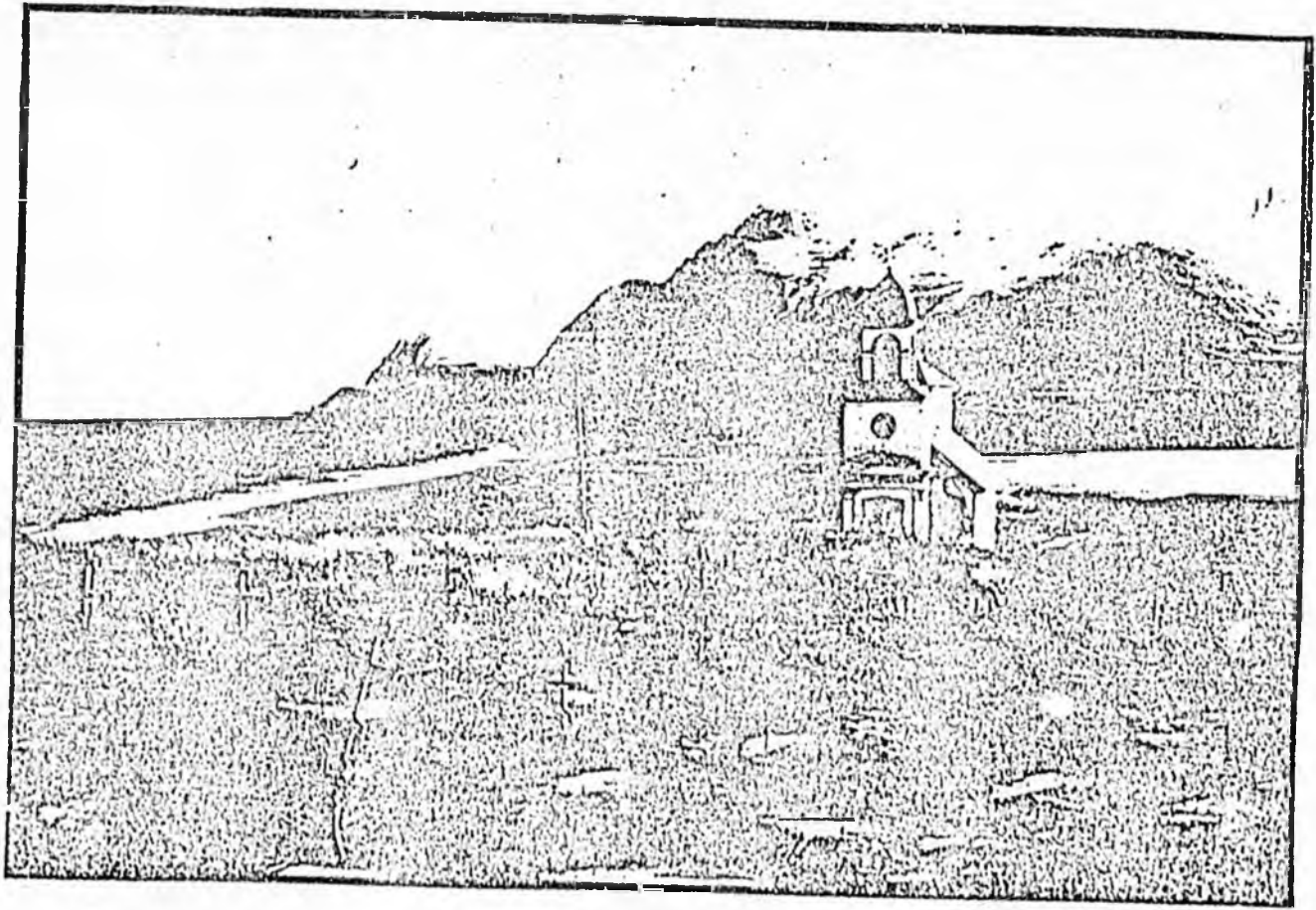


878

070 III 070 III 070 III

TABLE VI, TOTAL COST ESTIMATES FOR MEETING CURRENT AND FUTURE SPACE NEEDS IN KARLUK (ROUNDED OFF TO NEAREST \$100,000)

FUNDS NEEDED TO MEET CURRENT SPACE NEEDS	FUNDS NEEDED TO MEET PROJECTED SPACE NEEDS
\$2,400,000	\$3,600,000



APPENDIX A

Karluk Advisory Board

RESOLUTION# \_\_\_\_\_ to the Kodiak Island School Board,  
made at the November 2nd meeting of the Karluk Advisory Board.

WHEREAS the Kodiak Island Borough School District has  
a commitment to equal educational opportunity in all of its  
K-12 programs; and

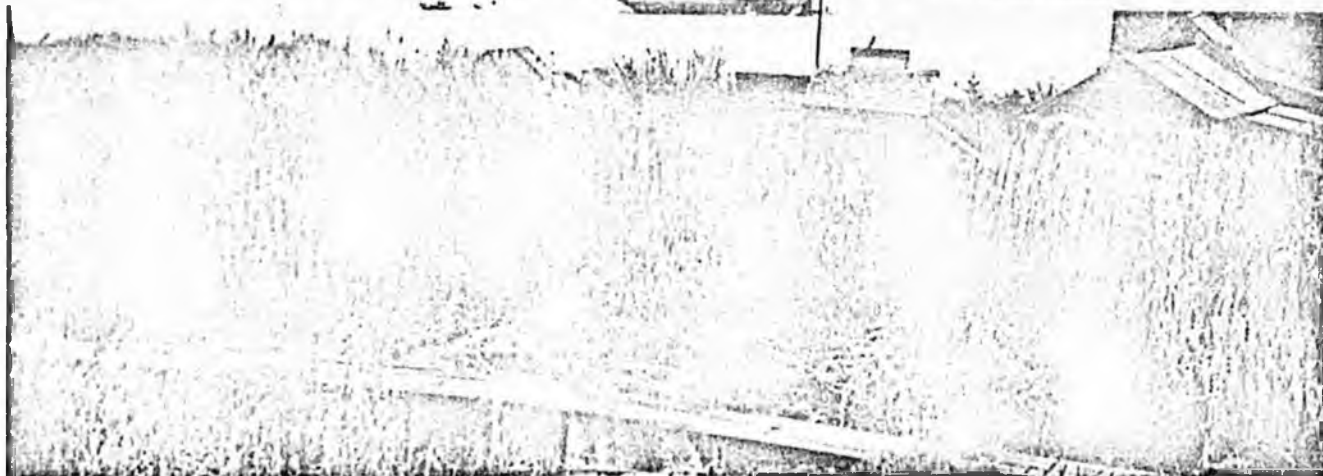
WHEREAS adequate school facilities constitute an essential  
component of any educational program; and

WHEREAS the Karluk school has been physically moved,  
divided and combined three times during the past two and  
one half years as a result of the Karluk bridge wash out and  
a relocated community; and

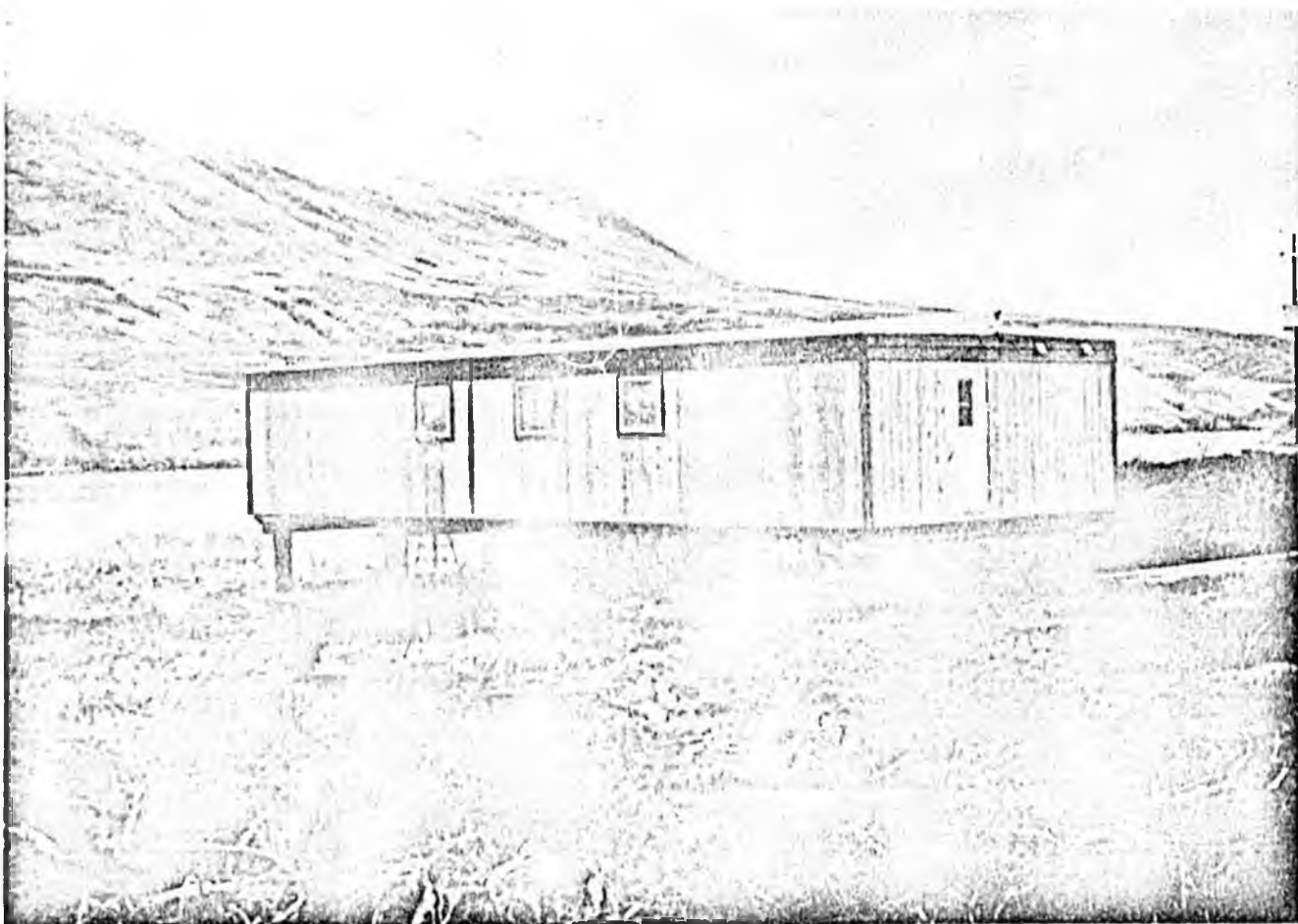
WHEREAS the Kodiak Island Borough School District and  
the Kodiak Island Borough Assembly did see fit to provide  
funding for the installation of a 20' X 42' temporary ATCO  
unit in December, 1978. From December of 1978 through May, 1979  
this ATCO unit housed 18 students, while 8 students still  
attended school in the Old Karluk attendance area; and

WHEREAS the Kodiak Island Borough School District closed  
the Old Karluk school in May of 1979 and the Karluk parents all  
committed themselves to sending their children to the ATCO  
unit in the relocated village of Karluk; and

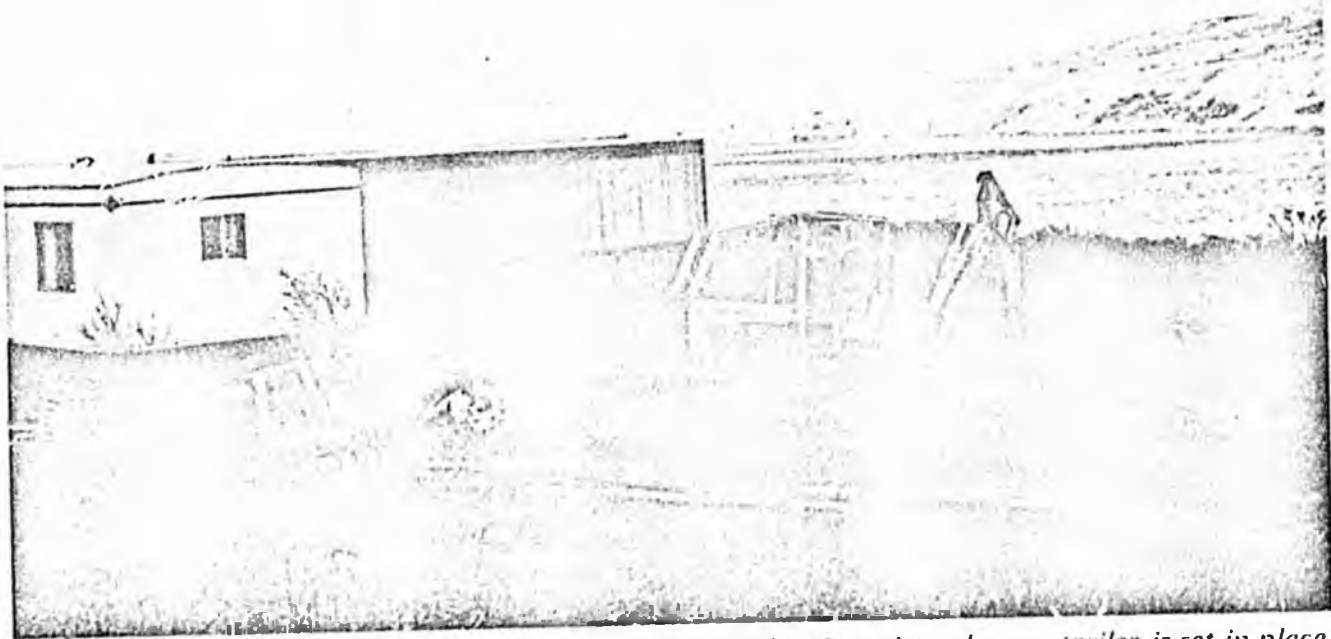
Whereas there are currently 26 students enrolled in the  
Karluk School, Grades K-8, with 6 of these students being  
Kindergarteners who attend school in a KANA rented facility,  
thus making teacher supervision difficult; and



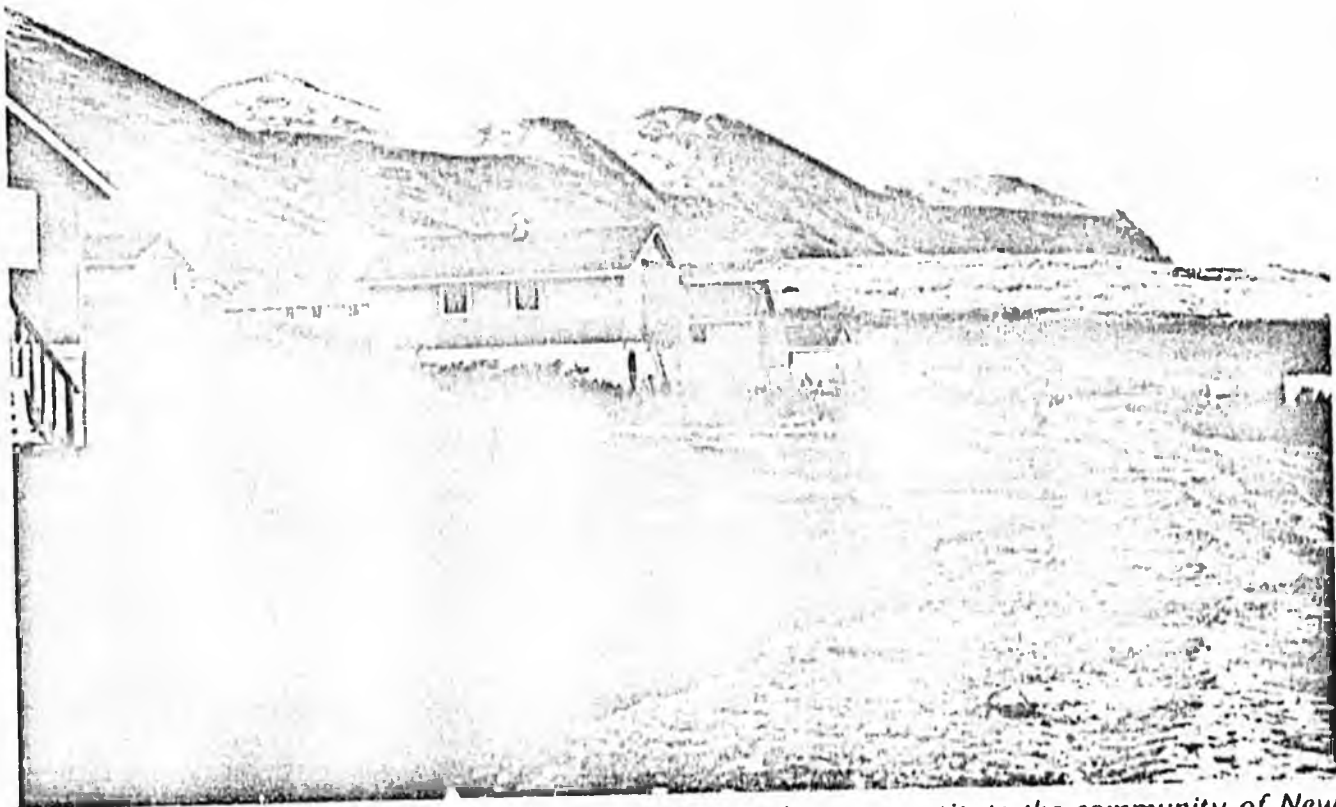
*The Riley Pleas barge moves into the Karluk Lagoon loaded with the ATCO school unit. (October 1978)*



