

SB

261

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 24, 2010

FURTHER REFERRALS:

Date of Committee Action: 4-6-10

The STATE AFFAIRS Committee considered: CS FOR SENATE BILL NO. 261(L&C)

"An Act relating to the membership of the Alcoholic Beverage Control Board; and providing for an effective date."

SB 261-ALCOHOLIC BEVERAGE CONTROL BD MEMBERS

Recommends it be replaced with HCS or CS for SB 261 (STA)
For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

- List of Abbrev for Depts.:
- ADM
 - CED
 - COR
 - CRT
 - EED
 - DEC
 - DFG
 - GOV
 - DHS
 - LWF
 - LAW
 - LEG
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DPS				X

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson				X
	Gatto			X	
	Gruening				
	WILSON	X			
	PETERSEN	X			
Vice Chair:	Seaton	X			
Chair:					

Alaska State Legislature



Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From

REPRESENTATIVE BOB LYNN **District 31 Anchorage**

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"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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To: Legal Services

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of Pages (including cover): 4

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Re SB 261 26-LS1406\P

04/06/2010

state affairs
The House Finance Committee moved SB 261 Version P as amended. Please draft a final CS with the following amendments. A paragraph, written on Version P, was adopted with the CS and later, under Amendment 3, that paragraph had a portion *deleted*

"Is an established village that is located in a borough or in the unorganized borough; for purposes of this subparagraph, "established village" has the meaning given in AS.04.21.080."

Conceptual Amendment #1 (Johnson)
Failed

Conceptual Amendment #2 (Johnson)
See attached

Amendment #3 (Gruenberg)
Page 2, portion of bill the was written in, after semi-colon – *delete* "for purposes of this subparagraph, "established village" has the meaning given in AS.04.21.080"

Conceptual Amendment #4 (Seaton)
The number used for the community population for determining the 6000 cutoff will be the number used for Community Revenue Sharing program by the State of Alaska.

HOUSE CS FOR CS FOR SENATE BILL NO. 261()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the membership of the Alcoholic Beverage Control Board; and
2 providing for an effective date."

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

4 * Section 1. AS 04.06.020 is amended to read:

5 **Sec. 04.06.020. Appointment and qualifications.** The board consists of five
6 members appointed by the governor and confirmed by a majority of the members of
7 the legislature in joint session. A member of the board may not hold any other state or
8 federal office, either elective or appointive. Two members of the board shall be
9 persons actively engaged in the alcoholic beverage industry, except that no member
10 may hold a wholesale license or be an officer, agent, or employee of a wholesale
11 alcoholic beverage enterprise. Not more than two [NO THREE] members of the
12 board may be engaged in the same business, occupation, or profession. Three [AT
13 LEAST THREE] members of the board, at least one of whom shall reside in a rural
14 area, shall represent the general public. A board member representing the general

1 public or an immediate family member of a board member representing the general
2 public may not have any financial interest in the alcoholic beverage industry. In this
3 section,

- 4 (1) "immediate family member" means a spouse, child, or parent;
- 5 (2) "rural area" means a community with a population of 6,000 or
6 less that is not connected by road or rail to Anchorage or Fairbanks, and that is

7 (A) a city; for purposes of this subparagraph, "city" has the
8 meaning given in AS 29.71.800; or

9 (B) ~~an established village.~~

10 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 TRANSITION. The requirement that at least one member of the Alcoholic Beverage
13 Control Board be a resident of a rural area added in AS 04.06.020, as amended by sec. 1 of
14 this Act, first applies on the date the first term of office of a board member who represents the
15 general public expires, and applies thereafter.

16 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

(B) IS AN ESTABLISHED VILLAGE THAT IS
 LOCATED IN A BOROUGH OR IN THE
 UNORGANIZED BOROUGH; FOR
 PURPOSES OF THIS SUBPARAGRAPH,
 "ESTABLISHED VILLAGE" HAS THE
 MEANING GIVEN IN AS 04.01.080.

This language was adopted with AS version P. Later a portion was deleted.

