

ALASKA LEGISLATIVE COMMITTEE FILED 1969 1969/2

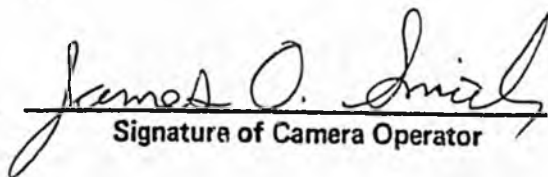
214.41 HCRA SB 69

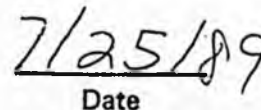


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

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Cook  
3/26/86

Original sponsor: Marrou by request

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 656 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a limit on the amount of general  
7 obligation bonded indebtedness a municipality may  
8 have outstanding; and providing for an effective  
9 date."

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

11 \* Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

12 (47) AS 29.47.180 - (general obligation bonds)

13 \* Sec. 2. AS 29.47.180 is amended to read:

14 Sec. 29.47.180. GENERAL OBLIGATION BONDS. A municipality may  
15 acquire, construct, improve, and equip capital improvements and issue  
16 negotiable or nonnegotiable general obligation bonds for these pur-  
17 poses. However, the total value of outstanding indebtedness for  
18 general obligation bonds of a municipality may not exceed \$25,000 for  
19 each person residing in the municipality.

20 \* Sec. 3. AS 29.47.180 is amended by adding a new subsection to read:

21 (b) This section applies to home rule and general law municipal-  
22 ities.

23 \* Sec. 4. The amendment to AS 29.47.180 made by sec. 2 of this Act  
24 applies only to general obligation bonds issued on or after the effective  
25 date of this Act. However, a municipality may not issue general obligation  
26 bonds on or after the effective date of this Act until the municipality is  
27 in compliance with AS 29.47.180 as amended by sec. 2 of this Act with  
28 respect to all general obligation bonds regardless of the dates of  
29 issuance.

1 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
2 10.070(c).  
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Ford  
Version #1 ✓  
3/18/86

Original sponsor: Rules/Governor

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IN THE SENATE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 69 (C&RA)

THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to licensing and regulation of the  
sale and distribution of alcoholic beverages; and  
providing for an effective date."

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

\* Section 1. AS 04.11.240(b) is amended to read:

(b) An application for a special events permit [MUST BE RECEIVED  
IN THE MAIN OFFICE OF THE BOARD AT LEAST 10 DAYS BEFORE THE DATE FOR  
WHICH THE PERMIT IS REQUESTED. THE APPLICATION] must be signed by  
both the president and secretary of the organization applying for the  
permit. A sworn affidavit showing the length of time the organization  
has been in existence must accompany the application, together with a  
certified copy of the resolution of the board of directors authorizing  
the application. The written approval of the law enforcement agency  
having jurisdiction over the designated premises of the occasion for  
which the permit is sought must also be obtained and accompany the  
application.

\* Sec. 2. AS 04.11.330(a)(3) is amended to read:

(3) the applicant has not operated the licensed premises  
for at least 60 [30] eight-hour days during the immediately preceding  
calendar year, unless the board determines that the licensed premises  
are under construction or cannot be operated through no fault of the  
applicant;

*reasonably*

\* Sec. 3. AS 04.11.330(a) is amended by adding a new paragraph to read:

(10) the application contains false statements of material

1 fact.

2 \* Sec. 4. AS 04.11.490(c) is amended to read:

3 (c) If a majority of the voters vote "no" on the question set  
4 out in (a) of this section or vote "yes" on a question set out in  
5 AS 04.11.492 or 04.11.500 in an election conducted in accordance with  
6 AS 04.11.502 after an election in which the voters voted "yes" on the  
7 question set out in (a) of this section, the board shall be notified  
8 immediately after certification of the results of the election.  
9 Thereafter, the prohibitions imposed under (b) of this section on the  
10 issuance, renewal, or transfer of licenses between holders and lo-  
11 cation as a result of the earlier election are removed except insofar  
12 as those prohibitions are imposed in accordance with the results of  
13 the subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

14 \* Sec. 5. AS 04.11.492(c) is amended to read:

15 (c) If a majority of the voters vote "no" on the question set  
16 out in (a) of this section or vote "yes" on a question set out in  
17 AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in  
18 accordance with AS 04.11.502 after an election in which the voters  
19 voted "yes" on the question set out in (a) of this section, the board  
20 shall be notified immediately after a certification of the results of  
21 the election. The prohibitions imposed under (b) of this section on  
22 the issuance, renewal, or transfer of licenses between holders and  
23 locations as a result of the earlier election are removed 90 days  
24 after the results of the election are certified except insofar as  
25 those prohibitions are imposed in accordance with the results of the  
26 subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

27 \* Sec. 6. AS 04.11.496(c) is amended to read:

28 (c) If a majority of the voters vote "no" on the question set  
29 out in (a) of this section or vote "yes" on the questions set out in

1 AS 04.11.492 or 04.11.500 in an election conducted in accordance  
2 AS 04.11.502 after an election in which the voters voted "yes" o  
3 question set out in (a) of this section, the prohibition on the i  
4 tation of alcoholic beverages and the prohibition on the issu  
5 renewal, or transfers of licenses between holders and locat  
6 imposed as a result of the earlier election in which the voters  
7 "yes" on the question set out in (a) of this section re r  
8 effective on the first day of the month following certification  
9 results of the election except as those prohibitions continue  
10 imposed in accordance with the results of the subsequent electi  
11 under AS 04.11.504(b) and AS 04.11.510(d).

12 \* Sec. 7. AS 04.11.500(c) is amended to read:

13 (c) If the majority of the voters vote "no" on the quest  
14 out in (a) of this section or vote "yes" on the questions set  
15 AS 04.11.490, 04.11.492, or 04.11.496 [, OR THIS SECTION IF DI  
16 TYPES OF LICENSES ARE LISTED ON THE BALLOT] in an election co  
17 in accordance with AS 04.11.502 after an election in which the  
18 voted "yes" on the question set out in (a) of this section, th  
19 shall be notified immediately after certification of the res  
20 the election. Licenses in effect in the municipality and [, i  
21 unincorporated area outside of but within five miles of the bo  
22 of the municipality or established village which were excep  
23 the prohibition on sale in accordance with the results of the  
24 election are void 90 days after the results of the election  
25 tified. Thereafter the board may not issue, renew, or tran  
26 tween holders or locations a license for licensed premise  
27 within the boundaries of the municipality, [OR] within the  
28 of an established village, or in an unincorporated area wi  
29 miles of the boundaries of the municipality, except a lice

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

8 \* Sec. 8. AS 04.11.502(b) is amended to read:

9 (b) The lieutenant governor, whenever 35 percent of the regis-  
10 tered voters residing within an established village petition the  
11 lieutenant governor to do so, shall place upon a separate ballot at a  
12 special election that question or combination of questions set out in  
13 AS 04.11.490, 04.11.496, and [-] 04.11.500 which constitutes the  
14 subject of the petition. The lieutenant governor shall conduct the  
15 election in the general manner prescribed by the Alaska Election Code  
16 (AS 15.05.010 - AS 15.60.020).

17 \* Sec. 9. AS 04.11.506(b) is amended to read:

18 (b) If a majority of the voters vote "yes" on a question set out  
19 in AS 04.11.496, the following actions, in addition to those pre-  
20 scribed in (a) of this section, shall be undertaken before the date  
21 the prohibition on importation becomes effective:

22 (1) the board shall notify by registered or certified mail  
23 all holders of package store licenses of the prohibition;

24 (2) the municipality or established village shall post  
25 notice of the prohibition in the municipality or village.

26 \* Sec. 10. AS 04.11.510(d) is amended to read:

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

1 license under AS 04.11.490(b), 04.11.492(b), 04.11.496(b), or 04.11.-  
2 500(b).

3 \* Sec. 11. AS 04.21.080(b)(8) is amended to read:

4 (8) "established village" means [(A)] an unincorporated  
5 community [THAT IS IN THE UNINCORPORATED BOROUGH AND] that

6 (A) has 25 or more permanent residents; [OR]

7 (B) is within a circle, with a five-mile radius,  
8 around a United States post office or, if there is no United  
9 States post office, around another site centrally located in the  
10 community and reasonably designated by the local governing body;  
11 and

12 (C) if it [(B) AN UNINCORPORATED COMMUNITY THAT] is in  
13 an organized borough, [HAS 25 OR MORE PERMANENT RESIDENTS, AND]

14 (i) is on a road system and is located more than  
15 50 miles outside the boundary limits of a unified municipal-  
16 ity, or

17 (ii) is not on a road system and is located more  
18 than 15 miles outside the boundary limits of a unified  
19 municipality;

20 \* Sec. 12. Section 2 of this Act takes effect January 1, 1987.

21 \* Sec. 13. Sections 1 and 3 - 11 of this Act take effect immediately in  
22 accordance with AS 01.10.070(c).

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3860

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*CSRB Community & Regional  
Affairs 2-24-86 3p.m.*

# STATE OF ALASKA

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

### OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

- POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508  
PHONE: (907) 563-1073

March 14, 1986

#### POSITION PAPER

RE: CSSB 69 (JD)

SPONSOR: Rules Committee at the request of the Governor

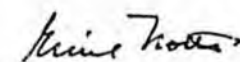
#### Program Effects of Bill

This bill would have no direct effects on Departmental programs. It may have indirect effects in that it proposes a definition for "established village" which differs from definitions used in Departmental programs dealing with unincorporated communities.

#### Comments

Within Alaska Statutes there are a variety of definitions for "village", "established village", "community" and "unincorporated community." This can be understood from the perspective that varying program requirements shape each program's definition in order to serve program needs most efficiently. In the absence of a compelling State interest in having a standard definition for setting out the respective roles of the State and these unincorporated communities, there is no reason not to proceed in such a fashion. In view of the divergent and sometimes conflicting program requirements for participation, it makes sense to tailor the definition to the particular program.

This Department strongly supports the objectives of the Local Option Law in Title 4 and supports efforts to make the implementation of the law more effective. The proposed definition of "established village" is designed to meet current shortcomings in the law which make enforcement and implementation difficult. The definition proposed here has been found by the agency most closely concerned with implementation of the program to be appropriate in view of program objectives and goals.



