

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1320 HESS HB 65

1320

1 YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

2 \* Sec. 7. AS 04.11.496(b) is amended to read:

3 (b) If a majority of the voters vote "yes" on the question set  
4 out in (a) of this section, a person, beginning on the first day of the  
5 month following certification of the results of the election, may not  
6 knowingly send, transport, or bring alcoholic beverages into the muni-  
7 cipality or established village. The board shall be notified imme-  
8 diately after certification of the results of the election and there-  
9 after may not issue, renew, or transfer between holders or locations a  
10 license for licensed premises located within the boundaries of the  
11 municipality and within unincorporated areas within five miles of the  
12 boundaries of the municipality or within the perimeter of the estab-  
13 lished village. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN  
14 WHICH THE REUSLTS OF THE ELECTION ARE CERTIFIED, LICENSES] which may  
15 not be renewed because of a local option election held under this  
16 section are void 90 days after the results of the election are certi-  
17 fied. A license which will expire during the 90 days after the  
18 results of a local option election under this section are certified  
19 may be extended, until it is void under this subsection, by payment  
20 of a prorated portion of the annual license fee. [THE RESULTS OF AN  
21 ELECTION HELD UNDER THIS SECTION ARE NOT A GROUND FOR THE SUSPENSION OF  
22 A LICENSE DURING THE YEAR FOR WHICH THE LICENSE WAS ISSUED OR RENEWED.]

23 \* Sec. 8. AS 04.11.500(b) is amended to read:

24 (b) If a majority of the voters vote "yes" on the question set  
25 out in (a) of this section, the board shall be notified immediately  
26 after certification of the results of the election, and thereafter may  
27 not issue, renew, or transfer between holders or locations a license  
28 for licensed premises located within the boundaries of the municipality  
29 and in unincorporated areas within five miles of the boundaries of the

1 municipality or within the perimeter of the established village, except  
2 those types of licenses listed on the ballot. Licenses [AS OF MIDNIGHT  
3 DECEMBER 31 OF THE YEAR IN WHICH THE RESULTS OF THE ELECTION ARE CERTI-  
4 FIED, LICENSES] in effect within the boundaries of the municipality or  
5 perimeter of the established village, and in an unincorporated area  
6 outside of but within five miles of the boundaries of the municipality,  
7 except those types of licenses listed on the ballot, are void 90 days  
8 after the results of the election are certified. A license which will  
9 expire during the 90 days after the results of a local op ion elec-  
10 tion under this section are certified may be extended, until it is  
11 void under this subsection, by payment of a prorated portion of the  
12 annual license fee.

13 \* Sec. 9. AS 04.11.500(c) is amended to read:

14 (c) If the majority of the voters vote "no" on the question set  
15 out in (a) of this section or vote "yes" on the questions set out in  
16 AS 04.11.490, 04.11.492, 04.11.496, or this section if different types  
17 of licenses are listed on the ballot in an election conducted in accor-  
18 dance with AS 04.11.502 after an election in which the voters voted  
19 "yes" on the question set out in (a) of this section, the board shall  
20 be notified immediately after certification of the results of the  
21 election. Licenses [AS OF MIDNIGHT DECEMBER 31 OF THE YEAR IN WHICH  
22 THE RESULTS OF THE ELECTION ARE CERTIFIED, LICENSES] in effect in the  
23 municipality, in the unincorporated area outside of but within five  
24 miles of the boundaries of the municipality or established village  
25 which were excepted from the prohibition on sale in accordance with the  
26 results of the earlier election are void 90 days after the results of  
27 the election are certified. Thereafter the board may not issue, renew,  
28 or transfer between holders or locations a license for licensed premises  
29 located within the boundaries of the municipality or within the peri-

1 meter of an established village, or in an unincorporated area within  
2 five miles of the boundaries of the municipality, except a license  
3 which may be issued to a municipality or to one of the types of licenses  
4 listed on the ballot as a result of a majority of the voters voting  
5 "yes" on the question set out in AS 04.11.492 or this section, respec-  
6 tively. A license which will expire during the 90 days after the  
7 results of a local option election under this section are certified  
8 may be extended, until it is void under this subsection, by payment  
9 of a prorated portion of the annual license fee.

10 \* Sec. 10. AS 04.11.502(a) is amended to read:

11 (a) The local governing body of a municipality, whenever a number  
12 of registered voters equal to at least 35 percent of the number of  
13 votes cast at the last regular municipal election petition the local  
14 governing body to do so, shall place upon a separate ballot at the next  
15 regular election or at a special election whichever question or combi-  
16 nation of questions set out in AS 04.11.490 - 04.11.500 constitutes the  
17 subject of the petition. The local governing body [THE LIEUTENANT  
18 GOVERNOR] shall conduct the election in accordance with the election  
19 ordinance of the municipality [THE GENERAL MANNER PRESCRIBED BY THE  
20 ALASKA ELECTION CODE (AS 15.05 - 15.60)].

21 \* Sec. 11. AS 04.11.504 is amended by adding a new subsection to read:

22 (b) Reinstatement of a license under (a) of this section may not  
23 occur within 12 months after the license was prohibited under AS 04.-  
24 11.490 - 04.11.500.

25 \* Sec. 12. AS 04.11.510 is amended by adding a new subsection to read:

26 (d) The board may not accept an application for the issuance,  
27 renewal, or transfer of a license within one year after a local option  
28 election.

29 \* Sec. 13. AS 04.11.680(a) is amended to read:

1 (a) Upon application and payment of one-half of the annual fee,  
2 the board may issue a license under this title which will be effective  
3 for a continuous sixmonth period. Otherwise, all licenses issued under  
4 this title other than a retail stock sale license are effective for the  
5 calendar year ending December 31, unless a shorter period is prescribed  
6 by the board or by law.

7 \* Sec. 14. AS 04.16.010(c) is amended to read:

8 (c) A licensee, his agent, or employee may not permit a person to  
9 enter and a person may not enter premises licensed under this title  
10 between the hours of 5:00 a.m. and 8:00 a.m. each day. This subsection  
11 does not apply to common carriers, as defined in AS 42.10.420(2), or to  
12 an employee of the licensee who is on the premises to prepare for the  
13 next day's business. A person may enter or remain [OR TO PERSONS  
14 REMAINING] on the premises of a bona fide restaurant or eating place  
15 licensed under this title to consume food or nonalcoholic beverages.

16 \* Sec. 15. AS 04.16.020(a) is amended to read:

17 (a) A person may not pay or receive from another a salary, per-  
18 centage or commission to solicit or encourage a patron of licensed  
19 premises to purchase alcoholic or other beverages for [CONSUMPTION BY]  
20 a person other than the patron.

21 \* Sec. 16. AS 04.16.049(a)(2) is amended to read:

22 (2) accompanied by a person over the age of 19 years and  
23 with the consent of the person's parent or guardian if the premises are  
24 designated by the board [LICENSED] as a restaurant for the purposes of  
25 this section [OR EATING PLACE] and the persons enter and remain only  
26 for dining.

27 \* Sec. 17. AS 04.16.210 is amended to read:

28 Sec. 04.16.210. PENALTY FOR MAKING FALSE STATEMENT. If a false  
29 statement is made in an application under AS 04.11.260 - 04.11.290

1 [AS 04.11.260], the applicant is guilty of perjury and, upon conviction,  
2 is subject to the penalty provided by law for the crime of perjury  
3 under AS 11.56.200.

4 \* Sec. 18. This Act takes effect immediately in accordance with AS 01.-  
5 10.070(c).  
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2.

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

TO: Local Communities Concerned About the Alcohol Local Law  
RE: Alaska Alcohol Local Option Law  
DATE: March, 1981

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Under the new 1980 alcohol "local option" law, your local village government may now control the sale and bringing of alcohol into your village. If your village makes certain choices, state law will back up the village choice.

The village choices are:

1. To forbid the sale of alcohol.
2. To sell liquor only in a community liquor store.
3. To forbid both the sale and bringing in of liquor.
4. To sell liquor only with a community approved liquor license.

A village can choose only one of these four choices. BUT, you must follow the state's rules when your village makes one of these choices. How you will elect and choose depends on whether your village is a municipality or a established village.

In both a municipality and an established village, at least 35% of the number of people voting in the last election must on a PETITION IN WRITING ask the local government of the village to put one of the four choices on a separate ballot at the next election.

EXAMPLE: If your village has 100 voters, 35 people now registered to vote must sign a paper asking the village government to put one of the four choices on a separate piece of paper for voters to choose what they want at the next election.

If the village is a MUNICIPALITY (a SECOND CLASS CITY), the time to make your choice will be next October at the next election.

If your village is an ESTABLISHED VILLAGE, a special election can be held.

If more than one half (1/2) of the people in your village vote for one of the choices, that will be the decision for the whole village.

EXAMPLE: If your village has 100 voters and 51 of the people

Memorandum  
Alaska Alcohol Local Option Law  
March, 1981

voting in the election want the village to forbid the sale and importation of alcohol in the village, that will be the decision for all of the people in the village.

The village must also ask the Lieutenant Governor's office to CERTIFY the decision of the village. That means the village government must ask the Lieutenant Governor's office to say that the election was properly held and that the vote of the village will now be village law. If the Lieutenant Governor's office says the village vote was all right, that means the village will have the permission of the state to follow certain procedures under state law to punish people who do not follow the decision of the village in the election.

BUT, if a liquor license is to be taken away from a store or bar, it will be taken away at the end of the year in which the local option election is held, on December 31st of that year. That will be the December 31st after the Lieutenant Governor's office has said the village vote was all right.

At this time (March, 1980), a second class city, also called a municipality, must wait until its next regularly scheduled election in October to vote. However, the Alaska State Legislature is considering an amendment to provide that a second class city may hold a special election to vote on the law. That means that a village could vote before next October --- after following the procedures for the petition. AT THIS TIME, A VILLAGE MUST WAIT BEFORE IT CAN HOLD A VALID ELECTION. However, a village can now begin to circulate its local option petition so it will be ready to vote as soon as possible. HAVING A PETITION THAT IS PROPERLY SIGNED IS NOT THE SAME THING AS VOTING ON THE LAW --- THOSE ARE TWO SEPARATE ACTIONS A VILLAGE MUST TAKE TO HAVE THE LOCAL OPTION.

ALASKA LEGAL SERVICES CORPORATION has lawyers who can help your village understand the local option law. If your village has questions or wants a lawyer to come to the village to provide assistance with the alcohol local option law, please call or write CAROLE A. BAEREY, ALASKA LEGAL SERVICES CORPORATION, 615 H STREET, ANCHORAGE, ALASKA 99501, 272-9431. You may call collect. Someone will help your village with the law and will listen to what your village has to say.