CONCEPTUAL AMENDMENT

2

TO: LS 1406 / P
Page 2, Line 6, following "Fairbanks,"

ADD: "or a community of more than 6,000 that is not connected
by road or rail to Anchorage or Fairbanks and has
participated in a local-option election,"

Pg 2 Line 5

HOUSE CS FOR CS FOR SENATE BILL NO. 261(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the membership of the Alcoholic Beverage Control Board; and**
 2 **providing for an effective date."**

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

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 6 members appointed by the governor and confirmed by a majority of the members of
 7 the legislature in joint session. A member of the board may not hold any other state or
 8 federal office, either elective or appointive. Two members of the board shall be
 9 persons actively engaged in the alcoholic beverage industry, except that no member
 10 may hold a wholesale license or be an officer, agent, or employee of a wholesale
 11 alcoholic beverage enterprise. **Not more than two** [NO THREE] members of the
 12 board may be engaged in the same business, occupation, or profession. **Three** [AT
 13 LEAST THREE] members of the board, **at least one of whom shall reside in a rural**
 14 **area,** shall represent the general public. A board member representing the general

1 public or an immediate family member of a board member representing the general
 2 public may not have any financial interest in the alcoholic beverage industry. In this
 3 section,

4 **(1) "immediate family member" means a spouse, child, or parent;**

5 **(2) "rural area" means a community that is not connected by road**
 6 **or rail to Anchorage or Fairbanks, that has a population of 6,000 or less or that**
 7 **has a population of more than 6,000 and has participated in a local option**
 8 **election under AS 04.11.491, and that is**

9 **(A) a city; for purposes of this subparagraph, "city" has the**
 10 **meaning given in AS 29.71.800; or**

11 **(B) an established village that is located in a borough or in**
 12 **the unorganized borough.**

13 * **Sec. 2.** AS 04.06.020 is amended by adding a new subsection to read:

14 (b) For purposes of (a)(2) of this section, the population of a community is the
 15 population for that community as determined under AS 29.60.860(c).

16 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 **TRANSITION.** The requirement that at least one member of the Alcoholic Beverage
 19 Control Board be a resident of a rural area added in AS 04.06.020, as amended by secs. 1 and
 20 2 of this Act, first applies on the date the first term of office of a board member who
 21 represents the general public expires, and applies thereafter.

22 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

Sec. 29.60.860

(b) The per capita amount distributed to each community in the unorganized area shall not, when added to the basic community reserve sharing payment for that community,

(c) For purposes of this section, the population of a municipality, reserve, or community shall be determined by using the numbers of permanent fund dividend recipients or other population data that the department determines is reliable. For purposes of determining the population of a borough, the population of each city in the borough shall be deducted from the total borough population.

Alaska Cabaret, Hotel,
Restaurant and Retailer's Association



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Anchorage, AK 99503
(907) 274-8133 • Fax (907) 274-8640
Toll Free In Alaska (800) 478-3427

April 2, 2010

The Honorable Bob Lynn
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Representative Lynn,

Alaska CHARR remains concerned about Senate Bill 261, a bill relating to ABC Board Members.

This bill would require that one of the five members of the Alcoholic Beverage Control Board the governor appoints be from a small portion of the population.

As written, SB261 would only allow the governor to consider people from unorganized boroughs who have held a local option election which would result in the governor being restricted to just a couple of percent of the state's populations for this appointment.

I understand there may be an amendment that would allow any community that has held a local option election, whether inside or outside of a borough, to be considered. This is also a very small percentage of Alaska's population.

Attached is the list of communities that have had local option elections which shows the total population of those communities. Those eligible for appointment to the seat represent approximately 6% of Alaska's population.

We believe the governors of the State of Alaska have always done an excellent job ensuring fair representation for all Alaskans on this very important board, and that this legislation will make it more difficult for future governors.

There was discussion about the current rural representative, Belen Cook, who as mentioned in our testimony, works for the Native Village of Eyak as a domestic violence and substance abuse case manager and is the chair of their Annual Sobriety Celebration. Ms. Cook's term does not expire until 2013 and if we were following the proposed law, she would not qualify as an appropriate candidate because her community has not had a local option election.

Representative Lynn, I urge you to oppose Senate Bill 261 because board appointments should be made based on qualifications and ability to best represent all Alaskans.

Sincerely,

Dale G. Fox, CAE
President & CEO, Alaska CHARR

This document has been sent from the Alaska CHARR Headquarters Building. Sitka CHARR Office



ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

MEMORANDUM

DATE: March 24, 2010

TO: Representative Bob Lynn, Chairman
House State Affairs Committee

FROM: Senator Donald Olson *D.O.*
Senate District T

SUBJ: Request for Committee Hearing - CSSB 261 (L&C)

I request your consideration for scheduling a committee hearing for this bill, which would identify one of the three public members of the Alcoholic Beverage Control Board, as a rural public member.

