

HB

55

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811  
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/8/85	1:30 pm
" "	4/13/85	9 AM

4/15

# COMMITTEE REPORT

## HOUSE

(7)

FURTHER:

FINANCE

1/21/85

(L&C waived 1/21/85)

Date: \_\_\_\_\_

The Committee on JUDICIARY has had HB 55

"An Act relating to licensed premises."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 55 (JUD)  same title
- IT do pass  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee *W/analysis Sup 48*

**MEMBERS SIGNING  
DO PASS**

\_\_\_\_\_  
*Max Hunter*  
 \_\_\_\_\_  
*Chick*  
 \_\_\_\_\_  
*John Taylor*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

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

\_\_\_\_\_  
 CHAIRMAN

Original sponsors: Collins, Uehling  
and Gruenberg

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 55 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL,

6 For an Act entitled: "An Act relating to liquor licensees' duty to contact  
7 taxis for patrons and to display alcohol warning  
8 signs."

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

10 \* Section 1. AS 04.21 is amended by adding new sections to read:

11 Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licens-  
12 ee's agent or employee shall make reasonable efforts to procure a  
13 taxi, where regular taxi service is available, for any person in the  
14 premises who requests a taxi. The licensee is not responsible for  
15 paying the cost of the taxi.

16 Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A li-  
17 censee, except a common carrier licensee, shall conspicuously display  
18 at each public entrance and exit of premises where alcohol is sold at  
19 retail, a sign that reads "Drunk Drivers Go To Jail, Pay Fines and  
20 Lose Their Licenses - Why Risk It - Call A Taxi." The sign shall  
21 include a prohibitory symbol. The sign must be at least 18 inches  
22 wide and six inches high, with lettering at least one and one-fourth  
23 inches high.

24 (b) The Department of Revenue shall furnish, without cost, signs  
25 required under this section to any licensee requesting them.  
26  
27  
28

Edwards  
4/9/85

Original sponsors: Collins, Uehling  
and Gruenberg

To Be Offered As An Amendment  
By Gruenberg  
BY THE JUDICIARY COMMITTEE

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IN THE HOUSE

CS FOR HOUSE BILL NO. 55 (Judiciary)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

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For an Act entitled: "An Act relating to liquor licensees' duty to contact taxis for patrons and to display alcohol warning signs."

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Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A licensee shall conspicuously display at each entrance and exit of premises where alcohol is sold at retail, a sign that reads "Drunk Drivers Go To Jail, Pay Fines and Lose Their Licenses - Why Risk It - Call A Taxi." The sign shall include a prohibitory symbol containing a stylized automobile and cocktail glass. It must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

(b) The Department of Revenue shall furnish, without cost, signs required under this section to any licensee requesting them.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 55(JUD)  
 Title: An Act relating to licensees' duty to contact taxi & display signs  
 Sponsor: Collins  
 Requestor: House Judiciary  
 Date of Request: 4/13/85

FISCAL DETAIL

Agency Affected: Dept. of Health & Social Services  
 Program Category Affected: Office of Alcoholism & Drug Abuse  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

According to testimony before the Judiciary Committee by the Department of Health & Social Services, Office of Alcoholism and Drug Abuse, that because this bill represents a positive approach to problems caused by alcohol abuse, the department is willing to fund the cost of the required signs up to the amount cited in the original fiscal note. The funds will come from the operating budget and require no additional appropriation.

Prepared By: Hayden Kaden, Counsel *HK* Phone: 465-4990  
 Division: House Judiciary Committee Date: 4/15/85

Approved by Commissioner *[Signature]* Date: \_\_\_\_\_  
 Agency: Legislature

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date

**REQUEST**

Bill/Resolution No: HB 55  
 Title: An Act relating to  
licensed premises  
 Sponsor: Rep. Collins  
 Requestor: House Commerce Committee  
 Date of Request: January 22, 1985

**FISCAL DETAIL**

Agency Affected: Revenue  
 Program Category Affected: Public  
Protection  
 BRU, Program of Subprogram(s) Affected:  
Alcoholic Beverage Control Board