Emil Notti, Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : 3/14/86

REQUEST

Bill/Resolution No. : CSB 69 (Jud)  
 Title : An Act .. licensing & regulation  
.. alcoholic beverages.. effective date

Sponsor : Rules Committee req Governor  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

FISCAL DETAIL

Agency Affected : Community & Regional Affairs  
 BRU : Local Government Assistance

Components : Training & Development

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
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REVENUE						
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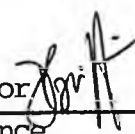
**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

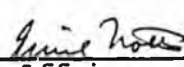
**POSITIONS :**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director   
 Division : Municipal & Regional Assistance

Phone : 465-4750  
 Date : 3/14/86

Approved by Commissioner :   
 Agency : Community & Regional Affairs

Date : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

P.O. BOX 5  
JUNEAU, ALASKA 99811-0400  
PHONE: (907) 465-2300

March 14, 1986

The Honorable Peter Goll, Chairman  
House Community & Regional Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Re: SB 69 and proposed amendment

Dear Chairman Goll:

This letter is in response to questions raised about SB 69 at your February 24, 1986, committee meeting.

1. What is the effect of the "Taylor amendment"?

Enforcement of the penalty provision in the proposed new section AS 04.16.205 would fall on all law enforcement agencies, including the board. Note - the proposed amendment may conflict with AS 04.16.180(a).

2. What is meant by the term "false statements of material fact..."?

"Material facts" could be defined as any information, written or oral, which is essential to an application and without which it could not be supported. Examples could be 1) proximity of a proposed premises to a school (this provision is also contained at AS 04.11.320(a)(10) and 04.11.360(3)), 2) undisclosed interests in an application, 3) the minimum number of days a license was exercised during a license year, and 4) representations which might sway decision makers.

3. What is the purpose of deleting "or" on page 5 line 6?

Deletion is necessary to accommodate restructuring of the components in the definition.

4. What Communities other than incorporated communities have held local option elections?

Tyonek (Kenai Peninsula Borough), Egegik (Bristol Bay Region), Chalkyitsik (Fairbanks/Doyon Region), and Tuntutuliak (Yukon/Kuskokwim Region).

5. For purposes of this Act, what has been the history of the language for the definition "established village"?

The Honorable Peter Goll  
March 14, 1986  
Page 2

- a. Prior to 1980 (Former AS 04.10.300(d)).  
"unincorporated area where at least 25 people reside as a social unit, as determined by the Department of Community and Regional Affairs."
- b. 1980 - 1983  
"established village" means an unincorporated area that  
(A) is within the circumference of a circle described by drawing a five-mile radius around a post office station;  
(B) has 25 or more permanent residents;"

6. Who conducts local option elections?

Prior to 1980 local option elections in unincorporated areas were to be conducted by the Department of Community and Regional Affairs under former AS 04.10.300(b). Boundaries were to be determined by Community and Regional Affairs. Under present law there is no provision for determining boundaries. Elections, in an unincorporated community (established village) are conducted by the Division of Elections.

7. Basic purpose of this legislation?

References to village boundaries for license limitations are contained in AS 04.11.490(b), 04.11.496(b) and 04.11.500(b). These provisions necessitate a standard for determining a village boundary.

I hope this information is adequate. Please let me know if I can be of any further help.

Sincerely,



Patrick L. Sharrock  
Director  
ABC Board

PLS:vk  
86-71

Offered: 1/29/86  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 69 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to licensing and regulation of the  
7 sale and distribution of alcoholic beverages; and  
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 04.11.240(b) is amended to read:

11 (b) An application for a special events permit [MUST BE RECEIVED  
12 IN THE MAIN OFFICE OF THE BOARD AT LEAST 10 DAYS BEFORE THE DATE FOR  
13 WHICH THE PERMIT IS REQUESTED. THE APPLICATION] must be signed by  
14 both the president and secretary of the organization applying for the  
15 permit. A sworn affidavit showing the length of time the organization  
16 has been in existence must accompany the application, together with a  
17 certified copy of the resolution of the board of directors authorizing  
18 the application. The written approval of the law enforcement agency  
19 having jurisdiction over the designated premises of the occasion for  
20 which the permit is sought must also be obtained and accompany the  
21 application.

22 \* Sec. 2. AS 04.11.330(a)(3) is amended to read:

23 (3) the applicant has not operated the licensed premises  
24 for at least 45 [30] eight-hour days during the immediately preceding  
25 calendar year, unless the board determines that the licensed premises  
26 are under construction or <sup>reasonably</sup> cannot be operated through no fault of the  
27 applicant;

28 \* Sec. 3. AS 04.11.330(a) is amended by adding a new paragraph to read:

29 (10) the application contains false statements of material

1 fact.

2 \* Sec. 4. AS 04.11.490(c) is amended to read:

3 (c) If a majority of the voters vote "no" on the question set  
4 out in (a) of this section or vote "yes" on a question set out in  
5 AS 04.11.492 or 04.11.500 in an election conducted in accordance with  
6 AS 04.11.502 after an election in which the voters voted "yes" on the  
7 question set out in (a) of this section, the board shall be notified  
8 immediately after certification of the results of the election.  
9 Thereafter, the prohibitions imposed under (b) of this section on the  
10 issuance, renewal, or transfer of licenses between holders and lo-  
11 cation as a result of the earlier election are removed except insofar  
12 as those prohibitions are imposed in accordance with the results of  
13 the subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

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17 AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in  
18 accordance with AS 04.11.502 after an election in which the voters  
19 voted "yes" on the question set out in (a) of this section, the board  
20 shall be notified immediately after a certification of the results of  
21 the election. The prohibitions imposed under (b) of this section on  
22 the issuance, renewal, or transfer of licenses between holders and  
23 locations as a result of the earlier election are removed 90 days  
24 after the results of the election are certified except insofar as  
25 those prohibitions are imposed in accordance with the results of the  
26 subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

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1 AS 04.11.492 or 04.11.500 in an election conducted in accordance with  
2 AS 04.11.502 after an election in which the voters voted "yes" on the  
3 question set out in (a) of this section, the prohibition on the impor-  
4 tation of alcoholic beverages and the prohibition on the issuance,  
5 renewal, or transfers of licenses between holders and locations,  
6 imposed as a result of the earlier election in which the voters voted  
7 "yes" on the question set out in (a) of this section are removed  
8 effective on the first day of the month following certification of the  
9 results of the election except as those prohibitions continue to be  
10 imposed in accordance with the results of the subsequent election and  
11 under AS 04.11.504(b) and AS 04.11.510(d).

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15 AS 04.11.490, 04.11.492, or 04.11.496 [, OR THIS SECTION IF DIFFERENT  
16 TYPES OF LICENSES ARE LISTED ON THE BALLOT] in an election conducted  
17 in accordance with AS 04.11.502 after an election in which the voters  
18 voted "yes" on the question set out in (a) of this section, the board  
19 shall be notified immediately after certification of the results of  
20 the election. Licenses in effect in the municipality and [,] in the  
21 unincorporated area outside of but within five miles of the boundaries  
22 of the municipality or established village which were excepted from  
23 the prohibition on sale in accordance with the results of the earlier  
24 election are void 90 days after the results of the election are cer-  
25 tified. Thereafter the board may not issue, renew, or transfer be-  
26 tween holders or locations a license for licensed premises located  
27 within the boundaries of the municipality, [OR] within the perimeter  
28 of an established village, or in an unincorporated area within five  
29 miles of the boundaries of the municipality, except a license which

1 may be issued to a municipality or to one of the types of licenses  
2 listed on the ballot as a result of a majority of the voters voting  
3 "yes" on the question set out in AS 04.11.492 or this section, respec-  
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9 (b) The lieutenant governor, whenever 35 percent of the regis-  
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11 lieutenant governor to do so, shall place upon a separate ballot at a  
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13 AS 04.11.490, 04.11.496, and [-] 04.11.500 which constitutes the  
14 subject of the petition. The lieutenant governor shall conduct the  
15 election in the general manner prescribed by the Alaska Election Code  
16 (AS 15.05.010 - AS 15.60.020).

17 \* Sec. 9. AS 04.11.506(b) is amended to read:

18 (b) If a majority of the voters vote "yes" on a question set out  
19 in AS 04.11.496, the following actions, in addition to those pre-  
20 scribed in (a) of this section, shall be undertaken before the date  
21 the prohibition on importation becomes effective:

22 (1) the board shall notify by registered or certified mail  
23 all holders of package store licenses of the prohibition;

24 (2) the municipality or established village shall post  
25 notice of the prohibition in the municipality or village.

26 \* Sec. 10. AS 04.11.510(d) is amended to read:

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

1 license under AS 04.11.490(b), 04.11.492(b), 04.11.496(b), or 04.11.-  
2 500(b).

3 \* Sec. 11. AS 04.21.080(b)(8) is amended to read:

4 (8) "established village" means [(A)] an unincorporated  
5 community [THAT IS IN THE UNORGANIZED BOROUGH AND] that

6 (A) has 25 or more permanent residents; [OR]

7 (B) is within a circle, with a five-mile radius,  
8 around a United States post office or, if there is no United  
9 States post office, around another site reasonably designated by  
10 the local governing body, or, if there is no local governing body,  
11 by the board; and

12 (C) if it [(B) AN UNINCORPORATED COMMUNITY THAT] is in  
13 an organized borough, [HAS 25 OR MORE PERMANENT RESIDENTS, AND]

14 (i) is on a road system and is located more than  
15 50 miles outside the boundary limits of a unified municipal-  
16 ity, or

17 (ii) is not on a road system and is located more  
18 than 15 miles outside the boundary limits of a unified  
19 municipality;

20 \* Sec. 12. Section 2 of this Act takes effect January 1, 1987.

21 \* Sec. 13. Sections 1 and 3 - 11 of this Act take effect immediately in  
22 accordance with AS 01.10.070(c).