Attached are two bill versions, sponsor statement/sectional, ZERO fiscal note, and support letters from Kawerak, and the Regional Wellness Forum. No public opposition has been discovered.

SB 261 has received seven DO-PASS recommendations in the Senate, and passed the floor vote 18 YEA, 1 NAY, 1 excused.

If there are any questions, contact Tim Benintendi of my office at 465-4989. Thank you.

4-6-10

Communities

*in Alaska under
6000 population*

Community	Population
King Island	0
Mary's Igloo	0
Ekuk	0
Bill Moore's Slough	0
Chuloonawick	0
Hamilton	0
Napaimute	0
Ohogamiut	0
Umkumiute	0
Flat	0
Belkofski	0
Pauloff Harbor	0
Unga	0
Ivanof Bay	0
Afognak	0
Kaguyak	0
Kanatak	0
Woody Island	0
Port William	0
Cube Cove	0
Hobart Bay	1
Solomon	2
Paimiut	2
Georgetown	3
Telida	3
Pope-Vannoy Landing	5
Council	6
Portage Creek	7
Excursion Inlet	12
Evansville	14
Attu Station	15
Ugashik	15
Rampart	16
Lake Minchumina	17
Meyers Chuck	17
Game Creek	18
Bettles	22
Port Clarence	23
Halibut Cove	23
Beluga	24
Nikoiski	27
Kupreanof	27
Point Baker	27
Alatna	28
Elfin Cove	30
Lime Village	32

Birch Creek	34
New Allakaket	35
Karluk	38
False Pass	39
Jakolof Bay	39
Edna Bay	40
Iglugig	40
Pedro Bay	44
Chiniak	44
Takotna	46
Platinum	47
Red Devil	48
Whale Pass	48
Akhiok	48
Lutak	49
Port Alexander	51
Stony River	51
Clark's Point	54
Kasaan	54
Aleneva	56
Stevens Village	57
Chignik	59
Egegik	62
Beaver	65
Nelson Lagoon	65
Port Protection	66
Larsen Bay	67
South Naknek	68
Sleetmute	70
Levelock	70
Chalkyitsik	71
Chignik Lagoon	71
Hyder	72
Pilot Point	72
Atka	73
Twin Hills	75
Chenega Bay	76
Skwentna	80
Hughes	81
Anvik	84
Koyukuk	88
Nikolai	90
Cold Bay	90
Port Heiden	90
Oscarville	95
Iliamna	95
Allakaket	96

Tenakee Springs	99
Shageluk	102
Tatitlek	102
Klukwan	102
Chignik Lake	105
Kobuk	109
Chuathbaluk	111
Saint George	112
Pelican	113
Ekwok	121
Naukati Bay	124
Port Alsworth	125
Pitkas Point	126
Diomedea	128
Crooked Creek	132
Deering	133
Perryville	133
Port Graham	136
Andreafsky	137
Eyak	137
Wales	138
Coffman Cove	141
Mud Bay	143
Tyonek	154
Arctic Village	158
Golovin	160
Ruby	160
Newhalen	162
Ouzinkie	167
Mosquito Lake	167
Grayling	168
Hollis	172
Koliganek	174
Venetie	177
Adak	178
Kokhanok	179
Old Harbor	184
Kaltag	188
Port Lions	190
White Mountain	191
Holy Cross	194
Mekoryuk	195
Nondalton	202
Nunam Iqua	207
Atqasuk	219
Shaktolik	223
Goodnews Bay	225

Nanwalek	229
Upper Kalskag	235
Aleknagik	242
Nightmute	249
Tanana	252
Lower Kalskag	256
Point Lay	257
Ambler	259
Teller	260
Eek	272
Kaktovik	272
Shungnak	272
Nulato	274
Huslia	277
Anaktuvuk Pass	284
Elim	297
Atmautluak	306
McGrath	317
Tununak	332
Koyuk	333
Akiak	341
Hydaburg	341
Napakiak	348
Brevig Mission	350
Kwigillingok	352
Covenant Life	355
Newtok	357
Russian Mission	362
Kiana	383
Kivalina	406
King Salmon	409
Marshall	417
Tuntutuliak	417
Saxman	420
Nuiqsut	424
Manokotak	430
Angoon	430
Saint Michael	434
Napaskiak	435
Thorne Bay	440
Kongiganak	445
Gustavus	448
Saint Paul	450
Buckland	458
Chefornak	470
New Stuyahok	491
Aniak	494

