

ALASKA LEGISLATURE COMMITTEES 1903-1904

2438 HJ HB 158 - HB 165

288

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

201 EAST 9TH AVENUE
ANCHORAGE, ALASKA 99501

March 5, 1984



The Honorable Charlie Bussell, Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CSHB 158 (C&RA)

Dear Representative Bussell:

During our testimony on the above bill at the committee meeting held on January 27, members of the committee requested that I submit a letter outlining the ABC Board's alternative or preference concerning population limitations for issuance of liquor licenses. Simply stated, the board would prefer merely amending present law to raise population from 1,500 persons for each type of license to 2,500 persons. The board believes there is currently a sufficient number of issued licenses to serve the needs of the public. If in the future an application warrants and public need is shown, the board may grant a license under AS 04.11.400(j), public convenience and necessity.

A draft bill showing the board's proposed amendment is attached. Thank you for extending additional time for the board to respond. If I can provide the committee with any additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Patrick L. Sharrock". The signature is written in dark ink and is positioned above the typed name and title.

Patrick L. Sharrock
Director

PLS:vk
Enc.

cc: Representative Mike M. Miller, Sponsor
Robert D. Heath, Commissioner of Revenue
Members, ABC Board
Kay Gouwens, Asst. Attorney General

of all alcoholic beverage licenses; and providing for an effective date."

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

* Section 1. AS 04.11.400(a) is amended to read:

(a) Except as provided in (g), (h), (i), and (j) of this section, a new license may not be issued or an existing license transferred to a new location

(1) outside an incorporated city, a unified municipality, or an established village if after the issuance or transfer there would be more than one license of each type for each 2,500 [1,500] population or fraction of 2,500 [1,500] population, including licenses which have been approved or issued under (g) or (h) of this section, in a radius of five miles of the licensed premises or location of premises sought to be licensed.

(2) inside an established village, an incorporated city, or a unified municipality if after the issuance or transfer there would be more than one license of each type for each 2,500 [1,500] population or fraction of 2,500 [1,500] population, including licenses which have been issued or approved under (g) or (h) of this section, inside the boundaries of the village, city or municipality.

* Sec. 2. AS 04.11.400(b) is amended to read:

(b) If the application is for a license outside of an established village, incorporated city, or unified municipality and the radius described in (a)(1) of this section encompasses all of the established village, incorporated city, or unified municipality and the population resident inside and outside the village, city, or municipality but inside the radius described in (a)(1) of this section is less than 2,500 [1,500], the board may deny the issuance or transfer of the license.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-
0.070.

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

Notice is hereby given that the Alcoholic Beverage Control board, under the authority of AS 04.06.100, proposes to amend certain current regulations and adopt new regulations as described below.

Application Periods for Licenses

The Board proposes to establish application periods for licenses and clarify when a license becomes available. The statutes to be interpreted and implemented are AS 04.06.100, AS 04.11.010, AS 04.11.260, AS 04.11.320(a)(9), and AS 04.11.400(a).

Competing Applications

The Board proposes to:

(1) establish the procedure for choosing among competing applicants when there are more applicants than available licenses;

(2) establish criteria that will guide the board's choice among competing applicants;

(3) provide for random selection among competing applicants in some cases; and

(4) establish the procedure for local governing bodies to protest competing applications. The statutes to be interpreted and implemented are AS 04.06.100, AS 04.11.400(a), AS 04.11.010, AS 04.11.260, and AS 04.11.510.

Local Governing Body Protests

The Board proposes to adopt clarifying regulations when a local governing body protest may be determined to be arbitrary,

capricious, or unreasonable, and relating to government protests where there are competing applicants. The statutes to be interpreted and implemented are AS 04.06.100, AS 04.11.480, AS 04.11.510, and AS 04.11.520.

Determining Population

The Board proposes to establish how population will be determined in establishing the number of available licenses. The statutes to be interpreted and implemented are AS 04.06.100 and AS 04.11.400(a).

Denying, Suspending, and Revoking Licenses in the Public Interest

The Board proposes to establish criteria that will guide the Board in deciding when in the public interest a license will be denied, revoked or suspended, or a request for renewal or transfer will be denied. The statutes to be implemented and interpreted are AS 04.06.100, AS 04.11.320(a)(1), AS 04.11.330(a)(1), AS 04.11.340(2), AS 04.11.360(1), AS 04.11.370(2), and AS 04.11.370(2).

License Renewal

The Board proposes to clarify and establish procedures and deadlines for renewal of licenses. The statutes to be implemented and interpreted are AS 04.06.100, AS 04.11.270, AS 04.11.330, AS 04.11.540, AS 04.11.550, and AS 04.11.680.

Minors: Employment and Dining

The Board proposes to adopt criteria for designation of licensed premises for employment of minors and dining by minors. The statutes to be implemented and interpreted are AS 04.06.100 and AS 04.16.049.

Drinking Age

The Board proposes to amend several regulations to reflect that the drinking age has been statutorily raised from 19 to 21. The statutes to be implemented and interpreted are AS 04.06.100, AS 04.11.080, AS 04.11.110, AS 04.11.460, AS 04.16.049, AS 04.16.050, AS 04.16.051, AS 04.16.052, AS 04.16.060, AS 04.16.200, AS 04.21.020, and AS 04.21.050.

Employment of Parolees, Probationers, and Prisoners

The Board proposes to repeal a regulation prohibiting employment of parolees and probationers, and to adopt a regulation restricting employment on licensed premises of parolees, probationers, and prisoners. The statute to be interpreted and applied is AS 04.06.100.

Transfer of Licenses to Another Person

The Board proposes to adopt regulations:

- (1) disallowing transfers within three years after initial issuance;
- (2) requiring that a license be surrendered while an application to transfer the license to another person is pending;
- (3) providing for temporary permits to operate while a transfer application is pending;
- (4) requiring public notice to creditors of the proposed transfer;
- (5) defining what creditors' claims may prevent the transfer;
- (6) establishing a creditors' claim period after which creditors' claims may be denied;

(7) providing for hearings on certain creditors' claims;

(8) requiring escrow of the purchase price to protect creditors; and

(9) providing for a transfer application fee.

The statutes being implemented and interpreted are AS 04.06.100, AS 04.11.280, AS 04.11.360, and AS 04.11.040.

Special Conditions on Licenses

The Board also proposes to adopt regulations regarding when special conditions may be placed on a license, and what kinds of conditions may be imposed. The statute being implemented and interpreted is AS 04.06.100.


Any person interested may present oral or written statements or arguments relevant to any of the proposed action at a hearing to be held in Fairbanks at 10:00 a.m. on February 16, 1984, in the Fairbanks North Star Borough Assembly Chambers, 520 Fifth Avenue, Fairbanks, Alaska; or at a hearing to be held in Anchorage at 10:00 a.m. on February 24, 1984, at the Municipality of Anchorage Assembly Chambers, 3500 Tudor Road, Anchorage, Alaska; or at a hearing to be held in Juneau at 8:00 a.m. on March 6, 1984, in the City and Borough of Juneau Assembly Chambers, 155 South Seward Street, Juneau, Alaska. In addition, written statements or arguments may be sent to Alcoholic Beverage Control Board, 201 E. 9th Avenue, Anchorage, Alaska 99501, to be received no later than March 1, 1984.

Copies of the proposed regulations may be obtained by writing to the Alcoholic Beverage Control Board, 201 E. 9th Avenue, Anchorage, Alaska 99501.

These actions are not expected to require an increased appropriation.

The Alcoholic Beverage Control Board, upon its own motion or at the instance of any interested party, may adopt proposals after the hearing within the scope of this notice without further notice, or may decide to take no action on them.

DATE: February 8, 1984


Patrick L. Sharrock, Director
Alcoholic Beverage Control Board

ARTICLE _____

MUTUALLY EXCLUSIVE APPLICATIONS

15 AAC 104. . MUTUALLY EXCLUSIVE APPLICATIONS. (a) Applications are mutually exclusive when issuance of one or more new licenses or the transfer of one or more existing licenses will require the denial of one or more other applications based upon the population quota for licenses.

(b) Within an established village, incorporated city, and unified municipality, the board will give reasonable public notice of application for the last available license of each kind. All mutually exclusive applications received within 30 days after the date of the last notice, and all mutually exclusive applications received within 30 days before the date the application for the last available license was received, are competing applications.

(c) Outside an established village, incorporated city, and unified municipality, each mutually exclusive application received within 30 days after receipt of the immediately preceding mutually exclusive application is a competing application.

(d) All competing applications will be decided at the same time. All other mutually exclusive applications will be considered separately, in the order in which they were received. Applications received before the competing applications will be decided first. Applications received after the competing applications will be decided after the final decision on all the competing applications. If necessary, the same procedure for identifying and considering competing applications will be repeated for applications received after the first group of competing applications.

15 AAC 104. . PROCEDURE FOR DECISION ON COMPETING APPLICATIONS.

(a) The board will initiate a consolidated administrative hearing on all competing applications by filing a statement of issues under the Administrative Procedure Act.

(b) If an applicant does not appear in the administrative hearing, the application will be denied and the denial is final.

(c) If a local governing body protests a competing application, the protest will be incorporated in the statement of issues. The local governing body must appear in the administrative hearing or its protest will be considered arbitrary, capricious and unreasonable.

(d) Upon hearing, the board will determine whether to deny any competing applications under AS 04.11.320 or AS 04.11.480.

(e) After determining whether to deny any applications under AS 04.11.320 or AS 04.11.480, the board will in its discretion approve applications which are no longer mutually exclusive, and will conduct a drawing to determine which competing applications to approve. All other competing applications will be denied without prejudice.

PUBLIC INTEREST CONSIDERATIONS

15 AAC 104. ____ . DENIAL IN THE PUBLIC INTEREST. (a) Except for good cause shown, the board will, in its discretion, deny an application for a new license or transfer of an existing license if the board finds, after review of all the evidence, that:

(1) the application is incompatible with the character or public interests of the surrounding neighborhood;

(2) issuance would tend to create a law enforcement problem;

(3) there is, or issuance would result in, an excessive number of licenses in the area. In the absence of guidelines from the local governing body, it will be presumed that there is an excessive number of licenses in an area where there are more than ____ licensed premises within a one-half mile radius or more than ____ licensed premises within a two-mile radius of the premises;

(4) there is, or issuance would tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area. In the absence of guidelines from a local governing body, the board will generally assume that the crime rate or incidence of alcohol-related accidents is "high" if the frequency or severity of such events in the area significantly exceeds the city -, village -, or municipality-wide average;

(5) there are inadequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing or transferring the license;

(6) access to the premises will create an unreasonable traffic hazard;

(7) a reasonably expected increase in traffic will overtax existing road systems;

(8) the proposed premises are already constructed, and do not substantially comply with state and local fire, health, and safety codes, and cannot be made to comply without extensive structural modification;

(9) under the proposed management plan, the licensee will have insufficient control over the conduct of the proposed business;

(10) the applicant or the applicant's affiliates have had a liquor license revoked in the year preceding the application;

(11) the applicant or the applicant's affiliates have had a liquor license suspended in the six months preceding the application;

(12) the applicant or the applicant's affiliates have been criminally convicted, within 5 years before the application, of any felony, any violation of Title 04 of the Alaska Statutes; or any violation of the alcoholic beverage control law of another state, as a licensee of that state;

(13) the applicant or the applicant's affiliates have demonstrated that they are untrustworthy or unfit to conduct the operation of a licensed business, or are a potential source of harm to the public;

(14) the proposed premises or business is not financially feasible.

(b) The factors listed in (a) of this section are neither exclusive nor conclusive. The board will in its discretion find that a license should not be issued in the best interests of the public based on factors not identified in (a) of this section, and will in its discretion consider other factors that offset or moderate a negative factor identified in (a) of this section.

CONDITIONS OF LICENSES

15 AAC 104.____. CONDITIONS ON LICENSES. If grounds exist for the denial, revocation, suspension, or refusal to renew a license, and the licensee or applicant requests it, the board may place reasonable restrictions on a license if it finds the conditions are likely to remove or substantially moderate the grounds for denial, revocation, suspension, or refusal to renew. Conditions may include, but are not limited to, the following subjects:

- (1) hours of sale;
- (2) display of signs;
- (3) employment of designated persons;
- (4) entertainment permitted or prohibited on the premises;
- (5) alcoholic beverages to be served only with food; and
- (6) matters pertaining to the personal conduct of the licensee.

POPULATION

15 AAC 104.605 DETERMINING POPULATION CRITERIA. is amended as follows:

Subsection (a) is amended to read:

(a) The board will employ population figures generated by the Department of Community and Regional Affairs to establish a population figure for determining the quota of licenses available under AS 04.11.400(a)(2). The Department of Community and Regional Affairs figures, will be adjusted, however, in the following respects:

(1) prison populations will be excluded;

(2) the populations of colleges and universities will be discounted by the number of students who, according to best available information are domiciled in states other than Alaska. If not such information is readily available to the director, college and university populations will be discounted by ___%.

(3) the population of military bases and installations will be discounted by the number of military personnel and their families who, according to best available information, are domiciled in states other than Alaska. If no such information is readily available to the director, the population of military bases and installations will be discounted by ___%. Former subsection (b) is redesignated as subsection (d) and new subsections (b) and (c) as follows are added:

(b) The population of established villages, incorporated cities, and unified municipalities will be determined annually by the director, within a reasonable time after the figures generated by the Department of Community and Regional Affairs are made available to the director.

