

ALASKA LEGISLATURE COMMITTEE FILES 1901-1902 86/2

1261 SCRA SB 64 - SB 95 1261



Delta/Greeley School District REAA #15

Glen Chowning, Superintendent
P.O. Box 527
Delta Junction, Alaska 99737

907 895-4658
895-4659

February 5, 1981

*File in
SB64*

Senator Don Gilman, Chairman
Senate Community and Regional
Affairs Committee
Pouch V
Juneau, AK 99811

Dear Senator Gilman:

I have just received information regarding Senate Bill 64 (an act relating to labor relations between School Boards and other public employees and their employers).

Senate Bill 64 usurps local control of education by elected officials. It allows employees to disrupt the education of children by the strike provision. It allows a third party to dictate how education dollars are spent by the binding arbitration provision.

I believe the Legislature should make an effort to find out how classified employees are treated in School Districts at the present time, and look at the effect mandated collective bargaining with certificated personnel has had on education in Alaska. I believe that employees in School Districts in the state of Alaska are treated fairly. School Districts are controlled by elected officials, and they are mandated by the electorate to treat their employees fairly.

I urge your support to defeat this bill in committee, and ask that you give full consideration of the affects of this bill on the education of the children in Alaska.

Sincerely,

Glen Chowning
Glen Chowning
Superintendent

cc: 114

cc: Senator John Sackett
Representative Hoyt "Pappy" Mann
Bob Greene
All School Board Members



WRANGELL

PUBLIC SCHOOLS

P. O. BOX 651

WRANGELL, ALASKA 99029

Telephone (907) 874-3395

GATEWAY TO THE STIKINE

ROBERT McCONNELL, Superintendent of Schools

February 3, 1981

Senator Don Gilman, Chairman
Senate Community & Regional Affairs Committee
Pouch V
Juneau, Alaska 99811

*File in
SB64*

Dear Honorable Gilman:

I would like to speak in opposition to SB 64, "An Act Relating to Labor Relationships Between School Boards and Other Public Employers and Their Employees."

I have no real concern over the right to organize and bargain, which may be a strange reaction from a position such as mine. However, I have extremely strong feelings against legislation legalizing binding arbitration and strikes in the public sector. I have worked in opposition of these forms of unionism for certified employees and will continue to do so for the classified staff.

If government is to give legality to strikes and binding arbitration to "their" employees then government had well be prepared to accept the inevitable and not listen with deaf ears to public sector management when we ask for more money to feed the cost of binding arbitration or strike breaking commitments.

Sincerely,

Robert W. McConnell
Superintendent

cc: Senator Bob Ziegler
Senator Ferguson
Senator Colletta
Senator Sturgulewski
AASB



PRIBILOF ISLANDS SCHOOL DISTRICT

ST. GEORGE SCHOOL • ST. PAUL SCHOOL
ST. PAUL, ALASKA 99660 • TELEPHONE: (907) 546-2222

DR. STANLEY L. BIPPUS
SUPERINTENDENT

JOHN R. MERCULIEF
BOARD PRESIDENT

February 3, 1981

*File
#SB64*

Senator Don Gilman
Senate Community & Regional
Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

I am deeply concerned about the long range outcomes SB 64 could have on the governance of public school in Alaska. I feel I understand the rationale behind such a proposal. There is no doubt that management does not always appear to show compassion and sensitivity to employee needs. That is a problem, however, SB 64 is taking an extreme approach to solving that problem. It's like trying to kill flies with a machine gun; you're going to kill a few but look at what you destroy in the process.

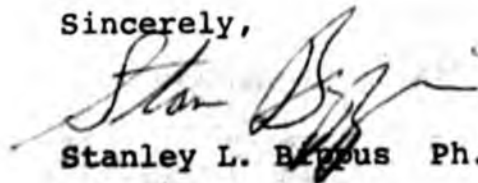
Management has the responsibility of insuring that children receive meaningful educational services. This cannot be accomplished without competent and caring employees. Regardless of how knowledgeable or sincere an employee may be, there cannot be effective leadership where there is no control. The freedom to strike and binding arbitration are beautiful concepts when the need exists. Lawmakers must be certain the need exists to insure improved services to children and not to erode management power and security for incompetents. The two labor issues in question also reflect on management as unfair, ineffective and indifferent human beings. If you think management has abused their power, just wait until labor gets hold of this kind of power. I say this because, as a whole, management tends to be more rational and less emotional in times of stress and conflict. I am sure you can verify this basic assumption with empirical research if you so desire.

Senator Don Gilman
February 3, 1981

page 2

I sincerely hope you look at the long range effect this bill could have on public schools. Please consider the tremendous negative consequence this action will have on the future of education in the State of Alaska. "Walk a Mile in Our Shoes".

Sincerely,

A handwritten signature in cursive script, appearing to read "Stan Baggus".

Stanley L. Baggus Ph.D.

SLB:ek

National Right To Work Committee



File w
SB64

A COALITION OF EMPLOYEES AND EMPLOYERS

REED LARSON, *President*

February 3, 1981

Honorable Donald E. Gilman
State Capitol
Juneau, AK 99811

Dear Senator Gilman:

Legislation currently before the Senate Community and Regional Affairs Committee designed to force non-certified school employees into unions against their will, deserves nothing short of absolute defeat.

The bill, S.B. 64, would remove the affected employees from coverage under the Certificated Employee Labor Relations Act and place them under the Alaska Public Employment Relations Act.

As of now, these employees are not required by law to join or pay dues to a union as the price for keeping their jobs.

But, if S.B. 64 is enacted into law, these workers will become the latest victims of compulsory unionism in Alaska.

You will no doubt hear union officials assert the need for the special privilege of compulsory unionism because of the "burden" of representing nonmembers.

The fact is that these very same union officials demanded the power to represent all workers in a bargaining unit -- regardless of the wishes of the individual employee. Now, they want to force these workers to pay for a "service" they never wanted in the first place.

An equitable solution is to remove the special privilege of monopoly bargaining power for union officials. Then, the union would only represent its members; and nonmembers would be free to decide the question of union membership themselves -- without the sledgehammer of compulsory unionism over their heads.

However, as long as union officials continue to demand the power to force workers to pay tribute as the price to work for their own government -- their proposals should be defeated.

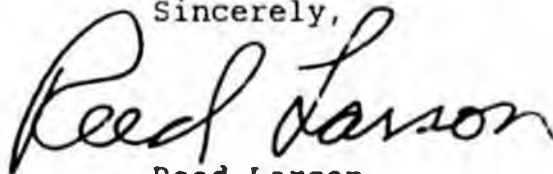
February 3, 1981
Senator Gilman
Page 2

Over 5,000 Alaska members of the National Right to Work Committee and I strongly urge you to oppose S.B. 64 and any other legislation which would force Alaska's public employees to pay union dues or fees as a condition of employment.

Our members and supporters are anxious to know your stand on these issues of critical importance -- to them and all tax-paying citizens of Alaska.

I'm looking forward to your reply and will be delighted to send you any additional information you may need.

Sincerely,

A handwritten signature in cursive script that reads "Reed Larson". The signature is written in black ink and is positioned above the printed name.

Reed Larson

RL/gca

P.S. For your information, I have enclosed a brochure on the issue of monopoly bargaining and agency shop in the public sector.

KODIAK ISLAND BOROUGH SCHOOL DISTRICT

P.O. BOX 886
KODIAK, ALASKA 99615
TELEPHONE (907) 486 3131

February 2, 1981

*DAW
file w/SB 64*

The Honorable Don Gilman
Alaska State Senate
State Capitol Building
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

We are writing to advise you that this District strongly opposes S.B.64 amending the Public Employment Relations Act. This proposed legislation would do several things tremendously detrimental to public school education and to local decision making by school boards.

Our first objection is that of bringing public school employees under all the provisions of the Public Employment Relations Act. In this District the elected School Board has opted against collective bargaining with its classified employees, but instead supports the concept of a local association which annually meets and confers with the Board to develop policy covering wages and benefits of classified employees.

Our second objection is that the proposed wording would allow strikes to occur, with the deletion of classified school district employees from the section of those employees where work stoppage can only be sustained for a limited period of time. A work stoppage of any sustained length of classified employees of a school district would surely bring a halt to the operation of an educational program as effectively as if it were certificated employees involved. We have always opposed the legalization of strikes in the public sector.

And, our third objection is to the provision for mandatory mediation and binding arbitration. Agreements between employers and employee groups will be worked out at a local level if that is the best option available. We hope that the Legislature will do nothing to erode the powers and responsibilities of locally-elected school boards.

Finally, we cannot abide the inclusion of certificated employees into the provisions of this act. AS 14.20.550-610 sets forth the provisions for negotiation and mediation between school boards and their certificated employees. Any provision for arbitration in collective bargaining is currently left to the local negotiating process, and we believe that is where it should stay.

So, Senator Gilman, we strongly urge you and your colleagues to oppose Senate Bill 64.

Sincerely,

Noreen F. Thompson, Superintendent

N. F. Thompson

BY: **Marolyn Pedersen**
Administrative Assistant
for Support Services

cc: Senator Bob Mulcahy
Bob Greene, AASB

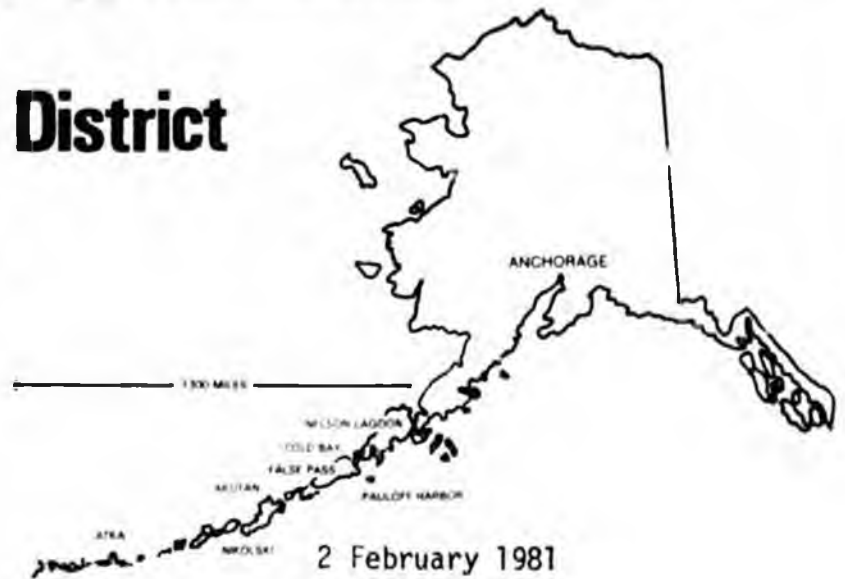
Aleutian Region School District

TECHNICAL CENTER
640 West 38th Avenue
Anchorage, Alaska 99503
(907) 276-0006

Dr. Dick H. Bower
Superintendent

Board of Directors
Sandra Roberts, President
Cold Bay, Alaska 99571
Clayton Brown, Clerk
Cold Bay, Alaska 99571
Audrey Medina
Nelson Lagoon, Alaska 99695
Vasha Goludoff
Atka, Alaska 99502
Helen Prokopioff
Akutan, Alaska 99551

*712
SB 64 IN*



Senator Don Gilman, Chairman
Senate Community and Regional Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

I learned with dismay and disappointment of the passage last week by the Senate Hess Committee of Senator Ray's proposed SB 64. It is my opinion that the intervention by the legislature into the legal responsibility and authority of locally elected school boards is both unwise and uncalled for.

My first concern is for the legislature to think that it is right or proper for it to assume responsibilities better carried out at other levels by duly elected officials who have a better understanding of local circumstances and the desire of the public they serve. The second concern, and the one which is particularly distasteful to me, is the action on matters at a statewide level which cannot, in most cases, be applied equitably throughout the state. We find ourselves all too often placed in a position where we cannot live up to either the letter or the spirit of the law through no fault of our own, due to circumstances over which we have no control.

Do not misinterpret my concerns to mean that I do not favor the right of employees to bargain, negotiate or otherwise communicate with the employer on either a formal or informal basis. I do not favor, however, the legislature serving as the spokesman for all in this capacity. If, indeed, this is the place of the legislature then let all funding, negotiation, arbitration, grievance of issues and other employee relations be handled on a statewide basis. We can then do away with many intermediate administrative and elective bodies.

I urge you to give careful consideration to both the intent and spirit of SB 64. It seems inappropriate to me and but another step toward a dangerous precedent.

Sincerely yours,

Dick H. Bower
Dick H. Bower
Superintendent

DHB:sc

cc: AASB (Bob Greene)
Representative Sutcliffe
Senators Mulcahy, Ferguson, Zeigler, Colletta, Sturguleski
Board Members

an agreement reached if requested by either party, but these obligations do not compel either party to agree to a proposal or require the making of a concession;

(2) "election" means a proceeding conducted by the labor relations agency in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in secs. 70 - 260 of this chapter;

(3) "labor relations agency" means the state personnel board with regard to the state and employees of the state, and means the Department of Labor with regard to all other public employees and all other public employers;

(4) "organization" means a labor or employee organization of any kind in which employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment and conditions of employment;

(5) "public employee" means any employee of a public employer, whether or not in the classified service of the public employer, except elected or appointed officials or teachers or noncertificated employees of school districts;

(6) "public employer" means the state or a political subdivision of the state, including without limitation, a town, city, borough, district, board of regents, public and quasi-public corporation, housing authority or other authority established by law, and a person designated by the public employer to act in its interest in dealing with public employees;

(7) "terms and conditions of employment" means the hours of employment, the compensation and fringe benefits, and the employer's personnel policies affecting the working conditions of the employees; but does not mean the general policies describing the function and purposes of a public employer.

