

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5235 SCRA HB 279 - HCR 33 / SCR 36 807

ALASKA MOOSE ASSOCIATION

RESOLUTION NO. 87-2

WHEREAS; The Alaska Moose Association is desirous of supporting the proposed changes in §1 A.S. 04.11.400(2); and

WHEREAS; These changes will allow some of the smaller communities in Alaska to have more than one club license by changing the club license population requirement from one license for each 3,000 population to one license for each 1,500 population, and

WHEREAS; This was the population ratio before the changes in state law two years ago; and

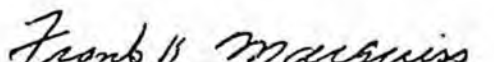
WHEREAS; The Alcohol Beverage Control Board and the Department of Revenue has shown no public opposition to this change, and

WHEREAS; Our Brother Lodge Number 306 in North Pole, Alaska is in need of this change in Alaska law to obtain a Club license; and

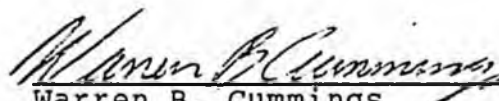
WHEREAS; The Alaska State House is considering House Bill No. 279 which would make this change; and

WHEREAS; The Alaska State Senate is considering Senate Bill No. 275 which would make this same change, and

THEREFORE, BE IT RESOLVED; that the Alaska Moose Association go on record supporting and endorsing both Alaska House Bill No. 279 and Alaska Senate Bill No. 275.



Frank K. Marquiss
Secretary/Treasurer
Alaska Moose Association



Warren B. Cummings
President
Alaska Moose Association

Alaska State Legislature

REPRESENTATIVE
BETTE CATO
DISTRICT 6
BOX 775
VALDEZ, ALASKA 99686
(907) 835-4568
WHILE IN JUNEAU
P O BOX V
JUNEAU, ALASKA 99811
(907) 465-4858
(907) 586-2660

COMMITTEES
CHAIRMAN
HOUSE TRANSPORTATION
MEMBER
COMMUNITY AND
REGIONAL AFFAIRS
LEGISLATIVE COUNCIL
TRANSPORTATION
BUDGET SUBCOMMITTEE

House of Representatives

MEMORANDUM



TO: SENATOR STURGULEWSKI, CHAIR
C&RA COMMITTEE

FROM: REP. BETTE CATO, CHAIR
HOUSE TRANSPORTATION COM.

DATE: FEBRUARY 29, 1988

RE: HB 279 RELATING TO CLUB
LICENSES

It is my understanding that you are considering offering a committee substitute on HB 279 which would keep the population requirement at the existing 3,000 person level as opposed to my language which reduces the population requirement to 1,500.

As you know, the bill has three points of emphasis as reflected on my information sheet included in the bill file that was transferred into your committee. Point three, which decreases the population figure to 1,500 has important significance to me.

My interest in decreasing the population figure involves a community in my district, the City of Valdez. With their present population, Valdez is allowed two club licenses. One is presently held by the Elks Club and the other by the Eagles Club. The American Legion Post #2 has now applied.

The American Legion Post #2 was chartered in Valdez, October of 1920, and has been supporting many community projects involving youth such as the Little League, Little Dribblers, Boys State and scholarships. The club license will help fund these worthwhile projects.

The American Legion is now losing members and there is fear that they may have to close down. It is their hope that the population requirements will be changed to the original figures and that they will be able to gather with their fellow veterans, families and guests to generate funds to support the youth activities.

Senator Sturgulewski, please remember that these club licenses are for members only. These licenses are very restrictive, and having a cocktail at the American Legion Hall, with friends, as opposed to a public bar, will help insure these veterans with a safe trip home because fellow members will take that responsibility. This doesn't mean, of course, that a safe trip home could not be

February 29, 1988

Page 2

provided from a public bar, but it is sure that the potential is lessened. Also, refusing the organization a club license will not deter consumption of alcohol. Presently, the local bar is the recipient of the veterans monies. If at all, we prefer that those be monies be put back into the community for their benefit.

Senator, it is my hope that you will reconsider your plans to offer the committee substitute. And, if I can be of additional help to you on the bill, please let me know.

BILL: HB 279

NAME: CSHB 279(FIN)(EFD ADD)

TITLE: "An Act relating to club licenses for the sale of alcoholic beverages; and providing for an effective date."

PRIME SPONSOR: CATO

CO-SPONSOR: BOYER,GRUSSENDORF

FISCAL NOTE: \$000 GENERAL(FNOTE) \$000 OTHER(FNOTE)

CURRENT STATUS: (S) CRA STATUS DATE: 02/12/88

Selection=>

| | | | | | | | | | | | |
|--------|-----|------|------|------|-------|-----|-----|-----|-------|------|------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |
| HB 279 | | | | | | | | | | | |

Bill/Resolution Action

Page 2 of 3

Current Status: (S) CRA

| | Jrn-Date | Jrn-Pg | | Action |
|----|----------|--------|-----|--|
| 1 | 04/17/87 | 892 | (H) | READ THE FIRST TIME - REFERRAL(S) |
| 2 | 04/17/87 | 892 | (H) | COMMUNITY & REGIONAL AFFAIRS, FINANCE |
| 3 | 04/23/87 | 959 | (H) | CO-SPONSOR ADDED: BOYER |
| 4 | 04/28/87 | 1013 | (H) | CRA RPT 4DP |
| 5 | 04/28/87 | 1013 | (H) | ZERO FISCAL NOTE PUBLISHED 4/28/87 |
| 6 | 04/28/87 | 1022 | (H) | CO-SPONSOR ADDED: GRUSSENDORF |
| 7 | 02/03/88 | 2084 | (H) | FIN RPT CS(FIN) NEW TITLE 4DP 7NR |
| 8 | 02/03/88 | 2084 | (H) | ZERO FISCAL NOTE PUBLISHED 2/3/88 |
| 9 | 02/10/88 | | (H) | RULES TO CALENDAR 2/10/88 |
| 10 | 02/10/88 | 2156 | (H) | READ THE SECOND TIME |
| 11 | 02/10/88 | 2157 | (H) | FIN CS ADOPTED UNAN CONSENT |
| 12 | 02/10/88 | 2157 | (H) | AM NO 1 ADOPTED UNAN CONSENT |
| 13 | 02/10/88 | 2157 | (H) | ...EFFECTIVE DATE ADDED |
| 14 | 02/10/88 | 2157 | (H) | ADVANCED TO THIRD READING UNAN CONSENT |
| 15 | 02/10/88 | 2158 | (H) | READ THE THIRD TIME CSHB 279(FIN) AM |
| 16 | 02/10/88 | 2158 | (H) | PASSED Y29 N11 |
| 17 | 02/10/88 | 2158 | (H) | EFFECTIVE DATE ADOPTED Y33 N7 |
| 18 | 02/10/88 | 2159 | (H) | FURNACE NOTICE OF RECONSIDERATION |