REMEMBER YOUR VILLAGE CAN NOW MAKE A CHOICE ABOUT HOW TO HANDLE LIQUOR AND THAT CHOICE WILL BE BACKED UP BY STATE LAW ENFORCEMENT PENALTIES. If you need help, there are lawyers to help your village.

3.

MEMORANDUM

TO: Alaska State Senate  
Alaska House of Representatives  
Office of Attorney General  
Office of the Lieutenant Governor  
Director of Elections  
State Office on Alcoholism & Drug Abuse

FROM: Concerned Citizens Listed Below

RE: Concerns With Respect to Alcohol and Drug Laws and Regulations

DATE: January 30, 1981

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As a result of a community participation workshop held in Bethel from January 23-30, 1981, we wish the legislative bodies and agencies listed above to address issues of local concern about alcohol and drug abuse and isolated at a workshop held in Bethel on alcohol abuse and local options:

1. Under existing Title IV legislation, a community designated as a municipality can not presently hold an election on alcohol "local options" until the next regularly scheduled election in October. Many of our communities are deeply concerned about alcohol abuse and its effects and we wish the authority to move as quickly as possible on the "local options" law. We should like Title IV to be amended as quickly as possible to give municipalities the authority to hold special elections, as soon as possible. *on the local option issue.*

2. Under existing Title IV legislation, an established village's power to enforce alcohol "local option" options is not clear and we would like that clarified.

3. Under existing Title IV legislation, 35% of all registered voters are required for a valid petition to put local options on a Ballot at the next regularly scheduled election (in the case of a municipality; see paragraph 1 above) or at the next special election (in the case of an "established village"). We recognize that village populations can change radically in a relatively short time span and would like to see that requirement amended to provide 35% of the registered voters voting in the last election OR to define the concept of "registered voters" by the number of ~~people~~ *adults eligible voters* presently residing in a village.

4. Also, under existing Title IV legislation, the office of the Lieutenant Governor is to "conduct" and "certify" the local options election. We should like clarification or regulations to define the meaning of both "to conduct" and "to certify", it being our express wish to be able to conduct the elections and have the Lieutenant Governor's office certify the results.

5. Once a village, be it municipality or established village, has voted on and secured any segment of the local options under Title IV, we wish assurance that the wishes of the village

Memorandum

Alaska State Senate  
Alaska House of Representatives  
Office of Attorney General  
Office of the Lieutenant Governor  
Director of Elections  
State Office on Alcoholism & Drug Abuse

January 30, 1981

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as expressed through the local option process provided in Title IV will not fail for lack of proper law enforcement in the villages and note our concern for an adequate number of state troopers to enforce the ordinance and enough magistrates to act on violations of the law.

6. Also, we are deeply concerned about the importation of alcohol and drugs into villages on both public carriers and private air transport. We should like to see violators punished to the fullest extent of the law. If existing federal law is not addressing the issue, we wish to see state legislation which does address the issue and punishes the violators of existing or new laws to the fullest extent.

7. We are also deeply concerned about the use of both licit (marijuana) and illicit drugs in the villages. The idea of a local option process with respect to marijuana usage in villages was discussed by us and we should like to see further discussion of this issue in the legislature with a view to giving villages the right to punish those importing or using such licit and illicit drugs.

Underlying all these concerns is the expressed desire to control alcohol and drug use to cut down on deaths, suicides, violence and misuse of alcohol and drugs so that our people might be fully functional and leading productive lives. We hope you will consider and act on these concerns as soon as possible. To that end, we have signed this Memorandum on this 30th day of January, 1981.

	<u>Name</u>	<u>Village</u>	<u>Date</u>
1.	.....	.....	.....
2.	.....	.....	.....
3.	<i>Pat V. ...</i>	<i>...</i>	<i>1-30-81</i>
4.	<i>Robert ...</i>	<i>2 Villages</i>	<i>1-30-1981</i>
5.	<i>John ...</i>	<i>...</i>	<i>1-30-81</i>
6.	<i>David ...</i>	<i>...</i>	<i>Jan. 30 '81</i>
7.	<i>Theresa ...</i>	<i>...</i>	<i>1-30-81</i>
8.	<i>Patricia J. ...</i>	<i>Ketchikan</i>	<i>1-30-81</i>
9.	<i>Adolph J. ...</i>	<i>Dillingham</i>	<i>1/30/81</i>

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 Alaska State Senate  
 Alaska House of Representatives  
 Office of Attorney General  
 Office of the Lieutenant Governor  
 Director of Elections  
 State Office on Alcoholism & Drug Abuse  
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SIGNATURES CONTINUED

	<u>Name</u>	<u>Village</u>	<u>Date</u>
10.	Melvin Doman	Akiachak	1-30-81
11.	William A. Beans	Mtn. Village, Ak. 99632	1-30-81
12.	Kenneth Smith	Mekoryuk, Ak. 99630	1-30-81
13.	W. Wice	Akiach, Ak. 99552	1-30-81
14.	John A. Chaffin	White Mountain 99784	1-30-81
15.	Patrick Gallegos	Seward, Ak. 99769	1-30-81
16.	Lois Jones	Anat., Ak. 99557	1-30-81
17.	Barbara King	West Seward, Ak. 99769	1-30-81
18.	Rosa E. Panto	St. Paul Island, Ak. 99580	1-30-81
19.	Robin M. Smith	Wetzel Bay, Ak. 99704	1-30-81
20.	Christina Albio	Do. Naknek, Ak. 99670	1-30-81

4.

# Rural Alaska

## Community Action Program, Inc.

TO: Workshop Participants and Resource  
People

DATE: February 27, 1981

FROM: Peg Engwall, Alcoholism Program Director

SUBJECT: Summary of discussion by Workshop Participants on clarification and enforcement of laws.

This summary is compiled from information gathered at Rural Community Action Alcoholism Education Workshop in Juneau, February 18 - 20. It is being mailed to all workshop participants and resource people.

1. Clarification of local option law as it is written to prohibit importation
  - a) Can prohibition of importation include prohibition of shipping alcohol to individuals for their personal use?
  - b) If an established village or incorporated city votes to prohibit importation, are shippers, (planes, ferries, boats, snow machines, cars) who import alcohol subject to search and seizure?
  - c) How can a petition be written by a village so that its language is clearly understandable to the people and still meets requirements of current local option law as a legal petition?
  - d) When the law is clarified, can the ABC Board be required to send letters stating which villages have votes to prohibit sale and/or importation to all liquor companies, warehouses, stores, common carriers and charter aircraft operators? Can these letters spell out the tough penalty for importing alcohol into a dry village?
2. Local law enforcement
  - a) What can be done in a village 1) Where the village safety officer feels threatened when he/she attempts to enforce the law? 2) Where the village council/city government is divided on what to do about alcohol? 3) Where there is a threat of personal injury from people who do not want to give up alcohol or drugs?
  - b) How can penalties against bootleggers be enforced? Are they tough enough? What kind of evidence do you have to have on a bootlegger? Who do you report it to?
  - c) What can be done when traditional village law is in conflict with state and federal law?

Summary of discussion by Workshop Participants

3. Drugs other than alcohol
  - a) Stricter penalties are needed for drug pushers/suppliers.
  - b) Better protection for informers and undercover agents is needed.
  - c) Clear lines of communication between people who want to complain about drug abuse and authorities who can investigate are needed.
4. Legislation to be considered
  - a) If possible, prohibit parents from giving their children booze.
  - b) Raise drinking age to 21.
  - c) Change current local option law to read the same for unincorporated villages as second class cities, that is, 35% of registered voters who voted in last election be enough signatures to make a petition valid.

Positive suggestions:

1. Educate a group of people on how alcohol affects a village (health, schools, crime, accidents, death) and explain laws that the village itself can use to control alcohol within the village, and laws that can be enforced from outside the village by troopers, magistrate, attorney general's office, etc.
2. Form a group of people (counselor, elders, minister/priest, health aide, school board members, council members) who are willing to support restrictions on alcohol and go as a group to council, safety officer, store or bar, etc. and present specific suggestions to them.
3. If liquor sales are legal in a village and run by the community, restrict hours of sale and amount sold by order of the village council.

Please tell us if we have let anything out or gotten it wrong. Unless we hear objections from you, we will present them to the Citizens Participation Conference delegates in March for them to consider when they make recommendations. If there is anyone else you want us to call it to, please let us know.



5.

1

SUMMARY OF RECOMMENDATIONS

ALCOHOLISM WORKSHOP

The group elected as officers the following individuals: Karl Ashenfelter, Chairperson; Gail Evanoff, Secretary; Daisy May Lamont, Spokesperson; Stewart Nicolai, Sergeant at Arms. We addressed the following issues by appointing subcommittees and voting on their reports.

- (1) Full funding for alcoholism and drug programs as proposed in HB 50 (Governor's budget); addressing the issue of funding for those wishing to start new programs:

A resolution follows speaking to the above. In addition, meetings were arranged with Senator Parr (Senate HESS) and Representative Cotten (House Finance), to offer them information as to program accomplishments following increased funding for FY 81. (Senator Parr's attitude, as expressed in a letter to Robert Cole, is that he is unwilling to support full funding without seeing results). The workshop recommended that the chairperson of the Workshop send a letter to Senator Parr and that the Fairbanks delegate be asked to address Senator Parr's position and attitude when he reports back to Tanana Chiefs Conference.

- (2) Consideration of revisions of the drug laws (HB 180, SB 177, SB 100) and allied issues.

A series of resolutions on drug issues follows. A roll call on the resolution to recriminalize marijuana showed 18 in favor, 2 opposed, 1 abstention.

- (3) Review of Title 4 provisions on local option elections and proposed amendments as stated in SB 65:

The group requests the legislature to enact amendments permitting maximum use of local option and enabling established villages and second-class cities to move as quickly as possible to hold valid elections, including special elections.

The group recommends against the proposed amendment to SB 65, Section 11. AS.4.11.490(a) as an unnecessary restriction on cities with a population of over 2500 and recommends that it be stricken.

- (4) Consideration of other bills:

A summary of our recommendations follows. Resolutions on SB 71/HB 112, SB 117/HB 117, and SB 177 are attached.

<u>BILL # or SUBJECT</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
SB 65	Amends Title 4 provision for local option election.	Do pass with amendment. See subcommittee report.
SB 71/ HB 112	Raises legal drinking age to 21.	Do pass, resolution attached.
SB 117/ HB 117	Shortens hours bars may be open.	Do pass; reduces opportunities for abusers to obtain liquor.
SB 177/ SB 190/ HB 180	Revision of drug laws, prosecution of minors as adults.	No recommendation; much technical information which we do not feel competent to analyze. Resolutions on issues attached.
HB 5	Removes prohibition for intoxicated persons to enter and remain.	Do pass.
HB 50	Governor's budget. \$18 million for alcohol/drug abuse.	Do pass, resolution attached.
HB 62/ SB 241	Removes provision for civil liability for bartenders.	Do not pass.
HB 114	Combines alcohol/drug abuse review boards.	Do pass. Step toward unifying attack on the total problem.
SSHB 41	Health Insurance	Do pass; good basic bill, can be expanded later.
HB 178	Legal for grocery stores to sell beer and wine.	Do not pass. Already enough retail outlets; too easy for minors to obtain.
HB 226	Legalizes prescription of marijuana for cancer patients.	Do not pass. Not specific enough; beneficial effects of drug in question.
HB 249	Lowers annual fee for beverage dispensary license.	Do not pass. Profits from bars are high enough so that lowering license fee is not warranted.

