

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 3049

1 not require the person to sign the subpoena or another document. The officer or the
2 subpoena must advise the person that failure to honor the subpoena is punishable as
3 criminal contempt of court under AS 09.50.010. A person receiving a subpoena to
4 testify under (b) of this section may request the district attorney to withdraw the
5 subpoena if, before the grand jury proceeding for which the person has been served a
6 subpoena to appear, the person provides the peace officer who served the subpoena
7 with valid government-issued photographic identification.

8 (d) Photographs or fingerprints taken under (b) of this section

9 (1) may be used for identification purposes only, and not for criminal
10 investigative purposes; and

11 (2) must be destroyed upon the earlier of the following occurrences:

12 (A) the person has testified in a grand jury or court proceeding
13 in connection with the matter under investigation; or

14 (B) completion of the prosecution of the crime being
15 investigated.

16 (e) A person who refuses or resists the taking of photographs or fingerprints
17 under this section commits a class B misdemeanor, punishable as provided in
18 AS 12.55, except that a sentence of imprisonment, if imposed, may not exceed 10
19 days.



Alaska State Legislature
Senator Con Bunde
Senate District P
Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

SPONSOR STATEMENT

SB 206

"An Act relating to material witnesses; amending Rule 58.1, Alaska Rules of Civil Procedure, and Rule 204, Alaska Rules of Appellate Procedure; and providing for an effective date."

Written in Alaska's constitution is an acknowledgement of an individual's freedom and an individual's corresponding obligation to our state. Striking a balance between the needs of society to prosecute crime, the rights of a defendant to witnesses on their behalf and the right of an individual to be free from unreasonable arrest is the central issue in Senate Bill 206 Detention of Material Witnesses.

A material witness is a "witness whose testimony is crucial to either the defense or prosecution."¹ Regrettably, citizens do not always come forward to fulfill their "corresponding obligations" as a witness during the investigation or prosecution of a crime. Nearly all states and the federal government have adopted statutes dealing with the pretrial confinement of material witnesses and SB 206 sets the guidelines and protections for issuing a material witness order in the state of Alaska.

Giving the court system the ability to compel a person to testify protects both the needs of society and the rights of the individual. For law enforcement officials, material witnesses can be the deciding factor in bringing indictments and prosecuting crime. For defendants, a material witness order can ensure that testimony crucial to their defense is offered. For individuals, the process in SB 206 protects them from unreasonable arrests or confinement.

SB 206 attempts to balance these competing interests to give law enforcement officials tools to fight crime and individuals testimony crucial to their defense.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Con Bunde
Current Version: CSSB 206 (JUD)
Contact: Lauren Rice, 465-3881

Fact Sheet for: Senate Bill 206

Short Title: DETENTION OF MATERIAL WITNESSES

Summary:

- Increases the penalty for contempt of court for failure to honor a subpoena or refusal to answer as a witness in connection with a felony crime or appearance before the grand jury.
- Adds a section to AS 12.50 allowing a peace officer to temporarily detain a person under circumstances that give the officer reasonable suspicion that:
 - the person witnessed a crime or was in the vicinity of a crime such as homicide or manslaughter;
 - the person may have information of material aid in the investigation of that crime, and;
 - the temporary detention is reasonably necessary to obtain or verify the identification of the person, to obtain an account of the crime, to protect a crime victim from imminent harm, or for other exigent circumstances.
- Allows a police officer who has detained a person under these circumstances to:
 - photograph the person;
 - serve a subpoena on the person to appear before the grand jury if the person fails to provide valid government-issued identification;
 - take the person's fingerprints if the person is detained in connection with the investigation of a murder, attempted murder or misconduct involving weapons in the first degree under AS 11.61.190.
- Prohibits the peace officer from requiring the person to sign a subpoena issued under this section, and requires the peace officer to advise the person that failure to honor the subpoena is punishable as criminal contempt of court.
- Allows a person receiving a subpoena to request the district attorney to withdraw the subpoena if the person provides a valid government-issued photographic identification prior to the grand jury proceeding.
- Makes it a class B misdemeanor to refuse or resist the taking of photos or fingerprints under this section.

Benefits:

- Balances the need to protect individual freedom with the ability to prosecute crime and to provide defendants with witnesses on their behalf.

Background:

- A material witness is crucial to either the defense or prosecution. Unfortunately, material witnesses often refuse to cooperate with law enforcement officials, significantly impeding the ability to bring indictments or prosecute crime. SB 206 protects material witnesses from unreasonable arrests or confinement and helps ensure the availability of crucial testimony.



FAIRBANKS POLICE DEPARTMENT

911 Cushman Street
Fairbanks, AK 99701-4616
Phone: (907) 450-6500
Fax: (907) 452-1588
Email: fpd@ci.fairbanks.ak.us



Senator Ralph Seekins
119 N. Cushman Street
Fairbanks, AK 99701

March 14, 2006

Dear Senator Seekins:

I am writing to voice my strongest support for **HB 206**, a measure introduced by Senator Con Bunde, which would allow police officers to briefly detain and identify material witnesses in homicide cases.

I am appreciative of the concerns that may arise from this bill- most notably from those who are concerned with an erosion of civil liberties, and are hesitant to grant "additional powers" to the police. I believe that these concerns are effectively addressed by the revised language of this bill, whose *very narrow focus* dictates that such brief detentions and identification efforts shall only be employed in the immediate aftermath of a homicide.

One only needs to look at the escalating gang-violence and homicide rate in Anchorage to know that this is a *very real problem* which needs to be addressed in a common-sense fashion. As one whom I view to be a long-time supporter of law-enforcement in Alaska, I'm hopeful that you will lend your support to the passage of HB 206.

Sincerely,

A handwritten signature in black ink that reads "Daniel P. Hoffman".

Daniel P. Hoffman, Chief
Fairbanks Police Department

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



Municipality of Anchorage

4501 Pringle Street • Anchorage, Alaska 99507-1802 • Telephone (907) 781-4800 • <http://www.muni.org>



Mayor Mark Begich

Anchorage Police Department

March 17, 2006

This is a letter of support for SB 206, the Material Witness Bill.

Anchorage and the entire State are growing; and with this growth bring both new and more complex issues in to our communities. The challenge for law enforcement is to keep up with the changes in societal trends that negatively impact public safety and to balance our response to them within the mandates of the law. Sometimes to meet this challenge requires change in our tactics and/or our law. In considering such changes, most of us first look to other jurisdictions to examine how they had responded and if had been effective. And the fact that nearly every state and the federal government have addressed this issue in the adoption of a material witness law is significant and indicative that this law is essential to combat this societal problem.

I support this bill and appreciate your collective efforts to help all Alaskans be a little safer in our changing world.

Sincerely,

A handwritten signature in black ink, appearing to read "Walt Monegan".

Walt Monegan
Chief of Police

WM/vb

Community, Security, Prosperity

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/9/06

FURTHER: Finance

Date of 5-Day Notice: 2/9/06
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/15/06

Judiciary Committee considered SENATE BILL NO. 206

SB 206 DETENTION OF MATERIAL WITNESSES

"An Act relating to material witnesses; and amending Rule 58.1, Alaska Rules of Civil Procedure, and Rule 204, Alaska Rules of Appellate Procedure."

and recommends:

- be replaced with _____ CS SB 206 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	2/16/06			✓	1
COR	2/16/06			✓	2
LAW	2/16/06			✓	3
ADM	2/27/06		✓		4

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
FRENCH	<i>[Signature]</i>				X
HUGGINS	<i>[Signature]</i>	✓			
GUESS	<i>[Signature]</i>				X
CHAIR:	<i>[Signature]</i>	✓			

FRENCH
HUGGINS
GUESS

SEEKINS

SB

2017

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAR 01 2006
SENATE FINANCE COMMITTEE

DATE: 2/6/06

FURTHER:

DATE TURNED IN TO OFFICE: 1 March 2006

Finance Committee considered

SENATE BILL NO. 207

SB 207 AK AEROSPACE DEVEL. CORP BD MEMBERSHIP

"An Act relating to the membership on the board of directors of the Alaska Aerospace Development Corporation."

and recommends:

- be replaced with _____ CS SB 207 (FIN)
- adopt previous _____ CS CS forthcoming (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
Commerce	2/28/06			✓	

Department	Date	Fiscal	Ind.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
Vice Chair				
COCHAIR: <i>Con Blende</i>	✓			
COCHAIR:				

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB207(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title AK Aerospace Development Corporation RDU AK Aerospace Devel Corp (127)
Board Membership Component AK Aerospace Devel Corp
Sponsor Gary Stevens
Requester Finance Component No. 1424

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation provides that two members of the board must be residents of the borough where the launch activities occur, and that in absence of a qualified person from that area, the Governor shall appoint another individual. This legislation has no fiscal impact upon the operations of the corporation.

Prepared by: Monica James, Chief Financial Officer Phone 907.561.3338
Division Alaska Aerospace Development Corporation Date/Time 2/28/06 5:35 PM
Approved by: Pat Ladner, President and CEO Date 2/28/2006
Agency Alaska Aerospace Development Corporation



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 1 March 2006 TIME: 9:55am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please

CS SB 207 (FIN) 24-LS1208\I

Kurtz/Bannister
2/17/06

no changes

Thanks

Mindy

*faxed
to
Legal
9:54am*

Adopted

3/1/06

24-LS1208V
Kurtz/Bannister
2/17/06

CS FOR SENATE BILL NO. 207()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR GARY STEVENS

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the membership on the board of directors of the Alaska Aerospace
2 Development Corporation."

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

4 * Section 1. AS 14.40.826(a) is amended to read:

5 (a) The powers and responsibilities of the corporation are vested in the board
6 of directors. The board of directors of the corporation consists of nine members
7 appointed by the governor as follows:

8 (1) three state residents who have a significant high level of experience
9 in the private business sector, specializing in financing or economic development or
10 marketing; two of the state residents appointed under this paragraph shall be
11 residents of the borough where the launch activities of the corporation occur if
12 qualified candidates residing in the borough are available;

13 (2) the president or the designee of the president of the University of
14 Alaska;

1 (3) the director or designee of the Geophysical Institute of the
2 University of Alaska;

3 (4) the commissioner of commerce, community, and economic
4 development or the commissioner's designee;

5 (5) two members who have held or currently hold positions in the
6 aerospace or commercial space industry or special experience regarding federal
7 regulatory procedures and policies involving space or operational experience;
8 members with aerospace experience may not exceed one; and

9 (6) a public school educator or a public member.

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

12 TRANSITIONAL PROVISIONS: BOARD MEMBERS. (a) Notwithstanding
13 AS 14.40.826(a)(1), as amended by sec. 1 of this Act, a member of the board of directors of
14 the Alaska Aerospace Development Corporation on the effective date of this Act who was
15 appointed under AS 14.40.826(a)(1) may continue to hold the person's position, subject to
16 removal as provided by law, until the person's term expires.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB207(L&C)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title AK Aerospace Development Corporation RDU AK Aerospace Devel Corp (127)
Component AK Aerospace Devel Corp
Sponsor Senator Gary Stevens
Requester Senate Finance Committee Component No. 1424

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel	13.1	13.1	13.1	13.1	13.1	13.1
Contractual	1.5	1.5	1.5	1.5	1.5	1.5
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	14.6	14.6	14.6	14.6	14.6	14.6

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
AADC Corp Receipts	14.6	14.6	14.6	14.6	14.6	14.6
TOTAL	14.6	14.6	14.6	14.6	14.6	14.6

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation adds two members who shall be residents of the borough where the launch activities occur to the corporation's board of directors, and provides that three of the state residents appointed shall be residents of the borough where the launch activities of the corporation occur. The corporation anticipates funds will be needed to cover the costs of these three members to travel to Anchorage for five meetings.