*The ATCO school unit is set on pilings at the New Karluk school site. (October 1978)*



*Looking out towards Old Karluk, the new ATCO school unit and teacherage trailer is set in place. (October 1978)*



*The village of Karluk is relocated. Twenty-three HUD homes constitute the community of New Karluk. (November 1978)*

WHEREAS in August of 1980, the projected enrollment for the ATCO unit is 29 ( the 6 Kindergarteners will become first graders and 3 elementary correspondance students may plan to enter as regular students) and the square footage would be 18 sq. feet per student; and

WHEREAS the spacial deficiency and resulting noise problems would severly impede the delivery of an instructional program;

BE IT THEREFORE RESOLVED:

That the Kcdiak Island Borough School District pursue funding for an additional temporary ATCO unit to meet Karluk students' emergency space needs for the 1980-81 school year and

That the Karluk School be assigned a high priority in the District's long range facilities planning document so that Karluk could expect a permanent elementary-secondary facility within the next 3 or 4 years, since the ATCO units provide a temporary solution only to our school space needs and since we anticipate 14 secondary students within those 3 or 4 years.

Karluk Advisory School Board

Jerry Sheehan  
Jerry Sheehan, Chairman

Hilda Charliaga  
Hilda Charliaga

Hazel Balluta  
Hazel Balluta

Betty Lind  
Betty Lind

Mary Reiff  
Mary Reiff

APPENDIX B

II-D. SUBJECT AREAS FOR THE VILLAGE HIGH SCHOOL PROGRAM

A) Subject Area Grid: The subject area grid is presented as a brief diagram of the educational program.

9th Grade	10th Grade	11th Grade	12th Grade
English (Reading)	English (Reading)	English	English
General Math	General Math	U.S. History	<u>U.S. Govern.</u> Consumer Ed.
General Sciences	General Sciences	Reading	Reading
Social Studies/ AK. Land Claims/ Alaska Geography	Social Studies/ AK. Land Claims/ Alaska Geography	<u>P.E.</u> Elective	<u>P.E.</u> Elective
Vocational Educ.	Vocational Educ.	Elective	Elective
Elective	Elective	Elective	Elective

These subjects are taught with programmed, basic skills materials that students must complete.

The required subjects above will be programmed. However, the electives will be left up to the students based on the areas or jobs they may be interested in.

## APPENDIX C

### II-E. Kodiak Small High School Programs - General Space Implications

Any new high school building in Kodiak Small Rural Villages must be designed to accommodate and facilitate the high school program that community people have stated they want in this document. Moreover, the design must also reflect the delivery system of the program as outlined in this section. Therefore, the following conclusion can be drawn regarding the space needs of the new facilities:

1. All five types of instructional areas: academic studies, laboratory sciences, physical education, vocational education, and other electives must be included in the building.
2. Because of limited funding and small numbers of teachers and students, as many of the different kinds of areas and spaces for specific subjects in those areas as possible must be designed for shared space. Some areas will have to accommodate two or more categories or kinds of activities.
3. The individualized delivery system of the program requires that all areas accommodate individualized study needs.
4. Since the core of the program delivery system is individualization, the center of all activities must be an area containing the library media center, and individual and small group study spaces known

as a learning resource center. All areas must have access to this area so that students can seek and select information, study books, audio-visual tapes, and work in small groups or individually on information relating to all subject areas.

5. Instructional area requirements are listed below:

a. Academic Studies Space:

- 1) Must have individual student study places to accomodate all students.
- 2) Must have general purpose classroom(s).
- 3) Must have a learning resource center with several individual places for students to view filmstrips, film loops, movies, micro-fish, videotapes, television, and also, listen to and/or record cassette tapes and records.
- 4) Must have teacher station(s) and preparation areas.
- 5) Must have areas for small group work, perhaps isolated to reduce noise levels.

b. Laboratory Science Space:

- 1) Must have direct access to learning resource center.
- 2) Must have sinks, ventilation, and areas to display materials as well as secured area for storing certain chemicals and equipment.

c. Physical Education Space:

- 1) Must have access, but perhaps not direct access, to learning resource center.
- 2) Must have large area for student activities to be utilized by elementary students, as well as the entire community.
- 3) Must be able to be secured from rest of building for community use.
- 4) Must contain basketball and volleyball courts and storage area for equipment.
- 5) May have bleacher seating to seat 75% of the community. (Suggest bleachers on rollers).
- 6) May have storeaway stage area with curtain.
- 7) Must have showers and lockers.

d. Vocational Education Space:

- 1) Must have access, not necessarily direct, to learning center.
- 2) Must accomodate such diverse space needs as: home sciences, welding, wood-working, mechanics etc..
- 3) May have localized, secured tool area.
- 4) Must have appropriate ventilation and fire safety requirments.
- 5) May be able to be secured from rest of building for possible community use.

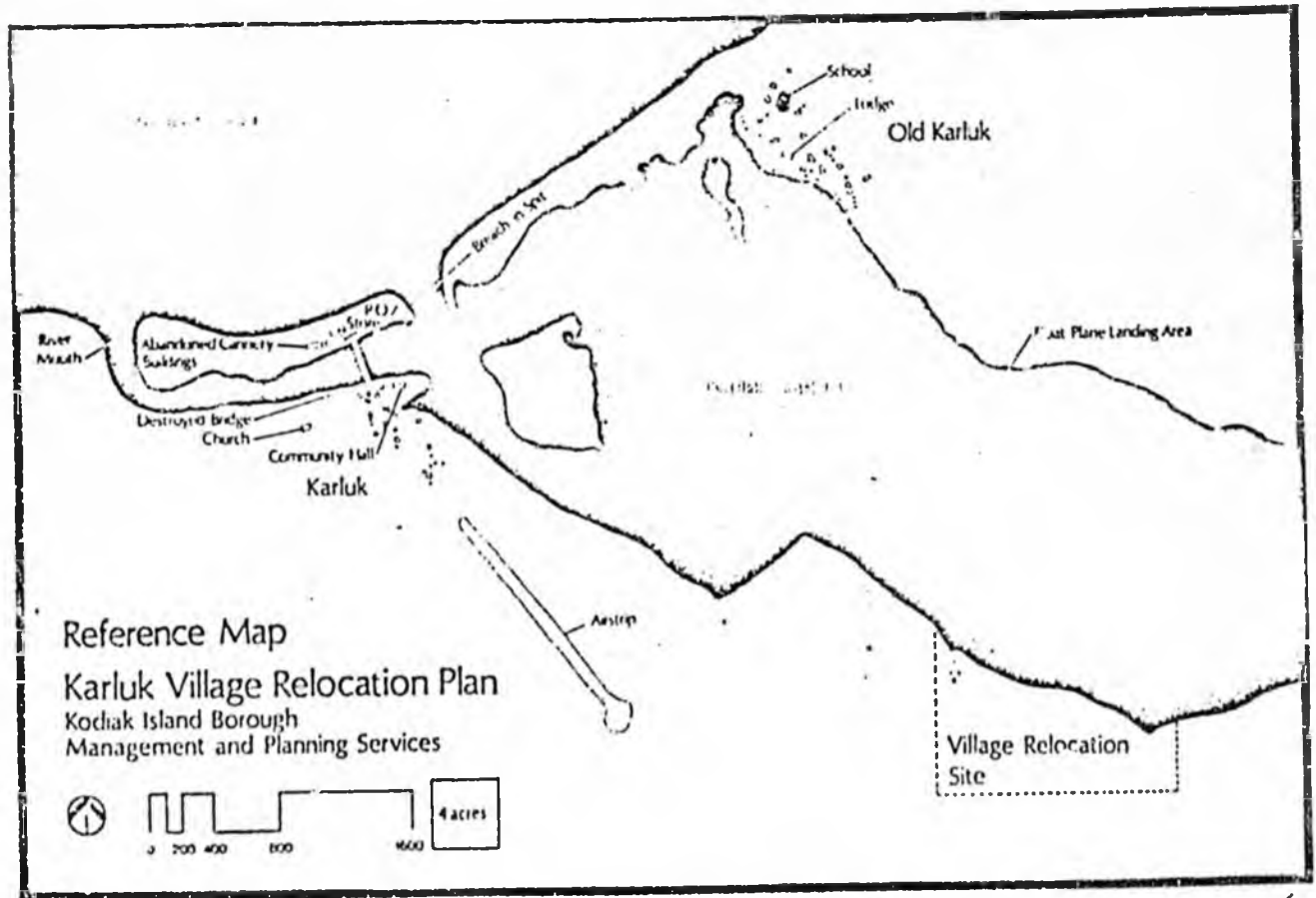
e. Other Elective Areas:

- 1) Must have access to learning resource center.
- 2) May accomodate such activities as music and art.

It should be emphasized that some of the above areas will have to be combined in some manner to provide space for all areas needed.

APPENDIX D

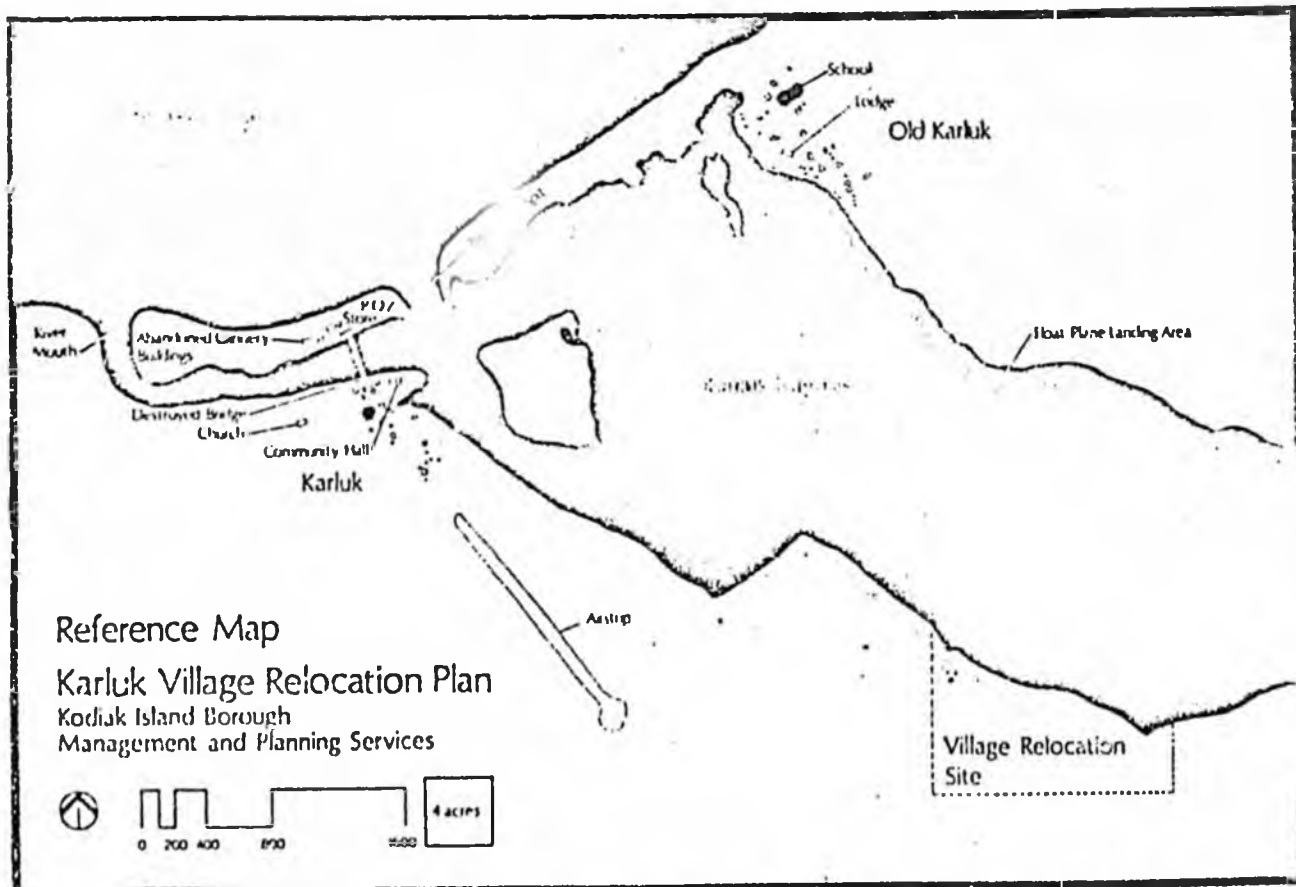
MAPS



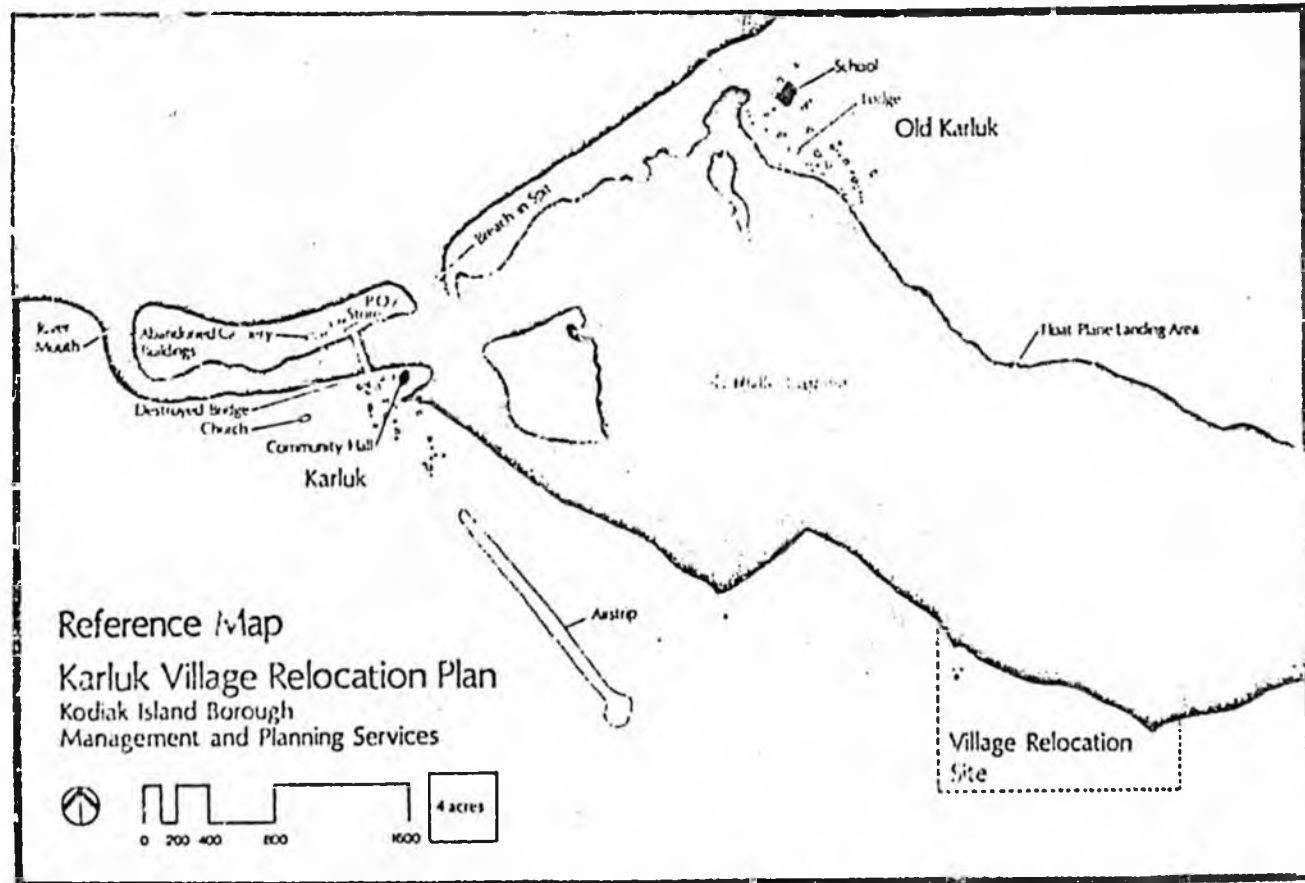
Sept. '77 - Feb. '78 - 1 School - Old Karluk