(c) If figures of the Department of Community and Regional Affairs are not available to the director by _____ of any year, the director shall employ the best available information to establish population figures in determining the quota of available licenses.

LOCAL GOVERNMENT PROTESTS

15 AAC 104.145 LOCAL GOVERNING BODY PROTEST. is amended by adding new subparagraphs (c), (d), and (e) as follows:

(c) A local governing body protest will generally be considered not to be arbitrary, capricious, or unreasonable where:

(1) the protest is pursuant to an ordinance, resolution, or statement of policy adopted by the governing body before it considered the application, or the applicant otherwise had reasonable notice before making application of the factors to be considered and the standards applied by the local governing body;

(2) the applicant was provided a reasonable opportunity to defend the application before a meeting of the local governing body; and

(3) the protest has a reasonable basis in fact and is not contrary to law.

(d) A local governing body protest may be based upon facts that render the particular application objectionable to the local body, or may be based upon a general public policy. If based on a general public policy, the policy must have a reasonable basis in fact, may not be contrary to law, and may not be patently inapplicable to the particular application being protested. The board will not substitute its judgment for that of the local governing body on matters of public policy that have reasonable factual support.

(e) If the application is denied because of the protest, and the applicant requests a hearing, the local governing body shall be a party to the hearing and to any subsequent appeals, and shall undertake the defense of its protest.

EMPLOYMENT OF PRISONERS, PAROLEES, AND PROBATIONERS

15 AAC 104.665 is amended to read as follows:

15 AAC 104.665. EMPLOYMENT OF PRISONERS, PAROLEES, AND PROBATIONERS. (a) A licensee shall not employ on licensed premises a prisoner convicted of a felony unless the prisoner is on a work furlough program from the prison or other incarceration facility, and the employment and duties of the prisoner on the licensed premises have been expressly approved in writing by authorized personnel of the prison or other facility. The licensee shall maintain the original or photocopy of the written approval on the licensed premises and allow inspection of the approval by agents and employees of the board.

(b) A licensee shall not employ on licensed premises a person on parole for a felony or a person on supervised probation for a felony unless the employee's parole or probation officer specifically approves the employment in writing. The licensee shall maintain the original or photocopy of the written approval on the licensed premises and allow inspection of the approval by agents and employees of the board. For purposes of this subparagraph a person is on "supervised probation" if a probation officer has been appointed to the person.

(c) A licensee shall not employ on licensed premises a person who is on unsupervised probation for a felony offense, unless the licensee has reviewed a copy of the probation conditions imposed by the sentencing court, and those conditions do not specifically prohibit the employment. The licensee shall maintain on the licensed premises a certified copy of the probation conditions imposed by the sentencing court and shall make it available for inspection by agents and employees of the board. For purposes of this subparagraph, a person is on "unsupervised probation" if no probation officer has been appointed to the person. (Eff. / / , Register).

ALCOHOLIC BEVERAGE CONTROL BOARD
PROPOSED REGULATIONS
KEMG DRAFT 1-17-84

15 AAC 104 is amended by adding a new Article as follows:

ARTICLE 4. TRANSFER OF A LICENSE TO ANOTHER PERSON.

SECTION.

- . No Transfer Within ___ Years
- . Applications
- . Escrow of Purchase Price
- . Notice to Creditors
- . Creditors' Claim Period
- . Creditors' Claims
- . Hearing on Disputed Claims
- . Issuance of License to Transferee
- . Termination of Operations; Temporary Permits

15 AAC 104.____. NO TRANSFER WITHIN () YEARS. No license applied for or transferred to the current holder after the effective date of this regulation may be transferred to another person until ___ years after the date it is issued.

15 AAC 104.____. APPLICATIONS. (a) An application to transfer a license to another person must be accompanied by:

- (1) the license proposed to be transferred;
- (2) any escrow agreement required by 15 AAC 104.____;
- (3) a list of all the outstanding creditors of the licensed business, sworn to by the licensee (under penalty of perjury);
- (4) proof of the publication required by 15 AAC 104.____ ;
- (5) a transfer application fee of \$500.00, unless the proposed transfer is to the licensee's spouse, to a bankruptcy trustee or receiver, to surviving partners of a partnership

licensee, or to a corporation whose outstanding stock are 100% owned by the licensee, in which case the application fee is \$75.00.

15 AAC 104.____. ESCROW OF PURCHASE PRICE. If the proposed transfer involves a purchase price or other tangible consideration, the licensee and proposed transferee shall establish an escrow with some person, corporation, or association not a party to the transfer, and the proposed transferee shall deposit with the escrow holder the entire amount of the purchase price or consideration. The licensee and proposed transferee shall enter into an agreement deposited with the escrow holder, directing the escrow holder, in accordance with instructions received from the board, to either (1) pay the claims of all creditors of the licensed business as identified in a notice given by the Board to the escrow holder and acknowledged by the licensee to be bona fide creditors of the licensed business, with the balance to be paid to the licensee, or (2) return the purchase price to the proposed transferee.

15 AAC 104.____. NOTICE TO CREDITORS. The licensee shall give notice to its creditors that a transfer of the license is proposed. The notice must be mailed to all outstanding creditors known to the licensee, and must be published in a major newspaper of general circulation in this state, at least once a week for three consecutive weeks. The notice must state that the transfer will not occur until all bona-fide creditors of the licensed business are paid or satisfied, and must direct creditors to submit their claims to the board, in writing, by two months from the date of the first publication.

15 AAC 104.____. CREDITORS' CLAIMS PERIOD. Except for good cause shown, a creditor's claim will not bar a transfer if it is presented to the board more than two months after the first date the notice to creditors was published in accordance with 15 AAC 104.____.

15 AAC 104.____. CREDITORS' CLAIMS. (a) A creditor's claim will not prevent transfer of a license unless the claim arises from the conduct of the business licensed.

(b) A claim arises from the conduct of the business licensed to the extent that it arises from conduct that involved or was closely associated with the manufacture, distribution, sale, or service of alcoholic beverages. A claim does not arise from the conduct of the business licensed to the extent that it arises from conduct actually and reasonably distinct from and unassociated with the manufacture, distribution, sale, or service of alcoholic beverages.

(c) Creditors whose claims must be paid or satisfied to allow transfer under this section include, but are not limited to employees, suppliers, materialmen, consultants, banks and other financial institutions, attorneys, and accountants.

(d) The board will determine on a case by case basis what claims involve or are closely associated with the manufacture, distribution, sale, or service of alcoholic beverages. However, the following examples will guide the board's determinations:

(1) Conduct related to food service in a licensed restaurant will generally be deemed to be closely associated with the sale of alcoholic beverages. Conduct related to food service in a non-licensed cafe of a restaurant complex which also contains a licensed restaurant will not generally be deemed to be closely associated with the sale of alcoholic beverages.

(2) A bank loan for purchase of liquor inventory will generally be deemed to be closely associated with the sale of alcoholic beverages. A bank loan to renovate hotel guest rooms will generally not be deemed to be closely associated with the sale of alcoholic beverages.

(e) If it cannot reasonably be determined what portion of a claim arises from the conduct of the business licensed, if there is a reasonable basis on which the board can otherwise apportion the claim, it may do so.

15 AAC 104.____. HEARING ON DISPUTED CLAIMS. If any creditor presents a claim to the board within two months after the date of the initial publication required by 15 AAC 104.____, which is not acknowledged by the transferor to be bona-fide, a hearing shall be held to determine the validity and amount of the claim. The hearing will be conducted in accordance with AS 44.62.330-.650. Except for good cause shown, all disputed claims will be considered together at a single, consolidated hearing. The board will deny the claim of any creditor who, after notice, fails to appear at the hearing.

15 AAC 104.____. ISSUANCE OF LICENSE TO TRANSFEREE. (a) If there are no disputed creditors claims, and the board approves the transfer, the license will be issued to the transferee as soon as practicable after approval.

(b) If there were disputed creditors claims, and the board otherwise approves the transfer, the license will not be issued to the transferee until expiration of the time within which aggrieved parties may initiate an appeal. The license will be issued after such period unless the issuance is stayed by the board or by order of a court of competent jurisdiction.

15 AAC 104.____. TERMINATION OF OPERATIONS; TEMPORARY PERMIT. The licensee must cease to operate the licensed business (or must cease to sell, serve, or manufacture alcoholic beverages) upon applying for the transfer. However, the director may issue a temporary permit to allow the continued (sale, service, or manufacture of alcoholic beverages) operation of the licensed business if all the following terms and conditions are satisfied:

(1) the proposed transferee consents to the continued operation and agrees that, if the transfer occurs, the transferor will be jointly and severally liable for the bona fide creditors' claims of the business incurred while the business is operated under the temporary permit;

(2) the licensee presents to the director sworn statements from suppliers and other necessary creditors of the business that

they agree to continue to provide goods and services to the licensed business and that they have received security satisfactory to them for any and all obligations of the licensed business that may arise under the temporary permit;

(3) the licensed business has been operating for at least 90 consecutive business days prior to the application for transfer; and

(4) all other conditions reasonably required by the director for the protection of creditors, compliance with the laws pertaining to alcoholic beverages, and administrative convenience, have been met.

(b) A permit issued under this section shall authorize the permit holder to conduct the same business authorized under the license sought to be transferred, and no other.

(c) A permit issued under this section shall be for not more than sixty days. The permit may be renewed on application to the director provided there is continuous compliance with the conditions of this section.

RESTAURANT DESIGNATIONS

15 AAC 700. Minors born on or before December 31, 1964.
[This provision expires on January 1, 1986.] Minors who were born on or before December 31, 1964, may enter and remain on licensed premises for purposes of dining and employment, notwithstanding AS 04.16.049. However, they shall not be regarded as adults for purposes of accompanying other minors on licensed premises under AS 04.16.049(a) and (c).

15 AAC 104.7 APPLICATION FOR DESIGNATION. (a) A licensee desiring designation as a restaurant, hotel, or eating place under AS 04.16.049 must file with the director an application on prescribed forms, together with an application fee of \$50.00.

(b) The application shall include:

- (1) a statement of the type of designation requested, whether for employment of minors under AS 04.16.049(c), dining by minors unaccompanied by their guardians under AS 04.16.049(a)(2);
- (2) a description of the location of the premises for which the designation is desired;
- (3) if available, a copy of the menu, including lists of alcoholic beverages such as a wine list. If a menu is not available, the applicant shall state what the menu is expected to be;
- (4) if the premises are constructed and decorated, photographs of each room for which the designation is requested. Each photograph must be taken from the center of the room, and the applicant must include at least one photograph of each quadrant of the room. The applicant must designate on the reverse of each photograph which quadrant is depicted;
- (5) if the premises are not constructed and decorated, a blueprint or drawing of the proposed premises;

(6) a statement of the manner of food and beverage service offered or anticipated, whether table service, buffet service, counter service, or other;

(7) if the premises have operated for six months or more, a statement of the gross revenues of the business, and the percentages attributable to the sale of food and non-alcoholic beverages, to the sale of alcoholic beverages, and to entertainment, including cover charges;

(8) a statement whether an owner, manager, or assistant manager is always present on the premises during business hours;

(9) any other information required by the board

15 AAC 140.7____. DINING BY MINORS. (a) The board will designate a licensed premise for dining by minors unaccompanied by their parents, legal guardians, or adult spouses, only if it finds the premise is a bona fide restaurant, that there is adequate supervision on the premise to reasonably insure that minors will not obtain alcoholic beverages, and that it is unlikely minors will enter and remain on the premise for purposes other than dining.

(b) A licensed premise generally will be presumed to be a bona fide restaurant for purposes of this section if:

- (1) it is licensed as a restaurant or eating place;
- (2) at least _____ % of its gross revenue is from the sale of food and non-alcoholic beverages; or
- (3) it is the only dining facility connected with a hotel or motel.

(c) The board generally will presume that premises are unlikely to be entered by minors other than for purposes of dining if no entertainment other than dining is provided or

available. "Entertainment" includes live music, dancing, pool and other table games, bowling and other sports, pinball, and video machines.

(d) The board generally will presume that there exists supervision sufficient to reasonably insure against consumption of alcoholic beverages by minors if alcoholic beverages [food and beverages?] are available by table service only, and an owner, manager, or assistant manager is present on licensed premises at all times.

(e) The presumptions in (b), (c), and (d) of this section are neither conclusive nor exclusive. On relevant facts, the board may find that a premises which satisfies the presumptions is not a bona-fide restaurant or does not provide adequate supervision. The board may find that premises not satisfying the presumptions are nonetheless bona-fide restaurants with adequate supervision.

(f) The consent required by AS 04.16.049(a)(3) must be in writing, must identify the minor to whom it applies, and must be signed and dated by the minor's parent or adult legal guardian. The consent may be particular or general. For example, the consent may be for a particular date or for an indefinite period of time. It may identify a particular premise or may apply to all designated premises. It may identify by name, one or more adults authorized to accompany the minor or may identify a category of authorized adults by title or position. For example, the consent may authorize a minor to enter a particular premise on a particular date in the company of a particular adult. For another example, the consent may authorize a minor to enter any designated premises at any time if accompanied by any adult teacher, coach, or administrative officer of the minor's school.

15 AAC 104.7____. PROTECTION OF MINORS. The board will not designate a premises as a restaurant, eating place, or hotel under AS 04.16.049 if the board believes that a minor's health, safety, welfare, or morals may be harmed by being present on the licensed premises. Without limiting the foregoing, the board will not designate premises that feature or allow erotic dancing or other erotic entertainment or which have a history of violations of Title 04 of the Alaska Statutes, or which have a history of incidents involving breaches of the peace.