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	2.9	1.5	1.5	1.5	1.5	1.5
400 SUPPLIES	.5	.5	.5	.5	.5	.5
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	<b>3.4</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>
<b>CAPITAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>REVENUE</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	3.4	2.0	2.0	2.0	2.0	2.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

**ANALYSIS:** Attach a separate page for analysis.

Computation attached

Prepared By: Patrick L. Sharrock, Director  
 Division: Alcoholic Beverage Control Board

Phone: 277-8638  
 Date: 1/30/85

Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
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- Impacted Agency(ies)

FISCAL NOTE HB 55  
Attachment

Licenses applicable to legislation:

beverage dispensary	866
package store	487
restaurant	272
club	73
recreational site	16
pub	<u>1</u>
Total licenses (12/31/85)	1,815
Number of signs per premises (assume three signs per licensed premises)	<u>x 3</u> 5,445
Cost per 1,000 (two-color)	\$ 410 <u>x 5.45</u>
1. Estimated printing cost	\$2,235
2. Postage \$649; envelopes \$407;	<u>\$1,056</u>
3. Total initial cost (assume cost to be incurred during FY 86)	<u>\$3,291</u>
4. Annual costs for replacement and new issue signs are assumed to be 50% of initial cost.	<u>\$1,645</u>

HOUSE BILL 55

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE

April 8, 1985

Purpose. One of the priority issues identified by the Governor's Task Force on Drunk Driving was State funding for directing and funding public awareness programs on alcohol and drug use and responsible motor vehicle operation. House Bill 55 is an attempt to respond to this concern. HB 55 is designed to improve public awareness and information at the sites where alcoholic beverages are purchased or consumed.

Statement of the Problem: In the last few years there has been an increased public interest in the problem of drinking and driving. In response to this rising concern, the State of Alaska in recent years has enacted legislation aimed at removing the drunk driver from our streets and thus reducing alcohol-related accidents and fatalities. These statutes provide for the following:

1. Raised legal drinking age of twenty-one.
2. An implied consent statute
3. Preliminary breath testing on the roadway
4. Administrative license revocation upon arrest
5. Breath test refusal penalties same as DWI conviction
6. Citizen reporting, i.e., REDDI
7. Definition of Breath Alcohol level at .10 illegal per se
8. Mandatory sentencing
9. Mandatory fines
10. Victim compensation
11. Driver licensing information
12. Rehabilitation education
13. Compliance with conditions of court order
14. Mandatory liability insurance
15. Four new judges in the Anchorage area
16. Decrease in time between arrest and sentencing

Despite all of these efforts, drinking and driving continues to be a significant problem for the citizens of our state.

Recent newspaper headlines attest to the increasing public interest in the drunk-driving problem. Much of this increase results from campaigns conducted by such citizen groups as MADD (Mothers Against Drunk Driving). Organizations like MADD have been very effective in enlisting public and official support for more severe penalties for drunk drivers. In the past, efforts to strengthen drunk-driving laws have generally focused on increasing penalties.

One justification frequently cited for this approach is the apparent success of drunk-driving laws carrying strict penalties and ensuring that such penalties are actually carried out. Unfortunately, in the past it generally has been the experience that public concern has been temporary, and when the interest of the moment has passed, the intensity of the effort to overcome the drinking-driving problem tends to fade. If current efforts are to have a long-term effect, it is important that public awareness accompany all current and future legislation to stem the tide of drunk driving.

The passage of stricter drunk-driving laws alone will not reduce alcohol-related accidents or the incidents of drunk driving. For stricter laws to be effective, the public must know the laws and penalties and have an increased fear of apprehension and conviction.

To have an impact on the rate of accidents caused by drunk drivers, laws must not only be enacted but also well publicized and enforced. In some cases, it appears that current DWI laws and their penalties are not as highly publicized throughout Alaska as they could be.

A review of the research on the scope of the problem as it exists in other states as well as in Alaska is well documented. It is clear from reviewing the information that drinking and driving is a very complex problem which requires a combination or a variety of approaches. Although it appears from reviewing the literature that enactment of stronger drunk-driving laws has been successful in stemming the tide, it has not been entirely successful in eliminating the problem.