Tuluksak	500
Noatak	512
Kake	519
Scammon Bay	533
Wainwright	534
Nunapitchuk	540
Saint Mary's	549
Naknek	552
Stebbins	577
Kasigluk	578
Galena	580
Shishmaref	587
Pilot Station	587
Fort Yukon	587
City and Borough of Yakutat	590
Toksook Bay	605
Kotlik	610
Noorvik	642
Akiachak	659
Quinhagak	661
Alakanuk	670
Gambell	673
Kipnuk	696
Womens Bay	701
Point Hope	713
Savoonga	722
Unalakleet	723
King Cove	750
Kwethluk	764
Mountain Village	765
Klawock	785
Emmonak	794
Akutan	796
Togiak	802
Hoonah	823
Selawik	846
Skagway Borough	846
Chevak	922
Sand Point	958
Craig	1,117
Hooper Bay	1,160
Metlakatla	1,318
Haines	1,475
City and Borough of Wrangell	2,112
Cordova	2,161
Dillingham	2,347
Petersburg	3,009

Kotzebue	3,126
Unalaska	3,551
Nome	3,570
Barrow	4,054
Bethel	5,665
Kodiak	5,974
Population Total	94,044

Bill Sponsor: Donny Olson

WORK DRAFT

WORK DRAFT

WORK DRAFT

26-LS1406P
Cook
4/5/10

HOUSE CS FOR CS FOR SENATE BILL NO. 261()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

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7 the legislature in joint session. A member of the board may not hold any other state or
8 federal office, either elective or appointive. Two members of the board shall be
9 persons actively engaged in the alcoholic beverage industry, except that no member
10 may hold a wholesale license or be an officer, agent, or employee of a wholesale
11 alcoholic beverage enterprise. Not more than two [NO THREE] members of the
12 board may be engaged in the same business, occupation, or profession. **Three** [AT
13 LEAST THREE] members of the board, at least one of whom shall reside in a rural
14 area, shall represent the general public. A board member representing the general

CONCEPTUAL AMENDMENT

2

TO: LS 1406 / P
Page 2, Line 6, following "Fairbanks,"

ADD: "or a community of more than 6,000 that is not connected
by road or rail to Anchorage or Fairbanks and has
participated in a local-option election,"

~~Gatto~~
~~Wilson~~
Amberg

CONCEPTUAL AMENDMENT

1

TO: LS 1406 / P
Page 2, following (B)

ADD: (C) but a rural area does not mean a community, city, or established village which is dry or damp under provisions of a local-option election.

Seaton

Wilson

Greenberg

Wilson

Galt

u y
/ /
/ /
/ /
/ /

1 public or an immediate family member of a board member representing the general
2 public may not have any financial interest in the alcoholic beverage industry. In this
3 section,

4 (1) "immediate family member" means a spouse, child, or parent;

5 (2) "rural area" means a community with a population of 6,000 or
6 less that is not connected by road or rail to Anchorage or Fairbanks, and that is

7 (A) a city; for purposes of this subparagraph, "city" has the
8 meaning given in AS 29.71.800; or

9 (B) ~~an established village.~~

10 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 TRANSITION. The requirement that at least one member of the Alcoholic Beverage
13 Control Board be a resident of a rural area added in AS 04.06.020, as amended by sec. 1 of
14 this Act, first applies on the date the first term of office of a board member who represents the
15 general public expires, and applies thereafter.

16 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Amend # 3

(B) IS AN ESTABLISHED VILLAGE THAT IS
LOCATED IN A BOROUGH OR IN THE
UNORGANIZED BOROUGH; FOR
PURPOSES OF THIS SUBPARAGRAPH,
"ESTABLISHED VILLAGE" HAS THE
MEANING GIVEN IN AS 04.21.080.

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

CSSB 261 (L&C) – Rural Seat on ABC Board

Version 26-LS1406/S, March 17, 2010

STAFF: Tim Benintendi, 465-4989

SPONSOR STATEMENT and SECTIONAL ANALYSIS

SPONSOR STATEMENT:

Alcohol problems of every shade are well known throughout Alaska, especially in Rural Alaska. Availability issues, illegal sales, underage consumption, the social, medical, and criminal dimensions of excessive consumption, and the public cost associated with remedial programs. All these greatly reduce the quality of life for rural residents. Wellness services cannot keep up with, let alone contain, the adverse impacts of alcohol consumption in our smallest communities.