# Phase 2.

27

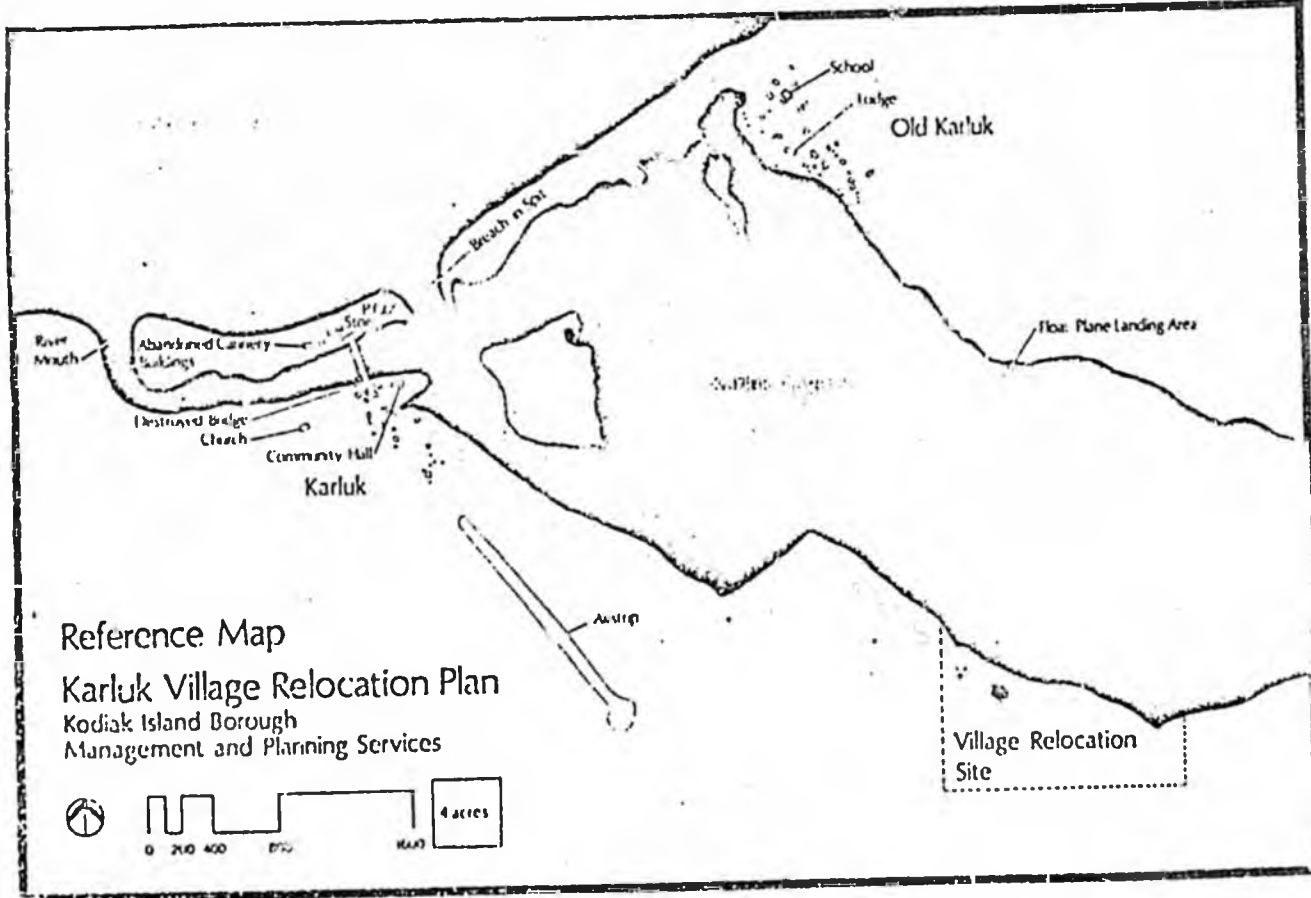


Feb. '78 - May '78 → 2 Schools  
Old Karluk &  
Rented House in New Karluk



Aug '78 - Dec 4<sup>th</sup>, '78 - 2 Schools,  
 Old Karluk &  
 Community Hall

Phase A.

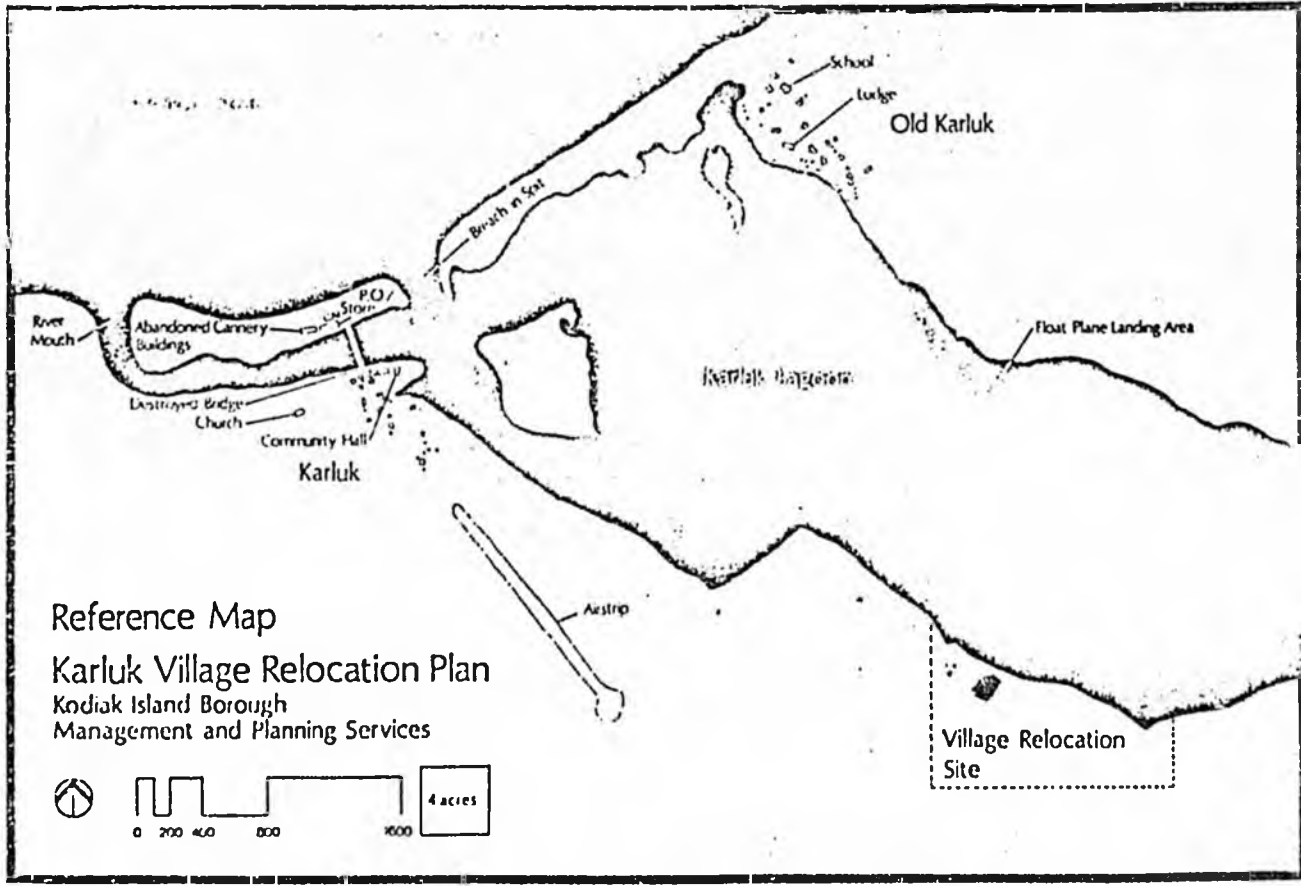


29

Dec. 4<sup>th</sup>, '78 - May '79 - 2. Schostin  
 Old Karluk  
 ATCO Unit

Phase 5.

30



Aug '79 → Future - 1 School  
ATCD Unit

# TELEGRAM

ALASCOM, INC.  
PHONE: 486-6442  
JUNEAU, AK 99802

90 FEB 11 PH 9 17.

*Karluk*  
*HB 620*

#

02172 NL ANCHORAGE ALASKA 68 02-11 35P AST

PMS REP ALVIN OSTERBACK

JUN 1950

WE WOULD LIKE TO EXPRESS OUR THANKS TO YOU FOR INTRODUCING HOUSE BILL 620 WHICH WOULD APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A SCHOOL AT KARLUK. WILL YOU BE TALKING TO THELMA BUCHHOLDT WITH THE INTENTION OF INCLUDING THIS INTO THE GOVERNORS BOND PROPOSAL PACKAGE? RECENT STORM DAMAGE TO THE TEMPORARY SCHOOL UNIT ROOF MAKES ACTION ON THE NEW SCHOOL PROPOSAL EVEN MORE CRITICAL.

KARLUK ADVISORY SCHOOL BOARD

Jerry Sheehan  
KARLUK Advisory School Board  
KARLUK, ALASKA  
99608

3/10/80

Dear Representative Buchholdt:

We hope that a hearing may be set up for HB 600 soon. We understand that KARLUK is now on the Governor's Bond Proposal also. We need a new school. If HB 600 can go through the legislative process, we can have a new school sooner than if the Governor's Bond proposal is approved.

Enclosed are letters our children wrote to JUNEAU describing what they see, in their own words, as why we need a new school.

Also enclosed is a copy of the Kodiak Area Native Associations recent

(Rep. Thelma Buchholdt, pa)

newsletter, which endorses our school needs.

I will be in JUNEAU next week to attend the Citizens Participation Conference (Education) and I look forward to meeting you then.

Sincerely



Jerry Sheehan

Chairman KARLUK Advisory  
School Board

KARLUK, ALASKA

99608

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

Feb. 12/1980

Dear Alvin Esterback,

Greetings! How are you? I am just fine

I am Janis Balluta el live in Kooluk, which is at the west side  
of Modak Island.

Kooluk is made up of three separate villages, did you  
know that?

The village fell down during a storm two years ago!  
The church was built in 1888. There is 3 kids going  
to correspondence course and are not very happy being away  
from kids their own age.

I think you will be receiving a letter from them.  
We do not like the lunches in the school!

I am in the sixth grade and would like to see Kooluk get  
a new school and so would every body else. If you would like to  
come and see the school feel free!

Please Support us!

Turn this Paper over!

P.S.

Please Try to get the school in two more years!

Here is a poem for you!

## What A School Merits Do We!

Although I am just a sixth  
grader with two more years to  
go till I enter into high  
school not knowing where I  
will go.

I see high school student  
piling off to school somewhere.  
Most of them returning home again  
mostly in despair.

I do not want to think of  
the time to come for me to leave  
home just to continue school else-  
where. The awful thought of returning  
home in despair.

Love  
Tonia B. White

Please support the proposal for our school. The  
Elementary & Secondary Facility for Kankakee. If we get  
it, it will surely help us out as we know it'll be a blessing  
& there will be a comfortable thought!

Keep smiling  
it makes people  
wonder what you  
been up to!



Feb. 12, 80

2-12-80

Dear

Hello my name is Guy Balluta  
and I live in Karluk. Here we are  
in Karluk going to school in a box.  
We would really appreciate a  
new school. We would like to  
have a new school because in  
the last couple of years we moved  
to two different schools.

Just in case you don't  
know I reside on the island  
of Kodiak in Karluk. I sure  
wish we could get our new  
school next year sometime. If  
we are able to get it, will you  
please try to help us here in  
Karluk.

Guy  
Balluta

FEB.  
2-12-80  
Kar

Dear \_\_\_\_\_,

I am Philip McCormick.

I Live in Karluk Alaska. a village on  
Kodiak Island. Karluk is a nice place to Fish.  
Karluk needs a new school. we use to  
go to school across river. That school  
is bigger then this school. The  
school that we are in has leaks;  
in it. The school that we are in now is to  
small. we do not have no room in the school.  
We want a new school next year.

Philip McCormick

Feb 7, 1980

Dear

How are you doing? My name is Derk Youvella

I live on Kodiak Island in a village called Karluk. We would appreciate a new school. Because the school is too small and there are leaks in the school. And we would like the school next year.

By Derk

Feb. 12-1980

Dear \_\_\_\_\_,

My name is Kathrine Yevonne Reft,  
I am in the 6<sup>th</sup> grade and 11 years old. I  
live in Kook which is on Kodiak Island.  
I wrote this letter to tell you we need  
a new school. Every day we go to computer  
in the teachers trailer. The little kids are  
to noise its hard to learn. And next  
year we are getting more small kids. So  
please help us. We sure need help. I  
sure wish you could come out here  
and I will show you around. Thank you  
hope you could come.

Reft Kathrine Yevonne.

3-12-80

Karluk Ak.

Dear

I am Darryl - Smartoff.

I live in Karluk Alaska in a blue house.

We would appreciate if you would

give us a new school. Our school

is to broken. We always have a

class in our teachers house. If you

would get us a new school send

it as soon as possible. So we

wont be so crowded. In 1977

we had a bridge and a store

but a storm started and our

big wood store was destroyed. Our

bridge was down by the time

the storm was over. Our store keeper

quit his job and left. This happened

on my brothers birthday he was 1.

Now he is 3 years old. We were

going to have a lot of kids

next year in this small school.

I hope we dont have to go

to school out side next year.

Hope you can help

FEBRUARY 12 1980

2-12-80

Dear

Hello my name is Emil Sugak.  
we would like a new school.  
I live in Kodiak Island. I  
would like you to come over  
when you get a chance to.  
are school leaks all over  
the place. I am in 3<sup>th</sup> grade  
and I am 9. Are village is called  
Karluk. What is your name.  
where do you live. I have a  
friend name Robin he is in  
3<sup>th</sup> grade and he is 9. I dont  
have anything else to say.