Prepared by: Darwin Peterson, Senate Finance Committee Aide Phone 907-465-6581
Division: Senator Lyda Green, Co-Chair Senate Finance Committee Date/Time 2/13/06 8:55am
Approved by: Senator Lyda Green, Co-Chair Senate Finance Committee Date 2/13/2006
Agency: Senate Finance Committee

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264

Sponsor Statement for Committee Substitute for Senate Bill 207
(Updated February 6, 2006)

CS for Senate Bill 207 "An Act relating to membership on the board of directors of the Alaska Aerospace Development Corporation"

This is a straightforward legislation to increase membership of the board of directors of the Alaska Aerospace Development Corporation (AADC) from 9 to 11 members. Additionally, the bill ensures three members of the AADC board will reside in the borough where the launch activities of the corporation occur.

Since the late 1990s, AADC has conducted numerous rocket launches, infrastructure construction projects and other activities at its Kodiak Launch Complex facility on Kodiak Island. These activities have had an enormous impact on local residents' recreational activities at nearby Pasagshak Beach, local government operations and the Kodiak Island economy. With the Kodiak Launch Complex playing a key role in the testing of the nation's missile defense system it makes sense for the island community to be well represented on the AADC board of directors. CS for SB 207 will allow that to happen without substantially affecting the current board structure.

CS for SB 207 is supported by the City of Kodiak and the Kodiak Island Borough.

I ask for your support of this important measure.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 6, 2006

SUBJECT: Sectional analysis of CSSB 207(L&C)
(Work Order No. 24-LS1208\Y)

TO: Senator Gary Stevens
Attn: Doug

FROM: *JB*
Theresa Bannister
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.

Section 1. Amends AS 14.40.826(a) to increase to 11 the number of members on the board of directors of the Alaska Aerospace Development Corporation. Increases to five the number of members who must be state residents with a significant level of experience in the private business sector (specializing in financing or economic development or marketing). Requires that three of these five members be residents of the borough where the launch activities of the corporation occur.

Section 2. Provides transition provisions to handle the initial appointments of the two new members, the terms of the two new members added by sec. 1 of this bill, and the appointment of the third member required to be from the borough where the launch activities occur.

If I may be of further assistance, please advise.

TLB:med
06-100.med



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gary Stevens
Current Version: CSSB 207 (L&C)
Contact: Doug Letch, 465-4925

Fact Sheet for: Senate Bill 207

Short Title: AK AEROSPACE DEVEL. CORP BD MEMBERSHIP

Summary:

- Increases the number of members on the board of directors of the Alaska Aerospace Development Corporation from nine to 11.
- Stipulates that three of the board members live in the borough where the launch activities occur.
- Requires the governor to appoint the two new members within 90 days of the effective date of the bill.

Benefits:

- Gives residents of Kodiak representation on the AADC board of directors.

Background:

- Since the late 1990s, AADC has conducted numerous rocket launches, infrastructure construction projects and other activities at its Kodiak Launch Complex facility on Kodiak Island. These activities have had an enormous impact on local residents' recreational activities at nearby Pasagshak Beach, local government operations, and the Kodiak Island economy. With the Kodiak Launch Complex playing a key role in the testing of the nation's missile defense system, it makes sense for the island community to be well represented on the AADC board of directors.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Introduced by:	Mayor Selby
Requested by:	Mayor Selby
Introduced:	09/01/2006
Adapted:	09/01/2006

KODIAK ISLAND BOROUGH
RESOLUTION NO. FY2006-09

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY
URGING THAT THE GOVERNOR AND LEGISLATURE DESIGNATE
TWO SEATS FOR KODIAK RESIDENTS ON THE
ALASKA AEROSPACE DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

WHEREAS, the Alaska Aerospace Development Corporation (AADC) was created in 1997 as a public corporation of the State of Alaska; and

WHEREAS, the purpose of the AADC is to allow the State to take a lead role in the exploration and development of space, to enhance human and economic development, and to provide a unified direction for space-related economic growth thereby ensuring a stable and dynamic research and business climate by attracting space-related businesses to locate within and utilize the opportunities provided in the state among other goals; and

WHEREAS, the powers and responsibilities of the AADC are vested in the board of directors, include but are not limited to: acquiring real and personal property; owning and improving launch sites, launch pads, landing areas, ranges, payload facilities, laboratories, space business incubators, facilities for the construction of rockets and other launch vehicles, and other space facilities and space-related systems, including educational, cultural, tourism, and parking facilities, and space-related initiatives; operating transportation facilities appropriate to meet the transportation requirements of a facility operated by the AADC; operating water, sewage, and utility service to a facility operated by the AADC; and providing public safety facilities for a facility operated by the AADC; and

WHEREAS, all of these activities, and others the AADC may pursue have the potential to significantly impact the greater Kodiak community and economy; and

WHEREAS, the board of directors of the AADC consists of nine members appointed by the governor as follows: (1) three state residents who have a significant high level of experience in the private business sector, specializing in financing or economic development or marketing; (2) the president or the designee of the president of the University of Alaska; (3) the director or designee of the Geophysical Institute of the University of Alaska; (4) the commissioner of commerce, community, and economic development or the commissioner's designee, (5) two members who have held or currently hold positions in the aerospace or commercial space industry or special experience regarding federal regulatory procedures and policies involving space or operational experience, members with aerospace experience may not exceed one; and (6) a public school educator or a public member; and

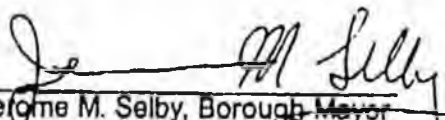
WHEREAS, the members of the board of directors of the AADC described above may be nonresidents of the State and in addition, two members of the legislature shall serve as ex-officio nonvoting members of the board of directors. The two ex-officio nonvoting members shall include one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house; and

WHEREAS, since the creation of the AADC, two board members have also been Kodiak residents;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT the Governor and the Legislature should designate two seats for Kodiak residents on the Alaska Aerospace Development Corporation Board of Directors.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS FIRST DAY OF SEPTEMBER 2005

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor

ATTEST:


Judith A. Nielsen, CMC, Borough Clerk

**CITY OF KODIAK
RESOLUTION NUMBER 05-37**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK INSISTING
THAT THE GOVERNOR AND LEGISLATURE DESIGNATE TWO SEATS ON THE
ALASKA AEROSPACE DEVELOPMENT CORPORATION BOARD OF DIRECTORS
FOR KODIAK RESIDENTS**

WHEREAS, the Alaska Aerospace Development Corporation was created in 1997 as a public corporation of the State of Alaska; and

WHEREAS, the purpose of the corporation is to allow the State to take a lead role in the exploration and development of space, to enhance human and economic development, and to provide a unified direction for space-related economic growth, thereby ensuring a stable and dynamic research and business climate by attracting space-related businesses to locate within and utilize the opportunities provided in the State, among other goals; and

WHEREAS, the powers and responsibilities of the corporation vested in the board of directors include but are not limited to acquiring real and personal property; owning and improving launch sites, launch pads, landing areas, ranges, payload facilities, laboratories, space business incubators, facilities for the construction of rockets and other launch vehicles, and other space facilities and space-related systems, including educational, cultural, tourism, and parking facilities, and space-related initiatives; operating transportation facilities appropriate to meet the transportation requirements of a facility operated by the corporation; operating water, sewage, and utility service to a facility operated by the corporation; and providing public safety facilities for a facility operated by the corporation; and

WHEREAS, all of these activities and others the Alaska Aerospace Development Corporation may pursue have the potential to significantly impact the greater Kodiak community and economy; and

WHEREAS, The board of directors of the corporation consist of nine members appointed by the governor as follows: (1) three State residents who have a significant high level of experience in the private business sector, specializing in financing or economic development or marketing; (2) the president or the designee of the president of the University of Alaska; (3) the director or designee of the Geophysical Institute of the University of Alaska; (4) the commissioner of Commerce, Community, and Economic Development or the commissioner's designee; (5) two members who have held or currently hold positions in the aerospace or commercial space industry or special experience regarding federal regulatory procedures and policies involving space or operational experience; members with aerospace experience may not exceed one; and (6) a public school educator or a public member; and

WHEREAS, the members of the board of directors of the corporation described in (5) above may be nonresidents of the State and, in addition, two members of the legislature shall serve as ex-

officio nonvoting members of the board of directors, and the two ex-officio nonvoting members shall include one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house; and

WHEREAS, since the creation of the Alaska Aerospace Development Corporation, two board members have also been Kodiak residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the governor and the legislature should appoint and designate two seats on the Alaska Aerospace Development Corporation Board of Directors for Kodiak residents.



CITY OF KODIAK

Charles E. Davidson

DEPUTY MAYOR

ATTEST:

Delva Maslen

CITY CLERK

Adopted: August 25, 2005

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/9/06

FURTHER: Finance

Date of 5-Day Notice: 1/24/06
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2-3-06

Labor and Commerce Committee considered SENATE BILL NO. 207

SB 207 AK AEROSPACE DEVEL. CORP BD MEMBERSHIP

"An Act relating to the membership on the board of directors of the Alaska Aerospace Development Corporation."

and recommends:

- be replaced with _____ CS SB 207 (L&C)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CED	1/24/06	✓			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Seekins	<i>Ralph Seekins</i>	✓			
Davis	<i>George Davis</i>	X			
Ellis	<i>John Ellis</i>			X	
B. Stevens	<i>Ben Stevens</i>	X			
CHAIR:	<i>A. Bunde</i>	✓			

Seekins
Davis
Ellis
B. Stevens

Bunde

SB

2009

HFIN

FILE

ALASKA STATE LEGISLATURE

Senate District II
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us



State Capitol, Room 417
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator

Senate Bill No. 209

Sponsor Statement

“An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs”

Senate Bill 209 amends AS 04.11.110(g) by authorizing access by persons under 21 years of age, who possess a valid military active duty (or armed forces identification card issued by the United States Department of Defense or the United States Department of Homeland Security) ID card, to a club's licensed premises without specific authorization of the Alcoholic Beverage Control board in certain circumstances.

Under present state law, persons under the age of 21 cannot be on any premises that are licensed to sell alcoholic beverages unless a parent or legal guardian accompanies them. Current law causes a dilemma to the under age veteran. Although they are eligible to join an organization, they are unable to go to the veteran's meetings or functions because they are under age.

This legislation will, in no way, allow the consumption of alcoholic beverages by persons under the age of 21 in licensed clubs. This bill will simply allow our troops access to the supportive and safe environments which they currently are not allowed. A military organization post will truly be a place where veterans across the generations will have an accepting atmosphere in which they can impart their wisdom and stories. This bill will help ensure a place of safety for our troops while they are on the home front.

Contact: Josh Tempel
Staff to Senator Charlie Huggins
465-3878

Version 24-LS1215F

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 17, 2006

FURTHER REFERRALS:

Date of Committee Action: 2-27-06

The FINANCE Committee considered:

CSSB 209(JUD)

CS FOR SENATE BILL NO. 209(JUD)

UNDERAGE MILITARY ON LICENSED PREMISES

"An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs when alcoholic beverages are not present and, when alcoholic beverages are present, to premises of a patriotic organization licensed as a club if the person possesses a valid active duty military or armed forces identification card issued by the United States government."