15 AAC 104.7____. DESIGNATION OF PORTION OF PREMISES. The board will in its discretion designate only portions of a licensed premises.

ALCOHOLIC BEVERAGE CONTROL BOARD

PROPOSED REGULATIONS

(Miscellaneous)

15 AAC 104.105. is amended as follows:

15 AAC 104.105. APPLICATIONS. (a) Application for new licenses or permits and for renewals [or transfers] of existing licenses must be on prescribed forms and must contain the information required by AS 04.11.260. In addition the application must contain the following [information]:

(1) a statement of the criminal convictions of the applicant and the applicant's affiliates [, if the applicant is an individual, or officers and shareholders holding more than 10 percent of the applicant's outstanding common stock, if the applicant is a corporation, for a felony; and for any felony, any violation of Title 04 of the Alaska Statutes, and any violation, as a licensee of another state, or the liquor laws of that state;

(2) written authorization for release of criminal and arrest records;

(3) a statement that no one other than the applicant has a financial interest in the licensed business; and

(4) if the applicant is a partnership or joint venture, a copy of its partnership or joint venture agreement, if any; if the applicant is a corporation, a copy of its certificate of incorporation, articles of incorporation, and bylaws.

(b) A fee in the amount required by AS 04.11.090 - 04.11.250 must accompany every application for a new license or for renewal of an existing license.

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

(d) A non-refundable [An] application fee of \$150 [~~\$50~~] must accompany all applications for licenses.

15 AAC 104.100. WHEN LICENSES BECOME AVAILABLE. Any application received by the board at a time when there are no available licenses of the kind applied for will be denied. In this chapter, a license becomes available:

- (1) on December 31, where the license becomes available because of an increase in the population during the preceding year;
- (2) ten (10) days after the period for renewing licenses has expired, where the license becomes available because a license has expired and not been renewed;
- (3) on the conclusion of all appeals of the revocation, or on waiver of appeal by the licensee, whichever is later, where the license becomes available because of the revocation of another license;
- (4) on the date determined by the board or the director in any other case.

PROPOSED REGULATIONS
ALCOHOLIC BEVERAGE CONTROL BOARD

(changing 19 to 21 throughout)

15 AAC 104.315 is amended to read:

15 AAC 104.315. BEVERAGE DISPENSARY LICENSE. The licensed premises of a beverage dispensary licensee [license] may include the designated lane area of a bowling alley if that area is adjacent to the main bar area. The licensee must show that he has authority and will exercise control over conduct of the licensed business in that area. Access to the lane area by persons under 21 [19] years of age is permitted only during designated periods when no alcoholic beverages are served or consumed there. The periods during which persons under 21 [19] years may be permitted access must be clearly posted on the premises and the board must give prior approval of that access upon application by the licensee. (Eff. / /84, Register).

Authority: AS 04.06.100

AS 04.11.090

15 AAC 104.335(a)(2) is amended to read:

(2) There is community support, which must be shown by a petition signed by a majority of the residents 21 [19] years of age or over within one mile of the proposed premises; and

15 AAC 104.435 is deleted (replaced with new Article 7 provisions).

15 AAC 104.445 is deleted (replaced with new Article 7 provisions).

15 AAC 104.645(a)(1) is amended to read:

(1) The order must be in writing and from a person known to the licensee to be at least 21 [19] years of age; and

Article ___ of 15 AAC 104 is amended by the addition of a new section 900 as follows:

15 AAC 104.900. DEFINITIONS. (a) As used in 15 AAC 104:

(1) "Affiliate" means an individual's general partners and joint venturers, and any corporation of which the individual owns ten percent (10%) of the stock or of which the individual is an officer or director; a partnership's partners or joint venturers and their affiliates, any corporation of which the partnership or any individual partner holds ten percent (10%) or more stock or of which any partner is an officer or director; a corporation's shareholders who hold ten percent (10%) or more of the corporation's stock, a corporation's officers and directors, a corporation's partners or joint venturers and their affiliates, and the other corporation of which the corporation owns ten percent (10%) or more of the stock, or of which the corporation appoints one or more directors, or of which ten percent (10%) or more of the stock is held by a shareholder holding ten percent (10%) or more of its own stock. The board may in its reasonable discretion find that persons not having any of the relationships described above are affiliated with one another.

(b) When used in Title 04,

(1) "Guardian" means legal guardian.

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE ARCHIVE
BUREAU ALASKA 99811
907 465 3110


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 13, 1984

SUBJECT: Sectional Analysis of House Bill 158

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM:  Russ Josephson
Legislative Counsel

You have requested a sectional analysis of HB 158. The analysis follows:

This bill consists of a single section that amends AS 04.11.320 (relating to the denial of new licenses and permits) by adding an additional ground for denial of an application for a new license. The proposed amendment would require applications for new alcoholic beverages licenses to be denied until the number of licenses per capita in this state no longer equals or exceeds the per capita rate for the rest of the United States. (Only those persons 21 years of age or older are included in the ratio, and community liquor licenses are excluded from the ratio.) In other words, under this amendment, no new licenses would be issued until the ratio of licenses to adults decreased to the level in the rest of the country.

RJ:lmb
L3/083

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 158 Date on Bill: 2/4/83
 Title: Limitation of Liquor Licenses
 Sponsor: Representative M.M. Miller
 Requestor: House Community and Regional Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-	-0-	-0-
Operating		-0-	-0-	-0-
Total		-0-	-0-	-0-

b. Revenues:

Revenue							
---------	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No fiscal impact upon any state agency.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Richard Rainery *RR* Phone: 465-4703
 Division: Commissioner's Office Date: 3/9/83
 Approved by Commissioner: *[Signature]* Date: 3/9/83
 Department: Community & Regional Affairs

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 158 Date on Bill: 2/4/83
 Title: "An act limiting number of liquor licenses."
 Sponsor: M.M. Miller
 Requestor: House Community and Regional Affairs; & Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-			
Operating	-0-			
Total	-0-			

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

This bill has no fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Mary Rebeled Phone: 465-2300
 Division: Commissioner's Office Date: 2/23/83
 Approved by Commissioner: Robert D. Heath Date: 2/23/83
 Department: Revenue

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Community & Regional Affairs	Sponsor (Principal) M.M. Miller	Bill Number HB 158
Department Position Neutral		
Division Director	Date	Commissioner's Signature <i>[Signature]</i>
		Date 3/9/83

GOVERNOR'S OFFICE USE

Comments:

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

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

See Attached.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

6. Comments:

See Attached.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

P.O. BOX B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

225 CORDOVA STREET - BLDG B
ANCHORAGE, ALASKA 99501
PHONE: (907) 264-2294

March 9, 1983

Position Paper

Re: HB 158

Sponsor: Representative M.M. Miller

Program Effects of Bill

Amends the number of liquor licenses that may be issued in Alaska.

Comments

No comments.



Mark Lewis, Commissioner
Community and Regional Affairs

STATE OF ALASKA
THE LEGISLATURE

FOURTH STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1983

SUBJECT: Liquor permits
(Work Order No. 13-0741)

TO: Representative M. Mike Miller

FROM: *RJ* Russ Josephson
Legislative Counsel

I have consulted the statutes further and have telephoned the Alcoholic Beverage Control Board for further information. The reason "permit" is used instead of "license" in a few situations is that permits are issued for unusual situations: caterer's permits, special events permits, and conditional contractor's permits (for construction sites outside a city and within a military or naval reservation). As I noted the other day, neither "permit" or "license" is defined in Title 4. There is no effect on your bill that I can see, however.

On the side issue of community liquor licenses, I would refer you to AS 04.11.190 in addition to AS 04.11.492 and AS 04.11.502. The latter section is the local option election procedure. Also, "municipality", a term used in the above-mentioned sections, is defined in AS 04.21.080 to suggest that not all villages can obtain a community liquor license. So, the possible numbers of community liquor licenses that might be excepted from the ratio referred to in your bill is unclear.

I am enclosing a copy of AS 04.11.400, Population Limitations. This section does not appear to affect your bill, but it is for your information as a means of limiting licenses that are presently in effect. If this section is of interest, you will also want to refer to 15 AAC 104.605, Determining Population Criteria.

If I can be of further assistance, please do not hesitate to call.

Former law construed. — See in re Martin's Retail Liquor License No. 1517, 15 Alaska 171 (1954).

Am. Jur. 2d, ALR and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 183-194.

Validity of statute or rule making specified conduct or condition the ground for cancellation or suspension of license irrespective of licensee's personal fault, 3 ALR2d 107.

"Grandfather clause" of statute or ordinance, 4 ALR2d 667.

Hearing before revocation or suspension of liquor license, 35 ALR2d 1067.

Sale of liquor to homosexuals or permitting their congregation at licensed

premises as ground for suspension or revocation of liquor license, 27 ALR3d 1254.

Revocation or suspension of liquor license because of drinking or drunkenness on part of licensee or his associates, 36 ALR3d 1301.

Sale or use of narcotics or dangerous drugs on licensed premises as ground for revocation or suspension of liquor license, 51 ALR3d 1130.

Loss of liquor license as compensable in condemnation proceeding, 58 ALR3d 581.

48 C.J.S. Intoxicating Liquors §§ 174-180.

Article 5. Restrictions on Issuance and Transfer of Licenses.

Section

- 390. Residence requirements
- 400. Population limitations
- 410. Restriction of location near churches and schools

Section

- 420. Zoning limitations
- 430. Person and location
- 450. Prohibited financial interest
- 460. Prior public approval

Sec. 04.11.390. Residence requirements. (a) A beverage dispensary license or package store license may not be issued to a person or association of persons who have not resided in the state for at least one year before the date of application.

(b) A beverage dispensary license or package store license may not be issued to either a domestic corporation which has not been issued a certificate of incorporation or a foreign corporation which has not been issued a certificate of authority to transact business in the state at least one year before the date of the application. (§ 2 ch 131 SLA 1980)

Personal qualification for liquor dealer not prescribed. — No law of Alaska prescribes any personal qualifications for a liquor dealer. What his qualifications must be, if any are required, are not set forth, but are, by inference, left entirely to the city council or the

individuals residing out of incorporated towns. In re Kaye, 11 Alaska 556 (1948), decided under earlier statute.

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors § 148. 48 C.J.S. Intoxicating Liquors § 135.

Sec. 04.11.400. Population limitations. (a) Except as provided in (g), (h), (i), and (j) of this section, a new license may not be issued or an existing license transferred to a new location

(1) outside an incorporated city, a unified municipality, or an established village if after the issuance or transfer there would be more than one license of each type for each 1,500 population or fraction of 1,500 population, including licenses which have been issued under (g) or (h) of this section, in a radius of five miles of the licensed premises or location of premises sought to be licensed;

(2) inside an established village, an incorporated city, or a unified municipality if after the issuance or transfer there would be more than one license of each type for each 1,500 population or fraction of 1,500 population, including licenses which have been issued under (g) or (h) of this section, inside the boundaries of the village, city or municipality.

(b) If the application is for a license outside of an established village, incorporated city, or unified municipality and the radius described in (a)(1) of this section encompasses all of the established village, incorporated city, or unified municipality and the population resident inside and outside the village, city, or municipality but inside the radius described in (a)(1) of this section is less than 1,500, the board may deny the issuance or transfer of the license.

(c) In this section "unified municipality" means a unified municipality established under AS 29.68.

(d) In this section "radius" means the circular area or distance limited by the sweep of a straight line originating at the proposed licensed premises and extending outward.

(e) In (a)(1) of this section, "population" includes only those persons residing inside the radius but outside of an established village, an incorporated city, or a unified municipality as of December 31 of the year preceding the date of application.

(f) In (a)(2) of this section, "population" includes only those persons residing inside an established village, an incorporated city, or a unified municipality as of December 31 of the year preceding the date of application.

(g) The board may, in its discretion, approve the issuance or transfer of location of a beverage dispensary or restaurant or eating place license without regard to (a) of this section if it appears that the issuance or transfer will encourage the tourist trade by encouraging the construction or improvement of

(1) a hotel, motel, resort, or similar business relating to the tourist trade having

(A) a minimum of 10 rental rooms, and

(B) a dining facility, which requirement may be waived if most of the rental rooms have kitchen facilities; or

(2) an airport terminal

(h) A restaurant or eating place license may be issued or transferred notwithstanding (a) of this section if

(1) the premises of the restaurant or eating place are more than 18 miles from the corporate limits of a city or unified municipality;

(2) the premises will serve food to the traveling public; and

(3) the board finds that the public convenience will be served by the issuance or transfer.

(i) An application requesting a transfer of location of licensed premises shall be granted notwithstanding (a) of this section if the new location is less than one mile from the original location and

- (1) no ground for denial exists under AS 04.11.340(1) or (3); and
- (2) relocation of the licensed premises is necessary due to
 - (A) termination of a lease or rental agreement;
 - (B) condemnation of the premises;
 - (C) the substantial destruction of the premises by any cause.

(j) The board may issue a new license in a municipality notwithstanding the provisions of (a) of this section if the board finds that issuance of the license is necessary for the public convenience. (§ 2 ch 131 SLA 1980)

Population and zoning limits must be met. — The Alcoholic Beverage Control Board is prohibited by statute from issuing licenses except as meet population limitations and zoning limitations. *Queen of N., Inc. v. Legrue*, Sup. Ct. Op. No. 1670

(File No. 3512), 582 P.2d 144 (1978), decided under former AS 04.10.210.

