

**HB**

**212**

# Alaska State Legislature



Committees  
Labor & Commerce  
Legislative Council  
World Trade  
Trade & Tourism  
Special Committee  
on Fisheries

**Representative Eugene Kubina**  
House Minority Leader

During Session:  
Alaska State Capitol  
Juneau, Alaska 99801-1182

During Interim:  
P.O. Box 2463  
Valdez, Alaska 99686

## SPONSOR STATEMENT - HB 212

HB 212, "An act relating to determination of an established village for the purposes of regulating the sale, use, and possession of alcoholic beverages in the unorganized borough," gives the Alcoholic Beverage Control (ABC) Board greater flexibility in defining actual boundary dimensions for the purpose of enforcing the local option law.

As Villages throughout Alaska have voted themselves dry over the years, their relative isolation has minimized regional conflicts. But when the Native Village of Gulkana decided to ban all alcoholic beverages within the communities' borders, the situation became more problematic. The five-mile radius perimeter effects businesses that exist along the highway system, several residents of the Village of Gakona, as well as general traffic along the highway. As a consequence, these people did not get the opportunity to cast a vote, but they are effected by the law.

This bill would give the ABC Board authority to set the boundary of the established village when circumstances such as these occur. This legislation will resolve the Village of Gulkana problem, as well as provide a permanent solution for those villages in similar circumstances that wish to go dry in the future.

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P.O. Box 2463  
Valdez, Alaska 99686

**Representative Eugene Kubina**  
House Minority Leader

## MEMORANDUM

**TO:** Representative Ivan Ivan, Chair  
House Community & Regional Affairs Committee

**FROM:** Representative Gene Kubina *Gene*

**DATE:** March 26, 1997

**RE:** Scheduling of HB 212

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I would respectfully request that you hold a hearing on HB 212, "An Act relating to determination of an established village for the purposes of regulating the sale, use, and possession of alcoholic beverages in the unorganized borough".

I urge you to schedule this bill at your earliest convenience and also welcome you and the members of your committee to sign on as a co-sponsor.

Thank you.

# FISCAL NOTE

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to determination of BRU: none  
an established village for purposes ... Component: none  
 Sponsor: Rep. Kubina  
 Requestor: House C&RA Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current (FY97) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This legislation would have no fiscal impact on the department

Prepared by: Remond Henderson, Director Phone: 465-4708  
 Division: Division of Administrative Services Date: 4/4/97  
 Approved by Comm. member: \_\_\_\_\_ Date: 4/4/97  
 Agency: Community & Regional Affairs

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PUBLIC NOTICE

15 AAC 104.645(j)

Enforcement of Local Option Elections

Notice is also given that any person interested may present written comments relevant to the proposed action, including potential costs to private persons of complying with the proposed action by writing to Douglas B. Griffin, director, Alcoholic Beverage Control Board 550 W 7th

Avenue, STE 350, Anchorage, Alaska 99501, so that they are received no later than April 30,

1997. Additionally, any interested person may present oral or written comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, at a public hearing on the proposed regulations that will be held at the Legislative Information Office site, at the State Office Building, room 13, Valdez, Alaska 99686 for teleconference hearings on the proposed regulations dealing with local option enforcement for communities on the highway system. The hearing will be held on Monday, April 14, 1997 starting at 6:30 p.m. from the Valdez LIO office. The public hearing will have teleconference connections to Legislative Information offices at the following locations that will allow persons interested in commenting to submit oral comments relevant to the proposed regulations from the following locations:

Glennallen LIO	Community Library	Phone #	822-5588
Gakona Hotel	128.5 Richardson Hwy	Phone #	822-3664
Anchorage LIO	716 W 4th Ave, STE 200	Phone #	258-8111

Interested persons may submit oral comments relevant to the proposed regulations at any of the Legislative Information Offices listed above locations, at the time and specified above.

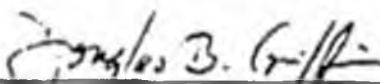
This action is not expected to require an increase appropriation.

If you are a person with a disability who may need a special modification or special assistance in order to comment on the proposed regulation, please contact Verna Hallett at 277-8638 by April 10, 1997.

Copies of the proposed regulations may be obtained by writing to the Alcoholic Beverage Control Board, 550 W. 7th Ave., STE 350, Anchorage, Alaska 99501.