The state's Alcoholic Beverage Control Board is composed of five members, two of whom must be actively engaged in the alcoholic beverage industry, and three of whom must represent the general public.

CSSB 261 (L&C) would redefine one of the general public seats specifically to be a resident of a rural area. The Committee Substitute defines a "rural area" as a community that is not connected by road or rail to Anchorage or Fairbanks, and that has participated in a local-option election, is a small city, or is an established village that is located in a borough, including the unorganized borough.

The intent of the bill is to raise the profile of the problem in an agency where more specific attention and action may be brought to address problems in our small, rural communities. CSSB 261 (L&C) chose to redefine one of the

public member seats, as opposed to raising the number of overall seats, so as not to affect other ABC Board dynamics, including voting dynamics.

SECTIONAL ANALYSIS:

SECTION 1: Would amend AS 04.06.020 to provide for one of the three members representing the general public, to be a resident of a rural area.

This section also defines "rural area" to mean a community which is not connected by road or rail to Anchorage or Fairbanks, which has held a local-option election, and is a city, or an established village located in a borough, including the unorganized borough.

"Established village" means an area containing a social unit of 25 or more permanent residents, not part of an incorporated city or another established village, and is in an organized borough, or is in the unorganized borough.

SECTION 2: Adds a new section to provide for the first appointment of a member from a rural area, to take place when the next public member seat is expired and available for appointment.

SECTION 3: The effective date is immediate.



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

TELEPHONE: (907) 443-5231 • FAX: (907) 443-3708

- SERVING THE VILLAGES OF:
- BREVIG MISSION
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- NOME
- SAVOONGA
- SHAKTOOLIK
- SHISHMAREF
- SOLOMON
- STEBBINS
- ST. MICHAEL
- TELLER
- UNALAKLEET
- WALES
- WHITE MOUNTAIN

SB 261

February 8, 2010

Re: **Proposed Amendment to AS 04.06.020**

Dear Senator Donald Olson and Legislative Staff:

On behalf of Kawerak, Inc. this letter is in support of the proposed amendment to AS 04.06.020 to include at least one member of the Alcoholic Beverage Control Board to be a resident of a rural area.

Many factors contribute to the devastation caused by substance abuse in our region. While we are grateful for the continued efforts of the Alcoholic Beverage Control Board and many other individuals/entities in the region committed to addressing substance abuse, our region continues to suffer from extremely high rates of substance abuse and related problems.

We believe that rural areas such as the Bering Strait region would benefit significantly from having sustained rural representation on the ABC Board that is not affiliated with the alcoholic beverage industry and is focused specifically on rural issues and concerns.

If you should have any questions, or would like to discuss this further, please contact Bridie Trainor of Kawerak Wellness at (907) 443-4393. Thank you for your consideration.

Sincerely,

KAWERAK, INC.


Loretta Bullard, President

Regional Wellness Forum

To Provide a Forum for the Region, to address efforts to reduce Alcohol and Drug Abuse, and to Promote Wellness
P.O. Box 948, Nome AK, 99762

SB 261

February 8, 2010

Re: **Proposed Amendment to AS 04.06.020**

Dear Senator Donald Olson and Legislative Staff:

The purpose of this correspondence is to support the proposed amendment to include at least one member of the Alcoholic Beverage Control Board be a resident of a rural area added in AS 04.06.020.

This request is made by the Regional Wellness Forum formed in 1999 to address substance abuse problems in Nome and the Bering Strait region. The RWF includes representatives from many diverse entities (as you will note from the signatories to this correspondence). The RWF successfully established and has maintained a community safety patrol and many other worthwhile efforts since its inception to address substance abuse and its many tragic consequences in the region.

Despite the efforts of the RWF and many other individuals/entities in the region committed to addressing substance abuse, our region continues to suffer from extremely high rates of substance abuse and resultant problems. For example, in 2007, the Nome Police Department transported a total of 877 intoxicated persons as Title 47 holds to the hospital. This is in a community of approximately 3800 people. As a "wet" hub community, rural residents from surrounding villages travel to Nome to drink, and become homeless. This year alone, two intoxicated individuals froze to death, and this problem of homeless death or injury due to intoxication has always been a significant problem in our community.