Bye

February

1980

Dear

Hello my name is Robin  
squiff. We would like a  
new school. We got a  
small school. Please send us  
a new school. I live on  
Kodiak Island. We would  
like you to come over and  
visit one day. The school  
shakes. I am in 7th grade.  
I am nine years old. Who  
is your name. We get a  
school that is 18x40.

By By

Feb. 12, 1980

Dear Fred Zharoff,

Hello my name is Alicia Lynn Kept. I live in Karluk, Alaska it is a small village of about 80 to 100 people. There are 20 kids in the morning in school and 26 in the afternoon and we could not work well because the school is noisy. The school is so small we have to go do Comprehension in the teacher's house. I would sure appreciate it if you could help us get a new school for next year because next year we are going to have about 30 to 32 kids in the school. We used to live on the other side of the village. Over there we went to school the school is nice and big but right now we are over here in the small school and on the other side three kids are taking Correspondence course and they are going to go to school over here next year. But we could barely fit them in.

Dear

Feb-12-80

Hello! My name is Joyce Elaine Peft. I live in Karluk. Karluk is on Kodiak Island Alaska. There are twenty kids in school and twenty six in the afternoon. We are going to school in a small Atca. We have to have Comprehension in the teachers trailer, because we don't have enough room in our school. We are asking you people to help us get a bigger and a new school. I am 14 years old and in the 7th grade. My teachers name is Mr. Doug Flynn. Every time it rains our snow we get stuck in the middle of our school. We don't have any place to put any tv. because we have to have Jackie's instant soups. We would like to have you out here and will show you our small school. When it blows hard the whole school shakes. Next year there is going to be more kids.

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

# KANA NEWSLETTER

Volume 4- Number 3

FEBRUARY 1980

*To promote pride on the part of the Natives of Alaska in their heritage & traditions; To preserve the customs, folklore & art of the Native races; To promote the physical, economic & social well-being of the Natives of Kodiak. To discourage & overcome racial prejudice & the inequities which such prejudice creates; To promote good government by reminding those who govern & those governed of their joint & mutual responsibilities.*

## THE VICE-PRESIDENT'S VIEW

The residents of Kodiak Island should be well-aware of four bills presently before the Alaska State Legislature. All four will directly affect us. I urge your support of two of these bills - one providing for construction of a new school in Karluk and another providing for the installation of KMXT translators, and your active opposition to two other bills which repeal the limit seiner length and repeal prohibition of drum seining.

## NEW SCHOOL FOR KARLUK

HB-620 was introduced in January by Representatives Osterback and Zharoff. This bill provides appropriation of \$3,600,000 for construction of a new elementary-secondary school in Karluk. The funds would go directly to the Kodiak Island Borough for the construction project.

The village of Karluk needs your support. At this time, 27 students (Kindergarten through 8th grade) are attending classes in an ATCO unit. The conditions are very overcrowded and the various grade levels of the students make one-classroom teaching difficult.

Since Karluk is not included in the school construction bond issue this fall, legislative action is their only hope for a new school.

## KMXT TO THE VILLAGES

In February, Representative Osterback introduced HB-548 to provide appropriation to install KMXT Radio translators between Kodiak and the villages of Old Harbor and Larsen Bay. The translators will extend KMXT's signal to these villages, bringing them public radio.

KMXT's staff and board have been working very hard for several years to extend their radio signal to all the Kodiak Island villages. This is the first of appropriating legislation to meet their goal and it needs our active support.

## MORE GEAR, LARGER BOATS

Two bills before the Alaska State Legislature have the potential of adversely affecting salmon fishing on Kodiak Island and other areas of the state.

HB-1, introduced by Representative Eliason, is an act relating to the length of salmon seine vessels. This bill repeals the maximum 58-foot keel. Allowing larger boats would have definite adverse effects on small boat fishing as practiced by the majority of Native fishermen on the Island. Larger vessels would result in increased cape fish-

(Continued on Page 2)

## OIL - WHAT DO WE THINK

KANA and five villages are offering testimony this week at the Anchorage and Kodiak Public Hearings on the Draft Environmental Impact Statement (DEIS) for OCS Lease Sale No. 46.

KANA's testimony is supporting the No Sale option outlined in the DEIS statement. This formal position was reached by the KANA Board of Directors following staff and OEDP Committee analysis of the DEIS. The Board's support of the No Sale position was adopted for the following reasons: 1) The unavoidable adverse environmental impacts that will occur to the Island, particularly to its commercial fisheries, from the development and production of and/or natural gas from the sale area, 2) the adverse socio-economic effects that will occur, particularly to the subsistence/small boat rural lifestyle of the villages, 3) the non-compliance of conducting this sale in accordance with guidelines stated in the Bureau of Land Management/Outer Continental Shelf Lands Act of 1953 as amended in 1978.

In addition, the villages of Akhiok, Karluk, Ouzinkie and Port Lions are supporting the No Sale options for similar reason. Old Harbor, however, is supporting the No Sale option prior to the lease sale occurring, but is requesting that it be considered as a potential location for the on-shore facilities should oil development occur.

KANA's review process has focused on reviewing the numerous documents prepared in regard to Lease Sale No. 46, providing information to the Island's Native people on the probable impacts associated with the proposed sale, and to assist in advocating positions that the Island's villages have adopted. This effort has primarily occurred through working with the KANA Overall Economic Development and Planning Committee, a sub-committee comprised of one representative from each of the Island's six villages. The Committee's efforts have included meeting independently and with the Borough's OCS Advisory Council to become familiar with oil development.

## NOTICE

The Eye Doctor from AMNC will be coming to Kodiak March 31st through April 4th. Anyone wishing to make an appointment, please contact Gereldine Squartsoff, the Kodiak Area Native Association Health Department, at 486-5725, extension 241.

KODIAK AREA NATIVE ASSOCIATION NEWSLETTER  
P.O. Box 172 Kodiak, Alaska 99615 Phone 486-5725

From the office of the Vice - President

FRANK R. PETERSON - President  
IONE M. NORTON - Vice - President

**KANA BOARD OF DIRECTORS**

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Nick Peterson - Vice - Chairperson  
Evelyn Mullan - Secretary  
George Wallin - Treasurer

Virginia Abston	Julie Knagin	Myrtle Shanigan
Esther Denato	Kalumpi Larionoff	Cecil Shull
David Eluska	Betty Nelson	Fran Shugak
Walter Erickson	L. Ariel Boone Reed	Mike Swenson
Bill Hartman		Roman Zeedai

**NEWS BRIEF**

*Budget Request Affects Alaska*

The President sent Congress his budget request for FY 1981 which includes for Alaska: \$25.2 million for military construction; \$83.1 million for the Coast Guard; \$98.3 million for the FAA; \$124 million for highways; \$11.5 million for the Alaska Railroad; \$1.1 million for mass transportation; \$38.9 million for the BLM; \$30.8 million for the BIA; \$76.5 million for Interior; \$1.7 million for bureau of Mines; \$19.9 million for Fish and Wildlife; and \$19.9 million for the National Park Service.

**FUEL ASSISTANCE AVAILABLE NOW**

The Federal Fuel Assistance Program is designed to provide up to \$350 credit for fuel to households whose income falls within the prescribed guidelines. The program is available to help with fuel bills, paid or unpaid, incurred since October 1, 1979. The money goes directly to the fuel company with which you deal. When you send in your application, enclose your fuel and utility bills, paid or unpaid, since October 1, 1979.

Income guidelines are as follows:

HOUSEHOLD SIZE	MONTHLY GROSS INCOME
1	\$445
2	558
3	730
4	873
5	1,016
6	1,158

Some income, such as the Longevity Bonus, is not "counted against you," so even if you are somewhat above the guidelines, apply anyway. You may be eligible.

In Kodiak, applications are available at the Food Stamp office in the old Hospital Building and at KANA Social Services office.

In the villages, the fee agents or Council have forms available.

**WELCOME ABOARD!**

Interest and enthusiasm is evident as Gene Sharratt talks about his new job at KANA. That is High School Counselor funded through the JOM program. Gene replaces Yvonne Zharoff who recently resigned to accompany here husband, Representative Fred Zharoff to Juneau.

Gene is located at the Counseling office in the High School and is available to any Native student for counseling, scheduling or just a friendly chat.

Gene has been in Kodiak off and on since 1965. He is married and he and his wife Carol have one child, Sarah. He comes to us with a Master's degree from the Pacific Lutheran University and a teaching background.

Welcome aboard, Gene!



(Continued from Page 1) MORE GEAR, LARGER BOATS eries, increased gear lengths, lead to higher prices for entry permits and in general, favor "outside" fishermen who are engaged in large boat salmon fisheries in other areas.

A House concurrent resolution (No. 54) has been introduced by Osterback, Gardiner, and Zharoff which requests the Board of Fisheries to adopt special regulations for the Kodiak and Shumigan Islands and Alaska Peninsula. The resolution imposes a fifty-foot limit for these areas. Although the resolution is an attempt to save these areas from eliminating the present maximum keel length limit, it does not carry the weight of law.

HB-791, introduced by Representative Gardiner, reinstates the use of a drum or a reel as legal gear in the purse seine fishery. As would occur from the removal of the maximum keel length limit, this bill would favor "outside" fishermen who already use power reels or drums as legal gear in "lower 48" salmon fisheries. Overall, the most apparent effects would be less fish for the inland bay small boat fishermen and increasing pressures to reduce the number of entry permits available for the Kodiak Island area. Although the bill is being considered during this legislative session, it would not take effect until January 1, 1984.

I urge you to contact our legislators, Senator Mulcahy, Representative Zharoff and Osterback, to voice your concern on these bills. Petitions have or will be circulated in each village regarding HB-1 and HB-791.

## AKHIOK MEN AMONG PUBLIC SAFETY OFFICER GRADUATES

Eighteen men and women completed four weeks of intensive training as Village Public Safety Officers with their graduation from the Department of Public Safety Academy in Sitka on February 8th. Among the graduates were Mitch Simeonoff and Robert Simeonoff of Akhiok.

This Village Public Safety Officer training course included two weeks of training as emergency medical technicians, the same course given to all Alaska State Troopers; and two weeks training in law enforcement, boating and water safety, search and rescue operations and preparation of village ordinances relating to public safety.

Later this spring, these Village Public Safety Officers will receive an additional one-week training in fire fighting and fire prevention. This will be conducted by the State Fire Service Training Program of the Department of Education at the new Regional Fire Training Center in Anchorage.

This will be followed by continued on-the-job training by Alaska State Troopers. As Village Public Safety Officers, these men and women will be responsible for providing a wide range of public safety services in their respective communities. This includes law enforcement, emergency medical treatment, fire fighting and the development of fire fighting skills and fire prevention programs in the villages, development of boating and water safety programs and enforcement of boating safety in cooperation with the U.S. Coast Guard, development of search and rescue programs within the villages and assistance to the village councils in the adoption of village ordinances.

## KODIAK TEAMS HEAD FOR NATIVE YOUTH OLYMPICS

Although the first Native Youth Olympics was held in the spring of 1971, Kodiak youths did not participate until 1978. Now, as they enter their third year of competition, their interest and enthusiasm is stronger than ever. Twenty-two students from the Kodiak area are expected to participate in the state-wide competition in Anchorage on March 7 & 8. Island-wide local competition was held in February to create our All-Star team going to Anchorage. The Akhiok competitors were weathered out during the island competition and consequently will be taking their own team to Anchorage.

The competition evolved from twelve teams in 1971 to over eighteen last year. This year's Native Youth Olympics promises to be even larger and more competitive. Students from Nome and Sitka will make the trip to Anchorage to compete for Gold, Silver and Bronze medals in eight different events.

These events include stick pull, head pull, leg wrestling, kneel jump, toe kick, two-foot high toe kick, one-foot high toe kick and seal hop.

The members of this year's Kodiak Island team include Walter and Paul Kewan, Vickie Delgad, Melody Inman, David Bourdon, Lloyd Ashouwak, Susan Panamaroff, Leona Haakanson, Elaine Smileoff, Barbara Squartsoff and

Judy Inga. The team is being coached by Sue Bolling, a fifth-grade teacher at Main Elementary School, and Gene Sharratt, JOM Counselor at the high school. (Names of the Akhiok team members are not available.)

GOOD LUCK TO ALL!

## INDIAN CHILD WELFARE ACT - HOW IT AFFECTS ADOPTIONS

When the Indian Child Welfare Act went into effect in May 1979, it brought about changes in adoption procedures all over the United States. Some of the procedures were already required under Alaska State Law. Other changes go beyond Alaska State Law and take precedence over Alaska State Law.

There are two routes to adoption: one, in which parents' rights to a child are terminated or ended permanently without their consent; and two, in which the parents voluntarily decide and agree to relinquish or give up their rights to their child.

1. In situations in which parents' rights are terminated or ended without their consent, the following rules apply.

1. The party seeking to terminate or end the parents' right must notify the child's parent, custodian, and the child's tribe of the court proceeding, and they must notify the parents and the tribe that they have a right to intervene and take a part in the court proceeding, at any point in the proceeding. After receiving notice, the parent, custodian, or the tribe or village have ten days, plus an additional 20 days upon request, to prepare for the court proceedings.

2. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, the Secretary of the Interior shall be requested to notify the child's parent, Indian custodian, and tribe.

3. The child and his parent or Indian custodian shall have the right to court-appointed legal counsel.

4. Where state law makes no provision for court-appointed counsel in removal, placement, or termination proceedings, the Secretary of Interior shall pay for that service.

5. Any party seeking to terminate or end parental rights without parental consent must satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.

6. Parental rights cannot be ended without parental consent unless the court determines, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Expert witnesses include people knowledgeable about tribal or village culture and customs.

(Continued on Page 6)

## MANPOWER ON THE GO

Our ever-changing manpower program is gearing into the spring and summer seasons with completion of the carpentry programs and planning for the Summer Youth projects.

The Title IID Carpentry program in Kodiak and Ouzinkie drew to a close at the end of February with the completion of the Ouzinkie Health Clinic and the near completion of the Medical/Dental Clinic on the first floor of the Donnelly Building (KANA offices). After a little more finish work is taken care of in the Medical/Dental Clinic, an opening date will be announced.

Debbie Hunter, Manpower Program Manager, has already started planning for our summer youth projects. There will be employment for youths in the six villages and in Kodiak. Any ideas for meaningful projects are being accepted now. Contact Debbie at 486-5726.

Three of our newest in-town CETA participants are Peter Chichenoff, Laurie Ann Simeanoff and Loretta Shangin. All three are students at the Kodiak High school and are employed by the YETP program.

Peter is working at Alaska Legal Services as a para-legal trainee. His interests lie in this field of work and he enjoys his job.

Laurie Ann is working as a Nurse's Aide Trainee at the Kodiak Island Hospital. Laurie is interested in attending Sheldon Jackson College this fall to become a Registered Nurse.

Loretta's interests lie in the dental assistant field and she will be working in the Dental Clinic located in the Donnelly Building.

Two new participants in the CETA Title VI program are Vickie Leslie and Sue Lukin.

Vickie is working as a Court Clerk Trainee at the State Court System and finds this a perfect opportunity to make herself more aware of this field.

Sue is working at the Harbormaster's Office in a clerical position. She was not available when pictures were taken.



Loretta Shangin



Peter Chichenoff



Vickie Leslie



Laurie Ann Simeanoff

# NOBODY CALLS ME "DOCTOR"

If he walks like a Doctor, talks like a Doctor, sees you when you're sick like a Doctor, sews you up when you're cut, like a Doctor, why does he have the letters "P.A." after his name and not "M.D."...like a Doctor should? These are questions many people ask when they first come in contact with the newest breed of mid-level medical practitioner the profession refers to as "P.A." or Physician's Assistant.

The basic answer to the above question is "he's not called a Doctor because he isn't a Doctor, but a member of a relatively new professional class of mid-level practitioners which also includes Nurse Practitioners and Pediatric Nurse Practitioners". These new mid-level practitioners fill a much-needed role in the overall health care picture by serving the needs of medically under-served areas such as the Alaska bush country, often working with Native people in remote, isolated sites which could not afford the cost of a physician.

