

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3693 HSTA HB 345 (FILE 3) 509

TO: ALL REPRESENTATIVES
SENATOR FRED ZHAROFF

40

FR: NANCY E. JONES
P.O. BOX 2915
KODIAK, AK. 99615
HM: 486-6223 WK: 486-3224

APR 19 1985

RE: HB 345 ALCOHOL LIABILITY

WOULD LIKE TO SEE THIS BILL PASSED TO HELP CURB ALCOHOL ABUSE IN
THE STATE.

*
* DELIVER TO: JPOM *
* *
* *
* ORIGINAL *
* SENT: 05/03/85 TIME: 14:35 *
* FROM: BARBARA NORRELL *
* SUBJECT: POM *
* PRINT DATE: 05/03/85 TIME: 14:35 *
* *

TO: ALL LEGISLATORS

FROM: GEORGE ALLEN, 307 BUNNELL STREET, ANCHORAGE, AK 99508,
333-7234

MAY 4 1985

SUBJECT: HB 345, DRAMSHOP LAW

PLEASE PASS HB 345 AND PUT RESPONSIBILITY ON BAR OPERATORS FOR
SELLING LIQUOR TO INEBRIATED OR UNDER'AGED DRINKERS.
THE LIVES, INJURIES, AND PROPERTY DAMAGE SAVINGS WILL BE GREAT,
PLUS LESS JAIL AND POLICE EXPENSE FOR DRINKEN DRIVERS.
CLOSE THE BAR THAT VIOLATE THE DRAMSHOP LAW MORE THAN TWICE.

TO: ALL LEGISLATORS

APR 19 1985

FROM: LAWRENCE ALLEN

3541 EAST 20TH

ANCHORAGE, AK. 99508 PHONE: 277-6428 HM.

RE: HB 345- DRAM SHOP

WE ARE STRONGLY IN FAVOR OF HB345. NO INEBRIATED PERSON SHOULD BE GIVEN MORE LIQUOR, EITHER IN A BAR OR A HOME PARTY. TOO MANY TRADEGIES HAVE PROVED THIS POINT.

PARENTS SHOULD BE ALLOWED HOME BIRTHS OF THEIR CHILDREN WITH MIDWIVES THIS METHOD HAS MANY ADVANTAGES OVER HOSPITAL BIRTHS.

100-105/345
April 18, 1985

IN SUPPORT OF HB 345

Madam Chairman, my name is Glenn Hackney. I live in Fairbanks at 1136 Sunset Drive. I am a member of Mothers Against Drunk Driving, and it is as a member of that organization that I testify on HB 345. The Governor introduced this bill as a reflection of the priority placed on the need for such legislation by the Governor's Task Force on Drunk Driving. This bill is the #1 priority of that task force.

Let me point out and make very clear that M.A.D.D. takes no position on drinking alcoholic beverages. Only on drinking and driving, a position we believe is shared by the vast majority of responsible Alaskans. Passage of HB 345 will be a step in support of that position.

How, you may ask, do we feel the passage of this bill will help. The Alaska Supreme Court in Nazareno states: "-it is clear the vendor is under a duty not to sell liquor where the sale creates a risk of harm to the customer or to others." We think passage of this bill will elevate the standard of responsibility and accountability for those who serve alcoholic beverages.

Madam Chairman, just 24 hours ago a 12 member jury in Fairbanks found a man guilty of manslaughter in an auto wreck that took the life of a 25 year old woman. She had the misfortune to be driving on a straight, clear section of state highway when a drunk driver turned into the path of her car on Jan. 7, 1985. In testimony during the trial the defendant admitted he was drunk. It would have been difficult to have argued to the contrary since his blood alcohol content was $2\frac{1}{2}$ times the legal state limit. Testimony during the trial also established the defendant had been drinking for a matter of hours at one bar, about a half mile from where the fatal accident occurred. Was the defendant served alcoholic beverages when he was legally drunk? When his BAC reading was $2\frac{1}{2}$ times the legal limit when blood was drawn almost two hours after the accident? Testimony during the trial also established the defendant had a passenger in his vehicle, an off duty bartender at the establishment where he got drunk, who admitted she was too drunk to drive her car, and who already had a previous DWI on her

license. Was she served alcoholic beverages after she was legally drunk? She testified she remembered nothing of the short ride she took in the defendant's car until the impact. We maintain bars must be held to a higher level of accountability. We think HB 345 will be a step in the right direction. Gov. Sheffield thinks so, too. We sincerely hope you will agree and swiftly pass this bill.

Now, you will hear testimony that this bill somehow imposes a stricter standard on bars than is required of other legal businesses, that sale of alcohol is just that, a legal business. We agree it is a legal business. It is also a highly regulated business, a fact that bar owner's cannot be unaware of when they go into business, but a liquor license is also a hot property, eagerly sought after.

Madam Chairman and Committee members, please consider HB 345 in the light of being a victim's bill. Or more properly, a bill that may just save an innocent person, like that 25 year old woman killed in a needless accident because a driver with a BAC of .25 was turned loose on a public highway.

COURT CASE REFERRED TO IS STATE OF ALASKA
VS JOHN S. WILBER, BAR WHERE MR. WILBER ACQUIRED
HIS .25 BAC. IS "BULLS EYE BAR" ON CHENA HOT
SPRINGS ROAD.

Bleu Madeney
1136 SUNSET DR.
FAIRBANKS, AK. 99701
456-4610

House S.A.

APR 19 1985

TELECOPY COVER SHEET
FAIRBANKS INFORMATION OFFICE

TO: JNU ~~FOR~~ Rep. NURLEY Bouchee
NAVARRE M.M. Miller
PHONE: _____

FROM: Glenn Hackney CATO, JENKINS, COLLINS
FBI PHONE: _____

ADDITIONAL INSTRUCTIONS: Please deliver

DATE/TIME SENT: 4/19/85 SENT BY: Annie

PLEASE ACK. RECEIPT: X HOLD FOR PICK-UP: _____

NUMBER OF PAGES: 2 (NOT COUNTING COVER SHEET)

Testimony

Municipality
of
Anchorage



C/O Municipal Clerk's Office
POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
WORK: (907) 276-3325
HOME: (907) 783-2756

DANA BROCKWAY
ANCHORAGE ASSEMBLY

February 20, 1985

Honorable Representative Don Clocksin
Majority Leader
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Clocksin:

On behalf of many of us wrangling on a local level with problems associated with drunk driving and alcohol abuse, I wish to thank you for the major task you undertook chairing the Governor's Task Force on Drunk Driving. I have recently reviewed your report to Governor Sheffield and found of particular interest the recommendation that a mechanism be enacted that would require licensing and standardized training of liquor servers.

It is clear that knowledgeable intervention at the point of sale cannot help but reduce, even in small measure, some of the tragic incidents arising from drunken driving. As you know there is even some liquor industry support for such a mandatory measure. A voluntary training program (T.A.M.) has been offered with fairly good participation by the industry in Anchorage.

I have been exploring a measure to require such licensing and training by ordinance for several months, and have had an opportunity to attend one of the T.A.M. sessions. It seems to provide a good overview of the legal/ethical responsibilities and the technical aspects of liquor sales.

I would urge a continued look at strategies such as this and would again like to thank you for your efforts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dana Brockway". The signature is written in dark ink and is positioned above the typed name.

DANA BROCKWAY
Assembly Member

DB:cl

APR 22 1985

no address

FOR BILL #345

4/18

Madam Chairman,

My name is David B. Goldstein. I am a member of MADD, a single parent, a past bartender, and a ^{past} bar manager.

It's very important to recognize that a drunk person loses the ability to function responsibly. In other words, they can't tell if they are drunk or not!

The gentleman from Haines brought up "shared responsibility" and I agree. Those who serve alcohol must share in the responsibility of keeping the drunk driver from driving!

Why not adopt an alcohol tax to fund classes for owners and servers to readily recognize a legally drunk person? Use portions of this tax to fund small breath machines at each bar (maybe the alcohol industry can help with this, as well as insurance companies).

Let's also ask "Does a drug pusher not have responsibility for supplying a drug?" An anesthetist takes responsibility for administering (or supplying) anesthetics, as does a dentist for supplying novocaine. The list is endless!

I trust the dram shop bill will be passed and that my 13 year old daughter, and in fact all of us, will have a much less chance of becoming a drunk driver's victim!!!

