

1063

SJ

SB

162

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SB

239

1063

## PROBATION AND PAROLE OFFICERS - SCRO

NAME	SS #	D.O.B.	AGE	D.O.H.	LENGTH OF SERVICE	JOB CLASS/TITLE	(PCN)	MONTHLY SALARY	RANGE
Carroll Smith .	483-40-7284	08/05/40	37.08	10/01/74	2.90	Probation Officer II	064108	1842.00	16C
Wayne Stanley	318-36-4322	06/30/44	33.25	11/16/75	1.90	Probation Officer II	064363	1777.00	16B
Carla Strane	543-54-8258	05/25/44	33.33	07/22/68	9.17	Probation Officer II	064276	1912.00	16D
Mary Sweet	531-28-5457	11/10/29	47.83	11/53-4/54 6/2/55	22.73	Probation Officer II	064164	2214.00	16K
Paul Tannenbaum	055-30-5761	01/17/36	41.67	11/09/70	6.89	Probation Officer III	064312	2214.00	18D
Diane Webb	537-40-2428	02/09/43	34.5	04/10/69	8.42	Probation Officer II	064323	2136.00	16J
Stanley Wells	504-40-9237	04/19/40	37.42	12/18/72	4.82	Probation Officer III	064227	2296.00	18C
Steven Widmer	523-62-4648	10/10/48	28.92	07/01/75	2.17	Probation Officer II	064387	1912.00	16B
Marguerite King .	542-20-4956	12/12/26	50.79	05/24/76	1.05	Probation Officer I	064162	1424.00	13B
W. Jean Slack	574-16-4798	04/15/36	41.42	03/16/73	4.5	Probation Officer II	064018	1912.00	16D
Janet Moyer	574-14-1170	10/19/41	35.92	08/06/77	.15	Probation Officer II	064163	1712.00	16A
John Vanover III	574-22-2513	11/17/48	28.83	04/16/74	3.42	Probation Officer II	064108	1712.00	16A
Deborah Gefvert	547-90-8010	06/18/51	26.25	01/24/77	.67	Probation Officer II	064330	1712.00	16A

SCRO Summary Data      Total Positions:  
30 Full Time

Ave. Age:  
37.71

Ave. Service:  
6.89 years

Total Salary:

61394.00

PROBATION AND PAROLE OFFICERS - NRO

NAME	SS #	D.O.B.	AGE	D.O.H.	LENGTH OF SERVICE	JOB CLASS/TITLE	(PCN)	MONTHLY SALARY	RANGE
Donald Allen	574-14-2484	03/15/43	34.08	08/08/67	10.08	Probation Officer II		2385.00	16F
Joe Anderson	463-54-0092	04/11/37	40.42	06/16/74 FCC 06/15/76 Laid Off 07/02/76 Prob.-Parole	3.2	Probation Officer II		2058.00	16E
Georgene Brennen	574-26-5520	01/09/52	25.67	09/24/73	4.0	Probation Officer II		2136.00	16C
John Cain	541-20-7977	06/20/25	52.25	12/30/69	7.77	Probation Officer IV		2973.00	20D
Ida Hadley	574-07-3869	06/20/23	54.25	11/21/72	4.83	Probation Service Aide III		1589.00	9E
Ruth Hall	567-28-5655	12/03/17	59.8	03/16/69 (Pub. Wel.) NO BREAK IN SERVICE 09/16/71 Prob.-Parole	8.5	Probation Service Aide III		1650.00	9F
Glen Johnson	553-42-1486	07/16/34	43.17	11/11/70	6.83	Probation Officer II		2385.00	16F
Thelma Johnson	571-74-1435	09/29/48	29.0	05/02/72	5.33	Probation Officer II		2296.00	16E
Stephen Korenek	454-70-3237	09/07/46	31.05	11/17/75	1.83	Probation Officer II		2058.00	16B
Curt Masingill	439-46-8485	11/06/36	30.83	04/05/71-07/21/75 10/04/76 Rehired	5.24	Probation Officer III		2973.00	18D
Ronald Murray	453-64-0624	08/27/42	35.09	11/06/72	4.83	Probation Officer II		2214.00	16D
Diane Nelson	514-28-3354	11/08/54	22.83	06/10/75	2.05	Probation Officer Trainee		1384.00	10C
Gene Shafer	531-40-2901	09/30/39	38.00	07/06/76	1.17	Probation Officer III		2661.00	18A
Hazel Straub	574-16-7925	06/29/50	27.25	10/02/72	4.92	Probation Officer II		2136.00	16C
Harriett Thomas	538-20-3180	10/28/23	53.92	09/28/73-06/15/76 09/15/77 Rehired	2.80	Probation Officer III		2296.00	18A

Ave. Age:  
39.17

Ave. Service:  
4.89

Total Monthly Salary:

33,194

NRO Summary Data

## ACTUARY SUMMARY SHEET

<u>NAME</u>	<u>NUMBER OF POSITIONS</u>	<u>AVERAGE AGE</u>		<u>AVERAGE LENGTH OF SERVICE</u>		<u>TOTAL MONTHLY SALARY</u>	
CENTRAL OFFICE SUMMARY	13	37.71		5.81		33,581.00	
PROBATION/PAROLE OFFICERS (SERO)	12		36.83		4.75		25,494.00
PROBATION/PAROLE OFFICERS (SCRO)	30		37.71		6.89		61,394.00
PROBATION/PAROLE OFFICERS (NRO)	15		39.17		4.89		33,194.00
AVERAGE SUB TOTALS	70	37.71	37.90	5.81	5.51	33,581.00	120,082.00
TOTAL ALL JOB CLASSES		37.81		5.66		\$153,663.00	

## PROBATION AND PAROLE OFFICERS - SCRO

NAME	SS #	D.O.B.	AGE	D.O.H.	LENGTH OF SERVICE	JOB CLASS/TITLE	(PCN)	MONTHLY SALARY	RANGE
Dustee Bonin	574-18-6431	04/02/47	30.42	04/16/69	8.42	Probation Officer II	064338	2058.00	16F
Loy Bolt	258-68-8745	06/26/45	32.25	8/29/68-5/22/71 7/12/71-Present	8.96	Probation Officer II	064539	1842.00	16C
Willie Brown	574-18-9827	08/04/47	30.08	5/08/70	7.25	Probation Officer II	064017	1842.00	16C
Dwane Burgess	574-14-1009	07/17/41	36.17	5/67-8/71 10/73-Present	8.16	Probation Officer II	064019	2058.00	16F
Frank Byerly	575-54-3251	12/10/41	35.79	11/09/70	6.89	Probation Officer III	064112	2567.00	18F
Edward Coleman	516-26-9068	06/12/29	48.25	12/02/68	8.82	Probation Officer IV	064016	2867.00	20J
Victoria Deakin	531-48-9786	01/01/46	31.42	10/01/73	3.92	Probation Officer II	064318	1912.00	16D
Harold Fencil	519-30-4755	06/26/34	43.25	3/22/74-7/20/76 9/9/76-Present	3.37	Probation Officer II	064383	1777.00	16B
Fred Fowler	536-32-2256	12/10/34	42.79	02/03/69	8.58	Probation Officer III	064470	2385.00	18F
Thomas Furbush	254-62-0836	08/28/41	36.08	12/22/62-7/4/64 7/25/66-4/14/67 2/5/69-Present	10.84	Probation Officer II	064472	2058.00	16F
Susan Grisham	574-20-4483	07/16/47	30.17	09/28/71	6.0	Probation Officer II	064366	1983.00	16E
Richard Illias	532-40-1924	08/07/43	34.08	04/16/69	8.42	Probation Officer III	064344	2474.00	18J
Homer Mayo	487-30-4059	08/09/29	48.08	7/1/63-10/1/65 5/8/66-6/30/76 8/25/76-Present	13.48	Probation Officer II	064538	2296.00	16E
Marie Oswald	393-16-9672	03/25/20	57.5	08/01/64	13.08	Probation Officer II	064109	2214.00	16K
Wayne Pinquoch	143-12-5796	01/25/24	53.67	03/22/62	15.50	Probation Officer III	064313	2661.00	18K
Elizabeth Robson	125-42-2393	07/24/49	28.17	09/20/76	1.03	Probation Officer II	064339	1712.00	16A
Maceo Roberts	425-72-6905	12/01/41	35.82	9/4/70-11/30/72 10/1/74-9/29/75 12/1/75-Present	5.04	Probation Officer II	064317	1777.00	16B

TO:  William H. Huston  
 Director  
 Division of Corrections  
 Dept. of Health & Social Services

DATE: October 27, 1977

FILE NO:

TELEPHONE NO:

FROM: *Paul B. Arnoldt*  
 Paul B. Arnoldt  
 Director  
 Division of Retirement & Benefits  
 Dept. of Administration

SUBJECT: Actuarial Costs for Probation  
 and Parole Officers per Your  
 Memo Dated 9/27/77

Per your request, the following cost factors are furnished:

1. Projected FY 78 Payroll                      \$192,000,000
2. Anticipated Annual Payroll Increase      10%

The costs to cover Probation and Parole Officers under the Peace Officer and Firemen provisions of PERS:

	<u>Number of Employees</u>	<u>Annual Cost as % of State Payroll</u>
1. Central Office	12	.0082%
2. Probation and Parole Officers - SERO	12	.0057%
3. Probation and Parole Officers - SCRO	29	.0140%
4. Probation and Parole Officers - NRO	<u>15</u>	<u>.0050%</u>
TOTALS	68	.0329%

If I can be of further assistance to you on this matter, please don't hesitate to give me a call.

PBA/LEW/hew



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 4, 1979

#### LETTER OF LEGISLATIVE INTENT

#### SB 162

The term, "peace officer," is specifically defined for purposes of the Public Employees' Retirement System in AS 39.35.680(27). It is not intended that the general definition of "peace officer" in SB 162 change or modify in any way the meaning of the term, "peace officer," in the Public Employees' Retirement System statutes.

The committee is most reluctant to be placed in a position of prejudging the Alaska Supreme Court. The problem which brought about the introduction of this bill is now on appeal to that court. The committee finds itself in an awkward situation in the middle of a dispute between judicial, probation-parole and corrections officers on the one hand and the Departments of Law and Health and Social Services on the other.

It is thought that the problem could best be resolved by removing Probation, Parole and Corrections from the Department of Health and Social Services and placing them under the auspices and supervision of the court system.

\_\_\_\_\_  
Senator Ziegler, Chairman

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\_\_\_\_\_

SB

169



March 14, 1979

Tony Schuerch  
Box 606  
Kotzebue, Alaska 99752

Dear Mr. Schuerch:

The Judiciary Committee just passed out Senate Bill 169. It should be on the calendar in a day or two, and I have no hesitation in predicting that you'll get your new Superior Court judge for Kotzebue, although the Anchorage judgeship may be in jeopardy.

We all recognize the problem.

Regards,

Robert H. Ziegler, Sr.  
Chairman  
Senate Judiciary Committee

RHZ/pkz

cc - Senator Ferguson

# Kobuk Valley Educational Services

P.O. Box 606  
KOTZEBUE, Alaska 99752  
PHONE (907) 442-3272

March 7, 1979

Senator Robert Zeigler.  
Senate Judiciary Committee  
Pouch V  
Juneau, Alaska, 99811

Dear Senator Zeigler;

I was referred to you by Senator Frank Ferguson, who represents us in the senate. Recently I wrote to Senator Ferguson, expressing my deep concern for the need of a superior court judge here in Kotzebue. He responded by sending me a copy of SB 169, which he introduced. He suggested I write to you, since the bill is in your judiciary committee.

This bill has my full support. It calls for two additional superior court judgeships, one to be located in Kotzebue. I urge and plead that you do everything in your power to make this bill into law. We are in desperate need of a superior court judge here in Kotzebue to try felonies.

Right now the only superior court judge we have in the area is located in Nome. Yet there are more reported felonies in the Kotzebue region than in the Nome region. In order to take care of these, the entire court has to fly here from Nome to hold trial, at which time they are not available to serve the Nome area. Because they are spread so thin, both areas suffer.

In the Kotzebue area, I estimate that right now less than one-tenth of the reported felonies are prosecuted, let alone go to trial. The offenders, realizing they will not be called to account for their offenses, are repeating them. It has reached the point where many of our Native people are living each day in fear for their safety, and the safety of their families and property.

Recently, the Kotzebue chief of police showed me a stack of tapes of the testimony of rape victims. He was told by the district attorney these will not be prosecuted unless a third party witnessed the act and is willing to testify. The DA is not prosecuting but a token number of felonies, presumably because of the heavy caseload.

I don't know much about the law; my field is education. But I do know the villages and our Native people of the Nome and Kotzebue regions. I know they feel, as I do, that the system of justice has broken down, and that there is no protection for them in the law. Unlike most White people, our Native people don't usually speak out strongly for their rights. They simply endure.

For the benefit of all the people of our judicial district, I strongly urge that you support Senator Ferguson's SB 169.

cc: Senator Ed Dankworth  
Senator Don Bennett  
Senator Pete Meland  
Bering Straights newspaper  
Senator Frank Ferguson  
Governor Jay Hammond  
Senator Bill Ray

Sincerely,

*Tony Schuerch*  
Tony Schuerch

# CITY OF KOTZEBUE

P.O. BOX 46  
KOTZEBUE, ALASKA 99752  
907-442-3351

POLICE DEPARTMENT

March 9, 1979

Senator Robert Zeigler  
Senate Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Zeigler:

I would like to voice my support of SB 169 which would place a superior court position in Kotzebue. It is sorely needed.

Presently we are served by Magistrate Ross Schaeffer and Assistant Magistrate Hensley. It is too bad Magistrate Schaeffer cannot be elevated to a District Judgeship. He does outstanding work in his community, is well respected by citizen and Police alike. He is a credit to his profession.

Sincerely,



DONALD E. BUEHLER  
Chief of Police

DEB/dew

"GATEWAY TO NORTHWEST ALASKA"

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 169  
 Title An Act Relating to the Number of Superior Court Judges  
 Requested by Senate Judiciary Date February 21, 1979

II. FISCAL DETAIL

Agency Affected Alaska Court System  
 Program Category Affected Administration of Justice  
 Budget Request Unit(s) Affected Alaska Court System

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		139.7	148.1	157.0	166.4	176.4
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT		8.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>147.7</b>	<b>148.1</b>	<b>157.0</b>	<b>166.4</b>	<b>176.4</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		147.7	148.1	157.0	166.4	176.4
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		4	4	4	4	4
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SB 169 creates two Superior Court judge positions - one in Kotzebue and one in Anchorage. The Kotzebue position is an upgrade and transfer of the existing district court judge position in Nome, while the Anchorage judgeship requires the establishment of a new position.

A detailed summary of the costs associated with each position is provided on the attachment budget detail.