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

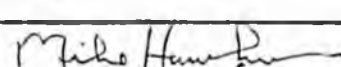
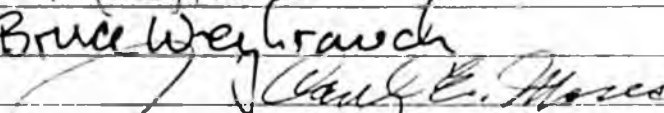
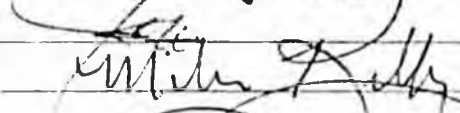

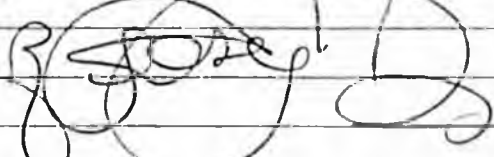
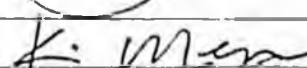
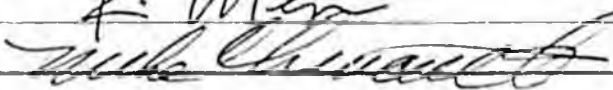
- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CEC
- COR
- CRT
- EED
- DEC
- DEG
- GOV
- HSS
- LEG
- LAW
- LWF
- 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
MVA	1			X

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Hawken	✓			
Bruce Weyhrauch	WEYHRAUCH	X			
	MOSES	✓			
	HOLM	✓			
	Kelly	✓			
	FOSTER	X			
Chair: 	Meyer	✓			
Chair: 	Chewrauch	✓			

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CCSB 209 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title Underage Military on Licensed Premises RDU ABC Board
Component ABC Board
Sponsor Huggins
Requester HFC Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date _____

Rep. Mike Chonault, Co-Chair

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 209(JUD)
(S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans' Affairs
Title: Underage Military on Licensed Premises RDU: Military and Veterans Affairs
Component: Office of the Commissioner
Sponsor: Senator Huggins
Requester: _____ Component No. 414

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Cramer Phone (907) 465-4602
Division: Administrative Services Division Date/Time 1/12/06 3:15 PM
Approved by: Craig E. Campbell, Commissioner Date 1/12/2006
Agency: Department of Military & Veterans' Affairs

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LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to 129 6th St., Rm. 329

MEMORANDUM

February 10, 2006

SUBJECT: CSSB 209(JUD) (Work Order No. 24-LS1215M)

TO: Senator Charlie Huggins
Chair of the Senate Transportation Committee
Attn: Josh

FROM: Jean M. Mischel
Legislative Counsel 

You've asked for an opinion about the meaning of the term "patriotic organization" in the context of the above referenced bill and AS 04.11.110, pertaining to licensed club premises for the sale of alcoholic beverages. You are specifically wondering whether any entity, such as a strip club, could be considered a "patriotic organization" in certain circumstances. The statute itself requires a club license and a charter for the organization. In addition, the common meaning of the term does not seem to lend itself to strip clubs.

The term is not defined in statute or regulation and is, therefore, subject to the interpretation of the Alcoholic Beverages Control Board. In reviewing an interpretation, a court would look generally to the common meaning of the term. I have found only one court case in which the term is used and, in that case, a "patriotic organization" was described as an organization "devoted to the happiness and welfare of the United States." (*In re Fordian Naturalization*, 99 Conn. 551, 556 (Conn. 1923).

The common meaning of the term may be discerned by looking at the dictionary definition and common usage. The common usage of the term applies to veterans organizations, such as the VFW and the USO. The dictionary does not define "patriotic organization" but by combining the definition of both terms, the likelihood of including a strip club as such an organization seems remote. A strip club, it seems to me, cannot be described as either patriotic or as a type of organization. If, in the future, a strip club attempts to adapt to the definition, the board may adopt a more restrictive one.

If I may be of further assistance, please advise.

JMM/ljw
06-065 ljw

¹ According to Webster's "patriotic" is defined as "a person who loves his and loyally or zealously supports his own country"; "organization" is defined as "a body of persons organized for some specific purpose, as a club, union, or society."



August 1, 2005

WHEREAS, The Joint Venture (Disabled American Veterans, The American Legion, and Veterans of Foreign Wars) is made up of patriotic veterans' organizations and membership in the organizations is based solely upon honorable federal military service to our country during dates established by the Congress of The United States, and without regard to age, sex, creed or color; and

WHEREAS, The Joint Venture, throughout their history, have welcomed home active duty military units returning from areas of conflicts. As well, Posts located in our coastal cities have done the same when US Naval and Coast Guard ships sail into port. And, it is generally acknowledged and recognized that a large percentage of active duty military personnel are under the age of 21 years and that their legal guardian is now considered to be the Federal Government; and

WHEREAS, Many Veterans' Posts in Alaska typically consist of one or two general usage rooms for their members, one containing a lounge where alcohol is available to members who are of legal drinking age and desire to purchase a drink; and

WHEREAS, Alaska Statute 04.16.049 allows a person under the age of 21 years, for the purpose of dining, to enter unaccompanied by his/her parent, legal guardian, or spouse 21 years or older in an establishment primarily designated by the Alcohol and Beverage Control Board (the Board) as a restaurant even though it may also contain a licensed bar. This Statute also prohibits this individual from entering or remaining in other liquor licensed establishments during hours of liquor sales; and

WHEREAS, Alaska Statute 04.11.110 provides that the Board must authorize access by persons under 21 years of age to a club's licensed premises during hours when no alcoholic beverages are sold, served or consumed. These statutes, 04.16.049 and 04.11.110, provide an unfair and seemingly unjust requirement that not only keep an active duty member out of his/her Post when alcohol beverages are being sold but require the Board's permission to enter when they are not being sold; and,

WHEREAS, The Joint Venture desires that its Posts be able to put on welcoming activities for active military units, selling and serving drinks to those at least 21 years of age, and offering free meals, soft drinks, shuffleboard, pool and darts to those under 21 years of age. And, we recognize that the requirement not to serve alcohol to those under 21 years of age would be levied on our Posts as it does in the current case of restaurants as stated in Alaska Statute 04.16.049; now, therefore, be it

RESOLVED, That The Joint Venture lobby legislators in Juneau to amend Alaska Statute 04.11.110, to allow military personnel who are under the age of 21 years and who possess a federal active duty military identification card to enter and remain in patriotic service organizations' Posts, as a guest or member, without accompaniment of a parent, legal guardian, or spouse 21 years of age or older, and be it further

RESOLVED, Alaska Statute 04.16.049, also be amended to reflect the same requested change

Clayton Love
Commander
Disabled American Veterans

Peggy Dettori
Commander
The American Legion

Calvin Pope
Commander
Veterans of Foreign Wars

Joshua Tempel

From: Douglas B. Griffin [doug_griffin@dps.state.ak.us]
Sent: Tuesday, February 14, 2006 10:27 AM
To: Joshua Tempel
Cc: leg_contact_notif@dps.state.ak.us
Subject: Response to Question regarding SB 209 -- Underage --Pat.Clubs

Mr. Tempel -- You contacted my office regarding ABC Board guidelines regarding licensing "patriotic" clubs. You wanted assurances that strip clubs or other beverage dispensary licensee could not operate under the guise of "patriotic" club status. I understand the importance of this question with the introduction of SB 209 by Senator Huggins and HB 311 by Representative Elkins which is legislation that allows underage active duty military personnel to gain admittance specifically to patriotic clubs.

The ABC Board is guided by AS 04.11.110(b) which allows the ABC Board to only license "a club, fraternal organization, patriotic organization, or social organization that has been (1) chartered by a state or national organization for a period of two consecutive years before application for a license under this section; or (2) chartered by a national organization and the national organization has maintained a chartered club or organization within the state for a period of at least 20 years. The organization licensed under this section must be operated for social, recreational, political, benevolent, or athletic purposes and not for profit." This section of law goes on to limit sales of alcohol to members, widows or widowers of deceased members who have privileges, and military personnel on active duty who are extended privilege by patriotic organizations upon special occasions.

Patriotic organizations are not specifically defined in statute or regulations, but are historically recognized and licensed by the ABC Board as the American Legion and Veterans of Foreign Wars. The American Legion was chartered by Congress as a patriotic organization in 1919 and the VFW was chartered by Congress in 1936. I do not believe national and state oversight boards for these organizations would allow clubs to be formed and operated unless they are members of the nationally chartered organization.

I hope this response answers your concerns.

Douglas B. Griffin, Director
Alcoholic Beverage Control Board

SB

2009

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
FEB 15 2006
 SENATE FINANCE COMMITTEE

DATE: 2/9/06

FURTHER:

DATE TURNED
 IN TO OFFICE: 2/15/2006

Finance Committee considered SENATE BILL NO. 209

SB 209 UNDERAGE MILITARY ON LICENSED PREMISES

"An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS SB 209 (JUD)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
MVA	1/12/06			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>Gary Wells</i>	✓			
COCHAIR: <i>Syda Green</i>	✓			

FISCAL NOTE

REPORTED OUT
FEB 15 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 209(JUD)
 (S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans' Affairs
 Title: Underage Military on Licensed Premises RDU: Military and Veterans Affairs
 Component: Office of the Commissioner
 Sponsor: Senator Huggins
 Requester: _____ Component No.: 414

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Cramer
 Division: Administrative Services Division
 Approved by: Craig E. Campbell, Commissioner
 Agency: Department of Military & Veterans' Affairs

Phone: (907) 465-4602
 Date/Time: 1/12/06 3:15 PM
 Date: 1/12/2006

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us



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Fax: 907-465-3265
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www.akrepublicans.org/huggins/

Charlie Huggins
Senator

Senate Bill No. 209

Sponsor Statement

“An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs”

Senate Bill 209 amends AS 04.11.110(g) by authorizing access by persons under 21 years of age, who possess a valid military active duty (or armed forces identification card issued by the United States Department of Defense or the United States Department of Homeland Security) ID card, to a club's licensed premises without specific authorization of the Alcoholic Beverage Control board in certain circumstances.

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Contact: Josh Tempel
Staff to Senator Charlie Huggins
465-3878

Version 24-LS1215 y
Work Draft

THE
FOLLOWING
DOCUMENT(S)
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August 1, 2005

WHEREAS, The Joint Venture (Disabled American Veterans, The American Legion, and Veterans of Foreign Wars) is made up of patriotic veterans' organizations and membership in the organizations is based solely upon honorable federal military service to our country during dates established by the Congress of The United States, and without regard to age, sex, creed or color; and

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Commander
Disabled American Veterans

Peggy Dettori
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The American Legion

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Commander
Veterans of Foreign Wars

Joshua Tempel

From: Douglas B. Griffin [doug_griffin@dps.state.ak.us]
Sent: Tuesday, February 14, 2006 10:27 AM
To: Joshua Tempel
Cc: leg_contact_nolif@dps.state.ak.us
Subject: Response to Question regarding SB 209 -- Underage --Pat.Clubs

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I hope this response answers your concerns.

Douglas B. Griffin, Director
Alcoholic Beverage Control Board

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

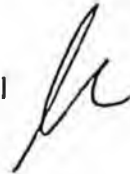
MEMORANDUM

February 10, 2006

SUBJECT: CSSB 209(JUD) (Work Order No. 24-LS1215M)

TO: Senator Charlie Huggins
Chair of the Senate Transportation Committee
Attn: Josh

FROM: Jean M. Mischel
Legislative Counsel



You've asked for an opinion about the meaning of the term "patriotic organization" in the context of the above referenced bill and AS 04.11.110, pertaining to licensed club premises for the sale of alcoholic beverages. You are specifically wondering whether any entity, such as a strip club, could be considered a "patriotic organization" in certain circumstances. The statute itself requires a club license and a charter for the organization. In addition, the common meaning of the term does not seem to lend itself to strip clubs.

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The common meaning of the term may be discerned by looking at the dictionary definition and common usage. The common usage of the term applies to veterans organizations, such as the VFW and the USO. The dictionary does not define "patriotic organization" but by combining the definition of both terms, the likelihood of including a strip club as such an organization seems remote.¹ A strip club, it seems to me, cannot be described as either patriotic or as a type of organization. If, in the future, a strip club attempts to adapt to the definition, the board may adopt a more restrictive one.