All of the above were designated high priority.

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 1

**ENTITLED:** Additional funding for radio and TV programs giving preventive information on alcohol and drug abuse for adults and children alike.

**WHEREAS,** The drug and alcohol abuse problems among our youth and adults is an increasing public health threat throughout the State, and,

**WHEREAS,** The State Legislature has been supportive of developing programs to deal with the drug and alcohol problems within the state by increasing funds during the last legislative session, and,

**WHEREAS,** Public education is one means of making people aware of the dangers involved in alcohol and drug abuse, and,

**WHEREAS,** Funding has been allocated to provide limited media broadcasting to address the problems of alcohol and drug abuse in the State of Alaska, now, therefore be it

**RESOLVED:** That additional statewide funding be provided to produce and broadcast educational material on alcohol and drug abuse prevention appropriate for the State of Alaska so that public awareness may be further increased.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
\_\_\_\_\_  
Gordon Jackson, President  
Rural CAP Board of Directors

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

The group also voted to present the Rural CAP Board's resolution on additional provisions for informing the public as to what villages and cities have voted "dry".

Following the work session, some members of the group toured the Juneau Regional Rehabilitation Hospital, a component of the Juneau Alcoholism Comprehensive Agency.

The group was given invaluable background information and technical assistance by the following:

- Representative Jack Fuller, Bush Caucus, and Cheryl Frasca, Legislative Assistant
- Coordinator Robert L. Cole, State Office of Alcohol and Drug Abuse, and Dr. Earl Albrecht
- Executive Director Matt Felix, Alcoholism Comprehensive Agency, Juneau
- Statewide Alcohol Coordinator Carole A. Baekey and Legal Assistant Barbara Thorn, Alaska Legal Services Corporation
- Legislative Analyst Dave Katzeek, Juneau

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-2:

ENTITLED: "Support of HB #50, Governor's Budget"

WHEREAS, Alcoholism and drug abuse are the largest health problems in the State of Alaska, and,

WHEREAS, The State of Alaska has initiated a much needed aggressive attack on the alcohol and drug abuse problem in most areas of the state, and,

WHEREAS, The problem is present in epidemic proportions throughout the state, and,

WHEREAS, In spite of the new programs there are still some areas of the State which have been overlooked and no programs have been started; now, therefore be it

RESOLVED: That the Governor's requested budget be amended by adding six hundred thousand dollars (\$600,000.) to the requested \$18,035,600 to allow programs to be initiated in those areas of the state that presently have no programs.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

*Gordon Jackson*  
 \_\_\_\_\_  
 Gordon Jackson, President  
 Rural CAP Board of Directors

*Philip J. Smith*  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

# Rural Alaska Community Action Program, Inc.

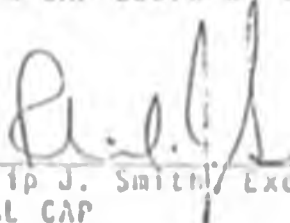
## CPC RESOLUTION #81-3

- ENTITLED:** "A resolution supporting SB#177 and other legislation providing for heavy penalties for individuals supplying drugs to children on school grounds and for drug rehabilitation offered as an alternative to sentencing our youth"
- WHEREAS,** Children are our most important resource, and,
- WHEREAS,** Suppliers of drugs are endangering the lives of our children and thereby the future of our state by entering upon school grounds and supplying drugs to our children, and,
- WHEREAS,** Our children and youth who do get involved with the law due to the usage of drugs should be given every opportunity for rehabilitation, and,
- WHEREAS,** SB#177 states therefore heavy sentencing is proposed and is appropriate; now, therefore be it
- RESOLVED:** That suppliers of drugs should receive heavy mandatory penalties for supplying drugs to children on school grounds; and be it further
- RESOLVED:** That sentencing for children and youth who have become involved with the law because of drugs should focus upon rehabilitation through a drug treatment program.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.



Gordon Jackson, President  
Rural CAP Board of Directors



Phillip J. Smith, Executive Director  
Rural CAP

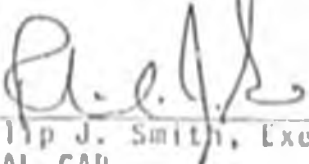
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 4

- ENTITLED: "Seeking to control the flow of drugs through increased efforts to detect while being transported"
- WHEREAS, Drug abuse is increasing at epidemic rates in the State of Alaska and is rapidly approaching a health and social problem equivalent to the alcohol abuse problem, and,
- WHEREAS, The transportation and mail systems in the State are being extensively used to transport drugs, and,
- WHEREAS, Methods of detecting concealed drugs while in transport do exist and are used in other states; now, therefore be it
- RESOLVED: That detection programs (i.e.; trained dogs and surveillance equipment) should be established in transportation stations (i.e. airports, seaports and major bus depots) and the U.S. Postal Service for the purpose of finding and confiscating drugs and reducing the flow of drugs in Alaska.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 5

ENTITLED: "To recriminalize marijuana"

WHEREAS, Our present laws do not protect our children and youth from the suppliers of the drug marijuana; and,

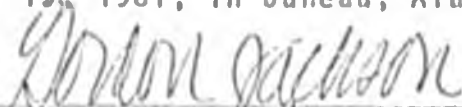
WHEREAS, The use of marijuana is interfering with the education of our children and youth, and,

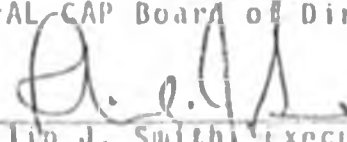
WHEREAS, Marijuana abuse is becoming one of the major problems with the youth of America, and,

WHEREAS, Children and youth are our most important resource, now, therefore be it

RESOLVED: That the drug marijuana should be recriminalized and be it further resolved that heavy penalties be enforced for those suppliers of the drug marijuana.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
\_\_\_\_\_  
Gordon Jackson, President  
Rural CAP Board of Directors

  
\_\_\_\_\_  
Philip J. Smith, Executive Director  
Rural CAP

9

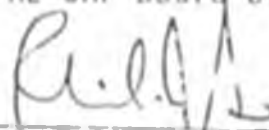
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81- 6

- ENTITLED: "Supporting Senate Bill No. 71 and House Bill No. 112, authorizing vote to raise legal drinking age to 21..
- WHEREAS, The epidemic alcohol abuse among our youth is an increasing recognized problem throughout the State of Alaska, and,
- WHEREAS, There is an immediate problem concerning students 19 years of age and over in Alaskan high schools who are consuming and distributing alcohol to vulnerable minors, thereby causing detrimental problems in the area of their education and mental stability, and,
- WHEREAS, The increasing rate as a result of alcohol abuse in crime, suicide, disorderly conduct, assault, accidental death and drop-outs is affecting our youth, and,
- WHEREAS, Our state funded alcoholism programs show an increasing amount of our youths seeking treatment and counseling, and,
- WHEREAS, Our youth shows an increasing amount of juvenile arrest and traffic fatalities for driving while under the influence of alcoholic beverages; now, therefore be it
- RESOLVED: That the drinking age be legally raised to the age of 21, to lessen the easy access to alcohol by students still in elementary and secondary schools.

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
Gordon Jackson, President  
Rural CAP Board of Directors

  
Philip J. Smith, Executive Director  
Rural CAP

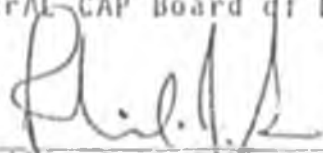
# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-7

- ENTITLED:** "In support of Senate Bill No. 117 and House Bill No. 117, acts to shorten hours bars may be open"
- WHEREAS** Bills have been introduced in the Senate and the House to limit the hours of the day during which patrons may be present or alcohol sold or consumed on licensed premises, and,
- WHEREAS,** The Citizens Participation Conference delegates recognize that limiting of such sale and presence will result in decreased OMVI violations, liquor law violations, minors consuming, disorderly conduct and assault (as occurred in Juneau after earlier closing hours became effective) and,
- WHEREAS,** Limitation on hours of sale will result (as in Juneau) in some lowering of per capita consumption, alcohol related human and social costs, and some modification of attitude concerning the wide open acceptability of drinking in Alaska; now, therefore be it
- RESOLVED:** That the delegates of the Citizens Participation Conference strongly urges the Alaska State Legislature to pass S.B. No. 117 and H. B. 117..

Adopted by the Delegates to the Citizens Participation Conference, March 19, 1981, in Juneau, Alaska.

  
 \_\_\_\_\_  
 Gordon Jackson, President  
 Rural CAP Board of Directors

  
 \_\_\_\_\_  
 Philip J. Smith, Executive Director  
 Rural CAP

# Rural Alaska Community Action Program, Inc.

## CPC RESOLUTION #81-8

ENTITLED: "In support of adequate notification of suppliers and transporters of alcohol as to who are "dry" communities.

WHEREAS, It is in the interest of established villages and second class cities to have their wishes concerning regulation of alcohol use in their communities respected by those who sell and transport alcoholic beverages, and,

WHEREAS, At least 30 villages and cities in rural Alaska have inquired about using the local option law to regulate or prohibit sale and/or importation of alcohol in their communities, and,

WHEREAS, Several cities in the state have already chosen to ban sale and/or importation of alcohol in their communities, and,

WHEREAS, Alcoholism workers representing 16 villages at Rural CAP's Community Action Education Workshop expressed a desire to have the names of "dry" villages and cities supplied to every supplier of liquor and every carrier of passengers and/or freight in the State of Alaska, and

WHEREAS, The Alcoholic Beverage Control Board is presently soliciting public comment on proposed new regulations, and,

WHEREAS, Article VI Section 635 of these proposed regulations provides that the Board maintain a roster of communities which have voted "dry" and make this roster available to the public, and, now therefore be it

RESOLVED: That the Citizens Participation Conference recommend to the Alcoholic Beverage Control Board that a) Article VI Section 635 be amended to require the ABC Board to supply current lists of "dry" communities to all liquor outlets and carriers of freight and passengers in the state and that b) this list contain the text of the laws concerning bootlegging and the penalties for that offense, and that a copy of this resolution be forwarded to the ABC Board.