IV. DATE February 28, 1979 PREPARED BY Richard P. Barrier  
 AGENCY Alaska Court System  
 PHONE 264-0545  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

BUDGET DETAIL - SB 169

Kotzebue

Personnel:	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Superior Court Judge	\$57,072	\$5,567	\$62,639
Less: District Court Judge	48,252	5,214	(53,466)
Secretary/In-Court Clk	23,203	7,392	<u>30,600</u>
			\$39,773

Equipment:	<u>Judge</u>	<u>Secretary</u>	
Desk	463	426	
Chair	163	188	
Typewriter		820	
Bookcases	164		
Legal Reference Materials	700		
Credenza	282		
	<u>1,772</u>	<u>1,434</u>	<u>3,206</u>
		Kotzebue Total	\$42,979

Anchorage

Personnel:	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Superior Court Judge	\$48,576	\$5,227	\$53,803
Secretary	16,812	6,260	23,072
In-Court Clerk	16,812	6,260	<u>23,072</u>
			\$99,947

Equipment:	<u>Judge</u>	<u>Secretary</u>	<u>In-Court</u>	
Desk	463	426	426	
Chair	163	188	188	
Typewriter		820		
Recorder			1,000	
Bookcases	168			
Legal Reference Materials	700			
Credenza	282			
	<u>1,776</u>	<u>1,434</u>	<u>1,164</u>	<u>4,824</u>
		Anchorage Total		\$104,771

Total FY 80 Cost - Kotzebue: \$ 42,979  
 Anchorage: 104,771  
 \$147,750

SB

171



STATE OF ALASKA  
THE LEGISLATURE

POUCH & STATE CONTROL  
JUNE 1, 1979  
907 465 3300

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 1, 1979

SUBJECT: Marine Pilots  
Senate Bill 171

TO: Senator Robert Ziegler

FROM: Kenneth E. Vassar, Legislative Counsel *KV*

You have asked about potential commerce clause problems in Senate Bill 171. This bill raises the penalty for failure to employ a licensed pilot under certain circumstances. I can see no problem with the bill itself, or with penalizing masters or owners of certain vessels for failing to employ a pilot. This is not to say that constitutional questions do not exist in AS 08.62 generally, and in AS 08.62.185 specifically. The amendments presented in SB 171 would not significantly affect the constitutional questions. If there is a specific concern about SB 171, perhaps I could go into greater detail; please let me know if that is the case.

I am enclosing a copy of the memo I sent to you dated May 9, 1977, discussing the constitutional questions now in AS 08.62.185. I would note that the U.S. Supreme Court has heard the Washington case discussed in that memo and issued an opinion on March 6, 1978 (Opinion No. 76-930). The court found that Washington's law requiring a state-licensed pilot on enrolled vessels was precluded by 46 U.S.C. secs. 215, 364 and to that extent the law was invalid. The court further noted that the pilotage requirement on registered vessels was not prohibited by 46 U.S.C. sec. 215 or by the Ports and Waterways Safety Act of 1972 (33 U.S.C. sec. 1221 and 46 U.S.C. sec. 391(a)); the court upheld that part of the Washington law.

KEV:nem

enclosure

MEMORANDUM

May 9, 1977

SUBJECT: HB 510 - Marine Pilotage

TO: Senator Robert H. Ziegler, Sr., Chairman  
Senate Rules Committee

FROM: Kenneth E. Vassar  
Staff Attorney

You have requested an opinion relating to the validity of HB 510 (relating to marine pilotage), particularly in light of federal legislation. The relevant federal statutes are found at 46 U.S.C. sec. 211, and 46 U.S.C. sec. 364. Section 211 allows state regulation of pilots "in the bays, inlets, rivers, harbors, and ports of the United States," and Section 364 provides for federal regulation of (and Coast Guard licensing of pilots on) all coastwise seagoing steam vessels. The bill under consideration would constitute an attempt by the state to regulate pilots of any oil tankers of 50,00 dead weight tons or greater navigating in state waters beyond Alaska pilot stations. In my opinion, HB 510 goes beyond the authority of the state as provided in 46 U.S.C. sec. 211 and intrudes into a federally preempted area under 46 U.S.C. sec. 364, and is thus unenforceable.

At least two cases to date would appear to support this conclusion. In Davis v. M/V Ester S., 509 F. 2d 1377, a barge which was transporting asphalt from Philadelphia to Jacksonville was declared to be a "steam vessel." The court stated that an expanded definition of "steam vessel" provided in 46 U.S.C. sec. 391, which includes vessels that have on board liquid cargo in bulk which is inflammable or combustible, applies to the federal pilotage regulations as well as to the federal inspection laws. Under this case an oil tanker is subject to the federal pilotage regulation of 46 U.S.C. sec. 364. Upon making the finding that the barge was subject to the federal act, the court proceeded to declare the Florida pilotage act unenforceable and specifically found that Congress, in passing the federal law, intended to exempt such vessels from state pilotage laws. Florida's law would have required the barge to take on a state-licensed pilot when entering or leaving a Florida port.

Senator Robert H. Ziegler, Sr.  
May 10, 1977  
Page 2

The second case, and perhaps the more important for our purposes, is a recent case tried in the federal circuit court for the western district in Washington. In Atlantic Richfield Co. v. Evans, the court was faced with the Washington Tanker Law, part of which requires a state-licensed pilot aboard oil tankers navigating in Puget Sound. In its opinion, the court states:

ARCO and Seatrain also argue that section 2 of Washington's Tanker Law (requiring a local pilot on all tankers larger than 50,000 dwt) has been preempted. Insofar as the Tanker Law prohibits a tanker "enrolled in the coastwise trade" from navigating Puget Sound unless it has a local pilot, the statute is void; it conflicts with clear federal law on that subject. 46 U.S.C. sec. 215, 364 (1970).

This case is currently being appealed to the United State Supreme Court, and certiorari has been granted. Thus, any opinion is subject to substantial reservation until the Supreme Court's decision. The case is of particular importance because of the similarity between the Washington law and HB 510.

Based upon these cases, and the language of the federal statutes involved, I believe that HB 510 is unenforceable, at least to the extent that it attempts to regulate tankers on the coastwise trade. Enclosed are copies of the statutes and cases cited above. If you have any questions, please do not hesitate to call on me.

REV:hjd

MEMORANDUM

May 9, 1977

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Senate Rules Committee

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Staff Attorney

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KLV:hjd

February 21, 1979

TO: BILLY BERRIER  
FROM: SENATOR ZIEGLER  
RE: SB 171

Is the captioned bill constitutional? The point has been raised that it might be violative of the ICC.

I don't require a lengthy opinion, nor is time especially of the essence.

Thanks.

RHZ/pbz

PILOTAGE TARIFF AND CHARGES FOR SOUTHEASTERN ALASKA

EFFECTIVE: DECEMBER 5, 1978 THROUGH JUNE 30, 1979

EXCEPT TARIFF III, E.

I. TARIFF AND CHARGES APPLICABLE TO ALL SHIPS EXCEPT PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, each Entry or Departure Constituting a Separate Chargeable Event:

Port	Port Charge
Ketchikan .....	\$453.00
Metlakatla .....	453.00
Klawock .....	553.00
Ward Cove .....	453.00
* Wrangell .....	494.00
* Shoemaker Bay .....	94.00
Petersburg .....	494.00
Duncan Canal .....	612.00
Sitka .....	453.00
Juneau .....	453.00
Juneau Oil Docks .....	530.00
Haines, Chilkoot .....	530.00
Lutak .....	530.00
Skagway .....	530.00
Skagway Ore Dock .....	612.00
Yakutat .....	553.00
Icy Bay .....	553.00

\* On movements between these ports following an initial entry, each entry or departure except the initial entry and the final departure, will be at the rate of \$453.00.

B. Charges for Restricted Passage Pilotage, Entry, Transit, and Departure From Each Listed Area Constituting a Combined Single Chargeable Event:

Area	Port Charge
Wrangell Narrows .....	\$129.00
Sergius Narrows .....	65.00
Whitestone Narrows .....	65.00

C. Unlisted Port and Restricted Passage Charges:  
These charges to be negotiated according to risk and time.

D. Overtime:  
If one pilot exceed six hours continuous running time without a six-hour rest period, overtime shall be charged at the rate of \$31.00 per hour, or portion thereof. On runs anticipated to be over 8 hours duration, two pilots shall be required, and, in addition to the basic port charge, 50% of such charge shall be paid.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

E. Anchoring Charges:

1. Anchoring or laying to for loading cargo or discharging cargo shall be considered as a regular port charge, and all fees and tariffs shall be assessed the same as if the vessel has moored.
2. Anchoring, waiting for berth, or for weather shall be at the rate of \$147.00.

F. Other Charges

As applicable under the terms of Section III.

II. TARIFF AND CHARGES APPLICABLE ONLY TO PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, Each Entry or Departure Constituting a Separate Chargeable Event:

Port	Port Charge
Ketchikan .....	\$453.00
Wrangell .....	494.00
Petersburg .....	494.00
Sitka .....	453.00
Juneau .....	453.00
Haines, Chilkoot .....	530.00
Haines, Lutak .....	530.00
Skagway, White Pass .....	530.00

B. Charges for Restricted Passage and Cruise Area Pilotage, Entry Transit and Departure for Each Listed Area Constituting a Combined Single Chargeable Event:

Area	Port Charge
<u>Cruise Areas</u>	
Glacier Bay .....	\$1,295.00
Tracy Arm .....	647.00
Endicott Arm .....	647.00
<u>Restricted Passages</u>	
Wrangell Narrows .....	\$ 129.00
Sergius Narrows .....	65.00
Whitestone Narrows .....	65.00

C. Unlisted Port, Restricted Passage and Scenic Cruise Areas:  
To be negotiated according to risk and time.

D. Passenger Cruise:

In addition to any charges otherwise applicable under Section II A and II B, passenger charges apply as follows:

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

The number of saleable passenger berths on board times the number of miles run in the inside waters Alaska (excluding miles run in scenic areas) times the mileage rate of 4.70 mills. The saleable passenger berths shall range from a minimum charge for 200 berths or a maximum charge for 1000 berths.

E. Anchoring Charges:

1. Anchoring or laying to for loading passengers or discharging passengers shall be considered as a regular port charge and all fees and tariffs shall be assessed the same as if vessel moored.
2. Anchoring, waiting for a berth or for weather shall be at the rate of \$147.00.

F. Other Charges:

As applicable under the terms of Section III.

III. OTHER CHARGES APPLICABLE TO ALL VESSELS IN ADDITION TO ALL OTHER TARIFFS AND CHARGES.

A. Tonnage and Draft Charges:

1. Tonnage charges will be made on a tonnage unit system at the rate of \$1.37 per unit for all units in excess of 163 units in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.
2. "Tonnage Units" shall be determined as expressed by the following formula:

$$\frac{\text{Overall Length} \times \text{Extreme Breadth} \times \text{Depth}}{10,000} = \text{Units}$$

3. Definitions:

"Overall Length" is the distance between the forward and after extremities of the vessel.

"Extreme Breadth" is the maximum breadth to the outside of the shell plating of the vessel.

"Depth" is the vertical distance of amidships from the top of the keel plate to the uppermost continuous deck fore and aft and which extends to the sides of the vessel. The continuity of a deck shall not be considered to be affected by the existence of tonnage opening, engine space or a step in the deck.

All measurements shall be in feet and inches (U.S.).

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

PILOTAGE TARIFF-PASSENGER

Page 4

4. All draft in excess of 32 feet will be charged at the rate of \$12.00 per foot or portion thereof, in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.

B. Shifting Charges:

1. For a dock to dock commercial movement within an incorporated harbor, the charge will be one-half the regular port charges.
2. Shifting of ship from dock to dock, dock to anchorage, anchorage to anchorage, or anchorage to dock for bunkering or other non-commercial reasons, within an incorporated harbor, will be \$177.00 per movement. A dock-to-dock shift constitutes two separate movements.

C. Dead Ships and Stern-First Dockings:

Docking and undocking dead ships and stern-first dockings will be charged at a fifty percent increase over the regular pilotage fee.

D. Emergency:

In case of a dire emergency for safety of ship, crew, or passengers, there will be no pilotage charges except for transportation and subsistence.

E. Transportation and Subsistence: (Effective May 15, 1978 - April 1, 1979)

1. Vessels, owners, agents and/or charterers shall pay pilotage fees, pilots' travel expenses such as: Plane and ferry fares, meals, lodging, cab fares, telegrams, telephone calls, and all other expenses pertaining to ship's business.

a. Meals shall be charged at the following rates:

	Juneau	Annette Ketchikan Petersburg Sitka Mt. Edgecumbe Skagway Wrangell	Other Locations
Breakfast	\$ 7.00	\$ 5.60	\$ 6.20
Lunch	7.00	5.60	6.20
Dinner	14.00	11.20	12.40

b. Hotels shall be charged at the following rates:

	Juneau	Annette Ketchikan Petersburg Sitka Mt. Edgecumbe Skagway Wrangell	Other Locations
	\$42.00	\$33.60	\$37.20

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

2. When adequate meals and rooms are not furnished to the pilot when on ship, a charge will be made in accordance with the above rates.

F. Travel Day, Detention Day, Standby Time, Cancellation Charges and Out-of-area Charge.

1. When due to weather and transportation difficulties, a pilot has to leave in advance to insure meeting a vessel upon arrival or departure, or being delayed by weather or transportation difficulties returning from an assignment, a charge of \$129.00 per day will be charged for each day a pilot is in transit or on standby. This does not include an actual work day.
2. Detention time on board ship, when no other charges accrue during the day, will be at the rate of \$31.00 per hour per pilot, not to exceed \$129.00 per pilot in any one day. Pilots carried to sea will be the same rate for each day detained plus first class passage and subsistence back to Ketchikan.
3. Cancellation charges will be \$147.00 plus transportation and subsistence.
4. Travel, standby and work days begin and end at midnight.
5. An out-of-area charge, in lieu of detention and travel time (not applicable within 100 miles of Southeast Alaska), shall equal  $1\frac{1}{2}$  times the detention rate.

G. Notice of Ship Arrival and Departure:

1. When vessels, owners, or agents do not correct their ETA within four hours of ETA last given, compensation in the amount of \$31.00 per hour shall be charged until actual arrival of vessel at pilot station not to exceed \$129.00 for any one day.
2. When sailing time is set by agent, owner or master of a vessel, any delay over one hour shall be charged at the rate of \$31.00 per hour or portion thereof, not to exceed \$129.00 for any one day. If the pilot is detained for one hour or less, no detention will be charged. If the pilot is detained for more than one hour, detention for the first hour will be charged.

II. Vessel at Rest Charge:

When an agent, owner or master requests a pilot to stay on board a vessel on a continuous basis while the vessel is docked or anchored at a port or anchorage, the rate will be \$294.00 per day. Days begin and end at midnight.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

STATE OF ALASKA

LAY S. HAYMOND

GOVERNOR



BOARD OF MARINE PILOTS

CENTRALIZED LICENSING STATUTE, AS 58.01.