Sec. 23.40.260. SHORT TITLE. Secs. 70 - 260 of this chapter may be cited as the Public Employment Relations Act.

- Sec. 3. AS 09.43.010 is amended to read:

Sec. 09.43.010. ARBITRATION AGREEMENTS VALID; APPLICATION OF CHAPTER. A written agreement to submit an existing controversy to arbitration or a provision in a written contract to submit to arbitration a subsequent controversy between the parties is valid, enforceable and irrevocable, except upon grounds which exist at law or inequity for the revocation of a contract. However, this chapter does not apply to a labor-management contract unless it is incorporated into the contract by reference or its application provided for by statute.

- Sec. 4. This Act is applicable to organized boroughs and

political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision, by ordinance or resolution, rejects having its provisions apply.

- Sec. 5. AS 23.40.010 is repealed.

S

6

B

5

COMMITTEE REPORT

SENATE

1/13/81

FURTHER: Judiciary

Date: 1-24-81

Mr. President:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had SB 65
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 _____ same title
 new title
- and recommends 1 year with attached amendments
- 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:

Calista

CHAIRMAN

SENATE AMENDMENT

By Senate Community and Regional
Affairs Committee

To: CS (CERA) SENATE BILL No. 65

To: _____ HOUSE BILL No. _____

PAGE: 1 LINE: 20

After the word "year" add the following:

immediately preceding the filing of
the application.

SENATE AMENDMENT

By Senate Community and Regional
Affairs Committee

To: Committee Substitute for SENATE BILL No. 65

To: _____ HOUSE BILL No. _____

PAGE: 2

LINE: 5 - 10

Delete Sec. 4.

ANALYSIS OF SENATE BILL 65

Section 1

Under current law a renewal for a liquor license is denied if the licensed premises have not been operated for 30 eight-hour days during the preceding calendar year. This section would allow recreational site licenses (e.g., those at ball parks, speedways, etc.) to be renewed if the license were exercised once during the year.

Section 2

Under current law corporations cannot be issued a liquor license unless they have been in existence for a year or, in the case of foreign corporations, had a certificate of authority to transact business for one year. This section would remove the time restriction on issuance of licenses to a domestic corporation if each of its stockholders have resided in the state for at least one year.

Section 3

This section would require that a municipality which files a protest to the issuance, transfer or renewal of a liquor license must also file its reasons for the protest. Under current law no statement of reasons is required.

Section 4

Current law requires both a municipality and the lieutenant governor to be involved in a local liquor option election. This section would allow a municipality to conduct its own election and would allow special elections on local option questions.

Section 5

This section prohibits the board from accepting applications for the issuance, renewal or transfer of a liquor license for one year after a local option election.

Section 6

This section is mostly a stylistic and technical clean-up. The insertion of the words "bona fide" is to emphasize that the language following refers to a type of licensed premises and not restaurants or eating places in the general sense.

Section 7

Under present law no person may accept money to solicit or encourage a patron of a licensed premises to purchase alcoholic beverages for consumption by a person other than the patron. This section would forbid the purchase under such circumstances regardless of the intent to consume.

Section 8

This section allows the board to designate certain eating places where minors, accompanied by a person over 19, may enter and remain for dining. Current law only allows minors in the company of an adult to enter a licensed premises holding a particular type of license known as a "restaurant or eating place license."

LAW OFFICE OF
ALASKA LEGAL SERVICES CORPORATION
618 "H" STREET, SUITE 104
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-9431

April 3, 1981

The Honorable Donald E. Gilman
Alaska State Senate
Alaska State Legislature
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

I appreciated your taking the time to meet with Barbara Thorn and me on March 17, 1981, to discuss and consider the various amendments to Senate Bill Number 65.

It is my understanding Senate Bill Number 65, with highly restrictive language which will serve to limit the ability of "bush" communities to control alcohol abuse and its effects, passed out of the Senate Community and Regional Affairs Committee on March 24, 1981, to the Senate Judiciary Committee.

At the time Senate Bill Number 65 comes up for a vote, your reconsideration of the procedural issues which affect the substance of the lives of people affected adversely by alcohol abuse in "bush" communities, would be appreciated.

Specifically, special elections for incorporated cities would permit communities under siege from alcohol abuse to hold elections when necessary, rather than in October of each year. If the special election provision were adopted, it would be necessary to rescind the state privilege of a liquor license within a specified time period, e.g. ninety days, so that it would not be possible for a village to hold an election early in a year and then be stuck with the sale of liquor until December 31st of that year.

Finally, unless a rational purpose is shown for the limitation of a local options election to community of 2,500 or less, it would appear the state Title IV alcohol local options law is to be indiscriminately applied. As the proposed Senate Bill Number 65 is written, it is impossible to assess the reasoning of the legislature and the requirement appears quite arbitrary.

The Honorable Donald E. Gilman

Page Two

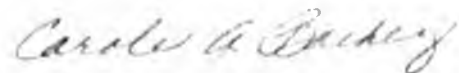
April 3, 1981

"Bush" communities are crying out for help in dealing with the effects of alcohol abuse and many villages have taken illegal action or had invalid elections because of the failure of state law to address their serious problems.

Again, thank y u for your consideration of these issues and meeting with us.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION



Carole A. Baekey
Statewide Alcohol Coordinator

CAB/csn

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
615 W. STREET, SUITE 200
ANCHORAGE, ALASKA 99501
TELEPHONE 207-272-1943

February 14, 1981

Senator Frank E. Ferguson
Alaska State Senate
Alaska State Legislature
Pouch 1
State Capitol
Juneau, Alaska 99811

Dear Senator Ferguson:

On February 3, 1981, John Hale of Representative Meekins' office introduced us and noted my concerns with the application of the Title IV alcohol "local options" legislation. Cathy Hathaway took me to meet with Joe Guthrie and Jack Chenowitz to discuss a possible amendment to the existing Title IV alcohol local options law.

To refresh your memory, I am working under a grant from the State Office on Alcoholism & Drug Abuse to Alaska Legal Services Corporation. The primary focus of the grant is to make the Title IV alcohol "local options" law a reality for interested villages. This office is working with various native and statewide organizations to make the alcohol "local options" a reality for villages wanting to adopt the law.

Unfortunately, at this time no village is able to adopt any of the options provided for in Title IV. The Lieutenant Governor's office is to "conduct" and "certify" the local options elections. The Lieutenant Governor's office finds this to be impractical given the current state and municipal election practices and regulations. The Lieutenant Governor's office has indicated its intention to request from the legislature a revision in the Title IV alcohol "local option" election procedures.

Further, a municipality (second-class city) can only vote on the alcohol "local options" at a regularly conducted election, which practically would mean October of each year. An established village is permitted to hold a special election at any time after following the specified petition procedures. Given the uncertainty of the Lieutenant Governor's office, presently no Title IV alcohol local option election either in second-class cities or established villages can be validly held.

Senate Bill No. 65, currently in the Senate Community and Regional Affairs and Judiciary Committees, attempts to remedy both of these problems. However, there are two glaring problems. The first is that the authority of an "established village" to adopt and enforce any of the options chosen should be clarified.

The second issue presented by S.B.65 is that as the law presently is written, a village which votes to prohibit the sale of alcohol would be entitled to have any affected liquor license removed on the December 31st following the certification of the election results. Provided S.B.65 as it is written is passed by the legislature and signed into law, it is conceivable that a village could hold a special election and vote to prohibit sale of alcohol in December of a year, have the results "certified" the following January and the affected liquor license would be removed the following December 31st, fully a year after the village vote to prohibit the sale of alcohol. It is more likely that a village vote to prohibit sale would be held in the early part of a year and the affected liquor license would not be removed until several months later. Clearly, when the Title IV alcohol "local options" law was written, it was contemplated elections would generally be held in October and the December 31st date would give affected liquor license holders time either to appeal the election or to wind down business operations. This issue could easily be remedied by providing that within a certain number of days, e.g. sixty, following an election to prohibit sale, the affected liquor license would be removed.

In the course of my work under the SOADA grant these past three months, many village leaders, anxious to do something constructive about community alcohol abuse, have contacted me with pleas to be able to hold a Title IV alcohol "local options" election immediately or to have existing problems with the legislation clarified. As the law now stands, no valid election can be held. Also, some villages anxious to curb alcohol-related incidents have already held elections which are clearly invalid under state law and lack the force of state law. Based on the heartfelt pleas and desires of villages to hold valid alcohol "local options" elections, you and your staff are respectfully urged to give this matter prompt attention.

I discussed these issues with Joe Guthrie and Jack Chenowitz of the Office of Legislative Counsel and am sending them each a copy of this letter.

Thank you for your time and attention to these matters.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION


Carole A. Backey
Statewide Alcohol Coordinator

CAB/csn

cc: Joe Guthrie, Legislative Counsel
Jack Chenowitz, Legislative Counsel

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
615 "H" STREET SUITE 100
ANCHORAGE ALASKA 99501
TELEPHONE BC 272-9431

February 27, 1981

The Honorable Frank R. Ferguson
Alaska State Senate
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Ferguson:

Your Administrative Assistant Cathy Hathaway called me on February 24, 1981, to solicit comments about possible changes to Senate Bill 65. Her call was in response to our brief conversation on February 3, 1981, and my letter of February 14, 1981, to you.

Specifically, concern with respect to Senate Bill 65 has been focussed on the inability of "second-class cities" to hold special elections to ban the sale and/or importation of alcoholic beverages and the need for clarification of the authority of "established villages" to hold elections and enforce election results. Additionally, in reviewing the effect of proposed Senate Bill 65 it appeared likely a village could elect not to have sales of alcohol in the village and be stuck with a liquor license and sale of liquor for several more months after the certification of the election results.

On February 24, 1981, Ms. Hathaway asked me about all these issues and on February 26, 1981, she advised me in a telephone conversation you had included all these issues in your presentation to the Senate Community and Regional Affairs Committee on February 24, 1981.

This letter is to express my deep appreciation for the attention you paid to what might be perceived as small procedural issues by others. In fact, in our work with the Title IV alcohol "local option" law, it is glaringly apparent many villages are anxious to take advantage of the alcohol local options law to be backed up by the state and that the villages do not wish to wait to vote until the next general election in October while continuing to cope with alcohol-related homicides, suicides, violence and abuse

of all descriptions. The Alaska Legal Services alcohol grant has been in operation for only three months and in the last few weeks increasing numbers of requests have come in for legal assistance on the law. Without amendment to the law, villages are unable to address immediate and crushing problems.

Some of the villages contacting us include Noorvik, Selawik, Point Hope, Wainwright, Wales, White Mountain, Elim, Golivan, Koyuk, Shaktoolik, Stebbins, St. Michael, Teller, Shishmaref, Alakanuk, Aniak, Toksook Bay, Tununak, Nightmute, Newtok, Koyuk, Chefornek, Shageluk, Kipuk, Emmonak, Arctic Village, Unalakleet, Akolmiut (including Kasigluk and Nunapitchuk) and Mekoryuk. Our small staff of two and one-half people tries to respond immediately to all requests, but our hands are tied until the amendments to Title IV are law.

Also, please note that if your office receives questions about or requests on the Title IV alcohol local options law, we will be delighted, where appropriate, to provide technical legal assistance in dealing with the adoption and enforcement of the law.

Again, thank you very much for your time and attention in these procedural issues clearly affecting the daily fabric of the lives of Alaska residents.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION


Carole A. Baekey
Statewide Alcohol Coordinator

CAB/csn

March 12, 1981

To: Alaska State Senate
Alaska House of Representatives
Office of Attorney General
Office of Lieutenant Governor
Director of Elections
State Office on Alcoholism and Drug Abuse

The registered voters of Makoryuk voted last fall under the Sec. 04.10.433 to bar the possession and importation of Alcohol to the City of Makoryuk..

The City of Makoryuk was notified on November 24, 1980 from Attorney General's office stating the local option, citizen's of Makoryuk voted on was invalidated. Then we found out that we can not have special election on alcohol option laws any time after the fall general election.

Therefore, the City of Makoryuk likes to be granted an opportunity to hold a special election on one of the new alcohol option laws to give protection to the citizens of Makoryuk, instead of waiting for the next fall general election.

Thank you for your time and attention.

Sincerely Yours,

Mayor

Fred Don
Makoryuk City Council

cc: Russ Mackins, Jr. 1526 K st. Anchorage, 99501
Frank R. Ferguson Box 131, Kotzebue 99752
Files, Makoryuk, Alaska 99630

FD/mck

A M E N D M E N T

Offered in the SENATE

TO: SENATE BILL NO. 65

Page 2, following line 14:

Insert the following new material:

- * Sec. 5. AS 04.11.504 is amended by adding a new subsection to read:
 - (b) Notwithstanding the provisions for reinstatement of a license under (a) of this section, a license may not be reissued for 12 months after it is prohibited under AS 04.11.490 - 04.11.500.