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors § 138. 48 C.J.S. Intoxicating Liquors § 136.

Sec 04.11.410. Restriction of location near churches and schools. (a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.

(b) If a beverage dispensary or package store license for premises located within 200 feet of a school ground or church building in which religious services are regularly conducted is revoked, expires or is transferred to another location, a beverage dispensary or package store license may not be issued or transferred to the formerly licensed premises until the cessation of either cause of restriction. (§ 2 ch 131 SLA 1980)

Legislative intent. — The intent of the legislature in enacting former AS 04.15.020, covering the subject matter of this section, must have been the desire to protect children attending school from direct exposure to some of the demoralizing circumstances which, by the authority of common knowledge, seem incident to the traffic in intoxicating liquor. Application of *Wakefield*, 10 Alaska 599 (1945), decided under former AS 04.15.020.

Am. Jur. 2d, ALR, and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 140-146.

Measurement and computation of distances for purpose of statute or ordinance prohibiting license or sale of intoxicating liquor within given distance from certain institutions or property, 96 ALR 778.

Reasonableness of statutory or local regulation, prohibiting license for sale of intoxicating liquors within prescribed distance from church, school or other institutions, 119 ALR 643.

"School," "schoolhouse," or the like within statute prohibiting liquor sales within specified distance thereof, 49 ALR2d 1103.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCHY STATE CAPITAL
JUNEAU ALASKA 99801
907-465-3800

MEMORANDUM

April 13, 1983

SUBJECT: Liquor licenses
(HB 158)

TO: Representative M. Mike Miller

FROM: *RJ* Russ Josephson
Legislative Counsel

Enclosed is a revised draft of SSHB 158. ^{105 HB 158 (C4RA)} As requested, rather than repealing all of AS 04.11.400(g), only (g)(1) is repealed. The following is the sectional analysis that you requested with the above change.

Section 7 is the key to this bill. This section adds a subsection (k) to AS 04.11.400. The new subsection requires a ratio of 3,000 people in a given area for each new or transferred beverage dispensary (bar) or package store (liquor store) license.

Sections 1, 3, and 8 amend existing law by inserting a reference to the new language provided in Sec. 7, in three places where the limiters on the issuance of new licenses or the transfer of existing licenses are already mentioned. Inasmuch as Sec. 7 has added a new provision limiting licensing, these amendments simply reflect the existence of the new provision.

Sections 2, 4, and 5 are simple amendments to sections of existing law that refer to AS 04.11.400(j). To indicate that this section has been repealed, the amendments insert the word "former" before the statutory reference.

Section 6 contains a technical amendment reflecting the repeal of AS 04.11.400(g)(1) and (j).

Section 9 repeals AS 04.11.400(g)(1) and (j).

In summary, this bill limits bar and liquor store licenses by using the ratio of one license for each 3,000 persons

Draft 2 reinserts

and inserts terminals

Representative M. Mike Miller

Page 2

April 13, 1983

instead of the ratio of one license for each 1,500 persons required under AS 04.11.400 now. In addition, the bill eliminates two exceptions to the license/population ratio. The tourist trade exception for hotels, motels, resorts, and similar businesses, and the public convenience exception have been repealed.

If I may be of further assistance please advise.

RJ:ljb
14/019

CITY	POPULATION	BIOTRAYS DISPENSARY	PACKAGE STORE	RESTAURANT	CLUB	TOTAL POP
ANCHORAGE	100740	174	113	112	15	384
	Pop Required for new lic.	216000	169500	168000	22500	
COALCOVA	2223	6	6	0	2	14
	Pop Required ✓	9100	9000		3000	
FAIRBANKS	25568	43	24	15	5	87
	Pop Required -	64500	36000	22500	7500	
HAINES	1017	5	3	1	2	11
	Pop Required ✓	7500	4500	1500	3000	
HOMER	2588	9	7	2	1	19
	Pop Required ✓	13500	10500	3000	1500	
JUNEAU	21050	27	15	15	2	59
	Pop Required -	40500	22500	22500	3000	
KENAI	7558	11	4	4	3	22
	Pop Required -	16500	6000	6000	4500	
KETCHIKAN	7200	23	16	6	6	51
	Pop Required ✓	34500	24000	9000	9000	
KODIAK	4678	12	6	4	2	24
	Pop Required -	18000	9000	6000	3000	
MCCURTCH	343	2	3	0	0	5
	Pop Required -	3000	4500			
NETZ	3039	7	4	2	1	14
	Pop Required -	10500	6000	3000	1500	
PALMSEA	2775	6	3	2	2	13
	Pop Required ✓	9000	4500	3000	3000	
W. BANGOR	2345	5	6	0	1	12
	Pop Required ✓	7500	9000		1500	
TOTAL	132086	300	210	163	42	715
PERSONS PER LIC		224	1105	1424	5526	325

BLV. Dispensary licenses do not public convenience or duplicities.

I. REQUEST

Bill/Resolution No.: CSHB158 (C&RA)
 Title: Limitation of Liquor Licenses
 Sponsor: C&RA (original - M.M. Miller)
 Requestor: House Judiciary Comm

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Passage of this legislation will not have any fiscal impact on this BRU.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Patrick L. Sharrock *Patrick L. Sharrock* Phone: 277-8638
 Division: Alcoholic Beverage Control Board Date: _____
 Approved by Commissioner: J. McDonough Date: 6/7/83
 Department: Revenue

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
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 Copy to Sponsor
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HB

162

Alaska State Legislature



Barbara Lacher, Chairman
Mae Tischer, Vice-Chairman
Randy Phillips
Milo Fritz
Don Clocksin
Jack McBride
Mike Szymanski

Room 104
State Capitol
Juneau, Alaska 99811

Pouch V
Juneau, Alaska 99811

House of Representatives Committee on Community & Regional Affairs

HOUSE COMMUNITY AND REGIONAL AFFAIRS AGENDA

APRIL 6th, 1983

- 1). Call to order.
- 2). Roll Call.
- 3). The first order of business will be HB 162.
- 4). Witnesses presentation.
- 5). Closing.
- 6). Adjournment.

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

April 6, 1983

POSITION PAPER

RE: HB 162

SPONSOR: Representative Ward

PROGRAM EFFECTS OF BILL

This bill allows municipalities to limit, by ordinance, the number of consecutive full terms that a person may serve as mayor or as a member of the assembly or council.

COMMENTS

This bill would give each municipality an option regarding whether or not individual elected officials should be turned out of office not by the voters but by a limitation on the consecutive number of terms they may serve. There are advantages and disadvantages to limiting terms of office, but the Department will not debate them here. The overriding consideration is that this legislation provides for a local option on the question, a philosophy this Department generally favors.



Mark Lewis, Commissioner

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 162
 Title: Limit terms of Municipal Officials
 Sponsor: Ward, et al
 Requestor: HCRA

II. FISCAL DETAIL

Agency Affected: DCRA
 Program Category Affected: Development
 BRU, Program of Subprogram(s) Affected: Local Government Assistance Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard Rainery
 Division: Commissioner's Office
 Approved by Commissioner: [Signature]
 Department: Community & Regional Affairs

Phone: 465-4703
 Date: 4/6/83
 Date: 4/6/83

Distribution:

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Alaska State Legislature



Barbara Lacher, Chairman
Mae Fischer, Vice-Chairman
Randy Phillips
Milo Fritz
Don Clocksin
Jack McBride
Mike Szymanski

Room 104
State Capitol
Juneau, Alaska 99811

Pouch V
Juneau, Alaska 99811

House of Representatives Committee on Community & Regional Affairs

TO: House Community and Regional Affairs Committee
FROM: House Community and Regional Affairs Staff
DATE: April 6th, 1983
RE: House Bill 162

Under current statutes, municipalities do not have the authority to limit the number of terms elected officials may serve.

House Bill 162 provides that General Law Boroughs and cities may limit, by ordinance, the number of terms that may be served by assembly members, borough mayors, city council members, and city mayors.

Proposed CS HB 162 expands the provisions of HB 162 in that it is applicable to home rule as well as general law municipalities and, requires that limitations on the number of terms served by members of the governing bodies be ratified by the voters.

STATE OF ALASKA
THE LEGISLATURE

ROUCH Y. STATE CAPITOL
JUNEAU ALASKA 99811
907-465 2800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 31, 1983

SUBJECT Limits on terms of municipal officials
(CSHB 162 (C&RA))

TO: Representative Barbara Lacher
Chairman, House Community and
Regional Affairs Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

Here is the sectional analysis of the draft of CSHB 162 (C&RA) that you requested.

Section 1. This makes material added in secs. 3 - 5 of this draft applicable to home rule municipalities as home rule limitations. Since AS 29.23.050 is a home rule limitation now under AS 29.13.100(3), no addition is needed to include the material in sec. 2 as a home rule limitation.

Section 2. Unless ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms that a person may serve on the assembly of a home rule or general law borough.

Section 3. Unless ratified by the voters, no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a home rule or general law borough.

Section 4. Unless ratified by the voters, no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a home rule or general law city.

You have also asked me to compare this draft to HB 172. Under sec. 29.20.140 of that bill, no limit may be placed on the number of terms or number of consecutive terms a person may serve on the governing body. This applies to all home rule and general law municipalities. The section is made a

home rule limitation under sec. 29.10.200(4). Under sec. 29.20.230(c) of HB 172 no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a general law city or borough. That section does not apply as a home rule limitation. HB 172 differs from this draft in that the restrictions on limiting the terms of mayors do not apply to home rule municipalities. Otherwise, the restrictions on limiting terms are the same in that bill and in the draft of CSHB 162 (C&RA).

TBC:ljb

13/001

(b) If a proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at a regular or special election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (2) of subsection (a).

Sec. 29.13.080. Charter amendment. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.28.060—29.28.110, except that no amendment shall be effective unless ratified by the voters. (§ 2 ch 118 SLA 1972)

Article 2. Home Rule Limitations.

Section

100. Limitation of home rule powers

Sec. 29.13.100. Limitation of home rule powers. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.13.080 (charter amendment)
- (2) AS 29.18.140 (borough transition)
- (3) AS 29.23.020—29.23.050 (city representation and vote on borough assembly)
- (4) AS 29.23.250(a) (election and term of mayor)
- (5) AS 29.23.540 (prohibitions respecting appointment and removal of personnel)
- (6) AS 29.23.560 (municipal reports)
- (7) AS 29.23.580 (meetings public)
- (8) AS 29.28.010, 29.28.020(b) — 29.28.030 (municipal elections)
- (9) AS 29.28.130—29.28.250 (recall)
- (10) AS 29.33.010(b) (areawide borough powers)
- (11) AS 29.33.290(c) (acquisition of additional areawide powers)
- (12) AS 29.43.020—29.43.040 (powers of cities outside boroughs)
- (13) AS 29.48.033 (garbage and solid waste services)
- (14) AS 29.48.035(b) (effect of areawide exercise of borough power).

- (15) in cities
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- (15) AS 29.48.035(c) (borough building code jurisdiction with-
in cities)
- (16) AS 29.48.037 (extraterritorial jurisdiction)
- (17) AS 29.48.040—29.48.100 (utilities)
- (18) AS 29.48.180 (codification)
- (19) Repealed by § 8 ch 147 SLA 1972, effective September 10,
1972.
- (20) AS 29.48.210 (expenditure of borough revenue)
- (21) AS 29.48.220 (post audit)
- (22) AS 29.53.010—29.53.350, 29.53.400 (borough and city
property tax)
- (23) AS 29.53.415(d) (interest on sales tax)
- (24) AS 29.58.180(b) (security for bonds)
- (25) AS 29.58.115 (bond attorneys, bond and financial con-
sultants)
- (26) AS 29.68.010 (annexation and exclusion)
- (27) AS 29.68.030—29.68.110 (merger and consolidation)
- (28) AS 29.68.500—29.68.580 (dissolution)
- (29) AS 29.73.020 (eminent domain)
- (30) AS 29.73.030 (adverse possession)
- (31) AS 29.73.040 (taxation of municipalities)
- (32) AS 29.73.050 (municipal name changes)
- (33) AS 29.23.555 (conflict of interest). (§ 2 ch 118 SLA 1972;
am §§ 2, 8 ch 147 SLA 1972)

Revisor's note: (1972).—In ch. 118,
SLA 1972, AS 29.48.035(b) was
omitted from the list in AS 29.13.100.
Since, by its own terms, it applies to
home rule municipalities, it has been
included here as AS 29.13.100(14);
succeeding paragraphs (including the
one added by § 2, ch. 147 SLA 1972)

have been renumbered. For specific
discussion of AS 29.13.100, see 1972
House Journal, p. 1720 or 1972 Senate
Journal Supplement No. 3, p. 3.

Effect of amendment. — The 1972
amendment, effective September 10,
1972, added paragraph (33) and re-
pealed paragraph (10).

Chapter 18. Incorporation.

Article

1. Requirements (§§ 29.18.010—29.18.030)
2. Procedures (§§ 29.18.050—29.18.150)
3. Transitional Assistance (§§ 29.18.180—29.18.200)
4. Development Cities (§§ 29.18.220—29.18.460)

Article 1. Requirements.

Section

10. First class cities
20. Second class cities

Section

30. Organized boroughs

Sec. 29.18.010. First class cities. A community having 400 or
more permanent residents may incorporate as a first class city.
(§ 2 ch 118 SLA 1972)

in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

(g) This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 12 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendments. — The first 1972 amendment rewrote this section.