MARINE PILOT STATUTE 08.62.010

MARINE PILOT REGULATIONS 12 AAC 58.010

PLOTAGE TARIFF AND CHARGES FOR

SOUTHEASTERN AND SOUTHWESTERN ALASKA

LICENSED MARINE PILOTS

\*\*\*\*\*

## TITLE 8. BUSINESS AND PROFESSIONS

## CHAPTER 01. CENTRALIZED LICENSING

Section	Section
10. Applicability of chapter	90. Department regulations
20. Board organization	87. Powers and duties of department
25. Public members	90. Applicability of the Administrative Procedure Act
30. Quorum	100. License renewal, lapse and reinstatement
40. Transportation and per diem	105. Penalty for improper payment
50. Administrative duties of department	110. Definitions
60. Application for license	
70. Administrative duties of boards	

Sec. 08.01.010. APPLICABILITY OF CHAPTER. This chapter applies to the

- (1) Board of Public Accountancy;
  - (2) Board of Barber Examiners;
  - (3) Repealed by sec. 6 ch 32 SLA 1971.
  - (4) Board of Chiropractic Examiners;
  - (5) Board of Hairdressing and Beauty Culture
- Examiners;
- (6) Board of Dental Examiners;
  - (7) Board of Electrical Examiners;
  - (8) State Board of Registration for Architects, Engineers and Land Surveyors;
  - (9) State Medical Board;
  - (10) Board of Nursing;
  - (11) Board of Examiners in Optometry;
  - (12) Board of Pharmacy;
  - (13) Real Estate Commission;
  - (14) Board of Veterinary Examiners;
  - (15) Board of Psychologist and Psychological Associate Examiners;
  - (16) Collection Agency Board;
  - (17) Board of Welding Examiners;
  - (18) Board of Marine Pilots;
  - (19) Board of Dispensing Opticians;
  - (20) Guide Licensing and Control Board.

Sec. 08.01.020. BOARD ORGANIZATION. Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members.

Sec. 08.01.025. PUBLIC MEMBERS. No public member of a board may

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates.

Sec. 08.01.030. QUORUM. A majority of the membership of a board constitutes a quorum unless otherwise provided.

Sec. 08.01.040. TRANSPORTATION AND PER DIEM. A board member is entitled to transportation expenses and per diem as set in AS 39.20.180.

Sec. 08.01.050. ADMINISTRATIVE DUTIES OF DEPARTMENT. (a) a department shall provide the following administrative and budgetary services when appropriate

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licenses;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;
- (19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84 and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in sec. 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

Sec. 08.01.060. APPLICATION FOR LICENSE. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department.

Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board shall perform the following duties in addition to those provided in its respective law

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;

- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting.

Sec. 08.01.080. DEPARTMENT REGULATIONS. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license.

Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in sec. 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in sec. 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in sec. 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in sec. 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents.

Sec. 08.01.090. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b).

**Sec. 08.01.100. LICENSE RENEWAL, LAPSE AND REINSTATEMENT.**

(a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days.

**Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT.** An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

**Sec. 08.01.110. DEFINITIONS.** In this chapter

(1) "board" includes the boards and commissions listed in sec. 10 of this chapter;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in sec. 10 of this chapter;

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in sec. 10 of this chapter.

**CHAPTER 62. MARINE PILOTS****Article**

1. Board of Marine Pilots (secs 08.62.010 - 08.62.040)
2. Licensing (secs 08.62.080 - 08.62.150)
3. General Provisions (secs 08.62.160 - 08.62.200)

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Revisor's note (1970) -

In ch. 106, SLA 1970, AS 08.62 was incorrectly designated AS 08.87.

**ARTICLE 1. BOARD OF MARINE PILOTS**

Section	Section
10. Creation and membership of board	30. Meetings
20. Appointment and term of office	40. Powers and duties

**Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD.** There is created the Board of Marine Pilots. It consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two agents of managers of vessels subject to this chapter, two public members in accordance with AS 08.01.025, and the commissioner or his designee. Not more than one pilot and one agent or manager

shall be from any one judicial district. All members of the board shall be residents of the state. (sec 2 ch 106 SLA 1970; am sec 8 ch 258 SLA 1976) (Eff. of amendment. The 1976 amendment inserted "two public members in accordance with AS 08.01.025" in the second sentence.)

Sec. 08.62.020. APPOINTMENT AND TERM OF OFFICE. The governor shall appoint the pilot and agent or manager members of the board, subject to confirmation by a majority of the members of the legislature in joint session for terms of four years, or until their successors are appointed. The first members shall be initially appointed for one, two, three and four year terms. (sec 2 ch 106 SLA 1970)

Sec. 08.62.030. MEETINGS. The board shall hold a regular annual meeting. The board may hold special meetings at the call of the chairman with prior approval of the governor. (sec 2 ch 106 SLA 1970)

Sec. 08.62.040. POWERS AND DUTIES. (a) The board shall

(1) provide for the maintenance of efficient and competent pilot service on all waters covered by this chapter to assure protection of shipping and the safety of human life and property;

(2) consistent with the law, adopt regulations, subject to the Administrative Procedure Act (AS 44.62), establishing the qualifications of pilots and providing for the examination of pilots and the issuance of original or renewal pilot licenses to qualified persons;

(3) keep a register of licensed pilots, vessels, operators, agents and manager;

(4) regulate pilotage fees; and

(5) make available, upon request, copies of this chapter and the regulations adopted under it.

(b) The board may, by regulation, make any other provision for proper and safe pilotage upon the waters covered by this chapter and for the efficient administration of this chapter. (sec 2 ch 106 SLA 1970)

## ARTICLE 2. LICENSING

Section	Section
80. License requirement	120. Duration, renewal
90. Application	130. Lapsed license
100. Qualifications	140. Fees
110. Previous licensure	150. Denial, revocation or suspension

Sec. 08.62.080. LICENSE REQUIREMENT. No person may pilot a vessel subject to this chapter unless he is licensed under this chapter. (sec 2 ch 106 SLA 1970)

Sec. 08.62.090. APPLICATION. (a) A person who desires to be licensed under this chapter shall apply in writing to the department.

(b) The application shall provide the information and be made on a form prescribed by the board. (sec 2 ch 106 SLA 1970)

Sec. 08.62.100. QUALIFICATIONS. A person is entitled to a license under this chapter if he

- (1) is of good moral character;
- (2) is a citizen of the United States;
- (3) passes the examination given by the board; and
- (4) qualifies under the regulations adopted under section 40(a)(2) and (b) of this chapter. (sec 2 ch 107 SLA 1970)

Sec. 08.62.110. PREVIOUS LICENSURE. A license that was issued under AS 30.10 is considered as having been issued under this chapter. (sec 2 ch 106 SLA 1970)

Sec. 08.62.120. DURATION, RENEWAL. A license issued under this chapter shall be renewed biennially on dates set by the department. A license issued under AS 30.10 lapses at the end of calendar year 1970. A license issued between May 7, 1970 and the end of 1970 shall be issued for a fee of \$100. A license shall be renewed without examination upon the payment of the biennial license fee. (sec 2 ch 106 SLA 1970)

Sec. 08.62.130. LAPSED LICENSE. A lapsed license may be reinstated without examination if it has not remained lapsed for more than two years. However, if the license is lapsed for less than two years and the board has reason to believe that the person applying for reinstatement of his license is incapable or incompetent to carry out the duties of a licensed marine pilot, the board may require the applicant to take and pass the examination given by the board. (sec 2 ch 106 SLA 1970; am sec 1 ch 22 SLA 1973)

Sec. 08.62.140. FEES. The following fees shall be imposed under this chapter when applicable:

- (1) application fee..... \$ 10
  - (2) biennial license fee..... \$200
- (sec 2 ch 106 SLA 1970)

Sec. 08.62.150. DENIAL, REVOCATION OR SUSPENSION. (a) The board, after compliance with the Administrative Procedure Act (AS 44.62), may deny, revoke or suspend the license of a person who

- (1) is incompetent in the performance of his pilotage duties;
- (2) is habitually intoxicated;
- (3) illegally uses or sells narcotic or hallucinogenic drugs;
- (4) makes a false statement to obtain a license;
- (5) violates a provision of this chapter or a regulation adopted under it; or
- (6) is guilty of misconduct during the course of his employment.

(b) A license denied, revoked or suspended under (a) of this section may not be granted or reinstated until

- (1) the reason for the license denial, revocation or suspension has been remedied; and
- (2) the period of suspension has been served and all fines imposed under this chapter have been paid. (sec 2 ch 106 SLA 1970)

## ARTICLE 3. GENERAL PROVISIONS

Section	Section
160. Mandatory employment of licensed pilots	18. Exemptions
170. Pilot's lien for compensation	190. Penalty
	200. Definitions

Sec. 08.62.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel subject to this chapter navigating the inside coastal waters of Alaska as determined by regulations shall employ a pilot holding a valid license under this chapter. (sec 2 ch 106 SLA 1970)

Sec. 08.62.170. PILOT'S LIEN FOR COMPENSATION. Each vessel, its tackle, apparel and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, her tackle, apparel and furniture for his compensation. (sec 2 ch 106 SLA 1970)

Sec. 08.62.180. EXEMPTIONS. This chapter does no apply to

- (1) vessels under enrollment;
- (2) fishing vessels registered in the United States or in British Columbia, Canada;
- (3) motorboats as defined in sec. 1 of the Federal Motorboat Act of 1940 (54 Stat. 163; 46 U.S.C., sec. 526 et seq.);
- (4) vessels of United States registry of less than 300 gross tons and tow boats of United States registry and vessels owned by the State of Alaska, engaged exclusively
  - (A) on the rivers of Alaska; or
  - (B) in the coastwise trade on the west coast of the United States including Alaska, Hawaii, and British Columbia, Canada;
- (5) vessels of Canada, including Canadian cruiseships, engaged in frequent trade between British Columbia and Alaska, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; and
- (6) pleasure craft. (sec 2 ch 106 SLA 1970; am sec 1 ch 43 SLA 1972)

Effect of amendment-The 1972 amendment inserted "of United States registry of less than 300 gross tons" after "vessels in (4) and added "or" in (A).

Sec. 08.62.190. PENALTY. A master or owner of a vessel required by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500 nor more than \$1,000. A person who violates any other provision of this chapter or a regulation adopted under it is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500 nor more than \$1,000. (sec 2 ch 106 SLA 1970)

Sec. 08.62.200. DEFINITIONS. In this chapter

- (1) "board" means the Board of Marine Pilots;
- (2) "commissioner" means the commissioner of the Department of Commerce and Economic Development;
- (3) "department" means the Department of Commerce and Economic Development;
- (4) "vessel" means all vessels not exempt under 180 of this chapter. (sec 2 ch 106 SLA 1970; am sec 48 ch 218 SLA 1976)

Effect of amendment.-The 1976 amendment substituted "Department of Commerce and Economic Development"

for "Department of Commerce" in paragraphs (2) and (3).

PROFESSIONAL AND VOCATIONAL REGULATIONS

TITLE 12

CHAPTER 56. BOARD OF MARINE PILOTS

Article

- 1. Administration of board (12 AAC 56.010 - 12 AAC 56.020)
- 2. Licensing (12 AAC 56.030 - 12 AAC 56.080)
- 3. Inside Waters (12 AAC 56.090 - 12 AAC 56.120)
- 4. Rates (12 AAC 56.130 - 12 AAC 56.150)
- 5. General Provisions (12 AAC 56.160 - 12 AAC 56.190)

ARTICLE 1. ADMINISTRATION OF BOARD

Section

- 10. Quorum
- 20. Meetings

12 AAC 56.010. QUORUM. (a) For the purpose of approving applications for examination and administering the examination for a temporary license two members of the board are a quorum.

(b) For the purpose of board meetings, hearings, examinations and for conducting all other board business, three members are a quorum. (Eff 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(b)

12 AAC 56.020. MEETINGS. The annual meeting of the board shall be in December on the date, time and place designated by the board. Special meetings will be held at times and places designated by the chairman with approval of the governor and members of the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.030  
AS 08.62.040(b)

ARTICLE 2. LICENSING

Section

- 30. Qualifications for unlimited pilot's license
- 40. Qualifications for limited pilot's license
- 50. Qualifications for channel pilot's license
- 60. Temporary license
- 70. Examinations
- 80. Biennial license renewal

12 AAC 56.030. QUALIFICATIONS FOR UNLIMITED PILOT'S LICENSE. An applicant for an unlimited pilot's license shall apply on a form provided by the Department of Commerce and Economic Development. An applicant shall

(1) pay the required fee;

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license as a first class pilot upon the waters for which applying;

## PROFESSIONAL AND VOCATIONAL REGULATIONS

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels;

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in section 70 of this chapter;

(5) have met the following requirements:

(A) have a minimum of one year as a master or pilot of a vessel in the waters for which applying, and have executed under the direct supervision of a pilot holding an unlimited pilot license under AS 08.62.100 a minimum of 10 dockings and 10 undockings while holding a United States Coast Guard license as a first class pilot upon the waters of which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; or

(B) have executed under the direct supervision of a pilot holding an unlimited pilot license under AS 08.62.100 a minimum of 20 dockings and 20 undockings while holding a United States Coast Guard license as a first class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; and

(C) all dockings and undockings must be certified as having been made within two years prior to the date of application;

(6) have satisfactorily completed a physical examination within 30 days of the date of application. The physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(7) be at least 25 years of age. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(2)

## 12 AAC 56.040. QUALIFICATIONS FOR LIMITED PILOT'S LICENSE.

(a) A limited pilot's license is a license to pilot vessels of 2,000 gross tons or less.

## PROFESSIONAL AND VOCATIONAL REGULATIONS

(b) An applicant for a limited pilot's license shall apply on a form provided by the Department of Commerce and Economic Development,

(1) pay the required fee;

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first class pilot upon the waters for which apply;

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master;

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in section 70(b) and (c) of this chapter;

(5) have satisfactorily completed a physical examination within 30 days of the date of application; the physical examination is required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age.

(c) An applicant for a limited pilot's license not meeting the requirements of (b)(2) and (3) of this section may be issued a limited license, if in the opinion of the board he has submitted sufficient proof of experience and knowledge for the area in which is applying. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(2)

12 AAC 56.050. QUALIFICATIONS FOR CHANNEL PILOT'S LICENSE. A channel pilot's license is a license to pilot in main ship channels only. A channel pilot may perform dockings and undockings only under the direct supervision of a pilot holding an unlimited pilot's license. An applicant for a channel pilot's license shall apply on forms provided by the Department of Commerce and Economic Development. An applicant shall

(1) pay the required fee;

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first class pilot upon the waters for which applying;

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessel of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels;

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in section 70(b) and (c) of this chapter;

## PROFESSIONAL AND VOCATIONAL REGULATIONS

(5) have completed satisfactorily a physical examination within 30 days of the date of application, the physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight; hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.060. TEMPORARY LICENSE. (a) A temporary license may be issued to a person applying for an unlimited, limited or channel pilot's license upon

(1) submission of the required application;

(2) submission of the temporary license fee of \$50;

(3) submission of proof that he meets all requirements for the license for which he is applying except the examination requirement; and

(4) successful passing of a written examination consisting of 20 questions with a score of at least 75 percent; the questions will be taken from a list of 100 questions prepared previously by the board; this examination will not be considered as part of the oral and written examination given by the board under section 70 of this chapter, but will cover the same topics.

(b) A temporary license will be valid until the results of the next scheduled examination are received. If for a valid reason the applicant was unable to appear for the next scheduled examination, the board may extend the temporary license until the next scheduled examination after the one for which the applicant was unable to appear. The temporary license shall not be extended more than once nor shall a second temporary license be issued. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.070. EXAMINATIONS. (a) The examination required by sections 30, 40 and 50 of this chapter will be given at least once a year at the time and place designated by the chairman of the board with prior approval of the other board members. All applications for examination must be submitted to the board at least 60 days before the date of examination.