Thanks,
David Goldstein

ALASKA STATE LEGISLATURE
Katie Hurley, House of Representatives



Pouch V
Juneau, Alaska 99811
Ph: (907) 465-4763
Box 870157
Wasilla, Alaska 99687

*Chair, State Affairs Committee
Member, Health Education & Social Services
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries*

April 11, 1985

Mr. Larry Henderson
SRA Box 6870
Palmer, Alaska 99645

Dear Mr. Henderson:

Thank you for your message concerning the revisions of the dram shop laws.

Next Thursday, April 18, at 3:00 p.m., the House State Affairs Committee, which I chair, will be holding a teleconference on House Bill No. 345--dram shop law revision. The teleconference is open to the public and comments are welcomed. Contact the Wasilla Legislative Information Office if you would like to testify.

Please feel free to contact me with any other concerns you may have in the future.

Sincerely,

Katie Hurley

Katie Hurley
Representative

TO: SENATORS KERTTULA AND DEVRIES
REPRESENTATIVES LARSON AND HURLEY

FROM: LARRY HENDERSON
SRA BOX 6870
PALMER 99645
745-3642

RE: DRAM SHOP LAWS

I WOULD SUPPORT THE REVISIONS TO THE DRAM SHOP LAWS AS
SUGGESTED BY THE GOVERNOR'S TASK FORCE ON DRUNK DRIVING BECAUSE IT
WOULD REDUCE THE NUMBER OF DRUNK DRIVERS ON THE ROAD.

TO: REPRESENTATIVE HURLEY
COPIES TO: SENATORS DEVRIES AND KERTTULA
REPRESENTATIVE LARSON

1610 PATTERSON ST., ANCHORAGE, 99504,

ATE INTRODUCTION AND PASSAGE OF LEGISLATION
AW TO ELIMINATE REQUIREMENT FOR PROOF OF
PART OF VENDORS OF ALCOHOLIC BEVERAGES.

END OF MESSAGE/BONNIE

TO: ALL LEGISLATORS

HB 345

FROM: DAVID GOLDSTEIN, 13121 LUPINE RD., P.O. BOX 103886,
ANCHORAGE, 99510, 345-5397(HM), 271-5105(WK)

RE: DRAM SHOP LEGISLATION

PLEASE ENCOURAGE THE SUBMISSION, AND PLEASE SUPPORT THE REVISED
DRAM SHOP LEGISLATION NOW. THANKS

TO: ALL LEGISLATORS

FROM: MARTHA ELSON
12641 LUPINE RD.
ANCHORAGE, AK. 99516
PHONE 345-3041 HM

MAR 28 1995

RE: DRAM SHOP LAW

PLEASE EXPEDITE IMMEDIATE INTRODUCTION AND PASSAGE OF
LEGISLATION CHANGING DRAM SHOP LAW TO ELIMINATE
REQUIREMENTS FOR PROOF OF CRIMINAL NEGLIGENCE ON PART
OF VENDORS OF ALCOHOLIC BEVERAGES.

pet

APR 23 1935

Honorable Thacker;

I have attended many trials in
valuing D. H. I. Time after time,
expert medical testimony has
been given that when a person is
drinking, his judgment becomes
impaired very rapidly and he
is no longer capable of making
rational, normal decisions. In other
words, he doesn't know when he
should stop drinking.

I am in favor of passage of
H. B. 345 which, I feel, is reasonable
and workable. The opponents of
the bill have indicated it
would require liquor dispensers
to determine when a person is
legally intoxicated. A reading
of the bill shows this premise
is not obviously erroneous. The
liquor server is required only to
recognize one "who exhibits those
observable or reasonably discover-
able outward manifestations of
behavior commonly known to
be produced by the overcon-
sumption of a alcoholic beverage".

APR 19 1985

House S.A.

TELECOPY COVER SHEET
FAIRBANKS INFORMATION OFFICE

TO: JNU ~~REP.~~ Rep. Hurley NAVARRE Boucher
M.M. Miller
PHONE: _____

FROM: Glenn Hackney CATO, Jenkins, Collins
, FBKS
PHONE: _____

ADDITIONAL INSTRUCTIONS: Please deliver

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April 18, 1985

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How, you may ask, do we feel the passage of this bill will help. The Alaska Supreme Court in Nazareno states: "it is clear the vendor is under a duty not to sell liquor where the sale creates a risk of harm to the customer or to others." We think passage of this bill will elevate the standard of responsibility and accountability for those who serve alcoholic beverages.

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VS JOHN S. WILBER, BAR WHERE MR. WILBER ACQUIRED
HIS .25 BAC. IS "BULLS EYE BAR" ON CHENA HOT
STRINGS ROAD.

Bless Hadaway
1136 SUNSET DR.
FAIRBANKS, AK. 99701
456-4610



ALASKAN INSURANCE & MARINE UNDERWRITERS AGENCY

3900 ARCTIC BLVD. SUITE 104 • ANCHORAGE, ALASKA 99503 • (907) 561-1360, TELEX 26-424

April 19, 1985

TO: Interested Legislators

SUBJECT: House Bill 345

In reviewing the above bill and supplement from Governor Sheffield, I wish to take issue with a couple of items;

1. The Division of Insurance states that the possible changes in our current law is not the cause of the increasing cost of insurance. This is a true statement but did the division continue to ask the questions, "What if the bill is passed"? "What will be the availability of insurance"? Our Division of Insurance should do their homework and contact all companies who are on the state's "white list" and get answers to these questions.

2. Governor Sheffield points out that the state now has "mandatory automobile liability". Our so called mandatory insurance is just like a snake without teeth. Every automobile in the state that is not required to file proof of insurance current, have the right to "kill" one time before the current law makes you show proof of insurance.

In closing, I ask all elected officials to look at the total population of our fine state, not just special interest groups.

Regards,


Jerry L. Beltz
ALASKAN INSURANCE & MARINE UNDERWRITERS

JLB/it

Handwritten note:
HB 345
file

 *
 * DELIVER TO: JIM
 *
 * ORIGINAL
 * SENT: 04/04/85 TIME: 11:26
 * FROM: MAXINE WALTON
 * SUBJECT: POM
 * PRINT DATE: 04/04/85 TIME: 11:27
 *

TO: REPRESENTATIVE HURLEY

FR: GLENN HACKNEY
 REPRESENTING M.A.D.D.
 1136 SUNSET DRIVE
 FAIRBANKS 99701

APR 5 1985

PH: 456-4610 (H) <

RE: HB 345 DRAMSHOP BILL

MSG: WHEN DO YOU PROPOSE TO HOLD A HEARING ON HB 345?

~~notified~~ 4/11/85 notified 4/12 and 4/18 MAs
 4/12 send your letter to him

Judkins Construction Co.



Box 65
Moose Pass, Alaska 99631
(907) 288-3601



Licensed and Bonded
General Contracting

APR 24 1985

Rep Katie Harley

Subj. Drunk Driving -

Have you considered issuing licenses to drink to people when they reach "drinking age" - with standards for suspending or revoking the licenses for abuse ie drunken driving etc? Then require that persons not sell alcohol to people that do not ~~poss~~ have a valid license to drink.

It seems to me that legislation of this nature would clearly define everyone's responsibility in the matter.

Cliff Judkins

Led
Kerette Patti

*
* DELIVER TO: JPOM *
*
* ORIGINAL *
* SENT: 04/01/85 TIME: 13:44 *
* FROM: LIOF *
* SUBJECT: POM/FAIRBANKS AN *
* PRINT DATE: 04/01/85 TIME: 13:45 *
*

16

HB 345

TO: HOUSE STATE AFFAIRS COMMITTEE

REPS: HURLEY, NAVARRE, CATO, BOUCHER, M.M. MILLER, COLLINS,
JENKINS

INTERIOR DELEGATION

REPS: M.W. MILLER, RINGSTAD, FRANK, DAVIS, KOPONEN
SENS: BENNETT, COGHILL, FAHRENKAMP

FROM: DON TROUTMAN, DBA TWO RIVERS LODGE RESTAURANT, 2453
HOMESTEAD DRIVE, NORTH POLE 99705

PHONE: 488-6300

APR 1 1985

RE: HB345 LIABILITY OF VENDORS OF ALCOHOLIC BEV.

I DON'T OPPOSE THE BILL. I DO OPERATE A RESTAURANT/BAR; 80 PERCENT FOOD, 20 PERCENT LIQUOR. MY INSURANCE IS GOING FROM \$300 TO \$5,000 DUE TO THE MARKETS. ALL THE INSURANCE COMPANIES ARE PULLING OUT OF ALASKA. ARE YOU GOING TO FIND AN INSURANCE MARKET FOR ME OR DO I HAVE TO CLOSE MY DOORS. A RESTARANT TYPE ORGANIZATION WHICH I HAVE DOES NOT HAVE THE PROFIT OF BARS. APPRECIATE A REPLY.