The second 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the last sentence of subsections (c) and (d), and in the first sentence of subsection (f).

This section provides a convenient method for reapportioning whenever necessary. 1965 Op. Att'y Gen., No. 5.

It does not indicate what population data may be used by the reapportioning agency. 1965 Op. Att'y Gen., No. 5.

However, the agency may use population data other than official census figures in reapportioning seats or votes. 1965 Op. Att'y Gen., No. 5.

The only limit imposed by this section is that a reapportionment plan may not take effect until the next assembly election. 1965 Op. Att'y Gen., No. 5.

Sec. 29.23.030. Election and appointment.

Repealed by § 16 ch 118 SLA 1972.

Cross reference.—See Editor's note to AS 29.18.120.

Editor's note.—The repealed section derived from § 2, ch. 118, SLA 1972.

Sec. 29.23.040. Regular term of office. Assemblymen are selected for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 13 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendment. — The 1972 amendment rewrote this section.

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of

elected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.050. Qualifications. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately forfeits his office. An assemblyman elected from or selected to represent a borough area less than the borough area at large and who becomes a resident of another area may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years.

This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 14 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120. Effect of amendment. — The 1972 amendment rewrote this section.

Sec. 29.23.060. Procedure. (a) The assembly shall meet at least once every month, unless otherwise provided by ordinance. All meetings shall be public meetings. Special meetings may be held on the call of the chairman, the presiding officer, or one-third of the members, upon not less than 24 hours written or oral notice communicated to each member. In an emergency a special meeting shall be a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be either before or after the time of the meeting. The waiver shall be attached to and made a part of the journal for that meeting.

(b) The assembly shall elect from among its members a presiding officer and a deputy presiding officer to serve at its pleasure, except that in manager plan boroughs the borough mayor serves as presiding officer. If the presiding officer is not present or disqualifies himself, the deputy presiding officer shall preside.

(c) The assembly shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

(d) A majority of the membership authorized by law constitutes a quorum. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later date. Actions of the assembly are adopted by a majority of the votes authorized on the question. All assemblymen present shall vote unless the assembly for special reasons permits a member to abstain, except no assemblyman may vote on a question in which he has a substantial direct or indirect financial interest.

(e) The final vote on each ordinance, resolution, or substantive motion is a recorded "yes" or "no", except that if the vote is unanimous it is necessary only so to state.

(f) Repealed by § 16 ch 118 SLA 1972.

(g) Repealed by § 16 ch 118 SLA 1972.

(h) Repealed by § 16 ch 118 SLA 1972.

(i) Repealed by § 16 ch 118 SLA 1972.

(j) Repealed by § 16 ch 118 SLA 1972. (§ 2 ch 118 SLA 1972; am § 16 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120. Effect of amendment. — The 1972 amendment repealed subsections (f), (g), (h), (i) and (j).

Sec. 29.23.070. Departments. (a) The assembly may establish departments and distribute administrative functions among them.

(b) Each department is administered by a department head. With the consent of the assembly, the borough mayor may serve as

the head of as the head

Sec. 29.23 by ordinance tation occur assemblyme vacated is c area to which lar election. cilmen are a council seat shall be fill remaining n election. (§

Cross refer. to AS 29.18.1

Sec. 29.23

Repealed

Cross refer to AS 29.18.12

Sec. 29.23

Repealed

Cross refer to AS 29.18.1

Ar

Section 130. Power g 140. Powers a ministr 160. Executiv

Sec. 29.23 adopted a n power is ve adopted a r appointed r mayor who manager-pl

(b) A bo

(c) The and until a first Monda of October, nance. The

the head of one or more departments or may appoint one person as the head of two or more departments. (§ 2 ch 118 SLA 1972)

Sec. 29.23.080. Assembly vacancies. The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, who designate a voter and, if the assembly seat vacated is other than an at-large seat, a resident of the borough area to which the seat was apportioned, to serve until the next regular election. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, a vacancy in a councilman's seat on the assembly shall be filled by a councilman designated by a majority of the remaining membership of the council to serve until the next regular election. (§ 2 ch 118 SLA 1972; am § 15 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120.

Effect of amendment. — The 1972 amendment rewrote this section.

Sec. 29.2² 090. Reapportionment.

Repealed by § 16 ch 118 SLA 1972.

Cross reference.—See Editor's note to AS 29.18.120.

Editor's note.—The repealed section derived from § 2, ch. 118, SLA 1972.

Sec. 29.23.100. Borough sections.

Repealed by § 16 ch 118 SLA 1972.

Cross reference.—See Editor's note to AS 29.18.120.

Editor's note.—The repealed section derived from § 2, ch. 118, SLA 1972.

Article 2. Borough Executive and Administrator.

Section	Section
130. Power generally	160. Assembly participation
140. Powers and duties of borough administrator	170. Veto
150. Executive absence	180. Filling a vacancy

Sec. 29.23.130. Power generally. (a) If the borough has not adopted a manager plan, the borough executive and administrative power is vested in an elected borough mayor. If the borough has adopted a manager plan, the administrative power is vested in an appointed manager and the executive power in an elected borough mayor who has the same functions as those of the mayor of a manager-plan city under § 240 of this chapter.

(b) A borough voter is eligible to be borough mayor.

(c) The borough mayor's regular term of office is three years and until a successor is elected and has qualified and begins on the first Monday following his election, which is held the first Tuesday of October, unless a different date of election is provided by ordinance. The assembly may provide by ordinance for a different term

not to exceed four years, except that the current term of an incumbent borough mayor may not be altered.

(d) A borough may adopt or abandon a manager plan at any time, as provided in §§ 410-480 of this chapter. The borough mayor may not veto an ordinance or resolution calling for an election on this question. The manager has all the powers and duties of the borough mayor as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive. (§ 2 ch 118 SLA 1972)

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

Borough chairman cannot serve on borough assembly. — To permit the

borough chairman to serve on the borough assembly would constitute a clear violation of this section, and would violate the common law prohibition against holding incompatible offices. 1963 Op. Att'y Gen., No. 27.

Sec. 29.23.140. Powers and duties of borough administrator. The borough mayor or manager as the case may be, as the chief administrative officer, is responsible for the proper administration of all borough affairs. The mayor or manager of the borough shall

- (1) appoint borough employees and administrative officers, except as provided otherwise in § 360 of this chapter and AS 29.33.050; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;
- (2) suspend or remove by written order borough employees and administrative officers, except as provided otherwise in § 360 of this chapter and AS 29.33.050;
- (3) supervise enforcement of borough law;
- (4) prepare the annual budget and capital improvements program for the assembly;
- (5) execute the budget and capital improvement program as adopted;
- (6) make monthly reports to the assembly on borough finances and operations;
- (7) report to the assembly at the end of each fiscal year on the finances and administrative activities of the borough;
- (8) prepare and make available for public distribution an annual report on borough affairs;
- (9) serve as borough personnel officer unless the assembly authorizes him to appoint a personnel officer;
- (10) direct and supervise the administration of

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Article 3. City Council.

Section
200. Composition, eligibility, election
and term

Section
210. Procedure
220. Filling a vacancy

Sec. 29.23.200. Composition, eligibility, election and term. (a) Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold the office of councilman. A council member who ceases to be eligible to be a city voter immediately forfeits his office.

(c) An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose councilmen for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered. (§ 2 ch 118 SLA 1972)

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected

by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.210. Procedure. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.

(d) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmen present shall vote unless the council, for special reasons, permits a member to abstain. (§ 2 ch 118 SLA 1972)

Votes must be recorded. — To the extent that no vote is recorded in the minutes of the city council, there is a failure to comply with this section. Carr v. City of Anchorage, 17 Alaska 116, 243 F.2d 482 (9th Cir. 1957).

But requirement does not affect liability of city on fully performed oral contract. — While it is true that the recording of votes under this sec-

tion serves a useful purpose, the requirement of the recording is no more designed to protect the public than to protect the party dealing with the public. It has no effect on the substance of a contract, and a municipality is as subject to liability where it has benefited from a fully performed oral contract as would be a natural person. Carr v. City of Anchorage, 17

Alaska 116, 1957).

Tie vote. Alaska 556 (Certain po by ordinance gives the co its powers b lution, exerc nance is pro cases. Femm Alaska 315, 1938).

Sec. 29.2 cil, the cou designate and until a 1972)

C.J.S. refe pal Corpora

Section
240. Mayor
250. Election
260. Mayor's
270. Vetc

Sec. 29. shall presi and sign d In cities v sponsible SLA 1972

Developm to office of poration. — 11 Alaska Alas. 1946).

Mandamu ance of min Neither rea supports th mayor of which some tive or adr cretionary, by writ of duty of his or substant any preten would be i and wrongt herd v. Ma Supp. 520

11 Alaska 48, 66 F. Supp. 520 (D. Alas. 1946).

Since mayor may not direct officers contrary to council's will.—The mayor is without power to direct the actions of the city officers contrary to the lawfully expressed will of the council, which has the superior au-

thority. *Reherd v. Manders*, 11 Alaska 48, 66 F. Supp. 520 (D. Alas. 1946).

And it is only the city council which can enact ordinances and resolves. *Reherd v. Manders*, 11 Alaska 48, 66 F. Supp. 520 (D. Alas. 1946).

Sec. 29.23.250. Election and term of mayor. (a) A voter of a home rule or general law city is eligible to hold the office of mayor, except that a home rule city may prescribe additional residency requirements by charter.

(b) The mayor of a first class city is elected at large for a term of three years and until a successor is elected and has qualified. The council may provide by ordinance for a different term not to exceed four years, except that the current term of an incumbent mayor may not be altered.

(c) The mayor of a second class city is elected by and from the council for a term equal in length to a councilman's term.

(d) The mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October, unless a different date of election is provided by ordinance. The council of a second class city shall meet on the first Monday after the regular election date and elect a mayor who takes office immediately. (§ 2 ch 118 SLA 1972)

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected

by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.260. Mayor's vote. (a) The mayor of a first class city is not a council member and may vote only in the case of a tie.

(b) The mayor of a second class city is a council member and may vote on all matters. (§ 2 ch 118 SLA 1972)

The allowing mayor to vote. — See *In re Kaye*, 11 Alaska 558 (1948).

Sec. 29.23.270. Veto. (a) The mayor of a first class city may veto any ordinance, resolution, motion, or other action of the council and may, by veto, strike or reduce items in appropriation ordinances except, in a city outside an organized borough, for school budget items. He shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the council.

(b) The mayor of a second class city has no veto power. (§ 2 ch 118 SLA 1972)

ALR reference.—Passing bill over veto, 2 ALR 1593.

Sec. 29.23.280. Vacancy in the office of mayor in a regular election shall serve until the next election and has qualified for the council seat. In the case of a regular election, the term shall be unexpired term.

(b) In a case where the office is filled by and from the council.

Sec. 29.23.290. The mayor shall have a management plan which shall

(1) appoint and supervise subordinates as provided in this Act; he may hire and discharge an appointive subordinate.

(2) supervise the administrative chapter and

(3) supervise

(4) prepare a program for the

(5) execute

(6) make ordinances and

(7) report on finances and

(8) prepare an annual report

(9) serve him to appoint

(10) exercise lawfully powers. 4 ch 147 S

Effect of amendment. 1972, subst.

FEB 10 1983

Alaska State Legislature

House of Representatives



REPRESENTATIVE JERRY WARD
DISTRICT 13

MEMBER FINANCE COMMITTEE
CHAIRMAN OF SUBCOMMITTEE ON
COMMERCE & ECONOMIC DEVELOPMENT
CHAIRMAN OF SUBCOMMITTEE ON LABOR

P.O. BOX 2716
ANCHORAGE, ALASKA 99510

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811

February 9, 1983

The Honorable Barbara Lacher, Chairman
Alaska State Legislature
House Committee on Community and Regional Affairs

Dear Representative Lacher:

In support of House Bill No. 162 which I have introduced, I have attached a copy of a letter from Fairbanks North Star Borough discussing the problem as well as a copy of a resolution passed by Fairbanks North Star Borough. The voters of both Fairbanks North Star Borough and Matanuska-Susitna Borough have passed advisory propositions on this matter.

Briefly, the legislation simply puts the power to limit the number of terms of elected officials back into the hands of the local governments where it belongs.

Yours very truly,

Jerry Ward
State Representative

A handwritten signature in cursive script that reads "Jerry Ward".

Attachments

63
47-3

fairbanks north star borough



p.o. box 1267 520 fifth ave. fairbanks, alaska 99707 907-452-4761

January 26, 1983

JAN 31 1983

The Honorable Jerry Ward
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Ward:

Enclosed please find the following resolutions which were adopted at the regular meeting of the Fairbanks North Star Borough Assembly on January 13, 1983, which was reconvened on January 19, 1983.

Resolution No. 83-2. A Resolution Relating To Limitation Of Terms For The Assembly And Mayor.

Resolution No. 83-3. A Resolution Requesting The Alaska State Legislature For Funding Of An Annual Spring Hockey Tournament.

Please note that Resolution No. 83-2 has been extensively discussed and we would certainly like to see some action during this 13th Session of the Legislature.

If you have any further questions, please feel free to contact me.