6.

WHEREAS, many small rural communities, have expressed their feeling of being under seige from the devastating effects of alcohol abuse; and,

WHEREAS, the Title IV alcohol option law was passed in 1980 by the Alaska legislature to enable communities throughout Alaska, both villages and urban areas, to control the sale and importation of alcohol as determined by the vote of the community and giving the force of state law enforcement to such a decision; and,

WHEREAS, several elections that have been held under this law have already been declared invalid because of existing confusion about the law; and,

WHEREAS, the evaluation and practical experience gained since this law was passed show that procedural problems in the law prevent any local community from holding a valid election to exercise their rights under the Title IV local option law. Communities have expressed a desire to have an existing liquor license lifted within a short time after a valid election that decides that the license should not be maintained; and to have the possibility of setting up such a local option election at anytime during the year, rather than only at the general election time in October; and,

WHEREAS, there is a need to give full expression to the will of the voters by providing for prompt lifting of an existing liquor license if a community has had a valid local option election in which that option has been approved; and,

WHEREAS, there is a need to recognize the need to give a holder of an existing liquor license adequate notice prior to lifting of the license following a valid local option election deciding that the license should be lifted; and,

WHEREAS, amendments to the local option law are necessary to address these concerns,

NOW, THEREFORE, BE IT RESOLVED by the Review Board on Alcoholism that it:

1. Supports the availability of the Title IV local option law for all communities in Alaska, including urban areas, regional hub communities and smaller villages.
2. Supports a provision to allow villages and larger communities to have local option elections at any time of the year rather than only at the time of the October general election.
3. Supports a provision lifting a liquor license sixty (60) days after certification of a valid local option election in which a community has voted to lift an existing liquor license in that community.

7.

RESOLUTION FROM RURAL VIOLENCE CONFERENCE

Whereas we representative native Alaskans from across the State, many from smaller villages, gathered in Juneau April 24-26 at the invitation of the Commissioner of Health and Social Services to assess ways to help our people possess a healthier self image and more self reliance, and

Whereas all of us present acknowledged that substance abuse, especially of alcohol, is a particularly serious problem in village settings, and must be addressed from many perspectives, including individual and group responsibility to make choices on how to live well, healthy, and wholesome lives, and

Whereas we were addressed at length on the nature of SB 65 (and amendments) and believe it to be a step in the right direction for people in the villages to have State legal support whenever they may choose by local option to control the sale and bringing of alcohol into a village, and

Whereas it is believed that because of the severe nature of alcohol abuse in the villages (2nd class cities) should be allowed to hold special elections as prescribed by municipal election procedures rather than waiting for the general election in the fall, and

Whereas it is believed that liquor licenses should be invalidated 90 days after the election has been certified so that villages do not have to wait until December 31st of that year, and

Whereas it is known that a number of communities have already sent petitions to the Division of Elections concerning Title IV local option law and request prompt action from the State as soon as the amendments to SB 65 becomes law, and

Whereas we discussed our support for the alcohol programs throughout Alaska and urge continued funding for these services, and

THEREFORE BE IT RESOLVED that we urge the First Session of the 12th State Legislature to act on SB 65 and refunding of the alcohol programs as a means to support and encourage the welfare, health, and self reliance of Alaskans in small communities and villages.

Juneau April 24-26, 1981

Mary Edvardson	Box 211	Barrow Alaska
Sadie Neakok	Box 276	" "
North J Jack	Box 825	Bethel, Alaska
Katherine Kobuk	Gen. Del.	St. Michael, AK 9965
Georgianne Grassok	Gen Del	Kayak, AK 99753
Willa Ashenfelter		White Mountain, AK 99784
Irene Aukoyak		Salome, AK. 99762
David Salmon		Chalkyitsik AK 99788
<del>Maggie</del>		
Maggie Hobbs	Box 256 N	Katzebue Alaska 99752
Anna Frank	1302 21st	Fairbanks 99701
Claf T. Hansen	Box 12	Dillingham AK
Jrmd Scott	1065 Cherry St.	Anchorage, AK 99504
Rene Astruc	Emmonak.	AK. 99581

8.

**ALASKA NATIVE COMMISSION  
ON ALCOHOLISM AND DRUG ABUSE**

274-5531 • 274-7435

750 E. Fireweed Lane, Suite 2  
Anchorage, Alaska 99503

P.O. Box 4-2463  
Anchorage, Alaska 99507

April 22, 1981

To Whom It May Concern:

The Alaska Native Commission on Alcoholism and Drug Abuse (ANCADA) wishes to make the following comments on the "CS For Senate Bill" No. 65 (C & RA) offered March 27, 1981. A copy of the pertinent section is attached.

- A) Concerning Section 4(a), it is the opinion of ANCADA that the local option voting question should not be limited to municipalities with a population of less than 2,500. Many municipalities, with a preponderant Alaskan Native population, which have more than 2,500 residents, also should have the opportunity to vote on the local option question.
- B) Regarding Section 5(a), it is the opinion of ANCADA that where the local option issue is of critical importance to a municipality, that community should have the power to conduct a special election as soon as possible, rather than waiting to vote on the issue at the next scheduled October election.
- C) The local governing body of the Municipality or established Village should have the power both to conduct and certify the local option vote of a community, rather than having this accomplished by the Lieutenant Governor's Office.

It would appear to ANCADA, that unless the above three provisions are approved as part of Senate Bill No. 65, unwarranted restrictions would be placed on the entire local option process, which restrictions would tend to be pre-judicial to the exercise of local community control on what should be a primarily "local" option question.

Sincerely,

ANCADA



John Purcell, Executive Director



# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, LT. GOV.

POUCH W—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.

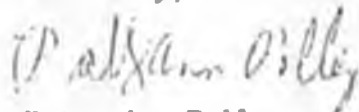
The new language proposed in Section 4 of Senate Bill 65 clearly allows the local liquor option elections to be conducted by the municipality. In addition, the section allows the municipality to call a special election to conduct the election.

Several cities such as Hamnaak 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.

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 Rolley  
Director  
Division of Elections

PAP:ko

cc: Senator Bill Ivey  
Pat Sharrack, Chairman of ABC Board  
✓ Carol Hickey  
All Election Supervisors



January 29, 1981

William Salmon, Jr., Chief  
Chalkyitsik Village Council  
Chalkyitsik, AK 99788

Dear Chief Salmon:

This letter is in reference to Chalkyitsik's petition asking the State of Alaska to hold a special election for the purpose of voting Chalkyitsik a dry village. I wanted to let you know that I intend to request revision during this legislative session of the current Alaska Statute relating to local option elections on liquor sales.

The new law which was enacted in 1980 requires the Lieutenant Governor to conduct local option elections. This, however, is impractical in view of current state and municipal election practices and regulations. We are, therefore, seeking to correct the current statutes and ask your patience in waiting to hold this election until the inconsistencies in the new law can be addressed.

Bill, I will continue to be in touch with you on this, and I hope that fairly soon in the session we will have new guidelines by which to advise you concerning this election.

Thank you for your understanding.

Sincerely yours,

Terry Miller  
Lieutenant Governor

bcc: Patty Ann Polley  
Director of Elections

Robert Cole, Coordinator ✓  
Office of Alcoholism and Drug Abuse

TM/JF/dm



CONRAD EARL ALBRECHT, M.D.  
PUBLIC HEALTH PHYSICIAN  
AFFILIATE PROFESSOR OF MEDICAL SCIENCE  
UNIVERSITY OF ALASKA

Box 38, Wirtz, Virginia 24184

28 March 1981

Wilson L. Condon, Attorney General  
Pouch "K"  
Department of Law  
Juneau, Alaska 99811

Dear Sir:

The State Department of Health and Social Services requested that I conduct a review of a major health problem in the Bush Areas of the State concerning alcohol abuse. You may obtain a copy of the report from Mr. Robert L. Cole, Coordinator of the Office of Alcoholism. You will note in my recommendations that some pertain to the activities of your Department. I might say in passing that all personnel of your Department with whom I came into contact were most cooperative and expressive that alcohol abuse was a major, contributing factor to crime in the Bush.

A major deterrent to the misuse of alcohol in these areas of the State, where as you know the highest percentage of crime exists, is going to be the use of the Local Option Laws which were adopted by the legislature in the 1980 session. There is a strong trend apparent that many villages wish to utilize this procedure. Most of them wish to "Forbid both the sale and importation of liquors". However, you and I know that such an ordinance must be enforced. Bootlegging has become a big operation and is usually the source of liquor in the villages.

The purpose of my writing you is to have some guidance on the matter of law enforcement which is being amended under Senate Bill No. 65 that deals with Title 4. My concern is that if a "Local Governing Body of a Municipality Conducts an Election" on Local Option to forbid the sale and importation of liquor under the code and authority, will it be enforced? My concern is that the State Troopers and the Village Public Safety Officers technically will not enforce such a municipally conducted election.

Senate Bill No. 65 has an amendment which will delete "THE LIEUTENANT GOVERNOR SHALL CONDUCT THE ELECTION IN THE GENERAL MANNER PRESCRIBED BY THE ALASKA ELECTION CODE (AS 15.05-15.60)". The Division of Elections in the Lieutenant Governor's office has indicated to me that this is their amendment because there should not be two methods of conducting an election; one by the Lieutenant Governor or one by the governing body of a municipality.

My concern needs your guidance whether or not this amendment should be adopted. I fear that unless the Lieutenant Governor conducts the election, in the general manner prescribed by the Alaska Election Code, the State Troopers will not have the authority to enforce breach of the election decision. Again, if the election conducted by the governing body of a municipality is just as valid and can be enforced by the State, it matters not.

*Copy to Cole  
Bessly*

continued

Wilson L. Condon, Attorney General

28 March 1981

Page Two

Please look into this matter and discuss it with the Division of Elections for it would be most unfortunate if the native population is again misled on this matter. After having worked in three communities, I can assure you this is a very serious matter with them. I am writing to the Lieutenant Governor's office to follow-up on a conference I had with Lieutenant Governor Miller personally.

Sincerely yours,

C. Earl Albrecht, M.D.

CEA/cc



Bering Sea  
Women's  
Services

Box 1593  
Nome AK 99762  
443-6259

April 23, 1981

TO: Members of the Senate Judiciary Committee  
Patrick Wadley, Chairman

RE: Senate Bill 65 - Amending the Local Options Law

Ninety-eight (98%) percent of the 202 women and children served at the Bering Sea Women's Shelter in 1980 were abused by drunk husbands/fathers. Fifty (50%) percent of the women themselves have alcohol problems.

Women have repeatedly expressed their vulnerability in the village setting when there is drinking going on. Village residents who don't drink are afraid of those who do drink because of the well documented tendency of alcohol abusers to become violent.