MEMORANDUM

TO: The Honorable Katie Hurley
Chairman
House State Affairs Committee

APR 18 1985

FROM: Jerry Reinwand



DATE: April 18, 1985

During today's teleconference on H.B. 345 I expect the following persons to request to testify at the following locations:

Anchorage

- Tiny DeSapio, President, CHARR
- Charlie Selman, Secretary/Treasurer, CHARR
- Carroll Raney, Board Member, CHARR
- Don Skewis, Board Member, CHARR
- Mel Parrish
- Chuck Powell
- Bob Whitmarsh, Assistant Vice President, Marsh & McLennan
- Bob Esterling
- Ken Paulson, union representative
- Dale Fox, Alaska Visitors Association

Fairbanks

Several persons are expected to testify, but we have been unable to obtain names.

Delta Junction: Bob Cramer, Board Member, CHARR

✓ Ketchikan: Jim Elkins, Board Member, CHARR

✓ Sitka: Stan Filler, Board Member, CHARR

Kodiak: Bill Hogan, Bob Blair

Kenai: Thelma McConnell

Soldotna: Charlie Cunningham

As there is a tremendous degree of interest in the hospitality industry in H.B. 345, there may be other persons from the industry who plan to testify but have not notified the CHARR office. We hope that you and the other Committee members will find time to let each of these persons testify.

Called letter

NOTIFICATION LIST:

✓ Alcoholic Beverage Control Board ✓
✓ DEPT. OF LAW ✓
George Mundell
Office of Alcoholism & Drug Abuse ✓
Pouch H
Juneau, Ak. 99811
586-6201

✓ Alaska State Troopers ✓
State Council on Alcohol & Drug Abuse
Alcohol Advisory Board
Liquor Wholesale Dealers

✓ Bob Nestle (called in for information) ✓
Eagle River, Ak.
694-4372

✓ J.P. Tangen (atty. interested after session mtg.) ✓
Juneau, Ak.
586-3340

✓ Glenn Hackney (madd member, former legislator, wanted to testify)
HM 456-4610
WK 488-2556

✓ Gordon Depue (Fbks. insurance)
HM 488-6012
WK 452-5161

✓ Katherine Bigler *
MADD
711 "H"
Anchorage, Ak. 99501
279-madd

✓ Leonard Nugen (gov's task force) *
Nugen's Ranch
P.O. Box 1545
Wasilla, Ak. 99687
376-4534

✓ Phillip Volland (atty) *
211 "H"
Anchorage, Ak. 99501
276-5231

X

X

X

Jan Wrentmore - 983.2413
bx 271

Skagway 99840

Pist Jones 766-2581
bx 244

Haines 99827

*

~~HR 345~~ NOTIFICATION LIST

~~LIST FROM HSA MEETING 4-18-85~~

- ✓ HARNET LAWREN 5757 So. TAHITI LOOP 99507
* Bob Moloney 1050 Kellum, Fbks 99701 452-2437 against
* Larry Hackenmiller 2712 Jessie Fbks 99701 456-5957 against
* Larry Wike 2406 Cushman Fbks 99701 452-3131 against
* June Gerrish 5800 Glenn Hwy Anch 338-0383
* Cheryl Jong 2701 Raspberry Rd. Anch 99502 243-7539
* Barbara Bailey 7521 Old Seward Hwy Anch 349-6602
* Jack Kleinkauf 1689 "C" Anch 276-2700
* Bob Esterling P.O. Box 5-1598 Anch 279-3511
* Stan Filler CHARR Box 777 Sitka 747-8815
* Frank O. Williams, Jr. (govs task force) Box 2428 Sitka 966-8368
* Richard Fredricks Box 621 Haines
* Jim Elkins Focsle Inc 312 Front Ketchikan 99901 225-4830
* Gordon Gray Ketchikan Bowling Cntr 2050 Sea Level Ketchikan 225-9011
* Tom Sweeney Box 1395 Kodiak 99615 486-3101
* Ron Ball Box 2485 Kodiak 99615 486-3966
* Marsha Melton Ak. State Fair P.O.Box 1128 Palmer 99645
* Carl Heyand Willow Tree Box 154 Dillingham 842-5146
* Shirley Wiggins Sea Inn Inc. Box 193 Dillingham 842-9992
* John Ritterbach King Ko Inn Box 346 King Salmon 246-3377

unable to testify:

- ✓ Glenn Hackney 1136 Sunset Fbks 99701 456-4620 for
✓ Gordon Depue P.O. Box 531 Fbks 99701 against
✓ Kerwin Tschetter P.O. Box 81343 College 99708 against

~~THERE WERE ALSO PEOPLE OBSERVING BUT THEY ARE NOT LISTED HERE~~

called letter
*
HB 345 NOTIFICATION LIST CONTINUED:

*
✓ Tiny DeSapio
CHARR
272-8133

RADIO/NEWSPAPER

ALL SENT PSA & PRESS RELEASE 8-23-85

✓ KABN 892-6259
Box 250368
Big Lake 99652

✓ Frontiersman/Valley Sun 376-3288
Pouch M
Wasilla 99687

✓ KNBZ
Box 871890² Wasilla 99687

✓ Daily News
200 mPotter
Anchorage 99502

✓ Senior Voice 277-0787
325 East Third
Anchorage 99501

✓ Times 263-9000
820 West Fourth
Anchorage 99501

✓ KENI (272-7461)
1777 Forest Park Drive
Anchorage 99517

✓ KNIK & KBYR 562-3456
1007 West 32nd
Anchorage 99503

✓ KKLV & KHAR 522-3422
P.O. Box 111566
Anchorage 99511

✓ KGOT & KYAK 563-3311
2800 East Dowling
Anchorage 99507

✓ KRKN 277-5756
338 Denali
Anchorage 99501

HB 345 NOTIFICATION LIST CONTINUED:

✓ KFQD 344-9622
9200 Lake Otis

*** FINAL T/C STATS ***

DATE: 4-18-85
SITE: FAIRBANKS
SPONSOR: HOUSE STATE AFFAIRS COMMITTEE
SUBJECT: HB 345, DRAM SHOP
LOCAL MODERATOR: PAULA GRAY

TESTIFIED:

NAME/REPRESENTING	ADDRESS	PHONE
1. BOB MOLONEY (AGAINST)	1050 KELLUM, FBX, 99701	452-2437
2. LARRY HACKENMILLER (AGNST)	2712 JESSIE, FBX, 99701	456-5957
3. LARRY WIKE (AGAINST)	2406 CUSHMAN, FBX, 99701	452-3131

UNABLE TO TESTIFY

1. GLENN HACKNEY (FOR)	1136 SUNSET DR, FBX, 99701	456-4610
2. GORDON DEPUE (AGAINST)	PO BX 531, FBX, 99701	452-5144
3. KERWIN TSCHETTER (AGNST)	PO BX 81343, COLLEGE, AK, 99708	479-8275

OBSERVED: NAME/REPRESENTING ADDRESS PHONE

1. SEPTEMBER LAAKSO	PO BX 124, FBX, 99707	479-2020
2. DEKE BURNETT	PO BX 139, FBX, 99707	456-6133
3. JUAN AINCIBURN	1016 4TH, FBX, 99701	456-6410
4. ANNETTE GERBANNA	BOX 675, FBX, 99707	474-4839
5. JANA BACK	307 BENTLEY DR. E., FBX, 99701	456-6410
6. RONALD FRANKLIN	SR 22001, 5760 STEESE, FBX, 99701	452-3808
7. TIM VAN DONSEL	PO BX 58214, FBX, 99707	488-6757
8. RYAN WALRATH	PO BX 1937, FBX, 99707	479-5848
9. TIM LOHMAN	225 WOODRIDGE #28, FBX, 99701	479-6729

TESTIFIED: 3
OBSERVED: 12
TOTAL: 15

TIME START: 3:00 PM
TIME END: 4:30 PM

*** FINAL T/C STATS ***

DATE: _____ APRIL 18, 1985 - THURSDAY _____
 SITE: _____ ANCHORAGE - MAIN MEETING ROOM _____
 SPONSOR: _____ HOUSE STATE AFFAIRS _____
 SUBJECT: _____ HB 364 - ALCOHOL LEGISLATION _____
 LOCAL MODERATOR: _____ DAVID J _____

TESTIFIED:

NAME/REPRESENTING	ADDRESS	PHONE
JUNE GERRISH	5800 GLENN HWY ANCH	338-0333
CHERYL JONG	2701 RASPBERRY ANCH 99502	243-7539
KATHERINE BIGLER	2526 ARLINGTON ANCH	277-5853
TINY DESAFIO	264 MULDOON RD ANCH	338-9905
BARBARA BAILEY	7521 OLD SEWARD ANCH	349-6602
JACK KLEINKAUF	1689 C STREET ANCH	276-2700
BOB ESTERLING	P O BOX 5-1598 ANCH	279-3511

OBSERVED: PLEASE GIVE TO CHAIRPERSON-PEOPLE WHO DIDN'T GET TO SPEAK

NAME/REPRESENTING	ADDRESS	PHONE
JERRY BELTZ - AGAINST	2109 CORNELL ANCH	561-1360
ROBERT WHITMARSH - AGAINST	P O BOX 4-A ANCH	276-5424
MR. WHITEKEYS - AGAINST	3300 SPENARD ANCH	279-SPAM
DAVID B GOLDSTEIN - AGAINST	P O BOX 103886 ANCH	345-5397
DALE G FOX - AGAINST	3520 A STREET ANCH	
OPAL MYERS - AGAINST	739 4THA AVENUE ANCH	276-9354
DOTTY SELMAN - AGAINST	P O BOX 104839 ANCH	272-8133
WANDA WHEELER - FOR	1610 PATTERSON ANCH	333-4382
PHILLIP VOLLAND - FOR	211 H STREET ANCH	276-5231

TO OBSERVE:

NAMES/REPRESENTING	ADDRESS	PHONE
HARRIET LAUDOR	523 WEST 8TH ANCH 99501	272-6591
CHARLES SELMAN	811 DOGWOOD ANCH	272-2700
BARBARA DURANT	2421 EAST TUDOR ANCH	561-1912
STEVE BILBREY	2811 SPENARD ANCH	561-5368
JERRY WHITMAN	3408 LOIS DRIVE ANCH	276-2642
DEANNE LEIGHTON	S R BOX 164 A E.RIV 99577	694-9941
PATRICK SHARROCK	471 WEST 36TH AVE ANCH 99501	277-8638
ETHEL KYZER	3209 DENALI ANCH 99503	243-1072
MR. LARSON	BOX 194 ANCH 99510	
ANTON J WEISS	1001 LANCASTER ANCH	562-5738
JAN DICKEY	3500 LOIS DRIVE ANCH	561-9251

TESTIFIED: ___07___
 OBSERVED: ___20___
 TOTAL: ___27___

TIME START: ___3:00___
 TIME END: ___4:30___

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*****
*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 04/19/85 TIME: 11:16
* FROM: LIOSOL
* SUBJECT: FINAL STATS
* PRINT DATE: 04/19/85 TIME: 11:16
*
*****

```

FINAL T/C STATS

DATE: 4/18
 SITE: SOLDOTNA
 SPONSOR: HOUSE STATE AFFAIRS
 SUBJECT: HB 345 CIVIL LIABILITY OF VENDORS OF ALCOHOLIC BEVERAGES
 LOCAL MODERATOR: TIM/BECKY

OBSERVED AND ARE AGAINST THIS BILL

NAME/REPRESENTING	ADDRESS	PHONE
JD. & CHARLOTTE BARRY	LARRY'S D & L CLUB, KENAI,	99611 2839935
SHERRY AND M.L. USLEAMAN	LARRY'S D & CLUB, KENAI,	99611 2839935
L.D. HAS	KENAI MERIT INN, KENAI,	99611 2837566
MICKI KOBYLK	NIGHTWATCH/BEAR DEN/BOX 720, SOLDOTNA,	99669 2624335

TESTIFIED: ___0___
 OBSERVED: ___6___
 TOTAL: ___6___

TIME STARTED: _____
 TIME ENDED: _____

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*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 04/18/85 TIME: 16:36
* FROM: LIOVAL
* SUBJECT: HB 345
* PRINT DATE: 04/18/85 TIME: 16:40
*
*****

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*** FINAL T-C STATS ***

```

DATE: APRIL 18, 1985
SITE: VALDEZ, AK
SPONSOR: HOUSE STATE AFFAIRS
SUBJECT: HB 345 ALCOHOLIC BEVERAGE LIABILITY
LOCAL MODERATOR: DEBBIE SANFORD

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TESTIFIED: 0
NAME--REPRESENTING ADDRESS PHONE

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```

OBSERVED: 4
NAME--REPRESENTING ADDRESS PHONE
1. MARK LEE, PIPELINE CLUB BOX 65 835-4386
VALDEZ, AK. 99686
2. DENNIS BAIM, CLUB VALDEZ BOX 1093 NA
VALDEZ, AK. 99686
3. TOM BINGHAM, CLUB VALDEZ BOX 1452 835-4332
VALDEZ, AK. 99686
4. CONNIE HARRISON BOX 648 835-4447
VALDEZ, AK. 99686

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TESTIFIED: 0 TIME START: 3:02PM
OBSERVED: 4 TIME END: 4:30PM
TOTAL: 4

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*
* DELIVER TO: TCJNU *
*
* ORIGINAL *
* SENT: 04/18/85 TIME: 16:42 *
* FROM: JOHN HENSLEY *
* SUBJECT: FINAL STATS *
* PRINT DATE: 04/19/85 TIME: 16:42 *
*

***** FINAL STATS *****

DATE: APRIL 18, 1985
SITE: KOTZEBUE
SPONSOR: HOUSE STATE AFFAIRS
SUBJECT: HB 345: CIVIL LIABILITY OF VENDORS OF ALCOHOLIC
BEVERAGES
MODERATOR: JOHN P. HENSLEY, KOTZEBUE LIO

OBSERVED:

RICHARD H. ERLICH, FSO CON, BOX 565, KOTZEBUE - PH. 442-3070
BRIAN BIGLER, AGAINST HB 345, BOX 686, KOTZEBUE - PH. 442-3852
DONNA BIGLER, AGAINST HB 345, BOX 686, KOTZEBUE - PH. 442-3562
BETTY RANDALL, CON, BOX 320, KOTZEBUE - PH. 442-3245

TESTIFIED: 0
OBSERVED: 4
TOTAL: 4

TIME STARTED: 3:00 P.M.
TIME ENDED: 4:30 P.M.

***** EOM *****

*
 * DELIVER TO: TCJNU *
 * *
 * *
 * ORIGINAL *
 * SENT: 04/18/85 TIME: 16:54 *
 * FROM: ELAINE SUNDE *
 * SUBJECT: FINAL STATS *
 * PRINT DATE: 04/18/85 TIME: 16:54 *
 * *

TO JUNEAU T.C.
 FR ELAINE, SITKA

FINAL STATS 4/18 H-SA

- SITKA 2 TESTIFIED----- 0 OBSERVED
- 1. STAN FILLER, REPRESENTING STATE/LOCAL CABARET, HOTEL, RESTAURANT, & RETAILERS (CHAR) ASSOCIATION
 BOX 777, SITKA 747-8815
 - 2. FRANK O. WILLIAMS, JR., GOV'S TASK FORCE ON DRUNK DRIVING
 BOX 2428, SITKA 966-8368

HAINES 1 TESTIFIED----- 2 OBSERVED
 TESTIFIED:
 1. RICHARD FREDRICKS, BOX 621, HAINES

OBSERVED:
 1. BRUCE YATES, BOX 4-13, ANCHORAGE 99509
 2. PAT JONES, BOX 249, HAINES

```

*****
*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 04/18/85 TIME: 17:17
* FROM: BONNIE POTTER
* SUBJECT: 4/18/85 HOUSE SA HB345
* PRINT DATE: 04/18/85 TIME: 17:17
*
*****

```

*** FINAL T/C STATS ***

DATE: __APRIL 18, 1985__
SITE: __KETCHIKAN__
SPONSOR: __HOUSE STATE AFFAIRS COMMITTEE__
SUBJECT: __HB 345 CIVIL LIABILITY OF ALCOHOL VENDORS__
LOCAL MODERATOR: __JUNE ROBBINS__

TESTIFIED:

NAME/REPRESENTING ADDRESS PHONE

1. JIM ELKINS, FOCSLE, INC., 312 FRONT ST., KETCHIKAN, AK. 99901,
PHONE 225-4830
2. GORDON GRAY, KETCHIKAN BOWLING CENTER, 2050 SEA LEVEL,
KETCHIKAN, AK. 99901, PHONE 225-9011

OBSERVED:

NAME/REPRESENTING ADDRESS PHONE

1. ARNE IVERSON, INDIVIDUAL, 1831 TONGASS, KETCHIKAN, AK. 99901
PHONE 225-9841

TESTIFIED: ____2____
OBSERVED: ____1____
TOTAL: ____3____

TIME START: 3:00 PM____
TIME END: 4:30 PM____


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*****
*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 04/18/85 TIME: 16:30
* FROM: TCGLN
* SUBJECT: FINAL STATS
* PRINT DATE: 04/18/85 TIME: 16:38
*
*****

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*****
E_I_N_A_L____S_I_A_I_S
*****
LEGISLATIVE TELECONFERENCE NETWORK
*****

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DATE: 04-18-85
SITE-MODERATOR: GLENNALLEN-REBA
SPONSOR: H ST AFFAIRS
SUBJECT: HB 345 ALCOHOLIC BEVERAGES

```

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0 TESTIFIED T-C BEG'N: 3:10
4 OBSERVED T-C ENDED: 4:30
4 TOTAL JNU MODERATOR AIIN KARLA

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*****
NAME ADDRESS-PHONE TESTIFIED - OBSERVED
*****
MENTASTA - DOC MACLEAN X
2. TERRY MACLEAN MENTASTA LODGE, TOK 99780 X
3. PATRICK JASPER MENTASTA, TOK 99780 X
4. DUTCH LONGENECKER SLANA, GAKONA 99586 X

```

EOM

```

*                                     *
* DELIVER TO: TCJNU                   *
*                                     *
* ORIGIN:                               *
* SENT:          04/18/85  TIME: 16:33 *
* FROM:          LIOKOD                 *
* SUBJECT:       FINAL STATS           *
* PRINT DATE:    04/18/85  TIME: 16:39 *
*                                     *
*****

```

*** FINAL T/C STATS ***

```

DATE:    __APRIL 18, 1985__
SITE:    __KODIAK LIO__
SPONSOR: HOUSE STATE AFFAIRS
SUBJECT: __HB 345 - ALCOHOLIC LIABILITIES__
LOCAL MODERATOR: __MARY JO__

```

```

TESTIFIED:
NAME/REPRESENTING      ADDRESS      PHONE

```

1. TOM SWEENEY, BOX 1395, KODIAK 99615, 486-3101
2. RON BALL, BOX 248 5, KODIAK 99615, 486-3966

```

OBSERVED:
NAME/REPRESENTING      ADDRESS      PHONE

```

1. JOHN SWEENEY, BOX 1395, KODIAK 99615, 486-3101
2. BILL BISHOP, 302 MARINE WAY, KODIAK 99615, 486-3364
3. BILL HOGAN, BOX 117, KODIAK 99615, 486-3258
4. JOHN NOSICH, BOX 645, KODIAK 99615, 486-5490
5. DAVID CUMMUSKEY, BOX 3278, KODIAK 99615, 487-4467
6. RAY LE-GRUE, BOX 947, KODIAK 99615, 486-4046
7. ANDY LUNDQUIST, BOX 589, KODIAK 99615, 486-6445

```

TESTIFIED:    ___2___
OBSERVED:     ___7___
TOTAL:        ___9___

TIME START:   3:15PM
TIME END:     4:30PM

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*****
*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 04/18/85 TIME: 16:34
* FROM: LIOFSG
* SUBJECT: FINAL STATS--HB 345 T/C
* PRINT DATE: 04/18/85 TIME: 16:39
*
*****

```

*** FINAL T/C STATS ***

DATE: APRIL 18, 1985
SITE: PETERSBURG
SPONSOR: HOUSE STATE AFFAIRS COMM.
SUBJECT: HB 345 - LIAB. OF ALCOHOL VENDORS
LOCAL MODERATOR: CRIS

TESTIFIED:

NAME/REPRESENTING	ADDRESS	PHONE
-------------------	---------	-------

WE HAD NO PARTICIPANTS.

OBSERVED:

NAME/REPRESENTING	ADDRESS	PHONE
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*
* DELIVER TO: TCJNU *
* *
* *
* ORIGINAL *
* SENT: 04/18/85 TIME: 16:34 *
* FROM: LIODJT *
* SUBJECT: DELTA FINAL STATS *
* PRINT DATE: 04/18/85 TIME: 16:39 *
* *

***** DELTA FINAL TC STATS *****

DATE: APRIL 18, 1985
SPONSOR: HOUSE STATE AFFAIRS
SUBJECT: HB 345: LIABILITIES OF ALCHHOL BEV VENDORS
SITE: DELTA
LOCAL MODERATOR: LIZ SARVER

TESTIFIED:

NO PARTICIPANTS

OBSERVED:

1. BOB CRAMER, P.O. BOX 485, DELTA JCT., AK 99737

TESTIFIED: 0

OBSERVED: 1

TOTAL: 1

EOM

* DELIVER TO: TCJNU *
* ORIGINAL *
* SENT: 04/18/85 TIME: 16:35 *
* FROM: LIOB *
* SUBJECT: FINAL STATS *
* PRINT DATE: 04/18/85 TIME: 16:40 *

*** FINAL STATS ***

TELECONFERENCE: HOUSE STATE AFFAIRS
DATE: APRIL 18, 1985
SITE: BETHEL
MODERATOR: GRACE

BETHEL HAD NO PARTICIPANTS.

EOM

```

*****
*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT:          04/18/85  TIME: 16:36
* FROM:          TCHOM
* SUBJECT:       FINAL STATS-HB 345
* PRINT DATE:   04/18/85  TIME: 16:40
*
*****

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*****
          E_I_N_A_L_____S_I_A_I_S
*****
LEGISLATIVE TELECONFERENCE NETWORK
*****

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DATE:          APRIL 18, 1985
SITE-MODERATOR:  HOMER-JEAN
SPONSOR:       HOUSE STATE AFFAIRS
SUBJECT:       HB 345, CIVIL LIABILITY OF VENDORS OF ALCOHOL

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0-   TESTIFIED          T-C BEGAN:   3:00
3-   OBSERVED          T-C ENDED:   4:30
3-   TOTAL              JNU MODERATOR  AIIN KARLA

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*****
NAME                ADDRESS-PHONE                TESTIFIED - OBSERVED
*****
1. ANGELO HILLAS, BOX 102, HOMER, AK. 235-8545      X
2. JAMES H. DAUGHERTY, BOX 618, HOMER 235-7495      X
3. ROBERT J. KLEMKE, BOX 2157, HOMER 235-7864      X

```

ALL THREE WERE OPPOSED TO THIS BILL

*
* DELIVER TO: TCJNU *
* *
* ORIGINAL *
* SENT: 04/18/85 TIME: 16:35 *
* FROM: LIOR *
* SUBJECT: FINAL STATS *
* PRINT DATE: 04/19/85 TIME: 09:11 *
* *

*** FINAL STATS ***

TELECONFERENCE: HOUSE STATE AFFAIRS
DATE: APRIL 18, 1985
SITE: BETHEL
MODERATOR: GRACE

BETHEL HAD NO PARTICIPANTS.

EOM

```

*****
*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 04/18/85 TIME: 18:41
* FROM: TCMAT
* SUBJECT: H. STATE AFFAIRS
* PRINT DATE: 04/19/85 TIME: 09:08
*
*****

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*** FINAL T/C STATS***