Sincerely

GAYE J. PATRICK
Borough Clerk

GJP:mgc

enclosures (2)

Bob Blake
Juanita Helms
B. B. Allen
Bruce Wammack
Mike Ribar
Bill Walley
Sandra Stringer
Paul Chizmar
Buzz Otis

Introduced: 01/13/83
Adopted: 01/13/83

RESOLUTION NO. 83-2

A RESOLUTION RELATING TO LIMITATION OF
TERMS FOR THE ASSEMBLY AND MAYOR

WHEREAS, an advisory proposition on the question of limiting the terms of assemblymen and the mayor was placed on the October 5, 1982, ballot; and

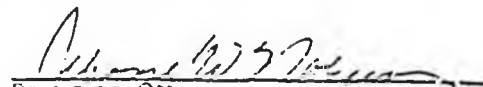
WHEREAS, this advisory proposition was passed 11520 - 5197 by the voters of the Fairbanks North Star Borough; and

WHEREAS, this question was also passed 2700 - 1100 by the voters of the Matanuska-Susitna Borough on October 6, 1981; and

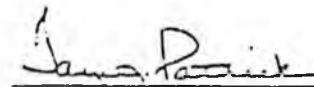
WHEREAS, an Attorney General's opinion has been rendered stating general law municipalities do not have the power to place such a limitation on elected officials:

NOW, THEREFORE, BE IT RESOLVED by the Fairbanks North Star Borough Assembly that the Twelfth Legislature of the State of Alaska is urged to revise Title 29 to allow general law municipalities the option of placing a limitation on the number of consecutive full terms a person may serve.

PASSED AND APPROVED THIS 13th DAY OF JANUARY, 1983.


Presiding Officer

ATTEST:


Clerk of the Assembly

COMMITTEE REPORT

4/7

HOUSE

FURTHER: JUDICIARY

2/4/83

Date: _____

Mr. Speaker:

The Committee on C & RA has had HB 162

An Act authorizing general law municipalities to limit the number of consecutive full terms certain municipal officials may serve.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with JS for HB 162 (CRA) same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

 MILO H. FRITZ

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

 No rec

[Signature]

 CHAIRMAN

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 162
 Title: Limit terms of Municipal Officials
 Sponsor: Ward, et al
 Requestor: HCRA

II. FISCAL DETAIL

Agency Affected: DCRA
 Program Category Affected: Development
 BRU, Program of Subprogram(s) Affected: Local Government Assistance Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard Rainery
 Division: Commissioner's Office

Phone: 465-4703
 Date: 4/6/83

Approved by Commissioner: [Signature]
 Department: Community & Regional Affairs

Date: 4/6/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

H B

163

CSHB 163 (Resources)

"An Act relating to harassment of persons engaged in hunting, fishing, or trapping."

SECTIONAL ANALYSIS

Section .925 would make it illegal to interfere with a person who is lawfully engaged in hunting, fishing or trapping; to disturb fish or game with the intent to interfere with their taking; or to enter or remain upon public or private land with intent to do one or the other of the above. A violation would be punishable by a fine of up to \$500 or 30 days in jail, or by both.

Section .926 mandates that a wildlife protection agent shall order a person to desist from a violation of section .925, if he has observed the violation, or has probable cause to believe the person has engaged in or intends to engage in such activities. The officer shall inform the violator of penalties applicable to failure to desist - a fine of up to \$1000 or 90 days in jail, or both.

Section .927 provides civil remedies allowing: a court injunction to stop the harassment; the aggrieved party to recover general damages for expenses rendered futile by the harassment; and the court to award punitive damages.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 163 Date on Bill: 2/4/83
Title: An Act providing for punishment for obstructing the lawful use of public
Sponsor: Rep. Shultz land
Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Colonel Robert J. Stickles Phone: 269-5532
Division: Fish & Wildlife Protection Date: 2/15/83
Approved by Commissioner: *Robert L. Berg* Date: 2-22-83
Department: Public Safety

5. Distribution:

Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/15/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: RS HB 163 (Res)
 Title: "Harassment of Persons Encaged in . . ."
 Sponsor: House Resources
 Requestor: House Resources

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: F&WP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No Fiscal Impact Anticipated

Prepared By: Paul Conner Phone: 465-4338
 Division: Administrative Services Date: 3/17/83
 Approved by Commissioner: [Signature] Date: 3/18/83
 Department: Public Safety

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

2/4/83

Date: MARCH 18, 1983

Mr. Speaker:

The Committee on RESOURCES has had ~~3~~ HB 163

An Act providing for punishment for obstructing the lawful use of public land.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 163 (Rec) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
 Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

HULTZ [Signature]

USSELL [Signature]

ISKAN [Signature]

OWDERY [Signature]

WINGSTAD [Signature]

LARSON [Signature] No rec.

VASKA [Signature] No Rec

(Co-) [Signature]
CHAIRMAN

AMENDED TITLE:

AN ACT PROVIDING FOR PUNISHMENT FOR OBSTRUCTING THE LAWFUL
USE OF PUBLIC LAND

PRIME SPONSOR: SHULTZ.

CO-SPONSORS:

CURRENT STATUS: 3/21/83 IN (H) JUDICIARY

HB 163	HOUSE	ACTION
DATE	SEQ	PAGE

LEGISLATIVE ACTION

02/04/83	01	0173
03/21/83	02	0572
03/21/83	03	0572

FIRST READING -- COMMITTEE REPORTS
RES -- CS05, NR02
RES F/NOTE EQUALS ZERO
JUDICIARY
RULES

01	01	01	01	01	01
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HB 47
January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

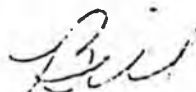
#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to be able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,



Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. R. Box 350
Gakona, Alaska 99586
907/522-3426

TIPS FOR HUNT SABOTEURS

Fourteen million Americans will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against our wildlife. These legions, which are more numerous, and generally better equipped than the entire Nazi armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few hunters.

It is time for friends of animals to start organizing a defense that will serve to at least temper the wanton destruction. There are many ways that a friend of animals can become a forest partisan on behalf of our wildlife, and we offer here a few suggestions that range in effort, depending upon a person's abilities and commitment:

1. Deny the hunter the land to hunt on. Much hunting is done on private lands. To protect these animals, encourage your neighbors, especially those who own large tracts such as farms and ranches, to post their land and forbid hunting. Try to convince them that hunters invariably cause more damage to agriculture than the wild animals do.
2. Many areas have hunting restricted to a specified number of hunters who have special permits. Commonly, these permits allow the hunter to use a particular blind or hunt less common species, such as bear. Apply for these permits yourself. The permits are usually awarded by a simple lottery selection. If you're lucky, you'll win a permit and deny a hunter his kill.
3. Get into the woods yourself the day before the hunting season. If you're familiar with the most commonly hunted areas, try to drive wildlife away. A stroll through the forest with a nice loud radio and a dog on a leash, will serve to make wildlife more wary of humans. This is particularly important for younger animals that have not yet had the traumatizing experience of being hunted.
4. Certain substances, such as rotten eggs, when rubbed into hunting blinds, make these enclosures even more uncomfortable for the hunters. Uncomfortable hunters are irritable, and are also poorer shots. Plastering the floor of a hunting blind with cow dung is another good idea.
5. If you're familiar with wildlife habits in your neighborhood, try to encourage them to break these habits shortly before hunting season. For instance, many hunters like to stalk along deer tracks which are pretty well defined to a good woodsman. Placing deer repellent (available at many feed and hardware stores) along these tracks will encourage the deer to move away and leave the hunter with a route devoid of the species. If you want to save money, just scoop up a bag of human hair from a local barber shop and hang handfuls of it in little bags about two or three feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.
6. If there is much hunting with dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or deer.

7. Hunters frequently like to ambush their prey by setting out food and then hiding in blinds. Commonly, bushels of apples are set out a few days before hunting season to encourage deer to browse in this area. When hunting season comes, the hunter merely comes to the site, climbs into a blind, and waits for the deer to come to him. To disrupt this, there are two alternatives. First, remove all apple piles immediately on finding them during the days preceding hunting season. Second, if there are just too many apples to carry away, give them a good spraying with deer repellent and spread barber shop hair clippings all over the area.

8. Encourage your municipality to pass an ordinance that bans, in the interest of public safety, the use of all weapons within its limits. Rifles, shotguns, bows and arrows have been known to kill people too.

9. If you have a portable tape recorder, get a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season. It will make wildlife wary.

10. Try to develop strong anti-hunting sentiment in your community by writing letters to the editor of your local newspapers, meeting with neighbors, getting on talk shows. Creating public awareness of the problem is a vital point. Let your neighbors know that the law recognizes wildlife as belonging to all people, and they are not the exclusive property of hunters until after they have been murdered.

11. Work on a project to get your State to pass a law that would require all hunters to carry written permission from the landowners of the places they hunt. This further curbs the hunter's battlegrounds because many farmers are reluctant to sign permits that would allow people to hunt on their lands. Also, much land is owned by summer residents, corporations, etc. that are nearly impossible to get hold of.

12. Approach your Congressperson and Senators with demands that hunting and trapping be prohibited on national wildlife refuges and all public land.

13. If you have any old, stuffed animal toys, set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real. Better to have a hole in a cotton rabbit than a real one - and the noise of the gun going off might serve to scare away other wildlife.

14. We will be trying to put together a better activist's guide for next hunting season, so if you have any ideas or procedures you've found effective, please let us know. Mail them in to Bill Clark, Friends of Animals, 11 West 60th Street, New York, NY 10023.

Use your imagination. There are plenty of ways to frustrate the hunt, depending on your own abilities and enthusiasm. The main point here is to do something. By your work, you will be helping animals in two ways. First, you will be protecting them from the hunters and second, you will be letting the hunters know that friends of animals are in the woods. This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!

ANTI-HUNTERS VS. HUNTERS: WAR IN THE WOODS

Greenpeace fanatics are harassing hunters in the field. It's a vicious and very dangerous movement, and you could be the next victim. Here's what to expect plus some very good advice on what not to do about it.

By Richard Starnes, Editor-at-Large

The lush alpine valleys and rugged highlands of northeastern British Columbia have witnessed the opening skirmishes in what threatens to become all-out war between big-game hunters and anti-hunting zealots who have sought to stop them by harassment, abuse, intimidation and—it is charged—physical violence.

How much violence has occurred to date is in dispute, but there have been several angry confrontations involving hunters and anti-hunting activists, one beating has already taken place, and feeling is running so high that Canadian provincial authorities are alarmed at the prospect of more violence when the big-game season opens this fall.

"It's only a question of time before some hothead loses his composure and someone gets hurt," said one hunter who was victimized by the anti-hunters.

Arrayed against each other in the conflict are the hunters, outfitters, and game-management officials of British Columbia, and a dedicated, well-financed, implacable organization of anti-hunters who call themselves Greenpeace.

Greenpeace is no collection of saloon conspirators content to crank

out mimeographed anti-hunting diatribes and picket sporting-goods stores. It is slick, professional, worldwide, and growing rapidly. Its Vancouver chapter alone budgets nearly \$500,000 a year for anti-hunting activities. Its tools are \$1,000-a-day helicopters, expensive sound cameras, and self-confessed expertise at manipulating the press and television. Its tactics are harassment, confrontation, and attempts physically to restrain hunters. Its leader, Dr. Patrick Moore of Vancouver, made it clear in an interview with *OUTDOOR LIFE* that episodes of harassment and intimidation that took place in the rich hunting grounds of British Columbia in 1979 and 1980 were only the opening salvos in the conflict.

"We'll be back this year," he said. "They can't stop us. We intend to stop trophy hunting, first in British Columbia, ultimately all over the world."

How Greenpeace seeks to frustrate hunters is perhaps best told in the words of Richard A. Mielke, a 50-year-old Pontiac, Michigan, fire fighter who last year took a 21-day hunt-of-a-lifetime in the rugged, 1.6-million acre Spatsizi Wilderness Park in British Columbia. He and his partner, Darryl Hastings,

40, a computer broker from Rochester, Michigan, encountered the Greenpeaceers on the first day of the hunt.

"They barged right into our camp," Mielke said. "They stuck sound cameras right in our faces. They harangued and abused us. One of them screamed at me, 'Is there something wrong with your sex life? Is that why you're up here killing animals?' When we tried to ride out of camp they locked arms across the trail to stop us. One of them grabbed the bridle of my horse. That was dangerous. That's rough country up there. If the horse had shied and fallen I could have been badly hurt."

Eventually the hunters and their guide broke free and continued the hunt, but on nearly every day of the hunt the harassment continued. On one day Mielke took his rifle—unloaded—to a dock on tiny Bug Lake to scope a wolf that had been howling near the camp.

"One of these Greenpeace guys crowded up against me, bumped me, and yelled, 'You're not going to shoot that animal while I'm here!' He grabbed my rifle, and then he fell into the lake."

"They would hunt you in every way they could," Hastings added. "You

couldn't even go to the john without one of them sticking a camera in. It's hard to keep your cool under those circumstances, yet I couldn't give them the satisfaction of bothering me."

Although the Greenpeacers scornfully characterize hunters such as Mielke and Hastings as "jet-set headhunters," both are men of modest means.

"I scrimped and saved and worked at odd jobs for two years to get the money for that hunt," Mielke said. "By the time I'd paid air fares, outfitters' fees, and license and trophy fees it cost me around \$10,000."

Hastings put the cost of his hunt at near \$12,500, and noted it would be a long time, if ever, before he could afford another hunt of that magnitude.

Both hunters report that attempts to reason with the anti-hunters were futile.