After the close of the public comment period, the Department of Revenue will either adopt these or other proposals dealing with the same subject, without further notice, or decide to take no action on them. You should comment during the time allowed if your interest could be affected.

DATE: March 26 1997

  
\_\_\_\_\_  
Douglas B. Griffin, Director  
Alcoholic Beverage Control Board

Register \_\_\_\_\_ 1997 REVENUE

15 AAC 104.645(j) is amended to read:

(j) For purposes of this section and AS 04.11.491, 04.11.497 and 04.11.503, "perimeter" means a line around an established village; the line is a circle with a five-mile radius, having at its center a post office station or, if there is no post office station

site reasonably designated by the local governing body or the board if there is no local governing body. But excluding from that circle

- (1) any area that is within an incorporated city; and
- (2) any area that is within another established village.

If, however, the established village is accessible by a regular (not modified) passenger motor vehicle from a road or highway as defined herein, the perimeter is not a five mile radius surrounding the village, but shall be limited to the area generally considered to constitute the village, and includes the entire contiguous growth and development area of the village. For purposes of this subsection, road or highway means one of the following located in Alaska: Alaska Highway, Cooper River Highway, Dalton Highway, Denali Highway, Edgerton Highway, McCarthy Road, Elliot Highway, George Parks Highway, Glenn Highway, Haines Highway, Klondike Highway, Richardson Highway, Seward Highway, Steese Highway, Chena Hot Springs Road, Sterling Highway, Taylor Highway, and the Top of the World Highway.

(Eff. 11/29/81, Register 80; am 3/31/85, Register 93; am 10/24/87, Register 104; am 7/30/89, Register 111; am 5/1/94, Register 130; am 5/11/96, Register 138; am \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 04.06.090	AS 04.11.491	AS 04.16.052
	AS 04.06.100	AS 04.11.497	AS 04.16.060
	AS 04.11.010	AS 04.11.503	AS 04.16.125
	AS 04.11.150	AS 04.16.051	

Post-It™ brand fax transmittal memo 7671		# of pages > 1	
To	REP. KUBINA	From	Doug Griffin
Co	ATTN: KATRINA	Co	ABC
Dept		Phone	277-8638
Fax	465-3799	Fax	272-9412

# Alaska House of Representatives

## State Capitol

Juneau, Alaska 99801-1182

Fax: (907) 465-3799

RE: House Bill No 212

Dear Representative Kubina:

I have reviewed HB 212, a bill you introduced on March 25, 1997 relating to determination of an established village for purposes of enforcing local option alcohol restrictions in the unorganized borough.

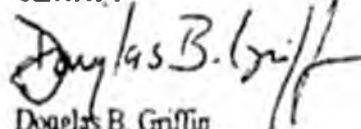
This bill is in response to a very real situation that exists relating to the ban on sale, importation, and possession of alcohol in the village of Gulkana. Gulkana is the first community adjacent to a major Alaska highway to enact such a ban by public vote. In the process of working to establish enforcement jurisdiction for this community it became clear that statutory and regulatory direction which has worked well in rural Alaskan communities off the road system does not adapt itself as well to regulate alcohol possession and use in road system villages.

HB 212 gives the Alcoholic Beverage Control Board discretion to take into account facts and situations that are unique in defining the enforcement area of and around a village that approves local option alcohol restrictions. I support this flexibility because it allows the ABC Board to consider local opinions, geography, impacts on tourism related activities, established land uses, land ownership, access, and settlement and residency patterns in and around a village when it establishes a perimeter other than the five-mile radius standard.

This role of balancing the right of citizens and communities to protect themselves from alcohol abuse with the privilege of conditionally selling and responsibly enjoying alcoholic beverages is one the ABC Board is accustomed to performing. I believe the ABC Board and its staff have the experience and judgement to fairly use the authority delegated to it in HB 212 and make the regulation of alcoholic beverages even more responsive to local concerns. While the ABC Board has not taken a formal position on this legislation, I believe it would concur that the approach of HB 212 to resolve conflicts is sound.

I will be available to speak in support of HB 212 at the April 4 hearing before the House Community and Regional Affairs Committee. I will also be happy to respond to any questions you may have on this issue.