AN ACT RELATING TO LICENSING AND REGULATION OF THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: RULES COMMITTEE  
 CO-SPONSORS:

BY REQ OF THE GOVERNOR

CURRENT STATUS: (H) C&RA

DATE		PAGE	ACTION
01/21/85	(S)	70	READ THE FIRST TIME - REFERRAL(S)
01/21/85	(S)	70	GOVERNOR'S TRANSMITTAL LETTER
01/21/85	(S)	70	FISCAL NOTE ZERO
04/09/85	(S)	739	C&RA RPT CS 4DP
01/29/86	(S)	1661	JUD RPT CS 3DP
02/04/86	(S)	1735	RLS RPT CALENDAR 2/5
02/05/86	(S)	1735	READ THE SECOND TIME
02/05/86	(S)	1735	JUD CS ADOPTED UNAN CONSENT
02/05/86	(S)	1735	HELD TO 02/05/86 IN SECOND READING
02/06/86	(S)	1747	HELD TO 2/10 IN SECOND READING

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
02/10/86	(S)	1785	READ THE SECOND TIME
02/10/86	(S)	1785	AM NO 1 ADOPTED UNAN CONSENT
02/10/86	(S)	1785	ADVANCED TO THIRD READING UNAN CONSENT
02/10/86	(S)	1786	READ THE THIRD TIME CSSB 69 JUD AM
02/10/86	(S)	1786	PASSED 20Y
02/10/86	(S)	1786	EFFECTIVE DATE SAME AS PASSAGE
02/10/86	(S)	1788	TRANSMITTED TO (H)
02/11/86	(H)	2036	READ THE FIRST TIME - REFERRAL(S) C&RA JUDICIALY FINANCE RULES

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF REVENUE**

ALCOHOLIC BEVERAGE CONTROL BOARD

550 West 7th Avenue  
ANCHORAGE, ALASKA 99501

April 12, 1985

Senator Edna B. DeVries  
Chairman, Community & Regional  
Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator DeVries:

At the March 28, 1985 meeting of your Committee Senator Vic Fischer requested that I discuss with members of the Alcoholic Beverage Control Board current problems which confront most liquor licensees in Alaska. Additionally, the Committee requested the board to render some thoughts and recommendations.

The board met in Anchorage on March 29 and discussed the request. As a result of that meeting the board directed me to develop a response for its review. Having been reviewed by the board, comments and suggestions are forwarded in this letter.

First, because of the continuing controversy about alcohol and recognizing that many persons easily become emotional, rightfully so, with exhaustive deliberations and discussion about the subject, the board must request that the contents of this communication be received not as a white paper, firm position, or policy which guides the board in exercising its responsibilities. The board fully recognizes the delicacy of the subject and certainly does not want to appear to be infringing on positions or policies of other persons, agencies or organizations. The board does not want to dilute any integrity or credibility it may presently enjoy. With these statements the board believes it is appropriate to identify itself.

Members are:

William K. Smith - chairman. Member of the board for five years and chairman for 2 1/2 years. An industry member and associated with a package store licensed business for 29 years in Anchorage.

E. L. "Red" Holloway - twice former board member and present board member for two years. Presently retired in Juneau and former owner of the Prospector Hotel in Juneau.

Jane Perkins - Member for 1 1/2 years, retired and resident of Nome for 56 years.

James McNamee - Member designate since September 1984 from Fairbanks. Presently with a prominent insurance company and former Deputy Director with Division of Insurance, Alaska Department of Commerce.

Jack Griffin - Former member of the board from 1975 to 1978 and presently a member designate from Anchorage. Former licensee in Anchorage and presently owner of The Bayside Lounge in Homer.

At each board meeting the board reviews and decides on more than 70 agenda items for new issuance and transfer applications and other requests by licensees. Almost all licensees diligently attempt to follow the law. However, we must admit many licensees have not familiarized themselves with the law even though they may instruct employees about portions of the law which focus on responsibilities related to forbidden classes--minors and drunken persons. The board has noted many times that it is a few poor operators who create a bad climate in the public's eye. The board believes that the present record does not clearly indicate that alcohol problems, drunk driving in particular, arise from violations of law by licensees. However, the record is clear that alcohol consumption is heavy in Alaska and the source of alcoholic beverages in the state is from licensees licensed by the board.

By this letter the board is certainly not promoting enhancement of licensed business profits by suggesting that insurance expense is too high. The board is only suggesting that licensed businesses under its jurisdiction appear to be subjected to an inordinate degree of responsibility/blame/exposure for the acts/actions of the public at large and some irresponsible licensees.

The board believes that:

- 1 - Licensees, their agents and employees who violate laws which are in force to protect the public must receive swift identifiable sanctions.
- 2 - The public must be made aware that licensees are charged with operating an orderly business which distributes a controlled substance for a profit and when a licensee withholds the privilege of consuming or purchase from a customer that the licensee is enforcing a strict public policy that the public must be willing to accept.
- 3 - Licensees must also be charged without fail to:
  - a - firmly educate their people about responsibilities related to sale of alcoholic beverages.
  - b - firmly and continually educate the public that Alaska's licensed operators will not and cannot condone misuse or abuse within their premises.

These charges must of necessity be instilled in licensees by threat of loss of their licensed privilege without regard to any perceived or actual value which may have attached to the license/privilege. With this thought the board believes that with its capacity as a quasi-judicial body a specific schedule of sanctions/penalties be articulated in law. Criteria which could mitigate a prescribed penalty are suggested below. These criteria, if supported by facts before the board, are the criteria which are apparently accepted as those which could also be used to mitigate civil liability suits.

1. Formal training of employees.
2. No happy hours or reduced price drinks.
3. No advertising of alcoholic beverages.
4. Past performance policies of a licensee.
5. No rowdy house.
6. Employees consuming on duty.
7. Availability of food and non-alcoholic beverages.

Some would say that the above suggestions might place a great deal of authority/power in the board. However, the board firmly believes that the industry expects and prefers that its members who violate the law at everyone's expense must suffer penalty.

With all due respect to and consideration for all who participate in this seemingly never ending dialogue, the board submits the following recommendations for your consideration:

1. Retain present law for determining the measure of civil liability.
2. As state policy emphatically put licensees and the public on notice that illegal use of substances will not be condoned in the State of Alaska.
3. Require for incidents involving DWI that the offending party also be subjected to tests to ascertain if other substances are present in the person's body which also may have caused intoxication.
4. When possible and appropriate require DWI incident investigating officers to determine where and when an offending person last obtained an intoxicating substance. If from a licensee, this information be provided to the board.
5. Provide that an incident involving a licensed business or premises be reported in writing by the appropriate law enforcement authority having jurisdiction. If not reported by local authorities, then refund of license fees to a municipality be terminated without fail.
6. Following the Governor's Task Force on Drunk Driving, require that a mandatory course of instruction about alcohol and alcohol laws be provided by the industry to its employees.
7. Appoint an interim committee to draft amendments to law for submission during the next session of this legislature.

April 12, 1985

Unless you prefer to substantially modify Alaska's law, present law places responsibility for alcohol on everyone from health programs, schools, law enforcement, local governments, licensees, the public and the board. It is a collective problem and a collective responsibility. The present law is certainly not without its faults, but it works and has the ingredients for dealing with licensees who do not exercise their license in the best interest of the public.

The board would like to express one point for further discussion or clarification. When an intoxicated person causes injury to a third party and the level of intoxication is determined to be .10 BAC for the intoxicated person, and if it is intended that licensees, their agents or employees be held civilly liable, this is poor public policy and is tantamount to prohibition. Licensees who serve alcoholic beverages for consumption on the premises would be unable to operate. No licensee, agent or employee can determine a .10 BAC of a person without using some measuring device. Following service of one or two beverages at a licensed premises the public would not accept the imposition of having to submit to a form of electronic or physical test.

The board has traditionally convened a meeting in Juneau during the month of February of each year for two purposes. First, to fulfill its responsibility under AS 04.06.050, and second, to have the opportunity to meet with legislators and legislative committees during legislative sessions. However, because of present interest, concerns, and your request for the board's written comments, the board is scheduled to be in Juneau again this year on April 30, and following days if appropriate or necessary. The board and staff will be happy to provide you with any additional information which may be of help.

Sincerely,



Patrick L. Sharrock  
Director

PLS:vk

cc: Senator Frank Ferguson  
Senator Jack Coghill  
Senator Vic Fischer  
Senator Arliss Sturgulewski



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 21, 1985

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing and regulation of the sale and distribution of alcoholic beverages.

This bill, which was requested by the Alcoholic Beverage Control Board, includes mostly technical, housekeeping amendments to AS 04.11, "Licensing," and a technical amendment to AS 04.16, "Regulation of Sales and Distribution." The most substantive of the amendments made by this bill are at sec. 2 and sec. 12.

Section 2 of the bill increases from 30 days to 90 days the minimum number of days for which all businesses with liquor licenses must operate each year. Businesses that do not operate for the minimum period are denied license renewal unless the premises are under construction or cannot be operated for another reason that is not the fault of the owner.

Section 12 of the bill amends the definition of the term "established village" to allow for ready determination of the boundaries of such a village. Before 1983, these boundaries were determined by drawing a circle, with a five-mile radius, around a U.S. post office. That provision was deleted as part of an extensive revision to the definition in 1983, and under present law there is no clear way of determining village boundaries. The attached bill restores the five-mile-radius method of determining the boundaries, and also makes provision for villages that do not have a U.S. post office. Several provisions of AS 04 cannot be adequately implemented in the absence of readily determinable village boundaries. These provisions include: (1) AS 04.11.480, under which a village council may "protest" the issuance of a liquor license inside the

sk 69

village; (2) AS 04.11.400, under which the number of licenses that may be issued inside a village is based upon the size of the population residing inside the village; and (3) AS 04.11.490 -- 04.11.502, under which established villages may, on the approval of a majority of residents within the village, exercise a "local option" restricting or prohibiting the sale or importation of alcohol inside the village and within a fixed distance beyond the "perimeter" of the village. The selection of five miles as the length of the radius is based on previous law. The substitution of any other reasonable distance would also resolve the problems this section of the bill is intended to resolve.

Section 1 of the attached bill deletes from AS 04.11.240(b) the requirement that requests for special events permits be received by the board 10 days before the event. The 10-day requirement is often impossible to meet and is unnecessary.

Section 9 of the bill amends AS 04.11.506(b)(1) to give the board the option of using certified mail rather than registered mail to notify all package stores in the state of the results of local option elections under AS 04.11.496. The present requirement is too costly and unnecessary.

