable Patrick M. Rodey  
Chairman  
Senate Judiciary Committee  
Room 207 - Capitol Building  
Juneau, Alaska

RECEIVED

APR 20 1981

Dear Senator Rodey:

Re: CS for Senate Bill No.65 (C&RA)

CS for Senate Bill No. 65 (C&RA), an Act relating to alcoholic beverages, was referred on March 27, 1981 by the Senate Community and Regional Affairs Committee to the Senate Judiciary Committee.

For the consideration of the Senate Judiciary Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Patrick L. Sharrock, Director, Alcoholic Beverage Control Board, Department of Revenue, Anchorage concerning the proposed legislation.

Sincerely,



R. D. Stevenson  
Special Assistant

FDS/rdh

cc: Joseph K. Donohue  
Deputy Commissioner  
Department of Revenue

Patrick L. Sharrock, Director  
Alcoholic Beverage Control Board  
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSR65  
 Title Relating to Alcoholic Beverages  
 Requested by Senate Judiciary Committee Date 3/30/81

II. FISCAL DETAIL

Agency Affected Department of Revenue  
 Program Category Affected Consumer Protection  
 BRU, Program, or Subprogram(s) Affected Alcoholic Beverage Control 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)

	81 FY 80	82 FY 81	83 FY 82	84 FY 83	85 FY 84	86 FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Enactment of this legislation will not have fiscal impact on the Alcoholic Beverage Control Board.

IV. DATE April 13, 1981 PREPARED BY Patrick A. Sharrock, Director  
 AGENCY Alcoholic Beverage Control Board  
 PHONE 277-8638  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-9431

April 3, 1981

The Honorable Patrick M. Rodey  
Alaska State Senate  
Alaska State Legislature  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Senator Rodey:

I deeply appreciated the time you took to meet with me to discuss Senate Bill 65 on March 18, 1981. Your attention and comprehension of the issues were impressive.

It is my understanding that on March 24, 1981, Senate Bill 65 dealing with amendments to the state Title IV alcohol local option law was reported out of the Senate Community and Regional Affairs Committee. The bill now is being considered by the Senate Judiciary Committee, which you head.

I have not yet been able to obtain a copy of Senate Bill 65, as reported out of the Senate Community and Regional Affairs Committee on March 24, 1981. Apparently, restrictive language limiting the ability of local communities to control the sale and importation of alcohol was not deleted from the bill.

Specifically, the availability of "special" elections to incorporated communities is not included and the limitation of a local option election to communities of 2,500 or less was included.

For the state Title IV alcohol local option law to be at all viable for any community, amendments are necessary. As the law now reads, the Lieutenant Governor's office is to "conduct and certify" all elections under the state Title IV alcohol local option process. Generally, in incorporated communities, this procedure is handled by the municipality and the Division of Elections conducts special elections for an established village. Lieutenant Governor Terry Miller requested early

The Honorable Patrick M. Rodey  
Page Two  
April 3, 1981

this year that this issue be clarified by legislative amendment. To date, no election under the Title IV alcohol local option law can be validly conducted and, presumably, will not be until this issue is clarified.

Also, as the law is presently written, incorporated cities may only vote on the alcohol local options at the time of their regularly scheduled elections. This serves to obviate the intent of the law, which was to give communities local control over alcohol sale and importation. Traditionally, bush communities come under siege from alcohol abuse in the harsh winter months and that is when they cry out desperately for assistance. Providing for special elections for all villages, along with a certain date for the removal of any liquor license, e.g. ninety days after the certification of a valid election, would give communities the much-needed control. As discussed, a liquor license appears to be a privilege granted by the state, rather than a property right which expires on a certain date.

Finally, an amendment to Senate Bill 65 was introduced to limit a local option election to communities of 2,500 or less. The practical effect of this amendment would be to limit so-called "hub" communities, which through sales provide liquor to outlying villages from the same protections afforded smaller communities. Legislative action is generally presumed to have a rational basis unless otherwise indicated, but to my knowledge, no rational purpose can be imputed from this amendment.

"Bush" communities are crying out for help and your continuing and thorough consideration of the proposed amendments will be appreciated. Please call me if I can be of any assistance.

Again, thank you for your time and consideration.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

*Carole*  
Carole A. Baekey  
Statewide Alcohol Coordinator

CAB/csn

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 572-2431

April 3, 1981

The Honorable Donald E. Gilmar  
Alaska State Senate  
Alaska State Legislature  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

I appreciated your taking the time to meet with Barbara Thorn and me on March 17, 1981, to discuss and consider the various amendments to Senate Bill Number 65.

It is my understanding Senate Bill Number 65, with highly restrictive language which will serve to limit the ability of "bush" communities to control alcohol abuse and its effects, passed out of the Senate Community and Regional Affairs Committee on March 24, 1981, to the Senate Judiciary Committee.

At the time Senate Bill Number 65 comes up for a vote, your reconsideration of the procedural issues which affect the substance of the lives of people affected adversely by alcohol abuse in "bush" communities, would be appreciated.

Specifically, special elections for incorporated cities would permit communities under siege from alcohol abuse to hold elections when necessary, rather than in October of each year. If the special election provision were adopted, it would be necessary to rescind the state privilege of a liquor license within a specified time period, e.g. ninety days, so that it would not be possible for a village to hold an election early in a year and then be stuck with the sale of liquor until December 31st of that year.

Finally, unless a rational purpose is shown for the limitation of a local options election to community of 2,500 or less, it would appear the state Title IV alcohol local options law is to be indiscriminately applied. As the proposed Senate Bill Number 65 is written, it is impossible to assess the reasoning of the legislature and the requirement appears quite arbitrary.

The Honorable Donald E. Gilman

Page Two

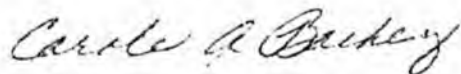
April 3, 1981

"Bush" communities are crying out for help in dealing with the effects of alcohol abuse and many villages have taken illegal action or had invalid elections because of the failure of state law to address their serious problems.

Again, thank you for your consideration of these issues and meeting with us.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION



Carole A. Baekey  
Statewide Alcohol Coordinator

CAB/csn

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

JAY S. HAMMOND, GOVERNOR

201 E 9TH AVE.  
ANCHORAGE, AK 99501

January 30, 1981

*received  
2/2/81*

The Honorable Bill Ray  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Ray:

I am forwarding some additional comments and suggestions for your consideration with SB65. If I can provide any more clarification, please let me know.

### Section 5, Page 2

Suggest adding at the beginning on line 16 "Except for those licenses authorized in this article,".....

On line 17 and 18 suggest deleting "a local option election" and inserting "the voters vote 'yes' on a question set out in AS 04.11.590-04.11.500."

As rewritten, the amended subsection would read:

6

"Except for those licenses authorized in this article the board may not accept an application for the issuance, renewal, or transfer of a license within one year after the voters vote 'yes' on a question set out in AS 04.11.490-04.11.500."

The intent of the above suggestion is to provide for application and issuance of licenses which are allowed by certain local option provisions and make the limitation on applications apply only when voters vote "yes" on an option question.

### Section 8, Page 3

The phrases "bona fide restaurant or eating place" and "bona fide" on lines 7 and 8 are the same phrases used in AS 04.11.100 for a "Restaurant or Eating Place License." Because of this relationship between the two sections it has been concluded that minors described in 04.16.049(a)(2) may only enter "restaurant or eating place" licensed premises. To eliminate this confusion

*what is the  
purpose of  
this section?*

and allow the board more flexibility suggest deleting the words "bona fide" and "or eating place" in lines 7 and 8.

On line 9 it may be appropriate to add a new sentence which states "A restaurant or eating place licensed premises and a restaurant in a beverage dispensary licensed premises may be designated as restaurants for purposes of this section." However, this provision may create unnecessary abuse or misuse.

New Matters

AS 04.11.490(b) )

AS 04.11.492(b) )

AS 04.11.496(b) )

AS 04.11.500(b) )

Here the word "unincorporated" on lines 13, 13, 19 and 22 respectively would pose a problem in some future option elections. For example, if the City of Barrow were to vote "yes" on an option question, a license could be issued in the area immediately outside the city's boundary because the area is an incorporated area in the North Slope Borough.

Suggest deleting the word "unincorporated" from each of the above subsections.

AS 04.11.502(b) - Here the words "registered voters" are used. The same words are used in subsection (a) but are applicable to municipal registered voters for purposes of a municipal election. Therefore, "registered voters" in subsection (b) can only refer to state registered voters because established villages do not have voters who are formally titled "registered voters."

?  
type of registration possible

It would seem more appropriate and applicable to delete "registered voters" and insert "bona fide residents" unless the words "registered voters" in subsections (a) and (b) means registered to vote in the State of Alaska.

The intent here is to provide for petitioning by "residents" who are probably more directly involved in a community. Also, because state voter registration information may include persons who have not voted for two years, a registration listing may not be representative of residents who desire to vote on a local option question.

-K

AS 04.16.210 - After AS 04.11.260 on line 4 insert "--AS 04.11.290." This would include all applications where false statements might be made. As presently written a penalty may be imposed for false statements made only on applications for new licenses and permits. Applications for renewals and transfer have been excluded.

Sincerely,



Patrick L. Sharrock  
Director

PLS:vk

cc: Mr. David Dye, c/o Senator Don Gilman

# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR  
TERRY MILLER, LT. GOV.

POUCH AF—JUNEAU 99811

February 10, 1981

The Honorable Don Gilman  
Chairman  
Community and Regional Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Gilman:

Senate Bill 65 relating to alcoholic beverages has been referred to the Community and Regional Affairs Committee. I urge your early consideration of Section 4 relating to the conduct of local liquor option elections.

The language that is currently in AS 14.11.502(a) is confusing in that it requires both a municipality and the lieutenant governor to be involved in the local liquor option election. Alaska Statutes generally require a municipality to conduct its own elections, but allow the lieutenant governor to conduct required elections in the unorganized borough area. This procedure has worked through the years and I see no point in requiring the lieutenant governor's involvement in an election that can be conducted by the municipality.

The new language proposed in Section 4 of Senate Bill 65 clearly allows the local liquor option elections to be conducted by the municipality. In addition, the section allows the municipality to call a special election to conduct the election.

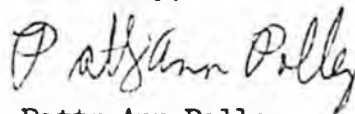
Several cities such as Emonak and Manokotak have petitioned to have the lieutenant governor conduct local option elections, but because of the confused assignment of responsibilities, no election has been conducted. I urge you at your earliest convenience to consider Section 4 of Senate Bill 65 so that the responsibility can be clarified

The Honorable Don Gilman  
February 10, 1981  
Page Two

and the election process may proceed. Particularly in bush areas, this bill will have a big impact on efforts to cope with alcohol related problems.

If I may be of any assistance, please call on me.

Sincerely,



Patty Ann Polley  
Director  
Division of Elections

PAP:ko

cc: Senator Bill Ray  
Pat Sharrock, Chairman of ABC Board  
Carol Baekey  
All Election Supervisors

March 12, 1981

To: Alaska State Senate ✓  
Alaska House of Representatives ✓  
Office of Attorney General  
Office of Lieutenant Governor  
Director of Elections  
State Office on Alcoholism and Drug Abuse

C  
O  
P  
Y  
The registered voters of Makoryuk voted last fall under the Sec. 04.10.433 to ban the possession and importation of Alcohol to the City of Makoryuk.

The City of Makoryuk was notified on November 24, 1980 from Attorney General's office stating the local option, citizen's of Makoryuk voted on was invalidated. Then we found out that we can not have special election on alcohol option laws any time after the fall general election.

Therefore, the City of Makoryuk like to be granted an opportunity to hold a special election on one of the new alcohol option laws to give protection to the citizens of Makoryuk, instead of waiting for the next fall general election.

Thank you for your time and attention.

Sincerely Yours,

Mayor

Fred Don  
Makoryuk City Council

cc: Russ Mackins, Jr. 1524 K st. Anchorage, 99501  
Frank R. Ferguson Box 131, Kotzebue 99752  
Files, Makoryuk, Alaska 99630

FD/mck

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE 807 272-8431

February 27, 1981

The Honorable Frank R. Ferguson  
Alaska State Senate  
Alaska State Legislature  
Pouch V  
State Capitol  
Juneau, Alaska 99811

Dear Senator Ferguson:

Your Administrative Assistant Cathy Hathaway called me on February 24, 1981, to solicit comments about possible changes to Senate Bill 65. Her call was in response to our brief conversation on February 3, 1981, and my letter of February 14, 1981, to you.

Specifically, concern with respect to Senate Bill 65 has been focussed on the inability of "second-class cities" to hold special elections to ban the sale and/or importation of alcoholic beverages and the need for clarification of the authority of "established villages" to hold elections and enforce election results. Additionally, in reviewing the effect of proposed Senate Bill 65 it appeared likely a village could elect not to have sales of alcohol in the village and be stuck with a liquor license and sale of liquor for several more months after the certification of the election results.

On February 24, 1981, Ms. Hathaway asked me about all these issues and on February 26, 1981, she advised me in a telephone conversation you had included all these issues in your presentation to the Senate Community and Regional Affairs Committee on February 24, 1981.

This letter is to express my deep appreciation for the attention you paid to what might be perceived as small procedural issues by others. In fact, in our work with the Title IV alcohol "local option" law, it is glaringly apparent many villages are anxious to take advantage of the alcohol local options law to be backed up by the state and that the villages do not wish to wait to vote until the next general election in October while continuing to cope with alcohol-related homicides, suicides, violence and abuse

of all descriptions. The Alaska Legal Services alcohol grant has been in operation for only three months and in the last few weeks increasing numbers of requests have come in for legal assistance on the law. Without amendment to the law, villages are unable to address immediate and crushing problems.

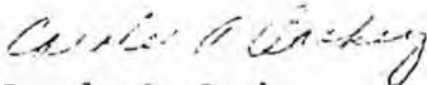
Some of the villages contacting us include Noorvik, Selawik, Point Hope, Wainwright, Wales, White Mountain, Elim, Golivan, Koyuk, Shaktoolik, Stebbins, St. Michael, Teller, Shishmaref, Alakanuk, Aniak, Toksook Bay, Tununak, Nightmute, Newtok, Koyuk, Cheforak, Shageluk, Kipuk, Emmonak, Arctic Village, Unalakleet, Akolmiut (including Kasigluk and Nunapitchuk) and Mekoryuk. Our small staff of two and one-half people tries to respond immediately to all requests, but our hands are tied until the amendments to Title IV are law.

Also, please note that if your office receives questions about or requests on the Title IV alcohol local options law, we will be delighted, where appropriate, to provide technical legal assistance in dealing with the adoption and enforcement of the law.

Again, thank you very much for your time and attention in these procedural issues clearly affecting the daily fabric of the lives of Alaska residents.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

  
Carol A. Baekey  
Statewide Alcohol Coordinator

CAB/csn

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE 207-272-9431



February 14, 1981

Senator Frank R. Ferguson  
Alaska State Senate  
Alaska State Legislature  
Pouch V  
State Capitol  
Juneau, Alaska 99811

Dear Senator Ferguson:

On February 3, 1981, John Hale of Representative Meekins' office introduced us and noted my concerns with the application of the Title IV alcohol "local options" legislation. Cathy Hathaway took me to meet with Joe Guthrie and Jack Chenowitz to discuss a possible amendment to the existing Title IV alcohol local options law.

To refresh your memory, I am working under a grant from the State Office on Alcoholism & Drug Abuse to Alaska Legal Services Corporation. The primary focus of the grant is to make the Title IV alcohol "local options" law a reality for interested villages. This office is working with various native and statewide organizations to make the alcohol "local options" a reality for villages wanting to adopt the law.

Unfortunately, at this time no village is able to adopt any of the options provided for in Title IV. The Lieutenant Governor's office is to "conduct" and "certify" the local options elections. The Lieutenant Governor's office finds this to be impractical given the current state and municipal election practices and regulations. The Lieutenant Governor's office has indicated its intention to request from the legislature a revision in the Title IV alcohol "local option" election procedures.

Further, a municipality (second-class city) can only vote on the alcohol "local options" at a regularly conducted election, which practically would mean October of each year. An established village is permitted to hold a special election at any time after following the specified petition procedures. Given the uncertainty of the Lieutenant Governor's office, presently no Title IV alcohol local option election either in second-class cities or established villages can be validly held.

Senate Bill No. 65, currently in the Senate Community and Regional Affairs and Judiciary Committees, attempts to remedy both of these problems. However, there are two glaring problems. The first is that the authority of an "established village" to adopt and enforce any of the options chosen should be clarified.

The second issue presented by S.B.65 is that as the law presently is written, a village which votes to prohibit the sale of alcohol would be entitled to have any affected liquor license removed on the December 31st following the certification of the election results. Provided S.B.65 as it is written is passed by the legislature and signed into law, it is conceivable that a village could hold a special election and vote to prohibit sale of alcohol in December of a year, have the results "certified" the following January and the affected liquor license would be removed the following December 31st, fully a year after the village vote to prohibit the sale of alcohol. It is more likely that a village vote to prohibit sale would be held in the early part of a year and the affected liquor license would not be removed until several months later. Clearly, when the Title IV alcohol "local options" law was written, it was contemplated elections would generally be held in October and the December 31st date would give affected liquor license holders time either to appeal the election or to wind down business operations. This issue could easily be remedied by providing that within a certain number of days, e.g. sixty, following an election to prohibit sale, the affected liquor license would be removed.

In the course of my work under the SOADA grant these past three months, many village leaders, anxious to do something constructive about community alcohol abuse, have contacted me with pleas to be able to hold a Title IV alcohol "local options" election immediately or to have existing problems with the legislation clarified. As the law now stands, no valid election can be held. Also, some villages anxious to curb alcohol-related incidents have already held elections which are clearly invalid under state law and lack the force of state law. Based on the heartfelt pleas and desires of villages to hold valid alcohol "local options" elections, you and your staff are respectfully urged to give this matter prompt attention.

I discussed these issues with Joe Guthrie and Jack Chenowitz of the Office of Legislative Counsel and am sending them each a copy of this letter.

Thank you for your time and attention to these matters.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

*Carole A. Baekey*

Carole A. Baekey  
Statewide Alcohol Coordinator

CAB/csn

cc: Joe Guthrie, Legislative Counsel  
Jack Chenowitz, Legislative Counsel

# St. Mary's to prohibit importation of alcohol

by Cheryl Keepers *Jandra Adams*

Last week St. Mary's City Council enacted a 60 day emergency ordinance prohibiting the importation of alcoholic beverages into its city limits. The ordinance is to be effective for 60 days, unless extended by the City Council; the maximum fine for violation is \$500.

According to a press release from the City Council, there were several reasons for passing the ordinance. Public disturbances, violence and vandalism have increased in recent weeks. Most of the problems were alcohol related, and often caused by residents from other villages who were in St. Mary's to receive shipments of alcohol, the release stated. With one local policeman and one jail

cell, the city is not able to control the disturbances caused by too many people drinking too much.

However, there is some question regarding the legality of the city ordinance. In an informal opinion on the ordinance issued to this reporter by Assistant Attorney General Rod Pegues, Mr. Pegues noted that the ordinance was probably not legal. He stated that there "has to be an election and vote on the question." Under the existing local option law, the election must be held at the next regular election (October), and until then nothing can be done. While sympathizing with St. Mary's

Please turn to page 30

from page 1

wish to act sooner, Mr. Pegues commented that there is "nothing they can do about it unless the law is changed."