Sincerely,



Douglas B. Griffin  
Director

cc: ABC Board Members  
Bob Bartholomew, Legislative Liaison, Dept of Revenue

Rep. Gene Kubina  
P.O. Box 2463  
Valdez, Alaska 99686


Dear Mr. Kubina,

Enclosed is a petition representing Gakona Community's decision regarding the Local Options Law that Guikana Village voted in recently. Our community should NOT be confused with Gakona Village. I know you have been here as you have stood in my front yard one day (next to the Gakona Post Office) when I was out working with my dogs. You complimented me on how they behaved.

Early last week my husband & I faxed you a letter in reference to this issue also. Hopefully, you received it. This is a big issue in our community.

Please keep us as up-to-date as you can regarding this situation? It would be greatly appreciated.

Sincerely,



Sandra Lappi  
Box 207  
Gakona, Ak. 99586

Ph# (907) 822-3320  
email- lappi@alaska.net  
fax# 907-822-5946

WE, THE UNDERSIGNED, DO HEREBY REJECT ANY ACTION BY ANY FEDERAL OR STATE LAW THAT WOULD INFRINGE UPON OUR CIVIL RIGHTS.

WE SUPPORT GULKANA VILLAGE'S DECISION TO BAN LIQUOR FROM THEIR VILLAGE.

WE DO NOT SUPPORT ANY DECISION THAT EXCEEDS THE EXACT GULKANA VILLAGE PROPERTIES!

SIGNATURE                  PRINT                  PHYSICAL ADD.                  PHONE #

✓ ~~John~~ Bruno Gauris Mile 8 Tokuloff 822 5947

Gordon R Brown MILE 7 1/2 TOK CUT OFF

✓ ~~John~~ John Gato mi 2.5 TOK CUT OFF 822 5021

✓ ~~Bob~~ BOB FLINT Mile 9 TOK CUT OFF 822-3070

✓ Joe LaFaire 11CO 2 Box 157 Gulkana, AK

✓ Fred Henry mile 4.7 Fok Road Box 125 Gulkana, AK 822-3304 99586

✓ Jim Hopkin Box 308 MI 2 1/2 TOKENY GULKANA AK 822 5496 99586

✓ ~~James~~ James + Judy Box 9 Gulkana, AK 822-3376 99586

✓ ~~James~~ James + Judy Box 9 Gulkana, AK

✓ ~~John~~ John + Judy Box 9 Gulkana, AK

✓ ~~John~~ GREG Smith Mile 2.45 Gulkana, AK 99586

✓ ~~James~~ James + Judy Box 9 Gulkana, AK 99586

✓ ~~John~~ John + Judy Box 9 Gulkana, AK

✓ ~~John~~ John + Judy Box 132 Mile 4.25 TOK CUT OFF

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SIGNATURE                  PRINT                  PHYSICAL ADD.                  PHONE #

✓ Warren Ulrich WARREN ULRICH RICHARDSON HWY 822-3071  
Mj 132

✓ Heidi McMahan Heidi McMahan Mi. 1.5 Tok Cutoff 822-3441

✓ Francine McMahan Francine McMahan Mi. 1.5 Tok Rd. 822-3441

✓ Harley McMahan Harley McMahan 1.5 Tok Rd 822-3441

✓ Christine Egbert Christine Egbert Mi. 2.5 Tok cutoff 822-5016

✓ Annalee Egbert Annalee Egbert Mi. 2.5 Tok cutoff 822-5991

✓ Steve Terrell STEVE TERRELL Mi. 12.5 Rd 822-3168

✓ Gail Troll GAIL TROLL Mi. 2.5 Tok cutoff 822-3634

✓ TERESA GATES TERESA GATES MILE 2.5 TOK Cutoff 822-5021

✓ MARY SCHLENKER MARY SCHLENKER MILE .5 TOK RD 822-3103

✓ Hilly Lapp Hilly Lapp Mi. 2.5 Tok Rd 822-3302

✓ Cathy King Cathy King mi. 2.5 Tok Rd 822-3391

✓ Susan Susan Fall 11.6 Tok 822-3181

✓ Terry Spauldon Terry Spauldon Mi. 2.5 Tok Cutoff 822-3852

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SIGNATURE PRINT PHYSICAL ADD. PHONE #

- ✓ Mark Mark MILE 100.5 Richardson 822-3664
- ✓ Shirley LeMaster Shirley LeMaster Mile 128.5 Richardson 822-3664
- ✓ Gregory R Colang GREGORY R. COLANG MILE 117.5 RICH 822-3968
- ✓ Cindy L Rhodes CINDY L RHODES HURTS GLENHAY 822-3663
- ✓ Douglas Rhodes P.O. Box 110 Glennallen AK 99588
- ✓ Nancy D. Honderk Hco. 1 Box 275 Gakona, AK 99586 5174
- ✓ Dean Brington Box 2.5 Tok Cutoff 822-3981  
Gakona AK
- ✓ Barbara Brington Barbara Brington Mile 2.5 Tok Cutoff 822-3981
- ✓ Emilie Frisbie Emilie Frisbie 1/2 mile Tok Cutoff 822-3662
- ✓ Mark Jaltun 1/2 mile Tok Cutoff NO PHONE
- ✓ R.A. Frisbie Sub A Tok Mile 1/2 Tok Rd, Gakona 822-3062
- ✓ Gerard W Strand GERARD W STRAND MILE 2 TOK RD GAKONA, AK  
99586
- ✓ Donovan Maher DONOVAN MAHER 8.5 Tok Cutoff 822-5512
- ✓ Nellie R. Ulrich Nellie R. Ulrich MP 132 Richardson Hwy 822-3071

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SIGNATURE	PRINT	PHYSICAL ADD.	PHONE #
<i>[Handwritten Signature]</i>	JULIE SWE	MI 2.2 TOK HAY	822-3015
<i>[Handwritten Signature]</i>	William Leonard	129 R. Star Leon	822-5380
<i>[Handwritten Signature]</i>	Keri E Barnard	MI 2 Tok Cut Off	822-5087
<i>[Handwritten Signature]</i>	CHEFT FERRILL	MI 128.5 RICHMON	822-3465
<i>[Handwritten Signature]</i>	LUNDA SMYTHE	MI 128.9 RICHMON	822-5073
<i>[Handwritten Signature]</i>	Michael J Suelton	MI 2.5 Tok Cut-off	822-3471
<i>[Handwritten Signature]</i>	Judy H. Shelton	MP 1/4 Tok Cut Off Gulkana	822-3471
<i>[Handwritten Signature]</i>	John J Srrang	MP Tok Cut Off Gulkana	822-3482
<i>[Handwritten Signature]</i>	BENNY T BURNAS	M. 5 TOK CUT OFF GULKANA	822-3600
<i>[Handwritten Signature]</i>	Sandra Lappi	MI 2.5 Tok Hay	822-3320
<i>[Handwritten Signature]</i>	MAEK LAPPI	MI 2.5 Tok Hay	822-3320
<i>[Handwritten Signature]</i>	Don Bedwick	M.P. 2.6 Tok Hay	822-3170
<i>[Handwritten Signature]</i>	MW Jenkins	MP 0.5 Tok Hay	822-3935
<i>[Handwritten Signature]</i>	MARIE JENKINS	MP 0.5 Tok Hay	822-3935
<i>[Handwritten Signature]</i>	RONALD N SIMON	Jump Rd Copper Pt	822-3647

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SIGNATURE	PRINT	PHYSICAL ADD.	PHONE #
<i>[Signature]</i>	<i>[Signature]</i>	11712 <i>[Address]</i>	<i>[Phone]</i>
<i>[Signature]</i>	Resin Wharton	Tazlina Tract	<i>[Phone]</i>
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Address]</i>	<i>[Phone]</i>
<i>[Signature]</i>	Dennis Petty	188 Glenn Hwy	907 822-3821
<i>[Signature]</i>	Larry D Hudskoetter	105 Ribbman Hwy	822-3479
<i>[Signature]</i>	ERIK MAYNELL	Mile 197 Glenn	
<i>[Signature]</i>	Dann Pecker	Tazlina Tract	822-3857
<i>[Signature]</i>	John Downe	Box 309 Copper Ctr AK	99573
<i>[Signature]</i>	Lisa Downe	Box 309 Copper Ctr	AK 99573
<i>[Signature]</i>	David B. Bell	Box 154 Gakona, AK	99586
<i>[Signature]</i>	Sue Strang	Box 194 Gakona, AK	99586
<i>[Signature]</i>	Logan Leppi	Box 194 Gakona, AK	99586
<i>[Signature]</i>	Alan Heger	Box 141 Gakona AK	99586
<i>[Signature]</i>	Amy Kirkway	Box 283 Gakona AK	99586 822 56 31

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SIGNATURE                  PRINT                  PHYSICAL ADD.                  PHONE #

✓ ~~Michael J. Hargan~~ Michael J. Hargan mile 182 822-3780  
✓ Richard L. Cross P.O. Box 204 Glenallen, Pa 822-5153  
✓ De Du Wilson P.O. Box 322 Copper Center mile 89 14th Hwy 822-3706  
✓ ~~Richard L. Cross~~ P.O. Box 110 mile 1835  
✓ Frederick B. Cross P.O. Box 483 mile 1835  
✓ Rene M. Sprinkle Rene M. Sprinkle Mile 2.5 Tok Cutoff 907-822-3652  
Barbara A. Goosen Barbara A. Goosen Mile 2.5 Tok Cutoff 907-822-3440  
✓ Eric P. Goosen ERIC P. GOOSEN Mile 2.5 Tok Cutoff 822-3440

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

Emilie Frisbie  
P O Box 635  
Glennallen, Alaska 99588

February 22, 1997

Representative Gene Kubina  
State Capitol Room 404  
Juneau, Alaska 99801-1182

Dear Representative Kubina,

I am writing to you with a request to help the people of Gakona and the village of Gulkana. I have great respect for the people of Gulkana and their efforts to help themselves by voting to become a dry village. As you are aware, this is a village on the road system and therefore there are no statutes to help enforce the law without taking in the surrounding area. This is where the people of Gakona come into the equation. We would like to support the village, but not at the expense of giving up our constitutional rights of freedom of choice. We have had no choice in the local option, and the village of Gulkana had no intentions of the community of Gakona being pulled into the dry area.

Please help us keep the peace in our two communities. The community of Gakona has worked hard for the past four years to form a volunteer fire department. The people of Gulkana have given us their support in our efforts and they are in our service area. This issue has the potential of disrupting our easy coexistence. There were approximately 46 ballots sent out for the vote on local option. These to the people of Gulkana because the ABCB and the Division of Elections felt that the boundaries were distinct. If they elect to go with the current law on local option, approximately 230 people will be effected that had no voice in the vote.

Please give this issue your consideration. I would like to give the people of Gulkana my support in solving a very real problem in their village. Thank you for your time.

*Emilie Frisbie*

CC: Representative Irene Nicholia  
Senator Georgianna Lincoln  
Fran Ulmer, Lieutenant Governor  
Shelly Growden, Elections Supervisor  
Doug Griffin, ABCP Director

Feb. 24, 1997

Rep. Gene Kubina  
P.O. Box 2463  
Valdez, Alaska 99686

Dear Mr. Kubina,

It is with sincere urgency I write this letter.

You are probably most aware that Gulkana Village at Mile 127, on the Richardson Highway, voted to ban alcohol in their village. The voted was certified as of January 28, 1997. The citizens of the Gakona Community have been pulled into this decision because of the 5 mile radius portion of this law. The entire body of people that are affected by this law did not get a chance to vote.

It would seem that though we would defend the rights for the Gulkana citizens to have a say in what happens in their community, we of Gakona Community would not be granted the same equal rights by our own State Government, which in all fairness has gone against the US Constitution.

This law is how Gulkana Village has chosen to deal with issues within their village. This law for the residents of Gakona is not an alcohol issue nor should it be misconstrued as a prejudicial issue. We people of Gakona feel our Civil Rights have been violated.

It would seem that the reason we have no defense against this law is because there are no boundaries set or established for a Gakona Community. This is false, anyone who has lived in this area for any length of time knows there have always been boundaries that have been backed up by the state. Since the time of State Operated Schools and up to the present, our community has been defined by school attendance areas and School bus routes. We are

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also defined by the State of Alaska through our Volunteer Fire Department. Which according to State Guidelines had to register a service area, which pretty much sums up the area that was and is still recognized by School boundaries, bus routes and most especially the people that live here.

This law that is being forced upon us, is not the wish of the people of Gulkana Village, it is not the wish of the people who live in the Gakona Community.

Why does the State of Alaska and the ABC Board feel compelled to impose problems upon the people of these communities? Is there any kind of contingencies by the State to deal with this law? If not, WHY?

It would seem obvious, at some point in time, this law was bound to have an adverse effect on many citizens in the State of Alaska.

Hopefully, this matter can be resolved quickly, reasonably and with the consideration of everyone concerned.

Sincerely,  
Mark and Sandra Lappi  
P.O. Box 207, Mile 2.5 Tok Hwy.  
Gakona, Alaska 99586

JH

P.O. Box 1  
Gakona AK 99586  
February 28, 1997

Representative Gene Kubina  
House of Representatives  
Room 406  
State Capitol  
Juneau AK 99801-1182

Dear Representative Kubina:

The recent vote in Gulkana Village to become dry has created, perhaps unforeseen, problems. The current statutes and regulations were written with bush communities, who wished to restrict alcohol, in mind. Gulkana Village, however, is on the road system and bordered by a sizeable non-native population. This population, including us, is also affected by the Gulkana decision and was not given an opportunity to vote.

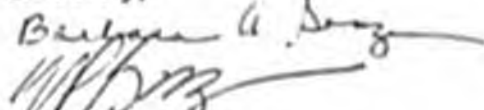
The citizens of Gakona respect the decision of Gulkana to become a dry village. We do not wish to change that. From testimony given at the February 25th meeting, it is clear that Gulkana natives had no intention of having any liquor ban imposed outside the village limit.

It seems that our communities are united in the action that must be taken. The statutes and regulations need to be rewritten to serve native and non-native communities on the road system. Please support legislation and revision of the Alcohol Beverage Control Board regulations to permit native villages the right to be dry and the enforcement area be limited to their townsite. The five mile radius circle of imposition needs to be eliminated for dry villages on the road system.

Doug Griffin, head of the State Alcohol Beverage Control Board, listened well to everyone's concerns and did a very respectable job answering questions and providing information. We feel that he now understands the complexity of the situation.

The citizens of Gulkana have requested a Village Safety Officer. We support that request without, however, giving up any authority of the Alaska State Troopers.

Sincerely,



Barbara A. Goozen  
Eric P. Goozen

# ***Gakona Junction Village, Inc.***

**P. O. Box 222**

**GAKONA, AK 99586**

Phone: (907) 822-3664 FAX: (907) 822-3696 Watts: (800) 962-1933 E-mail: [gakona@alaska.net](mailto:gakona@alaska.net)

## **Memorandum**

To: Hon. Gene Kubina, Representative - District 35

From: I. Alan LeMaster, President - Gakona Junction Village, Inc.

Subject: Local Option - Gulkana Village

Date: February 26, 1997

Good Morning,

As you are aware, a meeting was held in Gulkana Village last evening to discuss the recent vote for local option by the Gulkana community. There were in excess of 100 souls in attendance including, from the AHD - Mr. Douglas Griffin, Director, Mr. Bert Cottle, Board Member, Mr. Bill Roach, Inspector, and Ms. Bawson, Dept. of Law; from the Alaska State Troopers, Trooper Ridling, Sgt. Maynard and Capt. Savage, members of the Gulkana Village Council and about seventy-five people from this community that reside outside the village.

Some thirty persons testified and during the question and answer period the discussion was lively and continued for about 1 1/2 hours. The testimony included substantial concern over the violation of civil liberties in terms of being governed by a law wherein only a select few were able to vote. Other testimony addressed the inadequacy of the law as it is written when applied to communities other than remote villages.

A good deal of discussion was concerning several questions the AHD Director and the Board had about how we felt the issues should be handled and response from the community on those concerns.

Near the end of the meeting a lively work session was held to try to definitively determine the real boundaries of the Gulkana Village. Some progress was made but there is concern that the village wishes to extend the boundary beyond the legal descriptions to include private lands adjoining their jurisdiction. That question is important and should be carefully considered in making any final determination so we do not encourage court challenges. In the final analysis the meeting was orderly, intense, and productive.

By consensus of the those in attendance, three areas of agreement became evident. First the law, as written, is not enforceable and vulnerable to legal challenge at many levels, both state and federal. Second, the regulations, as written, must also be revised and up-dated to conform to any new statutory language that might be effected by the legislature. And third, the law should be revised to allow a regulatory agency to set the boundaries of the area seeking local option, especially when the area affected is surrounded by other communities that have not vote on the issue. Which agency was left open to those of you that are better equipped to make that judgement but the Alcoholic Control Board, the Boundary Commission, and the Alaska Department of Community and Regional Affairs were three that were mentioned.