The other amendments in the bill are more technical in nature and either add or remove cross references to other sections of AS 04.11 and 04.16; eliminate inconsistencies between sections (such as between AS 04.11.330(a) [denial of license renewal] and AS 04.11.320(a) [denial of initial license]); or eliminate unnecessary, confusing, or repetitive language (such as in AS 04.11.500(c), in which the deleted language is covered by AS 04.11.500(b)).

I join with the board in urging passage of this bill.

Sincerely,



Bill Sheffield  
Governor

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSB 69 (Jud) am  
 Title : Regulating sale of alcoholic beverages

Sponsor : Rules/Request of Governor  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Revenue  
 BRU : Consumer Protection

Components : Alcoholic Beverage Control

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>		0	0	0	0	0
----------------	--	---	---	---	---	---

<b>REVENUE</b>		0	0	0	0	0
----------------	--	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		0	0	0	0	0
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Jan Faiks, Co-chairman Phone : 465-4523  
 Division : Senate Finance Committee Date : 2/10/86

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: 69  
 Title: Technical Amendments  
to AS Title 04  
 Sponsor: Governor  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>GENERAL FUND</b>	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared by: Patrick L. Sharrock (Director) Phone: 277-8638  
 Division: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Commissioner: Bonnie M. Wells Date: 1/15/85  
 Agency: Department of Revenue

- Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Introduced: 2/4/83  
Referred: Community & Regional  
Affairs and Judiciary

1 IN THE HOUSE

BY ADAMS

2

HOUSE BILL NO. 157

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act to expand the right to petition for a local

7

option election."

8

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

9

\* Section 1. AS 04.21.070(b)(8) is amended to read:

10

(8) "established village" means an unincorporated community

11

in an unorganized borough, a borough, or a unified municipality that

12

[AREA THAT]

13

(A) is within the circumference of a circle described

14

by drawing a five-mile radius around a post office station; and

15

(B) has 25 or more permanent residents;

Offered: 5/23/83  
Referred: Rules

Original sponsor: Adams

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR HOUSE BILL NO. 157 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act to expand the right to petition for a local  
7 option election."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 04.21.080(b)(8) is amended to read:  
10 (8) "established village" means an unincorporated community  
11 or an unorganized borough that [AREA THAT  
12 (A) IS WITHIN THE CIRCUMFERENCE OF A CIRCLE DESCRIBED  
13 BY DRAWING A FIVE-MILE RADIUS AROUND A POST OFFICE STATION;  
14 (B)] has 25 or more permanent residents;

Offered: 6/26/83

Original sponsor: Adams

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

SENATE CS FOR HOUSE BILL NO. 157 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act to expand the right to petition for a local  
option election."

7

8

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

9

\* Section 1. AS 04.21.080(b)(8) is repealed and reenacted to read:

10

(8) "established village" means

11

(A) an unincorporated community that is in the unorga-

12

nized borough and that has 25 or more permanent residents; or

13

(B) an unincorporated community that is in an orga-

14

nized borough, is located more than 50 miles outside the boundary

15

limits of a unified municipality, and has 25 or more permanent

16

residents;

Offered: 6/26/83

Original sponsor: Adams

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

SENATE CS FOR HOUSE BILL NO. 157 (Rules) am S

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act to expand the right to petition for a local

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nized borough and that has 25 or more permanent residents; or

13

(B) an unincorporated community that is in an

14

organized borough, has 25 or more permanent residents, and;

15

(i) is on a road system and is located more than 50

16

miles outside the boundary limits of a unified municipality, or;

17

(ii) is not on a road system and is located more

18

than 15 miles outside the boundary limits of a unified municipal-

19

ity;

HB 157 AN ACT TO EXPAND THE RIGHT TO PETITION FOR A LOCAL OPTION ELECTIONAMENDED TITLE: SCS\*(RLS)AM SPRIME SPONSORS: ADAMS

<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>HOUSE ACTION</u>	<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>SENATE ACTION</u>
02/04/83	01	0171	FIRST READING -- COMMITTEE REPORTS	04/21/83	09	0768	FIRST READING -- COMMITTEE REPORTS
02/25/83	02	0343	C&RA -- DP04	04/25/83	10	0804	MOVED FROM C&RA TO JUD BY UNAN CONSENT
02/25/83	03	0343	C&RA ZERO F/NOTE	05/23/83	11	1080	JUD -- CS04
04/13/83	04	0840	JUD -- DP04, NR01	06/26/83	12	1528	RLS -- CS05, OTHER05 TAKEN UP IMMEDIATELY
04/20/83	05	0946	SECOND READING	06/26/83	13	1535	SECOND READING
04/20/83	06	0946	ADVANCED TO 3RD READING BY UNAN CONSENT	06/26/83	14	1535	RLS CS ADOPTED BY UNAN CONSENT
04/20/83	07	0947	THIRD READING	06/26/83	15	1535	ADVANCED TO 3RD READING BY UNAN CONSENT
04/20/83	08	0947	PASSED BY DIV 39-00-01	06/26/83	18	1565	AM01 ADOPTED BY DIV 17-01-02
06/26/83	21	2105	CONCURRED IN SENATE AMS BY DIV 39-00-01	06/26/83	19	0000	ADVANCED TO 3RD READING BY UNAN CONSENT
06/29/83	22	2132	TRANSMITTED TO GOVERNOR	06/26/83	16	1535	THIRD READING
** 07/15/83	23	2151	SIGNED BY GOVERNOR-CH0075, EFF 10/13/83	06/26/83	17	1565	RETURNED TO 2ND READING BY UNAN CONSENT
				06/26/83	20	1566	PASSED BY DIV 17-01-02

HB 158 AN ACT RELATING TO THE LIMITATION OF LIQUOR LICENSESPRIME SPONSORS: MILLER, M.M.

<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>HOUSE ACTION</u>	<u>DATE</u>	<u>SEQ. NO.</u>	<u>JOURNAL PAGE</u>	<u>SENATE ACTION</u>
02/04/83	01	0171	FIRST READING -- COMMITTEE REPORTS				
05/26/83	02	1545	C&RA -- CS01, NR05				
05/26/83	03	1545	C&RA F/NOTE EQUALS ZERO				
04/19/84	04	3398	JUD -- C&RA CS02, NR03				
** 05/03/84	05	3618	RLS -- DP01, DHP01, NR05 RULES				

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-0431

MEMORANDUM

TO: Persons Interested in the Current Status of Rural Communities With Respect to the State Title 4 Alcohol Local Option Law

FROM: Alaska Legal Services Corporation Alcohol Project

RE: Statewide Village Status Report

DATE: January 14, 1983

---

The ALSC Alcohol Project was funded by the State Office on Alcoholism and Drug Abuse ("SOADA") to provide statewide on-site community legal education and technical legal assistance on the state Title 4 alcohol local option law. During its existence, the ALSC Alcohol Project worked closely with rural communities throughout Alaska. The ALSC Alcohol Project has terminated.

Approximately 130 rural communities were visited and 50 other rural communities were assisted in some fashion. "Assistance" means a community either requested a petition form, cover letter, and memorandum explaining the law, or a legal opinion of their local village ordinance concerning alcohol control. This Statewide Village Status Report from the ALSC Alcohol Project is a final attempt to provide an adequate profile of individual rural community activity with respect to the state Title 4 alcohol local option law.

Presently, 74 alcohol local option elections have been held. Some communities have now held two elections, with differing results. The present tally is: 1 community has voted for a community liquor license, 51 communities have voted to forbid the sale and importation of alcoholic beverages, 10 communities have defeated the sale and importation option, 2 communities approved and 1 defeated the no sale option, and 1 community defeated the private liquor license option. Several more elections are presently scheduled and many other petitions are being circulated.

If you have any additional information or questions on specific communities, please contact Vivian Kortie at the Alcoholic Beverage Control Board, 201 East 9th Avenue, Anchorage, Alaska, 99501, or call (907) 277-8638.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results <sup>2</sup> (yes/no <sup>2</sup> )	Effective Dates	Notes
<u>ALEUTIAN/PRIHOLOF REGION</u>					
Atka (EV)	11/10/82	--	--	--	Petitions sent 10/10/82.
St. Paul (M)	5/10/82*	Ban Sale & Import (V)	47/141	--	ALOL <sup>3</sup> did not pass.
<u>ANCHORAGE/AITNA REGION</u>					
Chitina (V)	3/03/82*	Ban Sale & Import (C)	--	--	Petition invalid 10/14/82
Copper Center (V)	3/27/82*	--	--	--	new petitions sent 12/23,
Mentasta (V)	10/05/82*	--	--	--	
<u>BRISTOL BAY REGION</u>					
Aleknagik (M)	4/08/82*	Ban Sale & Import (V)	26/23	--	Many questioned ballots;
Ekwok (M)	11/29/82	Ban Sale & Import (V)	20/03	7/1/82	majority vote.
Iliamna (V)	11/24/81*	Ban Sale (V)	35/24	--	Liquor license(s) revoked
Egegik (V)	11/10/82	Ban Sale & Import (C)	--	--	Election scheduled by DOE
Manokotak (M)	11/23/81*	Ban Sale & Import (C)	--	--	Petitions sent 1/13/83.
Newhalen (M)	11/02/82*	Ban Sale & Import (V)	6/22	--	ALOL <sup>3</sup> did not pass.
Portage Creek (V)	12/01/82*	Ban Sale (C)	--	--	Petitions sent 11/30/82.
Togiak (M)	11/24/81*	Ban Sale & Import (V)	93/23	6/1/82	
Twin Hills (V)	12/22/81*	Ban Sale & Import (C)	--	--	Election being considered
Nondalton (M)	12/17/81*	--	--	--	
<u>FAIRBANKS/DOYON REGION</u>					
Arctic Village (V)	7/23/81	Ban Sale & Import (C)	--	--	
Chalkyitsik (V)	7/15/82*	Ban Sale & Import (V)	21/02	8/1/82	