"We were after Stone sheep, principally," Hastings said. "But they kept alluding to them as 'bighorns.' I told one of them, 'You're such a phony; you don't even know what species you're talking about.'"

Both men got trophy sheep as well as other trophy specimens, but the Greenpeace activists succeeded in blighting what would otherwise have been an idyllic hunt.

"There were several days when I didn't hunt because of them," Hastings said.

Complaints to provincial wildlife authorities were to no avail. "Early in the hunt a park ranger came into our camp," Hastings said. "We asked him why he wouldn't protect our right to carry on a lawful activity. I'd paid around \$1,000 for licenses and tags, and these people were trying to deprive me of my right to hunt. The ranger replied that there was nothing he could do. 'It's a public park,' he told me. 'They can go anywhere they please.'"

Later, after the anti-hunter fell (Greenpeacer Moore says he was pushed) into the lake, four Royal Canadian Mounted Police officers and two B.C. Fish and Wildlife Department officials arrived at the Mielke-Hastings camp by helicopter. Again the two hunters repeated their plea for protection, again the officials said there was nothing they could do.

"They told us they were trying to figure out how to resolve the issue," Hastings told *OUTDOOR LIFE*. "But all they did was to tell us, 'We want you fellows to be patient and keep the peace.' " (There are indications, however, which we will come to later, that B.C. officials are preparing to abandon

Violence against them would give Greenpeace "proof" that all hunters are thugs and violence-prone killers.

their policy of noninterference when the 1981 season opens.)

Even after Mielke and Hastings quit their camp to return home, the Greenpeace contingent pursued them. After alerting press and television, the anti-hunters continued their tactics of harassment. They followed the two hunters into the airport at Vancouver, taunting them, haranguing and vilifying them, and waving professionally-made anti-hunting placards for the benefit of news and television cameras. Several wore animal costumes, including horns or antlers. The Greenpeacers drove the two hunters to take refuge in the airport lounge, where the bartender did what the Royal Canadian Mounted Police and game department officials had been unable or unwilling to do. He chased the anti-hunters out of the place.

In the fall of 1980, the Gary Zechel hunting party camped in the Spatsizi wilderness in British Columbia and ran into harassment by eight Greenpeace agitators (left). When Zechel and his wife rode out of their camp for a day of hunting with their guide, the Greenpeacers locked arms across the trail to block their way and screamed abuse. A female Greenpeacer grabbed Zechel's reins to hold him back. The guide broke through the human barrier, and the Zechels pulled away and rode around them. Gary Zechel stated that his greatest fear was that one of the horses would spook and injure or kill someone. The painting is based on a photograph supplied by the Greenpeacer organization! At right, Greenpeacers in animal costumes harass Richard A. Mielke and Darryl Hastings in the Vancouver airport after their successful hunt.



Illustration by Domenick D'Andrea

What was possibly an even uglier incident took place during the 1979 season in Spatsizi. Gary Zechel, an engineer with the Ford Motor Company, who lives in the Detroit area, was hunting Ranger Creek with his wife Jo-Carole, who is a hunter, but wasn't hunting on this occasion. Accompanied only by an Indian guide, the Zechels were traversing one of the wildest, most primitive areas in North America.

"We were six or eight hours by horseback from our base camp, staying in a spike camp," Zechel recalled, "when these Greenpeace people showed up. There were seven men and one woman. There was lots of taunting, harassment, and intimidation. They said they would do whatever they could to stop us. They said if they couldn't persuade us to abandon our hunt they would restrain us physically. When we rode out for a day of hunting, they locked arms in front of us. When I tried to go to my wife's aid, one of them grabbed my horse's reins. Eventually our guide broke through, and my wife and I got away from them. They chased us several hundred yards up the trail, and our guide's horse fell into a bog. That was very dangerous. Even a minor injury is serious in that remote wilderness."

Like Mielke and Hastings, Zechel is an experienced hunter and outdoorsman, clearly able to take care of himself. But some insight into the psychological impact of the Greenpeace tac-

WAR IN THE WOODS

tics can be won when Zechel says, "One of those guys had an ice ax he kept waving in my face. I felt more fear than I have felt in a long time."

Zechel's wife seems to have been singled out for particular attention by the Greenpeaceers.

"They ran raving and yelling at her," he reported. "It was like a riot. They came within five or ten feet of her."

Exercising what can only be described as saintly restraint, the Zechels and their guide did their best to ignore the anti-hunters.

"This drove them into a frenzy," Zechel said. "They acted nearly hysterical, obviously looking to cause some action or incident." Not surprisingly, the Greenpeace tactics finally wore down Jo-Carole's emotional reserves. "She was terrified and finally broke down crying and screaming for them to leave us alone. They refused and she ran into the tent, sobbing 'They're crazy—I'm afraid of them.' She spent the final days of the hunt in her tent."

When the Zechels broke camp and returned to Smithers, he filed an assault charge against the Greenpeace anti-hunters. Although technically the charge is still pending, it has been "stayed" and provincial authorities made it clear they have no plans to prosecute it.

Ralph Aldrich, chief conservation officer of the British Columbia fish and wildlife agency, undertook to explain why.

"From an enforcement point of view we can only follow the law," he said in an interview. "There is no law against yelling. It's just like picketing. Of course, if they threaten assault and take some overt action, that may be assault."

Is it illegal to impede hunters' horses? Aldrich's reply was something less than definitive. "It depends," he said. Thereupon he passed the buck to Peter Ewart, crown counsel (prosecuting attorney) for the Spatsizi district. From Prince George, B.C., Ewart indicated that, while still open, the charges laid by Gary Zechel against the Greenpeaceers would likely never be prosecuted.

"We took a look at the evidence and the probable outcome of a trial and put a 'stay' on the case," Ewart said. But then, plainly choosing his words carefully, Ewart laid out what may be provincial officials' plan to end the threat to one of British Columbia's prime industries. "I would have been much happier," he said, "if the charge had been intimidation instead of assault." British Columbia, he said, has a statute making it illegal to "impede or attempt to impede any person from carrying out

a lawful activity" by threats, harassment, or coercion.

"What he says is a crock," bluntly charged Ray Collingwood, whose firm outfitted both the Zechel and Mielke-Hasting parties. "They didn't prosecute because of the expense of getting witnesses back up here to testify. I've lost all respect for the government."

Collingwood revealed what apparently is not known by provincial authorities—real violence has already broken out.

"One of these, [Greenpeace] guys tried to stop one of our pilots from taking off from an airstrip we maintain in the park," he told *OUTDOOR LIFE*. "He grabbed a wing strut of the Beaver and tried to force our pilot to abort his take-off. The plane got off anyway and later the pilot returned, landed the aircraft, and punched the guy out. He knocked him down and slapped him around some. He just hung a little licking on him."

Despite the degree of restraint exercised by Mielke, Hastings and Zechel, provincial authorities are acutely aware of the potential for violence. Like the hunters themselves, provincial officials see the tactics of Greenpeace as calculated provocations designed to spark violent reaction. All agree that would be counterproductive and, as one put it, "would give Greenpeace 'proof' that all hunters are thugs and violence-prone killers." Chief conservation officer Aldrich pointedly noted that there will be combined Royal Canadian Mounted Police and game department patrols in Spatsizi during the 1981 season.

Greenpeace's Moore airily dismissed the prospect of being prosecuted under the intimidation statute.

"The attorney general (of British Columbia) hired a man last summer especially to research the question," he said. "He concluded there was no law that could stop us. Our activities are as legal as the hunters'. All we're doing is occupying nonconsumptive space, competing for resources with the hunters. They can't say we're interfering with their rights. Those [game] animals don't belong to anyone until they're actually taken into possession."

It is clear that Patrick Moore is the architect, principal voice, and presiding genius of Greenpeace. He conceived and created the organization while a graduate student at the University of British Columbia (he is now a doctor of ecology) five years ago. His title is Canadian director of Greenpeace International, but plainly his sway extends to the worldwide branches of the organization. He is one of 12 salaried, full-time employees of Canadian Greenpeace, and he is paid \$1,200 a month. There are offices in Vancouver,

"We intend to shut down trophy hunting in Spatsizi to show that it can be done."

Victoria, Toronto, and Montreal, as well as branches in the United States, the United Kingdom, the Netherlands, France, New Zealand, and Australia. A Greenpeace "secretariat" in Washington coordinates the activities of the international branches, and it has an annual budget of \$120,000.

"Our forte," Moore said in an interview, "is organizing expeditions into remote areas in order to confront in a nonviolent manner acts that we consider environmentally detrimental. Our funding is entirely private—donations from individuals that are generally less than \$50. We have no foundation or government grants. Our methods are too controversial to attract money from conservative quarters."

Greenpeace's first confrontation took place when Moore and others chartered an 85-foot vessel and sailed to the Aleutian island of Amchitka in an attempt to halt the testing of nuclear bombs. "We lost that battle but we won the war," he said. "They've stopped testing now and Amchitka is a wildlife preserve."

Later Greenpeace made expeditions to the South Seas in an attempt to stop nuclear testing by France (they failed), and they have conducted offensives against whalers and seal hunters.

"But we cut our teeth on nuclear testing," Moore said. "From it we learned how to deal with the media and how to understand international politics. We're fortunate in having people who understand the media—that's how you communicate with people in the modern world, knowing what sort of images appeal to the media."

Although Canadian authorities are tippy-toeing around the Greenpeace campaign of intimidation in Spatsizi, the government ended similar tactics that were attempted against commercial hunters of harp seals in Newfoundland.

"They enacted what they called 'seal protection regulations'," Moore said, "just to keep us out. It's ironic, and very undemocratic."

Moore insists that ending all hunting is not his goal. "Hunting can be part of a harmonious relationship with nature," he said. "Indian bowhunters lived in a balanced state with nature for

10,000 years. But what we're saying is that the relationship between man and animals has changed dramatically. These hunters are an extension of the Detroit urban-industrial ecosystem. They have no place in Spatsizi. In a park set aside for protecting these animals, we must stop thinking of them as a natural resource and think of them as a national treasure."

Moore's disclaimer notwithstanding, Greenpeace's program would effectively end hunting. It would totally rule out all trophy hunting, even under the rigidly controlled conditions prevailing in Spatsizi. It would prohibit hunting by all outsiders, insisting that only food hunters "that are part of the (local) environment be permitted to hunt." It would, in short, permit only subsistence hunting, and then only if the cessation of hunting would "dramatically affect" the life-style of the hunter, and only if subsistence hunting remained in "balance" with the environment.

Moore repeatedly insisted that the hunters who were assailed by the Greenpeaceers were unthinking trophy freaks who habitually left the meat of their animals to spoil after removing horns, antlers, and capes. All three hunters heatedly denied the charge, noting that they had painstakingly packed all usable meat back to camp, either for shipment home or for use by the outfitter's crew. The outfitters con-

firmed this. In fact, British Columbia law requires that the meat of game animals be removed and used for food, and in its exhaustive investigation of the incidents, the provincial game department found no violations of the law by the hunters.

For the record, Moore denies any of the Greenpeace activists at Spatsizi committed assault by grabbing anyone's arm. He denies that Mielke's rifle was pushed, but he insists that either Mielke or his companion shoved one of the Greenpeaceers into the icy waters of

"They're crazy—I'm afraid of them," Gary Zechel's wife said. She spent the final days of the hunt in her tent.

Bug Lake. He concedes that they tried to block progress of the hunters' horses, but denies any member of his group seized them by the bridles. "They ran their horses at us," he insisted.

"Our intention is to be there again this year. We intend to shut down trophy hunting in Spatsizi to show that it can be done. They say we are interfering

with them. We deny that. We're competing, as is our right, and they can't stop us."

Perhaps more philosophical than many hunters would be, Richard Mielke warns future hunters of Spatsizi that the Greenpeace anti-hunters "are trying to provoke you into taking a poke at them. And that's the last thing anyone should do. It's exactly what they want."

Unfortunately, however, it isn't the last thing that's likely to happen—unless British Columbia takes a page from Newfoundland's book and contrives a way to keep the Greenpeace people away from the hunters. There are some indications B.C. officialdom, perhaps belatedly, is now working hard to find a way to end the harassment of hunters. In reply to a letter of complaint from Mielke, B.C. Minister of Environment Stephen Rogers wrote:

"I wish to extend my personal apologies for the harassment you suffered (and) I also want to congratulate you and your hunting partner for the restraint you both showed under trying circumstances. The hunters in Spatsizi by their good behavior, as opposed to the conduct of Greenpeace, gained in general public stature while Greenpeace suffered.

"We are working with the Parks Branch to see what can be done to prevent situations such as you experienced from recurring."



**OUTDOOR
LIFE**



JULY 1981

The Force Behind Friends of Animals

Alice Herrington Raises the Hackles of Sportsmen in Her War on Hunting

By K. J. NELSON
Orlando Staff Writer



Alice Herrington

Whether Alice Herrington is right or wrong, she is anything but a bore. As founder and president of Friends of Animals (FOA), Herrington arouses strong feelings among sportsmen and others in her crusade against hunting.

Herrington, who lives with eight cats in Little Silver, N.J., founded FOA in 1957 to try to reduce the numbers of stray dogs and cats. And that is still the major purpose of the organization, she said.

But the group's chief claim to fame is Herrington's verbal bouts with hunters and trappers.

"To call this a sport is just pure nonsense," she said about hunting. "It's a real cruelty. It can't be justified."

IN HERRINGTON'S view, the only people worse than hunters are trappers.