The first "P.A." graduated from Duke University School of Medicine's Physician's Assistant Program in 1965. There were four men in that pioneering class, and all had been Navy Corpsmen with independent duty experience during the Vietnam conflict. The initial Duke program consisted of two intense calendar years of medical training which prepared them to function in a medical practice with a physician supervisor—performing many of the tasks formerly restricted only to physicians themselves. Now there are over 40 P.A. programs throughout the United States and over 12,000 P.A.'s practicing, with 1200 new graduates each year.

The role of "P.A.'s" has grown during the short fifteen-year history of the profession. Now these mid-level practitioners serve in clinics and hospitals around the country, and their services are barely distinguishable from those of their physician supervisors. Yet, that is the major difference between a P.A. and a Doctor. The P.A. must always be a dependent practitioner, under the direct or indirect supervision of a sponsoring physician. The medical education of a P.A., while intensive and thorough, is not the equivalent to that of his physician supervisor, so the supervision is not only necessary but appropriate. This need for supervision is the protective edge the patient is guaranteed

when he visits his community P.A., who always knows his limitations, and the appropriate time to ask for help when those limitations are reached.

In effect, then, a patient can be assured of receiving the same high level of care from the P.A. as he would from the physician himself. The difference is that if a patient's problems cannot be diagnosed by the P.A., he consults with his supervising physician or refers the patient to his own physician for appropriate, higher-level care. Thus the patient always receives the appropriate level of care needed for the situation, and never gets "second-class" medical care and treatment.

P.A.'s are licensed by the state in which they practice and must have graduated from an American Medical Association-approved Physician's Assistant Program, and have met other, tough State standards. P.A.'s now have prescription-writing privileges in 15 states with more states passing such enabling legislation each year. They often work for specialists such as Orthopedic Surgeons or Cardiologists, and have staff privileges at hospitals wherever they live and work, but again—those privileges are always tied in with the privileges of the supervising physician.

In Kodiak, there are three Physician's Assistants and one Nurse Practitioner currently practicing with their "back-up" physicians. Three of these are in private practice and the fourth works for KANA as a member of the Itinerant Health Care Team, under the KANA Health Director. He is Ken Miller, P.A. Ken's sponsoring physician is Dr. Rud Wasson of the Island Medical-Dental Center now under construction in Kodiak. When that facility opens in June, another medical staff member will be coming aboard, with the addition of a family practice physician, who will also act as KANA's Medical Director.

Interviewed at KANA this week, Ken Miller says he is constantly on the look-out for Native youth and young adults who may show an interest in the Physician's Assistant career field. "I envision that in ten or fifteen years, most of the Native Corporation jobs now held by non-Native P.A.'s in Alaska will be filled by Natives who have left home for a few years to take the needed training and have come back to practice," he said. Ken feels that the P.A. profession is largely overlooked by many Native youth who are not aware of its existence. "The training and experience we give our CHA's should make them ideal candidates for a P.A. or Nurse Practitioner career if they would be interested," he added. He said he is willing to counsel any Native youth interested in more details about becoming a P.A. or Nurse Practitioner.

So, while you may call him "Doc"...he may, in fact, be a member of the newest breed of medical practitioner...the P.A. And if you notice your local P.A. grinning the week of March 6th, it's because Governor Hammond has proclaimed the days of March 6, 7, & 8 as "Physician's Assistant Recognition Days." It's a long way from 1965, when the first four Duke graduates were constantly asked, "What's a P.A.?"

**Kodiak Women's Resource Center**  
**24-HOUR CRISIS LINE**  
**486-3625 or 487-5086**

ASSISTANCE:

- if your home is unsafe because of violence against you
- if you have been raped
- if you have been assaulted
- if you need help

**INFORMATION KEPT CONFIDENTIAL**

\*Villages may call collect  
Bus. Phone 466-5038

P.O. Box 2122  
Kodiak, AK 99615

(Continued from Page 3)

II. In situations where parents Voluntarily Relinquish or give up their right to a child, the following rules apply.

1. The consent must be put in writing, and recorded before a judge of competent jurisdiction who will make sure that the parents understand exactly what they are doing.

2. No consent is valid for an infant until the infant is ten days old.

3. The consent of the parent or custodian can be withdrawn up until entry of the final decree of termination of rights or adoption.

4. After the entry of a final decree of adoption of an Indian Child in any State Court, the parent may withdraw consent upon the grounds that consent was obtained thru fraud or duress and may petition the court to overturn the decree. If the court finds that consent was obtained thru fraud or duress, the court shall overturn the decree and return the child to the parent. No adoption which has been effective for at least two years can be invalidated unless otherwise permitted by State Law.

### III. Placement - Adoptive and Pre-Adoptive

The following placement preferences must be followed unless there is "good cause to the contrary." Good cause to the contrary means strong reasons not to follow the placement preferences in the law.

For the adoption placement, a preference will be given to:

1. a member of the child's extended family
2. other members of the Indian Child's tribe; or
3. other Indian families

For pre-adoptive placement (the waiting time before placement in the adoptive home), the child must be placed in the least restrictive setting which is most like a family and meets the child's needs. The child should also be placed reasonably close to his home.

The preferences for pre-adoptive placements are:

1. a member of the Indian child's extended family;
2. a foster home licensed, approved, or specified by the Indian child's tribe;
3. an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

4. an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

"Good cause" not to follow the placement preferences in the Law is based on one or more of the following considerations:

1. The request of the biological parents or the child when the child is of sufficient age.

2. The extraordinary physical or emotional needs of the child as established by testimony of a qualified expert witness.

3. The unavailability of suitable families for placement after a diligent search has been completed for families meeting the preference criteria.

4. The burden of establishing the existence of good cause not to follow the order of preferences, shall be on the party urging that the preferences not be followed.

The Child's tribe or village can establish a different order or preference by resolution, as long as the change is the least restrictive for the child and yet meets the child's needs.

The law says that, where appropriate, the preference of the parent and the child (if the child is of sufficient age) shall be considered. Also, if the parents' request confidentiality, this shall be taken into consideration.

A record of each such placement (pre-adoption), foster care, and adoption) shall be kept by the State showing how it made efforts to comply with the placement preferences. Such records shall be made available at any time at the request of the Secretary of the Interior or the Indian (Native) child's tribe (village).

When an Indian (Native) child who was adopted reaches the age of 18, the court shall inform him or her of his or her tribal affiliation and any such information as needed to protect the adopted child's right flowing from a tribal affiliation.

The provisions of the law do not apply to adoptions completed prior to May, 1979, except for an adopted child's right to find out about his or her tribal affiliation.

For any additional information or explanation on the Law, contact

John Johanson, KANA Social Services,  
486-5726

K.A.N.A.  
P.O. Box 172  
Kodiak, Alaska 99615



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HB

628

DRUG LEGISLATION

HESS COMMITTEE

SUMMARY

SUMMARY OF PROPOSED REVISION TO ALASKA'S DRUG LAWS

*Title 17 contains  
our current drug  
statutes  
Chapt 12 enacted in 1968*

I. INTRODUCTION

House Bill 628 comprehensively revises, consolidates and modernizes the drug laws of Alaska. The bill is patterned after the Federal Controlled Substances Act of 1970 and the Uniform Controlled Substances Act. The Federal and Uniform Acts have served as models for the forty-four states that have recently revised their outdated drug laws.

The bill has two related but distinct objectives regarding the problem of drug abuse. The first is to discourage the illicit trafficking in and use of drugs by establishing rational and enforceable penalties for the illegal distribution and possession of controlled substances. The second is to insure that the legitimate handling of controlled substances by persons such as pharmacists and manufacturers is properly regulated to prevent diversion of drugs into illegal channels.

II. CLASSIFICATION OF CONTROLLED SUBSTANCES

Following the lead of the Federal and Uniform Acts, House Bill 628 classifies all controlled substances into schedules based on the relative danger of the substance. Six schedules are used with schedule I containing the most dangerous controlled substances. Schedules II, III, IV, V, and VI list controlled substances in descending order of relative dangerousness.

Heroin, for example, is classified as a schedule I controlled substance while cocaine is classified as a schedule II controlled substance. Valium is classified as a schedule IV controlled substance while marijuana and alcohol are classified as schedule VI controlled substances. The specific penalty for the illicit manufacture, distribution and possession of a particular controlled substance is determined by the scheduling of the drug.

III. CONTROLLED SUBSTANCES ADVISORY COMMITTEE

Following the recommendation of the Uniform Controlled Substances Act, the proposed bill establishes a Controlled Substances Advisory Committee.

The Committee proposed under the bill would be comprised of nine members having special expertise in dealing with the problems of drug abuse. Included as members are the Director of the Division of Public Health, a pharmacist, the Commissioner of Public Safety, the Attorney General, a physician and a law enforcement officer. A public member is also appointed by the governor to insure maximum opportunity for citizen participation.

While all controlled substances are initially classified into one of the six schedules by the bill, the Committee is given primary responsibility for adding controlled substances after public hearings as new information becomes available concerning the abuse of drugs. If a drug is added to the federal schedules the committee must within 60 days consider adding the drug to Alaska's controlled substances schedules. Additionally, the committee is charged with the responsibility to determine whether the deletion or rescheduling of controlled substances is required and to report its findings to the governor and the legislature.

#### IV. CRIMINAL PENALTIES

House Bill 628 classifies all offenses involving the abuse of Controlled Substances into six degrees of the crime Promoting a Controlled Substance. The bill reserves its stiffest penalties for persons engaged in the large scale distribution of controlled substances and the distribution of drugs to minors.

##### A. Promoting a Controlled Substance in the First Degree

Promoting a Controlled Substance in the First Degree is the most serious crime under the bill and is punishable by a mandatory term of imprisonment of at least five years and a maximum term of imprisonment of ninety-nine years. This penalty is identical to the penalties authorized in the new criminal code for the crimes of Kidnapping and Murder in the Second Degree.

This statute covers the distribution of a schedule I controlled substance (e.g., heroin) to a minor as well as ongoing large scale criminal enterprises involving the distribution of any controlled substance.

##### B. Promoting a Controlled Substance in the Second Degree

Promoting a Controlled Substance in the Second Degree is a class A felony which under the new criminal code is punishable by a maximum of twenty years imprisonment. This penalty is identical to the penalties authorized in the new criminal code for Manslaughter, Armed Robbery, and Rape.

The statute prohibits the manufacture or distribution of schedule I controlled substances (e.g., heroin) to any person as well as the distribution of a schedule II or III controlled substance (e.g., cocaine, LSD and hashish) to a minor.

##### C. Promoting a Controlled Substance in the Third Degree

Promoting a Controlled Substance in the Third Degree is a class B felony, punishable by a maximum penalty of ten

years under the new criminal code. This penalty is identical to the punishment authorized in the new criminal code for the crimes of Perjury and Burglary of a Dwelling.

The statute covers the manufacture and delivery of a schedule II or III controlled substance (e.g., cocaine and hashish), the distribution of a schedule IV or V controlled substance (e.g., valium) or marijuana to a minor, and the possession by an adult of a schedule I or II controlled substance (e.g., heroin or cocaine) in a school.

#### D. Promoting a Controlled Substance in the Fourth Degree

Promoting a Controlled Substance in the Fourth Degree, a class C felony, carries the same five year maximum penalty as Criminally Negligent Homicide and Riot under the new criminal code.

The statute covers seven forms of conduct including the distribution of any amount of marijuana, the possession of schedule I or II controlled substances (e.g., heroin and cocaine), the possession by an adult of schedule III, IV or V controlled substances or marijuana within the grounds of a school and the possession of one pound or more of marijuana under any circumstances.

The specific prohibition against possession of one pound or more of marijuana is included to resolve ambiguities created by the Supreme Court's decision in Ravin v. State regarding possession of small amounts of marijuana for personal use in the home. This has been a particular problem in dealing with situations involving the cultivation of large amounts of marijuana plants. Under House Bill 628 the possession of one pound or more of marijuana is presumed not to be for personal use and is classified as a felony.

Also included in the fourth degree crime are aggravated instances of bootlegging. While bootlegging of intoxicating liquor is ordinarily a misdemeanor under both present law and House Bill 628, the bill makes it a felony if the defendant has been previously convicted of bootlegging or has attempted to sell the intoxicating liquor to a minor or to more than one person.

#### E. Promoting a Controlled Substance in the Fifth Degree

Promoting a Controlled Substance in the Fifth Degree is a class A misdemeanor punishable by a maximum of one year in jail. It carries the same penalties as Resisting Arrest and Assault and Battery under the new criminal code.

The statute covers the unlawful possession of schedule III, IV or V controlled substances (e.g., hashish and valium),

the furnishing of intoxicating liquor to a person under 19 years of age, non-aggravated instances of bootlegging and the furnishing of false or fraudulent information in application, reports or records pertaining to controlled substances.

#### F. Promoting a Controlled Substance in the Sixth Degree

Promoting a Controlled Substance in the Sixth Degree, a class B misdemeanor punishable by a maximum sentence of 90 days imprisonment, carries the same penalty as the theft of a \$20 pair of gloves and Prostitution under the new criminal code.

The statute prohibits various forms of conduct involving the possession of marijuana that is punishable by a maximum \$1,000 fine but no jail time today. It covers the possession of marijuana in public, the possession of marijuana while operating a motor vehicle and the possession of marijuana by persons under 19 years of age.

#### V. INCREASED PENALTIES FOR REPEAT OFFENDERS

Because the sentencing provisions of House Bill 628 are keyed into the presumptive sentencing provisions of the new criminal code, a judge's discretion in sentencing a defendant with a prior felony conviction is substantially restricted. For example, if a defendant is being sentenced for Promoting a Controlled Substance in the Second Degree (e.g., Sale of Heroin) and has prior felony convictions for Burglary and Aggravated Assault, the sentencing judge will be unable to reduce the sentence below 7 1/2 years. Additionally, once sentenced, the defendant may not be paroled.

#### VI. FORFEITURE

The proposed bill contains detailed provisions providing for the forfeiture of items such as automobiles, airplanes and firearms that are used to facilitate illegal drug transactions. While heavily penalizing persons engaged in criminal activity, the bill contains provisions allowing innocent parties, such as a bank holding a security interest in an automobile, to protect their interest in the property.

#### VII. BAIL

The bill also contains an amendment of the present statute concerning release on bail which provides that a defendant may not be released on bail after conviction if the offense was Promoting a Controlled Substance in the First Degree or otherwise involved the manufacture, delivery or possession with intent to deliver a Schedule I or II controlled substance (e.g., heroin, cocaine, LSD) under circumstances manifesting an intent to distribute the substance as part of an ongoing commercial enterprise. This adds these offenses to Murder, Kidnapping and Rape for which bail may not be granted after conviction.

### VIII. REGULATORY PROVISIONS

To insure that drugs destined for legitimate distribution and possession by manufacturers, doctors, researchers and pharmacists are not diverted to illegal use, the bill requires registration with the state of all persons legitimately in possession of controlled substances. An identical scheme for monitoring legitimate use of controlled substances is provided for by federal law.

To insure that pharmacists, doctors, researchers and manufacturers of controlled substances are not subject to conflicting state and federal requirements concerning registration and record keeping requirements, order forms and prescriptions, the bill specifically provides that compliance with federal requirements satisfies state law.

### IX. LABORATORY REPORTS

The bill additionally contains a provision for streamlining trials by allowing for the introduction of a certified laboratory report at the time of trial as evidence of the chemical nature of a suspected controlled substance. A defendant who has been properly notified that this procedure will be followed may for good cause object to such a procedure and require the presence of the chemist who performed the analysis of the drug. This procedure will allow the chemist to remain in his laboratory performing analysis rather than repeating in a court what he has already stated in his report.