Tim Troll, City Manager for St. Mary's, said the city has a petition pending with the Division of Elections to put the issue on the ballot at the next regular election, but that the City Council felt the situation was so pressing they "had to try to do something about it." Mr. Troll, who is also a lawyer, noted that he had cautioned the City Council that "some questions would be raised" regarding the legality of their move, but that he feels the ordinance is not necessarily in violation of the state law. Citing the leeway given local governments in controlling alcohol under federal law, and noting that they are looking for voluntary compliance on the part of the airlines, Troll stated "we do think there are arguments on our side too." The city will be enforcing the ordinance by seizing alcohol dropped off and delivered in St. Mary's.

Mr. Troll continued by saying that St. Mary's had wanted to hold the local option election before fishing season and the accompanying increase in alcohol and alcohol related problems. The City Council acting in part is intended to let the state know the severity and urgency of the problem.

The issue of when elections can be held on the local option law has been receiving some attention in the community attention in the Community and Regional Affairs committee of the state legislature, also. Senate Bill 65, (SB65), introduced by Bill Ray (D-Juneau), contains a provision for special elections that would allow municipalities and established villages to hold local option elections at times other than October.

This amendment retains the provision that a petition containing signatures equal to at least 35 percent of the number of votes cast at the last regular municipal election be filed, but provides that in a municipality, the election be carried out in accordance with the election ordinance of that municipality. This is a change from the existing law which has required that the Lt. Governor conduct all local option elections, a provision which has effectively prevented any local option elections from taking place.

An amendment was also introduced, but later dropped, which would have provided for revoking any existing liquor licenses in a community within 60 days after certification of a local option election to prohibit sales. According to David Dye, aide to Sen. Don Gilman, (R-Kenai) chairperson of the Community and Regional Affairs Committee, this amendment was not accepted by the committee due to potential legal problems with this process. The Committee also felt that it would be unfair to a legitimate business person to take away the license when he/she had expected it to be valid.

As SB65 now stands, a liquor license in a community that votes to prohibit sales will be allowed to expire at the end of the year, which would happen in any event, but the license would then not be renewed for at least one full year afterwards.

If the community were to choose in that year to go back to allowing the sale of alcohol, no liquor license would be

issued before the full year had run. If the community does not change its mind, no new licenses would be issued.

Should the community choose the alternative of prohibiting importation, Mr. Dyer noted, this would affect both private individuals and licensed businesses, thus effectively ending any sales business.

Another amendment not in the original legislation, but introduced at the request of the bill's prime sponsor, Bill Ray, would have placed limits on which municipalities could use the local option law, and on what questions could be put before the public. Ray's amendment would have limited the question to one of sales, and would have allowed this only in municipalities under 2,500 in population. This

would have meant that hub communities such as Bethel would not have been able to prohibit either sales or importation, and communities under 2,500 would not have been able to prohibit importation. The amendment was rejected by the committee. Mr. Dyer noted that the committee felt it would be unfair to foreclose on any community's right to control alcohol based on size, and that the local option law should have blanket application.

The bill is now in the Senate Judiciary Committee. Members of that committee include George Hohman (D-Bethel), Bill Ray (D-Juneau), Charles Parr (D-Fairbanks), Don Bennett (R-Fairbanks), and Patrick Rody (D-Anchorage).

IN THE REGULATIONS OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Alcoholic Beverage Control Board, under authority vested by AS 04.16.100, proposes to adopt a comprehensive set of regulations in Title 15 of the Alaska Administrative Code to implement and clarify Title 4 of the Alaska Statutes titled "Alcoholic Beverages"; and to repeal in its entirety the present set of regulations designated as 15 AAC 20.010 through 15 AAC 20.270, recodified as 104.010 through 104.270 effective January 1, 1981.

NOTICE IS ALSO GIVEN that any interested person may present oral or written statements or arguments relevant to the proposed action. Written comments may be made by mailing them to the Alcoholic Beverage Control Board at 201 East Ninth Avenue, Anchorage, Alaska 99501. Written comments should be received at the Board's Anchorage office by February 26, 1981. This action is not expected to require an increased appropriation.

The ABC Board will hold public hearings on the dates and the locations set forth below. All interested persons are invited to attend.

JUNEAU, ALASKA  
February 26, 1981 - 3 p.m. to 5 p.m.  
at Assembly Chambers, Municipal  
Building, 155 South Seward Street

FAIRBANKS, ALASKA  
March 26, 1981 - 1:30 p.m. to 4 p.m.  
at Borough Assembly Chambers  
520 Fifth Avenue

ANCHORAGE, ALASKA  
March 27, 1981 - 1:30 p.m. to 4 p.m.  
at Department of Revenue Conference  
Room, 201 East 9th Avenue

Public comment from all communities will be heard at all locations.

PLEASE TAKE NOTE: Oral comment for an individual is limited to 10 minutes; a person speaking on behalf of an organization may have up to 15 minutes. Un-scheduled persons may speak within the time limit set by the chairman.

Copies of the draft of the proposed regulations may be obtained by writing to the ABC Board, 201 East Ninth Avenue, Anchorage, Alaska 99501. Copies are also available for review at all of the Board's offices at the following locations:

201 East Ninth Avenue  
Anchorage, Alaska 99501

675 Seventh Avenue  
Fairbanks, Alaska 99701

230 South Franklin Street  
Juneau, Alaska 99801

Copies have also been mailed to municipal managers/clerks of all incorporated cities.

The proposed set of regulations contains seven articles, titled as follows: Administration, Licensing, Licenses, General Provisions Regarding Licensees and Licensed Premises, Enforcement, Miscellaneous Provisions, and General Provisions.

Some topics not previously covered by regulation and changes in current regulations are set forth below. The complete set of regulations should be reviewed for a complete description of changes.

New provisions for Public Notice (p. 4).

Authority delegated to director for issuance of temporary licenses (p. 5).

Local governing body protest (p. 5).

Renewals by December 31 (p. 6).

Reapplication upon failure to timely apply for renewal (p. 7).

License must be surrendered when conduct of business ceases or licensee ceases to exercise authority (p. 8).

Requirements for restaurant or eating place license include presentation of menu and evidence of food sales (p. 9).

Designation in bowling alleys of areas where minors may be present at designated times (p. 9).

New licenses under AS 04.11.400 may be granted when population quota in class is full, public convenience is defined, provisions are made for licenses granted to encourage tourism (pp. 9, 10 & 11).

Storage and warehousing security required (p. 12).

Provides for designation of "restaurant premises" under AS 04.16.049 (pp. 12 & 13).

Establishes reporting and record keeping requirements for licensees (p. 13).

Provides for notices of violation (p. 15).

Provides grounds for suspension or revocation upon conviction of an agent or employee (p. 15).

Clarifies procedure for determining population for the purpose of establishing if quota is filled (p. 17).

Establishes procedure for granting licenses when a class previously filled becomes open (p. 18).

Prohibits purchase of alcoholic beverages for third party for a fee (p. 18).

Sets out requirements for sales upon written order (p. 18 & 19).

The ABC Board, upon its own motion at any time in Anchorage, Alaska after the completion of the hearings ending March 27, 1981, may adopt any or all of the proposed regulations substantially as described above without further notice or may decide to take no action on them.

DATED January 22, 1981.

Patrick L. Sharrock  
Executive Director

ARTICLE 1. ADMINISTRATION.

<u>Section</u>		<u>Page</u>
005	Offices .....	1
015	Staff .....	1
025	Conduct of Board Meetings .....	2
040	Public Comment at Board Meetings .....	2

ARTICLE 2. LICENSING.

105	Applications .....	3
115	Petitions .....	3
125	Public Notice .....	4
135	Action upon Application .....	4
145	Local Governing Body Protest .....	5
155	Issuance of Licenses .....	6
165	Renewals .....	6
175	Transfers .....	6
185	Licensed Premises .....	7
190	Reapplication .....	7
195	Surrender of License .....	8
205	Transfer of Location upon Loss of Premises .....	8
215	Death of a licensee .....	8

ARTICLE 3. LICENSES.

305	Restaurant or Eating Place License .....	9
315	Beverage Dispensary License .....	9
325	License Issued to Encourage Tourism ..	9
335	License Issued to Serve Traveling Public .....	10
345	License Issued for Public Convenience .....	10

ARTICLE 4. GENERAL PROVISIONS REGARDING  
LICENSEES AND LICENSED PREMISES.

405	Adulteration, Misbranding and False Advertising .....	12
415	Storage, Warehousing and Transporting .....	12
425	Determining Age of Patron .....	12
435	Employment of Minors .....	12
445	Consent of Parent or Guardian to the Presence of Minors on Premises .....	13
455	Record Keeping Requirements .....	13

ARTICLE 5. ENFORCEMENT

505	Powers of Investigative Personnel .....	14
515	Inspection .....	14
525	Notices of Violation .....	15
535	Suspension and Revocation of Licenses .....	15
545	Effect of Revocation .....	16

ARTICLE 6. MISCELLANEOUS PROVISIONS.

605	Determining Population Criteria .....	17
615	Petitions for Area Outside a Municipality .....	17
625	Processing Applications for Licenses in a Previously Filed Class .....	18
635	Community Prohibitions on Alcoholic Beverages .....	18
645	Third Party Purchases for Consideration .....	18
655	Written Orders for Alcoholic Beverages .....	18
665	Involuntary Transfer of License .....	19

ARTICLE 7. GENERAL PROVISIONS.

705	Permits .....	20
715	Caterer's Permit .....	20
825	Definitions .....	21

CHAPTER 104. ALCOHOLIC BEVERAGE  
CONTROL BOARD.

15 AAC 20.010 - 15 AAC 20.270 repealed / / .

(Editor's note: The repealed sections of this chapter (15 AAC 20.010 - 15 AAC 20.270, originally adopted in 1959 and amended several times since then, have been repealed, effective / / , to be replaced by the following comprehensive revision.)

Article

1. Administration (15 AAC 104.005 - 15 AAC 104.040)
2. Licensing (15 AAC 104.105 - 15 AAC 104.215)
3. Licenses (15 AAC 104.305 - 15 AAC 104.345)
4. General Provisions Regarding Licensees and Licensed Premises (15 AAC 104.405 - 15 AAC 104.465)
5. Enforcement (15 AAC 104.505 - 15 AAC 104.545)
6. Miscellaneous Provisions (15 AAC 104.605 - 15 AAC 104.665)
7. General Provisions (15 AAC 104.705 - 15 AAC 104.725)

ARTICLE 1. ADMINISTRATION.

Section

- 005. Offices
- 015. Staff
- 025. Conduct of Board meetings
- 040. Public Comment at Board meetings

15 AAC 104.005. OFFICES. All applications and communications of a formal nature must be submitted in writing, upon prescribed forms as appropriate, to the board at its main office, and are not considered timely filed until received there. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.090

15 AAC 104.015. STAFF. (a) The director of the board is responsible for the management of the board's offices, the administration of the board's functions and the enforcement of AS .04 and this chapter.

(b) The director shall employ and supervise necessary clerical and investigative personnel and shall prescribe their duties and authority.

(c) The director shall prescribe forms for application for new licenses, transfers, renewals and permits, and other necessary documents. (Eff. / / , Register )

15 AAC 104.025. CONDUCT OF BOARD MEETINGS. (a) The board will, at the first meeting of each calendar year, select a chairman from among its members to preside over board meetings during the ensuing year.

(b) The board will meet at the call of the chairman after reasonable public notice is given.

(c) Three members of the Board constitute a quorum, except that a majority of the whole membership of the Board must approve all applications for new licenses, and all renewals, transfers, suspensions and revocations of existing licenses. For the purposes of this section the whole membership includes those persons appointed and serving as members of the Board. In the event it is necessary, the director shall cast the tie breaking vote but only with the written consent of the board executed prior to each meeting and made a part of that meeting's minutes.

(d) The director is responsible for preparing an informative agenda for each board meeting. A copy of the agenda will be available for inspection by persons who request it. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.050  
AS 04.06.060

15 AAC 104.040. PUBLIC COMMENT AT BOARD MEETINGS. (a) At its public meetings the board will receive public comment upon items of agenda business and other issues of public interest related to alcoholic beverages, including the conduct of business by licensees and the compliance by licensees and others with the statutes and regulations related to alcoholic beverages. Public comment may also be submitted to the board in writing by any person at any time.

(b) The right to be heard provided for in this section is not a legal remedy for a person claiming to be aggrieved by board action, and the exercise of this right to be heard by such a person does not constitute intervention in a proceeding or exhaustion of any administrative remedy. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.050

## ARTICLE 2. LICENSING.

### Section

- 105. Applications
- 115. Petitions
- 125. Public notice
- 135. Action upon application
- 145. Local governing body protest
- 155. Issuance of licenses

- 165. Renewals
- 175. Transfers
- 185. Licensed premises
- 190. Reapplication
- 195. Surrender of license
- 205. Transfer or relocation after loss of premises
- 215. Death of a licensee

15 AAC 104.105. APPLICATIONS. (a) Applications for new licenses or permits and for renewals, transfers of ownership or location must contain the information required by AS 04.11.260. In addition the application shall contain the following information:

1. convictions of the applicant if an individual, or of officers and shareholders holding more than ten percent if the applicant is a corporation, for a felony during the ten years preceding the application.

2. a statement under penalty of perjury that no one other than the applicant has a financial interest in the licensed business.

(b) A license fee in the amount required by AS 04.11.090-250 must accompany every application for a new license or for renewal of an existing license.

(c) An application which is incomplete may be returned to the applicant.

(d) An application fee of \$50.00 must accompany all license applications. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.010  
AS 04.11.040  
AS 04.11.260  
AS 04.11.270  
AS 04.11.280  
AS 04.11.290  
AS 04.11.450

15 AAC 104.115. PETITIONS. (a) When required by statute or regulation, a petition is a necessary part of an application for a new license, and for renewal, transfer, or relocation of an existing license, and an application submitted without the required petition is incomplete. All petitions must be submitted upon a form prescribed by the director. Petition signatures are invalid unless obtained within the 90 day period immediately preceding the submission of the application. Once an application has been filed, no additional signatures may be added to the petition, and no signatures may be withdrawn.

(b) Persons signing petitions relating to licenses must be 19 years of age or older and must be permanent residents of the geographical area relevant to the petition. For the purpose of this chapter a person may have only one permanent residence. The director may make a determination of permanent residence when the residence of a petition signer is questioned. Such a determination of the director is subject to review by the board. (Eff. / / , Register )

3 AAC 104.125. PUBLIC NOTICE. (a) A notice required by AS 04.11.310 must be given as follows:

(1) by posting for a period of at least ten days a true copy of the application at

- (A) the location of the proposed premises
- (B) the post office nearest the proposed premises, and
- (C) one other conspicuous location in the area of the proposed premises;

(2) by an announcement either published once a week for three consecutive weeks in a newspaper of general circulation in the area or broadcast twice a week for three consecutive weeks by a radio or television station serving the area; the announcement must include

- (A) name of the applicant,
- (B) name and location of the premises,
- (C) the type of license applied for,
- (D) a statement that any comment or objection may be submitted to the board, and
- (F) whether the application is for a new license or transfer of an existing license.

(b) Proof of posting and of publication or broadcast must be made by affidavit which must be attached to the application.

(c) When the director considers it necessary to provide adequate public notice, or when the director is requested to do so by a local governing body or village council the director may require that the announcement described in (a) of this section be given in the local language most likely to inform the local citizens, as well as in English.

(d) The application must be filed with the board within 60 days after final publication of the notice. (Eff. / / , Register )

15 AAC 104.135. ACTION UPON APPLICATION. (a) The board may conduct public hearings before taking final action upon an application.

(b) The board will, in its discretion, deny an application for a new license for reasons stated in AS 04.11.320 and the board finds it not in the public interest to grant a license to a person who has been convicted of a felony during the ten years immediately preceding the application. If the applicant is a corporation the board finds it not in the public interest to grant a license to a corporation the shareholder of 10% or more of the shares of which has been convicted of a felony in the ten years immediately preceding the application.

(c) Upon denial of an application, the director shall notify the applicant in writing of the reasons for the denial and inform the applicant of the right to an administrative hearing.

(c) The power to temporarily grant the issuance, renewal or transfer of license is delegated to the director when all of the following conditions are present:

(1) All requirements imposed by statute, or these regulations, have in the judgment of the director been met.

(2) The time for protests made pursuant to AS 04.11-.480 has expired and none has been received by the director.

(3) The applicant for issuance, renewal or transfer demonstrates in writing to the satisfaction of the director that there is a need to have approval of the license application, renewal or transfer prior to the next scheduled board meeting.

The temporary approvals of applications are not binding on the board, and in no case may temporary approvals be effective for more than ninety days without board approval. The director shall place all temporary approvals on the agenda for the next board meeting. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.080  
AS 04.11.510

15 AAC 104.145. LOCAL GOVERNING BODY PROTEST. (a) Within ten days of receipt of a complete application from within a municipality or established village the director shall transmit written notice of the filing of the application to the city or village if the application is for premises within an incorporated city, or established village, or to the borough assembly if the application is for premises within an organized borough but outside the boundaries of an incorporated city. If the local governing body wishes to protest the application it shall set forth its reasons, either legal or factual, in a written protest. The local governing body must file the protest with the board accompanied by proof of service upon the applicant within 30 days of transmittal of the notice. Upon receipt of a protest the board shall convene a public hearing pursuant to AS 04.11.480. The board may not approve the license unless it finds after the hearing that the protest is arbitrary, capricious and unreasonable. If the board denies the license, then it must inform the applicant of the reasons for the denial and of the right to request a hearing under the Alaska Administrative Procedures Act (AS 44.62). At such a hearing the local governing body is expected to prosecute its statement of issues.

(b) No final action may be taken upon an application until at least 30 days after the transmittal of notice to the local governing body unless it advises the director in writing that it is waiving its right to protest the application. No final action may be taken upon any application until at least 15 days following the last date of publication by the applicant.

(c) For good cause shown, the board may grant a local governing body an extension of time within which to file its protest provided the request is filed in writing with the director within the original 30 day period. An extension of time under this section is limited to one 30 day extension. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.480  
AS 04.11.510  
AS 04.11.520

15 AAC 104.155. ISSUANCE OF LICENSES. Upon approval of an application for a new license or the renewal, transfer, or relocation of an existing license, and upon payment of the prescribed license and application fee, and upon receipt by the board of necessary public health and public safety approvals, and upon inspection deemed necessary by the director, the director shall issue an appropriate license. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.080

15 AAC 104.165. RENEWALS. (a) An application for renewal of a license must be filed on or before December 31, except that an application for renewal may be filed after December 31 and on or before February 28 of the next year when accompanied by a penalty fee equal to the annual license fee or \$100, whichever is less.

(b) Upon receipt of a completed application for renewal the director may issue a temporary renewal pending final board action on the application, which must be taken within 90 days.

(c) The board may deny a renewal on any of the grounds stated in AS 04.11.330(a).

(d) A license for which a renewal application is not filed by the close of business on December 31, or the most recent preceding regular business day if December 31 falls on a weekend or holiday, may not be exercised after midnight December 31 until a renewal application is temporarily approved by the director.

(e) A license for which a renewal application is not filed on or before February 28 automatically expires at 12:00 midnight on February 28. Expired licenses may not thereafter be renewed. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.270

15 AAC 104.175. TRANSFERS. (a) Transfer of ownership or transfer of location of a license requires the prior written approval of the board upon application of the transferor.

(b) An application for the transfer of ownership of a license or of any interest in a license must contain the same information from the transferee as required by the board for a new applicant.

(c) The provisions of AS 04.11.340 and 360 relating to prohibiting the transfer of licenses issued under 04.11.400(j) are construed to include a transfer of controlling interest in a corporation which is the holder of a license issued under AS 04.11.400(j). (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.280  
AS 04.11.290  
AS 04.11.340  
AS 04.11.360  
AS 04.11.040

15 AAC 104.185. LICENSED PREMISES. (a) A license is issued for a specific place which is the licensed premises, and which must be clearly designated in a line drawing accompanying an application. Such licensed premises must be one area, but may include separate rooms, if such rooms are within said premises and adjacent to one another. The current address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application.