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results, (yes/no <sup>2</sup> )	Effective Dates	Notes
Dot Lake (V)	10/01/82*	Ban Sale (C)	--	--	
Eagle (V)	9/30/82*	--	--	--	
Fort Yukon (M)	12/01/81	Ban Sale & Import (C)	--	--	
Huslia (M)	3/02/82*	Ban Sale & Import (V)	40/53	12/1/82	Second election; changed vote.
Kaltag (M)	11/11/82*	Ban Sale & Import (V)	50/27	1/3/83	Second election; same vote.
Mentasta (V)	10/05/82*	--	--	--	
Minto (V)	6/23/81*	--	--	--	
Northway (V)	9/29/82*	Ban Sale & Import (C)	--	--	
Nulato (M)	1/07/82	--	--	--	Petitions sent 1/7/82.
Ruby (M)	8/02/82	--	--	--	Petitions sent 8/2/82.
Stevens Village (V)	4/28/82*	Ban Sale & Import (C)	--	--	Petitions sent 4/28/82.
Tanacross (V)	9/28/82*	--	--	--	
Tanana (M)	9/23/82*	Community Liquor Store (V)	90/15	--	Applying for a liquor license.
Tetlin (V)	10/04/82*	Ban Sale & Import (V)	54/7	1/1/83	

JUNEAU/SEALASKA REGION

Angoon (M)	4/06/82*	Ban Sale & Import (V)	72/94	--	ALOL <sup>3</sup> did not pass.
Hydaburg (M)	2/24/82*	Selected Liquor Lic. (V)	43/63	--	ALOL <sup>3</sup> did not pass.
Klawock (M)	10/20/82*	Community Liquor Store (C)	--	--	
Metlakatla (Reservation)	2/14/81*	--	--	--	ALOL <sup>3</sup> not applicable.
Thorne Bay (M)	12/01/82	Ban Sale (V)	--	--	Election improperities; selected liquor license applied for in January, 1983.

KODIAK REGION

Larsen Bay (M)	7/19/82*	Ban Sale & Import (V)	17/38	--	ALOL <sup>3</sup> did not pass.
Old Harbor (M)	6/19/81*	--	--	--	Emergency ordinance to ban sale and import, 7/20/82.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results <sup>2</sup> (yes/no)	Effective Dates	Notes
<u>KOTzebue/NANA REGION</u>					
Ambler (M)	11/23/81*	Ban Sale & Import (V)	29/21	1/1/82	May schedule new election
Buckland (M)	10/02/81*	Ban Sale & Import (V)	52/06	6/1/82	No special election ordin
Deering (M)	11/24/81*	Ban Sale & Import (V)	32/24	6/1/82	
Kiana (M)	2/03/82*	Ban Sale & Import (V)	80/60	12/1/82	Second election -- same results.
Kivalina (M)	9/29/81*	Ban Sale & Import (V)	65/27	5/1/82	
Kobuk (M)	11/18/82*	--	--	--	Petitions sent 11/12/82.
Noatak (V)	6/10/82*	Ban Sale & Import (V)	69/53	1/1/83	
Noorvik (M)	5/29/81*	Ban Sale & Import (V)	95/46	5/1/82	
Selawik (M)	11/23/81*	Ban Sale & Import (V)	67/66	1/1/82	
Shungnak (M)	11/24/81*	Ban Sale & Import (V)	59/23	4/1/82	
<u>NOHE/BERING STRAITS REGION</u>					
Diomede (M)	9/07/81*	Ban Sale & Import (V)	27/12	10/1/81	
Elim (M)	6/18/81*	Ban Sale & Import (V)	47/17	9/1/81	
Gambell (M)	7/22/81*	Ban Sale & Import (V)	79/10	9/1/81	
Golovin (M)	9/16/81*	Ban Sale & Import (V)	26/19	7/1/81	
Koyuk (M)	7/13/81*	Ban Sale & Import (V)	57/08	9/1/81	
St. Michael (M)	10/14/82*	Ban Sale & Import (V)	--	--	1/83 special election ord
Savoonga (M)	8/20/81*	Ban Sale & Import (V)	103/81	11/1/81	nance enacted, new sale &
Shaktolik (M)	9/14/81*	Ban Sale & Import (V)	30/23	11/1/81	importation petition being
Shishmaref (M)	10/12/82*	Ban Sale & Import (V)	82/47	2/1/83	circulated; election con
Stebbins (M)	6/26/81*	Ban Sale & Import (V)	49/07	8/1/81	plated.
Teller (M)	10/11/82*	--	--	--	
Unalakleet (M)	9/10/81*	--	--	--	

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results <sup>2</sup> (yes/no)	Effective Dates	Notes
Wales (M)	7/05/81*	Ban Sale & Import (V)	29/21	9/1/81	
White Mountain (M)	7/16/81*	Ban Sale & Import (V)	29/16	4/1/82	Not officially recorded.
<u>NORTH SLOPE REGION</u>					
Anaktuvuk Pass (M)	11/11/81*	Ban Sale & Import (V)	78/11	1/1/8	
Point Hope (M)	9/15/81*	Ban Sale & Import (V)	62/39	8/1/82	
Point Lay (V)	2/09/82*	--	--	--	Within incorporated borough ALOL <sup>3</sup> not applicable.
Wainwright (M)	6/11/81	Ban Sale & Import (V)	61/42	8/1/82	
<u>YUKON/KUSKOKWIM REGION</u>					
Akiachak (M)	2/02/82*	--	--	--	
Akiak (M)	2/02/82	Ban Sale & Import (V)	--	--	Election improprieties.
Akolmiut (M)	--	Ban Sale & Import (V)	106/35	10/1/81	Not assisted by ALSC.
Alakanuk (M)	3/25/82	Ban Sale & Import (V)	92/24	8/1/81	
Aniak (M)	7/22/82*	Ban Sale & Import (V)	42/129	--	ALOL <sup>3</sup> did not pass.
Atmautluak (M)	9/01/81*	Ban Sale & Import (V)	60/12	6/1/82	
Brevig Mission	8/26/82	--	--	--	Petitions sent 12/82.
Chefornak (M)	9/08/82*	Ban Sale & Import (V)	48/29	11/1/82	Second election.
Chevak (M)	--	Ban Sale & Import (V)	--	--	Election improprieties.
Chuathbaluk (M)	10/08/81*	Ban Sale & Import (C)	--	--	
Crooked Creek (V)	12/09/81*	--	--	--	
Eek (M)	10/19/81*	Ban Sale & Import (V)	90/15	12/1/82	
Emmonak (M)	9/03/81	Ban Sale & Import (V)	54/12	11/1/81	
Goodnews Bay (M)	4/21/82	--	--	--	
Grayling (M)	12/02/81	Ban Sale & Import (V)	34/34	--	ALOL <sup>3</sup> did not pass; needs majority.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results <sub>2</sub> (yes/no <sub>2</sub> )	Effective Dates	Notes
Holy Cross (M)	7/10/81*	Ban Sale & Import (V)	50/60	--	Election results never cert
Hooper Bay (M)	10/28/82*	Ban Sale & Import (C)	--	--	Election planned for mid-February.
Kipnuk (V)	9/20/81*	Ban Sale & Import (V)	82/07	11/1/82	
Kongiganak (V)	9/17/81*	Ban Sale & Import (V)	50/09	8/1/82	
Kotlik (M)	3/09/81*	Ban Sale & Import (V)	63/15	10/1/81	
Kwethluk (M)	10/12/81*	Ban Sale & Import (V)	82/30	3/1/82	
Lime Village (V)	1/21/82*	--	--	--	
Lower Kalskag (M)	1/15/82*	Ban Sale & Import (C)	--	--	Petition died.
Marshall (M)	--	Ban Sale & Import (V)	42/16	8/1/81	Not assisted by ALSC.
Mekoryuk (M)	5/21/81*	Ban Sale & Import (V)	48/10	10/1/81	
Mountain Village (M)	5/21/81*	--	--	--	
Napakiaak (M)	10/02/81*	Ban Sale & Import (V)	51/14	4/1/82	
Napaskiak (M)	9/08/82*	Ban Sale & Import (V)	55/04	12/1/82	
Newtok (M)	11/26/82	--	--	--	Petition received 11/26/82
Nightmute (M)	9/08/82*	Ban Sale (V)	39/03	11/1/83	Second election expected.
Nunapitchuk (EV)	7/10/81*	--	--	--	Using emergency ordinance.
Pilot Station (M)	7/10/81*	--	--	--	Using emergency ordinance.
Platinum (M)	--	Ban Sale & Import (V)	11/08	2/1/82	CRA <sup>3</sup> assisted with election
Quinhagak (M)	9/14/81*	Ban Sale & Import (V)	79/26	11/1/81	
Red Devil (V)	1/21/82	Ban Sale (V)	12/22	--	ALOL <sup>3</sup> did not pass.
St. Mary's (M)	9/01/81*	Ban Sale & Import (V)	63/48	10/1/81	
Scammon Bay (M)	11/09/81*	Ban Sale & Import (V)	57/10	1/1/82	
Shageluk (M)	6/22/82*	Ban Sale & Import (V)	--	--	ALOL <sup>3</sup> did not pass.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results <sub>2</sub> (yes/no)	Effective Dates	Notes
Sheldon Point (M)	9/03/81*	--	--	--	
Sleetmute (V)	8/10/82*	Ban Sale & Import (V)	23/20	8/1/82	
Stony River (V)	8/12/82*	--	--	--	
Wainwright (M)	10/03/81*	Ban Sale & Import (V)	78/32	12/1/81	
Tuluksak (M)	9/09/82*	Ban Sale & Import (V)	61/16	11/1/82	
Tununak (M)	5/21/81*	Ban Sale & Import (V)	90/11	9/1/81	
Tuntutuliak (V)	12/01/81*	Ban Sale & Import (V)	47/20	9/1/82	
Upper Kalskag (M)	1/15/82*	--	--	--	

NOTE<sup>1</sup>: The four option choices for municipalities (first and second-class and home rule cities) are:

1. Selected liquor license;
2. Community liquor license;
3. Banning the sale of alcoholic beverages;
4. Banning the sale and importation of alcoholic beverages.

Established villages may choose option 1, 3, or 4.

NOTE<sup>2</sup>: For those villages which have chosen the option to ban sale and importation, a "yes" vote means that a voter wishes to stop the sale and importation of alcoholic beverages. A "no" vote means that a voter does not wish to stop the sale and importation of alcoholic beverages under the state alcohol local option law.