```

DATE: _____4/18/85_____
SITE: _____MAT=SU_____
SPONSOR: _____H. STATE AFFAIRS_____
SUBJECT: HR345 - CIVIL LIABILITY OF ALCOHOLIC VENDORS
LOCAL MODERATOR _____TERESA SALAZAR_____

```

TESTIFIED:

NAME/REPRESENTING	ADDRESS	PHONE
✓ MARSHA MELTON, DIRECTOR	AK STATE FAIR	
	P O BOX 1128	
	PALMER 99645	

OBSERVED:

NAME/REPRESENTING	ADDRESS	PHONE

TESTIFIED: ___1___
OBSERVED: ___0___
TOTAL: ___1___

TIME START: ___3:15PM___
TIME END: ___4:30PM___

FINAL STATS

HOUSE STATE AFFAIRS - HB345 CIVIL LIABILITY OF VENDORS OF ALCOHOLIC BEVERAGES

APRIL 18, 1985 - 3:00 PM

SITE: DILLINGHAM LIO

1. CARL HEYANO, OWNER, WILLOW TREE, BOX 154, DILLINGHAM, AK. -842-5146

2. SHIRLEY WIGGINS, OWNER, SEA INN INC., BOX 193, DILLINGHAM, AK. - 842-9992

NAKNEK LTC

TESTIFIED:

1. JOHN RITTERBACH, KING KO INN, BOX 346, KING SALMON AK. - PH. 246-3377

OBSERVED:

1. JUDY RITTERBACH, BOX 346, KING SALMON, AK. - 246-3377

2. JOAN KNUITSEN, BOX 176, NAKNEK, AK. 99633 - 246-4258

3. JIM PHELPS, BOX 135, NAKNEK, AK. - 246-4217

3. SCOTT JACOBSON, BOX 111, NAKNEK, AK. 99633 - 246-4217

NOTE OBSERVERS MAY BE SENDING COMMENTS TO COMMITTEE

HB 345

FRANK Wms.

Robt. Maloney - Fbks.

Marilyn Johnson gave suggestion

Richard Fredricks - HAINES - support

BARBARA BAILEY supp

June Garish supp

Froehlich

1. Adding people that should
be licensed :

2. see title

Jim Elkins - ketch oppose

John R. Hrbach

Glenn Mackley to send testimony

Larry Hackenmiller

Carol Jones - anch supp

Stan Feller - ketch opp

Marsha Melton - Palmer State Fair - MATSU - opp.

Katherine Bisler MADA supp. - anch

Charlie Stellman - anch Club Paris - opp.

Jack Kleinkauf - anch

Rob Ball Kodak opp

Gordon Gray ketch opp

Bob Esterlani distillers - anch

Larry Wike Fbks

Ting DeSapio



Official Business

Alaska State Legislature

House of Representatives

Committee on State Affairs

Capitol Room 102

Pouch V
State Capitol
Juneau, Alaska 99811

(907) 465-4963

PUBLIC SERVICE ANNOUNCEMENT

April 10, 1985

Katie Hurley, Chair of the House State Affairs Committee, announced today that the Governor's "dram shop" liability bill, HB 345, will be heard in a teleconferenced public hearing in the House State Affairs Committee April 18th at 3 p.m.

For more information contact your local Legislative Information Office or the House State Affairs Committee at 465-4963.

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IMPORTERS AND WHOLESALERS OF LIQUORS, WINES AND BEERS

FEB 11 1986

Representative Katie Hurley
Chair, House State Affairs Committee
Pouch V, State Capitol
Juneau, Alaska 99811

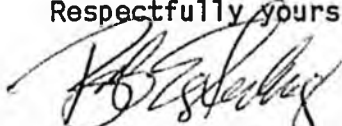
February 6, 1986

Dear Representative Hurley:

Thank you very much for your letter dated January 23rd regarding the tele-conference held Wednesday, February 5th. I was unable to attend this tele-conference, however Jack Braddock, the general manager for the Odom Company went in my place.

I sincerely appreciate you taking time to inform me of this tele-conference and if there is anything I can do to assist you or any information I can get for you, please don't hesitate to ask.

Respectfully yours,



ALASKA DISTRIBUTORS COMPANY
Robert Esterling
General Sales Manager



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

(907) 465-4963

PUBLIC SERVICE ANNOUNCEMENT

April 10, 1985

DRAFT DRAFT DRAFT

Katie Hurley, Chair of the House State Affairs Committee, announced today that the Governor's "dram shop" liability bill, HB 345 will be heard in a teleconferenced public hearing in the House State Affairs Committee April 18th at 3 p.m.

For more information contact House State Affairs at 465-4963.

Or your local Legislative Information Office

Katie for your approval

P.

*OK have you reached Reinwald?
need to be sure he knows before
PSA goes out.*

P.O. Box 1249
Haines, Alaska 99827

Feb 5, 1986

FEB 10 1986

Rep. Katie Hurley
Alaska State House of Rep.-Committee on State Affairs
Pouch V
Juneau, Alaska 99811

Dear Rep. Hurley,

Thank you for your efforts regarding H.B.345, the "Dram Shop" issue. It certainly seems to be an emotional and exhausting problem and an issue so necessary to work for in the slow but steady progression of steps evolving in the fight to reduce the terrible human tragedy and cost resulting from the abuse of alcoholic beverages.

Alaska needs "Dram Shop" legislation in order to help prevent the serving of alcoholic beverages to persons obviously drunk. The present law needs to be changed from criminal negligence to ordinary negligence. No business or institution or profession other than the alcoholic industry has the protection of criminal negligence.

Insurance seems to be a major talking point regarding the "Dram Shop" change. But the insurance problem is just as distressing and, in fact, more distressing to numerous businesses and programs across our state and needs to be addressed by our legislature with insurance to the alcoholic industry as only one of many facets of the problem. Malpractice insurance rose from approximately \$20,000 to \$40,000 for the small medical community of Haines. Premiums increased astronomically for our ambulance service, fire department, our pre-school and for our commercial fishermen to name a few. It is unreal to think about the number of dollars that will be pulled out of this valley for insurance premiums. So I do not think it fair or justifiable to delay "Dram Shop" reform or other alcohol legislation, e.g., H.B. 3, S.B.71 and S.B. 138, because of insurance difficulties for one industry.

Last winter I circulated a petition for MADD requesting that criminal negligence be changed to ordinary negligence in the present "Dram Shop" legislation. Approximately 200 registered voters in our valley of 1700 people signed the petition. Before beginning the circulation of the petition, I ask our local police, state troopers, a magistrate, Juneau law enforcement people and numerous people involved with alcohol problems or programs if they felt the requested change was appropriate and worth while. Everyone of these persons felt that we need the change from criminal negligence to ordinary negligence.

In the fall of 1984 the Governor's Task Force on Drunk Driving listed the "Bram Shop" changes as their first priority for legislation dealing with the terrible problem of alcohol abuse.

The Haines Women's Club unanimously backed the MADD petition in the winter 1984-85 and unanimously voted support of H.B. 345 last fall. We are approximately 30 strong and represent a good cross section of Haines residents and are a group not reluctant to speak out for what is right and just.

Not many years ago the thoughts of changing and improving the terrible tragedy of alcohol abuse was nearly unfathomable. Courageous people across our state and nation awakened us and showed that the tide can turn. These people have provided hope and inspiration. Slowly the social consciousness of our people is changing. There is so terribly much work yet to be done. I especially appreciate people like yourself who put so much time and effort into the legislative process of stemming the abuse of alcohol and demonstrating your concern - compassion for the people of Alaska.

Please support the "Bram Shop" change as well as H.B. 3, S.F. 71 prohibiting the carrying of open containers of alcoholic beverages in vehicles and S.B.138 which abolishes Happy Hours.

Thank you for the opportunity provided to many of us to testify at the legislature teleconference today and for accepting my thoughts in this letter.

Very Truly Yours,

Patt

Patty Jones

FEB 7 1986

Feb. 4, 1986

House State Affairs Committee
Rep. Katie Hurley Chair,
P.O. Box V
Juneau, AK. 99811

Dear Sirs:

As a bartender for twelve years I am well aware of the problems associated with excessive drinking. However, the dram shop law will only serve to make a difficult job impossible. I am more than willing to accept responsibility for serving an individual who is obviously drunk but working in a high volume bar or restaurant precludes the kind of scrutiny that this law would demand. Few bartenders or waitresses have the time to discover the amount of food eaten or the number of drinks consumed by a patron at a previous bar. To do so would not only be an unfair burden on bar and restaurant personnel, but would make owning a bar impossible by requiring numerous additional employees. Stricter enforcement of the current law will solve the problem without eliminating an important industry in our state.