(b) The licensee shall conspicuously post the license within the licensed premises.

(c) A licensee may not alter the functional floor plan of the licensed premises, nor reduce or expand the area, nor change the business name without the prior written approval of the director. If a licensee wishes to alter the floor plan of the licensed premises, he is required to provide a new line drawing showing the proposed changes in the premises.

(d) When a business establishment or facility consists of both a licensed premises and an unlicensed area, the licensee shall clearly delineate on the line drawing the areas served and the unlicensed area shall be clearly marked in the establishment.

(e) A licensee doing business under separate names in separate rooms which are not contiguous even though at the same general location and at the same principal address, is considered to be doing business at separate premises and they must be separately licensed. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.260  
AS 04.11.090

15 AAC 104.190. REAPPLICATION. A new license may be issued to the holder of license which has expired under \$165 upon application and proof satisfactory to the board of good cause of failure to timely renew. Such good cause may include:

(1) Acts of God which prevented timely delivery and filing of the necessary documents, except that the board will consider whether in the absence of such act of God, the delivery and filing could reasonably have been expected to occur.

(2) Excusable neglect of the licensee or his agent. An application under this subsection is subject to denial under AS 04.11.320. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.270  
AS 04.11.540

15 AAC 104.195. SURRENDER OF LICENSE. (a) Within 10 days after the loss or vacation of the licensed premises or when a licensee ceases to conduct business upon the licensed premises for a period expected to continue for one month or more, a licensee shall inform the director and surrender his current license to the director, to be returned upon request when the conduct of business is resumed or upon transfer of the license.

(b) When a licensee ceases personally, or through employees and agents, to exercise actual authority for the conduct of business upon the licensed premises, the licensee shall surrender the license to the director. Until the licensee surrenders the license, and so long as business is conducted upon the licensed premises, the licensee is solely responsible and liable for it. No other person may acquire or be permitted to acquire a direct or indirect financial interest in the conduct of the business without transfer of the license upon approval of the board. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.580  
AS 04.11.450

15 AAC 104.205. TRANSFER OF LOCATION UPON LOSS OF PREMISES. In determining whether or not an application for a transfer of location under AS 04.11.400(i) should be granted the public interest is defined to include compliance with AS 04.11.340(1), (3), (4), (5), (6), (7), (8), (9) and (10). The above language is not a limitation on what may be considered as in the public interest. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.400

15 AAC 104.215. DEATH OF A LICENSEE. (a) Upon the death of an individual who was the sole licensee of licensed premises, the business must cease operation until the appointment of a personal representative by the Superior Court. Upon written request made by the personal representative accompanied by an order of the Superior Court showing the appointment as personal representative of the estate of a deceased individual licensee, the director shall grant permission to the personal representative to operate the business upon the licensed premises under AS 04-11.030.

(b) If an application for transfer of the license from the deceased licensee or a request for an extension of time is not received by the board within 90 days of the death of the licensee, the license is forfeited. The board may for good cause shown grant an extension of time of up to an additional 90 days within which to apply for transfer. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.030

ARTICLE 3. LICENSES.

Section

- 305. Restaurant or eating place license
- 315. Beverage dispensary license
- 325. License issued to encourage tourism
- 335. License issued to serve the traveling public
- 345. License issued for public convenience

15 AAC 104.305. RESTAURANT OR EATING PLACE LICENSE. (a) Before the issuance of a restaurant or eating place license, the applicant shall provide evidence to the board in the form of a menu sufficient to establish that meals are presently available and being furnished to the public on the premises or that they will be available before operation under the license. If meals cease to be available, the license may be suspended or revoked.

(b) Upon application for renewal the holder of a restaurant or eating place license must show that the gross receipts from the sale of food constitutes at least 50% of the gross receipts of the business. If it does not, the license may not be renewed. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.100

15 AAC 104.315. BEVERAGE DISPENSARY LICENSE. The licensed premises of a beverage dispensary license may include the concourse or lane areas of a bowling alley provided such area is adjacent to the main bar area and the licensee has possessory control of the lane and concourse area of the bowling alley. Access to the lane area by persons under 19 years of age is permitted only:

(1) during a period when no alcoholic beverages are permitted to be served or consumed there;

(2) if such areas are clearly marked;

(3) if the time during which persons under 19 years may be permitted access is clearly posted on the premises; and

(4) the board has approved such access upon application by the licensee showing the means for complying with this section. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.090

15 AAC 104.325. LICENSE ISSUED TO ENCOURAGE TOURISM. (a) The board will in its discretion, pursuant to AS 04.11.400(g), approve the issuance or transfer of ownership of a beverage dispensary or restaurant or eating place license notwithstanding the population quota established in AS 04.11.400(a), if the applicant is able to show to the satisfaction of board that:

(1) The area served by the tourist facility is visited by a substantial number of tourists on a regular basis and that tourists will or are likely to constitute a substantial portion of the business for which the license is issued;

(2) The approval will encourage the construction or improvement of a tourist facility described in AS 04.11-.400(g) which would not otherwise be financially feasible without a liquor license. Improvement means expenditure of labor and capital which increases the value of the premises, and can be depreciated for federal income tax purposes.

(b) The requirements of AS 04.11.400(g) are construed to be continuing in nature and the license issued under this section may be revoked upon failure by the licensee to continue ownership and operation of the facility. The licensee must show upon application for renewal that the requirements described in (a) above have been met during the preceding year.

(c) A license issued or transferred pursuant to AS 04.11.400(g) may not be subsequently transferred unless the tourist facility described in AS 04.11.400(g)(1) is transferred to the same transferee. (Eff. / / , Reg. )

Authority: AS 04.05.100  
AS 04.11.400

15 AAC 104.335. LICENSE ISSUED TO SERVE TRAVELING PUBLIC. The board will in its discretion, under AS 04.11.400(n), approve the issuance or transfer of a restaurant or eating place license under the following conditions:

(1) The premises of the restaurant or eating place are more than 18 miles from the corporate limits of a city or unified municipality as measured along the most direct regularly traveled highway. Should there be no regularly traveled highway then the distance shall be measured by the other means of transportation most utilized. In either case the measurement shall be by the most direct route possible.

(2) Food will be served to the traveling public. The premises must be located on a major state highway or located at a stopover point of a regularly scheduled air carrier authorized to provide passenger service.

(3) Food sales will equal 50% of gross revenues and must be reported quarterly (calendar quarter) to the board no later than 30 days following the end of the quarter. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.400

15 AAC 104.345. LICENSE ISSUED FOR PUBLIC CONVENIENCE.  
(a) The Board will in its discretion, under AS 04.11.400(j), issue a new license within a municipality notwithstanding the

population quota established in AS 04.11.400(a), if it finds that the issuance of license is necessary for the public convenience. For the purposes of this section, "public convenience" may be established by showing:

(1) That present facilities are unable to adequately serve the public;

(2) By a petition signed by a majority of residents 19 years of age or over within one mile of the proposed premises that there is community support.

(b) The application for a license under this section must be approved by the governing body of the municipality in which the licensed premises are to be located. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.400

ARTICLE 4. GENERAL PROVISIONS REGARDING  
LICENSEES AND LICENSED PREMISES.

Section

- 405. Adulteration, misbranding and false advertising
- 415. Storing, warehousing and transporting
- 425. Determining age of patron
- 435. Employment of minors
- 445. Consent of parent or guardian to the presence of minors  
on premises
- 455. Record keeping requirements

15 AAC 104.405. ADULTERATION, MISBRANDING AND FALSE ADVE -  
TISING. Adulteration, misbranding, and false advertising of  
alcoholic beverages are prohibited. (Eff. / / , Register )

Authority: AS 04.06.090  
AS 04.06.100

15 AAC 104.415. STORAGE, WAREHOUSING AND TRANSPORTING. (a)  
A licensee may not stock, warehouse, or otherwise store alcoholic  
beverages in a place other than upon the licensed premises except  
as provided in AS 04.21.060.

(b) Alcoholic beverages may not be sold nor consumed at an  
approved storage facility, nor may they be removed from the  
facility except at the direction of the licensee.

(c) Vehicles used to transport alcoholic beverages must at  
all times be physically secured or must be under observation by  
the licensee or the agent or employee of the licensee to assure  
the vehicle is secure against public access.

(d) A licensee may not store or warehouse opened containers  
of intoxicating beverages. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.21.060

15 AAC 104.425. DETERMINING AGE OF PATRON. It is the respon-  
sibility of the licensee to obtain proof of age forms required  
under AS 04.21.050. Licensees must retain completed forms for 90  
days and make them available upon request for inspection by the  
board. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.21.050

15 AAC 104.435. EMPLOYMENT OF MINORS. (a) A holder of a  
restaurant or eating place license or a licensee in a hotel who  
wishes to have a restaurant designation under AS 04.16.049 to

permit minors to come onto and remain on the licensed premises for the purpose of employment, may apply to the director for such a designation. The licensee must state in writing how minors will be employed and supervised. Approval of the local governing body of the municipality where the licensed premises are located must be obtained.

(b) A licensee with a restaurant designation must reapply annually to keep the designation. The application for the continuance of the restaurant designation shall be submitted with the license renewal application on forms provided by the board.

(c) The restaurant designation providing for employment of minors may be revoked upon violation of any statute or regulation relating to minors. (Eff. / / , Register )

Authority· AS 04.06.100  
AS 04.16.049

15 AAC 104.445. CONSENT OF PARENT OR GUARDIAN TO THE PRESENCE OF MINORS ON PREMISES. A minor who wishes to have access to licensed premises under AS 04.16.049(a)(2) must have on file with the licensee a written consent of his parent or legal guardian which (i) identifies the premises to which access is sought (ii) is dated and (iii) is signed by the parent or guardian and acknowledged by a notary public. The written consent under this subsection is valid for one year. The licensee may further implement this subsection by issuing identification cards to minors who have presented the proper written parental consent. (Eff. / / , Register )

Authority· AS 04.06.100  
AS 04.16.049

15 AAC 104.455. RECORD KEEPING REQUIREMENTS. (a) Licensees shall retain records of the sales, purchases and expenses of the business and any other records sufficient to show the license was actively exercised for at least 30 days as defined in AS 04.11.330(a)(3) during the preceding calendar year, for one year.

(b) Wholesale licensees shall retain for three years a record of all sales made in the conduct of the business.

Authority: AS 04.06.100  
AS 04.11.150  
AS 04.11.330

ARTICLE 5. ENFORCEMENT.

Section

- 505. Powers of investigative personnel
- 515. Inspection
- 525. Notices of violation
- 535. Suspension and revocation of license
- 545. Effect of revocation

15 AAC 104.505. POWERS OF INVESTIGATIVE PERSONNEL.

(a) Investigative personnel may:

(1) conduct inspections and investigations of licensees, applicants, or unlicensed persons suspected of engaging in activities in violation of any statute, regulation, or municipal ordinance related to alcoholic beverages, and of the premises, whether licensed or unlicensed, related to such activity;

(2) issue notices of violation to licensees;

(3) seize alcoholic beverages which are subject to forfeiture under AS 04.16.220;

(4) serve subpoenas issued by a hearing officer in a board adjudicative proceeding;

(5) execute search warrants of licensed premises or premises where it is suspected a violation of any statute, regulation, or municipal ordinance related to alcoholic beverages is occurring;

(6) exercise specified peace officer powers upon the written concurrence of the commissioner of public safety filed with the Lieutenant Governor and with the director, but only when necessary for the enforcement of the criminally punishable provisions of AS 04 and regulations adopted pursuant thereto;

(7) other investigative activity deemed necessary by the director to assure the enforcement of AS 04 and not in conflict with any law or regulation.

(b) Investigative personnel are not authorized to carry firearms in the performance of their duties as such peace officers. (Eff / / , Register )

Authority: AS 04.06.100  
AS 04.06.110  
AS 04.06.075

15 AAC 104.515. INSPECTION. (a) Licensees are considered as consenting to the entry upon the licensed premises and inspection of them at all reasonable times and in a reasonable manner, by investigative personnel of the board or by other peace officers acting in their official capacity, for the purpose of enforcing statutes and regulations related to alcoholic beverages.

(b) Licensees shall do all things reasonably necessary and appropriate to cooperate with investigative personnel and employees of the board acting in their official capacity to enforce the statutes and regulations related to alcoholic beverages, including permitting entry upon and inspection of the licensed premises and providing access, upon request at reasonable times, to business records at the written direction of the director. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.630

15 AAC 104.525. NOTICES OF VIOLATION. (a) Investigative personnel of the board shall issue a notice of violation to a licensee whenever an alleged violation of the laws related to alcoholic beverages is observed on or about a licensed premises or is reported by a police officer. A copy of the notice of violation must be delivered to the licensee and filed with the board.

(b) Upon receipt of a notice of violation, a licensee may request to appear before the director and be heard regarding the notice of violation. The request must be made within 10 days of receipt of notice and the director must grant an appearance within 10 days of receipt of the request.

(c) Notices of violation and responses thereto may be reviewed by the board in considering whether to suspend or revoke a license, but do not constitute grounds for suspension or revocation. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.090

15 AAC 104.535. SUSPENSION AND REVOCATION OF LICENSES. (a) The board will in its discretion suspend or revoke a license on the grounds stated in AS 04.11.370.

(b) A conviction of an agent or employee of the licensee is grounds for suspension or revocation of a license if the board finds after a hearing that the licensee (i) knowingly allowed the violation or (ii) recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030. The board may make either of the above findings if:

(1) the licensee was physically present when the violation occurred and knew or should have known the violation was occurring and took no action to stop it;

(2) the licensee failed to adequately supervise the agent or employee;

(3) the licensee failed to adequately train the agent or employee; or

(4) the licensee was negligent in the hiring of the agent or employee.

(c) If the licensee is a corporation the conviction is deemed to be a conviction of the corporation if it is against (i) a stockholder holding 50% or more of the corporation stock, (ii) or an officer or director of the corporation. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.370

15 AAC 104.545. EFFECT OF REVOCATION. A person whose license is revoked by the board may not apply for a license of any type until at least one year after the effective date of the revocation. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.320  
AS 04.11.370

ARTICLE 6. MISCELLANEOUS PROVISIONS.

Section

- 605. Determining population criteria
- 615. Petitions for area outside a municipality
- 625. Processing applications for licenses  
in a previously filled class
- 635. Community prohibitions on alcoholic beverages
- 645. Third party purchases for consideration
- 655. Written orders for alcoholic beverages
- 665. Involuntary transfer of license

15 AAC 104.605. DETERMINING POPULATION CRITERIA. (a)  
The director shall use the annual population figures published by the Department of Community and Regional Affairs to establish a population figure for application of the population quota in AS 04.11.400(a)(2).

(b) When submitting an application for a new license or for transfer of location of an existing license outside an incorporated city or unified municipality, an applicant shall assist in the determination of population by submitting the following information with the application:

(1) a United States Geodetic Survey map with a scale of at least one inch to the mile with a graphic designation showing the population within the circle described by AS 04.11.400(a)(1);

(2) if a petition is required under AS 04.11.460, a graphic designation on a United States Geodetic Survey map with a scale of at least one inch to the mile showing the population within a circle for the applicable radius, and showing the general area where petition signatures were obtained;

(3) the population within the applicable area and a narrative of how the population was determined. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.400  
AS 04.11.460

15 AAC 104.615. PETITIONS FOR AREA OUTSIDE A MUNICIPALITY.  
(a) Signatures for petitions regarding licensed premises located outside an incorporated city may be obtained from persons residing within the circle required by statute whether or not these persons reside within or outside an incorporated city.

(b) For purposes of determining how many signatures are required on a petition, all qualified persons 19 years of age or older are counted. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.460

15 AAC 104.625. PROCESSING APPLICATIONS FOR LICENSES IN A PREVIOUSLY FILLED CLASS. When any class of license has been issued so that the population quota has been met or exceeded, and the population in the area then increases or a previously granted license is revoked or forfeited so that an additional license or licenses may be issued, then the director shall notify the public that applications for a new license in the previously filled class will be considered by the board on a first-come/first-serve basis as to the date of receipt, except that all applications received on a given day will be considered as a group. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.400

15 AAC 104.635. COMMUNITY PROHIBITIONS ON ALCOHOLIC BEVERAGES. The director shall maintain a record of the established villages and incorporated cities within which the barter, sale, possession for sale, importation, or trafficking in alcoholic beverages is prohibited, which record must be available to package store licensees and the public. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.490  
AS 04.11.496

15 AAC 104.645. THIRD PARTY PURCHASES FOR CONSIDERATION.  
(a) No person may purchase for another person or solicit the purchase by another person of alcoholic beverages for a consideration other than the purchase price.

(b) No person other than a licensee, or a licensed common carrier or a contract carrier may, for consideration, transport alcoholic beverages. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.090

15 AAC 104.655. WRITTEN ORDERS FOR ALCOHOLIC BEVERAGES.  
(a) Except when the purchaser is on the premises at the time the sale is made orders other than in writing are prohibited. A holder of a package store license may sell alcoholic beverages in response to a written order only as follows:

(1) The order must be in writing from a person known to the licensee to be at least 19 years of age;

(2) The order must be

(A) filled, boxed, addressed and shipped by licensed common carrier or contract carrier to the purchaser; or

(B) immediately delivered on the licensed premises to an individual specifically authorized by name by the purchaser in the written order to receive the purchase and to deliver it to the purchaser.

(3) The written order must be retained by the licensee for one year from date of sale and filed chronologically for easy inspection.

(b) In a mail-order sale, title to the alcoholic beverages passes to the purchaser at the time the alcoholic beverages are packed and identified to the purchaser, and these actions are sufficient to constitute a sale on the premises.

(c) A package store licensee who fills, delivers or ships, alcoholic beverages based on written orders shall retain copies of the order forms, the records verifying the age and identity of the purchaser, and the delivery and shipping documents for at least one year. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.06.090

15 AAC 104.665. INVOLUNTARY TRANSFER OF LICENSE. A licensee shall file with the board any instrument executed pursuant to AS 04.11.670. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.670

ARTICLE 7. GENERAL PROVISIONS

Section

- 705. Permits
- 715. Caterer's permit
- 725. Definitions

15 AAC 104.705. PERMITS. (a) Applications for permits must meet the requirements of this chapter of applications for licenses.

(b) The grounds for denial of a permit application are the same as for a license application.

(c) To apply for a permit, an applicant shall submit to the board the proper application form, together with the application fee and permit fee. The application must include a description of the proposed premises, a drawing designating which areas are for storage, service, and consumption, specific hours of intended operation, a copy of the approval from the proper authority, and other information required by the board.

(d) A permit applies only to the premises designated in the application and accompanying drawing and is only effective for the time period specifically designated. Permits are not transferable.

(e) The director shall determine whether a permit holder may purchase alcoholic beverages from a licensee selling on a retail or a wholesale basis and shall so indicate on the permit.

(f) The holder of a permit shall comply with all laws, regulations, and ordinances pertaining to the sale or dispensing of alcoholic beverages. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.230  
AS 04.11.240  
AS 04.11.250  
AS 04.11.260  
AS 04.11.320

15 AAC 104.715. CATERER'S PERMIT. (a) The caterer, or an employee or agent of the caterer, shall be present on the catered premises at all times alcoholic beverages are being served or consumed.

