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**STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS**

DEPARTMENT Natural Resources	DIVISION Parks and Outdoor Recreation	BILL NUMBER HB 322	SPONSOR Representative Kott
SHORT TITLE OF BILL An Act relating to the regulation of alcohol in State Parks			
DEPARTMENT POSITION Support the Bill			
PREPARED BY Peter J. Panarose	DATE January 1994	COMMISSIONER'S SIGNATURE	DATE
SUMMARY			
OTHER AGENCIES AFFECTED BY BILL Department of Public Safety Municipal Police Departments		CONSTITUENT GROUP(S) AFFECTED BY BILL Visitors to certain units of the state park system	
ORGANIZATIONAL SUPPORT FOR BILL Unknown		ORGANIZATIONAL OPPOSITION TO BILL Unknown	
FISCAL IMPACT NONE		FISCAL NOTE ATTACHED	
LEGISLATIVE INTENT The Legislature believes that the use of alcoholic beverages contributes greatly to disruptive behavior and reduced public safety in units of the state park system. The park operating experience of Alaska State Parks indicates that alcoholic beverages used in conjunction with certain activities are frequently a significant factor in law enforcement and vandalism incidents. Complaints received from park visitors about the disruptive behavior of others is often tied to the consumption of alcohol. Regulations that limit or prohibit the use of alcoholic beverages in certain units of the state park system will greatly reduce the problem.			
ANALYSIS OF BILL/PROGRAM EFFECTS The Bill provides the department with the discretion to determine at which facilities the use and possession of alcoholic beverages should be limited or prohibited. The majority of park visitors who consume alcoholic beverages do so in a manner that does not interfere with health and safety or preservation of the peace. Those visitors are generally associated with overnight camping, family outings or group activities authorized under permit. The problems arise primarily at areas established for day use, i.e., picnic areas, swim beaches, water access sites, and trailheads. The Bill directs DNR to determine which areas have health and safety problems related to the use of alcoholic beverage and to promulgate regulations limiting or prohibiting that use. This action, while reasonable and justifiable at some locations will be seen by some people as an infringement of their freedom.			

January 18, 1994

The Honorable Pete Kott
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Kott:

Thank you for the opportunity to review HB 322. The Department of Natural Resources supports the Bill, but suggests a few changes. A Bill Analysis and Fiscal Note are attached.

The Bill should be amended to refer to "alcoholic beverages" rather than alcohol. This will alleviate confusion regarding the possession and use of denatured alcohol as a cooking fuel or other alcohol based substances used for a variety of purposes other than human consumption.

It is also suggested that Section 1, (a)(4) of the Bill be amended to read: "develop, manage, control, and maintain state parks and recreation areas," and Section 1, (a)(5) amended to read: "provide for the acquisition, care, management, preservation of the peace, supervision, improvement, development, extension, and..."

Section 3, requires the department to make determinations regarding the incompatibility of the use and possession of alcoholic beverages within one year of the effective date of the Act. This is unnecessarily confining. I recommend dropping this section. The department needs to evaluate the issue on an ongoing basis.

Please contact Neil Johannsen at 762-2600 for further assistance.

Sincerely,

Harry A. Noah
Commissioner

attachments

cc: Neil C. Johannsen
Jerry Gallagher

DEPARTMENT	DIVISION	BILL NUMBER	SPONSOR
Natural Resources	Parks and Outdoor Recreation	HB 322	Representative Kott
SHORT TITLE OF BILL An Act relating to the regulation of alcohol in State Parks			
DEPARTMENT POSITION Support the Bill			
AMENDMENTS PROPOSED The Bill should be amended to refer to "alcoholic beverages" rather than alcohol. This specificity is necessary to alleviate confusion regarding the possession and use of denatured alcohol as a cooking fuel or other alcohol based substances used for a variety of purposes other than human consumption. It is also suggested that Section 1, (a)(4) of the Bill be amended to read: develop, manage, <u>control</u> , and maintain state parks and recreation areas; and Section 1, (a)(5) amended to read: provide for the acquisition, care, management, preservation of the peace, supervision, improvement, development, extension, and ...			
PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS			

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

February 1, 1994

The Honorable Pete Kott
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Kott:

Thank you for the opportunity to review HB 322. The Department of Natural Resources supports the Bill, but suggests a few changes.