To be effective, enforcement programs must be accompanied by public information activities which ensure that there is a perception of increased probability of detection. A review of the research further indicates there is a strong connection between public awareness and the effectiveness of drunk-driving laws. Public awareness and accurate knowledge of the law, along with thorough enforcement procedures and stiff penalties are the major components, which will have a lasting impact on the large numbers of persons drinking and driving in Alaska, particularly in the case of social drinkers. Although this approach may not be as effective with problem drinkers, research indicates that the passage of stricter drunk-driving laws alone does not reduce alcohol-related accidents or the incidence of drunk driving. To increase the effectiveness of our efforts, the public must know the laws and the penalties and have an increased fear of apprehension and conviction.

The sale of alcohol is one of society's most highly regulated industries. There is good reason for this; it is a potentially dangerous substance posing extreme hazards to the health and welfare of consumers and motor vehicle operators on our public roads.

In the past decade, the vast majority of Americans have been concerned over public safety. This concern has risen steadily since 1971. In a recent Harris survey, 87% of the adult Americans polled blamed consumers themselves for injury resulting from misuse of products. Of the consumers surveyed, 73% believed that product safety objectives should be accomplished through publicity on product risks and dangers or by health warnings such as those required for cigarettes and over-the-counter drugs.

If a product has a hidden hazard, an unknowing consumer may be denied the valuable information necessary in deciding whether or not to risk using the product in the first place or how abuse of the product could impact his future welfare. Often, hazards in the use of alcohol are not visible to a consumer, and thus the consumer may not have a full appreciation for the severity of the decision to expose himself to that hazard. The probability of a hazard actually occurring, therefore, is of prime consideration in the consumer's behavior. Following this line of reasoning, an educated product consumer of alcoholic beverages is likely to be a more responsible consumer.

RECOMMENDATIONS:

The approaches for dealing with the drunk-driving problem are many, which include punitive, educational, rehabilitation, and behavioral. The value of placing warning signs in establishments where alcohol is sold and/or consumed should be effective because the message is subliminal. Research has shown that subliminal advertising has a greater long-term effect in influencing behavior than any other form of advertising. The prominent display of DWI warning signs in establishments that sell alcohol would, over a period of time, effect consumer behavior in a positive manner. Subliminal messages are conveyed to the unconscious rather than to the conscious level. Once having established the message on the unconscious level, repeated exposure to the message reinforces its effect and eventually will lead to changes in behavior which will influence consumers of alcoholic beverages to act responsibly, not necessarily for the good of others, but for themselves.

HB 55 REPRESENTS GOOD LEGISLATION; IT MAXIMIZES THE EFFECT OF CURRENT LAW AT MINIMAL EXPENSE TO THE PUBLIC TREASURY. HB 55 CARRIES A FISCAL NOTE OF APPROXIMATELY \$3,000.00; A SMALL PRICE FOR A BIG PROBLEM.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY. ON BEHALF OF MYSELF AND  
ALL THOSE WHO WILL BENEFIT FROM THIS BILL, I REQUEST YOUR SUPPORT IN PASSING  
HB 55 OUT OF COMMITTEE.

I AM AVAILPBLE FOR ANY QUESTIONS YOU MAY HAVE.

TIMELINE SUMMARY OF SIGNIFICANT LEGISLATION  
REGARDING CONTROL OF DRUNK DRIVERS

---

MUNICIPALITY OF ANCHORAGE

ALASKA STATE STATUTE

---

January, 1977

Established Mandatory  
Minimum Sentence:

1st offense	24 hours
2nd offense	3 days
3rd & subsequent	10 days

Illegal to operate motor  
vehicle with BAC .10% or  
higher (Per Se law)  
(AO 267-76)

January, 1978

[Adopted procedure whereby in-  
voluntary blood test was made  
in medical setting upon refu-  
sal of breathalyzer test.  
(Administrative Procedure)]

Established mandatory judicial re-  
ferral for alcohol screening/reha-  
bilitation  
(ch. 152 SLA 1978)

Established mandatory jail sentence  
of 10 days for DWLS.