(b) The caterer is subject to the laws, regulations, and ordinances pertaining to beverage dispensary licenses and violation of them in the operation of the caterer's permit is ground for suspension or revocation of the permit holder's beverage dispensary license. (Eff. / / , Register )

Authority: AS 04.06.100  
AS 04.11.230

15 AAC 104.20.825. DEFINITIONS. Unless the context indicates otherwise, in this chapter, the definitions of terms found in AS 04.21.080 apply. (Eff. / / , Register )

Authority: AS 04.06.100

April 23, 1981

Senator Pat Rodey, Chairman  
Senate Judiciary Committee  
Juneau, AK. 99811

Re: Hearings on local options provisions.

Dear Chairman Rodey and  
Members of the Senate Judiciary Committee,

I would like to briefly comment on the proposed amendments to the local option provisions. Prior to doing so I must point out the enormous problems created in rural Alaska villages due to excessive alcohol consumption. On a daily basis I deal with the victims of violent crime in bush Alaska. These crimes are virtually all committed by an offender who is under the influence of alcohol. An example of this devastation can be seen by the high rate of homicides in the Second Judicial District which is primarily rural. In one village alone there have been two alcohol related killings by firearms in the last year. On a per capita basis, taking into account the small number of residents of the village this would equate to 42 people a week being victims of homicides in a city the size of Anchorage.

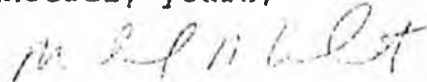
Something must be done, and it must be done quickly. Of course, violent acts committed by those under the influence of alcohol are merely the symptoms of the alcohol problem. My office is only able to handle the symptoms by protecting communities from those who have already caused destruction. Local option provisions can start the process of treating the causes of violent crime in bush Alaska.

The current local option statutes have been uniformly heralded by rural Alaska residents. My office has been heavily involved in communications with village spokesmen in trying to assist villages in preparing local option provisions. The particular provisions passed in the last legislative session were extremely good in that they allowed villages to close the loop holes in prior law by keeping alcohol from being imported as well as being sold. Virtually every village I have communicated with wants to enact this provision. To date they have been unable to do so due

to the procedures which require that the vote take place in a state-wide, or state run election handled by the Ill. Governor. I am confident that if the villages had been able to pass the local option provision prohibiting sale and importation when it became effective in 1980, that there would be people alive today that have been killed by intoxicated people in the interim.

I urge this committee to look favorably on the bill before it which would allow special elections in second class municipalities for the purpose of passing local options provisions. It is impossible to tell how many lives will be ended or adversely affected between now and the next state-wide election if the statute remains the way it is. The sooner that small rural communities can prohibit importation of alcohol the better. Based on my experience as the criminal prosecutor for the Second Judicial District at least one person will be killed in each two-month period from now until importation of alcohol is banned in this area. These deaths can be prevented by this committee doing everything possible to speed up the mechanism by which villages can ban the importation of alcohol.

Sincerely yours,



Michael H. White  
District Attorney

MHW:ew

# STATE OF ALASKA

## DEPARTMENT OF LAW

DISTRICT ATTORNEY - SECOND JUDICIAL DISTRICT

JAY S. HAMMOND, Governor

BOX 160 - NOME 99762

May 29, 1981 (907) 443-2296

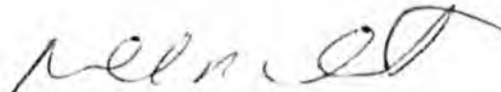
Senator Pat Rodey  
State Capitol Building  
Juneau, Alaska 99811

Dear Senator Rodey:

Attached is a copy of a letter that I sent to you on April 23, 1981 along with the front page and editorial of the Nome Nugget of May 27, 1981.

The killing is going to continue, and continue until there is decisive legislative action on local options and on treating alcohol abuse.

Sincerely,



Michael N. White  
District Attorney

MNW: cy

cc. Rep. Jack Fuller

cc. Senator Frank Ferguson

# The Nome Nugget

Alaska's Oldest Newspaper

Member of The Associated Press • USPS 508-10 • Single Copy Price - 50 Cents in Nome

VOLUME LXXX NO. 10, NOME ALASKA, THURSDAY, MAY 28, 1981

## Elim Family Murdered

### *W. Murray kills wife, kids, self*

A grizzly triple homicide/suicide took the lives of four members of an Elim family and left one child wounded.

In the early morning hours of May 24, the Alaska State Troopers in Nome were notified that a multiple shooting had taken place in the eastern Norton Sound village.

Witnesses at the scene said that Wilfred C. Murray Sr., 43, had been engaged in a family argument when he got the weapons — a high powered rifle and a shotgun — and murdered his wife, Martha (31) and two of their children. He also wounded a third child before turning the weapon on himself.

Murdered were Martha who received a gunshot wound to the chest; April Murray, 11, who received a gunshot wound to the chest and leg and Tasha Murray, age 1, who died of a gunshot wound to the head.

Clifford Murray, 7, was injured by a shotgun blast to the arm and was transported to Norton Sound Hospital for inpatient treatment.

Two other children were reported to be in the house at the time of the shootings, but escaped without physical injury.

Although investigation into the case is not complete, it has been determined that alcohol was involved. Murray reportedly turned one of the guns on himself after the murders and killed himself with a single gunshot wound to the chest.



McGuire towed boat for City. orders in an

*What's inside*

SB65

# St. Mary's to prohibit importation of alcohol

by Cheryl Keepers

Last week St. Mary's City Council enacted a 60-day emergency ordinance prohibiting the importation of alcoholic beverages into its city limits. The ordinance is to be effective for 60 days, unless extended by the City Council; the maximum fine for violation is \$500.

According to a press release from the City Council, there were several reasons for passing the ordinance. Public disturbances, violence and vandalism have increased in recent weeks. Most of the problems were alcohol related, and often caused by residents from other villages who were in St. Mary's to receive shipments of alcohol, the release stated. With one local policeman and one jail

cell, the city is not able to control the disturbances caused by too many people drinking too much.

However, there is some question regarding the legality of the city ordinance. In an informal opinion on the ordinance issued to this reporter by Assistant Attorney General Rod Pegues, Mr. Pegues noted that the ordinance was probably not legal. He stated that there "has to be an election and vote on the question." Under the existing local option law, the election must be held at the next regular election (October), and until then nothing can be done. While sympathizing with St. Mary's

Please turn to page 30

## ST. MARY'S

from page 1

wish to act sooner, Mr. Pegues commented that there is "nothing they can do about it unless the law is changed."

Tim Troll, City Manager for St. Mary's, said the city has a petition pending with the Division of Elections to put the issue on the ballot at the next regular election, but that the City Council felt the situation was so pressing they "had to try to do something about it." Mr. Troll, who is also a lawyer, noted that he had cautioned the City Council that "some questions would be raised" regarding the legality of their move, but that he feels the ordinance is not necessarily in violation of the state law. Citing the leeway given local governments in controlling alcohol under federal law, and noting that they are looking for voluntary compliance on the part of the airlines, Troll stated "we do think there are arguments on our side too." The city will be enforcing the ordinance by seizing alcohol dropped off and delivered in St. Mary's.

Mr. Troll continued by saying that St. Mary's had wanted to hold the local option election before fishing season and the accompanying increase in alcohol and alcohol related problems. The City Council acting in part is intended to let the state know the severity and urgency of the problem.

The issue of when elections can be held on the local option law has been receiving some attention in the community attention in the Community and Regional Affairs committee of the state legislature, also. Senate Bill 65, (SB65), introduced by Bill Ray (D-Juneau), contains a provision for special elections that would allow municipalities and established villages to hold local option elections at times other than October.

This amendment retains the provision that a petition containing signatures equal to at least 35 percent of the number of votes cast at the last regular municipal election be filed, but provides that in a municipality, the election be carried out in accordance with the election ordinance of that municipality. This is a change from the existing law which has required that the Lt. Governor conduct all local option elections, a provision which has effectively prevented any local option elections from taking place.

An amendment was also introduced, but later dropped, which would have provided for revoking any existing liquor licenses in a community within 60 days after certification of a local option election to prohibit sales. According to David Dye, aide to Sen. Don Gillman, (R-Kenai) chairperson of the Community and Regional Affairs Committee, this amendment was not accepted by the committee due to potential legal problems with this process. The Committee also felt that it would be unfair to a legitimate business person to take away the license when he/she had expected it to be valid.

As SB65 now stands, a liquor license in a community that votes to prohibit sales will be allowed to expire at the end of the year, which would happen in any event, but the license would then not be renewed for at least one full year afterwards.

If the community were to choose in that year to go back to allowing the sale of alcohol, no liquor license would be

issued before the full year had run. If the community does not change its mind, no new licenses would be issued.

Should the community choose the alternative of prohibiting importation, Mr. Dyer noted, this would affect both private individuals and licensed businesses, thus effectively ending any sales business.

Another amendment not in the original legislation, but introduced at the request of the bill's prime sponsor, Bill Ray, would have placed limits on which municipalities could use the local option law, and on what questions could be put before the public. Ray's amendment would have limited the question to one of sales, and would have allowed this only in municipalities under 2,500 in population. This would have meant that hub communities such as Bethel would not have been able to prohibit either sales or importation, and communities under 2,500 would not have been able to prohibit importation. The amendment was rejected by the committee. Mr. Dyer noted that the committee felt it would be unfair to foreclose on any communities' right to control alcohol based on size, and that the local option law should have blanket application.

The bill is now in the Senate Judiciary Committee. Members of that committee include George Hohman (D-Bethel), Bill Ray (D-Juneau), Charles Parr (D-Fairbanks), Don Bennett (R-Fairbanks), and Patrick Rody (D-Anchorage).

# **EXECUTIVE SUMMARY**

**"JUNEAU '81"**

**RURAL ALASKA  
CITIZEN'S PARTICIPATION CONFERENCE**

**March 16 - 19, 1981  
Juneau, Alaska**

**Rural Alaska  
Community Action Program, Inc.  
Box 3-3908, 327 Eagle Street, Anchorage, Alaska 99501, (907) 279-2511**

# Rural Alaska Community Action Program, Inc.

March 19, 1981

Dear Friends,

Included in this small packet of information is the EXECUTIVE SUMMARY of the findings and recommendations of Delegates to the 8th Annual Rural Alaska CITIZEN PARTICIPATION CONFERENCE. For the past four days, citizens from rural locations throughout the entire state have been gathered here in Juneau to deal with such compelling public policy issues as:

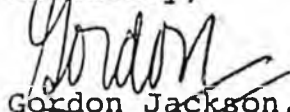
- \* Early Childhood Development and Head Start
- \* Natural Resources and Subsistence
- \* Alcoholism
- \* Energy

Additionally, representatives of not-for-profit community-based organizations throughout the State met and devised a Comprehensive Community Services Act for consideration by the Administration and the Legislature.

Although these are times of stress and insecurity, with federal funding for literally dozens of programs designed to help society's less fortunate people threatened by President Reagan's attempt to balance the federal budget, Delegates to the Conference also realized that this is a time of enormous opportunity for the citizens of Alaska.

It was in that spirit that these recommendations were formed -- and it is in that spirit that they are transmitted. We commend the Delegates and urge that their work be accorded the respect and consideration that it so clearly deserves.

Sincerely,

  
Gordon Jackson, Chairman  
8th Annual Citizens Participation Conference


  
Phil Smith, Executive Director  
Rural Alaska Community Action Program

TABLE OF CONTENTS

Alcoholism Workshop Recommendations	Page 1
Energy Workshop Recommendations	
- Alaska Regional Energy Association	Page 15
- Village Energy Workshop	Page 26
Head Start Workshop Recommendations	Page 36
Community Services Workshop	Page 47
Subsistence Workshop Recommendations	Page 64

SUMMARY OF RECOMMENDATIONSALCOHOLISM WORKSHOP

The group elected as officers the following individuals: Karl Ashenfelter, Chairperson; Gail Evanoff, Secretary; Daisy May Lamont, Spokesperson; Stewart Nicolai, Sergeant at Arms. We addressed the following issues by appointing subcommittees and voting on their reports.

- (1) Full funding for alcoholism and drug programs as proposed in HB 50 (Governor's budget); addressing the issue of funding for those wishing to start new programs:

A resolution follows speaking to the above. In addition, meetings were arranged with Senator Parr (Senate HESS) and Representative Cotten (House Finance), to offer them information as to program accomplishments following increased funding for FY 81. (Senator Parr's attitude, as expressed in a letter to Robert Cole, is that he is unwilling to support full funding without seeing results). The workshop recommended that the chairperson of the Workshop send a letter to Senator Parr and that the Fairbanks delegate be asked to address Senator Parr's position and attitude when he reports back to Tanana Chiefs Conference.

- (2) Consideration of revisions of the drug laws (HB 180, SB 177, SB 180) and allied issues.

A series of resolutions on drug issues follows. A roll call on the resolution to recriminalize marijuana showed 18 in favor, 2 opposed, 1 abstention.

- (3) Review of Title 4 provisions on local option elections and proposed amendments as stated in SB 65:

The group requests the legislature to enact amendments permitting maximum use of local option and enabling established villages and second-class cities to move as quickly as possible to hold valid elections, including special elections.

The group recommends against the proposed amendment to SB 65, Section 11. AS.4.11.490(a) as an unnecessary restriction on cities with a population of over 2500 and recommends that it be stricken.

- (4) Consideration of other bills:

A summary of our recommendations follows. Resolutions on SB 71/HB 112, SB 117/HB 117, and SB 177 are attached.

<u>BILL # or SUBJECT</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
SB 65	Amends Title 4 provision for local option election.	Do pass with amendment. See subcommittee report.
SB 71/ HB 112	Raises legal drinking age to 21.	Do pass, resolution attached.
SB 117/ HB 117	Shortens hours bars may be open.	Do pass; reduces opportunities for abusers to obtain liquor.
SB 177/ SB 190/ HB 180	Revision of drug laws, prosecution of minors as adults.	No recommendation; much technical information which we do not feel competent to analyze. Resolutions on issues attached.
HB 5	Removes prohibition for intoxicated persons to enter and remain.	Do pass.
HB 50	Governor's budget. \$18 million for alcohol/drug abuse.	Do pass, resolution attached.
HE 62/ SB 241	Removes provision for civil liability for bartenders.	Do not pass.
HB 114	Combines alcohol/drug abuse review boards.	Do pass. Step toward unifying attack on the total problem.
SSHB 41	Health Insurance	Do pass; good basic bill, can be expanded later.
HB 178	Legal for grocery stores to sell beer and wine.	Do not pass. Already enough retail outlets; too easy for minors to obtain.
HB 226	Legalizes prescription of marijuana for cancer patients.	Do not pass. Not specific enough; beneficial effects of drug in question.
HB 249	Lowers annual fee for beverage dispensary license.	Do not pass. Profits from bars are high enough so that lowering license fee is not warranted

All of the above were designated high priority.

The group also voted to present the Rural CAP Board's resolution on additional provisions for informing the public as to what villages and cities have voted "dry".

Following the work session, some members of the group toured the Juneau Regional Rehabilitation Hospital, a component of the Juneau Alcoholism Comprehensive Agency.

The group was given invaluable background information and technical assistance by the following:

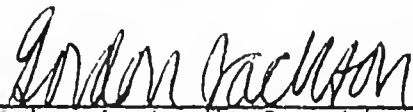
Representative Jack Fuller, Bush Caucus, and Cheryl Frasca,  
Legislative Assistant  
Coordinator Robert L. Cole, State Office of Alcohol and  
Drug Abuse, and Dr. Earl Albrecht  
Executive Director Matt Felix, Alcoholism Comprehensive  
Agency, Juneau  
Statewide Alcohol Coordinator Carole A. Baekey and Legal  
Assistant Barbara Thorn, Alaska Legal Services Corporation  
Legislative Analyst Dave Katzeek, Juneau

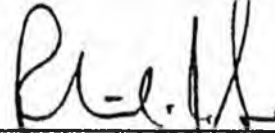
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 1

- ENTITLED: Additional funding for radio and TV programs giving preventive information on alcohol and drug abuse for adults and children alike.
- WHEREAS, The drug and alcohol abuse problems among our youth and adults is an increasing public health threat throughout the State, and,
- WHEREAS, The State Legislature has been supportive of developing programs to deal with the drug and alcohol problems within the state by increasing funds during the last legislative session, and,
- WHEREAS, Public education is one means of making people aware of the dangers involved in alcohol and drug abuse, and,
- WHEREAS, Funding has been allocated to provide limited media broadcasting to address the problems of alcohol and drug abuse in the State of Alaska, now, therefore be it
- RESOLVED: That additional statewide funding be provided to produce and broadcast educational material on alcohol and drug abuse prevention appropriate for the State of Alaska so that public awareness may be further increased.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-21

ENTITLED: "Support of HB #50, Governor's Budget"

WHEREAS, Alcoholism and drug abuse are the largest health problems in the State of Alaska, and,

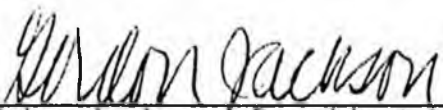
WHEREAS, The State of Alaska has initiated a much needed aggressive attack on the alcohol and drug abuse problem in most areas of the state, and,

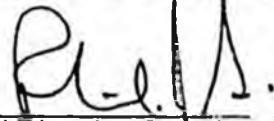
WHEREAS, The problem is present in epidemic proportions throughout the state, and,

WHEREAS, In spite of the new programs there are still some areas of the State which have been overlooked and no programs have been started; now, therefore be it

RESOLVED: That the Governor's requested budget be amended by adding six hundred thousand dollars (\$600,000.) to the requested \$18,035,600 to allow programs to be initiated in those areas of the state that presently have no programs.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

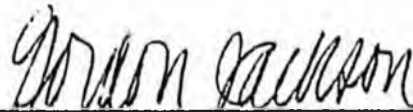
  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 RurAL CAP

# Rural Alaska Community Action Program, Inc.

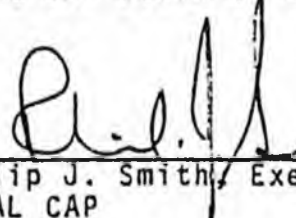
## CPC RESOLUTION #81-3

- ENTITLED: "A resolution supporting SB#177 and other legisla-  
tion providing for heavy penalties for individuals  
supplying drugs to children on school grounds and  
for drug rehabilitation offered as an alternative  
to sentencing our youth"
- WHEREAS, Children are our most important resource, and,
- WHEREAS, Suppliers of drugs are endangering the lives of our  
children and thereby the future of our state by enter-  
ing upon school grounds and supplying drugs to our  
children, and,
- WHEREAS, Our children and youth who do get involved with the  
law due to the usage of drugs should be given every  
opportunity for rehabilitation, and,
- WHEREAS, SB#177 states therefore heavy sentencing is proposed  
and is appropriate; now, therefore be it
- RESOLVED: That suppliers of drugs should receive heavy manda-  
tory penalties for supplying drugs to children on  
school grounds; and be it further
- RESOLVED: That sentencing for children and youth who have become  
involved with the law because of drugs should focus  
upon rehabilitation through a drug treatment program.