Page 2, line 15: Change "Sec. 5" to "Sec. 6"

Page 2, line 17: Following "after" insert "it is prohibited by"

Page 2, line 19: Change "Sec. 6" to "Sec. 7"

Page 2, line 28: Change "Sec. 7" to "Sec. 8"

Page 3, line 4: Change "Sec. 8" to "Sec. 9"

Page 3, lines 7 and 8: Delete "bona fide" and "or eating place"

Page 3, following line 9:

Insert the following new material:

* Sec. 10. AS 04.16.210 is amended to read:

Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false statement is made in an application under AS 04.11.260 - 04.11.290 [04.11.260], the applicant is guilty of perjury and, upon conviction, is subject to the penalty provided by law for the crime of perjury under AS 11.56.200.

Proposed Amendments to SB 65

1. Sec. 5. is amended by deleting it in its entirety and adding the following:

AS. 04.11.504 is amended to read:

If a prohibition imposed on the issuance, renewal, or transfer of licenses between holders and locations under AS 04.11.490--04.11.500 is removed by a vote of "no" on a question for which the majority of the people voted "yes" in an earlier election, the board shall, upon application, issue the same number and type of licenses which were in effect in the municipality or established village on the date of certification of the earlier election. If the prohibition imposed on issuance, renewal, or transfer of licenses between holders and locations is removed by a "yes" vote on a question set out in AS 04.11.492 and 04.11.500, the board may issue the types of licenses specified in the question presented to the voters in the subsequent election. However, no license or type of license may be reissued within twelve months of its original prohibition under AS 04.11.490-04.11.500. Licenses may be issued for the same or other premises within the municipality or established village which were licensed on the date of certification of the earlier election. However, if the local governing body requests that fewer licenses of a particular type be issued than would otherwise be issued if the provisions prescribing

the ratio of population to licensed premises in AS 04.11.400(a) are applied, only the number of licenses of that particular type requested by the local governing body may be issued by the board. Priority shall be given applicants who were formerly licensees and whose licenses were not renewed because of the results of the previous election. However, these applicants have no legal right to a license and the board is not required to approve the application.

[COMMENT: The present language of Sec. 5 might have the unintended result of forbidding the issuance, renewal or transfer of a license after the defeat of a local option proposition. It has also been suggested that AS 04.11.504 is a more appropriate place for this amendment than AS 04.11.510. Please advise if you concur.]

2. Sec. 8 is amended by deleting the words "bona fide" on line 7 and "or eating place" on lines 7 and 8.

[COMMENT: The phrases "bona fide restaurant or eating place" and "bona fide" are the same phrases used in AS 04.11.100 for a "Restaurant or Eating Place License." Because of this relationship between the two sections it has been concluded that minors described in 04.16.049(a)(2) may only enter "restaurant or eating place" licensed premises. To eliminate

this confusion and allow the board more flexibility, suggest deleting the words "bona fide" and "or eating place" in Section 8.]

3. A new Section to be added:

Sec. 9. AS 4.16.210 is amended to read:

If a false statement is made in an application under AS 04.11.260- 04.11.290, the applicant is guilty of perjury and, upon conviction, is subject to the penalty provided by law for the crime of perjury under AS 11.56.200.

[COMMENT: This would include all applications where false statements might be made. As presently written a penalty may be imposed for false statements made only on applications for new licenses and permits. Applications for renewals and transfer have been excluded.]

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR
TERRY MILLER, LT. GOV.

POUCH AF—JUNEAU 99811

February 10, 1981

The Honorable Don Gilman
Chairman
Community and Regional Affairs Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

Senate Bill 65 relating to alcoholic beverages has been referred to the Community and Regional Affairs Committee. I urge your early consideration of Section 4 relating to the conduct of local liquor option elections.

The language that is currently in AS 14.11.502(a) is confusing in that it requires both a municipality and the lieutenant governor to be involved in the local liquor option election. Alaska Statutes generally require a municipality to conduct its own elections, but allow the lieutenant governor to conduct required elections in the unorganized borough area. This procedure has worked through the years and I see no point in requiring the lieutenant governor's involvement in an election that can be conducted by the municipality.

The new language proposed in Section 4 of Senate Bill 65 clearly allows the local liquor option elections to be conducted by the municipality. In addition, the section allows the municipality to call a special election to conduct the election.

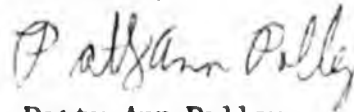
Several cities such as Erimonak and Manokotak have petitioned to have the lieutenant governor conduct local option elections, but because of the confused assignment of responsibilities, no election has been conducted. I urge you at your earliest convenience to consider Section 4 of Senate Bill 65 so that the responsibility can be clarified.

The Honorable Don Gilman
February 10, 1981
Page Two

and the election process may proceed. Particularly in bush areas, this bill will have a big impact on efforts to cope with alcohol related problems.

If I may be of any assistance, please call on me.

Sincerely,



Patty Ann Polley
Director
Division of Elections

PAP:ko

cc: Senator Bill Ray
Pat Sharrock, Chairman of ABC Board
Carol Baekey
All Election Supervisors

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

JAY S. HAMMOND, GOVERNOR

201 E 9TH AVE
ANCHORAGE, AK 99501

January 30, 1981

*received
2/2/81*

The Honorable Bill Ray
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

I am forwarding some additional comments and suggestions for your consideration with SB65. If I can provide any more clarification, please let me know.

Section 5, Page 2

Suggest adding at the beginning on line 16 "Except for those licenses authorized in this article,".....

On line 17 and 18 suggest deleting "a local option election" and inserting "the voters vote 'yes' on a question set out in AS 04.11.590-04.11.590."

As rewritten, the amended subsection would read:

"Except for those licenses authorized in this article the board may not accept an application for the issuance, renewal, or transfer of a license within one year after the voters vote 'yes' on a question set out in AS 04.11.490-04.11.590."

The intent of the above suggestion is to provide for application and issuance of licenses which are allowed by certain local option provisions and make the limitation on applications apply only when voters vote "yes" on an option question.

Section 8, Page 3

The phrases "bona fide restaurant or eating place" and "bona fide" on lines 7 and 8 are the same phrases used in AS 04.11.100 for a "Restaurant or Eating Place License." Because of this relationship between the two sections it has been concluded that minors described in 04.16.332(a)(2) may only enter "restaurant or eating place" licensed premises. To eliminate this confusion

and allow the board more flexibility suggest deleting the words "bona fide" and "or eating place" in lines 7 and 8.

On line 9 it may be appropriate to add a new sentence which states "A restaurant or eating place licensed premises and a restaurant in a beverage dispensary licensed premises may be designated as restaurants for purposes of this section." However, this provision may create unnecessary abuse or misuse.

New Matters

- AS 04.11.490(b))
- AS 04.11.492(b))
- AS 04.11.496(b))
- AS 04.11.500(b))

Here the word "unincorporated" on lines 13, 13, 19 and 22 respectively would pose a problem in some future option elections. For example, if the City of Barrow were to vote "yes" on an option question, a license could be issued in the area immediately outside the city's boundary because the area is an incorporated area in the North Slope Borough.

Suggest deleting the word "unincorporated" from each of the above subsections.

AS 04.11.502(b) - Here the words "registered voters" are used. The same words are used in subsection (a) but are applicable to municipal registered voters for purposes of a municipal election. Therefore, "registered voters" in subsection (b) can only refer to state registered voters because established villages do not have voters who are formally titled "registered voters."

It would seem more appropriate and applicable to delete "registered voters" and insert "bona fide residents" unless the words "registered voters" in subsections (a) and (b) means registered to vote in the State of Alaska.

The intent here is to provide for petitioning by "residents" who are probably more directly involved in a community. Also, because state voter registration information may include persons who have not voted for two years, a registration listing may not be representative of residents who desire to vote on a local option question.

AS 04.16.210 - After AS 04.11.260 on line 4 insert "--AS 04.11.290." This would include all applications where false statements might be made. As presently written a penalty may be imposed for false statements made only on applications for new licenses and permits. Applications for renewals and transfer have been excluded.

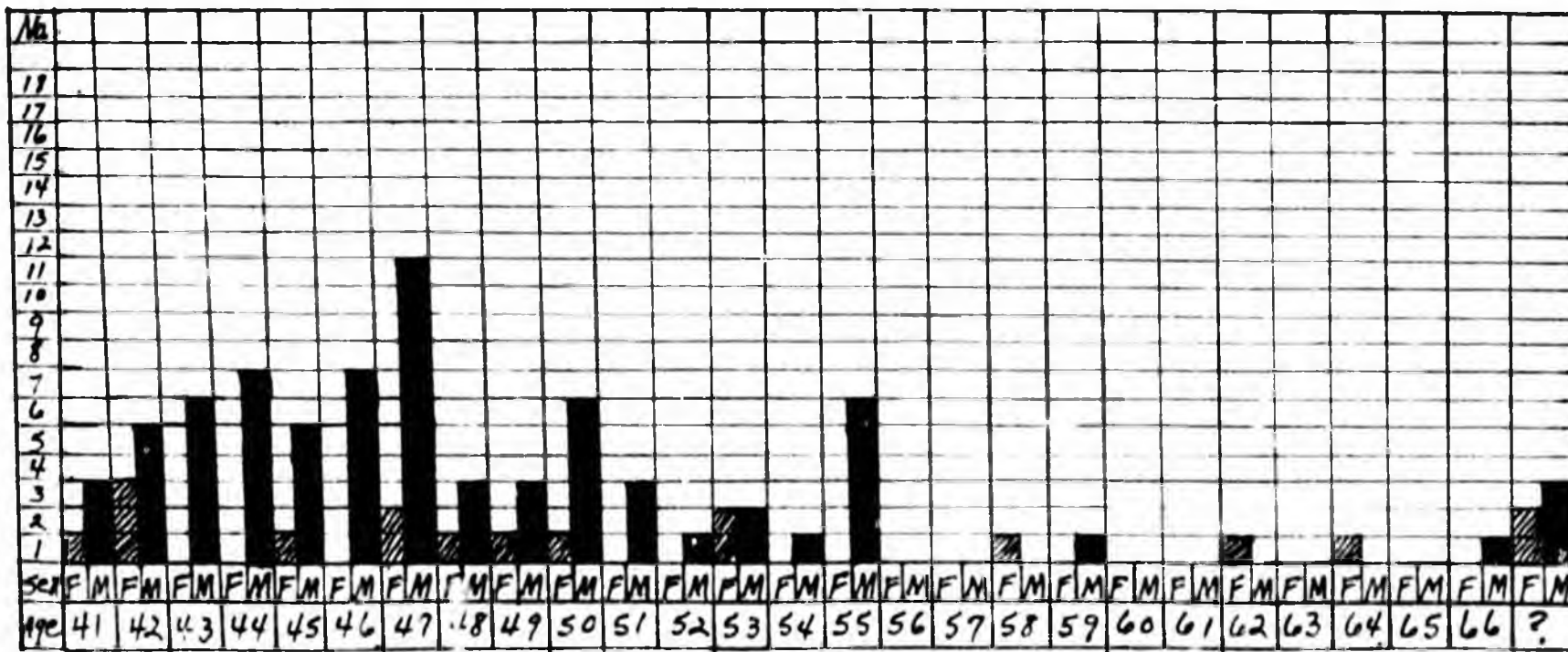
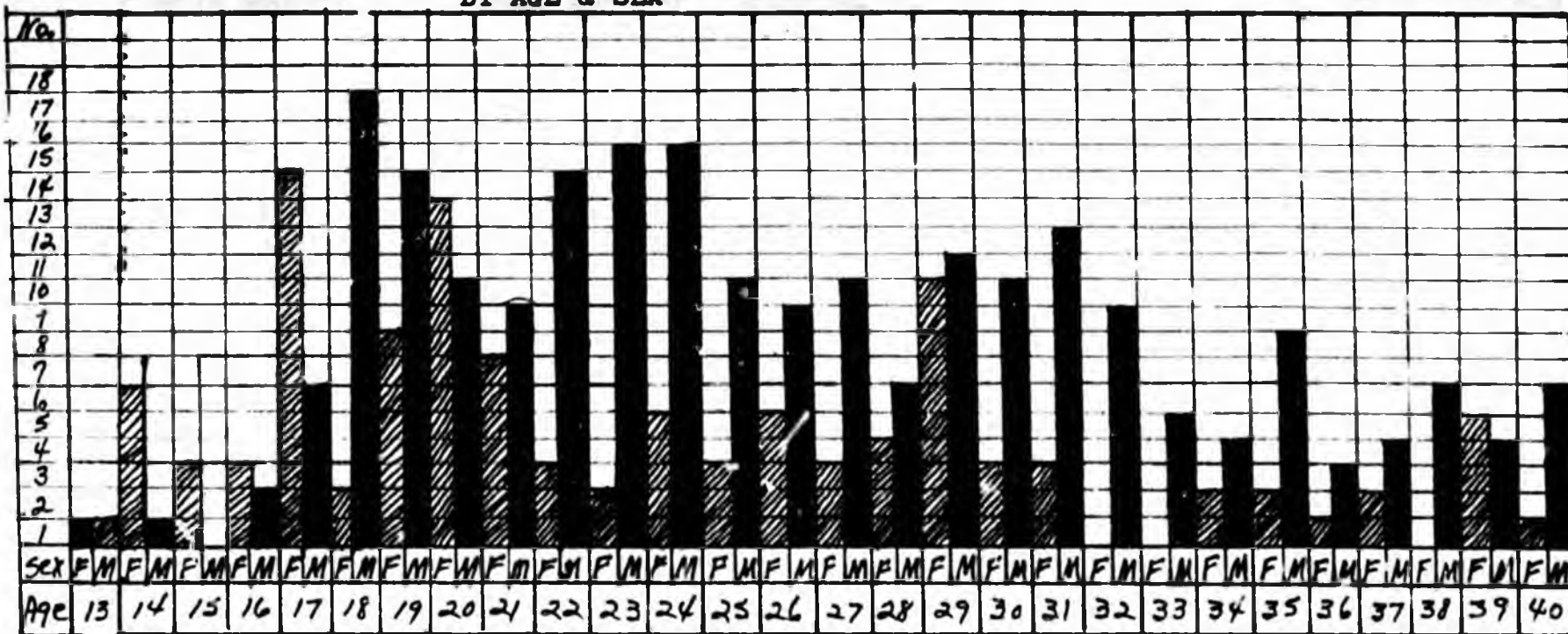
Sincerely,

Patrick L. Sharrock
Director

PLS:vk

cc: /Mr. David Dye, c/o Senator Don Gilman

NUMBER OF PERSONS DETAINED FOR INTOXICATION - JAN. 1 - OCT. 23, 1980 - BARROW, ALASKA
BY AGE & SEX



SOURCE: North Slope Borough Department of Public Safety. DETENTION RECORDS - January 1 - October 23, 1980

"It has long been recognized that an interest in a lawful business is a species of property entitled to the protection of due process."