Disallowed limited license on second  
offense for serious traffic misde-  
meanor  
(ch. 178 SLA 1978)

November, 1978  
(11/28/78)

Increased Mandatory Minimum  
sentence:

1st offense	3 consecutive days
2nd & subsequent	10 consecutive days

(AO 78-230S)

November, 1979

Adopted breath as well as  
blood standard for measurement  
of BAC  
(AO 79-194)

1980

(September)

Adopted mandatory minimum jail sentence:

1st offense 3 consecutive days

2nd offense 10 consecutive days

Illegal to operate motor vehicle with BAC .10% or higher

Adopted breath alcohol measurement standard

Established admissibility of refusal under implied consent law as evidence in prosecution  
(ch. 129 SLA 1980)

(August)

Adopted state statute  
(AO 80-122)

1981

Assumes validity of chemical test if taken within four hours of arrest  
(AO 81-75)

[Reduction in hours of legal sale of alcohol]

1982

(September)

Established refusal under implied consent laws as misdemeanor offense with same sentence as DWI offense

Allowed for application of DWI law to airplanes and watercraft

Allowed forceable blood test for BAC in fatalities, injuries or cases where defendant is incapable of refusing

Required use of limited license for at least 60 days (rather than only 30 days)

Revised mandatory minimum sentence  
1st offense 72 consecutive hours  
2nd offense 10 consecutive days  
20 days if subsequent offense  
within one year  
(ch. 117 SLA 1982)

Adopted state statute but leaves  
in validity of chemical test if  
taken within four hours of arrest  
(AO 82-126)

November, 1982

Allows forfeiture of motor  
vehicle to Municipality on  
2nd or subsequent offense  
within 5 years of first  
offense

Permit impoundment (temporary  
seizure) of vehicle to Muni-  
cipality for 30 days for 1st and  
2nd offense, 60 days for 3rd  
offense and 90 days on 4th or  
subsequent offense.  
(AO 82-205)

June, 1983  
Effective 10/17/83

Revised mandatory minimum sentence  
1st offense 72 hours (unchanged)  
2nd offense w/in 10 years 20 days  
3rd offense w/in 10 years 30 days

Established mandatory minimum fines  
1st offense \$250  
2nd offense \$500  
3rd offense \$1000

Established administrative revoca-  
tion of driver's license by law  
enforcement officer if BAC is .10%  
or higher or driver refuses breath  
test. Driver receives 7-day tem-  
porary license; driver has seven  
days to appeal.

Revises terms of license revocation under administrative or court authority - provides minimums:

- 1st offense 90 days (last 60 days may be limited)
- 2nd offense 1 year
- 3rd offense 10 years

Court revocation may be either concurrent or consecutive with administrative action.

Revises procedure to recover valid license: driver must post SR22, pay fee and pass written and road test.

Revises penalty for driving with license revoked. If revocation was for 1st DWI conviction, mandatory minimum 30 days in jail. If revoked for 2nd or subsequent DWI, mandatory jail sentence of 90 days to serve.

Allows for impoundment or forfeiture of vehicle on 3rd & subsequent offense.

Suspended imposition of sentence is no longer permitted for DWI, Breath Test Refusal, or Driving with License Revoked.

[ Minimum legal age to purchase/  
consume increased from 19 to  
21 -- over three year period,  
effective January, 1984. ]

[ State tax on alcohol increased  
(last increase was 1962). ]

Introduced: 1/16/85  
Referred: Labor & Commerce,  
Judiciary and Finance

1 IN THE HOUSE

BY COLLINS

2

HOUSE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to licensed premises."

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

8 \* Section 1. AS 04.21 is amended by adding new sections to read:

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11 taxi, where taxi service is available, for any person in the premises  
12 who requests a taxi.