NOTE<sup>3</sup>: ALOL -- Alcohol Local Option Law.  
 ALOE -- Alcohol Local Option Election.  
 CRA -- Community and Regional Affairs; Division of Local Government Assistance.

NOTE<sup>4</sup>: As of May 18, 1982, the United States Department of Justice approved the Alaska State Title 4 alcohol local option law submission under Section 5 of the Voting Rights Act. The state of Alaska is a "Voting

Rights Act State," which means that when there is any "change in the standard practice or procedure" in voting, the state or other appropriate agency is required to obtain approval from the United States Department of Justice.

This approval means that the alcohol local option law elections already held by municipalities in the state of Alaska are valid. This approval also means that the established villages can hold alcohol local option law elections with the assistance of the Division of Elections.

This approval means that no objection under the Voting Rights Act can be raised with respect to the alcohol local option law elections held unless someone has actually been denied his or her right to vote, thus prejudicing the election.

---

NOTE<sup>5</sup>: After receiving encouragement from many rural Alaskan priests, religious organizations and residents, the Alaska House of Representatives and Senate passed a law, Senate Bill 765, dealing with the sacramental wine exception to the state Title 4 alcohol local option law.

The new law changed A.S. 04.11.496 (b), which is the law allowing communities to vote to prohibit the sale and importation of alcoholic beverages. The amendment of A.S. 04.11.496 (b) stated that if a majority of the people in a community vote to prohibit the sale and importation of alcoholic beverages, a person "may not knowingly send, transport, or bring an alcoholic beverage into the municipality or established village, unless the alcoholic beverage is sacramental wine to be used for bona fide religious purposes based on tenets or teachings of a church, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes by a person authorized by the church or religious body to dispense sacramental wine."

This language means that the only alcoholic beverages which can come legally into a community which has voted to stop sale and importation of alcoholic beverages is wine to be used only in a religious service. The wine is to be an amount to be used only in religious service. Only a priest or someone authorized by the priest can receive the wine and give it to people in a religious ceremony.

COMMENTS ON  
CSSB 69

Prepared by  
Division of Elections  
March 14, 1986

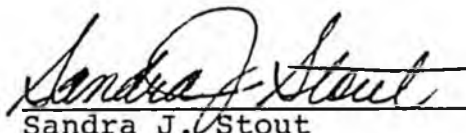
The Division of Elections has reviewed Senate Bill 69 and finds that it has relatively minor impact on our conduct of liquor option elections in unorganized communities. We would like to point out, however, that based on the inquiries we have received from community residents and enforcement agencies, a definition of the specific area is essential for enforcement of liquor option decisions.

Historically, the Division has identified any voter who has named the specific community as his or her place of physical residence on their current voter registration, as eligible to vote in the election. The imposition of the five mile radius definition of an established village raises a philosophic question concerning individuals who regard the specific community as their legitimate place of residence, but whose actual abode is outside the five mile parameter. Should they be excluded from signing a petition and voting on the issue? On this matter the Division is hesitant to comment.

Based on the final determination of the legislature, and clarification of intent, the Division feels confident that should the five mile radius apply to the enforcement of local liquor laws and voter eligibility we would be prepared to implement the provisions of this legislation.

March 14, 1986

Date



Sandra J. Stout  
Director

A M E N D M E N T

#2

Offered in the HOUSE

By Gruenberg and Taylor

TO: CSSB 69(Jud) am

Page 5, after line 2, insert the following new bill sections to read:

\*\* Sec. 11. AS 04.16.051(b) is amended to read:

(b) This section does not prohibit the furnishing of an alcoholic beverage

(1) by a parent to their [HIS] child, by a guardian to a [HIS] ward, or by a spouse to their [HIS OR HER] legal spouse if the furnishing occurs in a private residence and if the person under 21 years of age who receives the alcoholic beverage does not leave the residence while under the influence of alcohol [OFF LICENSED PREMISES]; or

(2) by a licensed physician or nurse to a patient in the course of administering medical treatment.

\* Sec. 12. AS 04.16 is amended by adding a new section to read:

Sec. 04.16.205. PENALTY FOR FURNISHING ALCOHOL TO A MINOR. A parent, guardian or spouse who furnishes alcoholic beverages to a person under 21 years of age in violation of AS 04.16.051(b) may be punished by a civil penalty not to exceed \$100."

Renumber remaining bill sections accordingly.

Page 5, line 21, delete "11" and insert "13"

# Alaska State Legislature

## House of Representatives

Al Adams

Chairman

Committee on Finance

WHILE IN SESSION  
Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3706

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3320

1024 W. 6th  
Anchorage, Alaska 99501  
(907) 274-0615



Official Business

May 18, 1983

### MEMORANDUM

TO: Senate Judiciary Committee Members

FROM: Representative Al Adams *APA*  
Prime Sponsor of HB 157

SUBJ: HB 157, An act to expand the right to  
petition for a local option election

HB 157 clarifies language in the local option statute to enable unincorporated communities within an organized borough to conduct an election. Currently, communities within an organized borough cannot conduct an election unless they are separately incorporated because the power of legislation in such communities rests almost exclusively in the borough government.

In 1981, the legislature made a number of changes in Title 4 but unfortunately the status of such unincorporated communities was overlooked. Three communities -- Point Lay, Karluk and Tyonek -- wanted to hold a local option election last year but were advised by the Division of Elections that they could not. With passage of the new language contained in HB 157, these and similar communities will be able to conduct an election.

Additional information on the need for passage of this legislation is attached.

Thank you for your consideration of HB 157.

## I. INTRODUCTION

On June 19, 1981, Governor Hammond signed Senate Bill 65, which cleared up difficulties with the 1980 Title 4 alcohol local option law, AS 04.11.490-04.11.506. Pursuant to the statute "municipalities" may conduct their own alcohol local option elections. "Established villages" may also request alcohol local option elections. These latter elections are conducted by the lieutenant governor.

Under the law, municipality is defined as "an incorporated city, an organized borough, or a unified municipality established under AS 29.68." AS 04.21.080(b)(11). A Municipality may hold a special election and vote upon one of the following four options:

1. Prohibition of the sale of alcoholic beverages. AS 04.11.490.
2. Community liquor license. AS 04.11.492.
3. Prohibition of the sale and importation of alcoholic beverages. AS 04.11.496.
4. Prohibition of the sale of alcoholic beverages except by selected licenses. AS 04.11.500.

An "established village" is defined under the statute as "an unincorporated area that

(A) is within the circumference of a circle described by drawing a five-mile radius around a post office station;

(B) has 25 or more permanent residents."

AS 04.11.080(b)(8). An established village may in a special election conducted for that purpose by the lieutenant governor, vote upon one of the following three options:

1. Prohibition of the sale of alcoholic beverages. AS 04.11.490.

2. Prohibition of the sale and importation of alcoholic beverages.

AS 04.11.496.

3. Prohibition of the sale of alcoholic beverages except by selected licenses. AS 04.11.500.

Alcohol abuse constitutes a very serious problem in Alaska. The state Title 4 alcohol local option law, AS 04.11.490-04.11.506, has allowed individual communities to deal with the problem on a local level and thus choose a legal remedy which fits the local problem. The results have been largely successful both as a means of controlling alcohol abuse and as an experiment in pure democracy. As of this writing, forty-one communities have held alcohol local option elections and ten more are currently waiting to hold them. Moreover, over twenty other communities have expressed interest in holding alcohol local option elections to the Alaska Legal Services Corporation Alcohol Project. Of the forty-one communities which have already voted, thirty-seven have voted to prohibit the sale and importation of alcoholic beverages.

## II. THE PROBLEM

Simply put, the problem is that communities within organized boroughs cannot utilize the state Title 4 alcohol local option law unless separately incorporated because the power of legislation in those communities rests

with virtual exclusivity in the borough government. AS 04.11.080(b)(8) defines "established village" as "an unincorporated area." Since a borough is incorporated, a village lying within a borough cannot be an unincorporated area.

Boroughs exercise certain powers, such as operating a school system and planning, platting, and zoning on an areawide basis, both inside and outside cities within the borough boundaries. AS 29.33.010-29.33.290. Pursuant to AS 29.38.020, second-class boroughs exercise certain municipal powers in areas of the borough outside the cities. These include such things as regulating fireworks, providing water pollution control, constructing local roads, etc. Boroughs can also acquire other powers outside cities by an election of the voters outside cities.

AS 29.48.035 gives municipalities certain regulatory powers. AS 29.42.035(10) provides that a municipality may regulate alcoholic beverages as provided by 4.15.070." AS 4.15.070 is now repealed but there is a cross-reference to 4.21.010 "for present provisions concerning municipal regulation." AS 4.21.010(a) allows a municipality to adopt ordinances governing barter, sale, consumption of alcoholic beverages as necessary for orderly selling of alcohol within the municipality. AS 4.21.010(b) allows a municipality to adopt an ordinance making sale or importation a misdemeanor after a valid election on the option to prohibit the sale and importation of alcoholic beverages has been held.

The above provisions of Title 29, along with the definition of established village in Title 4, suggest that power to regulate alcohol in a borough in the area outside the borough's cities is given to the borough.

Nonetheless, at least one village, Karluk, in the Kodiak Island Borough, has evinced a desire to hold a local option election and cannot under present law.

An organized borough generally contains more than one community and often contains several. At the time of this writing, no organized borough has yet held an alcohol local option election. The difficulties involved in a multi-community election of this sort are evident. Should a borough hold an alcohol local option election, a strong vote for prohibition in the outlying villages and municipalities could impose that measure upon communities with no desire or need to embrace so draconian a resolution. Conversely, a strong vote to maintain the privilege of buying and consuming alcohol in the larger communities could prevent other communities within the borough from taking effective action to deal with a chronic local problem.

A preferable arrangement would allow the voters of each community in an organized borough to decide for that community and that community alone how the state Title 4 alcohol local option law can best be used. Voters in a community will probably be better informed as to local conditions than they will be to borough-wide conditions. A better informed electorate will naturally make more intelligent decisions at the polls. More importantly, their decision will only affect local conditions and not conditions in other communities within the borough of which they are much less likely to be adequately informed.

### III. THE SOLUTION

The proposed legislation will allow villages within organized boroughs to hold an alcohol local option election subject to the same conditions

imposed upon villages outside organized boroughs. The proposed legislation accomplishes this essentially by enlarging the definition of "established village" to include those villages lying within organized boroughs.