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JMM/ljw
06 068 ljw

¹ According to Webster's "patriotic" is defined as "a person who loves his and loyally or zealously supports his own country"; "organization" is defined as "a body of persons organized for some specific purpose, as a club, union, or society."

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/9/06

FURTHER: Finance

Date of 5-Day Notice: 2/2/06
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 2/9/06

Judiciary Committee considered SENATE BILL NO. 209

SB 209 UNDERAGE MILITARY ON LICENSED PREMISES

"An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs."

and recommends:

- be replaced with _____ CS SB 209 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
<input type="checkbox"/> Same Title
<input checked="" type="checkbox"/> New Title
SCS House Bill:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

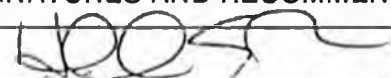

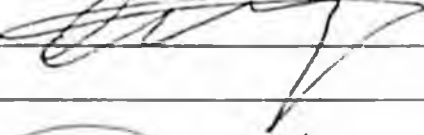
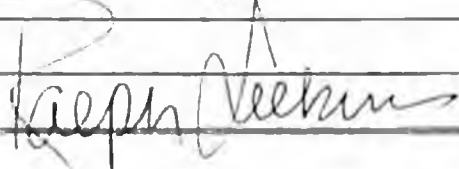
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
MVA	1/12/06			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
French		X			
Gross		X			
Huggins		X			
Sealins	CHAIR: 	✓			

SB

210

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 210
(S) Publish Date: 2/6/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating to the manufacture and transportation of alcoholic beverages;..." RDU: Alaska State Troopers
Sponsor: Senator Theriault Component: AST Detachments
Requester: Senate Finance Committee Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Passage of this legislation will have no fiscal impact to the Department of Public Safety. Enforcement efforts in this area have been ongoing and will continue to use current and existing resources within the division of the Alaska State Troopers.

 Passage of this legislation could act as a significant deterrent against the crime of criminal hypertension when the person faces the loss of personal property as a result of his criminal conduct.

Prepared by: Lieutenant James Haigoe Phone: 907-269-4532
 Division: Alaska State Troopers Date/Time: 2/3/06 5:26 PM
 Approved by: Commissioner William Tandeske Date: 2/3/2006
 Agency: Department of Public Safety

Alaska State Legislature

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Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

SPONSOR STATEMENT SB 210

"An Act relating to the manufacture and transportation of alcoholic beverages; relating to forfeitures of property for violations of alcoholic beverage laws; and relating to violations of alcoholic beverage laws."

In 2004, Congress passed legislation recognizing that many rural communities and their residents " . . . face the highest alcohol abuse and family violence rates in the country," and establishing the Alaska Rural Justice and Law Enforcement Commission. The Commission released a *Draft Interim Report* in late 2005 that contained recommendations, including amendments to several provisions in Alaska statutes.

Senate Bill 210 changes current law to help law enforcement better protect communities that have chosen to limit the sale or possession of alcohol under local option laws. First, Senate Bill 210 strengthens current forfeiture provisions in statute by allowing seizure of alcohol transported by common carrier in violation of current law. Second, it authorizes the seizure of property determined to have been purchased or obtained through the proceeds of illegal importation or sale of alcohol and outlines procedures for a person claiming an interest in property that has been seized.

SB 210 also defines "manufacture" of alcohol and provides consistency between statutes by amending the allowable quantities. While current statute prohibits the manufacture of alcohol in a community that has adopted a local option, it does not include a definition. The legislation also clarifies statutes relating to the presumption of possession for sale. These provisions provide clarity and assist law enforcement and communities in their continued interdiction efforts in damp or dry areas of the state.

Currently more than 100 communities in Alaska have chosen a local option to combat the problems associated with alcohol abuse and violence. SB 210 clarifies, strengthens and brings uniformity to the state's alcohol and beverage control statutes to assist law enforcement and communities fight the illegal importation of alcohol.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault
Current Version: SB 210
Contact: Heather Brakes, 465-4522

Fact Sheet for: Senate Bill 210

Short Title: VIOL. OF ALCOHOLIC BEV. LAWS/FORFEITURE

Summary:

- Amends allowable quantities of alcohol to provide consistency between statutes.
- Allows the seizure of alcohol transported by common carrier in violation of current law.
- Authorizes the seizure of property determined to have been purchased or obtained through the proceeds of illegal importation or sale of alcohol.
- Specifies the procedure for a person claiming an interest in property that has been seized.
- Defines "manufacture" of alcohol in local option statutes.

Benefits:

- Helps law enforcement better protect communities that have chosen to limit the sale or possession of alcohol under local option laws.
- Clarifies, strengthens and brings uniformity to Alaska's alcohol and beverage control statutes to help fight the importation of alcohol into "dry" communities.

Background:

- Recognizing that many Alaska rural residents and communities "... face the highest alcohol abuse and family violence rates in the country," Congress established the Alaska Rural Justice and Law Enforcement Commission in 2004. In 2005 the Commission released a Draft Interim Report making several recommendations, including amendments to current statutes. SB 210 implements some of those recommendations to help law enforcement and communities fight the illegal importation of alcohol.

**Draft Interim Report of the
Alaska Rural Justice and Law Enforcement
Commission**

Attached

Chapter 1: *Statement of Need*

Appendix G: *Attachments for the Alcohol Importation
Recommendations*

The Report can be found in full at the following url:
http://www.aipc.org/site_documents/Draft%20Interim%20Report-2.mht

Chapter I. Statement of Need

The Alaska Rural Justice and Law Enforcement Commission was created by Congress to respond to a number of needs related to justice and law enforcement in rural Alaska that are detailed in the congressional language (Public Law 108-199). This chapter of the Commission's Final Report reviews current conditions in rural Alaska, recounts the history of law enforcement in rural Alaska, recognizes some of the improvements in rural Alaska that have occurred in recent years, and presents excerpts of the testimony given to the Commission during the public hearings.

A. Current Conditions

1. *Problems the Commission has been asked to address*

Like all communities nationwide, residents of remote, rural Alaska grapple with family violence, child abuse and neglect, and alcohol addiction. Unlike other communities, however, many remote rural residents in Alaska lack a law enforcement presence in their communities and face the highest alcohol abuse and family violence rates in the country. Congress asked the Commission to consider various options that might address these issues, including creation of a unified law enforcement and judicial system, cross deputization, and restorative justice methods to address family violence, child protection and alcohol consumption. This charge reflects congressional concern about the profound challenges facing rural Alaska.

Alcohol abuse presents profound challenges in rural Alaska; its effects are insidious, affecting and influencing the health and welfare of all who live there. As the Alaska Natives Commission reported more than a decade ago:

Facts do not lie: alcohol abuse among Alaska Natives equals tragedy for family and village. It is proven that alcohol abuse equals violence, imprisonment, and death. It is proven that alcohol abuse in the Native family results in frightened, psychologically disordered children. Alcohol abuse leaves FAS, FAE, and a myriad other physical and psychological symptoms in its destructive wake.¹⁰³¹

Last year the Institute of Social and Economic Research (ISER), University of Alaska Anchorage, in its *The Status of Alaska Natives Report 2004, Volume I*, stated, "Analysts say that the most difficult social problems in the Native community – from high rates of suicide to domestic violence and child abuse – can be traced in large part to alcohol."²¹⁴¹ The costs to Alaska are not only social. Financially, it is estimated that alcohol abuse and alcoholism cost Alaska well over \$615,000,000 a year.³¹⁵¹

The Commission emphasizes that alcohol abuse and alcoholism in rural Alaska are not *Native* problems, *per se*, but rather problems for Natives and non-Natives alike.

But the Commission also acknowledges that over 66% of the population in rural Alaska is Native⁴⁽⁶⁾ and that recommendations in this report that mention the importance of culturally appropriate approaches predominantly focus on Alaska Natives. However, that is not intended to imply that these approaches are inappropriate for non-Natives living in rural Alaska.

The impacts of substance abuse and the relevance of finding effective means to prevent alcohol and other drugs from reaching rural Alaska communities that have, through local option laws, decided to ban, partially or wholly, alcohol⁵⁽⁷⁾ are important threads in the fabric of society in rural Alaska, as they have been in the Commission's work over the last ten months. Numerous statistics point to the continuing – and in many cases growing – overrepresentation of Alaska Natives from rural Alaska among children in need of aid, victims and perpetrators of domestic violence and sexual assault, and other crimes. The percentage of Native children under the care of the Office of Children's Services hovers close to 50% and the numbers of Native youth and adults in Alaska's juvenile justice and correctional systems are similarly disproportionately large. The justice systems in rural Alaska struggle to find locally and culturally appropriate ways to manage offenders in a way that minimizes negative impacts to families and communities and strives to restore harmony quickly. There are frequent "disconnects" between tribal and state court systems, and disputes over jurisdiction continue throughout rural Alaska. In the mean time, rural residents criticize the inadequacies of current law enforcement and public safety in much of rural Alaska, but an affordable and acceptable resolution has yet to be found.

Domestic violence, child abuse, child neglect, and sexual assault are major problems in rural Alaska. The following quote highlights the experiences of one Alaskan researcher:

In Alaska, we often see abusive partners who have relocated their families to remote communities to isolate them from the support of their friends and family, and to more easily track and control their movements. Victims may be held hostage in their own homes with no winter clothing or means of escaping their extreme isolation. Deprivation and isolation become powerful tools to control victims.

One survivor, who shares her story to help others understand the dynamics of abuse in rural communities, described how her husband stranded her and their new baby at a remote fish camp for several weeks without enough food, medications and other essentials. Eventually, she was able to escape her abusive marriage and became a domestic violence outreach worker to remote villages in the Arctic. Although she struggles with debilitating, long-term health problems secondary to the abuse, she survived. Her former husband murdered his next wife.

When domestic violence services are available in rural regions, they face additional challenges in maintaining security and accommodating rural lifestyles. In Alaska, none of the shelter locations are secret – the communities are too small to hide a facility. Maniilaq Family Crisis Center, a victims' assistance program and shelter in northwestern Alaska, offers a safe haven to victims and the animals that they are often unwilling to leave behind. The center uses a snowmobile to pick up clients and has a fenced yard where clients can keep their dog teams and other animals. Susan Jones, the center's executive director, takes threats against victims' pets seriously. The murder or mutilation of a pet by an abusive partner is another indicator of escalating domestic violence.^{6[8]}