MAJOR FEATURES OF PROPOSED DRUG LEGISLATION

- I. EXPRESSION OF LEGISLATIVE INTENT - PURPOSE OF BILL
  - A. CONSOLIDATE AND MODERNIZE ALASKA'S DRUG LAWS ELIMINATING INCONSISTENCIES AND LOOPHOLES
  - B. PROVIDE FOR UNIFORM PENALTY PROVISIONS ON THE BASIS OF THE SERIOUSNESS OF SUBSTANCES IN TERMS OF PUBLIC HEALTH AND SAFETY
- II. TITLE 17: CONTROLLED SUBSTANCES ACT
  - A. CRITERIA FOR CLASSIFICATION OF DRUGS SPECIFICALLY SET OUT
  - B. CONTROLLED SUBSTANCES COMMITTEE
  - C. SIX SCHEDULES FOR ALL DRUGS CLASSIFIED ON BASIS OF A DRUG'S DANGER UNDER THE CRITERIA SPECIFIED IN THE BILL
  - D. LEGITIMATE HANDLER'S REQUIREMENTS
  - E. ADMINISTRATIVE AND ENFORCEMENT PROVISIONS
    - 1. COOPERATIVE LAW ENFORCEMENT AGREEMENTS
    - 2. COMPREHENSIVE FORFEITURE PROVISIONS
    - 3. EDUCATIONAL AND RESEARCH PROGRAMS
- III. TITLE 11: SPECIFIC CRIMINAL OFFENSES - REORGANIZES ALL OFFENSES INTO A SINGLE CHAPTER IN THE CRIMINAL CODE
  - A. BROKEN DOWN INTO SIX DEGREES OF THE CRIME "PROMOTING A CONTROLLED SUBSTANCE."
  - B. KEYED INTO THE CLASSIFICATION PROVISIONS OF THE REVISED CRIMINAL CODE
  - C. KEYED INTO THE PRESUMPTIVE SENTENCING PROVISIONS OF THE REVISED CRIMINAL CODE
- IV. AMENDMENT TO BAIL STATUTE DENYING BAIL AFTER CONVICTION FOR SERIOUS DRUG OFFENSES

SCHEDULING EXAMPLES

SCHEDULE I - HEROIN, OPIUM, OPIATES, METHADONE

SCHEDULE II - COCAINE, LSD, Mescaline, PCP, AMPHETAMINES AND  
THE MORE SERIOUS DEPRESSANTS SUCH AS METHAQUALONE

SCHEDULE III - MODERATELY SERIOUS STIMULANTS AND DEPRESSANTS,  
BARBITURATES, HASHISH AND HASHISH OIL

SCHEDULE IV - LESS SERIOUS STIMULANTS AND PRESCRIPTION DEPRESSANTS  
(e.g. VALIUM)

SCHEDULE V - SMALL AMOUNT OF CODEINE AND OPIUM IN MIXTURES  
HAVING MEDICINAL QUALITIES

SCHEDULE VI - MARIJUANA AND INTOXICATING LIQUOR

CHARTS

COMPARISON WITH CLASSIFICATION OF OFFENSES UNDER THE REVISED CRIMINAL CODE

OFFENSE CLASSIFICATION	UNCLASSIFIED MAXIMUM 99 YR.	CLASS A FELONY 0-20 YR.	CLASS B FELONY 0-10 YR.	CLASS C FELONY 0-5 YR.	CLASS A MISDEMEANOR 0-1 YR.	CLASS B MISDEMEANOR 0-90 DAYS	VIOLATION MAXIMUM \$200 FINE
DRUG LAW OFFENSES	PROMOTING A CONTROLLED SUBSTANCE IN THE FIRST DEGREE	PROMOTING A CONTROLLED SUBSTANCE IN THE SECOND DEGREE	PROMOTING A CONTROLLED SUBSTANCE IN THE THIRD DEGREE	PROMOTING A CONTROLLED SUBSTANCE IN THE FOURTH DEGREE	PROMOTING A CONTROLLED SUBSTANCE IN THE FIFTH DEGREE	PROMOTING A CONTROLLED SUBSTANCE IN THE SIXTH DEGREE	
EXAMPLES OF CRIMES INCLUDED IN DRUG OFFENSES	SALE OF HEROIN TO A MINOR  DRUG OFFENSES COMMITTED AS PART OF A CONTINUING CRIMINAL ENTERPRISE	SALE OF HEROIN  SALE OF COCAINE OR HASHISH TO A MINOR	SALE OF COCAINE  SALE OF MARIJUANA TO A MINOR	SALE OF MARIJUANA  POSSESSION OF HEROIN, COCAINE, LSD, ETC.	POSSESSION OF HASHISH  URNISHING LIQUOR TO A MINOR	POSSESSION OF MARIJUANA IN PUBLIC  POSSESSION OF MARIJUANA OR INTOXICATING LIQUOR BY PERSON UNDER 19	
COMPARISON WITH OTHER OFFENSES IN SAME CLASSIFICATION	MURDER IN THE FIRST DEGREE  MURDER IN THE SECOND DEGREE  KIDNAPPING	MANSLAUGHTER  RAPE  ARMED ROBBERY	THEFT IN THE FIRST DEGREE (\$25,000+)  EXTORTION  BURGLARY OF A DWELLING  PERJURY	THEFT IN THE SECOND DEGREE (\$500-25,000)  BURGLARY OF A BUILDING  RIOT	THEFT IN THE THIRD DEGREE (\$50-\$500)  ASSAULT AND BATTERY  CRIMINAL NON-SUPPORT  RESISTING ARREST	THEFT IN THE FOURTH DEGREE (\$50 or LESS)  CARRYING A CONCEALED WEAPON  DISORDERLY CONDUCT  PROSTITUTION	LITTERING  GAMBLING (1st OFFENSE)  SELLING OR GIVING TOBACCO TO A MINOR

PRESUMPTIVE SENTENCING PROVISIONS  
OF REVISED CRIMINAL CODE

CLASS A FELONY - 0-20 YEARS/\$50,000  
10 YEAR PRESUMPTIVE FOR SECOND FELONY CONVICTION  
15 YEAR PRESUMPTIVE FOR THIRD FELONY CONVICTION

CLASS B FELONY - 0-10 YEARS/\$50,000  
4 YEAR PRESUMPTIVE FOR SECOND FELONY CONVICTION  
6 YEAR PRESUMPTIVE FOR THIRD FELONY CONVICTION

CLASS C FELONY - 0-5 YEARS/\$50,000  
2 YEAR PRESUMPTIVE FOR SECOND FELONY CONVICTION  
3 YEAR PRESUMPTIVE FOR THIRD FELONY CONVICTION

CLASS A MISDEMEANOR - 0-1 YEAR/\$5,000

CLASS B MISDEMEANOR - 0-90 DAYS/\$1,000

VIOLATION - FINE UP TO \$300

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

	FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
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"A" Felony	0-20 3-[6]*-20	5-[10]-20	7 1/2-[15]-20
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

MAXIMUM FINES - PERSONS

Murder or kidnapping - \$75,000  
 A, B, or C Felony - \$50,000  
 A misdemeanor - \$ 5,000  
 B misdemeanor - \$ 1,000  
 Violation - \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or  
 3 X pecuniary gain  
 - whichever is greater

2-1

KEY

Number in bracket is presumptive sentence.  
 Number to left is lowest mitigated  
 sentence. Number to right is highest  
 aggravated sentence.

\* Six year presumptive term applies if first  
 A felony conviction, other than manslaughter,  
 and defendant used or possessed a firearm  
 during the offense or caused serious physical  
 injury.

MAXIMUM TERMS OF IMPRISONMENT  
 FOR MISDEMEANORS

A misdemeanor - 1 year  
 B misdemeanor - 90 days

MAJOR FEATURES COMPARISON CHART

I. CLASSIFICATION RESPONSIBILITY AND CRITERIA

	HB 628 (1980)	SB 65 (1979) HB 102 (1979)	HB 479 (1979)	FEDERAL CONTROLLED SUBSTANCES ACT	EXISTING LAW
RESPONSIBILITY FOR RESCHEDULING, DELETING, AND ADDING CONTROLLED SUBSTANCES	Commissioner of Health & Social Services upon advice of Controlled Substances Advisory Committee may add controlled substances. Legislature may add, delete or reschedule.	Legislature	Controlled Substance Committee created in Dept. of Law may by regulation add, delete or reschedule. Legislature may annul regulation of committee.	Attorney General upon recommendation of Secretary of HEW.	Legislature & Commissioner of Health & Social Services.
CRITERIA FOR DECIDING WHETHER A DRUG SHOULD BE CONTROLLED	Factors listed are basically identical to federal act but also include:  (1) Relationship between use of a drug and other criminal activity;  (2) Probable physical impact of widespread abuse of substance; and  (3) The susceptibility of particular segments of the population.	Not Specified	Same factors as included under Federal Controlled Substances Act.	Eight Factors, including:  (1) Potential for abuse;  (2) Pharmacological effect;  (3) Risk to public health;  (4) Risk of psychic or physiological dependence.	Not Specified
CRITERIA FOR DECIDING IN WHICH SCHEDULE A DRUG SHOULD BE CLASSIFIED	The criteria for deciding whether a drug should be controlled are examined in determining the "danger or probable danger of a substance." Drugs with the highest degree are classified in the most serious schedule. Drugs with less danger are classified in correspondingly less serious schedules.	Not Specified	The criteria for deciding whether a drug should be controlled are examined in determining the "danger or probable danger" of a substance. Drugs with the highest degree are classified in the most serious schedule. Drugs with less danger are classified in correspondingly less serious schedules.	Schedule tests are specified and include:  (1) Potential for abuse;  (2) Accepted medical use; and  (3) Physiological dependence.	Not Specified

MAJOR FEATURES COMPARISON CHART

II. PENALTIES: DISTRIBUTION OF CONTROLLED SUBSTANCES TO MINORS

	HB 628 (1980)	SB 65 (1979) HB 101(1979)	HB 479 (1979)	FEDERAL CONTROLLED SUBSTANCES ACT	EXISTING LAW
HEROIN	Unclassified Felony 5-99/\$75,000	0-Life/\$25,000	A Felony 0-20/\$50,000  10 yr. presumptive if second felony conviction  15 yr. presumptive if third felony conviction	0-30/\$50,000 - First Offense 0-45/\$75,000 - Second Offense	10-30/\$5,000-\$10,000 First Offense  15-30/\$5,000-\$10,000 Second Offense
COCAINE	A Felony 0-20/\$50,000  10 yr. presumptive if second felony conviction  15 yr. presumptive if third felony conviction	0-Life/\$25,000	A Felony 0-20/\$50,000  10 yr. presumptive if second felony conviction  15 yr. presumptive if third felony conviction	0-30/\$50,000 - First Offense 0-45/\$75,000 - Second Offense	Same penalties as for distribution of heroin
MARIJUANA	B Felony 0-10/\$50,000  4 Yr. presumptive if second felony conviction  6 yr. presumptive if third felony conviction	0-Life/\$25,000	C Felony 0-5/\$50,000  2 yr. presumptive if second felony conviction  3 yr. presumptive if third felony conviction	0-2/\$10,000 - First Offense 0-4/\$20,000 - Second Offense	0-Life/\$25,000

MAJOR FEATURES COMPARISON CHART

III. PENALTIES: DISTRIBUTION OF CONTROLLED SUBSTANCES

	HB 628 (1980)	SB 65 (1979) HB 101 (1979)	HB 479 (1970)	FEDERAL CONTROLLED SUBSTANCES ACT	EXISTING LAW
HEROIN	A Felony 0-20, \$50,000  10 yr. presumptive if second felony conviction  15 yr. presumptive if third felony conviction	2-25/\$20,000-First Offense  4-Life/\$25,000- Second Offense	A Felony 0-20/\$50,000 if 50 or more capsules, tablets, ampules, syrettes or  1/8 oz or more  B Felony if lesser amount Presumptive Sentencing for second and third felony	0-15/\$25,000 - First Offense  0-30/\$50,000 - Second Offense	Same penalties as pro- vided for possession of heroin and cocaine:  2-10/\$5,000-First Offense 10-20/\$7,500 -Second Offense 20-30/\$10,000-Third Offense
COCAINE & LSD	B Felony 0-10/\$50,000 4 yr. presumptive if second felony conviction  6 yr. presumptive if third felony conviction	Cocaine: 2-25/\$20,000 - First Offense 4-Life/\$25,000 - Second Offense  LSD: 0-15/\$15,000 - First Offense 0-30/\$30,000 - Second Offense	A Felony 0-20/\$50,000 if 50 or more, capsules, tablets, ampules, syrettes or 1/2 oz or more B Felony if lesser amount Presumptive Sentence for second and third conviction	Cocaine: 0-15/\$25,000 - First Offense 0-30/\$50,000 - Second Offense	Cocaine: Same penalties as pro- vided for possession of heroin and cocaine:  2-10/\$5,000 -First Offense 10-20/\$7,500 - Second Offense 20-40/\$10,000 -Third Offense  LSD: Same penalties as pro- vided for distribution of marijuana as set out below
MARIJUANA	C Felony 0-5/\$5,000 2 yr. presumptive if second felony conviction 3 yr. presumptive if third felony conviction	0-5/\$5,000 - First Offense 0-10/\$10,000 - Second Offense	C Felony 0-5/\$50,000 if 2.2 lb. or more - presumptive sentencing for second and third offense Reduced C Felony 0-3/\$10,000 if 1/2 lb. to 2.2 lbs. No presumptive sentencing A Misdemeanor 0-1/\$5,000 if less than 1/2 lb. B Misdemeanor 0-90 days/\$1,000 if one oz. or less and No Remuneration is Involved in a Sale to a person 18 years of age or older	0-5/\$15,000 - First Offense 0-10/\$30,000 - Second Offense If distribution is without remuneration; 0-1/\$5,000 - First Offense 0-2/\$10,000 - Second Offense	0-25/\$20,000 - First Offense  0-Life/\$25,000 - Second Offense

MAJOR FEATURES COMPARISON CHART

IV. PENALTIES: POSSESSION OF CONTROLLED SUBSTANCES

	HB 628 (1980)	SB 65 (1979) HB 101(1979)	HB 479 (1979)	FEDERAL CONTROLLED SUBSTANCES ACT	EXISTING LAW
HEROIN	C Felony 0-5/\$50,000 2 yr. presumptive if second felony conviction 3 yr. presumptive if third felony conviction Unless Possession Involves any amount by someone 18 yrs of age within school grounds which raises the offense to a B felony	Felony-0-5/\$5,000	A Felony 0-20/\$50,000 if 100 or more capsules, tablets, ampules, cigarettes, or one oz. or more B Felony 0-10/\$50,000 if 50 to 100 capsules, etc. or 1/4 to one oz. C Felony 0-5/\$50,000 if 25 to 50 capsules, etc. or 1/8 to 1/4 oz. A Misdemeanor 0-1/\$5,000 if 0 to 25 capsules etc. or 0 to 1/8 oz. Presumptive sentencing on second or third felony	0-1/\$5,000-First Offense 0-2/\$10,000-Second Offense	2-10/\$5,000 - First Offense 10-20/\$7,500 - Second Offense 20-40/\$10,000 - Third Offense
COCAINE & LSD	Same penalties as provided for possession of heroin including provision per- taining to possession within school grounds	Cocaine: Felony: 0-5/\$5,000 LSD: Misdemeanor - 0-1/\$5,000	A Felony 0-20/\$50,000 if 200 or more capsules, tablets, ampules, cigarettes or 2 oz. or more B Felony: 0-10/\$50,000 if 100 to 200 capsules, etc. or 1/2 oz. to 2 oz. C Felony: 0-5/\$50,000 if 50 to 100 capsules, etc. or 1/4 oz. to 1/2 oz. A Misdemeanor: 0-1/\$5,000 is lesser than above Presumptive sentencing on 2nd or 3rd felony.	Cocaine: 0-1/\$5,000 - First Offense 0-2/\$10,000 - Second Offense	Cocaine: Same penalty as provided for possession of heroin LSD: Misdemeanor - 0-1/\$1,000
MARIJUANA	Possession of one lb. or more of marijuana is classified as a class C felony punishable the same as possession of heroin & cocaine. Possession of any amount of marijuana by someone 18 yrs of age within school grounds is also classified as class C felony.  Possession in public, or while operating a propel- led vehicle or possession by minor: class B mis- demeanor 0-90 days/\$1,000	Does not change existing law	C Felony 0-3/\$10,000 if 2.2 lb or more Not subject to presumptive sentencing A Misdemeanor if 1/2 lb to 2.2 lb - 0-90 days/\$1,000 B Misdemeanor if any amount while operating motor vehicle Violation (\$300) if possession of any amount in public	0-1/\$5,000 - First Offense	(A) Misdemeanor with \$1,000 fine being the maximum penalty: (1) Use of marijuana in public places; (2) Possession of one ounce or more in public places; (3) Possession while operat- ing a motor vehicle or air- plane; (4) Possession while under 18 yrs of age; (B) Possession for own use in other than public place or possession of one oz. or less in public place - maximum civil fine of \$100

BILL

Introduced: 1/28/80  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 628

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act consolidating and revising the laws relating  
7 to drug abuse and prohibitions; and providing for an  
8 effective date."