The proposed legislation is designed to enlarge the powers of villages within organized boroughs only as regards to their ability to hold local option elections. Section 2 of the proposed legislation expressly limits itself to those purposes. Alaska already has a well established and complex municipal code by which the respective powers of various types of communities are delegated. The proposed legislation will have only a strictly limited effect on the municipal code. It is designed and intended only to allow communities not separately incorporated which lie within organized boroughs to hold alcohol local option elections pursuant to AS 04.11.490-04.11.506. No other impact upon the respective powers of the state, organized boroughs, organized communities, or unorganized communities is foreseen or intended.

House CRA Tape 19

hcr 0224831 DOCUMENT= 1 OF 1 PAGE = 4 OF 6  
WITNESS:  
Clinty Critwood  
Alaska Municipal League  
204 North Franklin Street  
Juneau, Alaska 99801  
506-1325  
Position Statement: Gave testimony on HB 172.

PREVIOUS ACTION  
HB 157 No previous action to record.  
See previous House Community & Regional Affairs Committee Hearing minutes from February 18, February 22, and February 25, 1983.

ACTION NARRATIVE  
TAPE 19 (Side A)  
Recording  
Number 0000  
The meeting was called to order by Chairwoman Lacher at 3:20 p.m. Members present were Representatives Lacher, Tischer, Fritz and Phillips. Representative Szymanski arrived later. Members absent were: Representatives

hcr 0224831 DOCUMENT= 1 OF 1 PAGE = 5 OF 8  
Clocksin and McBride.  
HB 157 was brought before the committee.  
Cheryl Frasca representing Representative Al Adams, begins testimony on HB 157. She explains the bill as an attempt to clarify existing definition.  
Mary Lou Weiners, Director of the Division of Elections, views this as a 'house cleaning' bill, supportive of the legislation.  
Questions and discussion.  
Russ Josephson of the Division of Legal Services, Legislative Affairs Agency, answers question from the committee.  
Chairman Lacher calls an adjournment at 3:30 p.m.  
Chairman Lacher called the meeting back to order at 3:45 p.m.  
Rep. Phillips moves that HB 157 be passed out of committee with individual recommendations.  
There were no objections. HB 157 was moved out

h j 0412831 DOCUMENT= 1 OF 1 PAGE = 2 OF 5  
House Jud. Tape 55  
"An act to expand the right to petition for a local option election."  
Rep. Clocksin introduced the bill and referred to the Community & Regional Affairs and Judiciary Committees.  
02/25/83: The Community & Regional Affairs Committee has had HOUSE BILL NO. 157 (to expand the right to petition for a local option election) under consideration. recommends it do pass and attaches a zero fiscal note.  
Concurring: Lacher (Chairman), Phillips, Fritz and Tischer.  
HB 157 was referred to the Judiciary Committee. See previous House Community & Regional Affairs Committee Hearing minutes from February 24, 1983.  
Statutory Reference: AS 04.21.080(b)(8)

ACTION NARRATIVE  
TAPE 55 (Side 1)  
Recording  
h j 0412831 DOCUMENT= 1 OF 1 PAGE = 3 OF 5  
The meeting was called to order at 1:25 p.m. by Chairman Bussell. Members present were: Representatives Bussell, Barnes, Wendt, Clocksin and Lacher. Representatives Liska and Malone were absent.  
Chairman Bussell states that due to an oversight, SSHR 100 will not be heard because the committee has SB 24 and they need to hear some more legislation together.  
Chairman Bussell then brought HB 157 before the committee. He stated that the Prime Sponsor was unable to attend, but he did send staff.  
Russ Josephson, Legislative Counsel for the Division of Legal Services with the Legislative Affairs Agency, came before the committee to give testimony on HB 157. He states that this legislation makes it possible for a village to have a local option election whether it is organized or not. This legislation amends AS 04.21.080.

h j 0412831 DOCUMENT= 1 OF 1 PAGE = 4 OF 5  
Rep. Clocksin asks if the use of community instead of Boreas will reduce villages that are possible.  
Russ Josephson replies that it is stated an established village, it is a community of people. He comments further.  
Rep. Clocksin expresses concern about the use of community instead of area.  
Rep. Hayes asks to move HB 157 from committee with individual recommendations.  
Rep. Clocksin objects. There is brief discussion.  
Rep. Clocksin removes his objection, and the committee reports HB 157 as amended.  
Chairman Bussell discusses the Letter of Intent for HB 214. He reads the Letter of Intent:  
LETTER OF INTENT  
HOUSE JUDICIARY COMMITTEE  
It is the intent of the House Committee on Judiciary that the superior court judgeship in

s j 0518831 DOCUMENT= 2 OF 3 PAGE = 6 OF 16  
S. J. d. Tape 5/18/83  
Senator Eliason asked Representative Davis a question regarding the transfer of title to which the latter responded that there has been some concern that if title was transferred to the Civil Air Patrol, they may take the plane elsewhere, but provisions were inserted in the committee substitute to the original HB 195 to take care of this problem.  
Dick Roundtree, legislative liaison for the Department of Military Affairs, testified in favor of CSMB 195, emphasizing that the legislation has no fiscal impact and that when title passes to the Civil Air Patrol, so does the liability for operating the aircraft.  
Senator Eliason moved that CSMB 195 pass out with individual recommendations. Senators Ray, Eliason and Pettijohn voted "Do Pass". Senator Ziegler voted "No Recommendations".  
The second order of business was House Bill 157

s j 0518831 DOCUMENT= 2 OF 3 PAGE = 7 OF 16  
An act to expand the right to petition for a local option election, as to which Senator Ray stated that he had no problem with the concept of giving unincorporated communities the local option election. Senator Pettijohn stated that he does have a problem with the definition of a community and the concept thereof reflected in the bill.  
Senator Ray responded that the concept of a community elected in the bill has long been in the books and that the idea is to allow people in the described areas to make a determination. However, Senator Ray also pointed out that he doesn't like the idea of being able to establish a 'community' within an organized area or borough, or unified municipality, and he just can't accept such a notion. Therefore, Senator Ray proposed to contact Representative Adams the prime sponsor of the bill and advise him of these objections. All committee members

s j 0518831 DOCUMENT= 2 OF 3 PAGE = 8 OF 16  
concurrent in this action.  
The third order of business was Senate Bill 167 -- an act relating to correctional facilities, good time computation, and the imprisonment and rehabilitation of offenders, as to which Mike Stark, with the Department of Law, and Roger Endell of the Division of Corrections testified. Mr. Stark submitted two proposed amendments to the bill, and Mr. Endell explained the purpose of the proposed amendment dealing with computation of good time.  
Senator Ray strongly objected to the concept of letting people out early just to let more people in.  
Senator Pettijohn raised a question as to exactly what the proposed amendment covers. Stark responded by stating that it primarily covers non-presumptively sentenced offenders. Senator Ray then stated that he has no objection to these provisions.

s j 0520831 DOCUMENT= 3 OF 3 PAGE = 11 OF 12  
S. J. d. Tape 5/20/83  
entered into a terminal there is a potential for error. Senator Ray questioned what legal recourse an individual, who was subject to an information error and ruined, would have. Ms. Horetski responded that the Finance Committee had the same concerns.  
The fourth order of business was House Bill 157 -- Right to petition for a local option election. Chairman Ray explained that this bill has been before the Committee previously with testimony taken, and that he had spoken to the prime sponsor, Representative Adams, with regards to the following changes. On the delete of a borough or a unified municipality and delete subparagraph "A".  
Senator Pettijohn moved the bill out with individual recommendations to include the above changes. All members signed "Do Pass".  
The final order of business was bill assignment for the following bill:

sr1s 0621831 DOCUMENT= 1 OF 2 PAGE = 13 OF 41  
S. Rules Tape 6/2/83  
changing the liability of aircraft owners or operators for personal injury or death to guest passengers.  
Senator Ray: Move it out.  
Chair Faiks: Any objections to moving out House Bill 126?  
Senator Ray: You have to understand that on the floor this is going to be told that there is a constitutional choice.  
Chair Faiks: What do you mean there is a constitutional choice?  
Senator Ray: Well, if some people, some state supreme court is going to say it's repealed it because the constitutionality and it's put it in, it is just a, go ahead and (indisc.)  
Chair Faiks: So House Bill 126 will be considered but it is... It's a House priority. The rest of these are just about House committee priorities. 157 is an act to expand the right to petition for local option election. Any

sr1s 0621831 DOCUMENT= 1 OF 2 PAGE = 14 OF 41  
objections?  
Senator Ray: Now, wait a minute. Let me see if they got the right one.  
Chair Faiks: Judiciary version? Is this not the right one?  
Senator Ray: No. That isn't the right one.  
Chair Faiks: It's five thirty-three. It's the Senate CS for Judiciary.  
Senator Ray: Chair Faiks, what that is, it's a, that isn't the right one.  
Chair Faiks: Can we hold this until the end of the calendar?  
Senator Ray: It has to be within fifty miles. See they, this ain't even out, there is another one entirely.  
Chair Faiks: Alright let's hold 157. Helen would you go down and see if there is a new version of 157, that's not right. House Bill 247, tapering with an item that is a food, drug, cosmetic, delivering or dispensing or whatever. These

sr1s 0621831 DOCUMENT= 1 OF 2 PAGE = 29 OF 41  
we have to meet tomorrow on 302, the loan bill, you draft some language alright and for a copy for the whole committee and let us look at it and then we'll vote as a committee whether we want to do it. Okay?  
Senator Ferguson: Nadaw Chairman.  
Chair Faiks: Yes, Senator Ferguson.  
Senator Ferguson: I would prefer that we pass the bill out of committee instead of bringing it up and then you get the amendment.  
Chair Faiks: And put it on the floor as an amendment. Well, I don't have any objections to that. Do you have any objections Senator Kelly?  
Well, that's a good suggestion on Senator Ferguson. Then hearing no objections House Bill 157 will be calendared and you get me the amendment, okay.  
Rep. Guarnati: Certainly.  
Chair Faiks: Sure, great.  
Senator Ray: Now we're back to 157?

sr1s 0621831 DOCUMENT= 1 OF 2 PAGE = 30 OF 41  
Chair Faiks: Are we back to 157, Senator Ray.  
Senator Ray: I don't know, cause as I was explained to me through the people who were there and I wrote in the way I thought that the sponsor wanted it but he...  
Chair Faiks: Who is the sponsor? Oh.  
Senator Ray: The sponsor is Al Adams. What he wants is an unincorporated community within the North Slope Borough which has twenty-five residents. Point Lay, he wants them to be able to vote no on liquor. But he wants to change the village and change the whole meaning of the established village and that would allow twenty-five people in West Juneau to form an unincorporated community and vote dry and then you couldn't have liquor there or anchorage or Fairbanks or any other place.  
Chair Faiks: Senator Ferguson.

sr1s 0621831 DOCUMENT= 1 OF 2 PAGE = 31 OF 41  
Senator Ferguson: Could you hold this bill for a day and I'll work with Senator Ray on this cause I know what he is getting at.  
Chair Faiks: Okay, I don't have any trouble to holding 157. Senator Kelly.  
Senator Ray: See I put it out in unorganized borough and he says North Slope.  
Chair Faiks: Let's go back to Senate Bill 127 while we have Representative Flood here if we could. Representative Flood would you come up. 127. Where is that. Just hang on just a second cause I've lost it too. What did I do with 127.  
Senator Ray: See I put everything else gone do you want to just do the rest of the...  
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Senator Ray: What is it? Anybody here remember what it is?