Selection=>

| | | | | | | | | | | | |
|--------|-----|------|------|------|-------|-----|-----|-----|-------|------|------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |
| HB 279 | | | | | | | | | | | |

Bill/Resolution Action

Page 3 of 3

Current Status: (S) CRA

| | Jrn-Date | Jrn-Pg | | Action |
|---|----------|--------|-----|--------------------------------------|
| 1 | 02/11/88 | 2187 | (H) | RECON TAKEN UP - IN THIRD READING |
| 2 | 02/11/88 | 2188 | (H) | RETURN TO SECOND FOR AM 2 Y27 N11 X1 |
| 3 | 02/11/88 | 2189 | (H) | AM NO 2 FAILED Y14 N25 X1 |
| 4 | 02/11/88 | 2189 | (H) | PASSED ON RECONSIDERATION Y29 N10 X1 |
| 5 | 02/11/88 | 2190 | (H) | EFFECTIVE DATE PASSED Y35 N4 X1 |
| 6 | 02/11/88 | 2191 | (H) | TRANSMITTED TO (S) |
| 7 | 02/12/88 | | (S) | READ THE FIRST TIME - REFERRAL(S) |
| 8 | 02/12/88 | | (S) | CRA, THEN FIN |

ALASKA MOOSE ASSOCIATION

RESOLUTION NO. 87-1

WHEREAS; The Alaska Moose Association is desirous of supporting a change in A.S. 04.11.240; and

WHEREAS; This change or amendment would enable a club licensee to obtain a Club Caterer's permit to hold club functions off premises; and

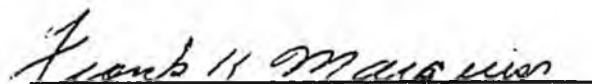
WHEREAS; This change would enable our smaller Moose Lodges to hold their member functions such as state conventions, conferences and banquets away from their licensed premises under their own club permit; and

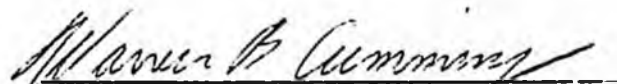
WHEREAS; This would eliminate the need for a club permittee to obtain a catering permit through a standard beverage dispensary license, which may not be insured as well as our Alaska Moose Lodges are for liquor liability; and

WHEREAS; The Alcohol Beverage Control Board proposed this change as a regulation and did not object to its change; and

WHEREAS; The Alaska Attorney General ruled that the change could not be done through regulations, but only in statute by the State Legislature, and

THEREFORE, BE IT RESOLVED; that the Alaska Moose Association go on record supporting and endorsing changes in A.S. 04.11.240 to allow club licensees to obtain club catering permits for their private functions off their licensed premises.


Frank K. Marquiss
Secretary/Treasurer
Alaska Moose Association


Warren B. Cummings
President
Alaska Moose Association

Dis. by Sen. Binkley

ALASKA NATIVE HEALTH BOARD
Alaska Fetal Alcohol Syndrome (FAS)
Fact Sheet

- * In 1985, all Alaskans consumed 4.35 gallons of absolute alcohol per capita.
- * Alaska appears to have one of the highest recorded rates of FAS.
- * The rate of FAS in Alaskan Natives is conservatively estimated at 4.2/1000 live births.
 - How does this compare?
 - France FAS rate - 1.6/1000 live births
 - Seattle FAS rate - 1.7/1000 live births
 - Navajo FAS rate - 2.0/1000 live births
- * The rate of FAS in the Alaskan non-Native population is not yet known, but it is expected to also be high.
- * A conservative estimate of new cases of FAS in Alaska is 10 per year.
- * In the lower 48 it is estimated that for every child born with FAS, 10 are born with Fetal Alcohol Effects (FAE). FAE describes less severe damage due to alcohol. The extent of FAE in Alaska is not yet known.
- * In Alaska, the dollar cost to care for one FAS child for his/her lifetime can be up to one million dollars or more.
- * In Alaska, FAS may be the number one identifiable cause of mental retardation.

Ideas For Community Activities
On The Prevention Of
Alcohol-Related Birth Defects
(ARBD)

- * Make a written contract with pregnant client not to drink during the pregnancy.
- * Offer pregnant clients a \$100 off their total prenatal and delivery bill if they do not drink during the pregnancy.
- * Offer pregnant clients a gift, such as an infant safety seat, if they do not drink during the pregnancy.
- * Work with local taverns and restaurants to offer free non-alcoholic drinks to their pregnant customers.
- * Work with local school board and teachers to incorporate a class on Alcohol-Related Birth Defects in junior and senior high schools. The class could be incorporated into a child development course, health course, science course.
- * Work with schools to have special ARBD presentations made in the schools by the health aide, community health representative, public health nurse, or doctor.
- * Arrange to have ARBD presentations made to the PTA.
- * At local health fairs, have an ARBD display.
- * Encourage Native Health Corporations, Indian Health Service and State Alcohol Programs to develop prevention and intervention programs for pregnant women.
- * Launch an ARBD media campaign, including television, radio and newspapers, in your area.
- * Contact local childbirth educators (LaMaze Childbirth Association) in hospitals and family planning clinics, and encourage and support their efforts by providing them with information on Alcohol-Related Birth Defects.
- * Develop a one-hour ARBD presentation targeted to youth that can be presented to youth groups and clubs.
- * Conduct ARBD presentation to women's groups in your community.
- * Conduct ARBD presentation to men's groups in your community.
- * Work with AA to have ARBD presentations made at regular AA meetings, and also at Al-Anon and Al-A-Teen meetings.
- * Prepare educational display on ARBD for local clinic.
- * Develop an ARBD prevention network in your own community/area by identifying persons who are interested in working to prevent Alcohol-Related Birth Defects.
- * Adopt a pregnant woman and be her support person throughout the pregnancy and postpartum period.