We have observed village leaders becoming increasingly frustrated when their attempts to limit the availability of alcohol is futile because of bureaucratic blockages. This is resulting in a deepening sense of powerlessness over their own village affairs.

We strongly urge this committee and the Legislature as a whole to allow villages to hold local options elections quickly and to allow local officials to conduct them. Under no circumstances should the privilege to hold such an election be limited to communities under 2,500. The law could be most effectively enforced if regional distribution centers could also elect to go dry locally.

*Carol Perron*  
Carol Perron, Director

*Vicky Borton*  
Vicky Borton, Alcohol  
Counselor

*Dolly Patchineff*  
Dolly Patchineff, Village Coordinator

SENATOR RUSSELL  
SENATE JUDICIARY COMMITTEE HEARING

MR. GRACE E. LINCOLN, R.N.

WITH THE LONG HISTORY OF ALCOHOL-RELATED  
UNRESOLVED DEATHS OF EIGHT YOUNG WOMEN  
FROM KOTZEBUE IT IS CRUCIAL THAT THE ISSUE  
OF THE LIMIT OF THE POPULATION OF 2500 OR  
LESS FOR A LOCAL OPTION ON THE WET OR DRY  
STATUS OF THAT POPULACE BE LIFTED. IT  
IS INCREASINGLY DANGEROUS TO GO ABOUT  
NORMAL BUSINESS EVEN DURING THE BROAD  
DAYLIGHT HERE IN KOTZEBUE. IT ADDS  
TO THE FEELING OF HELPLESSNESS OR  
FUTILITY WE ARE STRIVING TO ERADICATE.

10.



STATE OF ALASKA  
 JUSTICE DEPARTMENT  
 DISTRICT ATTORNEY - SECOND JUDICIAL DISTRICT

DD-110 - 1-21-81

April 23, 1981

Senator Pat Rodey, Chairman  
 Senate Judiciary Committee  
 Juneau, AK. 99811

Re: Hearings on local options provisions.

Dear Chairman Rodey and  
 Members of the Senate Judiciary Committee,

I would like to briefly comment on the proposed amendments to the local option provisions. Prior to doing so I must point out the enormous problems created in rural Alaska villages due to excessive alcohol consumption. On a daily basis I deal with the victims of violent crime in bush Alaska. These crimes are virtually all committed by an offender who is under the influence of alcohol. An example of this devastation can be seen by the high rate of homicides in the Second Judicial District which is primarily rural. In one village alone there have been two alcohol related killings by firearms in the last year. On a per capita basis, taking into account the small number of residents of the village this would equate to 42 people a week being victims of homicides in a city the size of Anchorage.

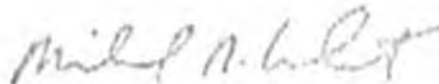
Something must be done, and it must be done quickly. Of course, violent acts committed by those under the influence of alcohol are merely the symptoms of the alcohol problem. My office is only able to handle the symptoms by protecting communities from those who have already caused destruction. Local option provisions can start the process of treating the causes of violent crime in bush Alaska.

The current local option statutes have been uniformly heralded by rural Alaska residents. My office has been heavily involved in communications with village spokesmen in trying to assist villages in preparing local option provisions. The particular provisions passed in the last legislative session were extremely good in that they allowed villages to close the loop holes in prior law by keeping alcohol from being imported as well as being sold. Virtually every village I have communicated with wants to enact this provision. To date they have been unable to do so due

to the procedures which require that the vote take place in a state-wide, or state run election handled by the Lt. Governor. I am confident that if the villages had been able to pass the local option provision prohibiting sale and importation when it became effective in 1960, that there would be people alive today that have been killed by intoxicated people in the interim.

I urge this committee to look favorably on the bill before it which would allow special elections in second class municipalities for the purpose of passing local option provisions. It is impossible to tell how many lives will be ended or adversely affected between now and the next state-wide election if the statute remains the way it is. The sooner that small rural communities can prohibit importation of alcohol the better. Based on my experience as the original prosecutor for the Second Judicial District at least one person will be killed in each two-month period from now until importation of alcohol is banned in this area. These deaths can be prevented by this committee doing everything possible to speed up the mechanism by which villages can ban the importation of alcohol.

Sincerely yours,



Michael R. White  
District Attorney

MRB:GW



ENCLOSURE WITH INFORMATION. ALASKAN REGISTER.

WINDY

10: Members of the Senate Judiciary Commission

Attention: Mr. Patrick Foley

I am a Catholic priest who has been working in the Alaska bush for the past 25 years (Holy Cross, Mt. Village, Pilot Station, Marshall, St. Marys, Barrow, Little Diomedea and the last 15 years in Nome).

In all of those years the only really discouraging thing I have come across is alcoholism.

What used to be a problem is now a disaster, an epidemic in village after village after village.

Everywhere we are faced with family destruction, murder, theft, suicide, beatings, rape, and they are 95% alcohol related. It's threatening an entire people.

Therefore, I would urge you with all my heart to put into the hands of the people in the villages the tool to take advantage of the Title IV Local Options Law -- the adoption of the amendment on special elections at any time and the ability of the local governing body to conduct the elections. If a village then wants to help itself, it may do so.

I remain,

Sincerely and hopefully,

Fr. James E. Poole, S.J.

Fr. James E. Poole, S.J.

15.

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 Nakoryuk voted last fall under the Sec. 04.10.433 to ban the possession and importation of Alcohol to the City of Nakoryuk.

The City of Nakoryuk was notified on November 24, 1980 from Attorney General's office stating the local option, citizen's of Nakoryuk 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 Nakoryuk like 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 Nakoryuk, instead of waiting for the next fall general election.

Thank you for your time and attention.

Sincerely Yours,

Mayor

Fred Don  
Nakoryuk City Council

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

FD/mck



PETITION TO THE CITY COUNCIL OF POINT HOPE

We the undersigned people ask that the City Council enact into law a City Ordinance that will make it illegal to bring alcoholic beverages into the City Limits of Point Hope.

We are getting tired of seeing people being drunk and causing trouble everytime they get drunk. It is not only the grown ups that are getting drunk and hurting there love ones and causing damage in and around the City of Point Hope, but some of our children that are underage are also getting drunk. Lately there has been alot of trouble not only in the homes but in the village also. People are getting hurt because someone who is intoxicated has to go around and show how cuff he is by getting into a fight with one of his own people, which in some instances has caused the injured person to go to the clinic for treatment and also to the hospital in Kotzebue. These problems would not of happen had the person been sober, as we are a proud people here at Point Hope and we want to remain that way.

Therefore we the undersigned people ask you our City Council to enact a law which will make it illegal for anyone to bring into the City of Point Hope any Alcoholic beverages. We also ask that all the airlines that serve Point Hope be notified of this law and that if they violate this law that they will be summoned into court, along with any violators and be punished under law.

We also asked that once this law is enacted that the North Slope Borough Police Dept. be made to enforce it by checking on the airlines as they arrive and by confiscating and destroying any and all alcoholic beverages that arrive, and if necessary look up any drinks that are causing trouble in the village whether it be in town or in there own homes if they are called "beer" or "alcohol" which are alcoholic related.

We as a proud people at Point Hope want to be that way for generations to come. We do not want any visitors to Point Hope to think that this village is reaching for a drinker town. We have had in the past a number of deaths to our loved ones because of Alcoholic Beverages and we do not want any more deaths this way. We want the whole State of Alaska to be Proud to visit Point Hope and see just how Proud A People We are without any alcoholic beverages as there in now.

- 1. John Johnson Pt. Hope Ak 97766
- 2. Charles Johnson Pt. Hope 97766
- 3. Shirley Johnson Pt. Hope 94766
- 4. William Johnson Pt. Hope 99766
- 5. Robert Johnson Pt. Hope Ak 99766



ORDINANCE 81-2  
AN EMERGENCY ORDINANCE OF THE CITY OF  
ST. MARY'S, ALASKA RELATING TO THE  
IMPORTATION OF ALCOHOLIC BEVERAGES INTO  
THE CITY LIMITS OF THE CITY OF ST. MARY'S

Declaration of Emergency

In recent weeks problems directly related to the availability of alcoholic beverages have increased. Residents from outlying villages as well as residents of the City of St. Mary's are able to obtain sizeable quantities of alcoholic beverages within three to twenty-four hours. The size and numbers of the shipments indicate that much of this alcohol is being sold in violation of local option and consumed in St. Mary's, causing problems of violence and vandalism which the City is not in a position to control. Alcoholism is becoming epidemic in St. Mary's, jeopardizing the wellbeing of families, the employment of individuals, the stability of businesses and the health of individuals. The only viable course open to the City at present is to stop the importation of alcoholic beverages into City limits. Because the need is immediate and requires quick action, an emergency is declared.

THEREFORE, BE IT ENACTED BY THE COUNCIL FOR THE CITY OF ST. MARY'S:

Section 1. Importation of Alcoholic Beverages Prohibited.

No alcoholic beverages may be imported into the city limits of St. Mary's except for the following:

- A. Alcoholic beverages used in religious services.
- B. Alcoholic beverages ordered prior to the passage of this ordinance upon proof of the date of order.

Section 2. Penalty.

Any person or carrier importing alcoholic beverages into the city limits of St. Mary's in violation of this ordinance will be fined not more than five-hundred dollars (\$500) for each occurrence.

Section 3. Effective Date.

This ordinance becomes effective April 8, 1981 and remains effective for sixty days unless extended or removed by the City Council.

SUBMITTED, PASSED AND APPROVED this 7<sup>th</sup> day of April, 1981

*Marion P. ...*  
Mayor

ATTEST:

*Margaret Kinnick*  
City Clerk

# St. Mary's to prohibit importation of alcohol

by Cheryl Keepers

Last week St. Mary's City Council enacted a 60-day emergency ordinance prohibiting the importation of alcoholic beverages into its city limits. The ordinance is to be effective for 60 days, unless extended by the City Council: the maximum fine for violation is \$500.

According to a press release from the City Council, there were several reasons for passing the ordinance. Public disturbances, violence and vandalism have increased in recent weeks. Most of the problems were alcohol related, and often caused by residents from other villages who were in St. Mary's to receive shipments of alcohol, the release stated. With one local policeman and one jail

cell, the city is not able to control the disturbances caused by too many people drinking too much.

However, there is some question regarding the legality of the city ordinance. In an informal opinion on the ordinance issued to this reporter by Assistant Attorney General Rod Pegues, Mr. Pegues noted that the ordinance was probably not legal. He stated that there "has to be an election and vote on the question." Under the existing local option law, the election must be held at the next regular election (October), and until then nothing can be done. While sympathizing with St. Mary's

Please turn to page 30

## ST. MARY'S

wish to act sooner, Mr. Pegues commented that there is "nothing they can do about it unless the law is changed."