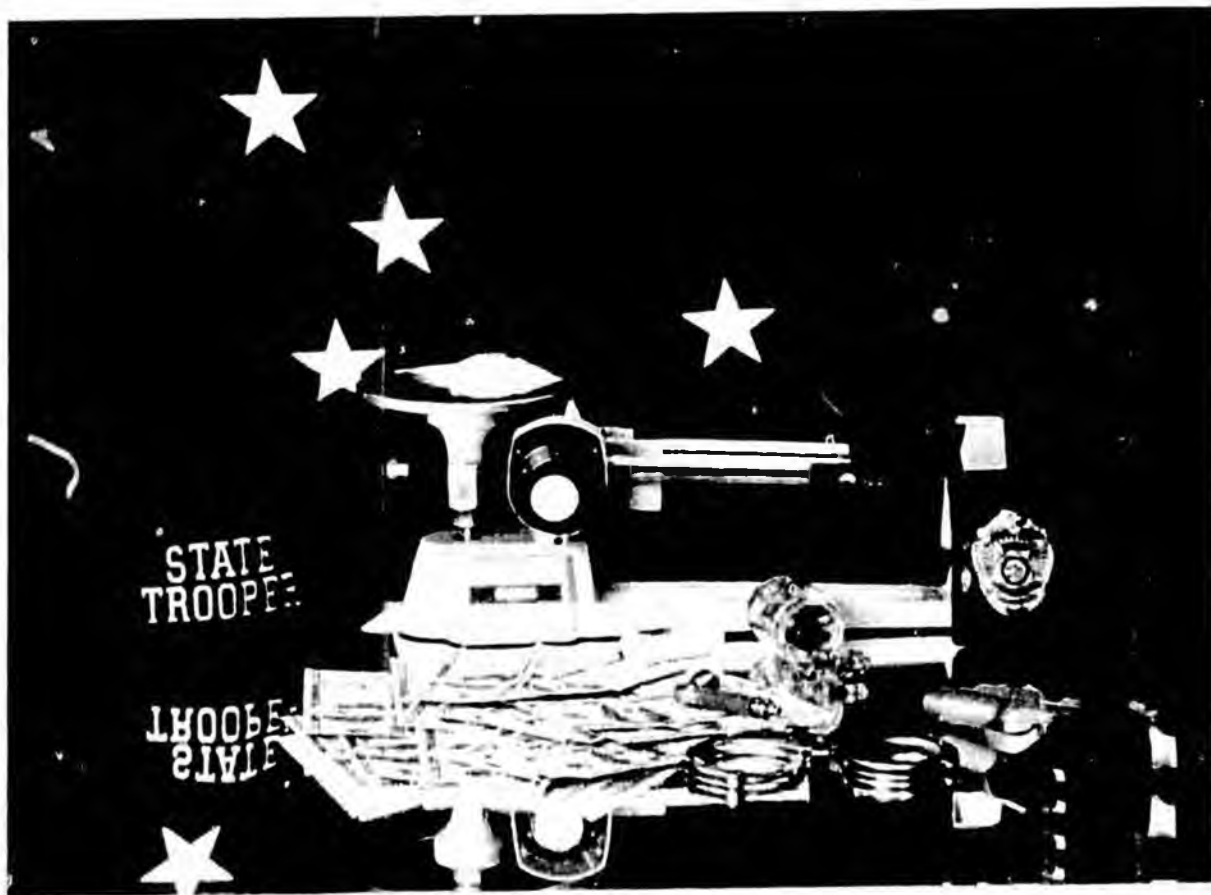
Statistics reported by the Alaska Council on Domestic Violence and Sexual Assault highlight the seriousness and widespread nature of the situation in Alaska:^{7[9]}

- In calendar year 2002 the Division of Family and Youth Services (now the Office of Children's Services) received 1,475 reports of suspected child sexual abuse.
(Division of Family and Youth Services, State of Alaska)
- On average, an Alaska woman is forcibly raped every 18 hours and 17 minutes.
(Alaska Uniform Crime Report, 2001)
- During FY 2002, 1,851 victims of sexual assault sought services from victim service programs in Alaska.
(Council on Domestic Violence and Sexual Assault, State of Alaska)
- 311 sexual assault cases and 241 sexual abuse of a minor cases were referred to Alaska District Attorney offices in 2001.
(Department of Law, State of Alaska)

Domestic violence, child abuse, child neglect, and sexual assault, especially in rural Alaska and in the Alaska Native population, represent major issues that need new, creative solutions to resolve.

Part of the solution may lie in enhanced or altered rural law enforcement. Accordingly, the Commission also has been asked to study issues related to law enforcement in rural Alaska. A brief history will help put the current systems in perspective.

**Alaska State Troopers
Alaska Bureau of Alcohol
and Drug Enforcement**



2004 Annual Drug Report



2004 Annual Drug Report

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Introduction

The Alaska State Troopers, Bureau of Alcohol and Drug Enforcement in authoring this publication, has endeavored to represent the drug situation in Alaska in a manner that provides the broadest possible picture of the true situation.

There are numerous agencies that conduct drug investigations in Alaska. While some agencies have a less formal relationship, most work closely with the Alaska State Troopers. In order to properly represent the true drug situation in Alaska, statistics from agencies other than those that participate in Alaska Bureau of Alcohol and Drug Enforcement are included in this report. Information provided by all sources should be considered when attempting to measure how drugs are impacting the citizens of this state.

We believe that all of this material is vital when analyzing the needs of the state in the arena of drug enforcement.



Our Mission

Alaska Bureau of Alcohol and Drug Enforcement

The Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement (ABADE) provides a leadership role in coordinating law enforcement's efforts to reduce the availability of alcohol and controlled substances throughout Alaska. ABADE recognizes that a successful alcohol and drug program depends upon a unified effort blending traditional law enforcement techniques with demand reduction programs that address educational, social, and community concerns.

ABADE's mission is to:

- ❖ Interdict and seize alcohol and controlled substances that are illegally distributed throughout Alaska.
- ❖ Identify and arrest distributors of controlled substances and illegal alcohol.
- ❖ Provide training and investigative support to criminal justice agencies.
- ❖ Support and participate in public education programs.



Staffing and Support

Using a combination of federal and state funding, ABADE consisted of twenty-seven (27) State Trooper investigators and twelve (12) civilian clerical personnel for the majority of 2004. ABADE recognizes that because of Alaska's geographical vastness and ethnic diversity, no single law enforcement agency is capable of handling the drug and alcohol problems alone. ABADE encourages cooperative efforts between federal, state and local law enforcement agencies and has taken a leadership role in fustering and developing many of these cooperative arrangements through multi-jurisdictional and/or multi-agency efforts. The ABADE headquarters office in Anchorage supports six (6) investigative teams throughout the state. These teams are broken down by region as follows:

Alaska Interdiction Task Force (DEA sponsored)

Fairbanks Area-wide Narcotics Team

Mat-Su Drug Narcotics Enforcement Team

Major Offenders Unit

Southeast Alaska Narcotics Enforcement Team

Western Alaska Alcohol and Narcotics Team

The Alaska National Guard Counter Drug Support Program (CDSP) provides additional support in several ABADE units. They provide operational resources, which include, but are not limited to manpower, equipment, and logistical support to federal, state, and local law enforcement throughout Alaska. Financed under a special congressional appropriation, there is no cost to the state of Alaska for the CDSP. This program contributes numerous resources not normally available to law enforcement agencies for assistance specific to drug investigations.

ABADE participates with and receives assistance from several investigative agencies involved in drug enforcement. These agencies include the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), the U.S. Postal Inspection Service, the Internal Revenue Service (IRS), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and U.S. Immigration and Customs Enforcement (ICE) as well as other state and local agencies.



Nature of the Drug Problem

Members of Alaska's law enforcement community and others who are part of Alaska's criminal justice system have long known that the greatest contributing factor to violent crimes, including domestic violence and sexual assault, is drug and alcohol abuse. It is also widely recognized that many of the accidental deaths that occur in Alaska are related to alcohol use. This is especially true in the western regions of the state.

While there is no question that many aspects of the drug and alcohol problem are unique to Alaska, ABADE strives to provide a continuing and coordinated effort that not only meets the needs of Alaska, but is also dovetailed with the National Drug Control Strategy. The Strategy underscores the social and economic costs to society and was developed to provide general guidance and a framework for federal, state, and local agencies in developing a counter drug effort. The Strategy's established goals are:

- Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco.
- Increase the safety of America's citizens by substantially reducing drug-related crime and violence.
- Reduce health and social costs to the public of illegal drug use.
- Shield America's air, land and sea frontiers from the drug threat.
- Break foreign and domestic drug sources of supply.

The National Institute of Justice's Arrestee Drug Abuse Monitoring (ADAM) program tracks trends in the prevalence and type of drug use among booked arrestees in urban areas. This data has played an important role in assembling the national picture of drug abuse in the arrestee population and has been a central component in studying the links between drug use and crime.

The last data available for these types of statistics are for calendar year 2003 and were found in an article published by the Alaska Justice Forum. Research conducted by ADAM continues to show several very serious trends. This data represents only males screened at one correctional facility.

There were a total of 943 male arrestees screened for being under the influence of drugs and alcohol at time of booking. Among those screened, 10.4% were under 21, while over 40.3% were 36 years of age or older. These age percentages do not seem to dovetail with the normal expectations since such a large percent of those arrested are over 36 years of age.

When arrested, 25.4% of the 943 arrestees tested positive for cocaine, 52% tested positive for marijuana and 12.1% tested positive for alcohol.

The primary reason that these persons were arrested is not indicated in the ADAM report, but a strong inference can certainly be made that among arrestees, the use of drugs is prevalent. Another interesting statistic reveals that among those interviewed 37.8% admitted to using cocaine in the last 12 months and 62.5% admitted to using marijuana in the last 12 months.

While there are no ADAM type statistics on hand to indicate drug or alcohol use among arrestees in the more rural areas of Alaska, there is certainly strong evidence that alcohol is a very large contributor to the reasons that rural citizens are arrested.



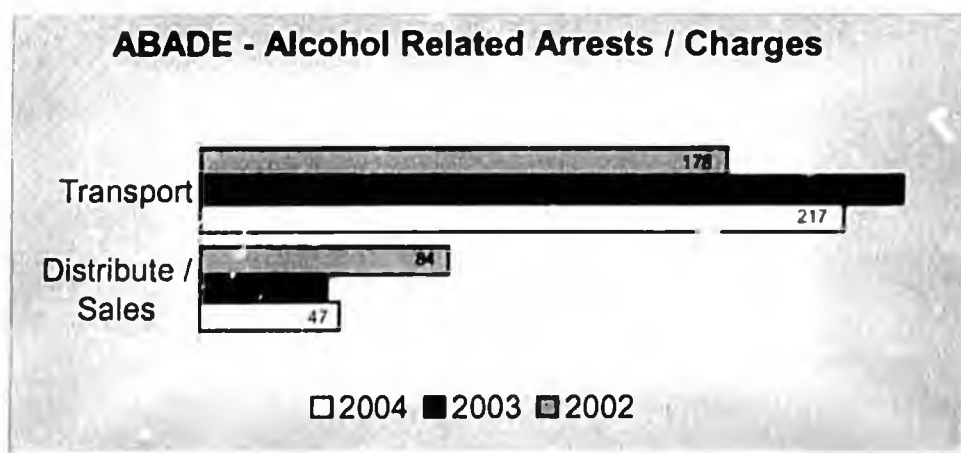
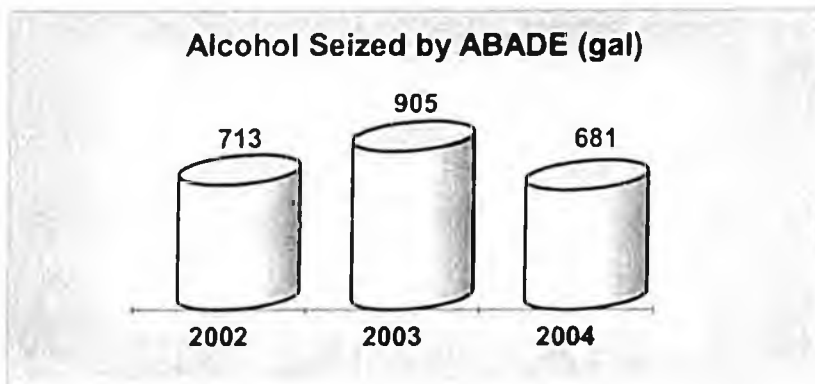
Drugs of Choice

Alcohol, cocaine, methamphetamine, marijuana and pharmaceuticals have been identified as the primary substances of abuse and are the focus of most law enforcement efforts. During 2004, methamphetamine use and manufacturing have increased significantly. Another area of significant increase was the use of prescription drugs, many of which are obtained with fraudulent prescriptions. Other drugs such as LSD, Ecstasy and designer and/or "club" drugs were also cause for concern.