Alaska Native Health Board

Fetal Alcohol Syndrome - Cost Estimates
in Alaska

1. Neonatal Intensive Care \$1,300-\$2,000 per day x 7 days = \$9,100-\$14,000
2. Heart Defects surgical procedures 99% are done outside \$20,000 and up for uncomplicated/non-emergency \$50,000 for and up complicated/emergency
3. Cleft Palate Surgery Usually 4 surgeries, plus dental work and orthodontics = \$50,000 - \$75,000
4. Speech Therapy Initial Diagnostic \$200 2-3 sessions per wk. at \$70-\$135 per wk. x 1 yr. = \$9,360 - \$21,060
5. Kidney Defects surgical procedures Approximately \$1,500 per procedure
6. Vision Defects Surgery for strabismus or ptosis average \$1,600 Exams and glasses \$300 and up
7. Special Education 1 child for 1 year average - \$9,000 Preschool - \$15,000 Multi-handicapped - \$22,000 Deaf/Vision Impaired - \$24,000
8. Foster Care \$14 - \$30 per day, yearly cost \$5,110 - \$10,950
9. Residential Care \$100 - \$150 per day, average stay 12 - 18 months = \$36,500 - \$82,125
10. Day Treatment \$55 per day, average length 6 - 8 months = \$9,900 - \$13,200 (30-day month)
11. Institutionalization \$230 - \$280 per day \$83,950 - \$102,200 per year
12. Travel Costs Would vary, but if travel necessary, additional thousands of dollars would be added to cost of treatment/care.

FACT SHEET: FETAL ALCOHOL SYNDROME (FAS)

compiled by Marcia Michel

FACTS

Twelve years of research have conclusively established that alcohol use during pregnancy poses a threat to the health of the child. Fetal Alcohol Syndrome is a pattern of mental, physical and behavioral defects that may develop in the unborn child when its mother drinks alcohol during pregnancy. FAS is characterized by a cluster of congenital birth defects that include the following:

- Prenatal and postnatal growth deficiency, meaning low birth weight and failure to catch up
- A pattern of facial malformations, including small head size, misshapen eyes and midportion of the face
- Central nervous system dysfunction which can include mental retardation; brain damage resulting in difficulty with balance, coordination, learning or memory; alcohol withdrawal symptoms at birth; a poor sucking response and sleep disturbances during early infancy, restlessness and irritability; developmental delays; hyperactivity, short attention span and/or behavioral problems
- Varying degrees of malformations, particularly of the heart, joints, kidneys and genitalia.

Fetal Alcohol Effects (FAE)—less severe alcohol-related birth defects—have shown up in babies whose mothers drank smaller amounts.

According to current research, there is no safe drinking level for pregnant women.

In many cases, high levels of consumption will produce the full expression of FAS; but in some cases, moderate consumption is enough to produce FAS.

Researchers estimate that nationally FAS occurs in about 1 to 3 per 1,000 live births.

In Alaska, preliminary results indicate that FAS occurs in at least 3 per 1,000 live births among the Native population.

FAS has been found in virtually every ethnic and cultural group and in every social class.

For every child with FAS, as many as 10 other children may be born with FAE.

The severity of FAS seems to rise with each succeeding affected child born to a woman drinking alcohol.

FAS is the third leading cause of birth defects with accompanying mental retardation, and is the only preventable one among the top three.

Research shows there is no safe time to drink during pregnancy. The first trimester appears to be the interval when developing organs are vulnerable to damage.

Evidence supports an association between alcohol consumption and an increased incidence of spontaneous abortions found during the second trimester.

Alcohol exposure during the third trimester may interfere with the rapid growth that occurs during this time, including the growth of the brain.

The major effects of alcohol on developing tissues are slowing of growth and interference with cell migration.

Alcohol itself is the toxic agent, but other factors (nutrition, smoking, use of other drugs and other "unknowns") may enhance the effect of alcohol and influence the actual risk for FAS.

Cost of institutionalization for an FAS child in Alaska averages \$90,000 per year. Travel and surgery on birth defects would be additional costs depending on amount and severity.

While all of the defects caused by drinking have not yet been identified, we do know:

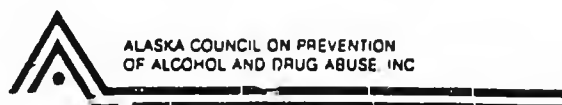
- alcohol interferes with normal pregnancy
- effects on the fetus are permanent
- whether they occur or not is a matter of the basic metabolism of both the pregnant woman and the fetus

There is no treatment for FAS.

It is totally preventable.

In the absence of research establishing a safe drinking level, the U.S. Surgeon General advises women who are pregnant (or nursing or considering pregnancy) to refrain from drinking alcohol during pregnancy.

This information was compiled from several sources. For a complete listing of these sources, please contact Marcia at the Alaska Council.



ALASKA COUNCIL ON PREVENTION
OF ALCOHOL AND DRUG ABUSE, INC.

7521 OLD SEWARD HWY. SUITE A • ANCHORAGE ALASKA 99518

5-1095X

Ford
3/3/88

Original sponsors: Cato, Boyer
and Grussendorf

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 279 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to club licenses for the sale of
7 alcoholic beverages; and providing for an effective
8 date."

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

10 * Section 1. AS 04.11.110(b) is amended to read:

11 (b) A club license may only be issued to a club, fraternal
12 organization, patriotic organization, or social organization that has
13 been (1) chartered by a state or national organization for a period of
14 two consecutive years before application for a license under this
15 section; or (2) chartered by a national organization and the national
16 organization has maintained a chartered club or organization within
17 the state for a period of at least 20 years. The organization li-
18 censed under this section must be operated for social, recreational,
19 political, benevolent or athletic purposes and not for profit. A club
20 license may only be issued to an organization if none of the income
21 from the sale of alcoholic beverages is distributed to its members,
22 directors, or officers. Soliciting of public patronage of the club
23 premises except as approved by the board is a violation of this sec-
24 tion.