There are many factors which contribute to the high rate of substance abuse problems in our region. Continuing to serve liquor to overly intoxicated individuals and allowing such persons to remain in drinking establishments, and selling liquor to such individuals from liquor stores when they are clearly too intoxicated under state law to be provided any further alcohol, are contributing factors in this region to the high rate of substance abuse and its consequences.

The Alcoholic Beverage Control (ABC) Board is a critical component of any effort to enforce State laws regarding serving and selling liquor to intoxicated persons. While

we applaud past efforts of the ABC Board to conduct sting operations in our community, we believe that rural areas such as the Bering Strait region would benefit significantly from having sustained rural representation on the ABC Board that is not affiliated with the alcoholic beverage industry and is focused specifically on rural issues and concerns.

If you should have any questions, or would like to discuss this further, please consider Berda Willson, RWF Chair, to be the contact person for this proposal. She can be reached at (907) 443-5312 or bwilson@gci.net. Thank you for your consideration.

CC: Alaska Legislature

Regional Wellness Forum Members:

Jacob Ahwinona, Kawerak Elder Representative
Gina Appolloni, Kawerak Director of Village Public Safety Office
Simon Bekoalok, Norton Sound Health Corporation
Melanie Edward Kawerak Vice President
John Bioff, Norton Sound Health Corporation
Judge Ben Esch (Not Representing)
Dorcas Bloom, Norton Sound Health Corporation

Angie Gorn, Norton Sound Health Corporation
Loretta Bullard, Kawerak President
Mike Hannigan, Northwest Campus University of Alaska Fairbanks
Bob Frochle, Nome Youth Facility
Emily Hughes, Norton Sound Health Corporation
Carol Gales, Northwest Campus University of Alaska Fairbanks
Sgt. Andrew Merrill, Nome Police Department
Kathy Johnson, Norton Sound Health Corporation
Carl White, Bering Strait School District
Breanne MacFarland, Sitnasuak Native Corporation
Rahnia Parker, Norton Sound Health Corporation
Barb Nickels, Kawerak Director of Community Planning
Berda Willson, Regional Wellness Forum Chairperson
Jason Hymer, Norton Sound Health Corporation
Michael Dunham, Anvil Mountain Correctional Center
Kari Van Delden, North West Campus
Carol Piscoya, Norton Sound Health Corporation
Aprille Pitt, Kawerak Wellness Program
Helen Pootoogooluk, Norton Sound Health Corporation
Bridie Trainor, Director of Kawerak Wellness Program
Jon Wehde, Nome Public Schools

To Provide a Forum for the Region, in address efforts to reduce Alcohol and Drug Abuse, and to Promote Wellness

John Papasodora, Nome Police Department
Melissa Boeckmann, Norton Sound Health Corporation
Robert Keith, Kawerak Board
Samaria Ross, Bering Sea Women's Group
Lance Johnson, Nome Community Center
Julie Renwick, Norton Sound Health Corporation
Roy Agloinga, Norton Sound Health Corporation

Signed on behalf of the Regional Wellness Forum,

Berda Wilson

Signature

Chair Regional Wellness Forum

Title

February 8, 2010

Date

To Provide a Forum for the Region, to address efforts to reduce Alcohol and Drug Abuse, and to Promote Wellness

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB261
() Publish Date: _____

Identifier (file name): SB261-DPS-ABCB-02-16-10
Title ALCOHOLIC BEVERAGE CONTROL BD MEMBERS
Sponsor Senator Olson
Requester Senate State Affairs
Dept. Affected: DPS
RDU Statewide Support (165)
Component Alcohol Beverage Control Board
Component Number _____

Expenditures/Revenues \$0

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
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	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE		\$0					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*

This legislation requires at least one of the three public members of the Alcohol Beverage Control Board reside in a rural area with a population of 4,500 or less that is not connected by road or rail to Anchorage or Fairbanks.

SB 261 does not increase the number of board members. The ABC Board currently has a rural member serving as a public member, therefore, this legislation does not require additional funds.