14th Amend.

Art. 1

Frontier Saloon, Inc. v
Alcoholic Beverage Control
Board 524 P.2d 657 (1974)

[S. Art. II § 19]

Title 2
Aeronautics

Title 1
General Provisions

Title 3
Account Books and Cards

Title 3
Agriculture and Animal Husbandry

Title 4
Alcoholic Beverages

Revenue shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved. (§ 2 ch 131 SLA 1980)

Sec. 04.11.630. Accessibility of license and licensed premises to inspection. (a) A licensee shall, upon request, make this licensed premises and places authorized for storage under AS 04.21.000 available for inspection by officers charged with the enforcement of this title, including members of the board and the director or his employee during all regular business hours.

(b) A license issued under this title shall be posted within the licensed premises so as to be easily available for inspection upon request by a peace officer or other person during regular business hours. (§ 2 ch 131 SLA 1980)

Sec. 04.11.660. License a privilege. (a) A license issued under this title is a personal privilege, not a property right.

(b) The privilege conferred upon the licensee is personal in nature and affords protection to the licensee only. (§ 2 ch 131 SLA 1980)

Editor's note. — The cases cited in the note below were decided under former AS 04.10.030 and 04.10.330

Liquor license creates no vested right. — There is no vested right in the grant or continuance of a liquor license. *Bentley v Kirbo*, 169 F Supp 32 D Ala. 1959. See also *United States v Bordenelli*, 15 Alaska RR 1954. In re *Application of Harris*, 15 Alaska RR 1954.

It is a personal privilege. — A liquor license is not a property right but a personal privilege. *Bentley v Kirbo*, 169 F Supp 32 (D Ala. 1959)

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d *Intoxicating Liquors* § 115-117
48 C.J.S. *Intoxicating Liquors* § 99

Sec. 04.11.670. Foreclosure. A license issued under this title is not subject to foreclosure, and may not be used as collateral to secure a debt. However, if a license is transferred to another person, 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. (§ 2 ch 131 SLA 1980)

Sec. 04.11.680. Duration of licenses and permits. (a) Upon application and payment of one-half of the annual fee, the board may issue a license under this title which will be effective for a continuous six-month period. Otherwise, all licenses issued under this title other than a retail stock sale license are effective for the calendar year ending December 31, unless a shorter period is prescribed by the board.

(b) A permit issued under this title shall be for the period prescribed by the board, which period shall be clearly designated on the permit. (§ 2 ch 131 SLA 1980)

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

February 24, 1981

The Honorable Donald E. Gilman
Chairman
Senate Community and Regional
Affairs Committee
Room 203 - Behrends Building
Juneau, Alaska

Re: Senate Bill No. 65

Dear Senator Gilman:

Senate Bill No. 65, an Act relating to alcoholic beverages, was introduced in the Senate of January 13, 1981 and was referred to the Senate Community and Regional Affairs and Judiciary Committees.

For the consideration of the Senate Community and Regional Affairs Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Patrick Sharrock, Director, Alcoholic Beverage Control Board, Department of Revenue, Anchorage concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

cc: The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Patrick Sharrock, Director
Alcoholic Beverage Control Board
Department of Revenue
Anchorage, Alaska

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB#65
 Title An Act Relating to Alcoholic Beverages
 Requested by Senator Rau Date _____

II. FISCAL DETAIL

Agency Affected Department of Revenue
 Program Category Affected Consumer Protection
 BRU, Program, or Subprogram(s) Affected Alcoholic Beverage Control Board

(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 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

NOTICE OF THE PROPOSED CHANGES
IN THE REGULATIONS OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

DAVE
has all the
map we were
talking about

NOTICE IS HEREBY GIVEN that the Alcoholic Beverage Control Board, under authority vested by AS 04.16.100, proposes to adopt a comprehensive set of regulations in Title 15 of the Alaska Administrative Code to implement and clarify Title 4 of the Alaska Statutes titled "Alcoholic Beverages"; and to repeal in its entirety the present set of regulations designated as 15 AAC 20.010 through 15 AAC 20.270, recodified as 104.010 through 104.270 effective January 1, 1981.

NOTICE IS ALSO GIVEN that any interested person may present oral or written statements or arguments relevant to the proposed action. Written comments may be made by mailing them to the Alcoholic Beverage Control Board at 201 East Ninth Avenue, Anchorage, Alaska 99501. Written comments should be received at the board's Anchorage office by February 26, 1981. This action is not expected to require an increased appropriation.

The ABC Board will hold public hearings on the dates and the locations set forth below. All interested persons are invited to attend.

JUNEAU, ALASKA
February 26, 1981 - 3 p.m. to 5 p.m.
at Assembly Chambers, Municipal
Building, 155 South Seward Street

FAIRBANKS, ALASKA
March 26, 1981 - 1:30 p.m. to 4 p.m.
at Borough Assembly Chambers
520 Fifth Avenue

ANCHORAGE, ALASKA
March 27, 1981 - 1:30 p.m. to 4 p.m.
at Department of Revenue Conference
Room, 201 East 9th Avenue

Public comment from all communities will be heard at all locations.

PLEASE TAKE NOTE: Oral comment for an individual is limited to 10 minutes; a person speaking on behalf of an organization may have up to 15 minutes. Un-scheduled persons may speak within the time limit set by the chairman.

Copies of the draft of the proposed regulations may be obtained by writing to the ABC Board, 201 East Ninth Avenue, Anchorage, Alaska 99501. Copies are also available for review at all of the Board's offices at the following locations:

201 East Ninth Avenue
Anchorage, Alaska 99501

575 Seventh Avenue
Fairbanks, Alaska 99701

230 South Franklin Street
Juneau, Alaska 99801

Copies have also been mailed to municipal managers/clerks of all incorporated cities.

The proposed set of regulations contains seven articles, titled as follows: Administration, Licensing, Licenses, General Provisions Regarding Licensees and Licensed Premises, Enforcement, Miscellaneous Provisions, and General Provisions.

Some topics not previously covered by regulation and changes in current regulations are set forth below. The complete set of regulations should be reviewed for a complete description of changes.

New provisions for Public Notice (p. 4).

Authority delegated to director for issuance of temporary licenses (p. 5).

Local governing body protest (p. 5).

Renewals by December 31 (p. 6).

Reapplication upon failure to timely apply for renewal (p. 7).

License must be surrendered when conduct of business ceases or licensee ceases to exercise authority (p. 8).

Requirements for restaurant or eating place license include presentation of menu and evidence of food sales (p. 9).

Designation in bowling alleys of areas where minors may be present at designated times (p. 9).

New licenses under AS 04.11.400 may be granted when population quota in class is full, public convenience is defined, provisions are made for licenses granted to encourage tourism (pp. 9, 10 & 11).

Storage and warehousing security required (p. 12).

Provides for designation of "restaurant premises" under AS 04.16.049 (pp. 12 & 13).

Establishes reporting and record keeping requirements for licensees (p. 13).

Provides for notices of violation (p. 15).

Provides grounds for suspension or revocation upon conviction of an agent or employee (p. 15).

Clarifies procedure for determining population for the purpose of establishing if quota is filled (p. 17).

Establishes procedure for granting licenses when a class previously filled becomes open (p. 18).

Prohibits purchase of alcoholic beverages for third party for a fee (p. 18).

Sets out requirements for sales upon written order (p. 18 & 19).

The ABC Board, upon its own motion at any time in Anchorage, Alaska after the completion of the hearings ending March 27, 1981, may adopt any or all of the proposed regulations substantially as described above without further notice or may decide to take no action on them.

DATE: January 22, 1981.

Patrick L. Sharrock
Executive Director

INDEX
ALCOHOLIC BEVERAGE CONTROL BOARD
PROPOSED REGULATIONS

ARTICLE 1. ADMINISTRATION.

<u>Section</u>		<u>Page</u>
005	Offices	1
015	Staff	1
025	Conduct of Board Meetings	2
040	Public Comment at Board Meetings	2

ARTICLE 2. LICENSING.

105	Applications	3
115	Petitions	3
125	Public Notice	4
135	Action upon Application	4
145	Local Governing Body Protest	5
155	Issuance of Licenses	6
165	Renewals	6
175	Transfers	6
185	Licensed Premises	7
190	Reapplication	7
195	Surrender of License	8
205	Transfer of Location upon Loss of Premises	8
215	Death of a Licensee	8

ARTICLE 3. LICENSES.

305	Restaurant or Eating Place License	9
315	Beverage Dispensary License	9
325	License Issued to Encourage Tourism	9
335	License Issued to Serve Traveling Public	10
345	License Issued for Public Convenience	10

ARTICLE 4. GENERAL PROVISIONS REGARDING
LICENSEES AND LICENSED PREMISES.

405	Adulteration, Misbranding and False Advertising	12
415	Storage, Warehousing and Transporting	12
425	Determining Age of Patron	12
435	Employment of Minors	12
445	Consent of Parent or Guardian to the Presence of Minors on Premises	13
455	Record Keeping Requirements	13

ARTICLE 5. ENFORCEMENT

505	Powers of Investigative Personnel	14
515	Inspection	14
525	Notices of Violation	15
535	Suspension and Revocation of Licenses	15
545	Effect of Revocation	16

ARTICLE 6. MISCELLANEOUS PROVISIONS.

605	Determining Population Criteria	17
615	Petitions for Area Outside a Municipality	17
625	Processing Applications for Licenses in a Previously Filled Class	18
635	Community Prohibitions on Alcoholic Beverages	18
645	Third Party Purchases for Consideration	18
655	Written Orders for Alcoholic Beverages	18
665	Involuntary Transfer of License	19

ARTICLE 7. GENERAL PROVISIONS.

705	Permits	20
715	Caterer's Permit	20
825	Definitions	21

CHAPTER 104. ALCOHOLIC BEVERAGE
CONTROL BOARD.

15 AAC 20.010 - 15 AAC 20.270 repealed / / .

(Editor's note: The repealed sections of this chapter (15 AAC 20.010 - 15 AAC 20.270, originally adopted in 1959 and amended several times since then, have been repealed, effective / / , to be replaced by the following comprehensive revision.)

Article

1. Administration (15 AAC 104.005 - 15 AAC 104.040)
2. Licensing (15 AAC 104.105 - 15 AAC 104.215)
3. Licenses (15 AAC 104.305 - 15 AAC 104.345)
4. General Provisions Regarding Licensees and Licensed Premises (15 AAC 104.405 - 15 AAC 104.465)
5. Enforcement (15 AAC 104.505 - 15 AAC 104.545)
6. Miscellaneous Provisions (15 AAC 104.605 - 15 AAC 104.665)
7. General Provisions (15 AAC 104.705 - 15 AAC 104.725)

ARTICLE 1. ADMINISTRATION.

Section

- 005. Offices
- 015. Staff
- 025. Conduct of Board meetings
- 040. Public Comment at Board meetings

15 AAC 104.005. OFFICES. All applications and communications of a formal nature must be submitted in writing, upon prescribed forms as appropriate, to the board at its main office, and are not considered timely filed until received there. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.090

15 AAC 104.015. STAFF. (a) The director of the board is responsible for the management of the board's offices, the administration of the board's functions and the enforcement of AS .04 and this chapter.

(b) The director shall employ and supervise necessary clerical and investigative personnel and shall prescribe their duties and authority.

(c) The director shall prescribe forms for application for new licenses, transfers, renewals and permits, and other necessary documents. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.080

15 AAC 104.025. CONDUCT OF BOARD MEETINGS. (a) The board will, at the first meeting of each calendar year, select a chairman from among its members to preside over board meetings during the ensuing year.

(b) The board will meet at the call of the chairman after reasonable public notice is given.

(c) Three members of the Board constitute a quorum, except that a majority of the whole membership of the Board must approve all applications for new licenses, and all renewals, transfers, suspensions and revocations of existing licenses. For the purposes of this section the whole membership includes those persons appointed and serving as members of the Board. In the event it is necessary, the director shall cast the tie breaking vote but only with the written consent of the board executed prior to each meeting and made a part of that meeting's minutes.

(d) The director is responsible for preparing an informative agenda for each board meeting. A copy of the agenda will be available for inspection by persons who request it. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.050
AS 04.06.060

15 AAC 104.040. PUBLIC COMMENT AT BOARD MEETINGS. (a) At its public meetings the board will receive public comment upon items of agenda business and other issues of public interest related to alcoholic beverages, including the conduct of business by licensees and the compliance by licensees and others with the statutes and regulations related to alcoholic beverages. Public comment may also be submitted to the board in writing by any person at any time.

(b) The right to be heard provided for in this section is not a legal remedy for a person claiming to be aggrieved by board action, and the exercise of this right to be heard by such a person does not constitute intervention in a proceeding or exhaustion of any administrative remedy. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.050

ARTICLE 2. LICENSING.

Section

- 105. Applications
- 115. Petitions
- 125. Public notice
- 135. Action upon application
- 145. Local governing body protest
- 155. Issuance of licenses

- 165. Renewals
- 175. Transfers
- 185. Licensed premises
- 190. Reapplication
- 195. Surrender of license
- 205. Transfer or relocation after loss of premises
- 215. Death of a licensee

15 AAC 104.105. APPLICATIONS. (a) Applications for new licenses or permits and for renewals, transfers of ownership or location must contain the information required by AS 04.11.260. In addition the application shall contain the following information:

1. convictions of the applicant if an individual, or of officers and shareholders holding more than ten percent if the applicant is a corporation, for a felony during the ten years preceding the application.

2. a statement under penalty of perjury that no one other than the applicant has a financial interest in the licensed business.

(b) A license fee in the amount required by AS 04.11.090-250 must accompany every application for a new license or for renewal of an existing license.

(c) An application which is incomplete may be returned to the applicant.

(d) An application fee of \$50.00 must accompany all license applications. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.010
AS 04.11.040
AS 04.11.260
AS 04.11.270
AS 04.11.280
AS 04.11.290
AS 04.11.450

15 AAC 104.115. PETITIONS. (a) When required by statute or regulation, a petition is a necessary part of an application for a new license, and for renewal, transfer, or relocation of an existing license, and an application submitted without the required petition is incomplete. All petitions must be submitted upon a form prescribed by the director. Petition signatures are invalid unless obtained within the 90 day period immediately preceding the submission of the application. Once an application has been filed, no additional signatures may be added to the petition, and no signatures may be withdrawn.

(b) Persons signing petitions relating to licenses must be 19 years of age or older and must be permanent residents of the geographical area relevant to the petition. For the purpose of this chapter a person may have only one permanent residence. The director may make a determination of permanent residence when the residence of a petition signer is questioned. Such a determination of the director is subject to review by the board. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.460

3 AAC 104.125. PUBLIC NOTICE. (a) A notice required by AS 04.11.310 must be given as follows:

(1) by posting for a period of at least ten days a true copy of the application at

- (A) the location of the proposed premises
- (B) the post office nearest the proposed premises, and
- (C) one other conspicuous location in the area of the proposed premises;

(2) by an announcement either published once a week for three consecutive weeks in a newspaper of general circulation in the area or broadcast twice a week for three consecutive weeks by a radio or television station serving the area; the announcement must include

- (A) name of the applicant,
- (B) name and location of the premises,
- (C) the type of license applied for,
- (D) a statement that any comment or objection may be submitted to the board, and
- (E) whether the application is for a new license or transfer of an existing license.

(b) Proof of posting and of publication or broadcast must be made by affidavit which must be attached to the application.

(c) When the director considers it necessary to provide adequate public notice, or when the director is requested to do so by a local governing body or village council the director may require that the announcement described in (a) of this section be given in the local language most likely to inform the local citizens, as well as in English.

(d) The application must be filed with the board within 60 days after final publication of the notice. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.310

15 AAC 104.135. ACTION UPON APPLICATION. (a) The board may conduct public hearings before taking final action upon an application.

(b) The board will, in its discretion, deny an application for a new license for reasons stated in AS 04.11.320 and the board finds it not in the public interest to grant a license to a person who has been convicted of a felony during the ten years immediately preceding the application. If the applicant is a corporation the board finds it not in the public interest to grant a license to a corporation the shareholder of 10% or more of the shares of which has been convicted of a felony in the ten years immediately preceding the application.

(c) Upon denial of an application, the director shall notify the applicant in writing of the reasons for the denial and inform the applicant of the right to an administrative hearing.

(c) The power to temporarily grant the issuance, renewal or transfer of license is delegated to the director when all of the following conditions are present:

- (1) All requirements imposed by statute, or these regulations, have in the judgment of the director been met.
- (2) The time for protests made pursuant to AS 04.11-.480 has expired and none has been received by the director.
- (3) The applicant for issuance, renewal or transfer demonstrates in writing to the satisfaction of the director that there is a need to have approval of the license application, renewal or transfer prior to the next scheduled board meeting.

The temporary approvals of applications are not binding on the board and in no case may temporary approvals be effective for more than ninety days without board approval. The director shall place all temporary approvals on the agenda for the next board meeting. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.080
AS 04.11.510

15 AAC 104.145. LOCAL GOVERNING BODY PROTEST. (a) Within ten days of receipt of a complete application from within a municipality or established village the director shall transmit written notice of the filing of the application to the city or village if the application is for premises within an incorporated city, or established village, or to the borough assembly if the application is for premises within an organized borough but outside the boundaries of an incorporated city. If the local governing body wishes to protest the application it shall set forth its reasons, either legal or factual, in a written protest. The local governing body must file the protest with the board accompanied by proof of service upon the applicant within 30 days of transmittal of the notice. Upon receipt of a protest the board shall convene a public hearing pursuant to AS 04.11.480. The board may not approve the license unless it finds after the hearing that the protest is arbitrary, capricious and unreasonable. If the board denies the license, then it must inform the applicant of the reasons for the denial and of the right to request a hearing under the Alaska Administrative Procedures Act (AS 44.62). At such a hearing the local governing body is expected to prosecute its statement of issues.

(b) No final action may be taken upon an application until at least 30 days after the transmittal of notice to the local governing body unless it advises the director in writing that it is waiving its right to protest the application. No final action may be taken upon any application until at least 15 days following the last date of publication by the applicant.

(c) For good cause shown, the board may grant a local governing body an extension of time within which to file its protest provided the request is filed in writing with the director within the original 30 day period. An extension of time under this section is limited to one 30 day extension. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.480
AS 04.11.510
AS 04.11.520

15 AAC 104.155. ISSUANCE OF LICENSES. Upon approval of an application for a new license or the renewal, transfer, or relocation of an existing license, and upon payment of the prescribed license and application fee, and upon receipt by the board of necessary public health and public safety approvals, and upon inspection deemed necessary by the director, the director shall issue an appropriate license (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.080

15 AAC 104.165. RENEWALS. (a) An application for renewal of a license must be filed on or before December 31, except that an application for renewal may be filed after December 31 and on or before February 28 of the next year when accompanied by a penalty fee equal to the annual license fee or \$100, whichever is less.

(b) Upon receipt of a completed application for renewal the director may issue a temporary renewal pending final board action on the application, which must be taken within 90 days.

(c) The board may deny a renewal on any of the grounds stated in AS 04.11.330(a).

(d) A license for which a renewal application is not filed by the close of business on December 31, or the most recent preceding regular business day if December 31 falls on a weekend or holiday, may not be exercised after midnight December 31 until a renewal application is temporarily approved by the director.

(e) A license for which a renewal application is not filed on or before February 28 automatically expires at 12:00 midnight on February 28. Expired licenses may not thereafter be renewed. (Eff. / / , Register)

Authority AS 04.06.100
AS 04.11.270

15 AAC 104.175. TRANSFERS. (a) Transfer of ownership or transfer of location of a license requires the prior written approval of the board upon application of the transferor.

(b) An application for the transfer of ownership of a license or of any interest in a license must contain the same information from the transferee as required by the board for a new applicant.

(c) The provisions of AS 04.11.340 and 360 relating to prohibiting the transfer of licenses issued under 04.11.400(j) are construed to include a transfer of controlling interest in a corporation which is the holder of a license issued under AS 04.11.400(j). (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.280
AS 04.11.290
AS 04.11.340
AS 04.11.360
AS 04.11.040

15 AAC 104.185. LICENSED PREMISES. (a) A license is issued for a specific place which is the licensed premises, and which must be clearly designated in a line drawing accompanying an application. Such licensed premises must be one area, but may include separate rooms, if such rooms are within said premises and adjacent to one another. The current address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application.

(b) The licensee shall conspicuously post the license within the licensed premises.

(c) A licensee may not alter the functional floor plan of the licensed premises, nor reduce or expand the area, nor change the business name without the prior written approval of the director. If a licensee wishes to alter the floor plan of the licensed premises, he is required to provide a new line drawing showing the proposed changes in the premises.

(d) When a business establishment or facility consists of both a licensed premises and an unlicensed area, the licensee shall clearly delineate on the line drawing the areas served and the unlicensed area shall be clearly marked in the establishment.

(e) A licensee doing business under separate names in separate rooms which are not contiguous even though at the same general location and at the same principal address, is considered to be doing business at separate premises and they must be separately licensed. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.260
AS 04.11.090

15 AAC 104.190. REAPPLICATION. A new license may be issued to the holder of license which has expired under §165 upon application and proof satisfactory to the board of good cause of failure to timely renew. Such good cause may include:

(1) Acts of God which prevented timely delivery and filing of the necessary documents, except that the board will consider whether in the absence of such act of God, the delivery and filing could reasonably have been expected to occur.

(2) Excusable neglect of the licensee or his agent. An application under this subsection is subject to denial under AS 04.11.320. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.270
AS 04.11.540

15 AAC 104.195. SURRENDER OF LICENSE. (a) Within 10 days after the loss or vacation of the licensed premises or when a licensee ceases to conduct business upon the licensed premises for a period expected to continue for one month or more, a licensee shall inform the director and surrender his current license to the director, to be returned upon request when the conduct of business is resumed or upon transfer of the license.

(b) When a licensee ceases personally, or through employees and agents, to exercise actual authority for the conduct of business upon the licensed premises, the licensee shall surrender the license to the director. Until the licensee surrenders the license, and so long as business is conducted upon the licensed premises, the licensee is solely responsible and liable for it. No other person may acquire or be permitted to acquire a direct or indirect financial interest in the conduct of the business without transfer of the license upon approval of the board. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.580
AS 04.11.450

15 AAC 104.205. TRANSFER OF LOCATION UPON LOSS OF PREMISES. In determining whether or not an application for a transfer of location under AS 04.11.400(i) should be granted the public interest is defined to include compliance with AS 04.11.340(1), (3), (4), (5), (6), (7), (8), (9) and (10). The above language is not a limitation on what may be considered as in the public interest. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.400

15 AAC 104.215. DEATH OF A LICENSEE. (a) Upon the death of an individual who was the sole licensee of licensed premises, the business must cease operation until the appointment of a personal representative by the Superior Court. Upon written request made by the personal representative accompanied by an order of the Superior Court showing the appointment as personal representative of the estate of a deceased individual licensee, the director shall grant permission to the personal representative to operate the business upon the licensed premises under AS 04-11.030.

(b) If an application for transfer of the license from the deceased licensee or a request for an extension of time is not received by the board within 90 days of the death of the licensee, the license is forfeited. The board may for good cause shown grant an extension of time of up to an additional 90 days within which to apply for transfer. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.030

ARTICLE 3. LICENSES.

Section

- 305. Restaurant or eating place license
- 315. Beverage dispensary license
- 325. License issued to encourage tourism
- 335. License issued to serve the traveling public
- 345. License issued for public convenience

15 AAC 104.205. RESTAURANT OR EATING PLACE LICENSE. (a) Before the issuance of a restaurant or eating place license, the applicant shall provide evidence to the board in the form of a menu sufficient to establish that meals are presently available and being furnished to the public on the premises or that they will be available before operation under the license. If meals cease to be available, the license may be suspended or revoked.

(b) Upon application for renewal the holder of a restaurant or eating place license must show that the gross receipts from the sale of food constitutes at least 50% of the gross receipts of the business. If it does not, the license may not be renewed. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.100

15 AAC 104.315. BEVERAGE DISPENSARY LICENSE. The licensed premises of a beverage dispensary license may include the concourse or lane areas of a bowling alley provided such area is adjacent to the main bar area and the licensee has possessory control of the lane and concourse area of the bowling alley. Access to the lane area by persons under 19 years of age is permitted only:

(1) during a period when no alcoholic beverages are permitted to be served or consumed there;

(2) if such areas are clearly marked;

(3) if the time during which persons under 19 years may be permitted access is clearly posted on the premises; and

(4) the board has approved such access upon application by the licensee showing the means for complying with this section. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.090

15 AAC 104.325. LICENSE ISSUED TO ENCOURAGE TOURISM. (a) The board will in its discretion, pursuant to AS 04.11.400(g), approve the issuance or transfer of ownership of a beverage dispensary or restaurant or eating place license notwithstanding the population quota established in AS 04.11.400(a), if the applicant is able to show to the satisfaction of board that:

(1) The area served by the tourist facility is visited by a substantial number of tourists on a regular basis and that tourists will or are likely to constitute a substantial portion of the business for which the license is issued;

(2) The approval will encourage the construction or improvement of a tourist facility described in AS 04.11.400(g) which would not otherwise be financially feasible without a liquor license. Improvement means expenditure of labor and capital which increases the value of the premises, and can be depreciated for federal income tax purposes.