25 * Sec. 2. AS 04.11.110(f) is amended to read:

26 (f) Alcoholic beverages purchased by a club or organization
27 licensed under this section may not be used or consumed off the li-
28 censed premises of the club or organization by any person, including
29 club members and employees unless used or consumed at social,

*Finance CS
Removed*

*This was the
only change in
Finance*

1 recreational, ~~political~~, benevolent or athletic functions of the club
2 or organization and the use or consumption is approved by the board.

3 * Sec. 3. AS 04.11.400(a) is amended to read:

4 (a) Except as provided in (g), (h), (i), [AND] (j), and (k) of
5 this section, a new license may not be issued and the board may pro-
6 hibit relocation of an existing license

7 (1) outside an established village, incorporated city,
8 unified municipality, or organized borough if after the issuance or
9 relocation there would be more than one restaurant or eating place
10 license for each 1,500 population or fraction of 1,500 population or
11 more than one license of each other type, including licenses that have
12 been issued under (g) or (h) of this section, for each 3,000 popula-
13 tion or fraction of 3,000 population in a radius of five miles of the
14 licensed premises or location of premises sought to be licensed,
15 excluding the populations of established villages, incorporated
16 cities, unified municipalities, and organized boroughs that are wholly
17 or partly included within the radius;

18 (2) inside an established village, incorporated city, or
19 unified municipality if after the issuance or relocation there would
20 be inside the established village, incorporated city, or unified
21 municipality more than one restaurant or eating place license for each
22 1,500 population or fraction of 1,500 population or more than one
23 license of each other type, including licenses that have been issued
24 under (g) or (h) of this section, for each 3,000 population or frac-
25 tion of 3,000 population inside the established village. incorporated
26 city, or unified municipality;

27 (3) inside an organized borough but outside an established
28 village or incorporated city located within the borough, if after the
29 issuance or relocation there would be inside the borough, but outside

1 the established villages and incorporated cities located within the
2 borough, more than one restaurant or eating place license for each
3 1,500 population or fraction of 1,500 population or more than one
4 license of each other type, including licenses that have been issued
5 under (g) or (h) of this section, for each 3,000 population or frac-
6 tion of 3,000 population inside the borough, excluding the population
7 of those established villages that have conducted an election on a
8 question set out in AS 04.11.490, 04.11.496, or 04.11.500, and exclud-
9 ing the population of incorporated cities located within the organized
10 borough.

11 * Sec. 4. AS 04.11.400 is amended by adding a new subsection to read:

12 (k) Except as provided in (i) of this section, within an incor-
13 porated city, unified municipality or an organized borough, a new club
14 license may be issued, and the relocation of an existing club license
15 may be approved by the board if

16 (1) the issuance or relocation of club licenses under the
17 population limitation contained in (2) of this subsection has been
18 approved by resolution adopted by the incorporated city, unified
19 municipality, or organized borough within which the club license is to
20 be issued or relocated; and

21 (2) after issuance or relocation there would not be, inside
22 the incorporated city or unified municipality, or inside the organized
23 borough but outside the incorporated cities located within the bor-
24 ough, more than one club license for each 1,500 population or fraction
25 of 1,500 population.

26 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
27
28
29

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

Kie

NAME: SUZANNE CLYDE

TITLE:

ADDRESS: 4410 E. 5TH

CITY: ANCHORAGE

PHONE: 333-0908

BILL NO: HB 279

SUBJECT: LIMITING CLUB LICENSES

MESSAGE: PLEASE READ AND CONSIDER THIS BILL AND GETTING IT OUT ON THE SENATE FLOOR AS SOON AS POSSIBLE. MANY FRATERNITIES NEED YOUR HELP.

ZIP: 99508

POMID: 03151152

DATE: 02/22/88

TIME: 15:11:52

LOCATION: ANCHORAGE LIO

COPIES: SENATORS

HALFORD

KELLY

SZYMANSKI

ZHAROFF

Handwritten initials/signature

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

Kie

NAME: JAY JOSE GARZA
TITLE:
ADDRESS: 8521 TURF CT.
CITY: ANCHORAGE
PHONE: 333-2722

ZIP: 99504

BILL NO:
SUBJECT:
MESSAGE: I DON'T BELIEF THAT NON-PROFIT FATERINITIES SHOULD WAIT 2 YEARS FOR A LIQUOR LICENSE.

POMID: 03085752
DATE: 02/26/88
TIME: 08:57:52
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

ABOOD
BINKLEY
COGHILL
DUNCAN
ELIASON
FAHRENKAMP
FAIKS
FANNING
FISCHER
HALFORD
HENSLEY
JONES
JOSEPHSON
KELLY
KERTTULA
RODEY
SZYMANSKI
UEHLING
ZHAROFF

HB

297

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

Kie

NAME: BARBARA KARL

TITLE:

ADDRESS: 2400 EAST 16TH

CITY: ANCHORAGE

PHONE: 279-5229

ZIP: 99508

BILL NO: HB 297

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS

MESSAGE: I URGE YOUR SUPPORT OF HB 297 IN ITS PRESENT VERSION. PLEASE PASS IT OUT OF COMMITTEE SO THAT THE FULL SENATE MAY ADDRESS THE MATTER. NOTIFICATION TO THE PUBLIC OF GOVERNMENTAL ACTIONS AFFECTING THE AREA IN WHICH THEY LIVE IS MERITORIOUS. COMMUNITY COUNCILS FACILITATE THE PROCESS.

POMID: 03143909

DATE: 04/25/88

TIME: 14:39:09

LIONAME: ANCHORAGE LIO

COPIES: SENATORS

HALFORD

KELLY

SZYMANSKI

ZHAROFF

ABOOD

FANNING

HENSLEY

JOSEPHSON

UEHLING

BILL: HB 297

NAME: CSHB 297(FIN) AM

TITLE: "An Act relating to the notification to community councils and nonprofit community organizations of certain state actions."