Tim Troll, City Manager for St. Mary's, said the city has a petition pending with the Division of Elections to put the issue on the ballot at the next regular election, but that the City Council felt the situation was so pressing they "had to try to do something about it." Mr. Troll, who is also a lawyer, noted that he had cautioned the City Council that "some questions would be raised" regarding the legality of their move, but that he feels the ordinance is not necessarily in violation of the state law. Citing the leeway given local governments in controlling alcohol under federal law, and noting that they are looking for voluntary compliance on the part of the airlines, Troll stated "we do think there are arguments on our side too." The city will be enforcing the ordinance by seizing alcohol dropped off and delivered in St. Mary's.

Mr. Troll continued by saying that St. Mary's had wanted to hold the local option election before fishing season and the accompanying increase in alcohol and alcohol related problems. The City Council acting in part is intended to let the state know the severity and urgency of the problem.

The issue of when elections can be held on the local option law has been receiving some attention in the community attention in the Community and Regional Affairs committee of the state legislature, also. Senate Bill 65, (SB65), introduced by Bill Ray (D-Juneau), contains a provision for special elections that would allow municipalities and established villages to hold local option elections at times other than October.

This amendment retains the provision that a petition containing signatures equal to at least 35 percent of the number of votes cast at the last regular municipal election be filed, but provides that in a municipality, the election be carried out in accordance with the election ordinance of that municipality. This is a change from the existing law which has required that the Lt. Governor conduct all local option elections, a provision which has effectively prevented any local option elections from taking place.

An amendment was also introduced, but later dropped, which would have provided for revoking any existing liquor licenses in a community within 60 days after certification of a local option election to prohibit sales. According to David Dye, aide to Sen. Don Gilman, (R-Kenai) chairperson of the Community and Regional Affairs Committee, this amendment was not accepted by the committee due to potential legal problems with this process. The Committee also felt that it would be unfair to a legitimate business person to take away the license when he/she had expected it to be valid.

As SB65 now stands, a liquor license in a community that votes to prohibit sales will be allowed to expire at the end of the year, which would happen in any event, but the license would then not be renewed for at least one full year afterwards.

If the community were to choose in that year to go back to allowing the sale of alcohol, no liquor license would be

issued before the full year had run. If the community does not change its mind, no new licenses would be issued.

Should the community choose the alternative of prohibiting importation, Mr. Dyer noted this would affect both private individuals and licensed businesses, thus effectively ending any sales business.

Another amendment not in the original legislation, but introduced at the request of the bill's prime sponsor, Bill Ray, would have placed limits on which municipalities could use the local option law, and on what questions could be put before the public. Ray's amendment would have limited the question to one of sales, and would have allowed this only in municipalities under 2,500 in population. This

would have meant that hub communities such as Bethel would not have been able to prohibit either sales or importation, and communities under 2,500 would not have been able to prohibit importation. The amendment was rejected by the committee. Mr. Dyer noted that the committee felt it would be unfair to foreclose on any communities' right to control alcohol based on size, and that the local option law should have blanket application.

The bill is now in the Senate Judiciary Committee. Members of that committee include George Inghman (D-Bethel), Bill Ray (D-Juneau), Charles Parr (D-Fairbanks), Dan Bennett (R-Fairbanks), and Patrick Rudy (D-Anchorage).



# City of St. Mary's

P.O. Box 163  
ST. MARY'S, ALASKA 99658

April 8, 1981

Mayor Paul Beans  
P.O. Box 204  
Mtn. Village, AK 99632

Enclosed is a copy of our emergency ordinance 481-2 which was passed in our April 7, 1981 general city council meeting.


Because of the increasing number of alcohol-related problems at St. Mary's the city council found it necessary to pass and adopt this ordinance which will be in effect for 60 days and which could be extended at the end of 60 days. These alcohol-related problems are caused not only by our residents, but a lot of problems are caused from other people coming in from nearby villages and causing problems at St. Mary's.

We are asking that this be posted at a public place and that your council members encourage their people to respect and abide by it when they are within the City of St. Mary's. The city council feels that this is the only way the steady flow of alcohol coming into our city can be stopped.

Thank you for your cooperation and assistance in dealing with this problem.

Sincerely,

CITY OF ST. MARY'S

  
Moses Paukan, Sr.  
Mayor, City of St. Mary's

MB/mbk

cc Russian Mission  
Fortuna Lodge  
Pilot Station  
Pitkas Point  
Mtn. Village  
Emmonak  
Alakanuk  
Chiltons Point  
Kotlik

Encl  
MB



Resolution No. 81-2

A RESOLUTION OF THE CITY COUNCIL OF ALAKANUK, ALASKA, SUPPORTING SENATE BILL NO. 65 INTRODUCED BY SENATOR RAY AS FOLLOWS:

WHEREAS; The City Council has received a petition containing over 80 signatures equal to over 50% of Alakanuk's Registered voters to have a question put to the vote of the people concerning the Banning of Importation of Alcoholic Beverages as per Alaska Statutes Title 04; and

WHEREAS; The voters wish to vote on the issue as soon as possible; and

WHEREAS; The City Council would like to hold a Special Election, but must wait 9 months to have the question put on the ballot at the Regular Election as per AS 04.11.502 (a); and

WHEREAS; We should be allowed to have a special election on the issue as with other procedures as set out in Title 29;

NOW THEREFORE BE IT RESOLVED THAT, the City Council of Alakanuk supports Amendments to Title 04 as provided by Senate Bill No. 65, Twelfth Legislature - First Session as introduced by Senator Ray allowing municipalities to hold a special election as Provided in Title 29; AND

FURTHER BE IT RESOLVED THAT, A.V.C.P., other affected Villages, and other organizations pass concurrent Resolutions supporting this Resolution and SB-65. PASSED AND APPROVED THIS 3rd DAY OF FEBRUARY 1981, BY THE CITY COUNCIL OF ALAKANUK, ALASKA.

ATTEST: Elizabeth A. Chibigak  
City Clerk

Mayor Ray A. P. Hill  
Vice Mayor Paul R. Hummel M.  
Sec./Treas John Hill  
Member Norm Hill  
Member Joe Joseph  
Member Martin Hill  
Member Francis Joseph

A RESOLUTION OF THE CITY COUNCIL OF ALAKANUK, ALASKA, CONCERNING A PETITION PERTAINING TO SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES AS FOLLOWS:

WHEREAS; the City Council of Alakanuk, Alaska, through the Alakanuk City Clerk, has received a Petition containing 72 valid and Certified signatures of Registered Voters of the City of Alakanuk to place upon the separate ballot at the next Regular or Special Election the question "SHALL THE SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES BE PROHIBITED IN ALAKANUK?(YES OR NO)"; and

WHEREAS; the City Council finds that 72 signatures were gathered in a proper and timely manner according to Alaska Statutes Title 04 and Title 29 and, coincides with the provisions of the Code of Ordinances of the City of Alakanuk; and

WHEREAS; the City Council finds that there represents 107 per cent(%) of the number of Registered voters who cast ballots at the last Regular Election and therefore more than exceeds the required 35 per cent(%) as required by Title 04 to place the question on the ballot at the next Regular election; and

WHEREAS; the City of Alakanuk has been having alcohol related violations of the Alakanuk Code of Ordinances and Alaska's Laws being made in the recent past including "bootlegging"; and

WHEREAS; the City Council wishes to respond to the wishes of the community for which we serve; NOW

THEREFORE BE IT RESOLVED THAT in accordance with present laws, the Lieutenant Governor proceed as prescribed by present or future law in the placing of the above mentioned Petitioners' question upon a separate ballot as may be prescribed by law; AND

FURTHER THAT the Lieutenant Governor notify the City Council of his determination and schedule of events concerning the subject of this Resolution at his earliest convenience responding to the following address: Alakanuk City Council  
City of Alakanuk  
P.O.Box 51  
Alakanuk, Alaska 99554.

ADOPTED, PASSED AND APPROVED BY THE CITY COUNCIL OF ALAKANUK, ALASKA, THIS 13<sup>th</sup> DAY OF March 1981.

Mayor Patrick Shilley

ATTEST: Elyatak Chikigak  
City Clerk

SEAL



# TUNDRA The Drums

CAROLE A SAEKEY  
BOX 2128  
ANCHORAGE

AK 99317

"Too hot to ha



VOLUME IX Number 5

Bethel, Alaska 25'

May 7, 1981

## Body of Alakanak man found near Sheldon's Point

The body of Alakanak resident Ole Strongheart, 26, was discovered early Saturday morning about two miles down river from the Yukon village of Sheldon's Point.

According to Bethel First Sergeant Glen Godfrey of the Alaska State Troopers, Mr. Strongheart was last seen in a "highly intoxicated condition" leaving Sheldon's Point en route to Alakanak, by snow machine.

Sgt. Godfrey noted that Mr. Strongheart apparently had engine trouble and attempted to return to Sheldon's Point. Sgt. Godfrey surmised that the weather that day and Mr. Strongheart's intoxicated condition made him very susceptible to hypothermia and exposure.

Mr. Strongheart's body has been sent to Anchorage for autopsy.



STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY

7 201 1ST-2 ESI INV. REPORT

DETACHMENT/POST OR  
CONTRIBUTING AGENCY

D/ ST. MARY'S

FILE NO  
DEI-2211

TYPE OF CRIME	HOMICIDE	RAPE	ROBBERY	ADW	A&S	SHOOT	SHAD	LARC 1/50	LARC 1/100	AUTO THEFT	EMBEZZ.	WEAPONS	PROST. VICE	DRUG LAWS												
CHECK BOX APPLICABLE	DE BRAYS	DTP	DK	GAMBLING	DMV	ADJUDICATION	ARJON	SEX	MIL. NO.	SUICIDE	OTHER	DEATH INV.														
DATE-TIME LOCATION	DATE OF OFFENSE	REPORTING AGENCY DATE	TIME OF OFF	DATE REPORTED	LOCATION																					
	5/2/71			5/2/71	SHELDON'S POINT																					
CODE NAME	SEX	RACE	D.O.B	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. LENSES															
V OLE STRONGHEART	M	O	2/28/55	25	65	160	BL	BR	AM	M																
PHONE	SOCIAL SEC. NUMBER	OP. LIC. NUMBER	STATE	DATE OF EXP.																						
NONE	574-25-0067	NONE	-	-																						
ADVISOR RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME																		
NAME SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE																	
CODE NAME	SEX	RACE	D.O.B	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. LENSES															
W1 TOMY PRINCE	M	O	10/11/26	57	67	165	BL	BR	AM	M	GLASSES															
PHONE	SOCIAL SEC. NUMBER	OP. LIC. NUMBER	STATE	DATE OF EXP.																						
NONE	574-09-5769	NONE	-	-																						
ADVISOR RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME																		
	X				HIGH SCHOOL			5/4/71	10:45 AM																	
NAME SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE																	
CODE NAME	SEX	RACE	D.O.B	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. LENSES															
W2 JOHN CAMILLER	M	O	11/23/57	23	66	170	BL	BR	AM	M	GLASSES															
PHONE	SOCIAL SEC. NUMBER	OP. LIC. NUMBER	STATE	DATE OF EXP.																						
NONE	574-36-4175	NONE	-	-																						
ADVISOR RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME																		
	X				HIGH SCHOOL			5/4/71	11:00 AM																	
NAME SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE																	
CODE NAME	SEX	RACE	D.O.B	AGE RANGE	HT	WT	HAIR	EYES	NAT	BUILD	CORR. LENSES															
W3 FRANK S PRINCE	M	O	12/11/50	30	67	170	BL	BR	AM	M																
PHONE	SOCIAL SEC. NUMBER	OP. LIC. NUMBER	STATE	DATE OF EXP.																						
NONE	574-20-7900	NONE	-	-																						
ADVISOR RIGHTS	YES	NO	BY	DATE	INTERVIEWED AT	BY	DATE	TIME																		
	X				HIGH SCHOOL			5/4/71	11:28 AM																	
NAME SUSPECTED OF	BOOKING NUMBER	CRIMINAL RECORD	YES	NO	RECORD ATTACHED	YES	NO	RECORD AVAILABLE AT	WARRANT DATE																	
VEHICLE INFORMATION	VEHICLE IDENTIFICATION	WEATHER CONDITIONS	MOON PHASE	WIND DIRECTION	WIND VELOCITY	TEMPERATURE	HUMIDITY	VISIBILITY	ROAD SURFACE	ROAD CONDITION	TRAFFIC	VEHICLE TYPE	VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR	VEHICLE LICENSE	VEHICLE REGISTRATION	VEHICLE INSURANCE	VEHICLE OWNER	VEHICLE DRIVER	VEHICLE OCCUPANTS	VEHICLE DAMAGE	VEHICLE LOCATION	VEHICLE STATUS	VEHICLE NOTES	
		X																								
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36

CODE: 31 C - DEAD BEFORE REPORT MADE, A - UNCAUS - STATING, B - EVIDENT, E - POSSIBLE, D - NO INJURY, S - SATISFACTORY, P - POOR, C - CRITICAL  
 DOA - DEAD ON ARRIVAL (MULTIPLE CODES MAY BE USED)  
 WHEN MAKING COMMENTS INSTRUCTION 39 (DETAILS) PLEASE USE THE NUMBER OF THE SECTION AS YOUR PARAGRAPH HEADING RATHER THAN WRITING ONE OUT PLEASE CIRCLE ALL SECTION NUMBERS IN THE BODY OF THE REPORT WHEN MAKING COMMENTS ON THESE SUBJECTS IN THE DETAILS SECTION.

SUSPECT WORE	COAT	KIND	COLOR	HAT	KIND	COLOR	GLASSES	KIND	COLOR	PANTS	KIND	COLOR	SHOES								
	COLOR	BOOTS	KIND	COLOR	SHIRT	KIND	COLOR	SWEATER	KIND	COLOR	GLOVES	KIND	COLOR								
DESCRIPTION OF IDENTIFY NUMBER													27	SUSPECT CAN BE IDENT.	YES	NO	BY	DATE	PHOTO AVAIL	YES	NO
WEAPON HELD IN	HAND	WEAPON WAS	TYPE	REVOL.	RIFLE	T. GUN	AR	SEN	KNIFE	CLUB	COLOR	OTHER TYPE OR FURTHER DESCRIPTION						30	WEAPON RECOVERED	YES	NO
	DATE	MAKE	TYPE	MODEL	CAL.	SERIAL NUMBER	BAR. LENGTH	GENT. #													
VICTIM INFO	NO AND CONDITION		DOA	HOSPITAL	BY	MORTUARY	ALTOPIY REQUIRED	YES	NO	PERFORMED BY											
ATTENDING	VICTIM F/PRINT	YES	NO	NEXT OF KIN NOTIFIED	BY	32	PHOTOS TAKEN	YES	NO	ALTOPIY	YES	NO	OTHER	B & W	COLOR	VIDEO TAPE	MINUTES				
EVIDENCE PROPERTY LOCATION	WHERE	PROPERTY LIST ATTACHED	YES	NO	PROPERTY LIST WITH EVIDENCE	YES	NO	VALUE PROP. STOLEN	\$	VAL. PROP. RECEIVED	\$	PROPERTY RECOVERING									
BREATH TEST REFUSED	YES	NO	% B.A.	GIVEN BY	WITNESSED BY	LOCATION	DATE	TIME	OTHER TESTS REQUESTED												
STATEMENTS TAKEN FROM	3	4	5	OTHER	36	EXHIBITS FOR D.A.	DIAGRAMS	IMPLIED CONSENT	ALCO. INF. RPT. FORM	WAIVER OF RIGHTS	OTHER										
ACIC INPUT	DATE ENTERED	DATE ENTERED	38	NOIC INPUT	DATE ENTERED	DATE ENTERED															

SYNOPSIS:

ON 5/2/77 AT 10:00 AM, CL2 STONGHEART (#30, FGI) WAS FOUND DEAD ON THE SNOWMACHINE TRAIL NORTH OF SHELDON'S POINT. THE VICTIM, INTOXICATED, HAD TRIED TO DRIVE FROM SHELDON'S POINT TO ALAKANUK IN POOR WEATHER. HIS MACHINE GOT STUCK IN A HOLE IN THE ICE, AND THE VICTIM TRIED TO WALK BACK TO SHELDON'S. PENDING AUTOPSY RESULTS, IT IS BELIEVED HE DIED OF HYPOTHERMIA, AND NO FURTHER PLAY IS SUSPECTED. TOTAL MRS - 100.

STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY

7 201 ST 2 IS INV. REPORT

DETACHMENT/POST OR CONTRIBUTING AGENCY

D/ST. MARKS

FILE NO. 157-2211

TYPE OF CRIME	PRELUDE	DATE	ADDRESS	AOW	A&D	DRUGS	TRAC	LAB. C. NO.	LAB. U. NO.	AUTO THEFT	EMBEZZ	SWAPING	TRUCK VIO	REGULATORY
DEATH INV.														
DATE-TIME LOCATION	5/2/81	1:00 PM	5/2/81	SHELDONS POINT										
CODE NAME	JUSTINA M. PRINCE	F	0	12/1/53	27	60	110	BL	BRN	4	GLASSES			
GEN DEL	SHELDONS PT	NONE	574-24-0631	NONE										
INVESTIGATED	X			INTERVIEWED AT	HIGH SCHOOL	HALL	5/4/81	11:55 AM	WARRANT DATE					
BOOKING NUMBER				CRIMINAL RECORD		RECORD ATTACHED		RECORD AVAILABLE AT						
CODE NAME	JAMES ARCAN	M	0	3/25/55	56	63	163	BL	BRN	14	GLASSES			
GEN DEL	SHELDON'S PT	NONE	574-09-5750	NONE										
INVESTIGATED	X			INTERVIEWED AT	HIGH SCHOOL	HALL	5/4/81	11:50 AM	WARRANT DATE					
BOOKING NUMBER				CRIMINAL RECORD		RECORD ATTACHED		RECORD AVAILABLE AT						

FILE NO. DFI-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARY'S POST.

INVESTIGATED BY HALL DATE(S) INVESTIGATED 5/3/71 ID 21

TITLE OF CASE DEATH INV.

INVESTIGATION:

INVESTIGATION REVEALED THAT THE VICTIM ARRIVED IN SHELDONS POINT AT APPROXIMATELY 4:00 PM FROM BETHEL. HE BROUGHT FOUR BOTTLES OF WHISKEY WITH HIM. DURING THE EVENING OF 5/1/71, THE VICTIM CONSUMED THREE OF THE BOTTLES, SHARING THEM WITH FRIENDS. HE ATTENDED THE DANCE AT THE HIGH SCHOOL, WHERE HE GOT INTO A FIGHT WITH JOHN CAMILLE (45WE, PD) OVER A BOTTLE. FRANK PRINCE (26WE, PD), THE VPO, NA) CONTACT WITH THE VICTIM SEVERAL TIMES, AS THERE WERE SEVERAL COMPLAINTS ABOUT THE VICTIM'S ACTIONS.

AT APPROXIMATELY 11:30 PM, THE VICTIM WAS SEEN LEAVING SHELDON'S POINT TOWARD ALAKANUK VIA SNOWMACHINE. HIS BODY WAS FOUND ABOUT TWO MILES NORTH OF SHELDON'S POINT, AND THE SNOWMACHINE WAS TWO MILES BEYOND THE BODY. THE ONLY TRACKS WERE FROM THE VICTIM, AND SHOWED THAT HE HAD BEEN STAGGERING AND HAD FALLEN DOWN SEVERAL TIMES. THE VICTIM'S SNOWMACHINE HAD PARTIALLY FALLEN THROUGH A HOLE IN THE ICE AND COULD NOT BE RECOVERED EASILY. IT APPEARED THAT THE VICTIM, HIGHLY INTOXICATED, HAD BEEN ON HIS WAY HOME, NA.

SEARCHED	INDEXED	SERIALIZED	FILED

FILE NO. DTI-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARYS POST.

INVESTIGATED BY HALL DATE(S) INVESTIGATED 5/2, 4, 5 19 81

TITLE OF CASE DEATH INV.

GOTTEN HIS MACHINER STUCK, AND HAD TRIED TO WALK BACK TO SHELDON'S POINT. THE BODY WAS IN A FETAL POSITION, AND IT APPEARED THAT HE HAD FALLEN DOWN AND COME TO SLEEP.

THE WEATHER ON THAT NIGHT WAS IDEAL HYPOTHERMIA WRATHER. IT WAS 35° TO 40°, MIXED RAIN AND SNOW, WITH 20 MPH WINDS.

DATE PREPARED	BY

APPROVED BY	

<input type="checkbox"/> PENDING
<input checked="" type="checkbox"/> COMPLETE

--

FILE NO. DEL-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARYS POST

INVESTIGATED BY HALL DATE(S) INVESTIGATED 5/2, 4 19 71

TITLE OF CASE DEATH INV.

INTERVIEW.

TOM PRINCE (44 W, AGI) STATED THAT THE VICTIM WAS AT HIS HOUSE FROM 4:00 PM TO 6:00 PM. THE VICTIM DID NOT HAVE ANYTHING TO DRINK, AND APPEARED SOBBER. THE VICTIM LEFT AT 6:00 AND WAS NOT SEEN AGAIN.

INTERVIEW:

JOHN CAMILLE (45 W, AGI) STATED THAT HE FIRST SAW THE VICTIM AT A SCHOOL DANCE AT 7:00 P.M. CAMILLE SAID HE WAS HIGH FROM DRINKING HOME BREW, AND TRIED TO STEAL A BOTTLE OF WHISKEY FROM THE VICTIM. A BRIEF FIGHT ENSUED, WITH THE VICTIM RECEIVING SOME PUNCHES AND SCOTCHIES. CAMILLE AND THE VICTIM THEN WENT OUTSIDE AND HAD SOME DRINKS. CAMILLE STATED THAT HE LAST SAW THE VICTIM AT ABOUT 9:00 P.M. WHEN LAST OBSERVED, THE VICTIM WAS VERY DRUNK.

INTERVIEW:

FRANK PRINCE (46 W, AGI) STATED HE WAS ON DUTY AS U.P.O. ON 5/1/71. HE RECEIVED SEVERAL COMPLAINTS AGAINST THE VICTIM, STATING THAT HE WAS DRUNK, STARTING FIGHTS, ETC. PRINCE STATED THAT HE CONTACTED THE VICTIM, AND OBSERVED THAT HE WAS INDICATED PRINCE

SEARCHED _____	INDEXED _____	SERIALIZED _____	FILED _____
MAY 1971	MAY 1971	MAY 1971	MAY 1971

FILE NO. DET-2211

ALASKA STATE TROOPERS, D DETACHMENT ST. MARYS POST.

INVESTIGATED BY \_\_\_\_\_ DATE(S) INVESTIGATED \_\_\_\_\_ 19 \_\_\_\_\_

TITLE OF CASE \_\_\_\_\_

INTERVIEW:

JAMES AFKAN (BY WI, PG 2) STATED THAT HE FOUND THE BODY AT ABOUT 10:00 AM, 5/2/81. AFKAN WAS GOING TO SET A FISH TRAP. HE SAID THE VICTIM WAS CURLED UP AS IF SLEEPING. HE SAID THERE WERE NO OTHER TRACKS NEAR THE VICTIM. HE FOLLOWED THE TRACKS AND SAW WHERE THE VICTIM FELL SEVERAL TIMES, AND THE TRACKS SHOWED HE WAS STAGGERING.

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_

APPROVED BY (Signature)  
DATE \_\_\_\_\_

PENDING  
 COMPLETE

REPORT NO. \_\_\_\_\_



April 23, 1981

To: whom may concern:

The way of action of St. Marys City  
Emergency Ordinance <sup>is very good</sup> ~~is~~ to me  
in personally as I am a  
native and couldn't find any  
other ~~and~~ best <sup>way</sup> village or city could  
take any ordinance on alcohol.

I hope the other items  
such as Marijuana and drugs  
being taken care before it's getting  
to heavy.

Neil Skunas  
Sakroak Bay VAFEC  
City Council Member  
Sakroak Bay, Ak 99637

23.

## Alcohol, crime are partners in the Bush

By DON HUNTER  
Daily News reporter

It is the summer of 1979, and more than a dozen young men are in the Bethel jail, crowded around a table and sitting on bunks.

The young men are in jail to await trial. Their offenses include rape, assault, and manslaughter. The man charged with the killing seems hardly old enough to be accused as an adult. He is small of frame, shy. While the others talk, he sits, staring at his hands. One of the other prisoners — the one who says he is innocent of the rape charge — says the younger man has been depressed. The conflict that led him here, his jailhouse colleague tells a visitor, erupted in a village over a bottle. The young prisoner doesn't remember how it happened. He only knows he shot his brother.

It is the new song of the wild; a sorrowful, painful chorus repeated in scores of villages and rural towns in Alas-

ka's Bush. Alcohol and its abuse are frequently mentioned as leading causes of crime and misery in many places — urban and rural, in Alaska and in other states. In the Bush, booze takes on a more ominous tone: Here, it is the common denominator in crimes of violence.

Sgt. Glen Godfrey of the Alaska State Troopers supervises law enforcement for an area larger than many states. Headquartered in Bethel, Godfrey's detachment spans 110,000 square miles; 57 villages; about 20,000 people.

"Of the calls we get of a violent nature, generally more than 90 percent are alcohol related," Godfrey said.

"In the last four years, every homicide we've had out here — three to four a year — has been alcohol related."

Other types of serious crimes — stabbings, rapes, shootings — are almost always committed in the company of liquor, Godfrey said.

"We don't have very many of your violent crimes out

In the last four years, every homicide we've had out here — three to four a year — has been alcohol related.

— Alaska State Trooper Glen Godfrey

here," Godfrey said. "People don't take their frustrations out on other people, unless they've been drinking."

The too often deadly combination of liquor and violence has led some villages to enact emergency bans on the importation and sale of alcohol. In Selawik, a village of 500 near Bethel, city leaders enforced a 60-day ban in 1979. In St. Mary's, about 150 miles north of Bethel, a 60-day ban on the importation of alcohol is now in effect, passed by the city council.

The problem with such emergency bans, at least until recently, is that they have often

been illegal because no local election on the issue was scheduled.

In legislation approved last year, the state set up a process for villages to exercise a local option on the availability of alcohol. Liquor limiting proposals can be placed on the ballot when backed by a petition bearing the names of 35 percent of a village's registered voters. Amendments intended to make the process more efficient in Bush villages are under consideration in Juneau now.

Alaska Legal Services is in the first months of a program geared to provide technical assistance to villages wanting to

pass such local laws. The program is financed by a grant through the state Office of Alcohol and Drug Abuse.

Barbara Thorn, a legal assistant with the agency, said villages have four options for limiting the availability of alcohol: "to forbid the sale of alcohol, to forbid both the sale and importation, to allow the sale of liquor only at a community-owned liquor store, and to allow the sale only (by a party) with a community-approved license."

Thorn said Legal Services' role under the grant is to serve solely in a technical, advisory capacity. Legal assistants can advise village or city councils on the options available and the process leading the issue to the ballot. They can make suggestions based on model ordinances.

She notes that the agency is not "in the business of being prohibitionists." Word about the existence of the agency's technical assistance travels "by word of mouth — we only

go where we've been invited."

Both Godfrey and Thorn say interest in local options appears to be keen in villages. In only the fifth month of Legal Services' participation, Thorn said the agency is working with at least 30 villages on local option plans.

In addition to exercising a local option on liquor sales, many villages now have an enforcement arm not previously open to them. The Village Public Safety Officers program, initiated last year by the state troopers, has put a locally grown, professionally trained public safety officer in each of about 50 villages.

The 19 public safety officers serving villages in Godfrey's region "have saved some lives out here," he said. "They've made some real positive effects."

But the public safety officer program is still in its infancy — less than a year old — and the local option program is, for all practical purposes, awaiting birth.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB65  
Title Relating to Alcoholic Beverages  
Requested by Senate Judiciary Committee Date 3/30/81

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)

	81 FY 80	82 FY 81	83 FY 82	84 FY 83	85 FY 84	86 FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-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)

Enactment of this legislation will not have fiscal impact on the Alcoholic Beverage Control Board.

IV. DATE April 13, 1981 PREPARED BY Patricia Barrock, Dir.  
AGENCY Alcoholic Beverage Control Board  
PHONE 277-8638  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

# MEMORANDUM

# State of Alaska

TO: Patrick L. Charrock  
Executive Director  
Alcoholic Beverage Control Bd.  
201 E. 9th Avenue  
Anchorage, AK 99501

DATE: October 30, 1980

FILE NO:

TELEPHONE NO:

FROM: WILSON L. CONDON  
ATTORNEY GENERAL

SUBJECT: Local option  
election, Mekoryuk

By:

  
David T. LeBlond  
Assistant Attorney General

We understand that the City of Mekoryuk, Alaska voted at a general election on October 7, 1980, on the following proposition: "Shall the Possession and importation of Intoxication Liquor be Prohibited in the City of Mekoryuk?" [sic.] The vote was YES - 39, NO - 12. The city has inquired of you, how does it now proceed? You have asked for our advice on these questions:

1) Is the local option election valid if the lieutenant governor did not conduct the election as called for in AS 04.11.502(a)?

2) Is the "majority of the votes" required to approve a local option proposition (AS 04.11.490-.500) a majority of the votes cast on the proposition or a majority of the ballots cast at the election?

3) Is the proposition voted upon a valid local option inasmuch as it is not one of the options provided for in AS 04.11.490-.500, but was provided for in SB 365 which was enacted into law by the last legislature and then immediately repealed, <sup>1/</sup> in pertinent part, by the enactment of SB 239 from which the present Title 04 derives?

In our view the Mekoryuk local option election is fatally defective because the proposition voted upon is not provided for in the applicable statutory provisions allowing for local option elections. While the proposition closely resembles the option provided for in AS 04.11.496, "shall the sale and importation of alcoholic beverages be prohibited in . . .?", it is not in fact an option allowed by law. We do not believe that, in this context, close is sufficient. The voters

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<sup>1/</sup> See the Attorney General's bill review letter to the Governor dated June 30, 1980, in re: FCCS SB 365.

approved a proposition which is not a statutory option and therefore their approval is of no legal effect. While the prohibition of importation is common to the voted upon proposition and the statutory option, we do not believe that the Mekoryuk vote may be deemed effective to prohibit importation of alcoholic beverages, inasmuch as prohibiting importation is not alone a statutory option.

This answer renders it unnecessary to address the first two questions. We would expect, however, that the election might have been given effect as a matter of law even though not conducted by the lieutenant governor, although strong arguments exist to the contrary.

Finally, we believe that "majority of the voters" in the context of local option elections means a majority of those votes cast on the proposition in question.

WLC:DTL:jw

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 65 and HB 337  
Title An Act relating to alcoholic beverages  
Requested by Ray

Date March 23, 1981

II. FISCAL DETAIL

Agency Affected Community and Regional Affairs  
Program Category Affected Development  
BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
(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 81	FY 82	FY 83	FY 84	FY 85	FY 86
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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

We do not foresee any increased costs to this Department resulting from enactment of SB 65.

*Don't amend Senate Bill - will slow down final approval!*

*Peggy's request can be attached to HB 406*

IV. DATE March 23, 1981

PREPARED BY Terrence May  
AGENCY Community and Regional Affairs  
PHONE 465-4734

Original: Legislative Finance  
Budget and Assessment





STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department <b>Public Safety</b>	Sponsor (Principal) <b>Community &amp; Reg. Affairs Com.</b>	Bill Number <b>CSSB 65</b>
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Department Position  
**Supports the Bill**

Division Director <b>Colonel T. R. Anderson</b>	Date <b>4-03-81</b>	Commissioner <b>William R. [Signature]</b>	Date
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GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
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SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill

4. Fiscal Impact:  None  Fiscal Note Attached

5. Amendments Proposed:

6. Comments:  
**None.**