Alcohol

Alaska's criminal justice professionals recognize that alcohol is the primary substance of abuse in Alaska and is the leading cause of violent, suicidal, and accidental deaths, especially in rural areas. Currently, 122 communities have voted in favor of local option statutes prohibiting the sale, importation, and/or possession of alcohol. Because alcohol remains legal in many areas of Alaska, illegal bootlegging activities continue to be a problem in the local option communities. Alcohol is easily transported to the villages via the U.S. Postal Service, local air carriers, private aircraft, boat, snow machines and express mailing services. Bootlegging alcohol has become a very lucrative business in rural Alaska.

The Alaska State Troopers applied for and received federal funding for five investigators whose function is focused on alcohol issues. During most of 2004, all five investigators dedicated 100% of their time to alcohol investigations.



The economics of the illegal sales of alcohol is staggering. A bootlegger can purchase a 750-milliliter bottle of alcohol legally for \$10 or less in an urban liquor store. The same bottle of alcohol in Bethel, Kotzebue or Barrow may sell for \$50. In the more remote communities, alcohol can easily sell for \$150 to over \$300 per bottle depending on the supply and demand. The initial purchase for the bootlegger involves a minimal cash investment, a maximum cash return with little threat of being caught or criminally charged. A dollar-for-dollar comparison of alcohol and drugs purchased in Anchorage and then sold in many Alaskan villages breaks down as follows:

Substance	Investment	Return *
Cocaine	\$1.00	\$1.50
Marijuana	\$1.00	\$4.00
Alcohol	\$1.00	\$15.00

* Calculated at \$150 per bottle



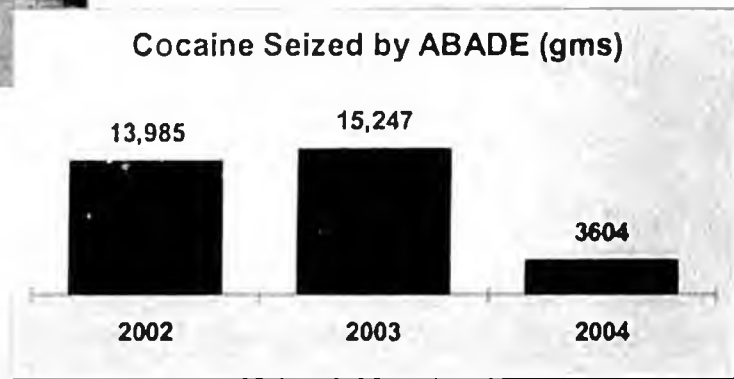
Cocaine

Cocaine continues to be a lucrative drug for sale and use in Alaska. Cocaine is readily available in most areas of the state and is seen with great frequency in powder form and crack cocaine in the major urban areas such as Anchorage and Fairbanks.

Cocaine is brought into Alaska concealed on passengers or in luggage through ports of entry such as the Ted Stevens Anchorage International Airport, and it is also shipped via the US Post Office or commercial parcel companies such as FedEx or UPS.

The cocaine brought into Alaska is typically packaged in kilogram quantities and later broken down by dealers into smaller quantities for retail sale. In powder form, it is normally sold in gram quantities for \$100-150 and its primary method of ingestion is by snorting.

Crack dealers use a process involving powder cocaine, water, baking soda and heat to produce crack cocaine, which is then sold in small rocks for \$20. The primary method of use for crack is by smoking.



Marijuana

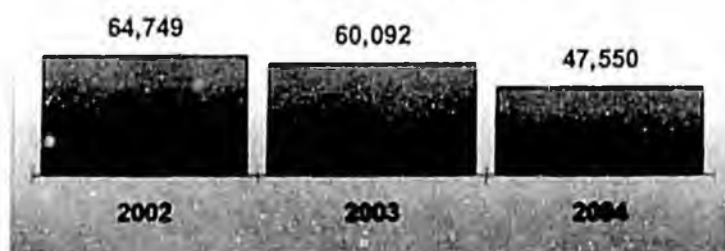
Marijuana is available throughout the state and is viewed as a gateway drug to other drugs for young adults and teenagers. Demand for Alaskan-grown marijuana continues to be high as a result of its exceptional tetrahydrocannabinol (THC) content. Because Alaskan produced marijuana is extremely high quality; Alaska is considered a marijuana exporting state.

During 2004, the investigation of commercial marijuana cultivations were diminished due to the increased use and manufacturing of methamphetamine. In addition, recent Alaska court decisions, like Noy and Crocker, have diminished the ability of the investigators to obtain search warrants for marijuana cultivations.

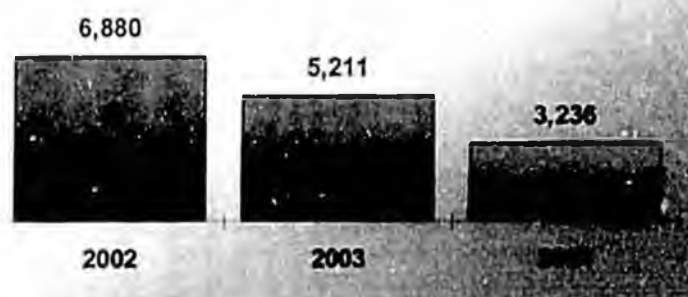
However, ABADE teams continue to find extremely sophisticated indoor growing operations. Most commercial marijuana grows take place along the road system in the south central part of Alaska from Anchorage to Fairbanks. The Mat-Su Valley area is the "Marijuana Growing Capital of Alaska", followed by Fairbanks and the Kenai Peninsula. It is not unusual for sites to be located in homes with hidden or underground rooms specifically designed for the cultivation of marijuana. These rooms are often equipped with surveillance cameras and state-of-the-art timers controlling temperature, lighting, water, humidity and air purifiers.

In some parts of the state, the local economy is directly affected by the influx of money from illegally produced marijuana. Proceeds from marijuana production are used for a multitude of purchases including fuel, grow equipment/supplies, utilities, vehicles, ATV's and building materials.

Processed Marijuana Seized by
ABADE (gms)



Marijuana Plants seized by ABADE



Methamphetamine

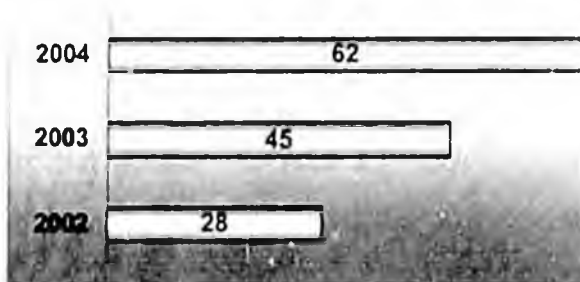
Methamphetamine use and manufacturing continues to be on the rise throughout the United States including Alaska. The manufacture and distribution of meth has reached alarming proportions. Methamphetamine, also known as meth, speed, crank, crystal and ice, produces an increase in energy and alertness, and a decrease in appetite. The effects, which also include an intense rush, can last up to 12 hours. It can be smoked, snorted, injected, or taken orally. The most frequent method of use is injection.

The DEA continues to conduct training in Alaska so that police officers will have the skills, knowledge, and tools to safely investigate suspected clandestine laboratories. There is now a sizable cadre of trained officers across the state. These officers are available to assist in the eradication of clandestine laboratories. They consist of federal, state, and local officers. In order to stay compliant with OSHA regulations, these members require annual re-certification as well as constant replacement of one time use equipment. In July 2004, 14 ABADE members were meth lab certified during training sponsored by CDSP.

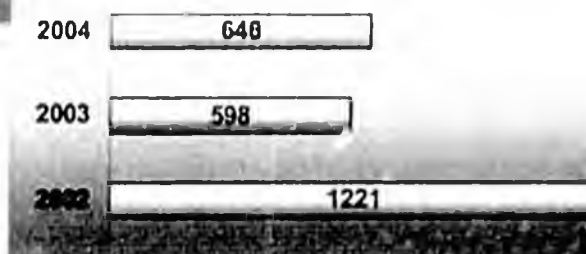
Additionally, DEA has been extremely helpful in assisting in the cost of gross clean-up at clandestine lab sites. This requires a certified clean-up company to respond to the scene of each location, containerize larger items as well as the containers of chemical. These containers are then transported to a location for safe long-term storage and/or destruction.

Methamphetamine laboratories are being operated increasingly in single and multi-family residences in many neighborhoods. In addition to meth labs producing illegal, often deadly drugs, the clandestine nature of the manufacturing process and the presence of ignitable, corrosive, reactive, and toxic chemicals at the sites, have resulted in explosions, fires, toxic fumes, and irreparable damage to human health and to the environment. On several occasions in 2002, 2003, and again in 2004 labs were also discovered in hotel/motel rooms. Frequently children are found residing within clan lab sites.

Meth Labs seized by ABADE



Meth seized by ABADE (gms)



Some of the commonly available items used in the manufacturing of meth include, Ephedrine or pseudoephedrine (found in cold/allergy tablets), lithium batteries, starter fluid, rock/table salt, matchbooks, coffee filters, acetone, aluminum foil and assorted kitchen glassware.

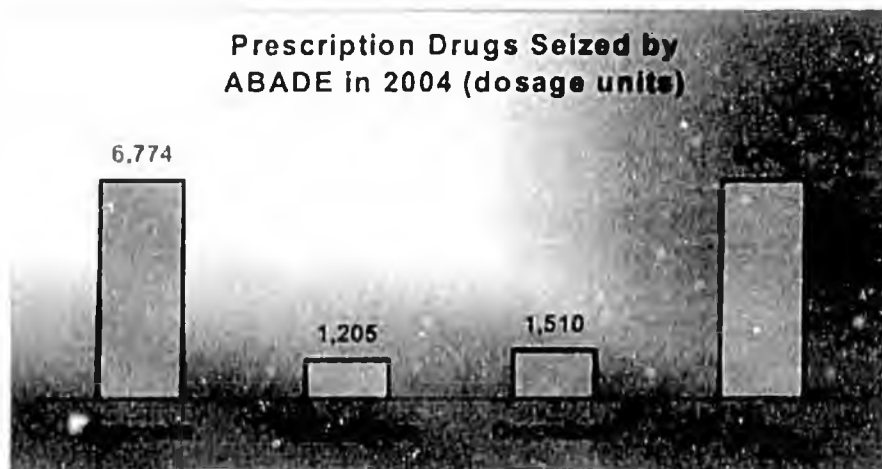
The methamphetamine problem in Alaska has certain peculiarities depending upon the region of the state in which the problem is located. The Anchorage, Mat-Su, Kenai Peninsula, and Fairbanks areas have a significant problem with clandestine labs that produce methamphetamine that is consumed in the local area. Southeast Alaska, specifically Ketchikan and Juneau, tend to have relatively large amounts of methamphetamine arrive already in a processed and usable form. The same tends to be true for coastal commercial fishery related communities.

Prescription Drugs

The sale and abuse of prescription drugs such as Oxycontin, Oxycodone, Methadone, Hydrocodone continue to be an issue in 2004. These drugs are being sought after for their pharmaceutical purity and ability to alter the central nervous system. With the identification of this increasing health hazard, statistics have been put into place for capturing the true impact anticipated in the upcoming years. Not only does the abuse of prescription drugs create a health hazard for the users, it creates a financial tragedy in the communities. The drugs vary in price and can cost anywhere from one dollar per milligram to two dollars per milligram depending on availability. With the increased demand for the drugs and a shortening of supply, many abusers may not have the money or insurance to pay for their addiction. Thus increasing property and violent crimes in the communities to pay for the drugs. It has been reported that tens of thousands of dollars are being spent to feed this growing abuse and addiction.

Prescription drugs have been linked to the following crimes; homicide, assault, prescription fraud, home invasion, thefts and pharmacy robberies. People who are addicted to prescription facilitate their addiction by doctor shopping, pharmacy shopping, forgery, and purchasing the drugs via the Internet.