PRIME SPONSOR: DONLEY

CO-SPONSOR: BOUCHER, BROWN, ELLIS, GRUENBERG, MARTIN, PEARCE, POURCHOT, MENARD ZAWACKI, COLLINS, LARSON, BARNES

FUNDING : \$8,000 GENERAL(FNOTE) \$000 OTHER(FNOTE)

CURRENT STATUS: (S) STA STATUS DATE: 03/10/88
THEN CRA, FIN

Selection=>

| | | | | | | | | | | | |
|--------|-----|------|------|------|-------|-----|-----|-----|-------|------|------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |
| HB 297 | | | | | | | | | | | |

Bill/Resolution Action

Page 2 of 3

Current Status: (S) STA

| | Jrn-Date | Jrn-Pg | | Action |
|----|----------|--------|-----|--|
| 1 | 04/29/87 | 1032 | (H) | READ THE FIRST TIME - REFERRAL(S) |
| 2 | 04/29/87 | 1032 | (H) | C&RA, STATE AFFAIRS, FINANCE |
| 3 | 05/09/87 | 1293 | (H) | CO-SPONSOR ADDED: COLLINS |
| 4 | 05/16/87 | 1497 | (H) | CRA RPT CS(C&RA) NEW TITLE 2DP 1NR |
| 5 | 05/16/87 | 1498 | (H) | 2 FISCAL NOTES PUBLISHED 5/16/87 |
| 6 | 05/16/87 | 1498 | (H) | ZERO FISCAL NOTE PUBLISHED 5/16/87 |
| 7 | 01/29/88 | 2039 | (H) | STA RPT CS(SA)NEW TITLE 6DP 1NR |
| 8 | 01/29/88 | 2039 | (H) | 2 FISCAL NOTES PUBLISHED 1/29/88 |
| 9 | 01/29/88 | 2039 | (H) | ZERO FISCAL NOTE PUBLISHED 1/29/88 |
| 10 | 01/29/88 | 2039 | (H) | ZERO FISCAL NOTE/ANALYSIS 1/29/88 |
| 11 | 02/19/88 | 2288 | (H) | FIN RPT CS(FIN) NEW TITLE 8DP 1NR 10TH |
| 12 | 02/19/88 | 2289 | (H) | FISCAL NOTE PUBLISHED 2/19/88 |
| 13 | 02/19/88 | 2289 | (H) | ZERO FISCAL NOTE PUBLISHED 2/19/88 |
| 14 | 03/04/88 | 2458 | (H) | CO-SPONSOR ADDED: LARSON |
| 15 | 03/07/88 | | (H) | RULES TO CALENDAR 3/7/88 |
| 16 | 03/07/88 | 2470 | (H) | READ THE SECOND TIME |
| 17 | 03/07/88 | 2471 | (H) | FIN CS ADOPTED UNAN CONSENT |
| 18 | 03/07/88 | 2471 | (H) | AM NO 1 ADOPTED UNAN CONSENT |

Selection=>

| | | | | | | | | | | | |
|--------|-----|------|------|------|-------|-----|-----|-----|-------|------|------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |
| HB 297 | | | | | | | | | | | |

Bill/Resolution Action

Page 3 of 3

Current Status: (S) STA

| | Jrn-Date | Jrn-Pg | | Action |
|---|----------|--------|-----|--|
| 1 | 03/07/88 | 2471 | (H) | ADVANCED TO THIRD READING UNAN CONSENT |
| 2 | 03/07/88 | 2471 | (H) | READ THE THIRD TIME CSHB 297(FIN) AM |
| 3 | 03/07/88 | 2471 | (H) | RETURN TO SECOND FOR AM 2 UNAN CONSENT |
| 4 | 03/07/88 | 2472 | (H) | AM NO 2 FAILED Y16 N22 X2 |
| 5 | 03/07/88 | 2472 | (H) | PASSED Y31 N6 X2 A1 |
| 6 | 03/07/88 | 2473 | (H) | CO-SPONSOR REMOVED: BARNES |
| 7 | 03/07/88 | 2473 | (H) | MARTIN NOTICE OF RECONSIDERATION |
| 8 | 03/09/88 | 2517 | (H) | RECON TAKEN UP - IN THIRD READING |
| 9 | 03/09/88 | 2518 | (H) | RETURN TO SECOND FOR AM 3 Y38 N- A2 |

| | | | | |
|----|----------|------|-----|-------------------------------------|
| 10 | 03/09/88 | 2519 | (H) | AM NO 3 ADOPTED Y32 N2 A6 |
| 11 | 03/09/88 | 2519 | (H) | RETURN TO SECOND FOR AM 4 Y28 N9 A3 |
| 12 | 03/09/88 | 2520 | (H) | AM NO 4 ADOPTED Y21 N17 A2 |
| 13 | 03/09/88 | 2521 | (H) | PASSED ON RECONSIDERATION Y38 N- A2 |
| 14 | 03/09/88 | 2523 | (H) | CO-SPONSOR ADDED: BARNES |
| 15 | 03/09/88 | 2524 | (H) | TRANSMITTED TO (S) |
| 16 | 03/10/88 | 2582 | (S) | READ THE FIRST TIME - REFERRAL(S) |
| 17 | 03/10/88 | 2582 | (S) | STA, THEN CRA, FINANCE |

Selection=>

| | | | | | | | | | | | |
|------|-----|------|------|------|-------|-----|-----|-----|-------|------|------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |

Scheduled in State Affairs on
 Wednesday 4/27/88 -
 - will probably be passed out.

To

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Relating to Notification
to Community Councils and Non-Profit
Comm. Councils of Certain State Actions
Sponsor: Rep. Donley, Barnes, Brown et al
Requestor: _____

Agency Affected: Revenue
BRU: ABC
Components: OPERATING

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| PERSONAL SERVICES | - | - | - | - | - | - |
| TRAVEL | - | - | - | - | - | - |
| CONTRACTUAL | - | - | - | - | - | - |
| SUPPLIES | - | - | - | - | - | - |
| EQUIPMENT | - | - | - | - | - | - |
| LANDS & STRUCTURES | - | - | - | - | - | - |
| GRANTS, CLAIMS | - | - | - | - | - | - |
| MISCELLANEOUS | - | - | - | - | - | - |
| TOTAL OPERATING | - | - | - | - | - | - |
| CAPITAL | - | - | - | - | - | - |
| REVENUE | - | - | - | - | - | - |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | - | - | - | - | - | - |
| FEDERAL FUNDS | - | - | - | - | - | - |
| OTHER | - | - | - | - | - | - |
| TOTAL | - | - | - | - | - | - |