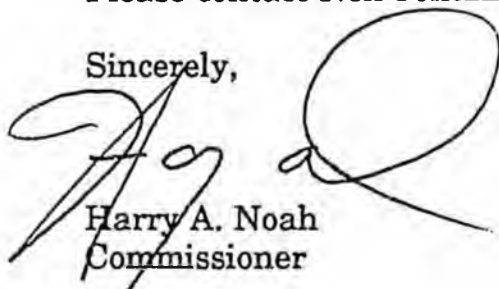
The Bill should be amended to refer to "alcoholic beverages" rather than alcohol. This will alleviate confusion regarding the possession and use of denatured alcohol as a cooking fuel or other alcohol based substances used for a variety of purposes other than human consumption.

It is also suggested that Section 1, (a)(4) of the Bill be amended to read: "develop, manage, control, and maintain state parks and recreation areas," and Section 1, (a)(5) amended to read: "provide for the acquisition, care, management, preservation of the peace, supervision, improvement, development, extension, and..."

Section 3, requires the department to make determinations regarding the incompatibility of the use and possession of alcoholic beverages within one year of the effective date of the Act. This is unnecessarily confining. I recommend dropping this section. The department needs to evaluate the issue on an ongoing basis.

Please contact Neil Johannsen at 762-2600 for further assistance.

Sincerely,



Harry A. Noah
Commissioner

cc: Neil C. Johannsen
Jerry Gallagher

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House of Representatives**

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PHONE (907) 465-3777

Representative Pete Kott

**SECTIONAL ANALYSIS
HOUSE BILL 322**

Section 1 of House Bill 322 requires the Department to promulgate regulations prohibiting or limiting the use or possession of alcohol in state parks, recreational areas, or historic sites. This duty is triggered if the Department determines that the use or possession of alcohol is incompatible with public health, safety, or peace.

Section 2 of House Bill 322 makes it a class A misdemeanor to violate a regulation promulgated under the authority granted in Section 1.

Section 3 of House Bill 322 gives the Department one year to make a determination as to whether the use or possession of alcohol in state parks, recreational areas, and historic sites is incompatible with public peace, health, and safety.



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Representative Pete Kott

**SPONSOR STATEMENT
HOUSE BILL 322**

Alaska is blessed with parks and recreational areas of unparalleled beauty. Situated throughout the state, these public facilities provide rest and relaxation to many, both Alaskans and visitors from the entire world. What we possess is a treasure to be cherished and protected.

Unfortunately, a problem has begun to manifest itself. Increasingly, alcohol is being abused in state parks and recreational areas. When this occurs, the peace, health, and safety of the public is compromised.

House Bill 322 is intended to solve this problem. It directs the Department of Natural Resources to evaluate whether the use or possession of alcohol is incompatible with public peace, health, and safety. If it so determines, the Department must promulgate regulations "...governing the limitation or prohibition of the use or possession of alcohol in a state park...". A violation of any such regulation would be a class A misdemeanor.

It is not the sponsor's intent to legislate prohibition. Rather, this bill is intended to require the Department to take only such steps as are necessary to solve problems of alcohol abuse. By doing so through regulation, a great amount of flexibility is accorded. That is to say, regulations may be site-specific and tailored to local conditions.

Absent some action to ameliorate the problem of alcohol abuse, our state parks, recreational areas, and historic sites will become increasingly dangerous and unpleasant. Passage of House Bill 322 would address this problem in a restrained, and yet effective, manner.



FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 322

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to regulation of alcohol
in state parks" BRU: Alaska State Troopers
 Sponsor: Rep Kort Component: Detachments
 Requestor: H. CRA COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

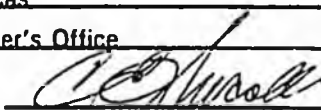
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
 No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 2/1/94
 Approved by Commissioner:  Date: 2/1/94
 Agency: Richard I. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: _____ Dept. Affected: Corrections
 Title: An act relating to the regulation of alcohol. BRU: Statewide Operations
 Component: All Institutions
 Sponsor: Representative Korr
 Requestor: House Community & Regional Affairs COMPONENT SERIAL NO. 704-726

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Diane Schenker, Special Assistant
 Division: Corrections
 Approved by Commissioner: J. Frank Prewitt, Jr.
 Agency: Corrections

Phone: 786-2147/465-4643
 Date: 1/29/94
 Date: 1/31/94

Fiscal Note/DOC

IIB 322

January 29, 1994

Page 2 of 2

The bill would authorize the Department of Natural Resources to limit or prohibit the use or possession of alcohol in certain parks and recreational areas, through regulation. Violation of such regulations would constitute a misdemeanor punishable by up to six months of incarceration.

Assumptions

1. It is assumed that alcohol use or possession will be prohibited in some locations, through regulation. The impact is difficult to predict until the Department of Natural Resources determines which sites are appropriate and promulgates regulations. Where such prohibitions are imposed in geographical areas near state correctional centers, it is assumed that rarely, but inevitably, some individuals will be incarcerated for this misdemeanor. This impact cannot be predicted accurately in any quantifiable way, but is expected to be very slight.
2. By prohibiting the use or possession of alcohol in certain recreational areas, it is assumed that some other types of alcohol-related criminal activities will be minimized at those locations. Although this impact cannot be predicted accurately in any quantifiable way, it is assumed that it will offset the impact of any incarcerations which might occur as a result of violating the potential regulations.
3. Any additional days of incarceration which would occur as a result of the potential regulations would cost \$113 per day, based upon the average statewide cost of incarceration in a state correctional facility. The same cost would apply to any days of incarceration potentially avoided as a result of discouraging use and possession of alcohol at these sites.

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB322

1994 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act relating to the regulation of alcohol
in state parks, recreation areas and historical sites." BRU: Parks and Recreation Management
 Sponsor: Representative Kott Component: Parks Management
 Requestor: Representative Kott Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The bill directs the Department to promulgate regulations regarding the possession and use of alcohol in units of the state parks system. It provides the department with the discretion to determine at which facilities the use and possession of alcohol may be limited or prohibited. The staff work necessary to carry out the intent of the Bill will occur in conjunction with existing park operating activities and park regulation projects currently underway. No additional expenses or future commitments of operating budget dollars is anticipated.

Prepared by: Neil Johannsen, Director Phone: 762-2600
 Division: Parks Date: 28-Jan-94
 Approved by Commissioner: Harry A. Noah Date: 28-Jan-94
 Agency: Natural Resources

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: January 12, 1994
Title: "...regulation of alcohol in state parks, recreation areas and historic sites."
Sponsor: Representative Kott
Requestor: Representative Kott

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0091

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Division Date: January 12, 1994
Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
Agency: Department of Law Date: January 12, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

ANALYSIS CONTINUATION:

This bill would allow the Department of Natural Resources to limit or prohibit the use or possession of alcoholic beverages in state parks, recreation areas, historic sites, where the abuse of alcohol by some has annoyed and disturbed other recreational users of the state's park system. The bill is not expected to have a fiscal impact on the Department of Law.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: _____
Title: "An Act relating to the regulation of alcohol
in state parks . . ."
Sponsor: Rep. Kott
Requestor: (H) C&RA

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Director
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usery
Agency: Department of Administration

Date: 1/18/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date: _____
 Title: "An Act relating to the regulation of alcohol
in state parks . . ."
 Sponsor: Rep. Kott
 Requestor: (H) C&RA

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender
 Division: Public Defender Agency

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usual
 Agency: Department of Administration

Date: 1/18/94

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: SSHB 352

Page 1, line 1, following "approval":

Insert ", change, or vacation"

Page 2, line 20, following "section":

Insert "and may adopt regulations establishing fees for the services provided under this section. Fees established under this section shall reflect the administrative cost to the department and must include costs for personal, contractual, and material services. A fee established under this section is in addition to other charges authorized by this section"