(b) Applicants must pass the written portion of the examination with a score of at least 75 percent in each topic with the exception of (1) inland and pilot rules, which must be passed with a score of at least 90 percent. The written examination may consist of, but not limited to, the following topics:

(1) inland and pilot rules;

(2) aids to navigation;

## PROFESSIONAL AND VOCATIONAL REGULATIONS

- (3) courses, distances, and distances passed abeam at change of course points between given points;
- (4) important and essential cable areas;
- (5) dredged channel widths and depths;
- (6) bridge signals, widths, regulations, and closing periods;
- (7) ship handling, docking problems, seamanship by actual observation, use of tow boats and anchors;
- (8) Alaska Pilotage Act and rules of the board;
- (9) location of anchorages;
- (10) duties of pilot;
- (11) relationship between master and pilot;
- (12) practical operation and use of marine radar, including use of maneuvering board;
- (13) currents and tides;
- (14) dock headings, lengths, depths of water alongside, pier locations and berth numbers;
- (15) U.S. Government Public Health Quarantine regulations;
- (16) prohibited areas, restricted areas, explosive anchorages;
- (17) chart knowledge, including chart symbols and abbreviations;
- (18) use of navigational and bridge instruments;
- (19) engine order and rudder commands for:
  - (A) U.S. Merchant vessels;
  - (B) U.S. Naval vessels;
  - (C) foreign flag merchant vessels; and
- (2) ranges for determining error in channel ranges.

(c) An applicant for licensure as an unlimited, limited or channel pilot will be orally interviewed by the board on his safety record and elaboration of his seagoing background as listed on his application. In addition, the applicant must pass the oral examination required by sections 30, 40 and 50 of this chapter with a score of at least 75 percent in the following topics:

- (1) knowledge of the local harbor conditions and local regulations in the area applied for;
- (2) signals; and

## PROFESSIONAL AND VOCATIONAL REGULATIONS

(3) rules of board. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.080. BIENNIAL LICENSE RENEWAL. (a) All licenses expire on December 31 of even-numbered years. In order to renew the biennial license all licensees must submit the renewal application with

(1) proof of having satisfactorily completed a physical examination within 30 days of the renewal date; and

(2) the biennial license fee of \$200.

(b) In addition, a licensee

(1) holding an unlimited pilot's license must submit proof of having worked in a licensed deck officer capacity for two months in the area for which he was licensed during the last biennial period;

(2) holding either a limited pilot's license or a channel pilot's license must have worked in a capacity which in the opinion of the board has kept him currently knowledgeable in the area for which his license was originally issued. (Eff. 6/11/71, Register 38; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)  
AS 08.62.040(b)

## ARTICLE 3. INSIDE WATERS

## Section

90. General rule for determining boundaries of inside waters of Alaska  
100. Established boundaries of inside waters of Alaska  
110. Exclusions for entering inside waters of Alaska  
120. Pilot stations or pickup points

12 AAC 56.090. GENERAL RULE FOR DETERMINING BOUNDARIES OF INSIDE WATERS OF ALASKA. At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries for which specific lines are not described in this chapter, the waters inshore of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids, are inside waters. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.100. ESTABLISHED BOUNDARIES OF INSIDE WATERS OF ALASKA. (a) The boundaries for Southeastern inside waters are as follows: A line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southernmost extremity of Cape Cross; thence to Cape Edgcombe Light; thence through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; thence due east to Cape Muzon Light; thence to a point which is 1 mile, 180° true, from Cape Chacon Light; thence to Barran Island Light; thence to Lord Rock Light; thence to the southernmost extremity

## PROFESSIONAL AND VOCATIONAL REGULATIONS

of Garnet Point, Kanagunut Island; thence to the southeasternmost extremity of Island Point, Sitklan Island. A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island, 040° true, to where it intersects the mainland.

(b) The boundaries for Southwestern inside waters are as follows:

(1) Prince William Sound. All waters of Prince William Sound inside a line drawn from Cape Puget to Point Elrington; thence to Cape Clear; thence Zaikof Point to Cape Hinchinbrook Light; thence Point Bentinch Light to Point Whitshed;

(2) Resurrection Bay. The waters of Resurrection Bay north of latitude 59°, 59.0 minutes north;

(3) Cook Inlet. All waters of Cook Inlet inside a line drawn from Cape Douglas (latitude 58°, 51.2 minutes north, longitude 153°, 14.9 minutes west) through Cape Elizabeth Light at latitude 59°, 08.9 minutes north, longitude 151°, 52.5 minutes west to the Kenai Peninsula shoreline. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.110. EXCLUSIONS FOR ENTERING INSIDE WATERS OF ALASKA. Vessels are excluded from the use of a licensed marine pilot for inside waters only when proceeding directly from points outside Alaska inside waters to an established pilot station or pickup point. These exclusions are as follows:

(a) Southeastern Alaska:

(1) travel via Clarence Strait to Guard Island at a point located at latitude 55°, 26.7 minutes north, longitude 131°, 52.8 minutes west;

(2) travel via Clarence Strait to a point located approximately 1 mile east of Point McCartney Light at latitude 55°, 06.8 minutes north, longitude 131°, 42.3 minutes west;

(3) travel via Cape Bartolome in Bucarell Bay to Cabras Island located at latitude 55°, 20.3 minutes north, longitude 133°, 23.4 minutes west;

(4) travel via Cape Ommaney in Chatham Strait to a point in the vicinity of Point Retreat located at latitude 58°, 25.0 minutes north, longitude 134°, 59.0 minutes west;

(5) travel via Sitka Sound to a vicinity close aboard Eckholms Light at latitude 57°, 00.6 minutes north, longitude 135°, 21.4 minutes west. This exclusion applies only to those vessels going to the port of Sitka; and

(b) Southwestern Alaska:

(1) travel via Prince William Sound to the Cordova Pilot Station located approximately two miles south of Sheepa

## PROFESSIONAL AND VOCATIONAL REGULATIONS

Point at latitude 60°, 37.0 minutes north, longitude 146°, 00.0 minutes west;

(2) travel via Prince William Sound to the Valdez Pilot Station located approximately 2.3 miles north of Busby Island Light (60°, 53.8 minutes north, 146°, 48.9 minutes west);

(3) travel via Prince William Sound to the Whittier Pilot Station located approximately one mile south of Pigot Point Light (60°, 48.1 minutes north, 148° 21.3 minutes west);

(4) travel via Cook Inlet to the Homer Pilot Station located approximately one mile south of Homer Spit Light on Coal Point (59°, 36.2 minutes north, 151°, 24.5 minutes west); and

(5) travel to the Kodiak City or Womens Bay Pilot Station located approximately one mile eastward of St. Paul Harbor lighted bouy #14 (57°, 44.5 minutes north, 152°, 24.3 minutes west). (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.120. PILOT STATIONS OR PICKUP POINTS. (a) The established pilot stations for Southeastern Alaska are as follows:

(1) Guard Island (55°, 26.7 minutes north, 131°, 52.8 minutes west);

(2) Point McCartey - located approximately one mile east of Point McCartey (55°, 06.8 minutes north, 131°, 42.3 minutes west);

(3) Cabras Island, Bucareli Bay (55°, 20.3 minutes north, 133°, 23.4 minutes west);

(4) Sitka Sound - to a point close aboard Eckholm's Light (57°, 00.6 minutes north, 135°, 21.4 minutes west);

(5) Point Retreat - to a point in the vicinity of Point Retreat (58°, 25.0 minutes north, 134°, 59.0 minutes west); and

(6) Lucy Island (British Columbia) - Lucy Point Light Station (54°, 17.5 minutes north, 130°, 34.5 minutes west).

(b). The established pilot stations for Southwestern Alaska are as follows:

(1) Cordova - located approximately two miles south of Sheeps Point (60°, 37.0 minutes north, 146°, 00.0 minutes west);

(2) Valdez - located approximately 2.3 miles north of Busby Island Light (60°, 53.8 minutes north, 146°, 48.9 minutes west);

## PROFESSIONAL AND VOCATIONAL REGULATIONS

(3) Whittier - located approximately one mile south of Pigot Point Light (60°, 48.1 minutes north, 148°, 21.3 minutes west);

(4) Seward - located one mile southeasterly from Caines Head Light (59°, 59.0 minutes north, 149° 23.1 minutes west);

(5) Cook Inlet - located near Homer approximately one mile south of Homer Spit Light on Coal Point (59°, 36.2 minutes north, 151°, 24.5 minutes west);

(6) Kodiak (city) or Womens Bay - located approximately one mile eastward of St. Paul Harbor lighted buoy #14 (57°, 44.5 minutes north, 152°, 24.3 minutes west);

(7) Cold Bay - located approximately three miles southward of Cold Bay entrance buoy #1 (55°, 05.6 minutes north, 162°, 31.8 minutes west);

(8) Dutch Harbor - located one mile east of Ulakta Head Light (53°, 55.5 minutes north, 166°, 30.4 minutes west); and

(9) Adak - located two miles east of Gannet Rocks Light (51°, 52.1 minutes north, 176°, 36.4 minutes west).

(c) For those areas not having an established pilot station or pickup point, pickups will be made only by specific arrangement with the ship's agent and pilots. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(1)&(b)

## ARTICLE 4. RATES

## Section

- 130. General rule for determining rates
- 140. Consent to rate deviation
- 150. Rate adjustment

12 AAC 56.130. GENERAL RULE FOR DETERMINING RATES. If no rate for an area has been established the rate mutually agreed on by the parties will be used until a rate is established by the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(4)&(b)

12 AAC 56.140. CONSENT TO RATE DEVIATION. If parties to a piloting contract are dissatisfied with the rates established for an area, the parties may agree to a higher rate. This rate mutually agreed upon must be submitted to the board for approval. No deviations from the published rate may be used until approved by the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(4)&(b)

12 AAC 56.150. RATE ADJUSTMENT. Any party having a material interest in the rate structure desiring a rate change for an area must file a request for a rate adjustment at least 60

## PROFESSIONAL AND VOCATIONAL REGULATIONS

days before the next meeting of the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(4)&(b)

## ARTICLE 5. GENERAL PROVISIONS

## Section

- 160. Duties of pilots
- 170. Physical incapacitation
- 180. Registration of operators
- 190. Definitions

12 AAC 56.160. DUTIES OF PILOTS. (a) A pilot shall be on duty piloting the vessel at all times when the vessel is in transit in pilotage waters.

(b) Passenger vessels in transit of the inside waters of Southeast Alaska except as set forth in sec. 110 of this chapter are required to carry two pilots on board for continuous alternating duty.

(c) In any case where a vessel being piloted by a state licensed pilot goes aground, collides with another vessel or dock, or meets with any casualty, or is injured or damaged in any way, the pilot shall, within ten days thereafter, make written report thereof to the board, and the board may thereupon, either with or without complaint being made against the pilot, investigate the matter reported upon. In any case of apparent damage being sustained or caused by a vessel under his charge, the pilot shall file his report as soon as possible after returning to shore.

(d) Pilots will report to the Aids to Navigation officer of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to their knowledge.

(e) Any pilot who fails, neglects or refuses to make a report to the board as required by the pilotage laws of the state, or by this chapter, for a period of ten days after the date when the report is required to be made, is subject to having his license suspended at the discretion of the board.

(f) Pilots when so notified in writing shall report in person to the board at any meeting specified in the notice.

(g) Any pilot summoned to testify before the board shall appear in accordance with the summons and shall answer, under oath, any questions put to him which deal with any matter connected with the pilot service, or of the pilotage waters over which he is licensed to act. He is entitled to have his attorney or advisor present during any such appearance and testimony.

(h) A pilot on boarding a ship, if required by the master, shall exhibit his state license or photostatic copy of it.

(i) Pilots on board passenger vessels shall be provided access to an operable radio on the bridge at all times to use on frequency 2182 KHZ for security purposes.

PROFESSIONAL AND VOCATIONAL REGULATIONS

(j) When a pilot licensed under AS 08.62 is employed on an enrolled ship, the same regulations apply.

(k) All pilots shall report on a quarterly basis the names of all vessels served that were subject to the services of a licensed pilot. (Eff. 6/11/71, Register 38; am 5/19/74, Register 50)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.170. PHYSICAL INCAPACITATION. Any pilot who is physically incapacitated as a pilot for a period of ninety (90) days or more shall not return to service as an active pilot until he has passed a physical examination by a physician approved by the board. (Eff. 6/11/71, Register 38; am Eff. 10/73, Register 48)

Authority: AS 08.62.040(a)(1)&(2)  
AS 08.62.040(b)

12 AAC 56.180. REGISTRATION OF OPERATORS. All shipowners, operators and agents of owners and operators whose vessels are subject to AS 08.62 must register with the board and keep the board advised of any changes of names and addresses. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(3)

12 AAC 56.190. DEFINITIONS. For the purposes of this chapter "pilotage waters" means all inside waters of Alaska except those described in section 110 of this chapter. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(b)

PILOTAGE TARIFF AND CHARGES FOR SOUTHEASTERN ALASKA

EFFECTIVE: July 15, 1977

I. TARIFF AND CHARGES APPLICABLE TO ALL SHIPS EXCEPT PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, each Entry or Departure Constituting a Separate Chargeable Event:

Port	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
Ketchikan.....	\$423.50	\$264.00
Metlakatla.....	423.50	264.00
Klawock.....	517.00	264.00
Ward Cove.....	423.50	264.00
*Wrangell.....	462.00	264.00
*Shoemaker Bay.....	462.00	264.00
Petersburg.....	462.00	264.00
Duncan Canal.....	572.00	264.00
Sitka.....	423.50	264.00
Juneau.....	423.50	264.00
Juneau Oil Docks.....	495.00	264.00
Haines, Chilkoot.....	495.00	264.00
Lutak.....	495.00	264.00
Skagway.....	495.00	264.00
Skagway Ore Dock.....	572.00	264.00

\*On movements between these ports, following an initial entry each entry or departure except the initial entry and the final departure will be at the rate of 423.50.

B. Charges for Restricted Passage Pilotage, Entry, Transit, and Departure from each Listed Area Constituting a Combined Single Chargeable Event:

Area	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
Wrangell Narrows.....	\$121.00	\$121.00
Sergius Narrows.....	60.50	60.50
Whitestone Narrows.....	60.50	60.50

C. Unlisted Port and Restricted Passage Charges:

These charges to be negotiated according to risk and time.

D. Overtime:

If one pilot exceeds six hours continuous running time without a six-hour rest period, overtime shall be charged at the rate of \$28.60 per hour, or portion thereof. On runs anticipated to be over 8 hours duration, two pilots shall be required, and in addition to the basic port charge, 50% of such charge shall be paid.

E. Anchoring Charges:

1. Anchoring or laying to for loading cargo or discharging cargo shall be considered as a regular port charge, and all fees and tariffs shall be assessed the same as if the vessel has moored.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

**PILOTAGE TARIFF-PASSENGER**  
**Page 2**

2. Anchoring, waiting for berth, or for weather shall be at the rate of \$137.50.

F. Other Charges:  
 As apply under the terms of Section III.

II. TARIFF AND CHARGES APPLICABLE ONLY TO PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, Each Entry or Departure Constituting a Separate Chargeable Event:

Port	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
Ketchikan.....	\$423.50	\$264.00
Wrangell.....	462.00	264.00
Petersburg.....	462.00	264.00
Sitka.....	423.50	264.00
Juneau.....	423.50	264.00
Haines, Chilkoot.....	495.00	264.00
Haines, Lutak.....	495.00	264.00
Skagway, White Pass.....	495.00	264.00

B. Charges for Restricted Passage and Cruise Area Pilotage, Entry, Transit, and Departure for Each Listed Area Constituting a Combined Single Chargeable Event:

Area	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
------	---------------------------------	------------------------------

Cruise Areas

Glacier Bay.....	\$1,210.00	\$445.50
Tracy Arm.....	605.00	418.00
Endicott Arm.....	605.00	418.00

Restricted Passages

Wrangell Narrows.....	121.00	121.00
Sergius Narrows.....	60.50	60.50
Whitestone Narrows.....	60.50	60.50

C. Unlisted Port, Restricted Passage and Scenic Cruise Areas:

To be negotiated according to risk and time.

D. Passenger Charges:

In addition to any charges otherwise applicable under Section II A and II B, passenger charges apply as follows:

The number of saleable passenger berths on board times the number of miles run in the inside waters Alaska (excluding miles run in scenic areas) times the mileage rate of 4.40 mills. The saleable passenger berths shall range from a minimum charge for 200 berths or a maximum charge for 1000 berths.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

E. Anchoring Charges:

1. Anchoring or laying to for loading passengers or discharging passengers shall be considered as a regular port charge and all fees and tariffs shall be assessed the same as if vessel moored.
2. Anchoring, waiting for a berth or for weather shall be at the rate of \$137.50.

F. Other Charges:

As apply under the terms of Section III.

VII. OTHER CHARGES APPLICABLE TO ALL VESSELS IN ADDITION TO ALL OTHER TARIFFS AND CHARGES:

A. Tonnage and Draft Charges:

1. Tonnage charges will be made on a tonnage unit system at the rate of \$1.28 per unit for all units in excess of 163 units in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.
2. "Tonnage Units" shall be determined as expressed by the following formula:

$$\frac{\text{Overall Length} \times \text{Extreme Breadth} \times \text{Depth}}{10,000} = \text{Units}$$

3. Definitions:

"Overall Length" is the distance between the forward and after extremities of the vessel.

"Extreme Breadth" is the maximum breadth to the outside of the she's plating of the vessel.

"Depth" is the vertical distance of amidships from the top of the keel plate to the uppermost continuous deck fore and aft, and which extends to the sides of the vessel. The continuity of a deck shall not be considered to be affected by the existence of tonnage opening, engine space or a step in the deck.

All measurements shall be in feet and inches (U.S.).

4. All draft in excess of 32 feet will be charged at the rate of \$11.00 per foot or portion thereof, in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.

B. Shifting Charges:

1. For a dock to dock commercial movement within an incorporated harbor, the charge will be one-half the regular port charges.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

2. Shifting of ship from dock to dock, dock to anchorage, anchorage to anchorage, or anchorage to dock for bunkering or other non-commercial reasons, within an incorporated harbor, will be \$165.00 per movement. A dock-to-dock shift constitutes two separate movements.
- C. Dead Ships and Stern First Dockings:  
 Docking and undocking dead ships and stern-first dockings will be charged at a fifty percent increase over the regular pilotage fee.
- D. Emergency:  
 In case of a dire emergency for safety of ship, crew, or passengers, there will be no pilotage charges except for transportation and subsistence.
- E. Transportation and Subsistence:
1. Vessels, owners, agents and/or charterers shall pay pilotage fees, pilots' travel expenses such as: plane and ferry fares, meals, lodging, cab fares, telegrams, telephone calls, and all other expenses pertaining to ship's business.
    - a. Meals shall be charged at the following rates:
 

Breakfast.....	\$ 5.00
Lunch.....	5.00
Dinner.....	10.00
    - b. Hotel rooms shall be charged at the rate of \$30.00 per day.
  2. When adequate meals and rooms are not furnished to the pilot when on ship, a charge will be made in accordance with the above rates.
- F. Travel Day, Detention Day, Standby Time and Cancellation Charges:
1. When due to weather and transportation difficulties, a pilot has to leave in advance to insure meeting a vessel upon arrival or departure, or being delayed by weather or transportation difficulties returning from an assignment, a charge of \$121.00 per day will be charged for each day a pilot is in transit or on standby. This does not include an actual work day.
  2. Detention time on board ship, when no other charges accrue during the day, will be at the rate of \$28.60 per hour per pilot, not to exceed \$121.00 per pilot in any one day. Pilots carried to sea will be the same rate for each day detained plus first class passage and subsistence back to Ketchikan.
  3. Cancellation charges will be \$137.50 plus transportation and subsistence.
  4. Travel, standby, and work days begin and end in midnight.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

G. Notice of Ship Arrival and Depa. ture:

1. When vessels, owners, or agents do not correct their ETA within four hours of ETA last given, compensation in the amount of \$28.60 per hour shall be charged until actual arrival of vessel at pilot station not to exceed \$121.00 for any one day.
2. When sailing time is set by agent, owner or master of a vessel, any delay over one hour shall be charged at the rate of \$28.60 per hour or portion thereof, not to exceed \$121.00 for any one day. If the pilot is detained for one hour or less, no detention will be charged. If the pilot is detained for more than one hour, detention for the first hour will be charged.

II. Vessel at Rest Charge:

When an agent, owner or master requests a pilot to stay on board a vessel on a continuous basis while the vessel is docked or anchored at a port or anchorage, the rate will be \$275.00 per day. Days begin and end at midnight.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

PILOTAGE TARIFF AND CHARGES FOR SOUTHWESTERN ALASKA

EFFECTIVE: January 1, 1975

Cook Inlet Pilotage Rates:

Following rates are one way only:

Homer to Port of Anchorage.....	\$ 680.00
Homer to Nikiski.....	510.00
Homer to Drift River.....	510.00
Homer to North Foreland/Point Possession.....	600.00
Anchorage to Drift River (North of Kalgin Island)	510.00
Anchorage to Drift River (South of Kalgin Island)	680.00
Anchorage to Nikiski.....	425.00
Nikiski to Drift River (North of Kalgin Island).	385.00
Nikiski to Drift River (South of Kalgin Island).	510.00
Homer to Kasitsna Bay.....	400.00
Homer Pilot Station to Homer.....	400.00

Other Alaska Ports:

Following rates are one way only:

Valdez.....	500.00
Corova.....	500.00
Whittier.....	500.00
Seward.....	500.00
Kodiak - (City Harbor).....	500.00
(Womens Bay).....	500.00
Cold Bay.....	650.00
Dutch Harbor.....	600.00
Adak.....	650.00

Charges for unlisted ports negotiated according to time and risk.  
Minimum charge will be \$400.00

CHARGES ADDITIONAL TO PORT TARIFF

1. A tonnage surcharge of \$.02 (2 cents) per gross ton is made for all tonnage in excess of 14,000 gross tons. In all the preceding cases any gross tonnage in excess of 50,000 gross tons will be charged for at \$.01 (1 cent) per gross ton.
2. All rates remain the same whether piloting is to or from sea, or, to or from a pilot boarding or debarking point.
3. Standby/travel fee: When standing by to pilot, or traveling to or from distant pilot ports and not actually piloting, such time shall be charged for at a rate of \$150.00 per day or portion thereof.
4. Transportation and subsistence expenses incurred enroute to/ from/or while in standby status ashore or afloat shall be charged for as incurred.
5. Travel, standby, and work days begin and end at midnight. Each category occurring at any point within a midnight to midnight time period will be charged for according to the category involved.

NOTE: PILOT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

6. If one pilot exceeds eight hours continuous running time without a six hour rest period or presence of a relief pilot (i.e., a second pilot) while transiting compulsory pilotage waters, overtime shall be charged for at the rate of \$40.00 per hour or portion thereof.
7. Shifting of ship from dock to harbor or harbor anchorage; from harbor or harbor anchorage to dock; from anchorage within a harbor to another anchorage within the same harbor will be charged for at \$200.00 per each movement. A dock to dock shift comprises two movements and will be charged for accordingly.
8. On each occasion of hauling ship alongside a dock or mooring to position tanks, holds, manifolds, loading arms, towers, or hoses comprises a single movement and will be charged for accordingly at \$100.00 per movement.
9. Movement of a ship in the absence of availability of the ship's own propulsion system even though assisted by tugboats will be charged for at twice the prevailing rate for each evolution engaged.
10. Docking/Undocking vessels over 2,000 gross tons without the use of a tugboat, if a tugboat is available, at Anchorage, Seward, Whittier, Valdez, Cordova, Kodiak, will be charged for at the rate of \$250.00 per movement. It will remain pilot's option whether or not to proceed without use of a tug.
11. Carried to sea detention on board will be charged for at \$150.00 per day. If disembarked at a position other than the base station from which dispatched, first class return passage will be charged.
12. Off duty detention on board, intentional or otherwise, or off duty standby on board at the request of the Master will be charged for at the rate of \$250.00 per day.
13. Bridge watch time rendered while ship is anchored or moored will be charged for at the rate of \$40.00 per hour or portion thereof.
14. Bridge watch time rendered underway at the Master's request not otherwise provided for under the tariff will be charged for at \$40.00 per hour or portion thereof.
15. Pilots will furnish VHF transceivers for vessels not so equipped and in working order such that compliance will be made with the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act when it becomes law. The charge for the use of this equipment will be charged for at the rate of \$10.00 per day or portion thereof.
16. The rate for a Second Pilot, when used, will be charged for at the rate of 50% of the rate for the first pilot (all applicable charges to apply).
17. Mooringmaster - Services and rates are negotiable on application.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

February 1, 1977

LICENSED ALASKA MARINE PILOTS

BRASTAD, Earling P.  
10505 15th N.W.  
Seattle, Washington 98177  
License #0036 - Unlimited  
Southeastern Alaska  
Prince William Sound  
excluding West Coast

BUCKLER, Franklin W.  
P.O. Box 1395  
Tacoma, Washington 98401  
License #0013 - Unlimited  
Southeastern Alaska  
Southwestern Alaska  
Western Alaska

BULLARD, William L.  
P.O. Box 472  
Orleans, Massachusetts 02753  
License #0057 - Unlimited  
Southeastern Alaska  
excluding West Coast

CLARK, John E.  
P.O. Box 6100  
Ketchikan, Alaska 99901  
License #0031 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

CLOUGH, Harley A.  
Box 1171  
Juneau, Alaska 99802  
License #0035 - Unlimited  
Southeastern Alaska

COLLAR, Oliver K.  
2013 Churchill Drive  
Anchorage, Alaska 99503  
License #0010 - Unlimited  
Southwestern Alaska

CREASEY, E.W.  
P.O. Box 6583  
Ketchikan, Alaska 99901  
License #0042 - Unlimited  
Southeastern Alaska

CUNNINGHAM, John T.  
P.O. Box 468  
Homer, Alaska 99603  
License #0041 - Unlimited  
Southwestern Alaska

EISENSOHN, Harold K.  
Box 1539  
Ketchikan, Alaska 99901  
License #0050 - Unlimited  
Southeastern Alaska  
West Coast Alaska

FALCONER, Charles P.  
4650 Blank Road  
Sebastopol, California 95472  
License #0007 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

HODGMAN, James A.  
Box 6100  
Ketchikan, Alaska 99901  
License #0049 - Unlimited  
Southeastern Alaska  
West Coast of Alaska

HOFSTAD, Richard T.  
3.6 Mile Mitkof Highway  
Petersburg, Alaska 99833  
License #0043 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

HOPKINS, Jack W.  
Box 163  
Seldovia, Alaska 99663  
License #0053 - Unlimited  
Prince William Sound  
Resurrection Bay  
Cook Inlet  
Kachemak Bay  
Kodiak Island

HURD, James M.  
P.O. Box 678  
Homer, Alaska 99603  
License #0047 - Unlimited  
Cook Inlet  
Resurrection Bay  
Kodiak Harbor  
excluding Womens Bay

JACKINSKY, Walter R.  
P.O. Box 617  
Juneau, Alaska 99801  
License #0029 - Unlimited  
Southeastern Alaska

JOHNSON, Robert C.  
4111 S.W. Frontenac  
Seattle, Washington 98136  
License #0037 - Unlimited  
Southeastern Alaska  
Cape Hinchbrooke to  
Whittier

JOHNSON, Robert M.  
605 Tower Road  
Ketchikan, Alaska 99901  
License #0027 - Unlimited  
Southeastern Alaska

JOHNSON, William L.  
P.O. Box 273  
Homer, Alaska 99603  
License #0002 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

JORGENSEN, Anker F.  
50 Porto Bello Drive  
San Rafael, California 94901  
License #0032 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

KING, Stanley B.  
3242 S.W. 325 Street  
Federal Way, Washington 98003  
License #0016 - Unlimited  
Southwestern Alaska  
Southeastern Alaska

MARONI, Jack E.  
P.O. Box 75  
Haines, Alaska 99827  
License #0006 - Unlimited  
Southeastern Alaska  
Yakutat Bay

MITCHELL, William W.  
1304 Millar Street  
Ketchikan, Alaska 99901  
License #0055 - Unlimited  
Southeastern Alaska  
excluding West Coast

MURPHY, William E.  
P.O. Box 597  
Homer, Alaska 99603  
License #0051 - Unlimited  
Cook Inlet  
Prince William Sound  
Resurrection Bay  
Kodiak Harbor

McREYNOLDS, George E.  
Box 6100  
Ketchikan, Alaska 99901  
License #0033 - Unlimited  
Southeastern Alaska

OLDOW, Donald J.  
Box 977  
Homer, Alaska 99603  
License #0012 - Unlimited  
Southeast Alaska  
Southwest Alaska  
Western Alaska

PEDERSON, Theodore  
Bear Cove Box 113  
Homer, Alaska 99603  
License #0040 -  
2,000 Gross Tons  
Southwestern Alaska

PAYNE, Harold  
P.O. Box 70  
Freeland, Washington 98249  
License #0014 - Unlimited  
Southeastern Alaska

REESER, Maynard L.  
Box 492  
Petersburg, Alaska 99833  
License #0017 - Unlimited  
Southeastern Alaska

RICHARDS, Eugene W.  
P.O. Box 8324  
Ketchikan, Alaska 99901  
License #0039 - Unlimited  
Southeastern Alaska

ROBINSON, Gerard B.  
P.O. Box 1273  
Homer, Alaska 99603  
License #0052 - Unlimited  
Cook Inlet

ROSENQUEST, Bill R.  
19353 2nd Avenue N.W.  
Seattle, Washington 98117  
License #0019 - Unlimited  
Southwestern Alaska

SHELTON, William M.  
175 Lucan Park Drive  
San Rafael, California 94903  
License #0030 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

SMITH, Robert W.  
P.O. Box 542  
Juneau, Alaska 99801  
License #0025 - Unlimited  
Southeastern Alaska

STARKWEATHER, Dan D.  
2712 Second Avenue  
Ketchikan, Alaska 99901  
License #0005 - Unlimited  
Southeastern Alaska

SUBCLEFF, Andrew C.  
18924 88th West  
Edmonds, Washington 98020  
License #0044 - Unlimited  
Southwestern Alaska  
Southeastern Alaska  
excluding West Coast

SWETT, Roger W.  
453 Klickitat Drive  
Lake Conner, Washington 98257  
License #0004 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

10 Jackson Street  
Ketchikan, Alaska 99901  
License #0392 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

THORNTON, Donald A.  
801 4th Ave. Apt. 928  
Seattle, Washington 98108  
License #000 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

TINGLEY, William A.  
P.O. Box 1237  
Homer, Alaska 99603  
License #0003 - Unlimited  
Southeastern Alaska  
Southwestern Alaska

WEBB, John Martin  
1617 15th Place S.W.  
Edmonds, Washington 98020  
License #0056 - Unlimited  
Southeastern Alaska

WANKER, William E.  
P.O. Box 6150  
Ketchikan, Alaska 99901  
License #0046 - Unlimited  
Southeastern Alaska  
West Coast Alaska

WYATT, Vernon H.  
Gar. Route Box 168  
Hesa, Washington 98345  
License #0039 - Unlimited  
Southeastern Alaska

WYMAN, Vernon  
Box 177  
Douglas, Alaska 99802  
License #0000 - Unlimited  
Southeastern Alaska

SB

181



TO: GUY VAN DOREN

DATE: FEBRUARY 26, 1979

FROM DIANE SIMONSON

RE: SB 181

Spouses of Military Personnel have voiced dissatisfaction over the law that requires them to obtain an Alaska Driver's License within 30 days of arrival in Alaska while holding a valid Driver's License from another state.