(b) The requirements of AS 04.11.400(g) are construed to be continuing in nature and the license issued under this section may be revoked upon failure by the licensee to continue ownership and operation of the facility. The licensee must show upon application for renewal that the requirements described in (a) above have been met during the preceding year.

(c) A license issued or transferred pursuant to AS 04.11.400(g) may not be subsequently transferred unless the tourist facility described in AS 04.11.400(g)(1) is transferred to the same transferee. (Eff. / / , Reg.)

Authority: AS 04.05.100
AS 04.11.400

15 AAC 104.335. LICENSE ISSUED TO SERVE TRAVELING PUBLIC. The board will in its discretion, under AS 04.11.400(h), approve the issuance or transfer of a restaurant or eating place license under the following conditions:

(1) The premises of the restaurant or eating place are more than 18 miles from the corporate limits of a city or unified municipality as measured along the most direct regularly traveled highway. Should there be no regularly traveled highway then the distance shall be measured by the other means of transportation most utilized. In either case the measurement shall be by the most direct route possible.

(2) Food will be served to the traveling public. The premises must be located on a major state highway or located at a stopover point of a regularly scheduled air carrier authorized to provide passenger service.

(3) Food sales will equal 50% of gross revenues and must be reported quarterly (calendar quarter) to the board no later than 30 days following the end of the quarter. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.400

15 AAC 104.345. LICENSE ISSUED FOR PUBLIC CONVENIENCE.
(a) The Board will in its discretion, under AS 04.11.400(j) issue a new license within a municipality notwithstanding the

population quota established in AS 04.11.400(a), if it finds that the issuance of license is necessary for the public convenience. For the purposes of this section, "public convenience" may be established by showing:

(1) That present facilities are unable to adequately serve the public;

(2) By a petition signed by a majority of residents 19 years of age or over within one mile of the proposed premises that there is community support.

(b) The application for a license under this section must be approved by the governing body of the municipality in which the licensed premises are to be located. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.400

permit minors to come onto and remain on the licensed premises for the purpose of employment, may apply to the director for such a designation. The licensee must state in writing how minors will be employed and supervised. Approval of the local governing body of the municipality where the licensed premises are located must be obtained.

(b) A licensee with a restaurant designation must reapply annually to keep the designation. The application for the continuance of the restaurant designation shall be submitted with the license renewal application on forms provided by the board.

(c) The restaurant designation providing for employment of minors may be revoked upon violation of any statute or regulation relating to minors. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.16.049

15 AAC 104.445. CONSENT OF PARENT OR GUARDIAN TO THE PRESENCE OF MINORS ON PREMISES. A minor who wishes to have access to licensed premises under AS 04.16.049(a)(2) must have on file with the licensee a written consent of his parent or legal guardian which (i) identifies the premises to which access is sought (ii) is dated and (iii) is signed by the parent or guardian and acknowledged by a notary public. The written consent under this subsection is valid for one year. The licensee may further implement this subsection by issuing identification cards to minors who have presented the proper written parental consent. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.16.049

15 AAC 104.455. RECORD KEEPING REQUIREMENTS. (a) Licensees shall retain records of the sales, purchases and expenses of the business and any other records sufficient to show the license was actively exercised for at least 30 days as defined in AS 04.11.330(a)(3) during the preceding calendar year, for one year.

(b) Wholesale licensees shall retain for three years a record of all sales made in the conduct of the business.

Authority: AS 04.06.100
AS 04.11.150
AS 04.11.330

ARTICLE 5. ENFORCEMENT.

Section

- 505. Powers of investigative personnel
- 515. Inspection
- 525. Notices of violation
- 535. Suspension and revocation of license
- 545. Effect of revocation

15 AAC 104.505. POWERS OF INVESTIGATIVE PERSONNEL.

(a) Investigative personnel may:

(1) conduct inspections and investigations of licensees, applicants, or unlicensed persons suspected of engaging in activities in violation of any statute, regulation, or municipal ordinance related to alcoholic beverages, and of the premises, whether licensed or unlicensed, related to such activity;

(2) issue notices of violation to licensees;

(3) seize alcoholic beverages which are subject to forfeiture under AS 04.16.220;

(4) serve subpoenas issued by a hearing officer in a board adjudicative proceeding;

(5) execute search warrants of licensed premises or premises where it is suspected a violation of any statute, regulation, or municipal ordinance related to alcoholic beverages is occurring;

(6) exercise specified peace officer powers upon the written concurrence of the commissioner of public safety filed with the Lieutenant Governor and with the director, but only when necessary for the enforcement of the criminally punishable provisions of AS 04 and regulations adopted pursuant thereto;

(7) other investigative activity deemed necessary by the director to assure the enforcement of AS 04 and not in conflict with any law or regulation.

(b) Investigative personnel are not authorized to carry firearms in the performance of their duties as such peace officers. (Eff. 1/1/80, Register 1/1/80)

Authority: AS 04.06.100
AS 04.06.110
AS 04.06.075

15 AAC 104.515. INSPECTION. (a) Licensees are considered as consenting to the entry upon the licensed premises and inspection of them at all reasonable times and in a reasonable manner, by investigative personnel of the board or by other peace officers acting in their official capacity, for the purpose of enforcing statutes and regulations related to alcoholic beverages.

(b) Licensees shall do all things reasonably necessary and appropriate to cooperate with investigative personnel and employees of the board acting in their official capacity to enforce the statutes and regulations related to alcoholic beverages, including permitting entry upon and inspection of the licensed premises and providing access, upon request at reasonable times, to business records at the written direction of the director. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.630

15 AAC 104.525. NOTICES OF VIOLATION. (a) Investigative personnel of the board shall issue a notice of violation to a licensee whenever an alleged violation of the laws related to alcoholic beverages is observed on or about a licensed premises or is reported by a police officer. A copy of the notice of violation must be delivered to the licensee and filed with the board.

(b) Upon receipt of a notice of violation, a licensee may request to appear before the director and be heard regarding the notice of violation. The request must be made within 10 days of receipt of notice and the director must grant an appearance within 10 days of receipt of the request.

(c) Notices of violation and responses thereto may be reviewed by the board in considering whether to suspend or revoke a license, but do not constitute grounds for suspension or revocation. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.090

15 AAC 104.535. SUSPENSION AND REVOCATION OF LICENSES. (a) The board will in its discretion suspend or revoke a license on the grounds stated in AS 04.11.370.

(b) A conviction of an agent or employee of the licensee is grounds for suspension or revocation of a license if the board finds after a hearing that the licensee (i) knowingly allowed the violation or (ii) recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030. The board may make either of the above findings if:

(1) the licensee was physically present when the violation occurred and knew or should have known the violation was occurring and took no action to stop it;

(2) the licensee failed to adequately supervise the agent or employee;

(3) the licensee failed to adequately train the agent or employee; or

(4) the licensee was negligent in the hiring of the agent or employee.

(c) If the licensee is a corporation the conviction is deemed to be a conviction of the corporation if it is against (i) a stockholder holding 50% or more of the corporation stock, (ii) or an officer or director of the corporation. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.370

15 AAC 104.545. EFFECT OF REVOCATION. A person whose license is revoked by the board may not apply for a license of any type until at least one year after the effective date of the revocation. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.320
AS 04.11.370

ARTICLE 6. MISCELLANEOUS PROVISIONS.

Section

- 605. Determining population criteria
- 615. Petitions for area outside a municipality
- 625. Processing applications for licenses in a previously filled class
- 635. Community prohibitions on alcoholic beverages
- 645. Third party purchases for consideration
- 655. Written orders for alcoholic beverages
- 665. Involuntary transfer of license

15 AAC 104.605. DETERMINING POPULATION CRITERIA. (a) The director shall use the annual population figures published by the Department of Community and Regional Affairs to establish a population figure for application of the population quota in AS 04.11.400(a)(2).

(b) When submitting an application for a new license or for transfer of location of an existing license outside an incorporated city or unified municipality, an applicant shall assist in the determination of population by submitting the following information with the application:

1) a United States Geodetic Survey map with a scale of at least one inch to the mile with a graphic designation showing the population within the circle described by AS 04.11.400(a)(1);

(2) if a petition is required under AS 04.11.460, a graphic designation on a United States Geodetic Survey map with a scale of at least one inch to the mile showing the population within a circle for the applicable radius, and showing the general area where petition signatures were obtained;

(3) the population within the applicable area and a narrative of how the population was determined. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.400
AS 04.11.460

15 AAC 104.615. PETITIONS FOR AREA OUTSIDE A MUNICIPALITY.

(a) Signatures for petitions regarding licensed premises located outside an incorporated city may be obtained from persons residing within the circle required by statute whether or not these persons reside within or outside an incorporated city.

(b) For purposes of determining how many signatures are required on a petition, all qualified persons 19 years of age or older are counted. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.460

15 AAC 104.625. PROCESSING APPLICATIONS FOR LICENSES IN A PREVIOUSLY FILLED CLASS. When any class of license has been issued so that the population quota has been met or exceeded, and the population in the area then increases or a previously granted license is revoked or forfeited so that an additional license or licenses may be issued, then the director shall notify the public that applications for a new license in the previously filled class will be considered by the board on a first-come/first-serve basis as to the date of receipt, except that all applications received on a given day will be considered as a group. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.400

15 AAC 104.635. COMMUNITY PROHIBITIONS ON ALCOHOLIC BEVERAGES. The director shall maintain a record of the established villages and incorporated cities within which the barter, sale, possession for sale, importation, or trafficking in alcoholic beverages is prohibited, which record must be available to package store licensees and the public. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.490
AS 04.11.496

15 AAC 104.645. THIRD PARTY PURCHASES FOR CONSIDERATION.
(a) No person may purchase for another person or solicit the purchase by another person of alcoholic beverages for a consideration other than the purchase price.

(b) No person other than a licensee, or a licensed common carrier or a contract carrier may, for consideration, transport alcoholic beverages. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.090

15 AAC 104.655. WRITTEN ORDERS FOR ALCOHOLIC BEVERAGES.
(a) Except when the purchaser is on the premises at the time the sale is made orders other than in writing are prohibited. A holder of a package store license may sell alcoholic beverages in response to a written order only as follows:

(1) The order must be in writing from a person known to the licensee to be at least 19 years of age;

(2) The order must be

(A) filled, boxed, addressed and shipped by licensed common carrier or contract carrier to the purchaser; or

(B) immediately delivered on the licensed premises to an individual specifically authorized by name by the purchaser in the written order to receive the purchase and to deliver it to the purchaser.

(3) The written order must be retained by the licensee for one year from date of sale and filed chronologically for easy inspection.

(b) In a mail-order sale, title to the alcoholic beverages passes to the purchaser at the time the alcoholic beverages are packed and identified to the purchaser, and these actions are sufficient to constitute a sale on the premises.

(c) A package store licensee who fills, delivers or ships, alcoholic beverages based on written orders shall retain copies of the order forms, the records verifying the age and identity of the purchaser, and the delivery and shipping documents for at least one year. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.06.090

15 AAC 104.665. INVOLUNTARY TRANSFER OF LICENSE. A licensee shall file with the board any instrument executed pursuant to AS 04.11.670. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.670

ARTICLE 7. GENERAL PROVISIONS

Section

- 705. Permits
- 715. Caterer's permit
- 725. Definitions

15 AAC 104.705. PERMITS. (a) Applications for permits must meet the requirements of this chapter of applications for licenses.

(b) The grounds for denial of a permit application are the same as for a license application.

(c) To apply for a permit, an applicant shall submit to the board the proper application form, together with the application fee and permit fee. The application must include a description of the proposed premises, a drawing designating which areas are for storage, service, and consumption, specific hours of intended operation, a copy of the approval from the proper authority, and other information required by the board.

(d) A permit applies only to the premises designated in the application and accompanying drawing and is only effective for the time period specifically designated. Permits are not transferable.

(e) The director shall determine whether a permit holder may purchase alcoholic beverages from a licensee selling on a retail or a wholesale basis and shall so indicate on the permit.

(f) The holder of a permit shall comply with all laws, regulations, and ordinances pertaining to the sale or dispensing of alcoholic beverages. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.230
AS 04.11.240
AS 04.11.250
AS 04.11.260
AS 04.11.320

15 AAC 104.715. CATERER'S PERMIT. (a) The caterer, or an employee or agent of the caterer, shall be present on the catered premises at all times alcoholic beverages are being served or consumed.

(b) The caterer is subject to the laws, regulations, and ordinances pertaining to beverage dispensary licenses and violation of them in the operation of the caterer's permit is ground for suspension or revocation of the permit holder's beverage dispensary license. (Eff. / / , Register)

Authority: AS 04.06.100
AS 04.11.230

15 AAC 104.20.825. DEFINITIONS. Unless the context indicates otherwise, in this chapter, the definitions of terms found in AS 04.21.080 apply. (Eff. / / , Register)

Authority: AS 04.06.100

April 3, 1981

MEMORANDUM

TO: Senator Pat Rodey
Chairman
Senate Judiciary Committee

FROM: Senator Don Gilman
Chairman
Senate Community and Regional
Affairs Committee

RE: CS for SB 65 (C&RA)

There was some concern in this Committee about the policy and effect of Sec. 2 of CSSB 65(C&RA). Rather than delay the bill, the Community and Regional Affairs Committee voted to move it to your Committee on condition that a memo be sent requesting that your Committee give special scrutiny to Sec. 2 of the bill to make sure that the policy expressed is equitable and desirable.