It is the intent of the ABADE to increase pressure on those involved in the non-medical use, abuse, and sales of these addictive drugs. It has been said in the past that once problems of this sort have taken a toehold in the community, the community is at great risk for social decay from within. It has been and will continue to be the intent and purpose of the ABADE program not to allow that to happen in Alaska.



Alaska Interdiction Task Force

The importance of the narcotics interdiction effort at key locations is constantly being reaffirmed and the Alaska Interdiction Task Force (AITF) continued its success in making large seizures of US Currency, cocaine, crack, methamphetamine and other controlled substances during 2004.

The AITF is a federally funded task force sponsored by the Drug Enforcement Administration (DEA). The AITF is responsible for investigations that involve drug trafficking at various ports of entry to include passengers and luggage arriving at airport terminals, packages and cargo shipped through parcel delivery services, and commercial cargo carriers. AITF is strategically located in Anchorage near the Ted Stevens International Airport, allowing the unit easy access to the airport and shipping companies where most passengers and parcels arrive.

Cocaine primarily comes into Alaska through the Anchorage airport from various source cities in the lower 48 states. Various methods are used to transport cocaine, such as concealing it in carry-on luggage, secured underneath clothing, or hidden in shoes, just to name a few. It is also imported and distributed through parcel express companies and the U.S. Postal Service. With the increase in airport security since September 11, drug traffickers have shifted their transportation methods and started to use parcel and cargo delivery services on a more frequent basis. Members of the AITF have worked diligently to develop working relationships with key business in this industry.

AITF team members consist of a DEA group supervisor, two DEA agents, two Alaska State Troopers, an Anchorage Police officer, an Airport Public Safety officer, one ICE agent four members of the National Guard Counterdrug Support Program (CDSP) and an AST administrative clerk.

In addition to the cocaine seizures, the AITF seized significant amounts of U.S. currency as it was leaving Alaska through the airport. The currency is commonly found to be the proceeds of drug trafficking.

The amount of cocaine detected and interdicted in the last several years in Anchorage clearly indicates that the illegal possession, sale, and use of cocaine in Alaska is a significant problem. There are organizations with international connections moving very large quantities of controlled substances and drug related monies across the country and state.

During 2004, AITF made several large seizures of US Currency as well as multi-kilo seizures of opium being shipped to Alaska from Asia.

Fairbanks Area-wide Narcotics Team

The primary area of responsibility for the Fairbanks Area-wide Narcotics Team is interior Alaska, which includes Fairbanks and the surrounding area, north to Barrow, and east to the Canadian border. This team is made up of one AST sergeant, two AST investigators, and a Fairbanks Police Department investigator. The Fairbanks team also works closely with two DEA agents assigned to the Fairbanks area. DEA compliments the teams' investigative ability by additional manpower, resources and the possibility of federal prosecution of drug traffickers.

Their focus varies from the identification and investigation of street level dealers of crack cocaine to the investigation of large distributors of powder cocaine. Of significant concern in the Fairbanks area is the continuing threat of manufacturing, use, and distribution of methamphetamine. Clandestine methamphetamine laboratories are prevalent in the Fairbanks area and are being operated increasingly in or near single and multi-family homes, where public health and safety is at an extremely high risk. Marijuana cultivation also continues to be a problem in the Fairbanks area. During 2004, the team eradicated 9 meth labs and 13 marijuana grows.

In May, investigators received information that a vehicle was driving from Fairbanks to Anchorage with a large amount of cocaine. Unit members and DEA stopped the vehicle and a search of the vehicle resulted in a seizure of 400 grams of cocaine, one gram of crack, and three handguns. The three male occupants were arrested.

In July, Fairbanks Airport Police received information that a male subject was arriving at the Fairbanks International Airport carrying a large quantity of prescription drugs. Contact was made with the suspect and 998 Oxycodone tablets and 1.5 grams of methamphetamine were seized. Members of the Fairbanks unit assisted with the execution of the search warrants in relation and follow-up to the case.

In August, the Fairbanks unit, with assistance from DEA, University of Alaska Fairbanks Police Department and the Fairbanks Police Department served two separate search warrants and a knock-and-talk on suspected marijuana grow sites. Three marijuana grows with a total of 502 marijuana plants were seized as well as \$3,609 in cash and one shotgun. The investigation revealed that all three grows were being operated by the same group of defendants.

In October, Fairbanks unit investigators began assisting the Fairbanks Police Department with the surveillance of a homicide suspect. The Fairbanks unit investigators, Fairbanks city detectives, the FBI and DEA conducted a traffic stop on a subject related to the homicide victim after investigators witnessed a suspected drug deal. The individual was found to have approximately 210 grams of cocaine on his person as well as at his residence. A 2001 GMC pickup truck and \$14,000 in cash was seized. The suspect then worked for the investigators and purchased 1,134 grams of cocaine from another suspect. The suspect was arrested and a 1999 Ford Mustang was seized as evidence.

Mat-Su Drug Enforcement Team

The Mat-Su Drug Enforcement Team focuses on drug investigations within the Matanuska-Susitna region to include Palmer, Wasilla, Talkeetna, Glennallen, Valdez, and Cordova. The team is comprised of one AST sergeant, two AST investigators, one officer from the Palmer Police Department, one officer from the Wasilla Police Department, and one individual from CDSP. The Mat-Su team works closely with the local police departments and the uniformed patrol section of the Alaska State Troopers to educate, train, and support their efforts related to drug enforcement.

This team's primary enforcement duties have shifted from marijuana cultivation to the investigation of meth labs. However, the Mat-Su region still comprises the bulk of marijuana related seizures throughout Alaska and has long been recognized as the primary area of marijuana cultivation and distribution in the state.

The production of methamphetamine in illegal clandestine laboratories continues to be a significant problem across the Mat-Su area. During 2004 the number of meth labs tripled to 37, compared to 10 labs in 2003. The rise in the number of seized meth labs indicates that meth use and manufacturing is a steadily growing problem in the Mat-Su area. ABADE is continually analyzing this situation and adjusting resources as needed to maintain an aggressive enforcement effort.

In February, the Mat-Su Team executed a search warrant in Wasilla. A commercial marijuana cultivation operation was discovered. Investigators seized 128 live marijuana plants. Also seized during the search warrant were scales, grow equipment, processed marijuana, suspected cocaine, firearms and various drug paraphernalia. The processed marijuana had a weight of 7.49 pounds with a street value estimated at approximately \$30,000.

Also in February the Mat-Su Team served a search warrant and seized a commercial marijuana cultivation operation consisting of 120 live plants. Investigators also seized processed marijuana, related grow equipment, scales and drug paraphernalia. One person was arrested and charged with four counts of Misconduct Involving a Controlled Substance in the 4th degree and three counts of contributing to the delinquency of minor.

In May, the Mat-Su unit executed a search warrant on a suspected meth lab at the Goldminer Hotel in downtown Palmer. This investigation started after a suspicious fire was discovered in a City of Palmer garbage truck. It appeared that the fire was started from the chemicals from a meth lab. Further investigation led investigators to the Goldminer Hotel where two suspects were discovered in the process of manufacturing methamphetamine. Both suspects were arrested at the scene.

In April, troopers with 'B' Detachment located a possible meth lab in Wasilla. A search was obtained for the residence and one of the largest meth labs seized during 2004 was discovered in the crawl space of the residence. Also found at the time of the search warrant was a loaded 9mm pistol and an illegally sawed off shotgun. Both suspects were located and arrested for the manufacturing of methamphetamine.

In October, the Mat-Su Unit along with investigators from DEA, the Anchorage Interdiction Task Force, Palmer Alaska Bureau of Investigation and Palmer Patrol executed a search warrant in Wasilla. Investigators delivered a parcel containing approximately 20 grams of crystal methamphetamine that was shipped from Arizona to the Wasilla address. Upon execution of the search warrant investigators seized approximately one ounce of methamphetamine, packaging used for distribution, digital scales and \$1,200 in US Currency. Firearms and miscellaneous drug paraphernalia was also seized. Two suspects were arrested at the residence.

Major Offender Unit

During 2003, the Department of Public Safety reinstated a statewide Major Offenders Unit. Ultimately the unit is located in Anchorage, but would have the ability to travel and conduct long-term drug and alcohol investigations anywhere in the state, targeting major offenders. Once the unit becomes established, AST plans to invite other agencies, such as, DEA, and the Anchorage Police Department to participate. The Major Offenders Unit is co-located with the Alaska Interdiction Task Force, allowing for better communication and cooperation between the units.

During most of 2004, the Major Offender Unit consisted of 2 to 3 investigators supervised by an Officer In Charge. The members worked to support other ABADE units when available and also assisted the Alaska Bureau of Investigations.

Late in 2004, the unit was completed with the assignment of a sergeant and two additional investigators, which brought the unit to a total of five investigators. In addition, an administrative clerk was added as well as a part-time prosecutor from the Department of Law. The prosecutor has been assigned to assist with legal questions, case development assistance and prosecution of drug and alcohol cases. The unit has been actively investigating several cases around the state.

Southeast Alaska Narcotics Enforcement Team

The primary responsibility for drug enforcement in southeast Alaska lies with the Southeast Alaska Narcotics Enforcement Team (SEANET). This team is composed of one AST sergeant, two Juneau Police Department officers, all located in Juneau and one AST investigator located in Ketchikan. SEANET also works closely with officers from the Ketchikan, Sitka, Wrangell, Yakutat, Craig, Haines, Skagway, Hoonah and Petersburg Police Departments. The teams focus ranges from street level dealers to major offenders. Some of the investigative methods used by this team include interdiction activities and undercover operations. This program works hand-in-hand with the SouthEast Alaska Cities Against Drugs (SEACAD) project that is oversighted by the Sitka Police Department.

Of particular note in Southeast Alaska is the quick rise in the availability, sales, possession, and use of methamphetamine. It appears that most of the substance is introduced into the region in a powder form, having been manufactured at other locations and imported into Southeast Alaska.

In June SEANET seized 1,679 grams of cocaine with a street value of approximately \$120,000 from a vehicle snipped to Juneau on a barge from Seattle, Washington. Two suspects have been charged.

Also in June, the U.S. Coast Guard and the Royal Canadian Mounted Police (RCMP) made contact with four individuals on a 20-foot skiff after information was provided by SEANET Juneau. The RCMP arrested 3 U.S. citizens at the scene for possession of 4 ounces of cocaine, 6 pounds of marijuana and 200 grams of Psilocybin mushrooms. The fourth suspect, a Canadian citizen, escape from the scene on foot.

In September, SEANET in Juneau discovered 2,203 grams of narcotics hidden on a vehicle being shipped from Seattle to Juneau on the Alaska Marine Highway Ferry system. This investigation led to the arrest of 3 people in Juneau who were attempting to import 495 grams of cocaine, 444 grams of methamphetamine and 1,097 grams of cocaine base (crack). Follow up investigation led to the delivery of a kilo of cocaine in Seattle and the arrest of another suspect.

On 9/16/04, SEANET Ketchikan completed a two-month investigation resulting in the seizure of 266 Oxycontin pills with a street value of approximately \$4,095.

On 10/28/04, SEANET and Juneau Police Department seized \$13,100 in cash. The cash was suspected of being proceeds from drug sales. A residential search warrant resulted in the seizure of a stolen Tech-9 semi-auto pistol.

On 11/03/04, SEANET Juneau intercepted 5 pounds of marijuana being shipped from Seattle, Washington and \$28,000 in cash. The suspect had hidden the marijuana inside a new washing machine that was shipped to Juneau. One suspect was arrested.