This bill proposes to change the situation so that SPOUSES (not all dependents), may retain their Driver's License from another state while their husband or wife is stationed in Alaska.

Military spouses maintain that certain state honor the validity of their license from a different state.

STATE OF ALASKA  
Inter-Department Route Slip

TO:  
MAIL STATION NUMBER \_\_\_\_\_

DEPARTMENT \_\_\_\_\_

ATTENTION San Ziegler

- |  |  |
|--|--|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return       |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return    |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action    |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information    |

Remarks:

FROM:  
MAIL STATION NUMBER 1200

DEPARTMENT Public Safety

BY Caro Nig DATE 2-20-79

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 181  
 Title An act exempting spouses of members of the armed forces ...  
 Requested by Judiciary Committee Date 2/14/79

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Driver/Vehicle Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS: (See Fiscal Note Preparation Instructions, Section III)

The bill discriminates against spouses of others who are transferred from other states. It also raises the question of dependents who accompany the military member, i.e. 16 year-old son/daughter who have out-of-state drivers license.

Fiscal impact is minimal; probably Driver License Revenue would decrease by \$5,000 or less

IV. DATE 2/16/79 PREPARED BY Jos Mapranath, Budget Analyst  
 AGENCY Public Safety  
 PHONE 465-4368  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB

239

COMMITTEE REPORT  
SENATE

FURTHER: Finance

1/14/80

Date: 4/1/80

Mr. President:

The Committee on JUDICIARY has had SSSB 239  
relating to alcoholic beverages

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SSSB 239  same title  
 new title
- and recommends CS-SSSB 239
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

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CHAIRMAN



POUCH V

JUNEAU, ALASKA 99811

TELEPHONE 465-4922

# Alaska State Legislature

## Senate

February 12, 1980

SENATOR

Bill Ray

CHAIRMAN

COMMITTEE ON TRANSPORTATION

COMMITTEE ON TITLE IV CODE REVISION

BLUE RIBBON COMMISSION  
ON THE STATE PERSONNEL ACT

TO: Senator Robert Ziegler  
Chairman, Judiciary Committee

FROM: Senator Bill Ray *BR*

I have gone over each of the recommendations in regard to the letter of February 4th from CHAR and offer the following explanations:

- Page 1: 04.06.020 - If the word "persons" was deleted and the words "a licensee" substituted, it would not give employees working in the alcoholic beverage industry an opportunity to serve on the board. By having the word "persons," it includes both licensees and employees.
- Page 2: 04.06.060 - Deletion of this section and keeping the old language changes balance. Three members (two from Liquor) could make decisions. New way avoids that.
- Page 3: 04.06.090 - In order for regulations to have the full force and effect of law they must be legally adopted by the Board. Most boards have the authority to adopt regulations instead of waiting for legislative action. They must go through Administrative Procedures hearings.
- 04.06.090(c) - Does not restrict free enterprise; having control over the size of a licensed area is necessary for proper protection of both licensee and general public.
- 04.06.090(d) - This section gives the board a wider scope in selecting qualified enforcement agents.
- Page 5: 04.06.100(14) - To add the word "filing" before fees makes no sense. This section is for the establishment and collection of fees to be paid for a license or permit, not the establishment and collection of a filing fee, which is a registration fee for the processing of an application.
- Page 9: 04.11.090(b) - The beverage dispensary license fee has not been raised in over 20 years.
- 04.11.090(c) - The requirement of a bond works very well as a deterrent and keeps out unbondable applicants.

- Page 11: 04.11.110(c) - Making the annual fee for a club license at \$600 does have some merit.
- Page 12: 04.11.150(b) - Retail license fees have not been raised in over 20 years.
- 04.11.150(e) & (f) - The basic tenet of the entire control law is that the sale must be from the "premises" only.
- Page 13: 04.11.150(g) - This subsection defines premises for subsection (e).
- Page 16: 04.11.190(a) - Subsection (b) takes care of the problem in regard to first class or home rule cities.
- Page 20: 04.11.260 - Why shouldn't all of the authorized officers sign the application?
- Page 21: 04.11.270(2) - The addition of the words "which has occurred within the past year" is agreeable with me.
- Page 22: 04.11.300 - Substituting the word "may" for "shall" is not satisfactory especially in outlying areas. The State Police has access to information on applicants that is necessary to enable the board to make their decisions.
- 04.11.310 (line 17) - I think the board should make the determination where notices should be posted for public inspection.
- 04.11.310 (line 22) - The bush legislators are adamant about the provision being in the law. Many people in the bush areas do not speak or write English.
- 04.11.320(a) (line 28) - These are mandatory provisions which are scattered throughout the act and as such not only NECESSARY, but informative to a possible applicant. It tells him what the board cannot do!
- Page 23: 04.11.320(a)(5) & (10) - Local Option.
- Page 24: 04.11.320(b)(4) - Local Option is a cornerstone in any democratic society and should be recognized as the "people's right" to have some regulation within their respective areas.
- 04.11.330 (line 14) - Here again these provisions are statutory requirement.
- 04.11.330(a)(5) - This subsection is local option petition.
- Page 25: 04.11.330(a)(9) - Local Option.
- Page 26: 04.11.340 - This again is local option elections.

04.11.360 (line 21) - Again these are mandatory requirements presently appearing in the statutes.

Page 27: 04.11.360(7) - Local Option.

Page 28: 04.11.370(4) & (5) - Municipalities have the right of adopting ordinances as long as such ordinances are consistent with the act; i.e., opening and closing hours.

04.11.370(9) - OK to delete this subsection as this is language which appears in the regulations which have the full force and effect of law.

04.11.370(10) - This is language that currently appears in the regulations which have full force and effect of law.

Page 29: 04.11.400(2) - How does this need clarification? It is clear to me as written.

Page 30: 04.11.400(g)(1)(B) - Why would you want this portion of the sentence deleted? These licenses are nontransferable as to other persons, not locations. A licensed premises may want to (or be forced to) move within a one-mile radius of his premises. CHAR's change would deny this.

Page 33: 04.11.460(a) (lines 17 & 18) - I can see no problem in deleting the words "unless specifically required by the board."

04.11.460(b) - This language clearly defines license procedure for premises to be located more than 50 miles from an incorporated area.

04.11.460(b)(2) - This language clearly defines licenses outside municipalities within 50 miles of an organized area.

Page 34: 04.11.470 - I can see no reason to make this change. This section provides for public input which is often beneficial regardless of residency status.

04.11.480(b) - Local Option.

Page 35: 04.11.490 - Local Option.

Page 38: 04.11.500 - Local Option.

Page 39: 04.11.510(b)(2) - Why should "on its own initiative" be deleted? A hearing may be beneficial for all concerned.

04.11.510(3) - Local Option.

Page 40: 04.11.520 (line 28) - The addition of the words "within 10 days" is fine with me.

- Page 44: 04.11.660(a) - In regard to a license being a property right, I am unaware of the court test referred to.
- 04.11.670 (lines 18 & 19) - Supreme Court cases state that the board has the authority to determine who has the license.
- 04.11.690 - It would be nonsense to delete this section. It certainly would not be in the public's interest to have monopolies take over in the industry.
- Page 45: 04.16.010(d) - Local Option.
- Page 46: 04.16.030 - Deletion of the words "or with criminal negligence" takes the authority out of the section.
- 04.16.030(3) - Deletion of this subsection takes the authority out of the entire title.
- Page 47: 04.16.049(2) - Fine with me to delete the words "and punning" but the general public may disagree.
- Page 48: 04.16.052 (line 16) - The addition of the word "knowingly" changes the section so that the language has the assumption then the licensee and employees would have to "know" to "allow" disposition of alcoholic beverages to persons under the age of 19.
- Page 49: 04.16.060(d) (line 13) - The law is Title IV.
- Page 50: 04 16.080 - The "pub" at the University of Alaska is not in the gymnasium, so there is no conflict.
- Page 51: 04.16.140 - This cite is for storage places other than the licensed premises.
- Page 52: 04.16.180(b)(1) & (2) - Doesn't make sense; first and second conviction could receive the same number of days for a closure. The second conviction should be stronger than the first.
- 04.16.180(3) - Why should a licensee be issued an operating certificate once his license has been revoked?
- 04.16.180(d) - Local Option. Undermines power of board and local option.
- Page 53: 04.16.200(2) - Why should an unlicensed person not be fined or punished for selling or trafficking in alcoholic beverages without a license?
- Page 57: 04.21.020 - This section clarifies "legally" as meaning only drunks and minors.

## Section 1

Sec. 04.06.010. ESTABLISHMENT OF BOARD. This section establishes the Alcoholic Beverage Control Board, as a regulatory and quasi-judicial agency which is among the agencies that under the terms at Article III, sec. 22 of the Alaska Constitution need not be allocated within a principal department.

Sec. 04.06.020. APPOINTMENT AND QUALIFICATIONS. This section establishes the number and qualifications of members of the board. The section also provides that the members of the board shall be appointed by the governor and confirmed by the legislature, in accordance with Article III, sec. 26 of the Alaska Constitution.

Sec. 04.06.030. TERMS OF OFFICE. This section prescribes the terms of office of the board members, and provides for the filling of vacancies.

Sec. 04.06.040. PER DIEM AND EXPENSES. This section provides payment of travel expenses and per diem of board members as authorized by law for other boards and commissions. This authorization for the payment of travel and per diem appears at AS 39.20.180.

Sec. 04.06.050. MEETINGS. The intent of this section is that the board meet at least four times a year, one time each in the four judicial districts in the state.

Sec. 04.06.060. QUORUM AND MAJORITY. It is the intent of this section that three members of the board are necessary to establish a quorum for routine business. It is further the intent that a majority of the whole membership of the board, or three members all voting the same way, are necessary to approve or deny an application for a new license, a renewal, transfer, suspension or revocation of an existing license. This section does not preclude less than a majority of the board from holding hearings; or appeals from action taken by the board or director; upon the direction of the majority.

Sec. 04.06.070. APPOINTMENT AND REMOVAL OF DIRECTOR. It is the purpose of this section to provide a continuity in the directorship of this agency freeing the position from possible

political patronage during a change of administration. It is also the purpose of this section to provide a check and balance between the governor and the board in the same manner. The intent of this section is to allow the governor to remove the director only for misconduct, misfeasance or malfeasance requiring notice of the charges and hearing on those charges while allowing summary removal by the board for any reasons the board considers appropriate.

Sec. 04.06.075. AUTHORITY OF DIRECTOR. This section gives the director power to enforce this title and regulations adopted by the board.

Sec. 04.06.080. DELEGATION OF AUTHORITY. It is the intent of this section that the board is solely responsible for its actions and for the policies vested within its powers and duties necessary for the control of alcoholic beverages. The board may delegate all of its responsibilities to the director except its power to adopt regulations. The delegation of authority to the director is discretionary to the board and in no manner does it free them from the responsibility of errors in judgment or law committed in their name by the director.

Sec. 04.06.090. POWERS AND DUTIES. This section enumerates the powers and responsibilities of the board. The board is granted power to employ enforcement agents directly or through contracts with other departments and agencies of the state. This section states that the salaries of personnel of the board in the exempt service shall be set by the Department of Administration. Finally, the board is charged with notifying licensees and municipalities of major changes to this title.

Sec. 04.06.100. REGULATIONS. This section authorizes the board to adopt regulations to carry out the purposes of Title 4. This section enumerates a number of the subjects which may be addressed but this list is specifically stated not to be all inclusive. Among those subjects particularly authorized are the creation of classifications of licenses and permits not provided for in this title and the establishment and collection of fees to be paid on application for a license or permit.

Sec. 04.06.110. PEACE OFFICER POWERS. It is the intent of this section that the board may delegate limited peace officer powers to the director or any of its employees. The limitation on these limited peace officer powers is that they may apply only when necessary for the enforcement of the criminally punishable provisions of this title, regulations of the board, other criminally punishable laws and regulations governing the manufacture, barter, sale, consumption, and possession of alcoholic beverages in the state. Because of the strict limitation of peace officer powers provided in this section, the director or board employees are not included within the definition of peace officer or fireman contained in AS 39.-35.680(27) and may not qualify for peace officer or fireman benefits under AS 39.35. State troopers and certified peace officers under contractual agreements to the board are not affected by this section.

## Section 2

Sec. 04.11.010. LICENSE OR PERMIT REQUIRED. Under this section, all manufacturing, selling, offering for sale, possessing for sale, trafficking in, bartering or exchanging for goods and services of alcoholic beverages is prohibited unless authorized under a license or permit issued under this title. It also limits orders for delivery of alcoholic beverages in areas where, by local option, alcoholic beverages may not be sold.

Sec. 04.11.020. EXCEPTIONS: LICENSE OR PERMIT NOT REQUIRED. Subsection (a) of this section makes an exception to the general requirement that a license or permit be obtained in those circumstances when sales are made by order of a court, whether as a result of foreclosure, bankruptcy, or forfeiture. Subsection (b) excepts from the requirement of obtaining a license or permit persons who solicit equal contributions from persons attending a private gathering of co-workers or of a professional, social, or fraternal organization, but only if the amount required to purchase the alcoholic beverages is collected and used for the purchase of the same.

Sec. 04.11.030. DEATH OF A LICENSEE. This section excepts from the general requirement that a license or permit need be obtained by an executor or administrator of the estate of a person holding a license as a sole licensee until the administrator has a reasonable opportunity to obtain board

approval for the transfer of the license to himself or somebody else. Subsections (c) and (d) prohibit transfer of the license into the name of the deceased's estate.

Sec. 04.11.040. BOARD APPROVAL OF TRANSFERS. The intent of this section is to require a licenseholder to obtain the consent of the board before transferring his license between persons or locations.