Prepared by: Shirley A. Gifford, Director Phone 269-0351
Division ABC Board Date/Time 2-16-10 8:11 a.m.
Approved by: Joe Masters Date 2/16/2010
Commissioner

26-LS1406P
Cook
4/5/10

HOUSE CS FOR CS FOR SENATE BILL NO. 261()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the membership of the Alcoholic Beverage Control Board; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 04.06.020 is amended to read:

5 **Sec. 04.06.020. Appointment and qualifications.** The board consists of five
6 members appointed by the governor and confirmed by a majority of the members of
7 the legislature in joint session. A member of the board may not hold any other state or
8 federal office, either elective or appointive. Two members of the board shall be
9 persons actively engaged in the alcoholic beverage industry, except that no member
10 may hold a wholesale license or be an officer, agent, or employee of a wholesale
11 alcoholic beverage enterprise. Not more than two [NO THREE] members of the
12 board may be engaged in the same business, occupation, or profession. Three [AT
13 LEAST THREE] members of the board, at least one of whom shall reside in a rural
14 area, shall represent the general public. A board member representing the general

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public or an immediate family member of a board member representing the general public may not have any financial interest in the alcoholic beverage industry. In this section,

(1) "immediate family member" means a spouse, child, or parent;

(2) "rural area" means a community with a population of 6,000 or less that is not connected by road or rail to Anchorage or Fairbanks, and that is

(A) a city; for purposes of this subparagraph, "city" has the meaning given in AS 29.71.800; or

(B) ~~an established village.~~

* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. The requirement that at least one member of the Alcoholic Beverage Control Board be a resident of a rural area added in AS 04.06.020, as amended by sec. 1 of this Act, first applies on the date the first term of office of a board member who represents the general public expires, and applies thereafter.

* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

(B) IS AN ESTABLISHED VILLAGE THAT IS LOCATED IN A BOROUGH OR IN THE UNORGANIZED BOROUGH; FOR PURPOSES OF THIS SUBPARAGRAPH, "ESTABLISHED VILLAGE" HAS THE MEANING GIVEN IN AS 04.21.080.

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

MEMORANDUM

DATE: April 5, 2010

TO: Representative Bob Lynn, Chairman
House State Affairs Committee

FROM: Senator Donald Olson *DO*
Senate District T

SUBJ: Draft Committee Substitute for CSSB 261 (L&C)

I am providing a draft committee substitute, attached, in response to committee deliberations on this bill last week. For your consideration, the following changes appear in this draft CS:

Page 1, Line 11: Revised language says, "No more than two members....."

Page 2, Lines 5-6: Definition of "rural area" deletes the reference to participation in a local-option election, and retrieves the definition from the original version of the bill. Further, it raises the population number in the original version from 4,500 to 6,000. This adds to the universe of the applicant pool, and would include a community like Bethel, where before, it was excluded in the original bill.

Also on Page 2, at line 7, inclusion of cities is supplemented by adding the statute reference AS 29.71.800 (4).

Also on Page 2, Line 9, the description of an "established village" is retained, and a clearer reference that an established village may be in an organized borough, or in the unorganized borough, is made.

My interests and those of the constituents who brought this issue forward, are retained in this draft committee substitute, while attending to the expressed concerns of committee members.

Our objective remains to identify one of the public member seats for an applicant from a small community with significant alcohol problems. SB 261 would mandate the governor apply this criteria for appointment to a public member seat, and not rely on a governor's discretion. The other two public member seats remain available for other interest sectors.

Under this bill, Cordova, for example, would formally qualify as a community from which an applicant or our desired profile could come.

If there are any questions, contact Tim Benintendi of my office at 465-4989. Thank you.

(h) In this section,

(1) "agricultural products" includes dairy products, timber and lumber, and products manufactured from timber and lumber;

(2) "state money" includes state reimbursement to municipalities for school or related construction, foundation funding for education, municipal assistance, revenue sharing, and state funds for capital projects. (§ 2 ch 64 SLA 1988)

Sec. 29.71.050. Procurement preferences for recycled Alaska products.

(a) Alaska recycled products shall be used in municipal procurements when the products are of comparable quality, of equivalent price, and appropriate for the intended use.

(b) Unless the procurement is governed by AS 29.71.040, in the evaluation of a bid or proposal for a procurement by a municipality, if a bid or proposal designates the use of recycled Alaska products for the products identified in the contract specifications, and if the recycled Alaska products meet the contract specifications, the bid or offer shall be decreased by the percentage of preference given to the recycled Alaska products under AS 36.30.332.

(c) The contract specifications for a municipal procurement must include a provision that describes the preference granted under (b) of this section.