13           Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A li-  
14 censee shall conspicuously display at each entrance and exit of prem-  
15 ises where alcohol is sold at retail, a sign that reads "Intoxicated  
16 Drivers Go To Jail, Pay a Fine and Lose Their License - Why Risk It? -  
17 Call a Taxi" and that includes a prohibitory symbol containing a  
18 stylized automobile and cocktail glass.

19           (b) The sign required by (a) of this section must be at least 18  
20 inches wide and six inches high, with lettering at least one and  
21 one-fourth inches high.

22           (c) The Department of Revenue shall furnish signs required under  
23 this section to a licensee who requests them.

Introduced: 1/16/85  
Referred: Labor & Commerce,  
Judiciary and Finance

*ADAMENDMENT*  
BY COLLINS

IN THE HOUSE

HOUSE BILL NO. 55

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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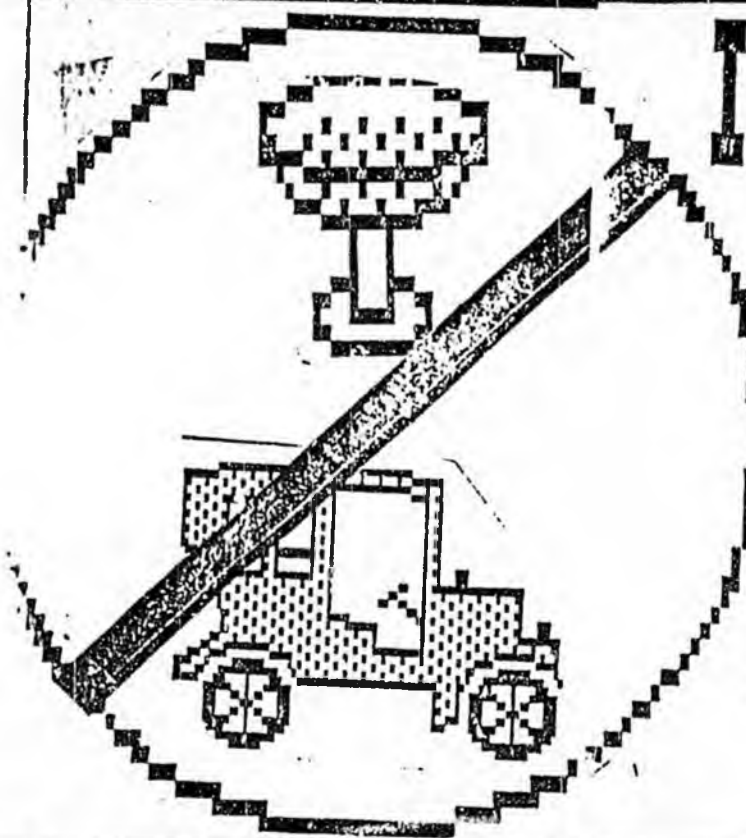
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(b) The sign required by (a) of this section must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

(c) The Department of Revenue shall furnish signs required under this section to a licensee who requests them.



INTOXICATED DRIVERS  
GO TO JAIL, PAY A FINE  
AND LOSE THEIR  
LICENCE - WHY RISK IT.  
CALL A TAXI

*Letters on  
1/4" smaller  
than original  
by HBS*

\*\*\*\*\*  
\*  
\* DELIVER TO: JFOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 04/09/85 TIME: 15:25 \*  
\* FROM: JUNE GALLEY \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 04/09/85 TIME: 15:26 \*  
\*  
\*\*\*\*\*

TO: HOUSE JUDICIARY MEMBERS: M.M. MILLER, SUND, CLOCKSIN,  
GRUENBERG, JR., PETTYJOHN, PHILIPS AND TAYLOR

FROM: CAROL LAMARE  
BOX 6121  
KETCHIKAN, ALASKA 99901  
225-6785

RE: HB 55-WARNING SIGNS/TAXIS FOR INTOXICATED PERSONS

MESSAGE: HB 55 IS A STEP IN THE RIGHT DIRECTION. I APPRECIATE  
YOUR EFFORT TO KEEP DRUNK DRIVERS OFF THE STREET.  
EOM/JG