Western Alaska Alcohol and Narcotics Team (WAANT)

This team's area of responsibility is Alaska's west coast, to include: Kotzebue, Nome, Bethel, Kodiak, Dillingham, the Aleutian Chain, and the Kenai Peninsula. For most of 2003, the WAANT team consisted of one AST sergeant and two AST investigators in Anchorage; one AST investigator and one officer from Soldotna Police Department in Soldotna; one AST investigator and one officer from Bethel Police Department in Bethel; one AST investigator in Kodiak, working with two investigators from Kodiak Police Department.

One of the positions in Bethel and one in Anchorage are dedicated specifically to alcohol interdiction and investigations. During 2003, three troopers previously assigned to "C" Detachment were reassigned to the WAANT unit. These three investigators, located in Bethel, Nome and Kotzebue will focus on alcohol interdictions.

Due to the vast number of local option communities in Western Alaska, a large portion of this team's principal focus is on alcohol enforcement. They target smugglers and bootleggers through undercover operations and interdictions.

Two common methods of importing alcohol and illegal drugs into rural communities are via the U.S. Postal system and local airlines. Alcohol shipped legally to regional hubs such as Nome, Bethel, and Kotzebue is then illegally distributed to local option communities that have banned alcohol or have limited the possession of alcohol under the local option laws of Alaska.

Because much of the alcohol and drugs being sold illegally in Alaska are shipped through the U.S. mail, the U.S. Postal Inspectors Service conducts interdictions with direct support from CDSP. These efforts consist mainly of US Postal Inspectors assisted by CDSP members monitoring packages en route to outlying villages and communities through the Anchorage postal hub facility. Suspicious packages are brought to the attention of the Postal Inspectors, who then decide how best to investigate the shipment.

The investigations of many of these seizures are coordinated through AST and/or other local law enforcement entities. The Postal Inspectors office relies heavily on support from ABADE. This support includes resources like scent detection canines, intelligence information and follow-up efforts. Not only do these resources assist in the seizure, they also help successfully investigate and prosecute those involved in alcohol bootlegging and drug trafficking.

In other WAANT areas of responsibility, the team has conducted long term undercover operations in Kodiak, Soldotna and Seward. Investigations vary from marijuana grows and meth labs to drug distributors dealing marijuana, meth, cocaine and prescription drugs.

In January, WAANT investigators in Anchorage discovered a suspicious box being shipped to Kotzebue. Investigators received consent to open the box and 4 pounds of marijuana was seized.

In February, investigators seized 5 bottles of alcohol being imported into the local option community of Selawik. As a result, a 2003 Polaris snow machine was also seized.

A contact at the Kotzebue airport resulted in the seizure of 94 grams of marijuana and the service of a search warrant. During the search investigators discovered 130 blasting caps, 500 feet of time/fuse cord and a small amount of C4 explosives. Also seized were 39 seal bombs, 28 rifles, 10 handguns, 8 shotguns and a 37mm gas gun.

In July, Kotzebue investigators saw a person loading alcohol into a vehicle at the airport. The vehicle operator drove to an 18-foot boat where the suspect loaded and hid the alcohol on the boat. The alcohol was being delivered to the local option community of Kivalina. Property seized from the investigation included the boat valued at \$8500, the vehicle valued at \$12,000 along with 60 cans of beer and 14 bottles of alcohol. The alcohol was valued at \$5100. Three suspects were arrested in this case.

In August, Soldotna WAANT investigators served a search warrant on a residence suspected of having a marijuana grow. Over 100 marijuana plants were discovered in several underground storage units. The property, consisting of a two-story, structure was seized and forfeiture proceedings were begun against the owner by DEA in Anchorage. One person was arrested in this case.

A contact at the Kotzebue airport led to the service of a search warrant at a known marijuana distributor's residence. The search resulted in the seizure of 3 Skidoo snow machines, one Honda 4 wheeler, a 20-foot Bayliner boat, one 16-foot Lund boat and other property totaling approximately \$49,000. In addition, \$11,975 in cash and 18 firearms were seized and 5 suspects were arrested.



DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration (DEA) in Anchorage is deeply involved in working with all state and local drug units to enhance and facilitate investigations of major offenders throughout Anchorage.

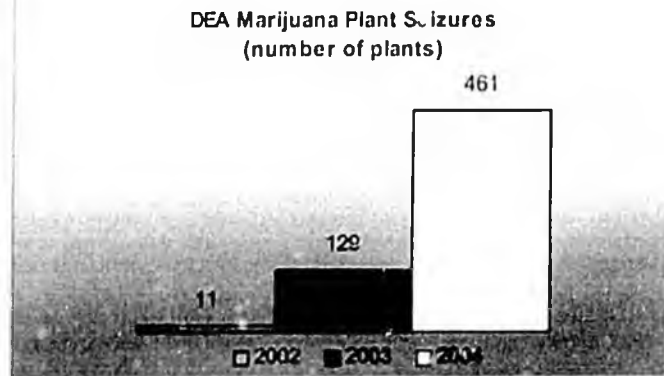
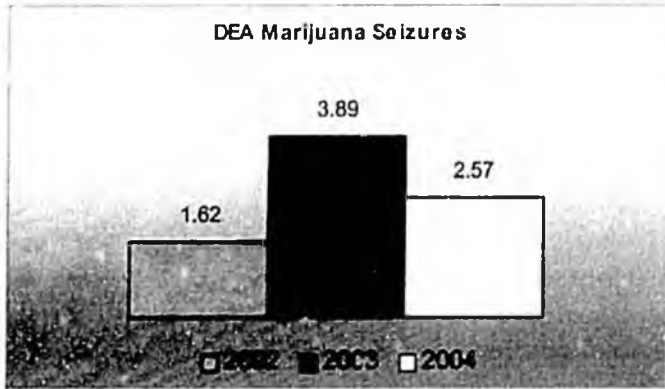
The DEA has added several Special Agents to Alaska in the last few years to support the entire state of Alaska, including two positions in Fairbanks that work hand-in-hand with the Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement to investigate a wide variety of drug related crimes in and around the area.

They are the host agency for the Alaska Interdiction Task Force, a joint effort involving DEA, AST, Ted Stevens Anchorage International Airport Police, Anchorage Police Department, Postal Inspectors, CDSP, and several other agencies as needed.

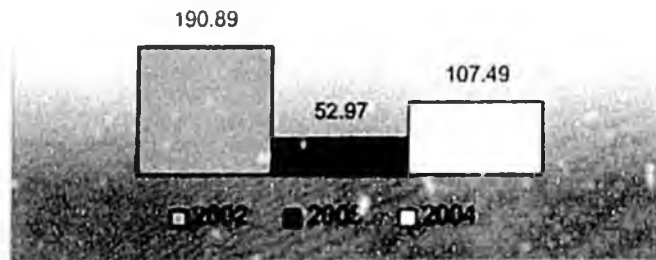
DEA continues to furnish training to state and local officers to include topics related to clandestine methamphetamine laboratories. DEA provided the funds for members of the Alaska Interdiction Task Force and other law enforcement personnel to be trained and get re-certified in clandestine laboratory safety and investigations. In addition, they have facilitated participation of troopers in a Drug Unit Commanders Academy held in Quantico, Virginia. The DEA Anchorage office is also currently planning additional training to state and local law enforcement personnel through a DEA sanctioned "Two-Week Basic Drug Enforcement School."

DEA continues to facilitate forfeiture proceedings related to assets and funds seized as a result of criminal investigations and drug trafficking. This effort allows state and local law enforcement agencies to receive a portion of the assets seized, which in turn funds additional criminal investigations.

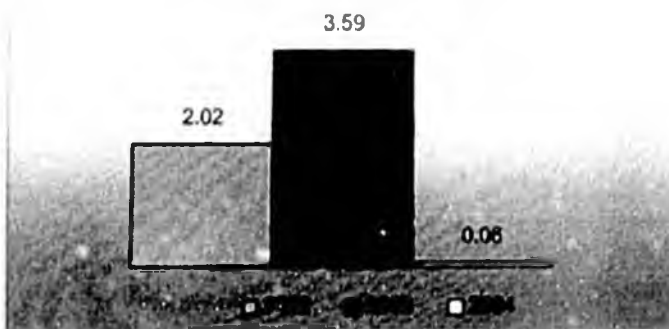
Seizure Statistics for DEA Anchorage



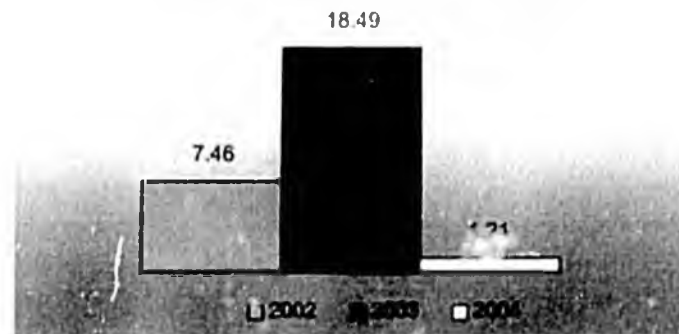
DEA Cocaine Seizures



2004 DEA Ecstasy Seizures



2004 DEA Methamphetamine Seizures



Emerging Trends in 2004

The most significant trend in 2004 continues to be the explosion in the manufacturing and abuse of methamphetamine throughout Alaska. The number of illicit methamphetamine labs has continued to rise since 2002 when 29 labs were seized statewide, 66 labs were seized in 2003 and 80 labs were seized in 2004. Due to the volatile chemicals involved, investigators need to be trained and certified and wear hazardous material protective gear when responding to methamphetamine labs. Several residential fires were reported this year were caused by the manufacturing of methamphetamine. Also during 2004, several methamphetamine labs were discovered inside hotel/motel rooms creating chemical and fire hazards for other civilians that also occupy the buildings. Violent crime related to methamphetamine manufacturing and usage also appears to be on the rise. During the year there were several homicides that have been connected to methamphetamine. The sale and abuse of methamphetamine is as much on the rise as the number of meth labs.

A trend that continues from year to year is the illegal transport of alcohol and drugs to villages throughout Alaska. ABADE will continue to aggressively pursue and investigate the illegal possession, shipment and sale of alcohol in local option communities and other illegal drugs throughout Alaska. With funding from federal sources, as well as traditional program funds, the dedication to the task of pursuing bootleggers and drug dealers has been expanded and enhanced. Between the efforts of ABADE, Alaska State Troopers, Village Public Safety Officers, local law enforcement, federal agencies and the promised support of Governor Frank Murkowski, we will strive to decrease the alcohol and drug problem within the State of Alaska.

Summary

The Alaska Bureau of Alcohol and Drug Enforcement, with its unique ability to interdict and investigate cases across the state, recognizes that drug abuse is not confined to any one geographical location or any economic strata in our state. Drug and alcohol abuse affects all Alaskans, despite social, ethnic, racial and economic barriers.

The Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement is committed to working with all interested agencies in the fight against substance abuse throughout the state by using innovative concepts to deal with the illegal sale and distribution of alcohol and drugs. We are also committed to focusing on increased awareness and knowledge of drug abuse through educational presentations to the Public Safety Academy and in public forums, such as schools, service organizations and other community groups.



The 2004 Annual Drug Report is a publication of the Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement. It can be accessed via the Department of Public Safety Internet site therefore there is no publication cost and is intended to inform Alaskans about the type and frequency of drug related crime reported in Alaska during 2004.

The Alaska State Troopers, Alaska Bureau of Alcohol and Drug Enforcement supplied the majority of information and photos presented in this report. Additional data was obtained from Office of National Drug Control Policy (ONDCP) publications, the National Criminal Justice Reference Service (NCJRS) and the Alaska Justice Forum.



APPENDIX G

ATTACHMENTS FOR RECOMMENDATIONS RELATED TO

THE DEFINITION OF ALCOHOL MANUFACTURE

FORFEITURE

QUANTITY CONSISTENCY