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

10 \* Section 1. DECLARATION OF LEGISLATIVE PURPOSE. (a) The purposes of  
11 this Act are to consolidate and revise Alaska's drug laws patterned after  
12 the Uniform Controlled Substances Act and the Federal Controlled Substances  
13 Act of 1970 and to enact uniform penalty provisions in conformity with the  
14 1978 revision of Alaska's criminal code in order to more effectively combat  
15 illicit trafficking in controlled substances.

16 (b) Two distinct, but interrelated, concerns are addressed in this  
17 Act. The first concern is the detrimental effect on public safety created  
18 through illicit trafficking in and use of drugs. A second, but equally  
19 important, concern is the effect on public health created by the use and  
20 abuse of drugs. It is the intent of the legislature that, in addressing  
21 public safety concerns, uniform classification and penalty provisions be  
22 enacted which adopt an approach reflecting law enforcement problems unique  
23 to Alaska. It is also the intent of the legislature that in addressing  
24 public health concerns, a statutory scheme be enacted which is patterned  
25 after federal law and that the legitimate manufacture, distribution, prescrip-  
26 tion, and dispensing of controlled substances be subject to a regulatory  
27 scheme regarding registration, record keeping, order forms, and prescription  
28 requirements that is identical to that provided for under federal law.

29 \* Sec. 2. AS 11 is amended by adding a new chapter to read:

1 CHAPTER 71. OFFENSES RELATING TO CONTROLLED SUBSTANCES.

2 Sec. 11.71.010. PROMOTING A CONTROLLED SUBSTANCE IN THE FIRST  
3 DEGREE. (a) Except as authorized in AS 17.30, a person commits the  
4 crime of promoting a controlled substance in the first degree if he

- 5 (1) delivers a schedule I controlled substance to a person  
6 under 18 years of age who is at least three years younger than he; or  
7 (2) engages in a continuing criminal enterprise.

8 (b) For purposes of this section, a person is engaged in a  
9 'continuing criminal enterprise' if

10 (1) he commits a violation of this chapter which is punish-  
11 able as a felony; and

12 (2) that violation is a part of a continuing series of  
13 violations of this chapter

14 (A) which he undertakes in concert with five or more  
15 other persons with respect to whom he occupies a position of  
16 organizer, supervisor, or any other position of management; and

17 (B) from which he obtains substantial income or  
18 resources.

19 (c) Promoting a controlled substance in the first degree is an  
20 unclassified felony and is punishable as provided in AS 12.55.

21 Sec. 11.71.020. PROMOTING A CONTROLLED SUBSTANCE IN THE SECOND  
22 DEGREE. (a) Except as authorized in AS 17.30, a person commits the  
23 crime of promoting a controlled substance in the second degree if he

24 (1) manufactures or delivers a schedule I controlled  
25 substance or possesses a schedule I controlled substance with intent  
26 to manufacture or deliver; or

27 (2) delivers a schedule II or III controlled substance to a  
28 person under 18 years of age who is at least three years younger than  
29 he.

1 (b) Promoting a controlled substance in the second degree is a  
2 class A felony.

3 Sec. 11.71.030. PROMOTING A CONTROLLED SUBSTANCE IN THE THIRD  
4 DEGREE. (a) Except as authorized in AS 17.30, a person commits the  
5 crime of promoting a controlled substance in the third degree if he

6 (1) manufactures or delivers a schedule II or III controlled  
7 substance or possesses a schedule II or III controlled substance with  
8 intent to manufacture or deliver;

9 (2) delivers a schedule IV or V controlled substance or  
10 marijuana to a person under 18 years of age who is at least three  
11 years younger than he; or

12 (3) being 18 years of age or older, knowingly possesses a  
13 schedule I or II controlled substance within the grounds of a public  
14 or private elementary, junior high, or secondary school.

15 (b) It is an affirmative defense to a prosecution under (a)(3)  
16 of this section that at the time of the possession the school was  
17 closed to any organized activity involving persons under 18 years of  
18 age. Nothing in this subsection precludes a prosecution under AS  
19 11.71.040(a)(2).

20 (c) Promoting a controlled substance in the third degree is a  
21 class B felony.

22 Sec. 11.71.040. PROMOTING A CONTROLLED SUBSTANCE IN THE FOURTH  
23 DEGREE. (a) Except as authorized in AS 17.30, a person commits the  
24 crime of promoting a controlled substance in the fourth degree if he

25 (1) manufactures or delivers a schedule IV or V controlled  
26 substance or marijuana or possesses a schedule IV or V controlled  
27 substance or marijuana with intent to manufacture or deliver;

28 (2) knowingly possesses a schedule I or II controlled  
29 substance;

1 (3) being 18 years of age or older, knowingly possesses a  
2 schedule III, IV or V controlled substance or marijuana within the  
3 grounds of a public or private elementary, junior high, or secondary  
4 school;

5 (4) knowingly possesses one pound or more of marijuana  
6 under any circumstances;

7 (5) sells or offers for sale an intoxicating liquor in an  
8 area where a local option election has made these activities illegal,  
9 and

10 (A) has previously been convicted under AS 11.71.-  
11 050(a)(3);

12 (B) has engaged in conduct demonstrating an intent to  
13 sell or offer for sale intoxicating liquor to more than one  
14 person; or

15 (C) the sale or offer for sale was made to a person  
16 under 19 years of age or to an intoxicated person;

17 (6) knowingly keeps or maintains any store, shop, warehouse,  
18 dwelling, building, vehicle, boat, aircraft, or other structure or  
19 place which is used for keeping or selling controlled substances in  
20 violation of this chapter or AS 17.30;

21 (7) makes, delivers, or possesses any punch, die, plate,  
22 stone, or other thing designed to print, imprint, or reproduce the  
23 trademark, trade name, or other identifying mark, imprint, or device  
24 of another or any likeness of any of the foregoing upon any drug, drug  
25 container, or labeling so as to render the drug a counterfeit substance;  
26 or

27 (8) obtains possession of a controlled substance by deception

28 (b) It is an affirmative defense to a prosecution under (a)(3)  
29 of this section that at the time of the possession the school was closed

1 to any organized activity involving persons under 18 years of age.  
2 Nothing in this subsection precludes a prosecution under (a)(4) of  
3 this section or under AS 11.71.050(a)(1) or AS 11.71.060(a)(1) or (3).

4 (c) Promoting a controlled substance in the fourth degree is a  
5 class C felony.

6 Sec. 11.71.050. PROMOTING A CONTROLLED SUBSTANCE IN THE FIFTH  
7 DEGREE. (a) Except as authorized in AS 17.30, a person commits the  
8 crime of promoting a controlled substance in the fifth degree if he

9 (1) knowingly possesses a schedule III, IV, or V controlled  
10 substance under any circumstances except as otherwise provided in this  
11 chapter;

12 (2) delivers an intoxicating liquor to a person under 19  
13 years of age who is at least three years younger than he;

14 (3) sells or offers to sell an intoxicating liquor in an  
15 area where a local option election has made these activities illegal;

16 (4) uses in the course of the manufacture or distribution  
17 of a controlled substance a registration number which is fictitious,  
18 revoked, suspended, or issued to another person; or

19 (5) furnishes false or fraudulent information in or omits  
20 material information from any application, report, record, or other  
21 document required to be kept or filed under AS 17.30.

22 (b) It is a defense to a prosecution under (a)(2) of this section  
23 that the defendant was the parent or guardian of the person under 19  
24 years of age.

25 (c) Promoting a controlled substance in the fifth degree is a  
26 class A misdemeanor.

27 Sec. 11.71.060. PROMOTING A CONTROLLED SUBSTANCE IN THE SIXTH  
28 DEGREE. (a) Except as authorized in AS 17.30, a person commits the  
29 crime of promoting a controlled substance in the sixth degree if he

1 (1) uses, displays, or possesses marijuana on a public  
2 street or sidewalk or on the premises of a public carrier or business  
3 establishment or in any other public place;

4 (2) knowingly possesses marijuana within his immediate  
5 control while operating a propelled vehicle;

6 (3) being under 19 years of age, knowingly possesses mari-  
7 juana or an intoxicating liquor;

8 (4) fails to make, keep, or furnish any record, notifica-  
9 tion, order form, statement, invoice, or information required under AS  
10 17.30; or

11 (5) refuses entry into any premises for an inspection  
12 authorized under AS 17.30.

13 (b) Promoting a controlled substance in the sixth degree is a  
14 class B misdemeanor.

15 Sec. 11.71.080. PENALTIES UNDER OTHER LAWS. A penalty imposed  
16 for violation of this chapter is in addition to, and not in place of,  
17 any other civil or administrative penalty or sanction otherwise autho-  
18 rized by law.

19 Sec. 11.71.090. BAR TO PROSECUTION. If a violation of this  
20 chapter is a violation of a federal law or the law of another state, a  
21 conviction or acquittal under federal law or the law of another state  
22 for the same act is a bar to prosecution in this state.

23 Sec. 11.71.100. DEFENSE EXEMPTED. In a prosecution for the  
24 knowing possession of a controlled substance under this chapter, it is  
25 not a defense that the substance was possessed in less than a usable  
26 quantity. It is sufficient to support a conviction that there is a  
27 sufficient quantity of the substance to permit proper identification  
28 and the proof of a knowing possession.

29 Sec. 11.71.110. LIABILITY OF PUBLIC SERVANTS. No liability is

1 imposed by this chapter upon a public servant acting within the scope  
2 and authority of his employment.

3 Sec. 11.71.900. DEFINITIONS. As used in this chapter

4 (1) "controlled substance" means a drug, substance, or  
5 immediate precursor included in the schedules in AS 17.30.040 --  
6 17.30.090;

7 (2) "counterfeit substance" means a controlled substance or  
8 the container or labeling of a controlled substance which, without  
9 authorization, bears the trademark, trade name, or other identifying  
10 mark, imprint, number, or device of a manufacturer, distributor, or  
11 dispenser other than the person or persons who in fact manufactured,  
12 distributed, or dispensed the substance and which falsely purports or  
13 is represented to be the product of, or to have been distributed by,  
14 the other manufacturer, distributor, or dispenser;

15 (3) "cocaine" has the meaning ascribed to it in AS 17.30.-  
16 050(c);

17 (4) "deliver" or "delivery" means the actual, constructive,  
18 or attempted transfer from one person to another of a controlled  
19 substance whether or not there is an agency relationship;

20 (5) "drug" has the meaning ascribed to it in AS 17.30.-  
21 500(10);

22 (6) "hashish" means the dried, compressed, resinous product  
23 of the plant (genus) Cannabis;

24 (7) "hashish oil" means the viscous liquid concentrate of  
25 tetrahydrocannabinols extracted from the plant (genus) Cannabis;

26 (8) "immediate precursor" means a substance which is by  
27 statute or regulation designated as the principal compound commonly  
28 used or produced primarily for use, and which is an immediate chemical  
29 intermediary used or likely to be used in the manufacture of a con-

1 trolled substance, the control of which is necessary to prevent,  
2 curtail, or limit manufacture;

3 (9) "intoxicating liquor" includes whiskey, brandy, rum,  
4 gin, wine, ale, porter, beer, and all other spirituous, vinous, malt,  
5 and other fermented or distilled liquors intended for human consumption  
6 and containing more than one per cent alcohol by volume;

7 (10) "manufacture" has the meaning ascribed to it in AS  
8 17.30.500(16);

9 (11) "marijuana" means the leaves, stems, flowers, and  
10 seeds of the plant (genus) Cannabis, whether growing or not; it does  
11 not include the resin or oil extracted from any part of the plant, or  
12 any compound, manufacture, salt, derivative, mixture, or preparation  
13 from the resin or oil, including hashish, hashish oil, and natural or  
14 synthetic tetrahydrocannabinol; it does not include the mature stalks  
15 of the plant, fiber produced from the stalks, oil or cake made from  
16 the seeds of the plant, any other compound, manufacture salt, deriva-  
17 tive, mixture, or preparation of the mature stalks, fiber, oil or  
18 cake, or the sterilized seed of the plant which is incapable of germi-  
19 nation;

20 (12) "schedule I controlled substance" means a controlled  
21 substance included in the schedule in AS 17.30.040;

22 (13) "schedule II controlled substance" means a controlled  
23 substance included in the schedule in AS 17.30.050;

24 (14) "schedule III controlled substance" means a controlled  
25 substance included in the schedule in AS 17.30.060;

26 (15) "schedule IV controlled substance" means a controlled  
27 substance included in the schedule in AS 17.30.070;

28 (16) "schedule V controlled substance" means a controlled  
29 substance included in the schedule in AS 17.30.080.

1 \* Sec. 3. AS 12.30.040(b) is amended to read:

2 (b) Notwithstanding the provisions of (a) of this section, if  
3 the offense a person has been convicted of is murder in the first  
4 degree (as defined in AS 11.41.100), kidnapping (as defined in AS  
5 11.41.300), sexual assault in the first degree (as defined in AS  
6 11.41.410(a)(1) and (2)), robbery in the first degree (as defined in  
7 AS 11.41.500), or promoting a controlled substance in the first degree  
8 (as defined in AS 11.71.010), or an offense that involves the manufac-  
9 ture, delivery, or possession with intent to manufacture or deliver a  
10 schedule I or II controlled substance in violation of AS 11.71.020 or  
11 11.71.030 under circumstances manifesting an intent to distribute the  
12 substance as part of a commercial enterprise [FIRST DEGREE MURDER,  
13 ARMED ROBBERY, KIDNAPPING, OR RAPE (AS DEFINED IN AS 11.15.130)], he  
14 may not be released on bail either before sentencing or pending appeal.

15 \* Sec. 4. AS 12.45 is amended by adding a new section to read:

16 Sec. 12.45.155. LABORATORY REPORT OF CONTROLLED SUBSTANCE. (a)  
17 In a prosecution under AS 11.71.010 -- 11.71.060, a complete copy of  
18 an official laboratory report from the Department of Public Safety or  
19 a laboratory operated by another law enforcement agency is prima facie  
20 evidence of the content, identity, and weight of the substance. The  
21 report must be signed by the person performing the analysis and must  
22 state that the substance which is the basis of the alleged offense has  
23 been weighed and analyzed. It must also state with specificity findings  
24 as to the content, weight, and identity of the substance.

25 (b) A notarized statement executed by the signer of the report  
26 provided for in (a) of this section must be attached to the report.  
27 The statement must set out the identity of the signer and include a  
28 statement that he is an employee of the laboratory issuing the report  
29 and that performing the analysis is a part of his regular duties. The

1 statement must also include an outline of his education, training, and  
2 experience for performing an analysis. The signer shall attest that  
3 scientifically accepted tests were performed with due caution, and  
4 that the evidence was handled in accordance with established and  
5 accepted procedures while in the custody of the laboratory.