Adopted by the Delegates to the Citizens Participa-  
tion Conference, March 19, 1981, in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



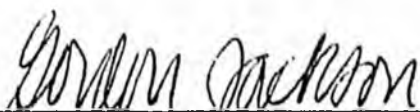
Philip J. Smith, Executive Director  
Rural CAP

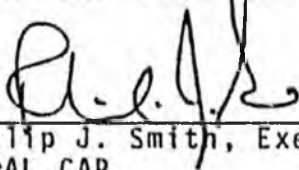
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 4

- ENTITLED: "Seeking to control the flow of drugs through increased efforts to detect while being transported"
- WHEREAS, Drug abuse is increasing at epidemic rates in the State of Alaska and is rapidly approaching a health and social problem equivalent to the alcohol abuse problem, and,
- WHEREAS, The transportation and mail systems in the State are being extensively used to transport drugs, and,
- WHEREAS, Methods of detecting concealed drugs while in transport do exist and are used in other states; now, therefore be it
- RESOLVED: That detection programs (i.e.; trained dogs and surveillance equipment) should be established in transportation stations (i.e. airports, seaports and major bus depots) and the U.S. Postal Service for the purpose of finding and confiscating drugs and reducing the flow of drugs in Alaska.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 5

ENTITLED: "To recriminalize marijuana"

WHEREAS, Our present laws do not protect our children and youth from the suppliers of the drug marijuana; and,

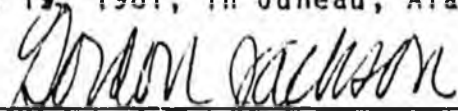
WHEREAS, The use of marijuana is interfering with the education of our children and youth, and,

WHEREAS, Marijuana abuse is becoming one of the major problems with the youth of America, and,

WHEREAS, Children and youth are our most important resource, now, therefore be it

RESOLVED: That the drug marijuana should be recriminalized and be it further resolved that heavy penalties be enforced for those suppliers of the drug marijuana.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

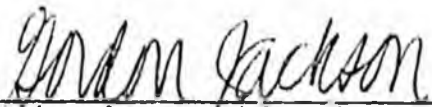
  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

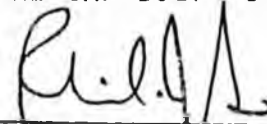
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 6

- ENTITLED: "Supporting Senate Bill No. 71 and House Bill No. 112, authorizing vote to raise legal drinking age to 21..
- WHEREAS, The epidemic alcohol abuse among our youth is an increasing recognized problem throughout the State of Alaska, and,
- WHEREAS, There is an immediate problem concerning students 19 years of age and over in Alaskan high schools who are consuming and distributing alcohol to vulnerable minors, thereby causing detrimental problems in the area of their education and mental stability, and,
- WHEREAS, The increasing rate as a result of alcohol abuse in crime, suicide, disorderly conduct, assault, accidental death and drop-outs is affecting our youth, and,
- WHEREAS, Our state funded alcoholism programs show an increasing amount of our youths seeking treatment and counseling, and,
- WHEREAS, Our youth shows an increasing amount of juvenile arrest and traffic fatalities for driving while under the influence of alcoholic beverages; now, therefore be it
- RESOLVED: That the drinking age be legally raised to the age of 21, to lessen the easy access to alcohol by students still in elementary and secondary schools.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-7

ENTITLED: "In support of Senate Bill No. 117 and House Bill No. 117, acts to shorten hours bars may be open"

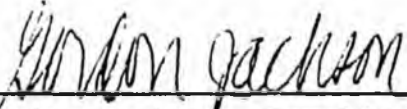
WHEREAS, Bills have been introduced in the Senate and the House to limit the hours of the day during which patrons may be present or alcohol sold or consumed on licensed premises, and,

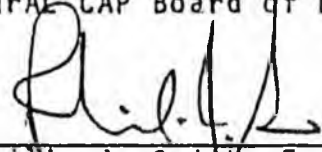
WHEREAS, The Citizens Participation Conference delegates recognize that limiting of such sale and presence will result in decreased OMVI violations, liquor law violations, minors consuming, disorderly conduct and assault (as occurred in Juneau after earlier closing hours became effective) and,

WHEREAS, Limitation on hours of sale will result (as in Juneau) in some lowering of per capita consumption, alcohol related human and social costs, and some modification of attitude concerning the wide open acceptability of drinking in Alaska; now, therefore be it

RESOLVED: That the delegates of the Citizens Participation Conference strongly urges the Alaska State Legislature to pass S.B. No. 117 and H. B. 117..

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

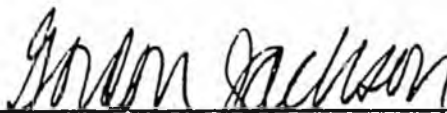
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-8

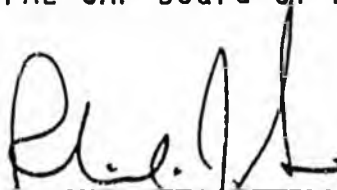
- ENTITLED: "In support of adequate notification of suppliers and transporters of alcohol as to who are "dry" communities.
- WHEREAS, It is in the interest of established villages and second class cities to have their wishes concerning regulation of alcohol use in their communities respected by those who sell and transport alcoholic beverages, and,
- WHEREAS, At least 30 villages and cities in rural Alaska have inquired about using the local option law to regulate or prohibit sale and/or importation of alcohol in their communities, and,
- WHEREAS, Several cities in the state have already chosen to ban sale and/or importation of alcohol in their communities, and,
- WHEREAS, Alcoholism workers representing 16 villages at Rural CAP's Community Action Education Workshop expressed a desire to have the names of "dry" villages and cities supplied to every supplier of liquor and every carrier of passengers and/or freight in the State of Alaska, and
- WHEREAS, The Alcoholic Beverage Control Board is presently soliciting public comment on proposed new regulations, and,
- WHEREAS, Article VI Section 635 of these proposed regulations provides that the Board maintain a roster of communities which have voted "dry" and make this roster available to the public, and, now therefore be it
- RESOLVED: That the Citizens Participation Conference recommend to the Alcoholic Beverage Control Board that a) Article VI Section 635 be amended to require the ABC Board to supply current lists of "dry" communities to all liquor outlets and carriers of freight and passengers in the state and that b) this list contain the text of the laws concerning bootlegging and the penalties for that offense, and that a copy of this resolution be forwarded to the ABC Board.

Page Two - CPC Resolution #81-

Adopted by the Citizens Participation Conference,  
March 19, 1981, in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



Philip J. Smith, Executive Director  
Rural CAP

ALCOHOL WORKSHOPDELEGATES

Wassilie B. Evan  
 Daisy May Lamont  
 Jerome Selby  
 Sam Pedro  
 Adolph "Shep" Larson  
 Ralph Amouak  
 Bobby Curtis  
 Rinna Posehn  
 Gail Evanoff  
 Patricia Paul  
 Emla Leavitt  
 Sam Smith  
 Karl Ashenfelder  
 Al Stevens  
 Beatrice Brown  
 Louie Jones  
 Pat Simpson  
 Edna Charley

Napakiak  
 Bethel  
 Kodiak  
 Copper Center  
 Dillingham  
 Anchorage  
 Kotzebue  
 Anchorage  
 Anchorage  
 Sitka  
 Pt. Barrow  
 Mekoryuk  
 White Mountain  
 Fairbanks  
 Hoonah  
 Aniak  
 Kotzebue  
 Copper Center

RESOURCE PEOPLE

Carole A. Baekey  
 Barbara Thorn  
 Robert L. Cole  
 C. Earl Albrecht, M. D.  
 Jack Fuller  
 David Katzeek  
 Matt Felix

Alaska Legal Services Corp.  
 Alaska Legal Services Corp.  
 State Office of Alcohol and Drug Abuse  
 Alaska State Legislature  
 RurAL CAP  
 Alcohol and Drug Abuse Central Agency

GUESTS

George Goenett  
 Tom J. Jimmie Jr.  
 Gladys Scott  
 Evelyn Mullen  
 Elaine Loomis  
 Cheryl Frasca  
 Mike Martin  
 Corinne Reeve  
 Lewis E. Gorman  
 Chip Thoma  
 Herb Adams  
 Myrna Sharclane  
 Laura Johnsen  
 Danny Karmun  
 Milton S. Hunt

Alcohol and Drug Abuse Central Agency  
 Alaska Council on Alcoholism  
 Alaska Native Leadership  
 Kodiak Area Native Assn.  
 Kodiak Area Native Assn.  
 Rep. Fullers Office  
 Aleutian/Pribilof Island Assn.  
 Metlakatla Indian Community  
 Aleutian/Pribilof Island Assn.  
 David Katzeek & Associates  
 Gastineau Council on Alcohol  
 Central Council, Tlingit & Haida Indian  
 Tribes of Alaska  
 Central Council, Tlingit & Haida Indian  
 Nome School District  
 Alaska Christian Conference

Page Two - ALCDHOL WORKSHOP

STAFF

Peg Engwall	RurAL CAP, Director, Alcoholism Department
Susanna Andersen	RurAL CAP, Alcohol Education Coordinator
Stewart Nicolai	RurAL CAP, Counselor, Copper Center
Ethel Adcox	RurAL CAP, Counselor, Iliamna Lake
Max Lestenkof	RurAl CAP, Counselor, St. Paul Island
Lois Hough	RurAl CAP, Secretary

ALASKA REGIONAL ENERGY ASSOCIATIONENERGY WORKSHOPSTATEMENT OF THE ISSUE

The dramatic rise in oil prices since 1973, the small, widely spread population, the high cost of living, and the rapidly rising price of transportation combine to help explain why energy costs so much in a village. Rural residents are forced to commit a large and rapidly increasing share of their income on energy and transportation. The very same source of Alaska's current large budget surpluses is ironically causing the most serious threat ever to the continued existence of remote rural Alaskan communities.

Unfortunately, state and federal agencies have been very narrow in their response to this crisis. They responded simply by expanding their welfare system. In certain rural communities more than 50% of the village income results from welfare payments.

METHOD OF DEALING WITH THE ISSUE

The Alaska Regional Energy Association (AREA) was formed in 1979 to serve as a clearinghouse for the exchange of energy information affecting rural Alaska, and to serve as a conduit for expressing the views of the 14 member non-profit associations on energy-related issues affecting their regions. With Rural CAP's financial support and technical assistance, AREA has been meeting at least quarterly to accomplish this end. Specifically, the goal of the organization is to increase rural Alaskans' degree of control over energy resource decision-making which has a significant effect on the quality of life of residents of rural Alaska.

During the past year the Alaska Regional Energy Association's emphasis has been shifting from attention toward short-term crisis intervention responses like energy assistance and fuel loans toward longer-run solutions like capital assistance for energy production and conservation.

The workshop was conducted as a regular meeting of AREA, and was chaired by Bob Martin. Each delegate, representing a member non-profit native association or development corporation received a briefing packet in the mail several weeks before the meeting. The packet contained an analysis of the significant issues identified by AREA previously as potential legislative priorities, as well as copies of related bills and resolutions pending in the Alaska State Legislature. These packets were updated in Juneau the first day of the workshop to include the most current information available on each issue.

Several joint meetings were held with the Village Energy Workshop group to discuss and compare legislative priorities. Both groups listened to presentations by Representatives Brian Rogers, Terry

Gardiner and Joe Chuckwuk, and asked these House leaders on energy legislation many questions about their priorities for this year. Also, on the final day of workshops the two workshops met jointly to present their conclusions to each other.

BILL # or  
SUBJECT

DESCRIPTION

17  
ACTION

Village Energy  
Reconnaissance &  
Conservation  
Program: SSHB 9)

Reconnaissance &  
Weatherization pro-  
gram that will  
provide funds to  
weatherize every home  
in rural Alaska

#1 priority  
Resolution  
(attached)

Power Production  
Cost Assistance  
Program

Subsidizes high cost  
of electrical energy

motion passed  
to support the  
program and  
expand it to  
include co-  
mmercial fac-  
ilities.

Power Production  
Cost Assistance  
Program

Subsidizes high cost  
of electrical energy

motion passed  
that the 40¢/  
kwh be region-  
alized accord-  
ing to the cost  
of living.

Alaska Statute  
46.11.030 (c)

Residential energy  
audit grants and  
loans

motion passed  
to increase the  
amount of ma-  
terials made  
available in  
accord with  
actual cost of  
transportation  
& materials in  
rural Alaska

North Slope  
Borough  
Resolution  
#6-81

Energy Conservation  
Policy

motion passed to  
endorse the  
policy and  
recommend that  
other regions  
adopt a similar  
approach

North Slope  
Borough  
Resolution  
#6-81

Energy Conservation  
Policy

motion passed to  
send the policy  
to appropriate  
state energy  
agencies for use  
as a model for  
state policy on  
energy conser-  
vation

<u>BILL # or SUBJECT</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
SB 25	Power Project Development Fund	motion passed to support both bills with amendments: to make the factors used to
SB 26	Appropriation for Power Project Development Fund	determine economic feasibility of a project set out in Section 5 be more realistic for the rural Alaskan area where the project is to be located and for the time when the project is to be built.
HB 289	An Act relating to the establishment of Regional Energy Authorities	motion passed to support the bill with an amendment to designate the 14 member non-profit organi- zations of the Alaska Regional Energy Association as eligible to form energy authorities
HB20 and HB21	Providing for the de- velopment of electrical service in rural areas and a special appropri- ation to the Department of Commerce and Economic Development for the Rural Electrification Fund	Motion passed to support both bills
CH001 SLA 1980	Rural CAP fuel loan program	motion passed to support the extension of the expiration date
SB166	An Act amending the eligibility qualifica- tions of an electric utility for power pro- duction cost assistance payable by the Alaska Power Authority	motion passed to support the bill
CSSB174 (Finance)	An Act making supplemen- tal appropriations to the Alaska Power Autho- rity for the Power Production Cost Assistance Program	motion passed to support the bill
CSHB 9	Relating to Departments and programs of State government which are concerned with energy	AREA supports provisions of this bill that would expand the responsibility of the Alaska Power Authority by substituting "energy" for "power" throughout their authorizing legislation

BILL # OR  
SUBJECTDESCRIPTIONACTION

SSHB 9

Related to Departments and programs of state government which are concerned with energy

AREA has established the need for state funding of regional energy planners at the regional non-profit level. This is an integral part of the #1 priority established by AREA: the Village Energy Reconnaissance & Conservation Program. This bill would be an appropriate place to authorize these positions.

All of the issues and bills considered by the Alaska Regional Energy Association were rated as high priorities. The delegates identified the Village Energy Reconnaissance and Conservation Program, including full funding of the regional energy planners, as the #1 legislative priority of the organization.

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-9

- ENTITLED: Urging Full Funding for the Village Energy Reconnaissance and Conservation Program
- WHEREAS, energy costs of up to 50¢ per kilowatt-hour for electricity and \$3.00 per gallon for fuel oil are distressingly common in rural Alaskan communities, and
- WHEREAS, low-income residents of rural Alaska are unable to bear the impact of these high and steadily rising costs, and
- WHEREAS, the very existence of many communities is threatened by these excessive costs, and
- WHEREAS, state and federal welfare payments make up more than 50% of the total income of some rural communities, including a total of \$10 million per year statewide for direct energy welfare bill-paying assistance, and
- WHEREAS, the need for these energy welfare payments will continue to grow dramatically unless the state acts to lower the cost of energy in rural Alaska, without recourse to operating subsidies, and
- WHEREAS, agencies such as the Alaska Power Authority, the Division of Energy & Power Development, the Department of Community and Regional Affairs, the Institute for Social and Economic Research, the Alaska Regional Energy Association and Rural CAP have joined together to develop a program that would reduce household energy bills by an average of at least 30% per household statewide, and
- WHEREAS, the present value of the net energy savings from this program would be at least \$433 million in avoided energy costs over the next 20 years, and
- WHEREAS, every house in rural Alaska could be properly insulated to meet Alaskan climatic conditions by the fourth and final year of this program, and
- WHEREAS, local and regional non-profit contractors would be used, and local hire would be used exclusively in the installation of weatherization materials in local communities, and

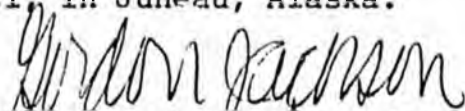
WHEREAS, this program would provide funding for regional energy planners, which are urgently needed to address regional energy problems, and

WHEREAS, the reconnaissance studies in this program would gather vital data on the best mix of sources of energy generation, designed to reduce the long-term cost of energy produced in villages for heating, electrical needs and transportation; now, therefore be it

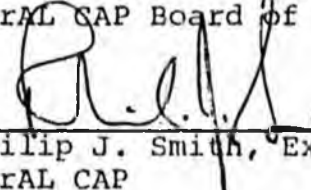
RESOLVED: That the Alaska Regional Energy Association urges speedy passage by the Alaska State Legislature and the approval by the Governor of the Village Energy Reconnaissance and Conservation Program and be it further

RESOLVED: That AREA urges the Alaska State Legislature and the Governor to fund this program at a level that will allow each homeowner in rural Alaska to install the optimal quantity of energy saving materials in his/her house over the next four years.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



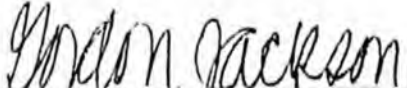
Philip J. Smith, Executive Director  
Rural CAP

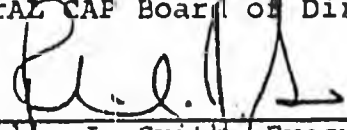
# Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #81-10

- ENTITLED: "Urging Full Support of House Bill 289, Entitled, 'An Act Relating to Regional Energy Authorities,' with an Amendment to Designate the 14 Member Non-Profit Organizations of the Alaska Regional Energy Association as the Authorized Designees
- WHEREAS, AS 18.57 creates Regional Electrical Authorities limited to the production of electrical energy, and
- WHEREAS, the electrical generation represents only a small part of the energy requirements for rural Alaskans, and
- WHEREAS, there is a need for regional coordination to achieve local planning and development, and
- WHEREAS, there is an urgent need for appropriate alternative energy approaches; now, therefore, be it
- RESOLVED: That the Alaska Regional Energy Association urges speedy passage by the Alaska State Legislature and and the approval by the Governor of House Bill 289, an Act relating to Regional Energy Authorities.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
 \_\_\_\_\_  
 Phillip J. Smith, Executive Director  
 Rural CAP

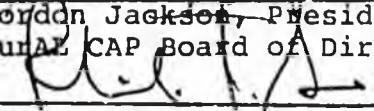
# Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #81-11

- ENTITLED: Supporting Passage of Legislation Establishing the Power Project Development Fund and a Special Appropriation
- WHEREAS, Energy costs of up to 50¢ per kilowatt hour of electricity and \$3.00 per gallon for fuel oil are distressingly common in rural Alaska communities, and
- WHEREAS, low income residents of rural Alaska are unable to bear the impact of these high and steadily rising costs, and
- WHEREAS, the very existence of many communities is threatened by these excessive costs, and
- WHEREAS, power production development is essential to the reduction of energy costs in Alaska, and
- WHEREAS, the Power Project Development Fund outlined in Senate Bill 25 provides funding for significant power project development in Alaska, and
- WHEREAS, the funds may be used for reconnaissance and feasibility studies and power project finance plans, and
- WHEREAS, the funds may be used for the cost of a project, including the costs of acquiring necessary licenses, preparing engineering designs, obtaining land and constructing the power project; now, therefore, be it
- RESOLVED: That the Alaska Regional Energy Association supports the passage of Senate Bill 25 and 26, and be it further
- RESOLVED: That the factors used to determine economic feasibility set out in Section 5 of SB 25 be more realistic for the rural area for which the project is being considered.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

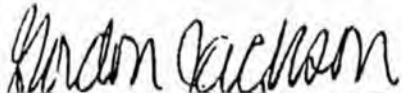
  
Philip J. Smith, Executive Director  
Rural CAP

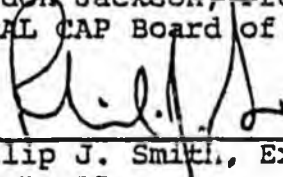
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-12

- ENTITLED:** In Support of Continued Funding for the Power Production Cost Assistance Program
- WHEREAS,** The cost of power production in rural Alaska is rising disproportionately to rural incomes, and
- WHEREAS,** the cost of power is affected by regional circumstances, and
- WHEREAS,** commercial facilities in some communities can assist in resolving community energy needs, and
- WHEREAS,** financial support of the Power Production Cost Assistance Program is desirable; now, therefore be it
- RESOLVED:** That the Alaska Regional Energy Association supports passage of Senate Bill 166 to expand the eligibility qualifications of utilities, and passage of CSSB 174, (\$1,050,000 appropriation), and be it further
- RESOLVED:** That the Alaska Regional Energy Association recommends the 40¢/kwh cap on Power Production Cost Assistance be regionalized to reflect cost of living differentials.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
 Gordon Jackson, President  
 Rural CAP Board of Directors

  
 Philip J. Smith, Executive Director  
 Rural CAP

ENERGY WORKSHOPALASKA REGIONAL ENERGY  
ASSOCIATION DELEGATES

Pat Petrivelli  
 Mark Siegars  
 Bob Martin

Pete Ezi  
 Clyde Stoltzfus  
 Phil Kaluza  
 Tom Peterson  
 Larry Jones  
 Sharon Zandman Zeeman  
 Will Theuer  
 Bob Brean  
 John Quirk  
 Kent Grinage  
 David Cartier

REPRESENTING

Aleutian/Pribilof Islands Assoc.  
 Bristol Bay Native Association  
 Central Council, Tlingit-Haida  
 Indians of Alaska  
 Cook Inlet Native Association  
 Copper River Native Association  
 Kawerak, Inc.  
 Kodiak Area Native Association  
 Mauneluk Association  
 The North Pacific Rim  
 Tanana Chiefs Conference  
 Upper Tanana Development Corp.  
 Koyukon Development Corporation  
 North Slope Borough  
 Nunam Kitlutsisti

RESOURCE PERSONS

Representative Briar Rogers  
 Representative Terry Gardiner  
 Representative Joe Chuckwuk  
 Dave Gray  
 Nancy Lord  
 Bob Speed  
 Dave Hutchins  
 Alephe Morris

Alaska State Legislature  
 Alaska State Legislature  
 Alaska State Legislature  
 Legislative Liaison  
 Rep. Brian Roger's Office  
 Rep. Terry Gardiner's Office  
 Alaska Rural Energy Cooperative  
 Senator John Sackett's Office

GUESTS

Lois Kaufman  
 Mary Lee Jones

Energy Consultant  
 Central Council, Tlingit-Haida  
 Indians of Alaska

RURAL CAP STAFF

Bob Lchr  
 Terry Berman  
 Naomi Woloshin

Director, Rural Energy  
 Energy Consultant  
 Energy Researcher

VILLAGE ENERGY WORKSHOP

The Village Energy Workshop was a welcome addition to the energy section of the Citizens Participation Conference. It was an opportunity for village residents from across the state to share ideas and resources in identifying and defining important energy issues from the village perspective. It was also an introduction to the legislative process, state and federal energy programs, and workings of various energy systems. The workshop participants worked closely with Rural CAP staff, who served as resource people, and with delegates of the Alaska Regional Energy Association (AREA).