"Deer hunters are not nearly as bad as trappers," she said. "I can't imagine how hunters, who pride themselves on fine shooting, ally themselves with trappers, who practice sadism. Deer hunters are due a little credit for at least the speed of their kill."

Despite the fireworks that FOA ignites with its "full program of hunting and trapping disruption," Herrington wants to convince the public that there "are two cruelties."

Besides the killing of "free animals, which are called wildlife," she explained, she's concerned about man's treatment of all domesticated animals—including pets and livestock.

"It's an American syndrome to love kittens and puppies but then throw out dogs and cats," she said, adding that millions of dogs are killed "in American municipal dog pounds, but they were loved as puppies."

In 1970, Herrington organized low-cost spaying programs for 20,000 animals. By 1980, the number had risen to 60,000.

Last September in Neptune, N.J., she opened a low-cost spaying clinic, said to be "a model of its kind with room for 80 animals and two veterinarians." Across the nation, her group pays for part of the cost of spaying in cooperation with 750 participating veterinarians.

ONE OF the prime targets of Herrington and the FOA is the food business.

"Cruelty to animals is practiced on a larger scale by the food industry than by any other single sector of human activity," an FOA publication asserts.

And Herrington adds:

"If people want to support an industry that is destroying the land, then they can continue to eat these creatures. But if not they can eat vegetables."

Other institutions also are criticized by

FOA, including zoos. "Zoos must be phased out," said an FOA publication.

Herrington's concern for animals was heightened when she returned to the United States in 1954. Working as a War Department statistician, she had seen relatively few animals running loose in Europe.

In the United States, she said, "I was shocked to find stray animals everywhere."

HERRINGTON, a graduate of the University of Wisconsin in Madison, put her statistical talents to work calculating the rate of increase of dogs and cats. She said she realized that cutting the prolific birthrate was the only long-range solution.

This realization led to the founding of FOA, which worked with volunteers until 1967. Now the group has 12 full-time employees.

Herrington was asked whether she would advise FOA members to take traps that were legally set.

"Yes! Why not? Certainly," she said. But wouldn't the "solution" be stealing?

"You could say that it's stealing if you like," she replied, "but the Robin Hood approach to life is still a very nice way to go."

To Be Taken Out
OUT
3/25/81
ca

Humane Group To Seize Animal Leghold Traps

By STEVE GRANT

Friends of Animals Inc. said Friday it is going to trip up trappers by setting off their leghold traps when the season opens next week.

The organization said it will ask its 4,500 members in Connecticut to look for the traps, touch them off with a stick and remove them, because it believes the traps are inhumane.

"We can't as an organization advise people to remove legally set leghold traps. It wouldn't be a smart thing to do. What we're asking them to do is remove illegally set traps. Our guess is most of them are illegal," said Priscilla Feral, the organization's Connecticut director.

Game laws require all leghold traps to have the owner's name on them and they must be placed underwater or in an animal's burrow.

A spokesman for trappers questioned the new campaign, which will begin next Saturday, when the season opens.

"They're setting up a vigilante group. Vigilantes in any situation are not good. They don't know enough and they tend to break the law themselves," said Robert Crook of Madison, a member and former president of the Connecticut Trappers Association, which has about 800 members.

"I wouldn't object to anybody coming out and checking my traps, as long as they had the permission of the landowner, and as long as they didn't steal them, set them off or take animals out. But I really don't think that's their responsibility," Crook added.

He said the state Department of Environmental Protection is responsible

for seeing that trapping is conducted legally and that he understood the group was told by DEP not to remove illegal traps but instead to report them to a game warden.

Ms. Feral said a trapper's name legally can be placed anywhere on a trap, so members would have to trip them to check. She said members would not be advised to reset legal traps.

"DEP can read the riot act to me if it wishes. But no way will we aid the trapper. Our object is to get rid of the leghold trap," she said.

The organization has argued that the trap, which has two steel jaws that slam shut when an animal touches a piece of bait, is barbaric because some animals die slowly or are left crippled. Ms. Feral said domestic animals also have been caught in the traps. There are other traps available that are more humane, she said.

Crook estimated that there are 8,000 trappers in Connecticut, with the average trapper placing 50 or 100 traps in the wild.

The most commonly trapped animal in the state is the muskrat, which can yield a pelt that will fetch up to \$8. Raccoon, fox, mink, opossum, weasel, skunk and beaver also can be trapped legally, though the season for some of those animals does not begin until later.

Friends of Animals, which is based in New York, has waged other campaigns against hunters. Some members went into the Connecticut woods recently to play recorded wolf howls to alert animals of danger when the deer hunting season opened.

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BACKGROUND IN SUPPORT OF HOUSE BILL 2291

During the past several years certain groups and individuals have appeared in hunting areas each fall with the expressed objective of disrupting a hunt. While their efforts were not notably successful, they did generate a lot of hostile reaction from hunters. Incidents of this kind have been increasing. They will likely produce a serious confrontation some day, and this situation poses a threat to the safety of all concerned, including state peace officers.

An example of this problem is the sheep hunt conducted annually in Unit 33, a portion of the Catalina Mountains near Tucson. What began a few years ago as a one-man protest against the hunt has recently drawn as many as 8-10 active participants who march through the area firing guns, blowing whistles and following hunters to frustrate their purpose of taking a sheep. Tempers run high; Arizona sheep hunting is often a once-in-a-lifetime experience which is the culmination of years of planning and can involve the expenditure of several thousand dollars. Someone is going to get injured if this interference continues.

The buffalo hunt conducted at Raymond Ranch near Flagstaff also has drawn protesters during past seasons. One year, a group of emotionally charged persons, apparently aroused by a television movie, actually threatened to stand in front of a buffalo herd in range of the gunners. The threat was not carried out but the hunt proceeded with assistance from a large contingent of DPS officers called in to keep the peace.

Now, one clear purpose of these demonstrators is attracting publicity to their cause. And though many of us deplore the irrationality we see in the anti-hunting crusade, we do not dispute the right of all persons to be heard. In fact, public forums abound where anti-hunting views can be expressed. Each year, for example, the buffalo and sheep seasons are discussed and then established in open, well publicized meetings of the Game and Fish Commission. The Commissioners themselves are citizens from all areas of the state who are readily accessible to anyone wanting to influence Game and Fish policy. For that matter, demonstrations could be conducted in the field without harassing others and would be appropriate.

The proposed legislation is designed only to prevent actual interference with hunters or disturbance of game in

public hunting areas. It will apply in certain, defined places where the Game and Fish Commission has found, after public hearing, that a hunt disruption is likely to occur. The law includes specific language excepting ranchers, miners and others on public lands who might inadvertently disturb a hunt. But it will allow the removal or arrest of demonstrators who do interfere, intentionally, with hunters. Moreover, such persons may be liable to the hunter for civil damages.

The law answers the problems experienced repeatedly on sheep and buffalo hunts. Should these incidents continue to happen, and recent history suggest that they will, the law can be used to preserve the peace before a serious incident does occur. But aside from the state's concern for order and safety, the law serves clear notice that the right of protest is not unlimited and that it ceases to exist when protesting citizens purposely interfere with the lawful activities of other citizens in a public place.

Protestors

Arizona Game & Fish Department
3-31-81

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165

As of 3/27/83

ANALYSIS OF CSSHBI65

General Overview: The purpose of this legislation is to clean up the Campaign Disclosure Laws without sacrificing their original intent. In order to accomplish this goal, the following changes are proposed: 1) raise reporting threshold relating to monetary transactions; 2) clarify the roles of campaign officers; 3) simplify required reports; and 4) more clearly contrast the applicability of statutes as to groups or candidates.

Specific amendments to existing statutes are as follows:

P. 1, 1. 14: Raises yearly threshold for reporting campaign contributions to candidates from \$100 to \$250 in the aggregate.

P. 1, 1. 18: Adds reference to revised section 60(a) which deals with certification of reports and statements.

P. 1, 1. 21-28: This section deals with groups. It has been rewritten to parallel (a) which pertains to candidates. This section raises aggregate yearly threshold for reporting contributions made to the group to \$250. It incorporates former section (c), which has subsequently been listed for repeal in section 19. Former subsection (1) has been omitted since it is duplicated in 60(b). This section references revised section 60(a) which delineates who may certify the reports and statements required by law to be filed with APOC.

P. 2, 1. 1-3: Language added to clarify that section applies to groups which are not primarily organized for political purposes and are not raising funds for the purposes of influencing the outcome of an election.

P. 2, 1. 6: Raises threshold for reporting total contributions made to a candidate or group in a year from \$100 to \$250.

P. 2, 1. 7: Adds "independent" to expenditure. See new (g) which defines meaning of "independent".

P. 2, 1. 10: Adds "or against any candidate," This clarifies that the intent of the expenditure is to influence the outcome of the election either negatively or positively.

P. 2, 1. 12-19: Definition section added to clarify that the transaction referred to in section 40(d)(2) is not made in cooperation with an affected entity.

P. 2, 1. 21-29: Clarifies roles of campaign officers for groups and candidates. Requires groups to appoint chairmen along with treasurer.

Specifies that candidate will be assumed to be officer if another's name has not been filed with APOC.

P. 3, l. 1-2: Specifically states that a candidate may perform function of treasurer even if campaign treasurer is another person.

P. 3, l. 4-6: Adds group campaign chairman to officers required to be on file with APOC.

F. 3, l. 7-11: This paragraph restricts persons from acting in the capacity of campaign chairman or treasurer for a candidate if their names and addresses are not on file with APOC. The candidate's assumption of responsibility for the treasurer's duties has been transferred to new section 60(a). Former section required candidate to file name of campaign treasurer with APOC within a specific time period.

P. 3, l. 13-18: Added language specifies that section pertains to groups and expands scope to include all officers whose appointment is required under new section 60(b). Penalties for non-compliance by candidates are removed from section.

P. 3, l. 20-25: Changes responsibility for filing name of deputy campaign treasurer from the candidate to the person responsible for appointing them (the treasurer). Explicitly bars deputy campaign treasurers from certifying reports or statements.

P. 3, l. 27-29: Delineation of responsibility. Candidate is responsible for the performance of the campaign treasurer who is responsible for the performance of the deputy campaign treasurer(s).

P. 4, l. 1-4: Removes language joining legal responsibility of candidate with treasurer.

P. 4, l. 5-11: New section specifies that only officers specifically mentioned within this chapter may receive or expend funds. Applies to both groups and candidates.

P. 4, l. 13: Raises threshold for cash contribution to \$250.

P. 4, l. 17: Raises threshold for cash expenditure to \$250.

P. 4, l. 28: Changes officer required to be stated in disclaimer on literature or communications from campaign chairman to campaign treasurer. Listing the campaign treasurer is more consistent with the actual duties of this officer as set forth in statute.

P. 5, l. 2: Adds reference to new section 60(a) relating to certification of reports.

P. 5, l. 13: Changes due date for year-end report from three days prior to December 31st to 15 days after December 31st. (Sec AS 15.13.110(a).)

P. 5, l. 17-22: Changes the Twenty-Four Hour Report. Expands period to 9 days, eliminates reporting of expenditures, raises threshold for

reporting contributions from \$250 to \$500, specifies that it is receipt of contribution which brings it under the purview of this reporting requirement (ref. l. 18 "made" to "received"), and expands report intervals from 24 hours to 48 hours. Specifies that this report applies to both candidates and groups.

P. 5, l. 24-25: Added language specifies campaign treasurer rather than candidate and expands scope of this paragraph to apply to treasurers of groups.

P. 6, l. 3-9: Added language refers specifically rather than generally to campaign treasurer of a group since new 60(a) mandates appointment of group treasurers who, then, are solely responsible for certifying reports and statements.

P. 6, l. 10: Repealers. 40(c) is incorporated in re-write of (b). Sections 70(f) and 70(g) are campaign expenditure ceilings and inflation adjustment clauses which were declared unconstitutional for national campaigns by the U.S. Supreme Court in Buckley v. Valeo. An Alaska Attorney General Opinion of 1976 subsequently declared sections void for enforcement purposes on state level.

P. 6, l. 11: Immediate effective date.

COMMITTEE REPORT

HOUSE

4/7

JUDICIARY

FURTHER:

3/2/83

Date: 4/6/83

Mr. Speaker:

The Committee on STATE AFFAIRS has had SSHB 165

An Act relating to the Public Offices Commission; and providing for an effective date.

under consideration and reports it back as follows:

- do pass [] do not pass
- [] do pass with attached amendments(s)
- replace with CS for SSHB 165 (SA) [] same title [] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" [] New Fiscal Note [] Zero Fiscal Note Attached
- [] reports it back without recommendation
- [] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Walt Furnace
Ronald J. J...
John J. Caudrey

Do W. H. Miller DO PASS
 IF AMENDED

John J. Caudrey
 CHAIRMAN

STATE OF ALASKA
 PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 165

Date on Bill: 02/04/83

Title: "An Act relating to reports to the Public Offices Commission"

Sponsor: Uehling, Barnes, Bussell, Cowdery, Furnace, Ward and Herrmann

Requestor: _____

RECEIVED
 MAR 4 1983

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86	
Capital							
Operating							
Total			0	0	0	0	

b. Revenues:

Revenue							
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: Theda S. Pittman

Theda S. Pittman / sjw

Phone: _____

Division: Alaska Public Offices Commission

Date: March 4, 1983

Approved by Commissioner: Lisa Rudd

*Lisa Rudd for the
 Commissioner*

Date: March 4, 1983

Department: Administration

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83