April 15, 1981

MEMORANDUM

TO: Senator Frank Ferguson

FROM: David Dye
C&RA Committee Aide

RE: SB 65 - Local option elections

Pursuant to our telephone conversation of this date, you asked me to detail the history of Sections 4 and 5 of SB 65.

Section 4 of the original bill as introduced by Senator Ray would allow special elections for local option questions. The provision which requires the Lieutenant Governor to conduct the election under the Alaska Election Code was deleted. The Committee Substitute passed by the Community and Regional Affairs Committee kept the special election provision but added additional language to make it perfectly clear that the local governing body is to conduct any special election according to its own ordinance.

Section 5 of Senator Ray's bill prohibited the issuance, renewal or transfer of a liquor license within one year of a local option election. The C&RA Committee Substitute modified this language to prohibit such action only when the voters had voted "yes" on one or more of the statutory local option questions. Had the language of the original bill remained, the issuance, transfer and renewal of licenses would have been prohibited even though the voters had decided that the community would not limit liquor sales or importation.

Under current law, a liquor license is valid until December 31 of the year in which it was issued after the passage of a local option question. As you recall, you offered an

April 15, 1981

amendment to the Committee Substitute which would void liquor licenses 60 days after the passage of a local option question. The Committee did not accept your amendment. As a practical matter, liquor licenses which have been prohibited by a regular election naturally expire within 60 days of the election. However, since special elections may be held anytime during the year, a liquor license prohibited in such an election may remain valid for a longer period of time (i.e., from the time of election until December 31).

I have had several inquiries from persons concerned not so much about the prohibition of liquor licenses but with the prohibition of importation of liquor under AS 04.1. 496. Current law bans the importation of liquor on the first day of the month following certification of an election on the question. This provision is not altered by permitting special elections. Thus, the importation of liquor becomes illegal no later than one month after the certification of the election no matter when the election is held. Passage of the special election provision should provide immediate relief to those small communities where the importation of liquor is the primary problem. It should also be noted that the ban on importation makes no exception for the holders of liquor licenses. Bars and package stores would not be able to replenish their inventories even though their licenses remained valid until December 31.

There also seems to be some confusion relating to the number of signatures required on a local option petition. Neither the original bill nor the C&RA substitute changes the current law which requires a local option petition to contain the signatures of at least 35 percent of the number of votes cast in the last regular municipal election. To my knowledge, it has never been suggested that the number of required signatures be changed to 35 percent of the registered voters in the community.

The C&RA Committee Substitute also originally contained a provision which would have limited the local option question found in AS 11.490 to municipalities with a population of less than 2,500 or an established village in the unorganized borough. This provision was deleted by an amendment to the Committee Substitute.

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
5 "H" STREET, SUITE 100
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-9431

April 3, 1981

David Dye, Administrative Aid
Office of the Honorable Donald E. Gilman
Alaska State Senate
Alaska State Legislature
State Capitol
Pouch V
Juneau, Alaska 99811

Dear David:

No doubt you will see my letter on Senate Bill 65 and of even date herewith, to Senator Gilman, so the issues do not bear repetition.

However, Barbara Thorn and I appreciated you spending your lunch hour both to chat generally and discuss alcohol issues on March 17, 1981. Your personal warmth and acuity made a generally less than wonderful day much better.

Diane Bergstrom conveyed to me the information on Senate Bill 65 and that, too, was appreciated. Please keep Diane or me posted, as you deem advisable.

Thanks for the assistance.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION

Carole A. Baekey
Carole A. Baekey
Statewide Alcohol Coordinator

CAB/csn

S

B

9

4

*We're claiming
what we can; please
advise if further distribution
or support is necessary!*

745 West 13th Avenue
Anchorage, Ak. 99501

April 13, 1981

APR 14 1981

Senator Tim Kelly
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Kelly,

As requested, the following is provided for your information regarding SB 94 and HB 108:

Swimming pools in Alaska have been, with few exceptions, constructed with school district or University of Alaska Capital Improvement funding. Because they are generally "school" pools, the facility design at the time of construction was 25 yards/meters which apparently was adequate for the need of the school program at that time. However, with the increased and diversified community and school participation in aquatics, the size of our present facilities cannot accommodate the present demand for use. In the lower 48, the increased need for pool space has been met by constructing 50 meter pools.

There is NO 50 meter pool in Alaska!! While the operational costs for a 50 meter pool are greater, the increased capacity and versatility of the facility more than make up for this. Under proper maintenance and management the facility would be more economical to operate than a 25 yard/meter pool. To provide an example of program space requirements, the University of Alaska, Anchorage pool, which is 25 yards x 25 meters (75' x 82') is an "L" shaped design, has surface area of 4830 sq. ft. In this size pool, the maximum swimmer load in a competitive training or community/school lesson situation is 30 to 40 swimmers; in a community open swimming situation the maximum swimmer load is approximately 80 swimmers; in a single-man kayaking program the pool accomodates a maximum of 10 kayaks. By comparison, a common 50 meter pool measures 25 yards x 50 meters (75' x 165') in a rectangular shaped design for a surface area of 12,375 sq.ft. The increase in capacity and expanded programming available offer a totally NEW dimension in aquatics both to the competitor and the spectator. Through design variations such as the use of movable bulkheads to divide the pool, several programs can operate at the same time. The handicapped can be accommodated with the use of a partially movable bottom, the Federal requirement under PL 504 for use of facilities by the handicapped. Any combination of the following sample community or school programs would be possible with such a facility: a. lessons b. l.p swim c. open or family swim d. competitive swim e. sailing f. canoeing/kayaking g. water polo h. synchronized swimming i. skin/scuba diving j. spring board diving k. water skiing l. research and therapy m. handicapped programs n. fly casting o. depending on

facility design, national and international competition (the only recognized facility for World records or Olympic competition is a 50 meter pool).

Public policy of constructing only 25 yard/meter pools in Alaska has left us years behind in aquatic development. With the important role that aquatics play in the recreational and survival skills of Alaskan lifestyle, it would be an injustice to deprive our citizens of a facility that would best develop these skills.

It would be far preferable to have a 50 meter pool built as a community facility, but the need coupled with the recognition that a school site location is available and supported by the school district out-weigh this preference at this time. A pool at the Bartlett High School location represents the fulfillment of a commitment made by the School Board in Anchorage to construct a pool at each senior high facility; the statewide aquatics community recognizes the need for at least one immediate 50 meter facility. Since Anchorage has the commitment stated above from the School Board, it seemed appropriate to support construction of the pool at Bartlett. It would now be shortsighted of our state's public policy makers to approve construction of less than a 50 meter facility. With this background, it should be apparent that the need for a 50 meter facility transcends any partisan or sectional bias, and illustrates the desparate statewide need.

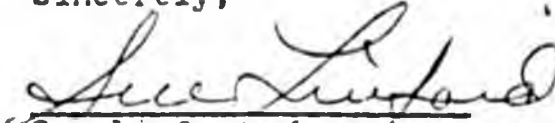
Two specific bills in the legislative hopper (SB94 and HB 108) speak to construction of a 50 meter pool at Bartlett and corresponding price tags. The aquatics community of which we are a part has attempted to obtain construction figures from outside for comparable facilities. A facility in Milwaukee, Wisconsin, the Walter Schroeder Aquatics Center, a YMCA facility, meets all the necessary criteria outlined in the United States Swimming Technical Rules/Code of Regulations for international competition. In addition, the facility meets standards set forth in PL 504 for handicapped use by virtue of its movable floor and other specific equipment. This facility has been selected as the site of this year's Junior Olympic Short Course Championships in April as well as the Long Course Championships in August. With the number of swimmers competing plus officials and spectators, this means added revenues to the Milwaukee economy.

The local climate of Milwaukee is not unlike that of the Anchorage area, therefore a logical basis for comparison exists. A call to Milwaukee provided this cost information; the Schroeder facility was constructed approximately five years ago at a cost of 2.8 million. It is estimated that at a rate of 1% a month inflation a comparable facility there today would cost approximately 5 million. Currently, according to their school district, construction cost figures for new school swimming pools to be built are running between \$50-\$60 a sq. ft. A call to the Anchorage School District provided a current cost figure of \$110 a sq. ft. for the Girdwood Elementary School. According to U.S. Air Force Morale, Welfare, and Recreation Division at Elmendorf, the cost estimate used by the Air Force for construction of an indoor swimming pool is currently \$52 a sq. ft. to which they add an Alaskan rate factor of 1.9 which brings the current construction cost estimate for Alaska

to \$98.80 per sq. ft.

In closing, the packet attached provides not only photos of a variety of top notch facilities, but also additional information from the Chester swimming pool company. Also, Rick Klatt, the Manager of Schroeder Aquatics Center in Milwaukee, will be calling the first of this week and may provide additional information on that facility. If we can be of any further assistance to you in your decision making process, please call!

Sincerely,



Sue Linford (272-3973 or 276-2151)
Vice-President, Anchorage Chamber of Commerce
President, Anchorage Aquanaut Swim Club



David L. Auchard (272-2427)
Head Coach, Anchorage Aquanaut Swim Club
Alaska United States Swimming Coaches
Representative

and also the...

DISTRIBUTION LIST - Letter dated 4/13/81 info on 50 meter pool

Sen. Don Bennett (R) Co-Chairman, Senate Finance
Sen. Ed Dankworth (R) Co-Chairman, Senate Finance
Sen. Terry Stimson (D) Member, Senate Finance and HESS and State Affairs
Sen. Dick Eliason (R) Member, Senate Finance and State Affairs and
Resources
Sen. Jalmar Kertulla (D) President, Senate
Sen. Tim Kelly (R) Chairman, Senate Rules and member, HBSS
Rep. Sam Cotten (D) Chairman, House Finance
Rep. Russ Meekins (D) Member, House Finance
Rep. Joe Montgomery (R) Member, House Finance
Rep. Terry Martin (R) Member, House HESS and Labor and Commerce
Rep. Thelma Buchholdt (D) Member, House Finance and Rules
Rep. Pat Carney (D) Member, House Finance
Rep. Hugh Malone (D) Member, House Finance
Bill Miles
Mitch Gravo

Mayor George Sullivan
Assembly Chairman Ban Marsh
Anchorage School Superintendent John Pepper
Anchorage School Board President Heather Flynn

Al Parrish, Pres. Elect, Anchorage Chamber of Commerce, Member AVA
and Anchorage Visitors and Convention Bureau - Sheffield
Hotels
Ray Waters, Reg. VP Western Airlines, Past Pres. Anchorage Chamber
of Commerce
Max Hodel, Swim parent, Alaska Sales and Service, Commonwealth
North, National Car Rentals,
John Abrams, President, Alaska United States Swimming

Box 140 Savage Drive
Eagle River, Ak. 99577

TO: Alaska State Legislators

DATE: May 5, 1981

FROM: Alaska Swim Committee - United States Swimming

SUBJECT: Construction of First 50 meter Pool in Alaska

(The following represents the position and communication approved for transmittal to you by the Alaska Swim Committee House of Delegates meeting held April 25 and 26 in Anchorage.)

The Alaska Swimming Committee, the governing body for youth swimming in the State, urges you to support legislation before you (SB 94 and HB 108) regarding the construction of a 50 meter swimming pool for Bartlett High School in Anchorage.

There is no 50 meter pool in Alaska, thus no Alaskan has the opportunity to practice or compete in a long course, Olympic size facility within this State. As our swimmers are now attaining national level times, we feel it is appropriate to have facilities in Alaska which will prepare them for the calibre of swimming associated with national and international competition. The only facility recognized for World records or Olympic competition is a 50 meter pool.

Not only would this facility be of interest to the statewide competitive swimming program, but it would provide greater opportunities for other aquatic activities as well. Further, if design criteria are met national and international meets could be held in Alaska.

We urge you to support the construction of this 50 meter pool facility!

ALASKA SWIMMING COMMITTEE

Anchorage Aquanaut Swim Club Sue Linford, Pres. Dave Auchard, Coach	Aurora Swim Team (Anch.) Donna Redick, Pres. Sharon Smith, Coach
Baranof Barracuda Swim Team (Sitka) Mary Millman, Pres. Jane Eidler, Coach	Blue Eel Swim Team (Fair.) Ron Tanner, Pres. Tom Weaver, Coach
Cordova Swim Club Shirley Wilson, Pres.	Edison Flyers Swim Team George Parks, Pres. Ann Morgan, Coach
Elmendorf Dolphin Swim Team Jim Smith, Pres. Chuck Hider, Coach	Fairbanks Arctic Swim Team Ron Rasmussen, Pres. Scott Lemley, Coach
Glacier Swim Club (Juneau) Kathy Busick, Pres. Steve Power, Coach	Grayling Swim Team (Pt. Rich.) Skip Young, Pres. Jim Frantzen, Coach
Kachemak Swim Club Bob Harberg, Pres. Bill Cronin, Coach	Ketchikan Killer Whale Swim Club Dianne Stump, Pres.
Knik Swim Club (Chugiak/Eagle River) John Abrams, Pres. Robb Condy, Coach	Kodiak Swim Team Mike Rasmussen, Pres. Chris Mills, Coach
North Pole Aquatic Club Jim Anderson, Pres. Ken Kester, Coach	Soldotna Silver Salmon Bonnie Hakert, Pres.