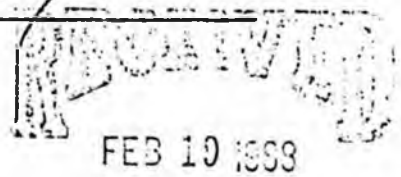
POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | - | - | - | - | - | - |
| PART-TIME | - | - | - | - | - | - |
| TEMPORARY | - | - | - | - | - | - |

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Royce B. Weller *RW* Phone: 465-2300
 Division: Commissioner's Office Date: February 10, 1988
 Approved by Commissioner: Hugh Malone *H Malone* Date: February 10, 1988
 Agency: Department of Revenue

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)



FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Notification to Community
Councils
Sponsor: Representative Donlev et.al.
Requestor: Senate State Affairs

Agency Affected: Natural Resources
BRU: Land & Water Management

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | | .8 | .8 | .8 | .8 | .8 |
| CONTRACTUAL | | 2.2 | 2.2 | 2.2 | 2.2 | 2.2 |
| SUPPLIES | | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-----|-----|-----|-----|-----|
| GENERAL FUND | | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 4.2 | 4.2 | 4.2 | 4.2 | 4.2 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

This amended version of the bill removes DNR's liability for not notifying an organization. The fiscal note can therefore be reduced because the notices can be sent regular mail instead of by certified green card. Less personnel time will be involved.

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 3/22/88

Approved by Commissioner: Tom Hal, King Date: _____
Agency: Natural Resources

Distribution (by preparer):

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

File

April 7, 1988

The Honorable Mitchell Abood
Chair, Senate State Affairs
Committee
P.O. Box V
Juneau, Alaska 99811

RE: CSHB 297, An Act Relating to the
Notification to Community Councils

Dear Senator Abood:

CSHB 297 has been recently passed out of the House of Representatives and referred to the Senate. This bill relates to the notification of community councils and nonprofit community organizations of certain state actions. Section 6 of this act proposes amending Title 38 to require the department to give notice to community councils, coordinating bodies established by community councils, and nonprofit community organizations or governing bodies, upon the request of such groups for such notice.

As the bill is currently written, it presents a problem in that the requirement for notifying the targeted groups is under AS 38.05.945(c). This section requires that the notice be issued no later than 30 days prior to the action. Should a community council request notification within a period of time less than 30 days prior to the action the result would be a delay of the action to meet the statutory requirement. This is of particular concern in the case of oil and gas lease sales which are uniquely threatened by delays due to scheduling provisions of AS 38.05.180(a)(2).

The Department of Natural Resources supports the concept and intent of CSHB 297 but is concerned about invalidation of actions, particularly oil and gas lease sales, if notification is requested less than 30 days prior to an action. Therefore, the department recommends the substitution of the following:

April 7, 1988

Sec. 7. Sec. 38.05.945 is amended by adding a new subsection to read:

(g) Notice of an action under (a) of this section shall also be given, upon the receipt of a request in writing, to the following:

(1) to a community council established by the charter or ordinance of the municipality if the land is located within the boundaries of the municipality, or a coordinating body established by community councils in a municipality in which the land is located;

(2) to a nonprofit community organization or a governing body, if the land is within the boundaries.

(h) Failure to give notice under this section to a community council, coordinating body established by community council, or organization listed in (g)(2) of this section shall not constitute a legal basis for invalidation of the action.

Sincerely,

Judith M. Brady
Commissioner

cc: Senator Sturgulewski
Senator Halford
Senator Binkley
Representative Donley

bcc: Jim Eason

JMB/LO/WS/phd

Original sponsors: Donley, Boucher,
Brown, et al.

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 297 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the notification t community
7 councils and nonprofit community organizations of
8 certain state actions."

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

10 * Section 1. AS 04.11.310(b) is amended to read:

11 (b) Upon receipt of an application for the issuance, renewal,
12 relocation, or transfer of ownership of a license for premises or
13 proposed premises that are located within one-half mile of the boun-
14 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
15 community council established by municipal charter or ordinance [TO
16 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
17 SUCH AN AREA], the board shall

18 (1) immediately provide [TO THE COMMUNITY COUNCIL] written
19 notice of the application to

20 (A) the community council; and

21 (B) any nonprofit community organization that has
22 requested notification in writing; and

23 (2) at least 10 days before the date set for board action
24 on the application provide [TO THE COMMUNITY COUNCIL] written notice
25 of the proposed action and the time and place for a hearing to

26 (A) the community council; and

27 (B) any nonprofit community organization that has
28 requested notification in writing.

29 * Sec. 2. AS 04.11.510(b) is amended to read:

1 (b) The board may review an application for the issuance, renew-
2 al, transfer of location, or transfer to another person of a license
3 without affording the applicant notice or hearing, except

4 (1) if an application is denied, the notice of denial shall
5 be furnished the applicant immediately in writing stating the reason
6 for the denial in clear and concise language; the notice of denial
7 shall inform the applicant that the applicant is entitled to an in-
8 formal conference with either the director or the board, and that,
9 if not satisfied by the informal conference, the applicant is then
10 entitled to a formal hearing before the board; if the applicant re-
11 quests a formal hearing, the board shall adhere to AS 44.62.330 -
12 44.62.630 (Administrative Procedure Act); all interested persons may
13 be heard at the hearing and unless waived by the applicant and the
14 board, the formal hearing shall be held in the area for which the
15 application is requested;

16 (2) the board may, on its own initiative or in response to
17 an objection or protest, hold a hearing to ascertain the reaction of
18 the public or a local governing body to an application if a hearing is
19 not required under [(1), (3), OR (4) OR] this subsection and the board
20 shall send notice of a hearing conducted under this paragraph 20 days
21 in advance of the hearing to each community council established within
22 the municipality and to each nonprofit community organization entitled
23 to notification under AS 04.11.310(b);

24 (3) if a petition containing the signatures of 35 percent
25 of the adult residents having a permanent place of abode outside of
26 but within two miles of an incorporated city or an established village
27 is filed with the board, the board shall hold a public hearing on the
28 question of whether the issuance, renewal, or transfer of the license
29 in the city or village would be in the public interest;

Original sponsors: Donley, Boucher,
Brown, et al.

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 297 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to the notification to community
7 councils and nonprofit community organizations of
8 certain state actions."

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

10 * Section 1. AS 04.11.310(b) is amended to read:

11 (b) Upon receipt of an application for the issuance, renewal,
12 relocation, or transfer of ownership of a license for premises or
13 proposed premises that are located within one-half mile of the boun-
14 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
15 community council established by municipal charter or ordinance [TO
16 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
17 SUCH AN AREA], the board shall

18 (1) immediately provide [TO THE COMMUNITY COUNCIL] written
19 notice of the application to

20 (A) the community council; and

21 (B) any nonprofit community organization that has
22 requested notification in writing; and

23 (2) at least 10 days before the date set for board action
24 on the application provide [TO THE COMMUNITY COUNCIL] written notice
25 of the proposed action and the time and place for a hearing to

26 (A) the community council; and

27 (B) any nonprofit community organization that has
28 requested notification in writing.

29 * Sec. 2. AS 04.11.510(b) is amended to read:

1 (4) if a protest to the issuance, renewal, transfer of
2 location or transfer to another person of a license made by a local
3 governing body is based on a question of law, the board shall hold a
4 public hearing.

5 * Sec. 3. AS 04.11 is amended by adding a new section to read:

6 Sec. 04.11.525. NOTICE TO COMMUNITY COUNCIL. On receipt of an
7 application for the issuance, renewal, relocation, or transfer of the
8 ownership of a license, the board shall provide written notice under
9 AS 04.11.310(b).

10 * Sec. 4. AS 33.30 is amended by adding a new section to read:

11 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner
12 shall notify each community council established by municipal charter
13 or ordinance of the department's plans to locate a prison facility or
14 to contract for the operation of a prison facility, community residen-
15 tial facility, or other rehabilitation program if the facility or
16 proposed facility will be within one-half mile of the boundary of the
17 area represented by a community council.

18 * Sec. 5. AS 35.30.010(a) is amended to read:

19 (a) Except as provided in (b) of this section, before commencing
20 construction of a public project,

21 (1) if the project is located in a municipality, the de-
22 partment shall submit the plans for the project to the planning com-
23 mission of the municipality for review and approval;

24 (2) if the project is located within two miles of a vil-
25 lage, the department shall submit the plans to the village council for
26 review and comment;

27 (3) if the project is located within one-half mile of the
28 boundary of an area represented by a community council established by
29 municipal charter or ordinance, the department shall submit the plans

except oil and gas, ^{and geothermal} leasing under AS 38.05.180 and AS 38.05.181

1 to the community council for review and comment.

except for

2 * Sec. 6. AS 38.05.945(c) is amended to read:

3 (c) Notice at least 30 days before action under (a) of this
4 section shall also be given to the following:

5 (1) to a municipality if the land is within the boundaries
6 of the municipality, to a coordinating body established by community
7 councils in a municipality if the coordinating body or a community
8 council within the area served by a coordinating body requests notice
9 in writing; if there is no coordinating body within the municipality,
10 notice shall be provided to each community council established by the
11 charter or ordinance of the municipality if the land is located within
12 the boundaries of the municipality and if the community council re-
13 quests notice in writing;

14 (2) to a regional corporation if the boundaries of the
15 corporation as established by sec. 7(a) of the Alaska Native Claims
16 Settlement Act encompass the land and the land is outside a municipa-
17 lity;

18 (3) to a village corporation organized under sec. 8(a) of
19 the Alaska Native Claims Settlement Act if the land is within 25 [SIX]
20 miles of the village for which the corporation was established and the
21 land is located outside a municipality;

22 (4) to the postmaster of a permanent settlement of more
23 than 25 persons located within 25 [SIX] miles of the land if the land
24 is located outside a municipality, with a request that the notice be
25 posted in a conspicuous location;

26 (5) to a nonprofit community organization or a governing
27 body that has requested notification in writing and provided a map of
28 its boundaries, if the land is within the boundaries.

29 * Sec. 7. Sec. 38.05.945 is amended by adding a new subsection to read:

1 (g) Failure to give notice under this section to a community
2 council, a coordinating body established by community council, or
3 organization listed in (c)(5) of this section shall not constitute a
4 legal basis for invalidation ^{or delay} of the⁰ action.

(c) Notice at least 30 days before action under (a) of this section, except oil and gas leasing under AS 38.05.180 and geothermal leasing under AS 38.05.181, shall ~~be~~ also be given to the following:

HB

521

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: WILMA TYLER

TITLE:

ADDRESS: 242 INA

CITY: FAIRBANKS

PHONE: 456-7894

ZIP: 99701

BILL NO: HB 521

SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES

MESSAGE: I STRONGLY URGE THAT YOU PASS THIS BILL.

EOM-FZ

POHID: 07103642

DATE: 04/26/88

TIME: 10:36:42

LIONAME: FAIRBANKS LIO

COPIES: SENATORS

HALFORD

KELLY

SZYMANSKI

ZHAROFF

BINKLEY

DUNCAN

FISCHER

HEISLEY

UEHLING

FANNING

JONES

JOSEPHSON

KERTTULA

FAIKS

RODEY

ELIASON

FAHRENKAMP

COGHILL

ABOOD

Alaska State Legislature

ARLISS STURGULEWSKI Chairman
TIM KELLY Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF

P. O. BOX 1
JUNEAU, ALASKA 99801
1907-485-4969



Senate Community and Regional Affairs Committee

April 26, 1988

TO: Members,
Senate Community and Regional Affairs Committee

FROM: Staff *Mc*
Senate Community and Regional Affairs Committee

RE: SCS for CS for HB 521 (C&RA) - "An Act relating to open containers of alcoholic beverages in motor vehicles."

Included in this packet is a memo from the sponsor explaining the bill and zero fiscal notes from the departments of Health and Social Services and Public Safety. Public Safety also has a bill analysis and position paper in support of the bill from Public Safety. A bill history is also included.

Letters of support from the Municipality of Anchorage Health and Human Services Commission, the Fairbanks and Anchorage chapters of MADD, the Fairbanks Native Association, and the Alaska Council on Prevention of Alcohol and Drug Abuse are attached. The last item in the packet is a House Research report on open container laws in other states and in Alaskan municipalities.

A copy of a proposed C&RA CS is in this packet. The only change in this CS is the addition of subsection (b)(3) on lines 23 and 24, page 1. This addition would allow the transportation of an open container behind a solid partition that separates the vehicle driver from the area normally occupied by passengers.