Yours truly,
Bruce Weley
P.O. Box 59 Skagway AK 99840

TELECOPY COVER SHEET

FAIRBANKS INFORMATION OFFICE

TO: JNU

FOR: Rep. Hurley

PHONE: _____

FROM: Ralph Kavorkian

PHONE: _____

INSTRUCTIONS: Please call for pick up.

DATE/TIME SENT: 2/5/86

SENT BY: _____

PLEASE ACK. RECEIPT:

HOLD FOR PICK-UP: _____

NUMBER OF PAGES: 1 (NOT COUNTING COVER SHEET)

M A D D

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

Monday, February 3, 1986

Chairperson Katie Hurley
State Affairs Committee
Room 102 Capitol
Juneau, Ak 99811

Ralph Kavorkian
P.O. Box 2782
Fbks. Ak 99707

The Honorable Katie Hurley;

I am sorry I cannot testify via legislative conference on HB 345. I had the privilege of serving on The Governor's Task Force on Drunk Driving and took part in the procedure that resulted in the current form of HB 345 which is before your committee. Although the present bill is not in its original form as presented to the governor, it is a giant step in the right direction to help stop the pain, suffering and grief that has, and continues to, exist in the state of Alaska.

Representative Hurley, the time has come to stop the slaughter on our roads and highways and force those who are responsible to be accountable for their negligence.

The liquor lobby probably has brought much pressure on all the legislators to stop this bill, and to be quite honest, if I were dispensing liquor and enjoyed the unbelievable standard of negligence that they currently enjoy, I would fight it also. But another obligation has to be mentioned, and that is that every legislator is also mandated to pass laws that protect society. This bill, if enacted ten years ago could have saved the life of my wife, and the life of 15 year old Tonya Brantingham who were both murdered by a drunk driver on October 5, 1981. In addition my daughter Sarah Kavorkian was severely injured in that crash, and disfigured for life.

Although this bill is not the strongest bill that should be enacted, I can live with it as written at this time. If given a chance to work, it will have a favorable impact on society. Needless to say I urge you and your committee to support HB 345.

Thanking you for
your support,


Ralph Kavorkian

TELECOPY COVER SHEET

FAIRBANKS INFORMATION OFFICE

TO: TNU

FOR: Rep Hurley - Chairman of House, State Affairs

PHONE: _____

FROM: Phyllis Alexander PHONE: _____

INSTRUCTIONS: Please call for pick up.

DATE/TIME SENT: 2/5/86 SENT BY: Annie

PLEASE ACK. RECEIPT: HOLD FOR PICK-UP: _____

NUMBER OF PAGES: 2 (NOT COUNTING COVER SHEET)

M A D D

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

February 4, 1986

Honorable Katie Hurley
Chps. State Affairs Com.
Room 102 Capitol
Juneau, Ak 99811

The Honorable Katie Hurley;

As you may know Dram Shop legislation has been the number one legislative priority for Mothers Against Drunk Driving since our members served on the Governor's Task Force on Drunk Driving.

The "Work Draft" of HB 345 being used by your committee was not available to the Fairbanks Northern Lights Chapter of MADD until the afternoon of February 3, 1986. Consequently our members' comments have been primarily devoted to the context of HB 345 in its original form. However, our chapter meeting in January was devoted to the Dram Shop shop issue.

At that meeting George Mundell, from SOADA, indicated that some form of "Responsible Business Practices" as submitted by the Prevention Research Group of Berkeley, California might be incorporated into HB 345, and we do have a complete copy of that Model Dram Shop proposal. Discussion on 'responsible business practices' raised some questions from our members and generated a lively discussion.

The consensus from Fairbanks MADD members at that January meeting established that dram shop legislation's primary importance was to return the standard of liability from "criminal negligence" to ordinary negligence under the common law. Your "Work Draft" retains that measure. Our members generally agree that they view this piece of legislation as a deterrant rather than a punitive measure for liquor license holders.

Since HB 345 is viewed as a deterrant measure it has been expected that liquor license holders would employ responsible business practices to prevent law suits. It is hoped however, that by including criteria for "Responsible Business Practices" in HB 345 that liquor license holders will not be inclined to merely provide lip-service to those

①

MADD

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

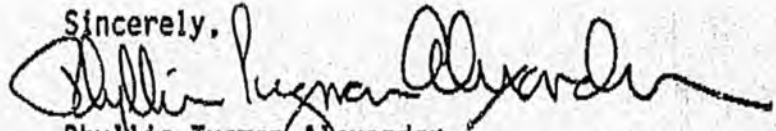
ideals. For instance a bar might readily post signs encouraging designated drivers and might have employees simply sign-off as having received "comprehensive training" at the same time other paperwork is filled out by new employees. Would such superficial efforts on the part of liquor license holders then be trotted into courts to be viewed by jurors as a defense to a specific claim?

Documentation supplied by liquor license holders depicting high standards of responsibility may not accurately reflect actual procedures being followed within the establishment. It must then be hoped that fellow Alaskans seated as jurors under such circumstances would be able to ascertain whether the "responsible business practices defense" is an honest portrayal of the liquor licensee's day to day policies.

A question raised by the "Work Draft" used by the House State Affairs committee is why the paragraph defining the act was rewritten? Additionally should section 04.21.080 Definitions (A) (1) be revised to include the legal definition of "ordinary negligence"? Should the word criminal also be struck from Sec. 04.16.030? These questions were raised by a liquor license holder who believes that Title 4 statutes have historically been contradictory and therefor difficult for liquor license holders to interpret and adhere to.

The Northern Lights Chapter of MADD sincerely appreciates this committees painstaking work on dram shop legislation and we hope that your efforts will result in the passage of HB 345 during this legislative session.

Sincerely,



Phyllis Tugman Alexander
MADD Executive Director
Northern Lights Chapter

FEB 14 1980

TO: ALL LEGISLATORS

FROM: GEORGE ALLEN, 307 BUNNELL, ANCHORAGE, AK 99508,
333-7231

SUBJECT: ALCOHOL CONTROL

I URGE YOUR VOTE FOR HB 464 AND HB 345 ALSO SB 71 AND SB 138. A
BAR LICENSE SHOULD BE TAKEN AWAY FOR SELL TO MINORS OR TO THOSE
ALREADY UNDER THE INFLUENCE. ALSO LET'S NOT RELEASE PRISONERS
EARLY BECAUSE OF JAIL CROWDING UNLESS UNDER SEVERE PROBATION
CONTROL AND PUBLIC SERVICE.



February 6, 1986

FEB 10 1986

Frank B. Hall & Co. of Alaska
530 Fourth Ave., Mt. McKinley Bldg.
Box 1164
Fairbanks, Alaska 99707

Alaska State Legislature
House of Representatives
Pouch V
Juneau, Alaska 99811

Attn: Representative Katie Hurley

Re: House Bill 345 (Dram Shop) License Liability

As a licensed Insurance Agent in Alaska and as an officer of the Alaska Independent Agents Association, I was thankful for the opportunity to add my voice to the many who are against any Dram Shop type legislation being passed this year in Alaska. Last year we warned the Governors office of the harmful results of even introducing such an ill-conceived legislation here in Alaska, while other states were trying desperately to work out the problems of Dram Shop where ever it had been passed. State after State was then and are now either spending money and time to throw out most of the provisions of that type of law or have gotten rid of it entirely.

Why then are we here in Alaska permitting a well-meaning but miss-guided group to get us into the same mess that others are just now extracating themselves from. It has become an established fact that this legislation has little effect on drunk driving. When measured, without other drunk driving type laws or enforcement values, it is just a court clogging aid to suite happy people and their attorneys.