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06097 4 HB ADJ 157

SR1S 0621831 DOCUMENT= 2 OF 2  
DOC ID SR1S 0621831530  
HEADING SENATE RULES

STANDING COMMITTEE  
4:00 P.M. - 5:00 P.M.  
3:30 P.M.  
MEMBERS PRESENT  
SENATOR JIM FAIKS, CHAIR  
SENATOR DON BENNETT  
SENATOR BILL BENNETT  
SENATOR FRANK FERGUSON  
SENATOR TIM KELLY

CALENDAR  
HB 157  
HB 385  
SJR 24

AMENDED TITLE: AN ACT TO EXPAND THE RIGHT TO PETITION FOR A LOCAL OPTION ELECTION.  
AN ACT RELATING TO THE ISSUANCE OF TAX EXEMPT, STATE-GUARANTEED REVENUE BONDS BY THE ALASKA HOUSING FINANCE CORPORATION TO FINANCE HOUSING FOR QUALIFYING VETERANS UNDER AS 18.56, AND PROVIDING FOR AN EFFECTIVE DATE.  
AMENDED TITLE: REQUESTING THAT ALASKA BE EXEMPTED FROM LEGISLATION ALLOWING ASSOCIATION OF EXISTING NATURAL GAS CONTRACTS.

WITNESS REGISTER  
NO WITNESSES WERE IN ATTENDANCE TO TESTIFY AT THIS MEETING.

PREVIOUS ACTION  
HB 157  
PLEASE REFER TO SENATE JUDICIARY COMMITTEE MINUTES DATED 05/18/83 AND 04/29/83. PLEASE REFER TO HOUSE JUDICIARY COMMITTEE ACTION BEFORE 04/29/83 AND HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE ACTION BEFORE 02/25/83.

HB 385  
PLEASE REFER TO SENATE FINANCE COMMITTEE ACTION BEFORE 05/17/83. PLEASE REFER TO HOUSE FINANCE COMMITTEE ACTION BEFORE 04/10/83 AND HOUSE COMMITTEE ON LOANS ACTION BEFORE 05/20/83.

SJR 24  
PLEASE REFER TO SENATE FINANCE COMMITTEE ACTION BEFORE 07/17/83 AND SENATE REVENUES COMMITTEE MINUTES DATED 06/15/83.

ACTION NARRATIVE  
TAPES FOR 06/22/83  
RECORDING  
NUMBER 090

THE MEETING OF THE SENATE JUDICIARY COMMITTEE WAS CALLED TO ORDER AT 3:30 P.M. WITH ALL MEMBERS AND SENATORS PRESENT. THE FOLLOWING IS A VERBATIM TRANSCRIPT OF THE PROCEEDINGS. (MARK STARTS HERE.)

SENATOR FAIKS: WE HAD A SUB-COMMITTEE REPORT ON THIS SENATE BILL.

SENATOR DAY: WHAT?

SENATOR FAIKS: YOU'RE THE SUB-COMMITTEE CHAIRMAN ON THIS BILL. YOU HAVE A COMMITTEE SUBSTITUTE HERE.

SENATOR DAY: YES, THIS IS IT. I THINK TAKES CARE OF THE PROBLEM HERE. WHAT IT DOES IS IT... AN

ESTABLISHED VILLAGE WHICH IS AN UNINCORPORATED COMMUNITY OR THAT IS IN AN UNINCORPORATED BOROUGH BUT IS LOCATED MORE THAN FIFTY MILES OUTSIDE OF THE BOUNDARY LIMITS OF A UNIFIED MUNICIPALITY WITHIN THAT BOROUGH AS TWENTY FIVE OR MORE INDIVIDUAL HOUSES, THAT IS THE CLASSIFICATION OF AN ESTABLISHED VILLAGE.

SENATOR FAIKS: SENATOR BENNETT.

SENATOR BENNETT: MOVE TO CALENDAR WITH INDIVIDUAL RECOMMENDATIONS.

SENATOR FAIKS: ANY OBJECTIONS TO CALENDARING 157?

SENATOR KELLY: YES, I'LL BE CALLED ON HOUSE BILL 385.

SENATOR KELLY: NOPE, WE, BY OFFICE TALKED TO AFRICAN AMERICAN TO THE COMMISSIONER OF REVENUE WHILE HE WAS HERE AND HE SAID, WELL, WITH THE SENATOR'S PREFERENCE UNDER THE NORMAL PROGRAM, BUT THIS PARTICULAR PROGRAM BECAUSE IT IS PROHIBITED UNDER FEDERAL STATUTE BUT THE STATE VETERANS.

SENATOR FAIKS: THE VETS ARE OKAY?

SENATOR KELLY: ...ARE STILL TAKEN CARE OF, YES.

SENATOR FAIKS: ANY OBJECTIONS TO CALENDARING 395?

SENATOR BENNETT: WITH INDIVIDUAL RECOMMENDATIONS.

SENATOR FAIKS: CALENDAR. HOUSE BILL 395 WILL BE CALLED. SJR 24, IS SOMEONE HERE FROM SENATE... DOES THE MEMBERS OF THE COMMITTEE HAVE A QUESTION ABOUT THIS ONE?

SENATOR BENNETT: MOVE TO CALENDAR WITH INDIVIDUAL RECOMMENDATIONS.

SENATOR FAIKS: ANY OBJECTIONS? VERY GOOD. ANY OTHER NEWS? I'M HOLDING 302 FOR THE INFORMATION OF THE SENATE. THE ADMINISTRATION ASKED FOR TWENTY-FOUR HOURS OR THAT THEY WOULD COME UP WITH ONE SOLUTION, YOU'LL SEE IT TOMORROW.

SENATOR DAY: WHAT'S 302?

SENATOR FAIKS: IT'S CREATING REVOLVING LOAN FUNDS FOR AHO. WE'RE GOING TO BE CALLED TO COME UP WITH A GRANT PROGRAM IN THERE AND THEY'RE TRYING TO NEGOTIATING ON THAT GRANT PROGRAM.

SENATOR DAY: WHICH ALASKA HOUSING PROGRAM?

SENATOR FAIKS: ALASKA HOUSING FINANCE CORPORATION.

SENATOR DAY: YES, WHO IS NEGOTIATING?

SENATOR FAIKS: THEY'RE MAKING IT A REVOLVING LOAN FOR PRINCIPAL PAYMENTS ONLY. THEY HOUSING ASSISTANCE TO COME WILL BE A REVOLVING LOAN FOR PRINCIPAL ONLY.

SENATOR BENNETT: WHO ARE THEY NEGOTIATING WITH?

SENATOR DAY: THAT'S YOUR REVOLVING LOAN FUND.

SENATOR BENNETT: WHO ARE THEY NEGOTIATING WITH?

SENATOR DAY: YES, WHO IS NEGOTIATING?

SENATOR FERGUSON: JOSEPHSON.

SENATOR FAIKS: YOU GUYS WANT ALL OF THIS INFORMATION HERE? SENATE RULES COMMITTEE WILL BE

ADJOURNMENT.



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*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 03/14/86 TIME: 15:30
* FROM: LIOANC
* SUBJECT: (H) C & R A FINAL STATS
* PRINT DATE: 03/14/86 TIME: 15:30
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\*\*\* FINAL T/C STATS \*\*\*

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DATE: _____ MARCH 14, 1986 _____
SITE: _____ ANCHORAGE, ALASKA _____
SPONSOR: _____ HOUSE COMM AND REGIONAL AFFAIRS _____
SUBJECT: _____ SB69 - ALCOHOL RELATED ISSUES _____
LOCAL MODERATOR: _____ DAVID _____

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\*\*\*\*\*

TESTIFIED:

NAME/REPRESENTING	ADDRESS	PHONE
PATRICK L SHARROCK	505 W 5TH AVE ANCH	99501 277-8638
KAY GOUWENS	1031 WEST 4TH ANCH	99501 276-3550

\*\*\*\*\*

OBSERVED:

NAME/REPRESENTING	ADDRESS	PHONE
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TESTIFIED: 2
OBSERVED:
TOTAL: 2
TIME START: 3PM
TIME END: 430PM

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**HOUSE  
COMMITTEE REPORT**

(7)

JUDICIARY

Date referred: 2/11/86

FURTHER REFERRALS: FINANCE

COMMUNITY AND  
The REGIONAL AFFAIRS Committee has considered DATE: \_\_\_\_\_  
CSSB 69 (Jud) am

"An Act relating to licensing and regulation of the sale and distribution of alcoholic beverages; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title  
 new title

and recommends \_\_\_\_\_  
 further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
*Walter H. ...*  
*ROSE E. ...*  
*Walter H. ...*  
\_\_\_\_\_  
*F. K. ...*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*AV. M. MARROW* *No Rec*  
*Do Not Pass*  
*(UNREASONABLE RESTRICTION OF FREE TRADE)*  
\_\_\_\_\_  
*ROSE E. ...* *No Rec*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman