

HB

212

Alaska State Legislature



Committees
Labor & Commerce
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World Trade
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Special Committee
on Fisheries

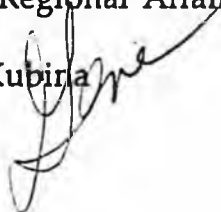
Representative Eugene Kubina
House Minority Leader

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

During Interim:
P.O. Box 2463
Valdez, Alaska 99666

MEMORANDUM

TO: Senator Jerry Mackie, Chair
Senate Community & Regional Affairs Committee

FROM: Representative Gene Kubina 

DATE: May 6, 1997

RE: Scheduling of HB 212

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".

I urge you to schedule this bill as soon as possible.

Thank you.

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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," 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.

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 Commissioner: _____ Date: 4/4/97
 Agency: Community & Regional Affairs

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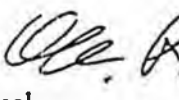
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 9, 1997

SUBJECT: Sectional Summary of HB 212

TO: Representative Gene Kubina
Attn: Katrina

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that the perimeter of an established village is the area within a five-mile radius of the village post office, or a site selected by the local governing body or the A.B.C. board if no local governing body exists. Specifies that the perimeter does not include an area within a municipality or within another established village. Allows the A.B.C. board to determine a village's perimeter if the board determines that under (a) and (b) the perimeter does not accurately reflect the true perimeter of the village.

Section 2. Effective date of July 1, 1997.

MFF:jdr
97-257:jdr

Representative Gene Kubina

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.

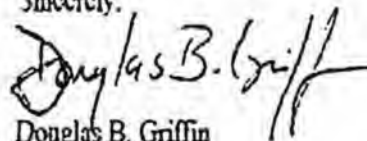
This bill is in response to a very real situation that exists relating to the ban on sale, importation, and possession of alcohol in the village of Gulkana. Gulkana is the first community adjacent to a major Alaska highway to enact such a ban by public vote. In the process of working to establish enforcement 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