I am attaching a copy of an article from the December Eagles magazine, which illustrates how Wisconsin has had to compromise with its Dram Shop law, so that it is now little more than a statute against serving minors. The insurance industry and indeed myself cannot conceive any reason why we should embark on a path that has spelled disaster for so many other states who have this type law.

It is just this kind of action that make it all the more difficult to insure a business in Alaska and protect Alaska's citizens from the real insurable hazzards without penalizing all Alaskan's with unreasonable rates. I request that your committee stop this bill right here and now.

Sincerely,

Gordon E. Depue
Vice President

Telephone (907) 452-5161
Telex 9035445

Enclosure

In Wisconsin Dram Shop Liability Is Eased

By State Rep. Gervase Hephner

I'M HAPPY to report to my fellow Eagles, coast to coast, that the state of Wisconsin has enacted a new law — Chapter 47, Laws of 1985 — which prevents so-called “dram shop liability” as to providers of alcoholic beverages to adults.

In early September, two public hearings were held by the Assembly Committee on Excise and Fees, on the alcohol liability, or dram shop, issue. More than 1,000 people showed up for those hearings, and the input from all of them was reflected in the new law.

The committee, which I chair, worked closely with a number of groups throughout the legislative process, including the Eagles, the Jaycees, the Central Labor Council, the Kiwanis, the American Legion, the (County) Fairs Association, Rotary Clubs, volunteer firefighters, the Wisconsin Chiefs of Police Association, the Madison Art Center, the Knights of Columbus, the Wisconsin Catholic Conference, the Lions, the League of Wisconsin Municipalities, the Wisconsin Student Association, minor league baseball teams, the Green Bay Packers, the Wisconsin Association of Manufacturers and Commerce, the Veterans of Foreign Wars, the Wisconsin Towns Association, the Madison Capitols, the Madison Muskies, tavern groups, and insurance companies.



ABOUT THE AUTHOR

State lawmaker Gervase Hephner (D-Chilton) has been a member of the Wisconsin State Assembly for 19 years. He is chairman of the Excise and Fees Committee of the Wisconsin State Legislature. He has been a state assemblyman since 1966. In the 1985 session of the state legislature he introduced a bill that, as enacted, gives immunity from civil liability to servers of alcoholic beverages to adults.

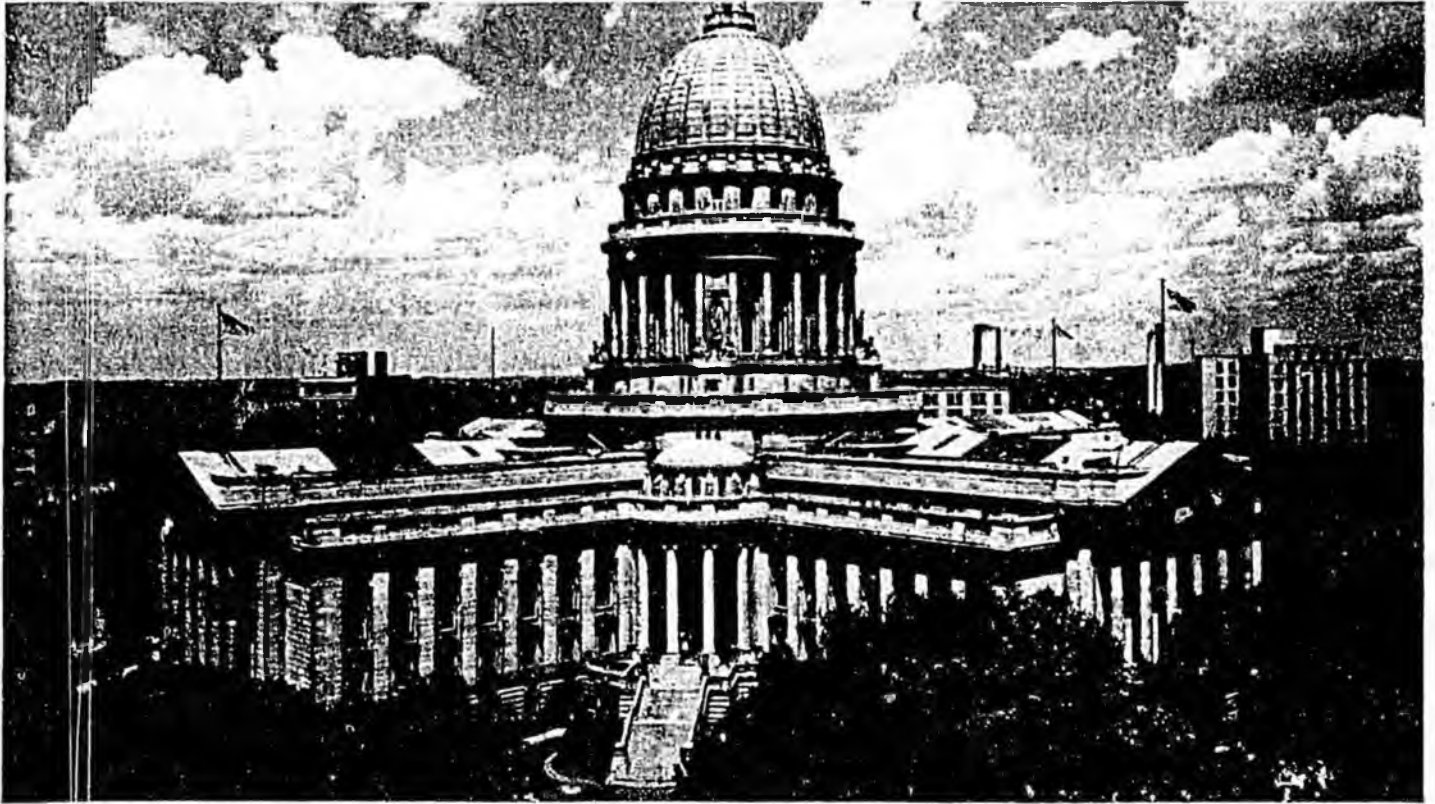
Rep. Hephner has been a member of Chilton Aerie 1288 since 1966 and is a past worthy president of Chilton Aerie.

ALTHOUGH the Legislature originally passed a bill which I authored, AB 473, another bill was passed in an October special session of the Legislature to implement various compromises. Special Session Senate Bill 1, which is now law, Chapter 47, does the following:

1. *Exempts municipalities and officials from potential civil liability for issuing picnic beer licenses or other alcohol licenses. Without this exemption, some municipalities were refusing to issue licenses, or requiring large amounts of unavailable or unaffordable insurance. These requirements will no longer be necessary.*

2. *Exempts all providers of alcohol to adults from liability for injuries caused by the drinker to himself or to a third party. Although the courts had not yet said this liability existed, the insurance industry feared that they would. Without knowing the potential liability they were issuing for, most companies simply would not provide alcohol liability policies. By limiting liability, it makes it possible for them to provide insurance. This immunity from liability does not apply if a person was forced or fooled into drinking.*

3. *Allows potential liability for anyone who provides alcohol to underage drinkers. This potential liability applies to injuries caused by an underage drinker (if the consump-*



Wisconsin State Capitol Building, Madison

tion of alcohol was a *substantial factor* in causing the injuries) to a third party, but not to himself. Defenses include false representation of his age by the underage drinker, the use of documentation (I.D. cards) by the underage drinker, that the alcohol was provided in good faith that the person had attained the legal drinking age, and that the average person would believe the person was of age. Proof of all of these defenses provides immunity.

4. *Removes the provision of AB 473 that held volunteers, but not organizations, liable.* These provisions, which were added to AB 473 by an amendment, were reasonable when applied to that bill. AB 473 only allowed liability when a provider of alcohol had "actual knowledge" that a drinker was underage. If a volunteer intentionally broke the law, it was reasoned, the organization should *not* be responsible. But SSSB1 allows potential liability even for negligently serving an underage person, and holds the organization potentially liable.

SHOULD VOLUNTEERS be required to provide their own insurance? Should volunteers be left on their own if a suit results from their participation in an event? Should an organization which obtains a license be able to say it has no responsibility for actions taken under that li-

cense? I feel the answer to these questions is "no". If AB 473's exemption for organizations was applied to SSSB1, no organizations would be able to find volunteers to serve alcohol, except volunteers who are ignorant of their liability. I believe most organizations understand the need for potential liability if underage persons are served.

5. *Removes the sunset, or expiration date, from AB 473.* The new law will *not* expire at the end of 1988, as an amendment to AB 473 would have done to that bill. The lack of a sunset date gives you more certainty about the future.

6. *Increases penalties for an underage person who tries to drink.* SSSB1 incorporates another bill of mine that closes a loophole in the law that had allowed underage persons to use fake I.D.s without fear of penalties. SSSB1 also makes it illegal for an underage person to even *attempt* to enter premises in order to drink. And, it increases our already-tough penalties for repeat offenders. A first offense of any law dealing with underage drinking can result in a \$50 fine and suspension of a driver's license for up to 90 days. A third violation can cause a \$500 fine and license revocation for two years. SSSB1 makes the underage drinker more responsible for his criminal actions.

7. *Forces taverns, liquor stores, so-*

cial hosts, volunteers and charitable organizations to all be more careful about serving underage drinkers. Serving an underage drinker, even negligently, is and always has been *against the law*. The Wisconsin Supreme Court, the Legislature and the governor have agreed that breaking this law can also cause civil liability. Hopefully, this will make everyone a little more careful about whom they provide alcohol to. Organizations who have picnic beer licenses would be well-advised to set up drinking areas surrounded by snow fencing, for instance, with someone checking I.D.s at the gate, and possibly even with a law enforcement officer or security guard on hand. A license to serve alcohol carries important responsibilities that all organizations should be aware of. And, imposing different liability standards on one group of licensees than on others would subject a law to court challenges and possible invalidation on constitutional grounds.

CHAPTER 47 IS A LAW that I am proud to have had a major role in as a legislator and as a committee chairman. It will ensure that Wisconsin's civic traditions can continue in a responsible manner. I plan to continue to work with charitable groups, legislators and others to make sure that Wisconsin's new law is a successful one. ■

* ORIGINAL *
* SENT: 09/30/85 TIME: 11:14 *
* FROM: LIOPSG *
* SUBJECT: CONTACT PERSON FOR T/C TAPE *
* PRINT DATE: 09/30/85 TIME: 11:15 *
* *

*Patti, wants my
9/18's t/c.*

BARBARA

THANKS FOR RESPONDING SO QUICKLY!

THE PERSON TO CONTACT IS MORRIE MATTSON, OWNER OF THE HARBOR BAR & LIQUOR STORE. THE BUSINESS PHONE NUMBER IS 772-4526. HE'S NOT ALWAYS THERE, SO THE STAFF PERSON MAY HAVE TO LEAVE A MESSAGE OR TRY CALLING A COUPLE OF TIMES TO REACH HIM. OTHERWISE, HIS HOME PHONE NUMBER IS 772-3350.

THANKS AGAIN!!

CRIS