Sec. 04.10.050. REPORTS REQUIRED OF CORPORATIONS. This section requires a corporation holding a license to report to the board any change in its corporate officers or directors, and report to the board when 10 percent or more of its corporate stock is transferred regardless of whether the transfer of stock is required to have board approval under the preceding section. Only corporations encompassed by subsection (c) are excepted from this reporting requirement.

Sec. 04.11.060. NONRESIDENT DISTILLER, BREWER, WINERY OR WHOLESALER. This section sets out the requirements which must be fulfilled before a distiller, brewer, winery or wholesaler whose plant or principal place of business is outside the state may sell products inside the state.

Sec. 04.11.070. POWER LIMITED TO THE BOARD. This section codifies the principle recognized by the superior court in CY Inc. v. Linda Brown, Alcoholic Beverage Control Board, No. 1569 and the Supreme Court in Queen of the North, Inc. v. Henry C. Legue, No. 1670, that court ordered transfers of licenses are subject to the approval of the Alcoholic Beverage Control Board.

Sec. 04.11.080. TYPES OF LICENSES AND PERMITS. This section lists the licenses and permits authorized under this title.

Sec. 04.11.090. BEVERAGE DISPENSARY LICENSE. This section enumerates those fees and bonding requirements particularly relating to the beverage dispensary license, and describes the extent of the authority granted by the license, specifically in relation to hotels, motels, resorts or similar businesses, bowling alleys, and duplicate licenses issuance when more than one service bar is maintained. It is the intent of that portion of this section dealing with duplicate licenses that issuance of duplicates is entirely discretionary by the board and is limited to beverage dispensary licenses.

Sec. 04.11.100. RESTAURANT OR EATING PLACE LICENSE. This section addresses the requirements particularly relating to the restaurant license, including the requirements relating to the service of food and requires control by licensee of both the liquor and food ends of the business.

Sec. 04.11.110. CLUB LICENSE. This section enumerates the extent of authority granted under a club license, specifies the kinds of organizations which may be issued a club license, who may purchase liquor from a premises licensed under a club license, and the uses to which liquor purchased by an organization licensed under this license may be put.

Sec. 04.11.120. BOTTLING WORKS LICENSE. This section outlines the authority granted under a bottling works license.

Sec. 04.11.130. BREWERY LICENSE. This section outlines the authority granted under a brewery license. Subsection (c) allows the brewery to permit a person to sample the brew free of charge; otherwise it states the same restrictions on sales as the bottling works license.

Sec. 04.11.140. WINERY LICENSE. This section outlines the authority granted under a winery license. Subsection (c) allows the winery to permit a person to sample the wine free of charge, otherwise it states the same restrictions on sales as the bottling works license.

Sec. 04.11.150. PACKAGE STORE LICENSE. This section describes the extent of authority granted under a package store license; among the limitations contained in this section is a prohibition on the consumption of alcoholic beverages on the premises and a prohibition on access from the licensed premises to a retail business not licensed under this title. It includes language granting authority to the board to require licenseholder to install additional entrances to a package store. The legislature has determined there is no enforceable provision limiting individual sales in any one day short of ration cards or some other cumbersome procedure. However, this determination should not deter enforcement agents from investigating excessively large or particularly unusual purchases to determine their ultimate use. Example: "particularly unusual" would be the purchase of case lots of half pints or pints by individuals.

This section does not allow "over the bar" sales in a beverage dispensary which is adjacent or connected to a package store even though both licenses are issued to the same person or corporation.

This section also limits sales to persons present at the premises or by written order where the purchaser is personally known to the licensee and the beverage purchased must be delivered to the purchaser.

Sec. 04.11.160. WHOLESALE LICENSES. This section sets forth the limits of the authority granted under the general wholesale license and the wholesale malt beverage and wine license. Among other things, this section requires that wholesalers obtain either a general wholesale license or a wholesale malt beverage and wine license for each location where alcohol is distributed from a warehouse. The reference to AS 04.24.-040 exempts sales to federal instrumentalities from the requirements that wholesalers licensed under this section sell only to persons licensed under this title.

Sec. 04.11.180. COMMON CARRIER DISPENSARY LICENSE. This section outlines the authority granted under a common carrier dispensary license. It is the intent of this section that the board need not conform to or distinguish its decision from any action it has taken in the past on applications presenting similar facts, but may, instead, base its decision on the particular facts before it. (See comment on sec. 04.11.437)

Sec. 04.11.190. COMMUNITY LIQUOR LICENSE. The intent of this section is to authorize the licensure of a city to operate a beverage dispensary or package store, so long as the city has had no privately owned beverage dispensaries or package stores which are in operation and have been in continuous operation prior to June 1, 1970; however, if a beverage dispensary or package store has had a privately owned beverage dispensary or package store in continuous operation beginning after June 1, 1970, the city may be issued a community liquor license only if no other license of the same type is in effect within the city. Subsection (d) requires a city council to apply for a community liquor license if approved by a majority of the people at a local option election. Also the city council may apply on its own initiative for a license.

Sec. 04.11.200. RETAIL STOCK SALE LICENSE. The intent of this section is to provide a means for the owner of a package store business who has lost his package store license through expiration or forfeiture to liquidate his remaining stock. As subsection (d) indicates, this type of license may not be issued to a person whose package store license was suspended or revoked. It is the intent of this section that only the owner of the package store business may receive such a license and that liquidators, insurance companies, banks, etc., do not qualify unless they were the licensee.

Sec. 04.11.210. RECREATIONAL SITE LICENSE. The intent of this section is to authorize the licensure of persons to sell beer and wine at the site of recreational events. This license may not be used at a school event but may use school grounds or fields or other property when approved by the board.

Sec. 04.11.220. PUB LICENSE. The intent of this section is to authorize licensure of premises on the campus of a college or university to sell beer and wine. It is intended that beer and wine be sold at only one location on campus under this license.

Sec. 04.11.230. CATERER'S PERMIT. This section prescribes the conditions whereby a caterer's permit may be obtained and used. The intent of this section is to provide a means whereby the holder of a beverage dispensary license can secure legal authority to sell alcoholic beverages off his licensed premises for specific occasions. Subsection (b) requires the written approval of the law enforcement agency having jurisdiction over the site of the occasion for which the permit is sought which must be obtained and accompany the application.

Sec. 04.11.240. SPECIAL EVENTS PERMIT. The intent of this section is to provide a means whereby nonprofit fraternal, civic, or patriotic organizations may secure legal authority to sell alcoholic beverages without a license. This section prescribes how a special events permit may be obtained and used. Like the caterer's permit, the written approval of the law enforcement agency having jurisdiction over the designated premises of the occasion for which the special events permit is sought must accompany the application.

Sec. 04.11.250. **CONDITIONAL CONTRACTORS PERMIT.** The intent of this section is to provide a means whereby alcoholic beverages can be sold without a license at a construction site located within the boundaries of a military or naval reservation. This section prescribes how a conditional contractor permit may be obtained and used. It provides for the revocation or suspension of this permit at the discretion of the commanding officer or the prime contractor.

Sec. 04.11.260. **APPLICATION FOR A NEW LICENSE OR PERMIT.** This section prescribes what information must be supplied in an application for a license or permit. Subsection (c) specifies what additional documentation must be filed with the application in order to substantiate that requirements imposed by other sections have been met. Subsection (b) requires that the names and addresses of stockholders who own 10 percent or more of the stock in a corporation holding a license be listed. Subsection (b) relates to the reporting requirements of sec. 04.11.050 and the required board approval of transfers of stock required under sec. 04.11.040.

Sec. 04.11.270. **APPLICATION FOR RENEWAL OF LICENSE OR PERMIT.** This section prescribes what information must be supplied in an application for renewal of a license or permit, as well as the procedure by which licenses and permits are renewed. If the procedure prescribed in paragraph (b)(2) is not adhered to, a license expires in accordance with sec. 04.11.540.

Sec. 04.11.280. **APPLICATION FOR TRANSFER OF A LICENSE TO ANOTHER PERSON.** This section prescribes what information must be supplied in an application for transfer of a license to another person. The applicant is required to execute a statement listing all debts and taxes owed by the business so that the board can determine whether the application must be denied under sec. 04.11.360(4). It allows the board to require other information be furnished.

Sec. 04.11.290. **APPLICATION FOR TRANSFER OF LICENSE LOCATION.** This section addresses what information must be supplied in an application for transfer of the location of licensed premises. While generally delegating to the board specification of information required, specific mention is made of documentation which must be filed with the application in order to substantiate that the requirements imposed by other sections have been met.

Sec. 04.11.300. STATE TROOPER INVESTIGATION. This section is a directive to the state troopers to assist the director in his investigation of applicants.

Sec. 04.11.310. NOTICE OF APPLICATION. It is the intent of this section that all applicants for original issuance of licenses, as well as a transfer of license between persons or location, be required to post a copy of the application at the proposed licensed premises. The making of the additional notice provided in paragraphs (1) and (2) is required of applicants at the board's discretion.

Sec. 04.11.320. DENIAL OF NEW LICENSES AND PERMITS. This section lists grounds upon which an application for a license or permit shall be denied, in not in their entirety, then by reference to another place in the statutes where the prohibition is spelled out. It is not intended that these grounds be the exclusive grounds upon which an application for a license or permit be denied. Paragraph (a)(1) and (b)(1), by providing for denial if issuance is not in the best interests of the public, would authorize broad discretion in denial for any reason found incompatible with the public interest. The purpose of this listing is to indicate those grounds which compel denial of an application. Incorporated cities which did not have licensed premises before June 19, 1970 must have approval by local option election before a license may be issued.

Sec. 04.11.330. DENIAL OF LICENSE OR PERMIT RENEWAL. Subsections (a) and (c) of this section list grounds upon which an application for renewal of a license or permit shall be denied, if not in their entirety, then by reference to another place in the statutes where the prohibition is spelled out. It is not intended that these grounds be the exclusive grounds upon which an application for a license or conditional contractor's permit be denied. Paragraphs (a) and (c)(1), by providing for denial if renewal is not in the best interest of the public, would authorize broad discretion in denial for any reason found incompatible with the public interest. Instead, the purpose of this listing is to indicate those grounds which compel denial of an application. Subsection (b) of this section leaves the decision to deny renewal of a license because of nonpayment of taxes to the discretion of the board.

Sec. 04.11.340. DENIAL OF TRANSFER OF LOCATION. This section lists grounds upon which an application for transfer of location of a license or permit shall be denied, if not in their entirety, then by reference to another place in the statutes where the prohibition is spelled out. It is not intended that these grounds be the exclusive grounds upon which an application for a license or conditional contractor's permit be denied. Paragraph (1), by providing for denial if transfer is not in the best interests of the public, would authorize broad discretion in denial for any reason found incompatible with the public interest. Instead, the purpose of this listing is to indicate those grounds which compel denial of an application.

Sec. 04.11.360. DENIAL OF TRANSFER OF A LICENSE TO ANOTHER PERSON. This section lists grounds upon which an application for transfer of a license to another person shall be denied, if not in their entirety, then by reference to another place in the statutes where the prohibition is spelled out. It is not intended that these grounds be the exclusive grounds upon which a license or conditional contractor's permit be denied. Paragraph (1), by providing for denial if a transfer is not in the best interests of the public would authorize broad discretion in denial for any reason found incompatible with the public interest. Instead, the purpose of this listing is to indicate those grounds which compel denial of an application. Noteworthy, perhaps, is the difference between paragraph (4) and sec. 04.11.330(b), the former requiring denial of a transfer between persons if debts and taxes are not paid while the latter providing that denial on this ground is at the board's discretion.

Sec. 04.11.370. SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Like the foregoing four sections, this listing of grounds is not exhaustive; like them, paragraph (2) authorizes suspension or revocation of a license if continuation of activities would not be in the best interests of the public. The intent behind listing the grounds for suspension of a license or permit is to foreclose any argument that suspension or revocation on any of the grounds listed is in excess of the jurisdiction of the board.

Sec. 04.11.390. RESIDENCE. It is the intent of this section that all applicants for licenses be resident at least one year in the state. In the matter of corporations, a certificate of authority allowing transaction of business by a

foreign corporation under AS 10.05.598 - 10.05.696 at least a year previous to applying for a license or permit is acceptable.

Sec. 04.11.400. POPULATION LIMITATIONS. This section expresses the legislature's intention with regard to the ratio of licenses to population. The basic formula is set forth in subsection (a); subsection (b) grants the board specific authority to deny an application for a license just outside of a town where the population inside and within the immediate vicinity of the town is not equal to the required minimum. Subsections (e) and (f) define the term "population" by reference to a specific date, thereby eliminating any uncertainty in this regard. Finally, the legislature intends subsections (g), (h) and (i) to delineate exceptions to the general rule enunciated in (a) of this section.

Sec. 04.11.410. RESTRICTION OF LOCATION NEAR CHURCHES AND SCHOOLS. This section places restrictions on the board with regard to the issuance, renewal, and transfer of location of premises of a license when the premises are located within 200 feet of a school ground or church building.

Sec. 04.11.420. ZONING LIMITATIONS. The intent of this section is to require the board to determine whether issuance of a license would violate a zoning ordinance and moreover to compel denial of issuance if a zoning ordinance is found to be contrary to the issuance. It is the intent of this section that a municipality notify the board if the issuance of a license would be in violation of said municipality's zoning ordinances in existence prior to the application for license.

This section deals with applications for new licenses and transfer of location only. It does not allow a municipality to zone an existing license out of its present location except in accordance with usual zoning principles applying to any uses including provisions for continuation as non-conforming uses. (See Sec. 8 of this Act)

Sec. 04.11.430. PERSON AND LOCATION. The intent of this section is to keep the name and address of a licensee accurate and current by requiring the name and address of the licensee. The term "individual" is used in this section to contrast with corporation instead of the term "person" since by general

definition and as the term is otherwise used in this Act the term "person" also includes corporations.

Sec. 04.11.450. PROHIBITED FINANCIAL INTEREST. By prohibiting persons other than the licensee from holding direct or indirect financial interests in licensed premises, this section is aimed at prohibiting hidden financial interests in licensed premises. The intent of this section is also to prohibit wholesalers, brewers, vintners, bottlers and distillers from having any ownership interest in beverage dispensaries or package stores licenses or premises.

Credit sales of stock are not prohibited but do not give the creditor any right, title, or interest in or to the license. (See sec. 04.11.070)

Credit sales of stock are given at the creditor's risk and are of no particular interest to the board except under the provisions of sec. 04.11.360(4).

Sec. 04.11.460. PRIOR PUBLIC APPROVAL. This section requires applicants for issuance of new licenses to be located outside municipalities as well as applicants for transfers of location of existing licenses to be located within 50 miles of municipalities to secure the signature of the local residents. Note that that proportion of permanent residents whose signature is required to be secured, as well as the geographical limits within which signatures must be secured differs depending on whether the premises are to be within or without 50 miles of the municipality.

Sec. 04.11.470. OBJECTION. The intent of this section is to establish a process whereby objections to applications by individual members of the public are received and reviewed in a regularized fashion.