6 (c) The prosecuting attorney shall serve a copy of the report on  
7 the attorney of record for the accused, or on the defendant if he has  
8 no attorney, no later than 10 days before a proceeding in which the  
9 report is to be used against the accused. However, at a preliminary  
10 hearing or grand jury proceeding the report may be used without having  
11 been previously served upon the accused.

12 (d) The accused or his attorney may demand the testimony of the  
13 person signing the report, by serving a written demand showing cause,  
14 upon the prosecuting attorney within seven days from receipt of the  
15 report.

16 (e) Any report issued for use under this section must contain  
17 notice of the right of the accused to demand the testimony of the  
18 person signing the report.

19 \* Sec. 5. AS 12.55.035(b)(1) is amended to read:

20 (1) \$75,000 for murder in the first or second degree, [OR]  
21 kidnapping, or promoting a controlled substance in the first degree;

22 \* Sec. 6. AS 12.55.125(b) is amended to read:

23 (b) A defendant convicted of murder in the second degree, [OR]  
24 kidnapping, or promoting a controlled substance in the first degree  
25 shall be sentenced to a definite term of imprisonment of at least five  
26 years but not more than 99 years.

27 \* Sec. 7. AS 12.55.155(c) is amended by adding new paragraphs to read:

28 (15) the defendant is convicted of an offense specified in  
29 AS 11.71 and the offense involved the delivery of a controlled substance

1 under circumstances manifesting an intent to distribute the substance  
2 as part of a commercial enterprise;

3 (16) the defendant is convicted of an offense specified in  
4 AS 11.71 and the offense involved the smuggling of controlled substances  
5 into the state;

6 (17) the defendant is convicted of an offense specified in  
7 AS 11.71 and the offense involved large quantities of a controlled  
8 substance;

9 (18) the defendant is convicted of an offense specified in  
10 AS 11.71 and the offense involved the distribution of a controlled  
11 substance that had been adulterated with a toxic substance.

12 \* Sec. 8. AS 12.55.155(d) is amended by adding new paragraphs to read:

13 (13) the defendant is convicted of an offense specified in  
14 AS 11.71 and the offense involved small quantities of a controlled  
15 substance;

16 (14) the defendant is convicted of an offense specified in  
17 AS 11.71 and the offense involved the distribution of a controlled  
18 substance, other than a schedule I controlled substance, to a personal  
19 acquaintance who is 19 years of age or older for no profit;

20 (15) the defendant is convicted of an offense specified in  
21 AS 11.71 and the offense involved the possession of a small amount of  
22 a controlled substance for personal use in the defendant's home.

23 \* Sec. 9. AS 17 is amended by adding a new chapter to read:

24 CHAPTER 30. CONTROLLED SUBSTANCES ACT.

25 ARTICLE 1. STANDARDS AND SCHEDULES.

26 Sec. 17.30.010. AUTHORITY TO SCHEDULE CONTROLLED SUBSTANCES.

27 (a) The commissioner shall administer this Act and may by regulation  
28 adopted under the Administrative Procedure Act (AS 44.62) add sub-  
29 stances to the schedules in AS 17.30.040 -- 17.30.090. Each addition

*Info C.R.  
Bill  
may not be used  
delete*

1 shall be in accordance with the advice and determination of the Con-  
2 trolled Substances Advisory Committee established in AS 17.30.020. In  
3 making a determination regarding the addition of a substance, the  
4 committee shall assess the danger or probable danger of the substance  
5 by considering the following:

6 (1) the actual or probable abuse of the substance including:

7 (A) its history and current pattern of abuse;

8 (B) the scope, duration, and significance of abuse;

9 (C) the degree of actual or probable detriment which  
10 may result from abuse of the substance;

11 (D) the probable physical and social impact of wide-  
12 spread abuse of the substance;

13 (2) the biomedical hazard of the substance including:

14 (A) its pharmacology: the effects and modifiers of  
15 effects of the substance;

16 (B) its toxicology: the acute and chronic toxicity,  
17 interaction with other substances, whether controlled or not, and  
18 liability to psychological or physiological dependence;

19 (C) its risk to public health and the particular  
20 susceptibility of segments of the population;

21 (3) whether the substance is an immediate precursor of a  
22 substance already controlled under this chapter;

23 (4) the current state of scientific knowledge regarding the  
24 substance;

25 (5) the relationship between the use of the substance and  
26 other criminal activity including:

27 (A) whether persons engaged in illicit trafficking of  
28 the substance are also engaged in other criminal activity;

29 (B) whether the nature and relative profitability of

1 the substance encourages illicit trafficking in the substance;

2 (C) whether the commission of other crimes is one of  
3 the effects of the use of the substance;

4 (D) whether addiction to the substance relates to the  
5 commission of crimes to support the continued use of the sub-  
6 stance.

7 (b) If, after considering the factors enumerated in (a) of this  
8 section, the committee finds that a substance should be added, the  
9 commissioner shall adopt a regulation in accordance with the committee's  
10 findings.

11 (c) The committee shall advise the governor <sup>of the Legislature</sup> as to the need to  
12 delete or reschedule substances in the schedules in AS 17.30.040 --  
13 17.30.090. In making recommendations regarding a substance, the  
14 committee shall assess the danger or probable danger of the substance  
15 by considering the factors enumerated in (a) of this section.

16 (d) If the committee designates a substance as an immediate  
17 precursor of a controlled substance, substances which are precursors  
18 of the controlled precursor are not subject to control solely because  
19 they are precursors of the controlled precursor.

20 (e) By the 30th day of each legislative session, the commissioner  
21 shall prepare and present to the governor and the legislature a report  
22 discussing the actions of the committee during the preceding year. If  
23 the commissioner has adopted a regulation adding a controlled substance,  
24 the report shall include the committee's findings of fact and other  
25 supporting information it considers appropriate.

26 Sec. 17.30.020. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)  
27 There is created within the department the Controlled Substances  
28 Advisory Committee, consisting of

29 (1) the director of the division of public health;

- 1 (2) the director of the office of drug abuse;  
2 (3) the commissioner of public safety or his designee;  
3 (4) the attorney general or his designee;  
4 (5) a psychiatrist appointed by the governor;  
5 (6) a physician appointed by the governor;  
6 (7) a pharmacist appointed by the governor;  
7 (8) a peace officer appointed by the governor after con-  
8 sultation with the Alaska Association of Chiefs of Police; and  
9 (9) a public member appointed by the governor.

10 (b) Members of the committee specified in paragraphs (a)(5)-(9)  
11 of this section serve terms of four years; except that of the members  
12 first appointed, two shall be appointed for terms of two years, two  
13 for terms of three years, and one for a term of four years. Committee  
14 members are not entitled to receive a salary but are entitled to per  
15 diem and travel expenses authorized by law for boards and commissions.

16 (c) The committee shall meet at the call of the commissioner,  
17 but in no event less than twice a year. Five members constitute a  
18 quorum. The committee may adopt bylaws for its proceedings. Before  
19 making a determination regarding the addition of a substance under AS  
20 17.30.010, the committee, together with the commissioner, shall hold  
21 public hearings as provided for under AS 44.62.210.

22 (d) If a substance is added as a controlled substance under  
23 federal law and notice of the designation is given to the department,  
24 or the addition of a substance has been published in the Code of  
25 Federal Regulations, the committee shall, within 60 days, meet and  
26 consider making a corresponding addition in the schedules specified in  
27 AS 17.30.040 -- 17.30.090. If the committee decides not to include  
28 the change, it shall publish the reasons for that decision and afford  
29 all interested parties an opportunity to be heard. Following the

1 hearing, the committee shall announce its final decision.

2 Sec. 17.30.030. NOMENCLATURE. The controlled substances listed  
3 in the schedules in AS 17.30.040 -- 17.30.090 are included by whatever  
4 official, common, chemical, or brand name is designated.

5 Sec. 17.30.040. SCHEDULE I. (a) A substance shall be placed in  
6 schedule I if it is found under AS 17.30.010(a) to have the highest  
7 degree of danger or probable danger.

8 (b) Schedule I includes, unless specifically excepted or listed  
9 in another schedule, any of the following substances whether produced  
10 directly or indirectly by extraction from substances of vegetable  
11 origin, or independently by means of chemical synthesis, or by a  
12 combination of extraction and chemical synthesis:

13 (1) opium and opiate, and any salt, compound, derivative,  
14 or preparation of opium or opiate, excluding apomorphine, dextrorphan,  
15 nalbuphine, naloxone, and naltrexone, and their respective salts, but  
16 including the following:

- 17 (A) raw opium;  
18 (B) opium extracts;  
19 (C) opium fluid extracts;  
20 (D) powdered opium;  
21 (E) granulated opium;  
22 (F) tincture of opium;  
23 (G) codeine;  
24 (H) ethylmorphine;  
25 (I) etorphine hydrochloride;  
26 (J) hydrocodone;  
27 (K) hydromorphone;  
28 (L) metopon;  
29 (M) morphine;

- (N) oxycodone;
- (O) oxymorphone;
- (P) thebaine;

(2) any salt, compound, derivative, or preparation of a subincluded in (b)(1) of this section which is chemically equivalent or identical to any of the substances referred to in (b)(1) of this section, except that these substances do not include the isoquinoline alkaloids of opium;

( ) opium poppy and poppy straw;

( ) concentrate of poppy straw which is the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy.

(c) Schedule I includes, unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan excepted:

- (1) acetylmethadol;
- (2) allylprodine;
- ( ) alphacetylmethadol;
- (4) alphameprodine;
- (5) alphamethadol;
- (6) alphaprodine;
- (7) anileridine;
- (8) benzethidine;
- (9) betacetylmethadol;
- (10) betameprodine;
- (11) betamethadol;

- 1 (12) betaprodine;
- 2 (13) bezitramide;
- 3 (14) clonitazene;
- 4 (15) dextromoramide;
- 5 (16) diampromide;
- 6 (17) diethylthiambutene;
- 7 (18) difenoxin;
- 8 (19) dihydrocodeine;
- 9 (20) dimenoxadol;
- 10 (21) dimpheptanol;
- 11 (22) dimethylthiambutene;
- 12 (23) dioxaphetyl butyrate;
- 13 (24) diphenoxylate;
- 14 (25) dipipanone;
- 15 (26) ethylmethylthiambutene;
- 16 (27) etonitazene;
- 17 (28) etoxeridine;
- 18 (29) fentanyl;
- 19 (30) furethidine;
- 20 (31) hydroxypethidine;
- 21 (32) isomethadone;
- 22 (33) ketobemidone;
- 23 (34) levomethorphan;
- 24 (35) levomoramide;
- 25 (36) levorphanol;
- 26 (37) levophenacymorphan;
- 27 (38) metazocine;
- 28 (39) methadone;
- 29 (40) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-

diphenyl butane;

(41) moramide-intermediate, 2-methyl-3-morpholinol,

1-diphenylpropane-carboxylic acid;

(42) morpheridine;

(43) noracymethadol;

(44) norlevorphanol;

(45) normethadone;

(46) norpipanone;

(47) pethidine, also known as meperidine;

(48) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenyl-piperidine;

(49) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(50) pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid;

(51) phenadoxone;

(52) phenampromide;

(53) phenazocine;

(54) phenomorphan;

(55) phenoperidine;

(56) pim:nodine;

(57) piritramide;

(58) proheptazine;

(59) properidine;

(60) propiram;

(61) racemethorphan;

(62) racemoramide;

(63) racemorphan;

(64) trimeperidine.

1 (d) Schedule I includes, unless specifically excepted or unless  
2 listed in another schedule, any of the following opium derivatives,  
3 their salts, isomers, and salts of isomers whenever the existence of  
4 these salts, isomers, and salts of isomers is possible within the  
5 specific chemical designation:

- 6 (1) acetorphine;
- 7 (2) acetyldihydrocodeine;
- 8 (3) benzylmorphine;
- 9 (4) codeine methylbromide;
- 10 (5) codeine-n-oxide;
- 11 (6) cyprenorphine;
- 12 (7) desomorphine;
- 13 (8) dihydromorphine;
- 14 (9) drotebanol;
- 15 (10) etorphine, except hydrochloride salt;
- 16 (11) heroin;
- 17 (12) hydromorphinol;
- 18 (13) methyldesorphine;
- 19 (14) methyldihydromorphine;
- 20 (15) morphine methylbromide;
- 21 (16) morphine methylsulfonate;
- 22 (17) morphine-n-oxide;
- 23 (18) myrophine;
- 24 (19) nicocodeine;
- 25 (20) nicomorphine;
- 26 (21) normorphine;
- 27 (22) pholcodine;
- 28 (23) thebacon

29 Sec. 17.30.050. SCHEDULE II. (a) A substance shall be placed

1 in schedule II if it is found under AS 17.30.010(a) to have a degree  
2 of danger or probable danger less than substances listed in schedule  
3 I, but higher than substances listed in schedule III.

4 (b) Schedule II includes, unless specifically excepted or unless  
5 listed in another schedule, any material, compound, mixture, or  
6 preparation, which contains any quantity of the following hallucino-  
7 genic substances, or which contains any of its salts, isomers, or  
8 salts of isomers whenever the existence of such salts, isomers, or  
9 salts of isomers is possible within the specific chemical designation:

10 (1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as 4-  
11 bromo-2,5-dimethoxy-a-methylphenethylamine and 4-bromo-2, 5-DMA;

12 (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-  
13 a-methylphenethylamine and 2,5-DMA;

14 (3) 4-methoxyamphetamine, also known as 4-methoxy-a-methy-  
15 lphenethylamine and paramethoxyamphetamine, PMA;

16 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;

17 (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-  
18 methyl-2,5 - dimethoxy-a - methylphenethylamine, "DOM" and  
19 "STP";

20 (6) 3,4-methylenedioxy amphetamine;

21 (7) 3,4,5-trimethoxy amphetamine;

22 (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-  
23 hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dime -thylsero-  
24 toain, 5-hydroxy-N, N-dimethyltryptamin , and mappine;

25 (9) diethyltryptamine, also known as N,N-diethyltryptamine  
26 and DET;

27 (10) dimethyltryptamine, also known as DMT;

28 (11) ibogaine, also known as 7-ethyl-6, 6B, 7,8,9,10,12,  
29 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1',2': 1,2] azepino

1 [5,4-b] indole and tabernanthe iboga;

2 (12) lysergic acid diethylamide;

3 (13) mescaline;

4 (14) peyote, meaning all parts of the plant presently  
5 classified botanically as *lophophora williamsii* lemaire, whether  
6 growing or not, the seeds of the plant, any extract from any part of  
7 the plant, and every compound, manufacture, salts, derivative, mixture,  
8 or preparation of the plant, its seeds, or extracts;

9 (15) n-ethyl-3-piperdyl benzilate;

10 (16) n-methyl-3-piperdyl benzilate;

11 (17) psilocybin;

12 (18) psilocyn;

13 (19) ethylamine analog of phencyclidine, also known by some  
14 trade or other names as follows: N-ethyl-1-phenylcyclohexylamine (1-  
15 phenylcyclohexy) ethylamine, N-(1-phenylcyclohexy) ethylamine,  
16 cyclohexamine, PCE;

17 (20) pyrrolidine analog of phencyclidine, also known by  
18 some trade or other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine  
19 PCPy, PHP;

20 (21) thiophene analog of phencyclidine, also known as 1-[1-  
21 (2-thienyl) cyclohexyl] piperidine and 2-thienyl analog of phencycli-  
22 ndine and TPCP.

23 (c) For purposes of (b) of this section only, the term "isomer"  
24 includes the optical, position and geometric isomers.

25 (d) Schedule II includes cocaine and any compound, derivative,  
26 or preparation of coca leaves produced directly or indirectly by  
27 extraction from coca leaves, or independently by means of chemical  
28 synthesis, or by a combination of extraction and chemical synthesis,  
29 including the isomers, salts, and salts of isomers of cocaine and