Now is the time to begin to make some sense of this law and the place to start is with your office. I would like to see the 1997 Legislature address the law with a bill revising the law this session. Being a bi-partisan issue and with everyone in agreement as to the definition of the problem, the practical solutions, and the need for change, it should help to make it relatively easy to place on the Fast-Track and get a law pushed through this session. Without an effective law, my business and that of Gakona Lodge is in jeopardy.

Director Griffin, Inspector Roach and Attorney Bruuou all agreed that this is priority one on their desk. They committed to me that they will lend full cooperation to your office in defining the law the problem and revising. There is little left to do but to get started.

I know you are fully aware of the need and willing to do your part to effect a solution. If there is any thing we constituents can do to assist you, please do not hesitate to call on us. We all stand ready to help. With diligent work of your office, the cooperation of the AHD staff and board and the support of the community, I am certain we will succeed.

I am enclosing a copy of the testimony I presented at the meeting.

Sincerely,

L. Alan LeMaster, President  
Gakona Junction Village, Inc.

cc Mr. Douglas Griffin, Director - Alcoholic Control Board  
Mr. Bert Conle, Board Member - Alcoholic Control Board  
Mr. Jeremy Weld, Publisher - Copper River County Journal  
File

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cc:Mail for: Katrina Matheny

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Subject: Gulkana Village Alcohol Law

▷ Forwarded: Representative Gene Kubina 2/26/97 2:15 PM

To: Katrina Matheny

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Representative Gene Kubina  
P.O. box 2463  
Valdez, AK 99686

Dear Mr. Kubina,

I have recently become aware of a law that has been voted on and passed that will have a very real effect on the community in which I live. Since all the people that this law will impact, were not given the opportunity to vote on the law, I feel, very strongly that our rights, as citizens of the State of Alaska and the United States have been seriously violated.

I am referring to the law which will ban the sale and/or possession of alcohol in the Gulkana Village. I fully support Gulkana Village's right to impose such restrictions on their Village, however, the law will also affect an area outside of the perimeter of Gulkana Village. The residents of the Gakona community, which is adjacent to Gulkana Village will be effected by this law as well and had no chance to give their input on the issue or to cast their vote.

This law, as it stands at the present time, would have numerous and far-reaching results on the residents of the Gakona community and other Alaska residents as well. It is not inconceivable that property values and the tourist industry would be adversely affected.

I strongly believe that this issue should have and warrants the immediate attention of our State government. The Rights of the people of the State of Alaska are being abused and that is an unacceptable situation.

Thank you,  
Steve and Linda Smythe  
P.O. Box 338  
Gakona, AK 99586

Robert A. Frisbie  
P.O. Box 635  
Glennallen  
Alaska 99588  
February 21, 1997

Shelly Growden, Elections Supervision  
Central Region, Div. of Elections  
675 7th Ave, Station H  
Fairbanks, Alaska 99701-4594

Dear Ms Growden,

I feel there are some major problems regarding the recent vote taken in the village of Gulkana. While I applaud their efforts to keep alcohol out of their community, the law that permits this type of vote was written for bush communities. not areas accessible by the road system. If the five-mile radius provided in this law is observed, there are a great many more people affected than just those living in Gulkana village.

I live at Mile  $\frac{1}{2}$ , on the Tok Cut-off. I have always assumed I lived in the community of Gakona. If there is to be some determination of "wet" or "dry" that affects me, I feel I should be able to vote on it. I know several people who are residents of Gulkana that did not receive ballots. There are a lot of people in the five-mile radius who did not receive ballots.

I read the Draft Enforcement Plan written by Doug Griffin, the Director of the Alcoholic Beverage Control Board. He proposes the area for enforcement of the ban be the 300 acre townsite occupied by the village of Gulkana. I agree with this, since they are the only people who were allowed to vote on this issue.

The problem with this is that the law clearly provides for a five-mile radius. It is my feeling that a new election must be held, with ballots going to every legal voter in the affected area. The only other solution is for a new law to be written that will cover only the people in a village.

Yours truly,

*Robert A. Frisbie*

cc: Senator Lincoln  
Representative Kubina  
Representative Nicholia  
Doug Griffin