Sec. 04.11.480. PROTEST. This section provides for special handling of objections made by local governing bodies, or permanent residents residing outside of but within two miles of an incorporated city or established village. Sec. 04.-11.520 of this revision requires the board to notify the local governing body of the receipt of an application for a premises within the boundaries of the area of the governing body's jurisdiction while sec. 04.11.510 of this revision requires the board to withhold action on an application for

30 days to give a local governing body time to protest; subsection (a) requires a local governing body which wishes to protest an application to submit to the board a protest within 30 days of receipt from the board of notice of filing the application. It is the intent of this section in conjunction with sec. 04.11.520 to provide a municipality sufficient time and process to formally protest an application coming from within their boundaries. Subsection (c), together with AS 04.11.510(b)(3) provides that if the permanent residents residing outside of but within two miles of an incorporated city or an established village submit the signatures of 35 percent of their number on a petition, then the board is required to hold a public hearing on the protest. Public hearings may be held at the board's discretion in response to objections and protests made by individuals and local governing bodies, whereas a hearing is required to be held if a petition filed with the board presents a question of law or contains the signatures of 35 percent of the adult residents having a permanent place of abode outside of but within two miles of an incorporated city or an established village.

Sec. 04.11.490. LOCAL OPTION ELECTION. This section authorizes municipalities to conduct local option elections on the following questions:

- (1) whether alcohol should be prohibited entirely in a community;
- (2) whether alcohol should be prohibited entirely except if sold through either a package store or beverage dispensary operated under a community liquor license;
- (3) whether a municipality which has previously banned the sale of alcohol through a local option election should apply for a community liquor license enabling it to sell through a package store or beverage dispensary;
- (4) whether beverage dispensary or package store licenses in effect in the community should be banned, and a community liquor license sought in order to enable the city to sell liquor through a beverage dispensary or package store; and

(5) whether the sale of alcoholic beverages should be banned in a community unless sold under a restaurant or eating place license.

While subsection (a) allows the local governing body to place one or more of these questions on a separate ballot at the next municipal election, subsection (b) requires the lieutenant governor to conduct the election, canvass the ballots, and publish the results.

The intent of subsections (d), (e), (f), (g) and (h) of this section is to specify the results should the voters vote favorably on one or more of the questions appearing on the separate ballot.

The intent of subsection (i) is to provide that licenses and permits which are not renewed as a result of a local option election expire at midnight on December 31, and do not continue in effect through February 28, as sec. 04.11.540 would otherwise authorize.

Subsection (k) continues in effect the substance of provisions in current law providing for issuance of licenses if a majority of the voters at a subsequent election reverse the results of an earlier election on the same question. It also provides that if more licenses than would be allowed under the population limits of AS 04.11.040 would be authorized but the council requests that the population limit apply no more licenses than are allowable under the population limit may be issued.

Sec. 04.11.500. LOCAL OPTION ELECTION IN UNINCORPORATED AREAS. The intent of this section is to authorize local option type elections for unincorporated areas. It provides for an election in unincorporated areas on whether a license should be issued, renewed, or transferred into an established village, if 35 percent of the residents of the village and those residing within a two-mile radius so petition.

Sec. 04.11.510. PROCEDURE FOR ACTION ON LICENSE APPLICATIONS, SUSPENSIONS, AND REVOCATIONS. This section specifies procedures to be followed by the board when reviewing applications for issuance, renewal, transfer of location, and transfer of ownership of licenses, as well as when suspending and revoking licenses. It is the intent of this section that when an application is denied, the applicant may request

an informal hearing with either the director or board where he will be informed of the reason for denial. If he is not satisfied, he is then entitled to a hearing under the Administrative Procedures Act.

It is further the intent of this section that when the board believes a violation has occurred, they will inform the licensee by accusation of their proposed action against the licensee. The licensee is then afforded an informal hearing with either the board or the director. If he is not satisfied he may file a notice of defense and be provided a formal hearing under the Administrative Procedures Act.

Further, it is the intent of this section upon the conviction of a licensee, his agent or employee (AS 04.11.370(4)(5)), the board shall afford the licensee notice and hearing which meet minimal due process requirements. Paragraphs (b)(1) and (b)(2) are addressed to the conduct of hearings to receive public comment on an application. As mentioned earlier public hearings may be held at the board's discretion in response to objections and protests made by individuals and local governing bodies, whereas a hearing is required to be held if a petition filed with the board presents a question of law or contains the signatures of 35 percent of the adult residents having a permanent place of abode outside of but within two miles of an incorporated city or an established village.

Sec. 04.11.520. NOTICE. By requiring the board to notify local governing bodies of its receipt of application for issuance, renewal, transfer of location or transfer of ownership for licenses in or into the area of its geographical location, this section, together with 04.11.480(a) and 04.11.510(a), allows local governing bodies 30 days to protest before any action is taken on an application. It requires the board to give notice to the local governing body within 10 days of the receipt of the application.

Sec. 04.11.530. CONSIDERATION OF SENTENCING REPORT. The intent of this section is to require the board, before revoking or suspending a license on grounds that the licensee, or his agent or employee was convicted of violating any provision of law, regulation, or ordinance, to take into consideration the sentencing report prepared by the court under AS 12.55.025 which sec. 7 of this bill requires to be sent to the board. Under AS 12.55.025, this sentencing report includes

- (1) a verbatim record of the sentencing hearing and any other court procedures;
- (2) findings on material issues of fact and on factual questions required to be determined as a prerequisite to the selection of the sentence imposed;
- (3) a clear statement of the terms of the sentence imposed; and
- (4) recommendations as to the place of confinement or the manner of treatment.

Sec. 04.11.535. IMPUTED LIABILITY. It is the intent of this section to provide a licensee a minimal protection from illegal acts committed by his agents or employees deriving from the agent's or employee's negligence, conspiracy with others, or direct disobedience of the licensee's instructions, etc.

It is further the intent of this section that the burden of proof shall be upon the licensee that the violations occurred without his consent, or knowledge, or in a manner in which he had no direct control.

Sec. 04.11.537. APPLICATION OF PRECEDENT. The intent of this section is that the board need not follow its own precedent in carrying out its administrative adjudication functions, i.e. ruling on applications for issuance, renewal, transfer, or suspension or revocation of a license or permit.

Sec. 04.11.540. LICENSE RENEWAL AND EXPIRATION. This section provides for the expiration of licenses only after a two-month grace period, during which the license may be renewed, has elapsed. It is the intent of this section that the license may not be exercised during the grace period unless and until it is renewed.

Sec. 04.11.550. NOTICE OF EXPIRATION. The intent of this section is that the board assist licensees by warning them of the impending expiration of their licenses; however, the responsibility for renewal is a responsibility of the licensee and failure on the part of the board to mail a warning does not constitute a defense to expiration of the license on grounds of failure to file for renewal within the prescribed time.

Sec. 04.11.560. APPEALS. The intent of subsection (a) of this section is to oblige the board to hear appeals taken from the action of its officers, employees, or agents. The intent of subsection (b) of this section is to provide authorization, required under the terms of AS 22.10.020, for appeals to the superior court from the action of the board.

Sec. 04.11.570. REFUND AND FORFEITURE OF FEES. The intent of this section is to specify those conditions under which the license fee paid at the time of filing the application is returnable. Notice that mention is made of "application fees." Such fees are to be established by the board by regulation adopted under sec. 04.06.100(b)(14).

Sec. 04.11.580. SURRENDER OR DESTRUCTION OF LICENSE. The intent of this section is to specify those conditions under which the license must be surrendered to the board. Moreover, subsection (c) instructs the licensee what to do if the license is destroyed.

Sec. 04.11.590. DISPOSITION OF FUNDS. This section requires all program receipts collected by the board, whether under the provisions of this title or regulations adopted under the provisions of this title, to be deposited in the general fund.

Sec. 04.11.610. REFUND TO MUNICIPALITIES. The purpose of this section is to provide an incentive to municipalities to actively enforce liquor laws, and the authority to grant, deny and recover refunds of license fees is intended to further that purpose.

Sec. 04.11.630. ACCESSIBILITY OF LICENSED PREMISES TO INSPECTION. This section would allow officers charged with enforcement of this title to inspect licensed premises without a search warrant. The intent of subsection (b) is that the license be posted on the premises in such a place and manner that it may be easily taken down and presented for a close personal inspection.

Sec. 04.11.660. LICENSE A PRIVILEGE. The purpose of this section is to limit the rights incident to holding a license for dealing in alcoholic beverages to those powers specified by statute and those rights arising from the U.S. and Alaska Constitutions concomitant to holding such statutorily granted

powers. Therefore, the normal incidents of ownership only apply to the extent specified by statute and insofar as rights are accorded to persons in the position of such licensees by the U.S. and Alaska Constitutions.

Sec. 04.11.670. FORECLOSURE. The intent of this section is to prohibit use of the license as collateral for debts, except that if a licensed premises is sold on a contract, the transferor may secure payment for real and personal property conveyed to the transferee upon the promise of the transferee to transfer the license back to the transferor upon default in payment. (Under Queen of the North, Inc. v. Henry C. Legue, No. 1670, what is collateralized is not the license itself, only a right to petition the Alcoholic Beverage Control Board for transfer of the license and there is no intent to change that holding.)

Sec. 04.11.680. DURATION OF LICENSES AND PERMITS. This section indicates that a license is issued for a term ending the immediately subsequent December 31, unless the board prescribes a term ending earlier for that particular license. Note that this section is addressed to the question of the term of the license, whereas sec. 04.11.540 is addressed to the expiration of the license -- two separate questions. Also note that permits are valid for that duration specifically prescribed by the board.

Sec. 04.11.690. DISCOURAGEMENT OF MONOPOLIES. It is the intent of this section that the board discourage the creation of monopolies and submit their proposals on the matter, if any, to the governor and the legislature for their consideration.

### Section 3

Sec. 04.16.010. HOURS OF SALE AND PRESENCE ON LICENSED PREMISES. This section specifies the times between which persons may not sell, offer for sale, give, furnish or consume an alcoholic beverage on licensed premises, or enter licensed premises, as well as the times between which a licensee, his agent, or employee may not permit a person to consume liquor or enter licensed premises, delineating exceptions to these requirements.

Sec. 04.16.020. SOLICITATION OF ALCOHOLIC BEVERAGES. The intent of this section is prohibition of B-Girl type of activity as well as the prohibition of the employment or sufferance

of the presence of such persons on the premises by licensees, their agents, or employees.

Sec. 04.16.030. SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES TO DRUNKEN PERSONS. This section enumerates the prohibitions on licensees, their agents, or employees with regard to selling, giving, bartering of alcohol to drunken persons, permitting other persons to sell, give, or barter alcohol to drunken persons on licensed premises or permitting drunken persons to enter licensed premises or sell alcohol. It is the intent of this section that a licensee, his agent, or employee be subjected to more than an ordinary degree of responsibility in making sales, serving or giving of intoxicating beverages to take care that he or she does not sell, serve, or give intoxicating beverages to a drunken person.

This section places a duty upon the seller, server, or giver of intoxicating beverages before he or she sells, serves or gives intoxicating beverages to a person to use their powers of observation to see that which can easily be seen, and hear that which can easily be heard, under the existing conditions and circumstances and to determine whether the person is so far under the influence of intoxicating beverages that his conduct and demeanor are drunken and such drunken conduct or demeanor should be reasonably discernible to a person of ordinary experience in dispensing alcoholic beverages who has a duty to observe persons to whom alcoholic beverages are dispensed.

The use of intoxicating liquor by the average person in such quantity to produce drunkenness causes many commonly known outward manifestations which are "plain" and "easily seen or discovered" and when such manifestations exist and a licensee, his agent, or employee still sells, serves, or gives to a person so affected, he has violated this section whether this was because he failed to observe what was plain or easily seen or discovered, or because, having observed, he ignored that which was apparent.

On the charge of selling, serving or giving intoxicating liquor to a drunken person, the facts constituting the alleged outward manifestations should be presented, and it is ordinarily the province of a jury to determine whether or not they were such as to be observable and recognizable as the usual indications of a drunken or overly intoxicated person.

Sec. 04.16.040. ACCESS OF DRUNKEN PERSONS TO LICENSED PREMISES. The intent of this section is to make it unlawful for a drunken person to enter a licensed premises, or for a person to remain on the premises after becoming drunken.

Sec. 04.16.041. OBLIGATION TO ENFORCE RESTRICTIONS IN LICENSED PREMISES. The intent of this section is to prohibit on-the-premises consumption of alcoholic beverages except when it is specifically permitted by the terms of the license.

Sec. 04.16.049. ACCESS OF PERSONS UNDER THE AGE OF 19 TO LICENSED PREMISES. This section enumerates the conditions upon which minors may enter and remain on licensed premises. The intent of subsection (b) is to authorize licensees, their agents, or employees to refuse entry, refuse service, or eject minors who otherwise meet the requirement specified in subsection (a). In subsection (c), board designation of a hotel, restaurant or eating place as suitable for the employment of minors is intended to be separate and apart from licensure of those premises.

Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE AGE OF 19. This section is the prohibition on "minors consuming."

Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 19. This section is the prohibition on furnishing liquor to minors. Subsection (c) carves out exceptions to the prohibition in (a) whereby liquor can be furnished by persons who stand in relation to the minor in one of a number of defined relationships. Subsection (c) provides, however, that subsection (b) does not make acts constituting contributing to the delinquency of a minor under AS 11.51.130 lawful.

Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 19 BY LICENSEES. This section enumerates the prohibition on licensees, their agents, and employees with regard to allowing other persons to sell, barter, or give alcohol to a minor within licensed premises, allowing minors to enter licensed premises unlawfully, allowing a minor to consume alcohol within a licensed premises, or allowing a person under the age of 19 to sell or serve alcohol.

Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 19. This section prohibits actions leading to the acquisition of alcohol by minors, to wit: direct purchase, solicitation of purchase by others for the minor's benefit; misrepresentation by others of the age of a minor seeking the acquisition of alcohol; misrepresentation of his age by a minor seeking to acquire alcohol, whether or not a false ID is used; or misrepresenting having obtained the consent required under 04.16.049 of a parent or guardian to the presence of a minor on licensed premises. It is the intent of this section that persons under 19 who unlawfully procure or attempt to procure alcoholic beverages be legally responsible for their actions.

Sec. 04.16.070. SALES ON ELECTION DAY. It is the intent of this section that the sale, barter, gift, consumption, or disposal of alcoholic beverages be prohibited on the days elections for candidates to office are held at the statewide or local level. Under this section elections solely concerned with ballot propositions would not activate this prohibition unless on "local option" propositions. Notice that under subsection (c) municipalities may exempt themselves from the application of this section.

Sec. 04.16.080. SALES AT SCHOOL EVENTS. Prohibits the sale or consumption of alcohol at school events.

Sec. 04.16.090. PROHIBITION OF BOTTLE CLUBS. The intent of this section is the prohibition of the operation of unlicensed premises where, for consideration (1) alcoholic beverages are kept for the consumption of the public at large, or (2) where alcoholic beverages may be brought and consumed. Note that subsection (c) defines consideration broadly, including not only cover charges but also sale of food, ice, mixers, and the furnishing of glassware. It is the intent that indirect consideration, as well as direct consideration, for providing alcoholic beverages be prohibited to restrict evasion of the policy of this title.

Sec. 04.16.100. RESTRICTION ON SIZE OF CONTAINERS. This section prohibits sales of alcohol in sizes of containers deceptively similar in appearance to containers of a different volume. The intent is to protect the public from deceptive trade practices.