(d) If a successful bidder or offeror who receives the preference under (b) of this section fails to use the designated recycled Alaska product for a reason within the control of the successful bidder or offeror, each payment under the contract shall be reduced by the percentage reduction scheduled under AS 36.30.330(a) for the classification the product has received under AS 36.30.332.

(e) In the evaluation of a bid or proposal for a municipal procurement, a person is not a responsible bidder or offeror if, during two contracts for which the person received a preference under (b) of this section during the preceding three years, the person failed to use the recycled Alaska product designated in the person's bids or proposals for the contracts for reasons within the control of the bidder or offeror.

(f) This section applies to home rule and general law municipalities.

(g) In this section, "recycled Alaska product" has the meaning given in AS 36.30.338. (§ 3 ch 63 SLA 1988)

Revisor's notes. — Enacted as AS 29.71.040. Re-numbered in 1988. Also in 1988, a reference to "AS 29.71.040" in (b) of this section was substituted for a reference to "AS 36.15.050" to reflect the amendment to AS 36.15.050 and enactment of AS 29.71.040 by ch. 64, SLA 1988.

Sec. 29.71.060. Copyrights in computer software. A municipality may hold the copyright for software created by the municipality or developed by a contractor for the municipality, and may enforce its rights to protect the copyright. (§ 13 ch 200 SLA 1990)

Collateral references. — Copyright protection of computer programs. 180 ALR Fed. 1.

Sec. 29.71.800. Definitions. In this title, unless otherwise provided or the context otherwise requires,

(1) "areawide" means throughout a borough, both inside and outside all cities in the borough;

(2) "assembly" means the governing body of a borough;

(3) "borough" means a general law borough or a home rule borough;

(4) "city" means a general law first or second class city or a home rule city;

(5) "commissioner" means the commissioner of commerce, community, and economic development;

(6) "consolidation" means dissolution of two or more municipalities and their incorporation as a new municipality;

(7) "council" means the governing body of a city;

circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the person's conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had the person not been intoxicated acts knowingly with respect to that conduct or circumstance;

(3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had the person not been intoxicated acts recklessly with respect to that risk.

(b) In this title,

(1) "alcoholic beverage" means a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume, whether produced commercially or privately; however, in an area that has adopted a local option under AS 04.11.491, "alcoholic beverage" means a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage by the person who possesses or attempts to possess it and that contains alcohol in any amount if the liquid is produced privately, or that contains one-half of one percent or more of alcohol by volume, if the liquid is produced commercially;

(2) "board" means the Alcoholic Beverage Control Board;

(3) "bottling" means to put into a bottle, can, or other container;

(4) "community work" means and is limited to work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public land, forests, parks, roads, highways, facilities, or education; community work may not confer a private benefit on a person except as may be incidental to the public benefit;

(5) "designated premises" means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, or real estate leased, used, controlled, or operated by a licensee for the purpose for which the permit is issued by the board at the location of the site for which the permit is issued;

(6) "director" means the director of the Alcoholic Beverage Control Board;

(7) "distributing point" means a location where alcoholic beverages are distributed from a warehouse;

(8) "drunken person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of an alcoholic beverage into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages;

(9) "established village" means an area that does not contain any part of an incorporated city or another established village and that is

(A) an unincorporated community that is in the unorganized borough and that has 25 or more permanent residents; or

(B) an unincorporated community that is in an organized borough, has 25 or more permanent residents, and

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: _____
() Publish Date: _____

Identifier (file name): CSSB261(L&C)-DPS-ABCB-02-16-10
Title ALCOHOLIC BEVERAGE CONTROL BD MEMBERS

Dept. Affected: DPS
RDU Statewide Support (165)
Component Alcohol Beverage Control Board

Sponsor Senator Olson
Requester Senate State Affairs

Component Number _____

Expenditures/Revenues **\$0**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
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	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE	\$0						
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation requires at least one of the three public members of the Alcohol Beverage Control Board reside in a rural area that is not connected by road or rail to Anchorage or Fairbanks, that has participated in a local option election under AS 04.11.491, and is a city; or is an established cillage that is located in the unorganized borough.

CSSB 261 does not increase the number of board members. The ABC Board currently has a rural member serving as a public member, therefore, this legislation does not require additional funds.

Prepared by: Shirley A. Gifford, Director
Division ABC Board
Approved by: Joe Masters
Commissioner

Phone 269-0351
Date/Time 4-2-10 8:11 a.m.
Date 4/2/2010