The Village Workshop delegates elected a chairman and independently identified issues, met with legislators, and developed specific recommendations on pending legislation as well as resolutions addressing broader issues.

The recommendations and resolutions follow.

<u>BILL # or SUBJECT</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
HB 9	Residential Energy Conservation	Do pass, high priority
HB 20	Loans to develop electrical services in rural areas	Do pass, high priority, with the following amendments: that village cooperatives be given preference for loans, that appointed board members be limited to rural residents
HB 21	Special appropriation for HB 20 (above)	Do pass, high priority.
HB 173	Special appropriation Housing Loan Program/ Residential Audits	Do pass, with the following amendments: increase \$300 grants to include additional grant amount for transportation and labor cost differential according to region, additional training and availability of auditors in villages.

<u>BILL # or SUBJECT</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
VERC	Proposed Energy Recon- naissance & Conserva- tion Program	Support wholeheartedly the Rural CAP Board of Directors' Resolution #81-2, entitled "In Support of the Village Energy Reconnaissance & Conservation Program."
SB 25	Power Project Develop- ment Fund	Do pass, high priority, with the following amendments: that the four directors ap- pointed to the Authority be rural residents, provide fund- ing for wind, geothermal, solar, coal and other approp- riate energy sources as well as hydro projects, that non- regulated utilities and village cooperatives be given priority, that rural areas with high electrical costs be given pre- ference in project selection, that per capita funding should be scaled to cost-of-living.
SB 26	Appropriation for SB 25 (above)	Do pass, high priority, with the following amendments: Sec. 2, increase funding for rural projects above \$10 million for non Senate district designated funds.
SB 26 (CSSB 26)	Section 5 - \$4,800,000 Power Production Cost Assistance	Do pass, with recommendation that Section 5 receive full funding.

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-13

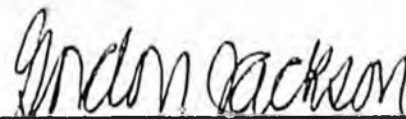
ENTITLED: "In Support of Energy Efficient Building Standards for Rural Alaska"

WHEREAS, Government funded housing in rural Alaska is notoriously energy inefficient and inappropriate to rural Alaskan needs and conditions, and

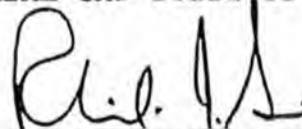
WHEREAS, Energy conservation and efficiency is critical to the continued existence of rural Alaska, now, therefore be it

RESOLVED, That the Village Energy Delegates of the 1981 Citizens Participation Conference recommend that energy-efficient building standards be adopted for all State funded structures by the Alaska State Legislature.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981 in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



Philip J. Smith, Executive  
Director, Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-14

ENTITLED: "Delivery of Energy Related State Programs to Villages"

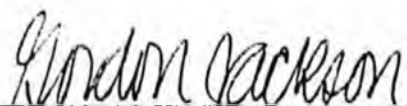
WHEREAS, There is a need for more local government assistance personnel in the villages and rural areas, and

WHEREAS, There is a need for administrative expertise and grant writing skills at the village and regional levels, and

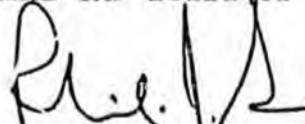
WHEREAS, There is a need for more information on agencies and processes for development of energy programs to village residents; now, therefore be it

RESOLVED, That the Village Energy Delegates of the 1981 Citizens Participation Conference request that the State of Alaska provide personnel, technical assistance and expertise to local village residents through the establishment of more offices and personnel at the regional levels, especially for the Department of Community and Regional Affairs and the Division of Energy and Power Development.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981 in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



Philip J. Smith, Executive Director  
Rural CAP

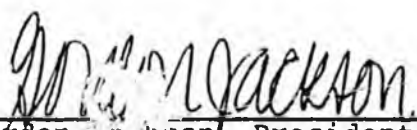
# Rural Alaska Community Action Program, Inc.

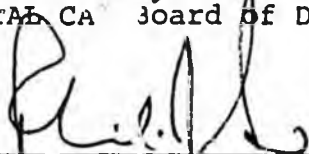
## CPC RESOLUTION #81-15

- ENTITLED: "Relating to High Fuel Costs and Energy Assistance Program Funding and Outreach to Rural Residents"
- WHEREAS, The Energy Assistance Program is a federally funded program that provides up to a maximum of \$650 annually to low-income residents in Alaska to help meet their costs for home heating fuel, and
- WHEREAS, The price of fuel in rural Alaska is exorbitant and unaffordable by most residents in the villages, and
- WHEREAS, Rural residents have to pay a much higher percentage of their income for home heating fuel, and
- WHEREAS, Many rural people that may be eligible for the Energy Assistance Program are not informed of the program, and
- WHEREAS, The State offices for the administration of the program are located in Juneau which creates long delays and red tape in the delivery of the Program to rural Alaskans, and
- WHEREAS, Some rural residents are disqualified by the strict and unreasonable federal guidelines because they live in government-subsidized housing, and
- WHEREAS, The income guideline for the program keep many low-income rural residents from qualifying for the program, and
- WHEREAS, Continued funding of this program from federal sources is in jeopardy; now, therefore be it
- RESOLVED, That the Village Energy Delegates of the 1981 Citizens Participation Conference urge the Legislature of the State of Alaska and the Energy Assistance Program administration to provide field offices in the various regional centers throughout the State to assure more adequate outreach and timely processing of applications, and, be it further

- RESOLVED, That State funds be appropriated to supplement the federal program so that income guidelines for the program can be raised and guidelines can be changed sufficiently so more rural residents can qualify for the program; and be it further
- RESOLVED, That the State provide continuing funding for the program if federal money is no longer available.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981 in Juneau, Alaska.

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


  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

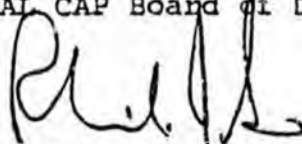
## CPC RESOLUTION #81- 16

- ENTITLED:** "Provision for Support Services and Training for Energy-related Projects in Rural Alaska"
- WHEREAS,** Most energy-related projects in rural Alaska are planned and built by federal and State agencies and maintained by agency personnel at great expense to the villages, and
- WHEREAS,** Village residents are capable of performing construction, maintenance and operating functions with the proper training, and
- WHEREAS,** Such functions would create additional jobs in villages for local residents, and
- WHEREAS,** Village residents wish to have more control over services and capital improvements in their villages; now, therefore be it
- RESOLVED,** That the Village Energy Delegates of the 1981 Citizens Participation Conference urge the Legislature and State and Federal agencies to require, as a matter of policy and appropriation, the provision of support services and training for local village residents whenever there are major energy projects conducted at the village and regional level.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981 in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors




Philip J. Smith, Executive Director  
Rural CAP

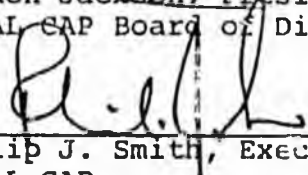
# Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #81-17

- ENTITLED: "Representation by Rural Residents on Boards, Commissions and Other Decision-Making Bodies"
- WHEREAS, Village residents are not represented on the various energy boards, commissions, and other decision-making bodies, and
- WHEREAS, village residents' views are not asked for or represented on these boards, commissions and decision-making bodies, and
- WHEREAS, the rural energy delegates of the Citizens' Participation Conference recognize this deficiency in the policy-making bodies as their number one priority, and
- WHEREAS, House Bill 20 includes the appointment of a board that does not now include village resident representation, and
- WHEREAS, Senate Bill 25 includes the appointment of an Authority that does not now include village resident representation; now, therefore be it
- RESOLVED: That the village energy delegates of the 1981 Citizens' Participation Conference request that the Governor and the Legislature of the State of Alaska be urged to select rural village residents for representation on energy-related boards, commissions and other decision-making bodies.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-18

ENTITLED: Energy Curriculum Development in Schools

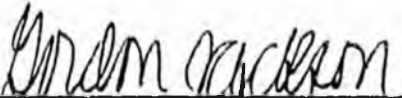
WHEREAS, Energy conservation is critical to the continued existence of rural Alaskans, and

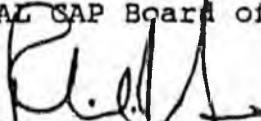
WHEREAS, the price of homeheating fuel has become so exorbitant that rural Alaskans are not able to pay for it, and

WHEREAS, it is important for students to learn the necessity of energy resources and how to take care of them; now, therefore be it

RESOLVED: That the village energy delegates of the 1981 Citizens Participation Conference recommend that curriculum be developed in Junior and Senior high schools that helps young adults learn about energy conservation, alternative energy sources, and general concepts.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Phillip J. Smith, Executive Director  
Rural CAP

VILLAGE ENERGY WORKSHOP  
CITIZENS PARTICIPATION CONFERENCE

DELEGATES

Thomas H. Abel  
Walter Meganack  
David Willard  
Gordon Newlin  
Josie Jones  
Lucille A. Lincoln  
P. J. Galaktionoff  
Charles David Jr.  
John Heyano  
Janis Carney  
Ernestine Mokiuk  
Karl T. Ashenfelter  
Dorothy M. Pestrikoff  
Nick Peterson Sr.

REPRESENTING

Craig  
Port Graham  
Angoon/Juneau  
Noorvik  
Koyukuk  
Copper Center  
Unalaska  
Tok  
Dillingham  
Manley Hot Springs  
Nome  
White Mountain  
Old Harbor  
Akhiok

GUESTS

Rudy Mack

King Cove

ENERGY DEPARTMENT STAFF

Ron Olsen  
Elaine Hultengren  
Steve Smiley  
Erika Tritremmel

## HEAD START WORKSHOP

STATEMENT OF THE ISSUE

Alaska needs to plan how services to children are to be delivered. As Alaska's most precious resource, children deserve the best Alaska can offer.

METHOD

Parents representing Head Start programs from all regions of Alaska discussed concerns and identified issues which are affecting their children and families.

Secondly, learning the process of writing resolutions, the legislative process, the impact of parents on the Alaska Head Start Director's Association, culminated in the attached resolutions that reflect the issues and concerns of Head Start parents in Alaska.

Each parent got an opportunity to communicate with their legislators.

BILLS/RESOLUTIONS ACTED ON:

HB 50	"An Act appropriating for the operating and capital expenses of the state government; and provide for an effective date." As requested by the Governor.	Resolved that the Head Start Line Item be changed from \$1,226,900 to \$3,984,384.
Not Assigned	"An Act establishing a Comprehensive Alaska Community Services Program."	Resolved that Article XIII "Community Services For Children" be endorsed.

Additional Resolutions were adopted for the following issues:

"Alaska Head Start Association" It is the desire of Head Start Parents that the Head Start Director's Association be extended.

"In support of local control" The Head Start Parents strongly urge the Governor and State Legislators to consider the importance of parents and local control."

"In support of the proposed Academic Career Ladder in Early Childhood" The Head Start parents recommend support for the adoption of this Career Ladder by colleges throughout Alaska.

# Rural Alaska Community Action Program, Inc.

(CPC RESOLUTION #81-19

ENTITLED: "Requesting the State of Alaska to appropriate the sum of \$3,984,384 to Alaska Head Start programs in fiscal year 1982"

WHEREAS, it has been proven\* that children participating in comprehensive child development programs with close parental interaction:

- perform better in school
- are held back less often
- are less likely to need remedial programs; and

WHEREAS, Head Start is the recognized model for comprehensive child development programs throughout the nation; and

WHEREAS, Alaska Head Start programs coordinate and provide parent involvement, parent education, career development, education, medical, dental, mental health, nutrition and social services for more than 1,000 children in 48 urban and rural Alaskan communities each year; and

WHEREAS, Alaska Head Start programs provide more than 250 jobs within these communities; and

WHEREAS, The Alaska Head Start Directors' Association has established a cost-per-child formula that will provide adequate funding for all Alaska Head Start programs to maintain, improve and expand the current level of services to children and families; and

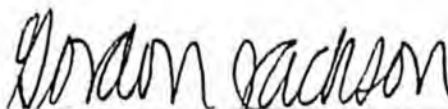
WHEREAS, the anticipated level of Federal funding and local in-kind support falls \$3,984,384 short of this goal; and

WHEREAS, our children are Alaska's most valuable resource; now, therefore be it

RESOLVED,

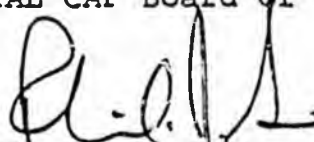
That the Citizen's Participation Conference does hereby endorse the Alaska Head Start Directors' Association and Head Start parents' request for the Alaska State Legislature to appropriate \$3,984,384 through the State Fiscal Year 82 Department of Community and Regional Affairs budget for the support of Head Start during FY82.

Adopted by the Delegates to the Citizen's Participation Conference, March 19, 1981 in Juneau, Alaska



---

Gordon Jackson, President  
RURAL CAP Board of Directors



---

Philip J. Smith, Executive Director  
RURAL CAP

\* Report to Congress, February 6, 1977, from the Comptroller General of the United States.

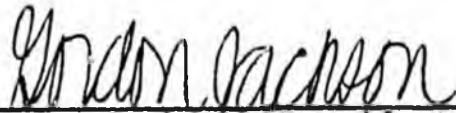
# Rural Alaska Community Action Program, Inc.


CPC RESOLUTION #81-20

- ENTITLED: "In support of Article XIII, 'Community Services for Children' section of the proposed Act establishing a Comprehensive Alaska Community Services Program."
- WHEREAS, Through this Act, it is proposed to establish in the Department of Community and Regional Affairs the Community Services for Children Program; and
- WHEREAS, Head Start is a Comprehensive Community Service for children; and
- WHEREAS, Head Start in Alaska is presently serving 1,199 children and their families; and
- WHEREAS, Head Start would like to enhance the quality of services presently provided in the areas of Parent Involvement, Education/Special Needs, Social Services, Health/Nutrition, Career Development; and
- WHEREAS, Many children are not receiving comprehensive community services; and
- WHEREAS, There is a need to identify and provide services for children in areas not presently receiving comprehensive community services; and
- WHEREAS, Many communities have requested Head Start to provide such assistance; and
- WHEREAS, The State of Alaska needs a comprehensive plan for the provision of community-based programs to children and families; and
- WHEREAS, There is a need to continue to provide information and referral system for parents of young children; now, therefore be it

RESOLVED: That the Citizen's Participation Conference wholeheartedly endorse the passage of Article XIII, "Community Services for Children" section of the proposed Act establishing a Comprehensive Alaska Community Services Program.

Adopted by the Delegates to the Citizen's Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.


CPC RESOLUTION #31-21

- ENTITLED: "An extension to the Alaska Head Start Directors' Association to include Head Start parents and staff and to change the name of the organization to Alaska Head Start Association."
- WHEREAS, The formation of a state-wide Association will increase communication, involvement and knowledge for all members; and
- WHEREAS, One Association would be more cost effective; and
- WHEREAS, Parents can give direct input to directors and staff on issues, concerns and goals which is an essential component of Head Start; and
- WHEREAS, The Association could provide information on the availability of various training opportunities; and
- WHEREAS, This Association could provide greater opportunities for sharing innovative ideas to promote parental involvement in Head Start; and
- WHEREAS, One Association could provide a strong united voice to the Legislature; and
- WHEREAS, One Association would allow directors, staff and parents to work together to develop an effective public relations network; and
- WHEREAS, This Association could give support for all Head Start components and delegate agencies; and
- WHEREAS, This Association could disseminate information on other issues children and families in Head Start (i.e. alcoholism, subsistence, energy, etc.) through the delegation of members and formation of committees; now, therefore, be it

## RESOLVED:

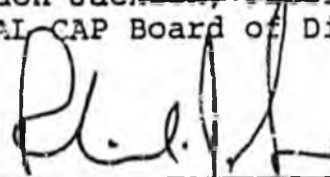
That the Citizen's Participation Conference strongly support an extension to the Alaska Head Start Director's Association to include Head Start parents and staff and to change the name of the organization to Alaska Head Start Organization.

Adopted by the Delegates to the Citizen's Participation Conference, March 19, 1981, in Juneau, Alaska.



---

Gordon Jackson, President  
Rural CAP Board of Directors



---

Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #81-22

ENTITLED: "In support of local contro' legislation."

WHEREAS, There are decisions being made that effect the lives of children; and

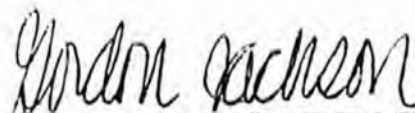
WHEREAS, The parents are the primary educators of their children; and

WHEREAS, Parents are responsible for the well-being of their children; and

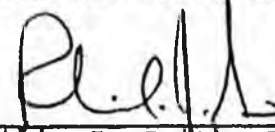
WHEREAS, Local control ensures the opportunity for parents to have input into the decision making processes that effect the lives of children; now, therefore, be it

RESOLVED: That the Citizen's Participation Conference strongly urge the Governor and the State Legislature to consider the importance of parents and local control.