Seward Tsunami Swim Club
Yvon Van Driessche, Pres.
Janet Van Driessche, Coach
Stingrays Swim Team (Fair.)
Morris Chaney, Pres.

University Swim Club (Anch.)
Gary Postlethwait, Pres.
Tom Deile, Coach
Viking Swim Club (Petersburg)
Don Nelson, Pres.
Rich Myers, Coach

Sharks Swim Club (Kenai)
Jean Smith, Pres.
Buff Njaa, Coach
Teamsters Coho Swim Club (Anch.)
Mary Jane Cox, Pres.
Jim Ballew, Coach
Valdez Swim Team

Dorri Hawkes, Coach

OFFICERS:

John Abrams, General Chairman
Gary Johanson, Administrative Vice Chair.
Muriel Munroe, Secretary
Ed Mash, Treasurer
Andre Lyrat, Age Group/Senior Chair.
Sue Linford, Technical Chair.

AREA REPRESENTATIVES:

Southeast - Inga Gregovich
North - Sallie Wells
Southcentral - Carl Stormer

COACHES' REPRESENTATIVE:

Dave Auchard

ATHLETES' REPRESENTATIVE:

Julie Linford

MAY 2 1981

April 16, 1981

Pouch V
Juneau, AK 99811

Dear Sir:

This letter is being composed to inform you that Bartlett High-School is one of, if not the largest high-school in Anchorage. It also is the only major high-school in Anchorage that does not have a swimming pool or funds committed for construction of one.

The original design of Bartlett High-School includes provisions for addition of a pool at a future date. Since Bartlett's opening in 1973, the students have hoped construction would begin on their "future" pool each year. I think the "future" is here, and would ask that you and the balance of the Anchorage delegation would initiate steps to bring about the realization of this "future" facility.

I'm sure, if in your next contact with the constituency of district 8, and particularly that area served by Bartlett High-School, you will find that students and parents alike would be most appreciative of any endeavor you put forth toward this need.

Yours very truly,

Dick H. Denton
3900 Stella Dr.
Anchorage 99504

*It is sad to see the
Bartlett swim team ride a bus
to Chugiak or East to practice
after the host team is finished,
and then return to Bartlett
as late as 7:30 P.M.
Please push for a pool
at Bartlett!*

April 16, 1981

MAY 1 1981

Pouch V
Juneau, AK 99811

Dear Sir:

This letter is being composed to inform you that Bartlett High-School is one of, if not the largest high-school in Anchorage. It also is the only major high-school in Anchorage that does not have a swimming pool or funds committed for construction of one.

The original design of Bartlett High-School includes provisions for addition of a pool at a future date. Since Bartlett's opening in 1973, the students have hoped construction would begin on their "future" pool each year. I think the "future" is here, and would ask that you and the balance of the Anchorage delegation would initiate steps to bring about the realization of this "future" facility.

I'm sure, if in your next communique with the constituency of district 8, and particularly that area served by Bartlett High-School, you will find that students and parents alike would be most appreciative of any endeavor you put forth toward this need.

Yours very truly,

Meredith Means

I have a daughter who is in A.H.U. swimming as well as school team swimming. I have found the sport to be excellent for fitness, healthy competition, sportsmanship, friendship and last but not least, it provides an outlet for excess energy that could just as easily be used for negative purposes. We need a school pool so that this sport will be more available to all.

<u>LOCATION/PROGRAM</u>	<u>CAPITAL ITEM</u>	<u>PRIORITY RANKING</u>	<u>DESCRIPTION</u>	<u>ESTIMATED COST</u>
Aurora Elementary	Reroof the entire building	1	Roof leaks constantly and is repaired continually. Roofing crews have claimed that Aurora's roof is in the worst condition of any in the Anchorage School District.	300,000
Bartlett/Begich High School	(50-meter) Swimming Pool	1	Of the six (6) high schools in the district, four (4) currently have swimming pools and a fifth pool has been funded for construction at Service High. The building at Bartlett has been designed for the addition of a swimming pool. Its construction would enable Bartlett to add swimming instruction to its curriculum, to have interscholastic swimming teams practice under ideal conditions similar to other schools, and enable the community to have the use of the pool during non-school hours. If the State sells \$1,500,000 of bonds this total would be reduced by \$1,500,000.	7,000,000
Chinook Elementary	Add a six (6) room addition to the existing building.	1	At the present time Chinook Elementary has six (6) relocatable classrooms. These units have been here for the past six (6) years and by no standards are comparable to classrooms in the main school building. Students must come to the main building to get a drink of water and use toilet facilities. This poses a real problem during the cold winter months. Chinook has maintained a population of over six hundred (600) students for the past six (6) years and all indications point to increased population growth in this area. An addition of six (6) classrooms would enhance the safety of the students, provide a better learning environment and add to the aesthetic appearance of the neighborhood.	700,000
Chuglak/Eagle River/Eklutna Jr. High School - <i>HOUSE</i>	Board and community approved Junior High School for 800 - 1,000 students. Scheduled to open fall 1982.	1	Additional funding requirements for the Junior High School currently under construction design. Bond funds insufficient to complete standard school specifications.	7,000,000
New Eagle River Area Elementary School	Acquire site - construct (see above) in Lake River Valley.	1	By 1986-87 all elementary schools in the Chuglak/Eagle River area except Birchwood School will be overcrowded. Chuglak, Eagle River and Homestead are forecast to be short 17 classrooms. It is imperative that provisions be made now to prevent anticipated space shortage.	6,700,000
Gladys Wood Elementary	Add a six (6) room addition to the existing building	1	At the present time Gladys Wood has one (1) relocatable classroom which has been there for several years. These units are by no standards comparable to classrooms in the main school building. Students must come to the main building to get a drink of water and use toilet facilities. This poses a real problem during the cold winter	

From Anchorage School District - CIP requests



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
Pouch 6-614
Anchorage, Alaska 99502
(907) 333-9561

April 8, 1981

APR 13 1981

Honorable Randy Phillips
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Randy:

This letter is in response to your request for information concerning a 50-meter swimming pool. The following information was received from Mr. Ed Nash, Alaska Administrative Chairman of the U. S. Swim Committee.

At the present time there are 19 registered Alaska swim teams, and these teams have from 12 to 110 members each. So that our youth can compete, we must have a facility that will allow training and competition for the many serious swimmers in the state. There are currently over 800 registered swimmers in the state with an additional 200 junior and senior high school swimmers competing. This state is sorely in need of a long-course pool that will meet the specifications of the United States Swimming Rules, Article 7, Section 1; that is, 50.025 meters in length and 22.885 meters wide with a minimum depth of 1.219 meters.

In addition, since Anchorage is at the airway crossroads, it would be ideal to have national and international events in Anchorage. Without an official size pool, this could not happen.

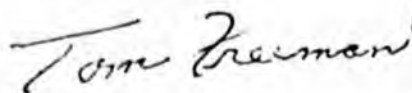
Currently, the technical rules of United States Swimming, which is the official national governing body for swimming under the 1978 Congressional Sports Act, specifies that all world records must be set in a 50-meter pool. All American records are listed as short course or long course (separate categories) records. The short course must be 25 yard or 25 meter. We are able to offer this half of the swim program in Alaska.

Rep. Randy Phillips
April 8, 1981
Page Two

The long course must be 55 yard or 50 meter. At the present time, there are no pools in Alaska capable of offering this half of the national program to the youth of this state.

If additional information is needed, please let me know.

Sincerely,



L. T. Freeman
Deputy Executive for
Business Management

br

cc: Sen. Brad Bradley, Resources Committee
Rep. Sam Cotter, Chairman, Finance Committee
Sen. Ed Dankworth, Co-Chairman, Finance Committee
Rep. Rick Halford, Resources Committee
Sen. Tim Kelly, Chairman, HESS Committee
Rep. Terry Martin, HESS Committee
Rep. Joe Montgomery, Finance Committee
Bill Miles

lel

MSG 81-00014622 PRTY 1 04/29/81 13:07:13 ORIG: LAOO IN= 0012. OUT= 0060
FROM: BARBARA TO: JUNO
TARGET: LJH2 SUBJ: POM PAGE 0003

TO: ALL LEGISLATORS
FROM: VERNA AND KENNETH SIMPSON, 44460 EDENBURG DRIVE, ANCH., 99502. 248-3875
I SUPPORT SB94 AND HB 108.

95

518

COMMITTEE REPORT

SENATE

FURTHER: Health, Education & Social Services

1/19/81

Date: 3/2/82

Mr. President:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had SB 95 requiring regional school board members to be elected from sections

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 _____ same title new title
- and recommends _____
- 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:

John D. ...
CHAIRMAN

SENATE
JOURNAL SUPPLEMENT

4/1/82

No. 23

FISCAL NOTE

SB
95

I. REQUEST

Bill/Resolution No. CSSB 95 (CABA)
 Title "An Act relating to election of school board members."
 Requested by Senator Perousson Date 1/30/82

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Division of Elections
 BRU, Program, Or Subprogram(s) Affected Division of Elections
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		25.0	12.3	13.8	15.5	17.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	25.0	12.3	13.8	15.5	17.4

FUNDING (Thousands of Dollars)

GENERAL FUND		25.0	12.3	13.8	15.5	17.4
FEDERAL FUNDS						
OTHER (Specify Source)						

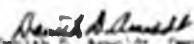
POSITIONS

No additional positions required.

ANALYSIS:

1. No additional cost for the question concerning sectional division to be placed on the October 1983 NEAA ballots.
2. One-time mailing cost of 15.0 for sectional maps to be prepared during FY 83.
3. Additional printing costs for separate sectional ballots beginning in FY 84 for the October 1983 NEAA elections. (Currently 23 ballots; legislation would allow 63 separate ballots.) Formula for printing costs: 61 additional ballots @ \$300/ballot = \$18,300.
4. 120 inflation for printing of additional ballots each year.
5. The absorption of other costs (advertising, staff time for ballot production, travel, etc.) within our detail budget requests.

IV. DATE 1/30/82


 PREPARED BY Kenneth E. Arnold, Deputy Director
 OFFICE OF THE GOV., DIVISION OF ELECTIONS
 PHONE 326-4181

Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

POUCH V
JUNEAU, ALASKA 99811



Senate

VICE CHAIRMAN
ADMINISTRATIVE REGULATION REVIEW
SENATE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

MEMBER
SENATE RULES COMMITTEE
SENATE COMMERCE AND LABOR COMMITTEE
STEERING COUNCIL FOR ALASKA LANDS
U.S. BORAX TASK FORCE

WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
EXECUTIVE COMMITTEE
WESTERN CONFERENCE COUNCIL
OF STATE GOVERNMENTS
COUNCIL OF STATE GOVERNMENTS
COMMITTEE ON SUGGESTED STATE LEGISLATION

February 25, 1982

Mrs. Alaire Stanton
3817 Fairview
Ketchikan, Alaska 99901

Mrs. Kaye King
Box 7435
Ketchikan, Alaska 99901

Dear Alaire and Kaye:

I have enclosed a copy of proposed committee substitute for SB 95, the original of which was found by Alaire, a year or so ago, to be objectionable.

The enclosure is designed to accommodate Senator Ferguson and his REAA but to enable other REAA's to survive, maintaining their current life styles.

Please review the bill and make your thoughts known to Senator Don Gilman who is the Chairman of the Community and Regional Affairs Committee and who is extremely knowledgeable on the subject.

Time is of the essence and I suggest you send a POM to our good chairman no later than Tuesday, March 2nd.

Regards,

3 -

Robert H. Ziegler, Sr.

RHZ:sk

Encl: Sure

cc - Senator Don Gilman
Senator Frank Ferguson

TELEGRAM

02 FEB 5 PM 3 50

02104 TDA UNALAKLEET ALASKA 52 02-05 120P AST

PMS SENATOR FRANK FERGUSON

JUNEAU 0638

I URGE YOU TO INTRODUCE A BILL TO THE SENATE TO CHANGE THE DISTRICT WIDE VOTING OF A BERING STRAITS SCHOOL DISTRICT BOARD MEMBER TO A VILLAGE TYPE OF AN ELECTION, SO THAT EACH VILLAGE COULD ELECT THEIR OWN BOARD MEMBER AND NOT THE DISTRICT.

HENRIETTA (TIA) WILSON 624-3355

BOX 146 UNALAKLEET ALASKA 99684

TELEGRAM

ALASCOM INC.
PHONE 222-1902
UNALAKLEET AK 99684

02053 TDA UNALAKLEET AK 28 02-05 0945A AST

PMS SEN FRANK FERGUSON

0531

JUNEAU

CONSIDER LEGISLATIVE CHANGE INCURRED ELECTION PROCEDURE OF
RSSD BOARD MEMBERS QUOTE AT LARGE UNQUOTE TO LIMITING VOTING
ONLY FOR YOUR CHOICE IN YOUR VILLAGE

END BOXES

UNALAKLEET ALASKA 99684

TELEGRAM

NOV 13, AM 95302

02183 POM TDA UNALAKLEET AK 15 02-10 1555 AST

PMS SEN FRANK FERGUSON

JUNEAU

WANT TO ENCOURAGE YOUR SUPPORT OF SB95

JAMES HJELM

BOX 184

UNALAKLEET AK 99684

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