Adopted by the Delegates to the Citizen's Participation Conference, March 19, 1981, in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

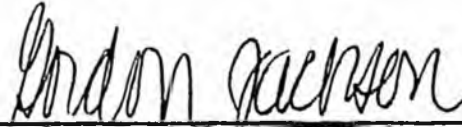
## CPC RESOLUTION #81-23

- ENTITLED: "In support of the proposed Academic Career Ladder in Early Childhood."
- WHEREAS, Early Childhood is a recognized field of expertise; and
- WHEREAS, The educational opportunities in the field of Early Childhood are presently limited in the State of Alaska; and
- WHEREAS, Children are Alaska's most valuable resource; and
- WHEREAS, Children are being cared for in child care facilities by staff and parents who need and have requested training; and
- WHEREAS, Head Start parents and staff recognize the need to develop practical skill levels through on-the-job training; and
- WHEREAS, On-the-job training opportunities in Early Childhood are limited in the State of Alaska; and
- WHEREAS, The Child Development Associate (CDA) is a nationally recognized certificate that is awarded for demonstrated on-the-job competence with young children; and
- WHEREAS, There is a need to balance academic and on-the-job skill training; and
- WHEREAS, There is a need to coordinate the content and methods of such balanced courses throughout the various colleges of Alaska; and
- WHEREAS, There is a need for statewide uniformity in Early Childhood career ladder steps; now, therefore, be it

RESOLVED:

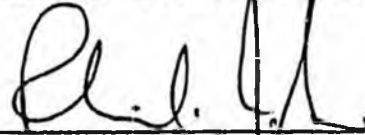
That the Citizen's Participation Conference  
urgently support the adoption of an academic  
career ladder in Early Childhood throughout  
the colleges of Alaska.

Adopted by the Delegates to the Citizen's Participation  
Conference, March 19, 1981, in Juneau, Alaska.



---

Gordon Jackson, President  
Rural CAP Board of Directors



---

Philip J. Smith, Executive Director  
Rural CAP

## HEAD START WORKSHOP

## CITIZEN'S PARTICIPATION CONFERENCE

HEAD START DELEGATES

Celia Melak  
 Celia Stewart  
 Darla Fraijo  
 Carol Card  
 Margaret Bolton  
 Carline Anderson  
 Sylvia Penetac  
 Mabeline Wongittilin  
 Joyce Sam  
 Joyce Pilger  
 Doris Bergeron  
 Willa Counce  
 Mary Ann Porter  
 Charmi Kowchee  
 Michael Archambault  
 Betty Olanna  
 Dora David  
 Maggie Wasuli  
 Cecilia Fairbanks  
 Kalen Saxton  
 Anthony Ulak  
 Louisa Hisamoto  
 Robert Hisamoto  
 Judy Gales  
 Lare'  
 Jo Putman  
 Joann Contini  
 Maralyn Akiyama  
 Mary Dalton  
 Karen Katzeek  
 Nancy Beckstrom  
 Jennifer Evans  
 Evelyn Mullan  
 Elaine Loomis  
 Tom Abel

COMMUNITY REPRESENTED

Anchorage  
 Tok  
 Tok  
 Ketchikan  
 Metlakatla  
 Metlakatla  
 Nome  
 Savoonga  
 Huslia  
 Chugiak  
 Anchorage  
 Chugiak  
 Yakutat  
 Nome  
 Anchorage  
 Nome  
 Bethel  
 Kotlik  
 Bethel  
 Anchorage  
 Scammon Bay  
 Fairbanks  
 Fairbanks  
 Anchorage  
 Anchorage  
 Nome  
 Anchorage  
 Juneau  
 Anchorage  
 Juneau  
 Chugiak  
 Anchorage  
 Ouzinkie  
 Kodiak  
 Craig

HEAD START STAFF

Eligio White	RurAL CAP Head Start
Myrna Orme	RurAL CAP Head Start
Sharon Hodgins	RurAL CAP Parent/Child Program
Martie Beile	RurAL CAP Head Start

STATEMENT OF THE ISSUE

Although the State of Alaska is collectively very wealthy, thousands of Alaskans, residing in both urban and rural areas, are poor. This poverty manifests itself not only in income determination, but also in such areas as access to the decision-making process, opportunity for self-sufficiency, and opportunity to achieve true self-determination.

For years, the primary support for community-based organizations serving the poor and disadvantaged in the state has come from the federal government. However, in recent times those organizations have turned more and more to the State for assistance. This trend is also evident in the federal government's new directions.

Further, support for local programs through direct legislative appropriations is a rather risky approach to funding. The State Attorney General's opinion regarding such appropriations has thrown into doubt whether or not the Legislature can legally provide direct funding. Last year, Governor Hammond vetoed virtually all the legislative intent in HB 60.

THE WORKSHOP

For two days, more than 25 representatives of Alaskan Native and other non-profit corporations met to discuss the problem and to propose a solution.

The result of their work is attached, in the form of two proposed legislative initiatives:

## 1 -- COMPREHENSIVE COMMUNITY SERVICES ACT

Which provides formal state authority within the Department of Community and Regional Affairs for a variety of programs. Also included in the bill is the establishment of special funds within the Department of Administration for indirect costs and contract advances.

## 2 -- UNIFORM ADMINISTRATIVE PROCEDURES ACT

Which requires the Administration to establish uniform procedures for the administration of grants and contracts with non-profit organizations.

Workshop participants unanimously endorsed the philosophy and content of the proposed legislation.

(for a more complete explanation of the "Community Services for Children" section of the CCSA, please read on . . .)

Alaska is facing serious issues concerning its wealth and resources. Major efforts are being undertaken that will utilize the wealth of the state to develop such resources as energy, fishing and timber.

In the midst of this, Alaska cannot overlook a most valuable and definitely renewable resource -- our children.

Alaska has a higher proportion of children under the age of five than any other state.

According to 1980 census projections, over 9% of the Alaskan population is between the ages of birth and four years.

Experiences in these early years have lasting impact on the social, emotional, cognitive and physical development of a child. This effect, and its impact on society as a whole, has been researched and accepted as a known factor.

The involvement of parents and families with their children and the involvement of communities with families is vital to the positive growth and development of young children.

High rates of unemployment, increasing substance abuse, and increasing violence within and against families are affecting the entire nation, including Alaska.

Mobile population and changes in traditional lifestyles have removed families from the basic internal and external support systems of community and society.

For the majority of Alaskan communities there is a lack of access to comprehensive medical, dental and social services caused by geographic isolation.

Proposed legislation would establish a Community Services for Children Program. The purpose of this program is three fold:

To continue to maintain quality programs such as Head Start.

To stimulate present programs toward an increase in quality.

To respond to requests for programs in areas not presently being served.

The Community Services for Children Program would include the following elements:

To enable the full benefits of available federal funds for community services for children, to be received by the state of Alaska. This will not supplant current federal programs, it may result in fuller utilization of federal funds.

To provide a central channel for the flow-through of state funds for community services to children. This would allow the services to be operated and delivered by community-based organizations and entities.

To provide a system for comprehensive planning and coordination of services to children. This would allow the planning and needs assessment to be done on the local level.

To foster the ability of local communities to operate community service programs for children.

To establish information and referral systems. This would allow both providers and parents to share delivery systems, designs, solutions to local issues, placement resources and talent bank information for community services to children.

To provide a consumer perspective of service delivery. This would provide top state administration with grass roots input concerning community services to children issues.

Funds appropriated for the Community Services to Children would be administered by the Department of Community and Regional Affairs under contract with appropriate community based organizations and entities for the purpose of program implementation and service delivery.

This would allow community involvement in program design, delivery and evaluation, thereby enhancing community self-reliance and self-sufficiency.

March 19, 1981

IN THE HOUSE

BY:

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE -- FIRST SESSION

A BILL

For an Act entitled: "An Act establishing a Comprehensive Alaska Community Services Program; and providing for an effective date."

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

\*Section 1. FINDINGS AND DECLARATION OF PURPOSE. The Legislature finds that, although the prosperity of the State of Alaska has reached per capita proportions greater than in any other state in America, and although the benefits of this collective wealth are being distributed in a variety of programs to benefit the citizens, there is a disturbing pervasiveness of poverty, alienation, disaffection, and discontent among the citizenry. The Legislature further finds that Federal assistance to such community-based organizations as Associations of Alaska Natives, anti-poverty programs, and other not-for-profit entities which are broadly representative of identifiable Alaskan constituencies is inadequate to provide for the flexible degree of participatory control that is desirable. It is therefore the purpose of this Act to establish a Comprehensive Program of Community Services, using existing organizations within the state for the planning and

Page 2

delivery of services designed to enhance individual and community self-reliance and self-sufficiency.

\*Section 2. AS 44.47 is amended by adding new language to read:

ARTICLE I. ORGANIZATION AND PURPOSE

Sec . 44.47.010. Commissioner of Community and Regional Affairs. The principal executive officer of the Department of Community and Regional Affairs is the Commissioner (of Community and Regional Affairs). He/She shall be assisted in his/her duties by a Deputy Commissioner for Local Government and a Deputy Commissioner for Community Services.

Sec. 44.47.020. Purpose of the Department. The purpose of the Department is to render maximum state assistance to government and to community-based not-for-profit organizations identified in AS 44.47.720 delivering community services at the community and regional level.

Sec . 44.47.050(14) administer state, and, as appropriate, federal programs for revenue sharing, grants, and other forms of federal financial assistance to community and regional governments and to community-based not-for-profit organizations identified in AS 44.47.720.

\*Section 3, AS 44.47 is amended by adding new sections to read:

ARTICLE XI STATE TRAINING AND EMPLOYMENT PROGRAM

Sec. 44.47.610 ESTABLISHMENT. The state training and employment program is established in the Department of Community and Regional Affairs.

The purpose of this paragraph is to establish a training and employment program which will increase the employment opportunities and enhance the employability and work skills of Alaskans already in the labor force and of those who want to join the labor force but who lack vocational preparation or face other employment barriers. The program authorized by this part is intended to broaden and support existing federal programs but is not intended to duplicate such programs. The goal of the state training and employment program is to provide employment and training opportunities relevant to Alaskans and the Alaskan work experience.

Sec. 44.47.620. POWERS AND DUTIES. To administer the state training and employment program the department may

(1) administer state money appropriated to the state training and employment program;

(2) develop and implement program activities such as

(A) private sector development and employment, through occupational training and apprenticeship programs;

(B) youth programs which stress vocational exploration, career planning, and specific job skills;

(C) municipal training and assistance to cities and village governments in developing and upgrading administrative and service skills;

(D) public service employment positions, emphasizing the transition of welfare recipients and potential recipients into employment;

(E) other services and training needed to enable

individuals to secure and retain upgraded employment in the state;

(3) receive and evaluate training and employment program proposals from organizations providing or intending to provide training or employment services in the state, including existing federally recognized employment services delivery agencies.

(4) coordinate the program established under AS 44.47.620 - 44.47.650 with economic development, entrepreneurship, and related activities such as community, village and city socio-economic plans, public assistance, training, and social services programs being administered by the state; and

(5) set priorities for delivery of services under the state training and employment program among persons who are unemployed or underemployed residents, based on analysis of local needs as determined by local individuals, organizations, and governments.

Sec. 44.47.630. ALLOCATION.

(1) at least 30 percent of the available funds under the state training and employment program shall be allocated by the department to municipalities with more than 100,000 people.

(2) at least 40% of the available funds under the state training and employment program shall be allocated by the department to Native American organizations providing or intending to provide training or employment services in the state, including existing federally recognized employment services

Page 5

delivery agencies.

(3) Notwithstanding the provisions of AS 44.47.630(1) and (2) above, within one year following the effective date of this Act, the Commissioner shall devise an appropriate formula for the distribution of funds appropriated under the state training and employment program. Factors to be included in said formula shall minimally consist of the following considerations:

(A) the relative number of unemployed or underemployed individuals residing within the exterior boundaries of areas served by Native American organizations or municipal governments identified in AS 44.47.630(1) and (2);

(B) relative cost of living and cost of conducting programs within and between geographic areas of the state;

(C) other local and regional resources which may be available for employment and training services; and

(D) other relevant data.

Sec. 44.47.640. REGULATIONS. The department shall adopt regulations which:

(1) enable it to carry out its duties under AS 44.47.620 - 44.47.6

(2) administer the expenditure of money for contracts authorized under AS 44.47.620(4) through existing federal manpower planning councils, when applicable.

(3) provide that the Department shall administer and not operate programs authorized by this part.

Page 6

\*Section 4. AS 44.47 is amended by adding a new article to read:

ARTICLE XII. ASSISTANCE TO COMMUNITY-BASED, NOT-FOR-PROFIT ORGANIZATIONS

Sec. 44.47.710. There is established a program of assistance to community-based, not-for-profit organizations engaged in the planning and delivery of community services at the community and regional level. Such program is established with the Department of Community and Regional Affairs.

Sec. 44.47.720. ELIGIBILITY. Any organization authorized to provide services under the federal Economic Opportunity Act of 1964 as amended (P.L. 93-644) and formally operating with such authority as of January 1, 1981, delegate agencies of such organizations; organizations providing services to Alaska Natives under the Indian Self-Determination and Education Assistance Act of 1974 (P.L. 93-638) and formally operating with such authority on January 1, 1981; and such other organizations as the Commissioner may, by regulation, recognize and authorize are eligible to apply to the Department for a grant under AS 44.47.710.

Sec. 44.47.730. USE OF GRANTS. Grants provided to community-based organizations under AS 44.47.720 may be used for one or more of the following purposes;

(1) research and planning on social and economic concerns related to the well-being of Alaskans represented by such organizations;

(2) delivery of specific services to populations represented by such organizations;

(3) programs at the local, regional, or statewide level which enhance the ability of citizens to participate effectively in public decisions affecting their individual and community well-being; and

(4) administration and audit.

Sec. 44.47.740. REGULATIONS. The Department shall adopt Regulations for the conduct and administration of assistance programs provided for by AS 44.47.710 - AS 44.47.730 which shall provide, at a minimum, that

(1) existing organizations identified in AS 44.47.720 shall receive priority consideration in the allocation of grant funds authorized by this Act;

(2) eligibility for services under this Act shall be minimally established as equivalent to the lower budget family-of-four index created by the U.S. Bureau of Labor Statistics and regionally adjusted to reflect the varying costs of living throughout the state;

(3) a formula for the allocation of grant funds authorized by this Act is established which fairly reflects the needs of citizens in geographic areas represented by grantees and which includes such factors as populations, cost-of-living and cost-of-conducting programs, local and regional resources available for similar programs and other relevant data.

\*Section 5. AS 44.47 is amended by adding a new article to read:

ARTICLE XIII. COMMUNITY SERVICES FOR CHILDREN

Sec. 44.47.810 ESTABLISHMENT. There is established in the Department of Community and Regional Affairs the Community Services for Children Program.

Sec. 44.47.820. The Community Services for Children Program is intended to supplement and not supplant the federal Head Start Program.

Sec. 44.47.830. Grants provided to eligible program operators under this part may be used for one or more of the following purposes:

(1) the provision of quality programs to continue existing services to children and families.

(2) to supplement programs that propose to enhance the quality of services presently provided.

(3) to initiate programs in areas not presently being served.

Sec. 44.47.840. POWERS AND DUTIES. To promote the effective and efficient delivery of Community-based services to children and their families in the state, the Department is authorized to:

(1) coordinate and initiate the seeking of federal funds as needed and available.

(2) administer state funds which may be appropriated for community-based childrens services.

(3) develop a comprehensive plan for the provision of community-based programs to children and families in the state.

(A) review and coordinate public and private programs which affect children and the needs of families.

(B) provide training and technical assistance opportunities for program staff and participants including

parents and other consumers.

(4) implement an information and referral system for providers and consumers of community-based childrens programs.

(5) expand the Department's Community Profiles to include indicators of need for childrens services.

(6) sponsor and coordinate an annual evaluation of activities authorized by this part by representative consumers, the results of which shall be transmitted to the Office of the Governor.

(7) contract with appropriate organization(s) for the activities described in AS 44.47.820-840.

Section 6. AS 44.21 is amended by adding a new Section to read:

Sec. 44.21.210. ESTABLISHMENT OF INDIRECT FUND. There is established, in the Department of Administration, a fund for the payment of indirect costs to organizations listed in AS 44.47.720. The Commissioner shall make payments from the fund when:

(1) the State of Alaska is contracting for services with any such organization using federal funds which have been granted or contracted to the State; and

(2) such contractor has negotiated with a federal cognizant agency a rate for indirect costs; and

(3) federal statute or regulation limits are imposed so that insufficient federal funds are available to permit full payment to the contractor of allowable indirect costs.

Sec. 44.21.220. NEGOTIATION. In the event any organization listed in AS 44.47.720 has not negotiated an indirect cost rate with a cognizant federal agency and wishes to do so

with the State of Alaska, the Commissioner shall enter into negotiations for that purpose, using cost principles established by the federal Office of Management and Budget, Circular #A-122.

Sec . 44.21.230. ESTABLISHMENT OF REVOLVING ADVANCE FUND. There is established in the Department of Administration a Revolving Advance Fund for the purpose of providing a negotiated advance payment to State contractors listed in AS 44.47.720. Payments from the fund shall be made when such contractors enter into cost-reimbursable contracts with the State.

Sec. 44.21.240. CERTIFICATION. The Department shall annually certify the administrative systems of organizations eligible to receive state grants under AS 44.47.720. Such certification shall be deemed adequate for all purposes for which the state may enter into contracts with such organizations.

Sec. 44.21.250. REGULATIONS. The Department shall adopt regulations for the implementation of AS 44.21.21 - AS 44.21.250.

\*Section 7. EFFECTIVE DATE. This Act takes effect on July 1, 1981 in accordance with AS 01.10.

March 19, 1981

60

IN THE HOUSE

BY:

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE -- FIRST SESSION

A BILL

For an Act entitled: "An Act establishing uniform administrative procedures for grants and contracts to Alaskan not-for-profit organizations; and providing for an effective date."

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

\*Section 1. INTENT. The Legislature determines that not-for-profit organizations which are the recipients of grant or contract funds from the State of Alaska, for programs to benefit the residents of Alaska, are required to have sound administrative structures inclusive of: (1) a governing board, (2) a personnel system, (3) an accounting system, and (4) the appropriate administrative personnel. Furthermore, the costs of these required components must be borne by the State as a legitimate part of the total costs of the delivery of services, just as if such services were to be delivered directly by the State of Alaska. Failure to provide sufficiently for the administrative costs incurred by the not-for-profit organizations will jeopardize the availability of this most cost-effective and efficient avenue for the delivery of services to meet prescribed state objectives. The Legislature further determines that there is a need for consistency and uniformity in both inter and intra-

Page 2

departmental administration of grants and contracts to not-for-profit organizations.

\*Section 2. AS 44.21 is amended by adding a new section to read: Sec. 44.21.035.

UNIFORM ADMINISTRATIVE PROCEDURES FOR GRANTS AND CONTRACTS  
WITH ALASKAN NOT-FOR-PROFIT ORGANIZATIONS.

The Department of Administration shall:

- (1) Develop a set of uniform procedures for grants and contracts to Alaskan not-for-profit organizations that will include:
  - (a) uniform proposal application procedures
  - (b) uniform application review requirements
  - (c) a consistent application of cost principles for not-for-profit organizations
  - (d) provisions for a consistent acceptance and payment of federally negotiated indirect cost rates (if applicable) or a state negotiated rate
  - (e) provisions for advances of grant and/or contract funds
- (2) Annually certify the administrative systems of organizations eligible to receive state contracts and/or grants. Such certification shall be deemed adequate for all purposes for which the State may enter into contracts with such organizations.

(3) Insure that each state agency provides sufficient funds to pay the negotiated indirect costs on all grants or contracts with not-for-profit organizations financed by State or federal pass-through monies.

\*Section 3. EFFECTIVE DATE. This Act takes effect immediately in accordance with AS 01.10.

STATE COMPREHENSIVE HUMAN SERVICES ACTPARTICIPANTS

Corinne Reeve  
 Beatrice Halkett  
 Joann Contini  
 Richard Rolland  
 Susan Maddox  
 David Jackson  
 Carl Lake  
 Karen Perdue  
 Marilyn Stowell  
 Mary Dalton  
 Maxim Dolchok  
 Sharon Sobocienski  
 Tom Craig  
 Thomas Rachal, Jr.  
 Robert Leach  
 Roland Shanks  
 Jim Farmer  
 Derenty Tabios  
 Arlene L. Patton  
 Ken Isaak  
 Gordon Jackson  
 Pauline T. Valha  
 Donald L. Shaw  
 Brenda Knapp  
  
 Eli Reyes  
  
 Mary L. McClinton  
  
 Gregg Brelsford  
 Roger Lang  
 Phil Smith

REPRESENTING

Metlakatla Indian Community  
 Alaska Native Foundation  
 Early Childhood Coordination Project  
 The North Pacific Rim  
 Bristol Bay Native Association  
 Bristol Bay Native Association  
 RurAL CAP  
 Lieutenant Governor's Office  
 Fairbanks Native Association  
 Cook Inlet Native Association  
 Cook Inlet Native Association  
 Cook Inlet Native Association  
 Copper River Native Association  
 Alaska Native Foundation  
 Fairbanks Native Association  
 Alaska Environmental Lobby  
 RurAL CAP  
 The North Pacific Rim  
 The North Pacific Rim  
 Cook Inlet Native Association  
 Alaska Legislature/Rep. Meekins  
 Dept. of Community & Regional Affairs  
 Kodiak Area Native Association  
 Central Council, Tlingit & Haida  
     Indian Tribes of Alaska  
 Central Council, Tlingit & Haida  
     Indian Tribes of Alaska  
 Central Council, Tlingit & Haida  
     Indian Tribes of Alaska  
 Aleutian/Pribilof Islands Association  
 Alaska Native Foundation  
 RurAL CAP

# Rural Alaska Community Action Program, Inc.

## MEMORANDUM

TO: All Members of the Plenary Session of the Citizens  
Participation Conference

FROM: CPC Subsistence Workshop

DATE: March 19, 1981

The Citizens Participation Conference Workshop convened March 16, 1981 and ended its session March 18, 1981. In the course of these three days the Subsistence Workshop considered many topics vital to the well-being of rural Alaskans. As a result of this work, the members of the Subsistence Workshop were able to reach a consensus on many issues that are of concern.

We present for your attention a list of the resolutions we passed at the Subsistence Workshop and now recommend and pray that you will concur with us in our consensus and PASS favorably on our resolutions:

"In Support of Alaska Native Cultures and Traditions"

"In Support of the State of Alaska Retaining the Existing Subsistence Law and Rejecting Any Proposition That Will Dilute or Repeal the Existing Law"

"In Support of Maximum Protection of Surface Resources and Wildlife Values in the Arctic Wildlife Refuge Oil and Gas Exploration"

"Citizens Participation Conference Affirmation of the Validity of the Tyonek Village Peoples' Court Action Against the Alaska Board of Fisheries"

"In Support of Subsistence Uses of Tyonek, English Bay and Port Graham."

"Support for Retention of the Alaska Coastal Management Act"

We have also addressed, discussed and supported the following concerns:

- 1) That village elders be shown honor and respect for having the valuable knowledge vital to subsistence users and be frequently

consulted for this knowledge. From the Subsistence Workshop we would like to recognize: Mark Jacobs, Walter Charley, Franklin Madros, Sr., and Arnold Melsheimer.

- 2) That the Governor appoint more subsistence using Alaska Natives to the Alaska Department of Fish and Game, Board of Fisheries and Board of Game.
- 3) That per diem and travel expenses be provided for local Fisheries and Game Advisory Committee members traveling in pursuit of their responsibilities as committee members.
- 4) That the Alaska Coastal Management Program be retained.
- 5) That the responsibility for the removal and care of loss of life or property shall not be a burden to those defending their life and property and that they should be compensated for their work as a result of such defense.
- 6) That the Subsistence Section of the Alaska Department of Fish and Game adopt realistic employment standards and that their employees be locally hired and be stationed in subsistence villages not the major villages.
- 7) That we strongly support the Eskimo Whaling Commission in its efforts to obtain realistic quotas and management of the whale resource.
- 8) That the regulations be retained that allow for one fish or game advisory committee to legally declare an emergency closure.
- 9) That a strong message be sent to the appropriate parties that the Marine Mammal Protection Act Native exemption be retained and that the Act itself be extended at least two years.
- 10) That Outer Continental Shelf hearings on proposed oil leases be held in the small villages located in the areas to be impacted by such leasing.
- 11) That we support House Bill #142 which prohibits the export from the State of moose and caribou antlers unless they are the antlers of an animal taken by a resident Alaska hunter.
- 12) That the Alaska Game Board allocate 300 permits to subsistence users of the Nelchina and Mentasta caribou herd.
- 13) That a strong message be sent to the Bureau of Indian Affairs that they get active on our rights protection of subsistence which is a trust responsibility. Adequate funding and assistance should be offered to Alaska Tribal Governing Bodies or Tribal Organizations.

- 14) That the State should get involved in securing freezers in all remote villages, to help eliminate spoilage, assist the health and welfare of the community and so that from season to season they may help meet nutritional needs.
- 15) That the State cease and desist in its imposition of severe fines, jail sentences, and confiscation of vital gear used for subsistence needs when the State is prosecuting alleged minor infractions.
- 16) That the Alaska Department of Fish and Game biologists be responsible for biological work only and not for enforcement work.
- 17) That the Subsistence Section of the Alaska Department of Fish and Game be elevated to a Division status.

Thank you very much,

Matthew Iya,  
Chairman,  
Subsistence Workshop CPC

\*The Subsistence Workshop also made recommendations on the following legislation:

<u>BILL #</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
HB 142	Prohibit Transfer of Moose and Caribou Antlers Out of State	Do Pass, high priority
SB 216	Repeal of Coastal Management Program	Do not pass, high priority
HB 343	Repeal of Subsistence Law	Do not pass, high priority

# Rural Alaska Community Action Program, Inc.

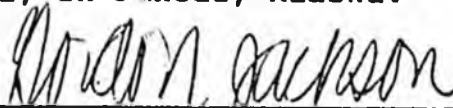
## CPC RESOLUTION #81- 24

- ENTITLED: "In Support of Alaska Native Cultures and Traditions"
- WHEREAS, Under existing Alaska State laws, statutes and/or regulations, and related Federal laws, statutes and/or regulations the term subsistence is not adequately addressed to adequately protect the Alaska Natives in their traditional use of fish and game and other plant, animal, mineral and water resources used for food, sustenance, fuel, shelter, tools and/or ceremonial and religious purposes, and,
- WHEREAS, Certain proposals and interpretations of existing State and Federal laws, statutes, and/or regulations threaten to diminish, suppress, intimidate or completely deprive the Alaska Natives of their inherent rights, and,
- WHEREAS, The original intent of Federal policy is not to destroy or to severely suppress or deny the aboriginal people of Alaska their inherent rights to subsist, and
- WHEREAS, Certain interpretations of the terms subsistence, traditional, and customary tend to extend to those who do not possess the inherent rights of the aboriginal Alaska Natives, and
- WHEREAS, The inherent rights of the various aboriginal Alaskans are an ancestral culture; now, therefore be it
- RESOLVED: That regardless of social or economic status, Alaska Native peoples retain and cherish a right to their own established cultures peculiar to their own groups of ethnic origin, and be it further
- RESOLVED: That this right cannot be legislated or regulated out of existence, nor can it suddenly disappear by assimilation or changes in social status, and be it further
- RESOLVED: That the use or taking of any animal, plant, mineral or water resource by any modern technology does not lessen or destroy these inherent rights, and be it further
- RESOLVED: That these inherent rights are paramount before any legislation, Federal, State, or of other origin, and be it further

## RESOLVED:

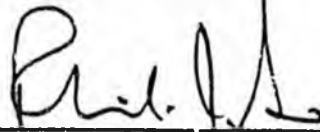
That copies of this Resolution shall be directed to the Governor, Speaker of the House, President of the Senate, Commissioner of Fish and Game, the Chairman of the Board of Fisheries and concerned Native corporations and Native organizations.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.



---

Gordon Jackson, President  
Rural CAP Board of Directors



---

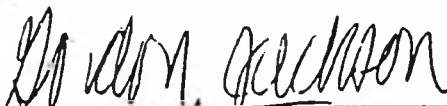
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-25

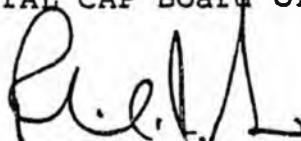
- ENTITLED: "In Support of the State of Alaska Retaining the Existing Subsistence Law and Rejecting Any Proposition That Will Dilute or Repeal the Existing Law"
- WHEREAS, To its great credit, the 1978 Alaska Legislature recognized in its wisdom the importance of indigenous plants and animals to the subsistence users in Alaska, and,
- WHEREAS, The subsistence use of the resources of Alaska is imperative to the culture, tradition, diet and economy of these users, and,
- WHEREAS, Essentially, rural Alaska residents continue to live as an integral part of the ecosystem as they have for centuries, and,
- WHEREAS, The necessity of rural people to continue to use subsistence resources mandates the allocation of the resources among user groups, and,
- WHEREAS, In the past, statutes and regulations in the State (and formerly in the Territory) did not adequately accommodate the needs of subsistence users, and,
- WHEREAS, The State of Alaska has the right to make allocation decisions; now, therefore be it
- RESOLVED: That the Citizens Participation Conference recognizes subsistence use as the primary concern of rural Alaskans and is integral to the existence of the rural lifestyle, and be it further
- RESOLVED: That the State retain the existing Alaska State Subsistence Law Statute, and be it further
- RESOLVED: That in strongest terms, the Citizens Participation Conference rejects any and all legislation or initiative that will in any manner weaken, dilute, or repeal the existing Alaska State Subsistence Law.

Adopted by the Delegates to the Citizens Participation  
Conference, March 19, 1981, in Juneau, Alaska.



---

Gordon Jackson, President  
Rural CAP Board of Directors



---

Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-26

ENTITLED: "In Support of Maximum Protection of Surface Resources and Wildlife Values in the Arctic Wildlife Refuge Oil and Gas Exploration"

WHEREAS, The coastal plain of the Arctic National Wildlife refuge (ANWR) is the calving ground of the Porcupine caribou herd and the habitat of other internationally important fish and wildlife populations which are critical subsistence resources to the people of Northeast Alaska and Northwest Canada, and,

WHEREAS, PL 96-487 (Alaska Lands Act) provides for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the ANWR, an analysis of the impacts of oil and gas exploration, development and production, and authorizes seismic and surface geological exploration for oil and gas within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources, and,

WHEREAS, Senator Jackson clearly expressed Congress' intent on the floor of the Senate, that "any exploration activities within the (Arctic National Wildlife Refuge) shall be conducted in a manner which will assure the maximum protection of surface resource and wildlife values as is consistent with the requirements of this act for exploration of the range", and,

WHEREAS, Secretary of the Interior Watt directed on March 12, 1981 that the avoidance of significant adverse effects on fish and wildlife resulting from seismic and surface geological exploration will be done in the "most cost-efficient manner", and,

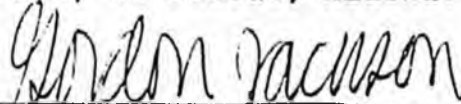
WHEREAS, This standard implies a weaker level of protection than Congress intended, and does not address the need to protect surface resources as Congress directed, and,

WHEREAS, A weaker standard of protection for subsistence resources and their habitats would endanger the livelihood of local peoples while only benefitting the oil and gas industries; now, therefore be it

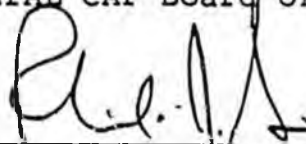
RESOLVED: That exploration assumptions and analysis of potential impacts of seismic and surface geological exploration within the ANWR must address any and all techniques and means of access which might benefit fish and wildlife or surface resources, and be it further

RESOLVED: That exploratory regulations, guidelines and stipulations must assure that exploratory activities provide for "the maximum protection of surface resources and wildlife values", and maximum protection for the subsistence economies of local communities.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



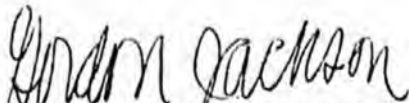
Philip J. Smith, Executive Director  
Rural CAP

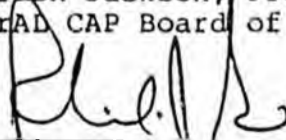
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-27

- ENTITLED: "Citizens Participation Conference Affirmation of the Validity of the Tyonek Village Peoples' Court Action Against the Alaska Board of Fisheries"
- WHEREAS, Subsistence is the way of life for thousands of rural Alaskans including those who reside near urban centers such as Anchorage, and,
- WHEREAS, The village of Tyonek was denied subsistence fishing rights by the Alaska Board of Fish at their meeting held in December of 1979, and,
- WHEREAS, The village leaders decided to file suit against this action, claiming that it was in violation of HB 960 (ch. 151, SLA 1978) which provides that subsistence is the highest priority use of Alaska's renewable resources, and,
- WHEREAS, Both RurAL CAP and AFN were requested by Tyonek to provide legal assistance to their concerns, and both organizations responded, and,
- WHEREAS, The subsequent lawsuit was successful; now, therefore be it
- RESOLVED: That delegates to the 1981 CPC do hereby formally support the people of Tyonek in their efforts to protect their subsistence lifestyle, and be it further
- RESOLVED: That the CPC Delegates affirm that the need for the lawsuit was identified by the Tyonek people and that the Tyonek people took the initiative to defend their rights.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

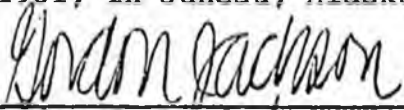
  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 RurAL CAP

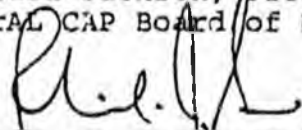
# Rural Alaska Community Action Program, Inc.

CPC RESOLUTION #81-28

- ENTITLED: Support for Retention of the Alaska Coastal Management Act
- WHEREAS, The State of Alaska recognized the importance for the planned use of its coastal resources with the adoption of the State Coastal Management Act in 1977, and
- WHEREAS, the State Coastal Management Act contains provisions that enable rural regional areas in the unorganized borough and incorporated municipalities to develop District Coastal Management Programs, and
- WHEREAS, District Coastal Management Programs have established the authority for local areas to conduct planning and establish recommendations for the use of local resources, and
- WHEREAS, this local planning authority is of primary importance to the concept of maximizing local control for the use of local resources; now, therefore be it
- RESOLVED: That the delegates to the 1981 Citizens Participation Conference support the retention of the Alaska Coastal Management Act, and be it further
- RESOLVED: That the delegates to the 1981 Citizens Participation Conference recommend that the Alaska State Legislature pursue all efforts to ensure maximum local control through the District Coastal Management Programs that are adopted and implemented.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
RURAL CAP Board of Directors

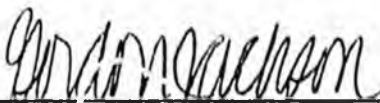
  
Philip J. Smith, Executive Director  
RURAL CAP

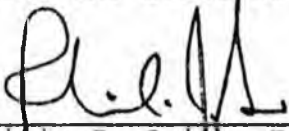
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-29

- ENTITLED: "In Support of Subsistence Uses of Tyonek, English Bay and Port Graham"
- WHEREAS, The Board of Fisheries has appropriately recognized ten important characteristics of subsistence use of Cook Inlet Salmon in its Findings and Policy #80-79-FB, and,
- WHEREAS, The Board of Fisheries provided for subsistence uses in the three non-road-connected communities of Tyonek, English Bay and Port Graham in its December 1980 actions, and,
- WHEREAS, This subsistence use of salmon is essential to the lifestyle, culture and economy of these villages; now, therefore be it
- RESOLVED: That the Citizens Participation Conference commends the Board of Fisheries for passing Findings and Policy #80-79-FB, and be it further
- RESOLVED: That the Board of Fisheries protect the customary and traditional subsistence uses of Tyonek, English Bay and Port Graham.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

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

  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

SUBSISTENCE WORKSHOPRURAL ALASKA RESOURCES  
ASSOCIATION DELEGATES

Walter Charley  
 Michael David  
 Bert Greist  
 Matthew Iya  
 Mark Jacobs, Jr.

Arnold Melsheimer  
 Wayne Marshall  
 Christine Pitka  
 Don Standifer  
 Yako Tinker

REPRESENTING

Copper River Native Association  
 Tanana Chiefs Conference  
 Mauneluk Association  
 Kawerak, Inc.  
 Central Council, Tlingit-Haida  
 Indians of Alaska  
 The North Pacific Rim  
 Kodiak Area Native Association  
 Koyukon Development Corporation  
 Cook Inlet Native Association  
 Nunam Kitlutsisti

LOCAL DELEGATES

Duke Delgado  
 Bartz Englishoe  
 Keith Gordaoff  
 Carole Huntington  
 Ronny Lind  
 Franklin Madros, Sr.  
 Jake Miller  
 Ray Penetac  
 Michael Patkotak  
 Frank Standifer  
 Lee Stratton  
 Jonathon Solomon  
 Tim Troll  
 Jonna Tokienna

REPRESENTING

Kodiak Area Native Association  
 Gwitchyaaazhee  
 Native Village of Eyak  
 Koyukon Development Corporation  
 Kodiak Area Native Association  
 Koyukon Development Corporation  
 Copper River Native Association  
 Kawerak, Inc.  
 Barrow, Alaska  
 Tyonek IRA Council  
 The North Pacific Rim  
 3-G  
 City of St. Mary's  
 Eskimo Walrus Commission

RESOURCE PERSONS

Ramona Barnes  
 Bob Brean  
 Lynn Castle  
 Norman Cohen  
 Bill Demmert  
  
 Dennis Kelso  
  
 Roger Lang  
 Keith Johnson  
 Mark Jensen  
 Don Mitchell  
 Roland Shanks  
 Ed Shavings, Sr.

REPRESENTING

Alaska State Legislature  
 Upper Tanana Development Corporation  
 Professional Guide  
 Legislative Aide  
 Deputy Commissioner, Alaska  
 Department of Fish and Game  
 Chief, Subsistence Section, Alaska  
 Department of Fish and Game  
 President, Alaska Native Foundation  
 Professional Guide  
 Professional Guide  
 Alaska Federation of Natives  
 Lobbyist  
 Nunivak Island

GUESTS

Dave Benton  
Lou Keller  
Hank Ostrosky  
Frank Woods

STAFF

Jude Henzier  
Faith Welsh

REPRESENTING

Friends of the Earth  
Kodiak Area Native Association  
Himself  
Bristol Bay

REPRESENTING

RurAL CAP  
RurAL CAP

People to testify on SB 65

Carol Bailey, Alaska Legal Service Corp.  
Patrick Phillips, Mayor, Alakanuk  
Jim Messick, Alaska State Troopers

Carol Bailey was to call Sen. Roddy  
with more names today. She also  
stated she was ~~bringing~~ bringing testimonies  
from many villages. Alot of things  
on page 1 of the attached report.