The provision is aimed at limousines. I have checked with Major McConnaughey of the troopers and Senator Hackney of the Fairbanks chapter of MADD. Both of them support the addition, as do representatives of the limousine industry.

Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee

1125 Sunset Drive
Fairbanks, Alaska 99701



White in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: The Senate Community &
Regional Affairs Committee

FROM: Representative *Steve Frank* Steve Frank

RE: CS House Bill 521 (Jud) - "An Act relating to
open containers of alcoholic beverages in motor
vehicles"

DATE: April 26, 1988

CSHB 521 (Jud) would make it illegal to carry open containers of alcoholic beverages in the passenger compartment of a motor vehicle. A person in violation would be guilty of an infraction, which is punishable by a fine of up to \$300.

Alaska Administrative Code 13 02 545 prohibits drinking while driving; however, no statute or regulation exists prohibiting having an open container of alcohol in a vehicle. Therefore, the existing regulation cannot be enforced unless an officer actually sees the driver of a vehicle consuming an alcoholic beverage.

This bill would allow for open containers (including containers with a broken seal) to be carried in the trunk of a vehicle. In the case of a station wagon, hatch back, or similar vehicle that has no trunk or separate storage compartment, open containers could be transported, within another container, behind the last upright seat of the vehicle. One could also carry an open container within another container on a motor driven cycle, but there is no restriction on placement of the container since motorcycles have no area or compartment that is inaccessible to the driver.

House Bill 521 has broad statewide support from such groups as the Anchorage and Fairbanks chapters of Mothers Against Drunk Driving (MADD), the Fairbanks Native Association, and the Alaska Council on the Prevention of Alcohol and Drug Abuse. It is also supported by the Department of Health and Social Services (State Office of Alcoholism and Drug Abuse - SOADA) and the Department of Public Safety.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HB 521
PUBLISH DATE: HOUSE 3/7/88

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health & Social Services
Title: "An Act relating to open containers BRU: Alcoholism & Drug Abuse
of alcoholic beverages in motor vehicles."
Sponsor: Frank Components: Alcohol Abuse Grant
Requestor: N/A

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

[Empty box for analysis]

Prepared by: Matthew Felix by George Mundell Phone: 586-6201
Division: Alcoholism and Drug Abuse Date: 3/3/88

Approved by Commissioner: *Myra M. Munson* DHSS Date: 3/4/88
Agency: *George Mundell*

Distribution (by preparer):

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

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to open containers
of alcoholic beverages in vehicles."
Sponsor: Rep. Frank
Requestor: House State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY88 | FY89 | FY90 | FY91 | FY92 | FY93 |
|-------------------|------|------|------|------|------|------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUNDS | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/23/88

Approved by Commissioner: _____
Agency: Public Safety

Date: _____

Distribution: (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

| | | | |
|---|-----------------------------------|---|-----------------------|
| DEPARTMENT Public Safety | DIVISION Alaska State Troopers | BILL NUMBER HB 521 | SPONSOR Rep. Frank |
| SHORT TITLE OF BILL Open containers of alcoholic beverages | | | |
| DEPARTMENT POSITION Support | | | |
| PREPARED BY Col. Robert E. Jent | DATE 2/29/88 | COMMISSIONER'S SIGNATURE <i>Arthur English</i> | DATE |

SUMMARY

| | |
|--|---|
| OTHER AGENCIES AFFECTED BY BILL Department of law All law enforcement agencies | CONSTITUENT GROUP(S) AFFECTED BY BILL All licensed drivers |
| ORGANIZATIONAL SUPPORT FOR BILL | ORGANIZATIONAL OPPOSITION TO BILL |

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill makes it an infraction for a person to drive a motor vehicle while there is an open container of alcoholic beverages in the passenger compartment. The basic purpose of the legislation is to discourage drinking while driving.

ANALYSIS OF BILL/PROGRAM EFFECTS

Nationally, the majority of serious and fatal accidents are connected with alcohol use by the driver. This measure will provide law enforcement officers with an additional deterrent to address this problem, although effective enforcement on a constant basis may prove difficult.

AMENDMENTS PROPOSED

This bill provides that a person is deemed to have consented to a preliminary breath test (PBT) if he drives with an open container in the vehicle. In *Leslie v. State*, 711 P. 2d 575 (Ct. App. 1986) the court of appeals held that a PBT result could not be used to help an officer decide whether to arrest a subject; the officer already has to have probable cause to arrest before he can require the driver to take a preliminary breath test. The bill, as presently drafted, does not address this issue.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL NO: HB 521

DATE: 2/29/88

TITLE: "An Act relating to open containers of alcoholic beverages in motor vehicles."

CONTACT: Col. Robert E. Jent
269-5641

DEPARTMENT OF PUBLIC SAFETY

RECEIVED

This bill makes it an infraction for a person to drive a motor vehicle while there is an open container of alcoholic beverages in the passenger compartment. The basic purpose of the legislation is to discourage drinking while driving.

Nationally, the majority of serious and fatal accidents are connected with alcohol use by the driver. This measure will provide law enforcement officers with an additional deterrent to address this problem, although effective enforcement on a constant basis may prove difficult.

This bill provides that a person is deemed to have consented to a preliminary breath test (PBT) if he drives with an open container in the vehicle. In Leslie v. State, 711 p. 2d 575 (Ct. App. 1986) the court of appeals held that a PBT result could not be used to help an officer decide whether to arrest a subject; the officer already has to have probable cause to arrest before he can require the driver to take a preliminary breath test. The bill, as presently drafted, does not address this issue.

The Department of Public Safety supports this legislation.


Arthur English
Commissioner

BILL: HB 521
 NAME: CSHB 521(JUD)
 TITLE: "An Act relating to open containers of alcoholic beverages in motor vehicles."

PRIME SPONSOR: FRANK
 CO-SPONSOR: MILLER, KOPONEN, ULMER, COLLINS, PEARCE, HUDSON

CURRENT STATUS: (S) CRA STATUS DATE: 04/20/88
 THEN JUD

Selection=>

| | | | | | | | | | | | |
|--------|-----|------|------|------------------------|-------|-----|-----|-----|-------|------|-------------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |
| HB 521 | | | | Bill/Resolution Action | | | | | | | Page 2 of 3 |

Current Status: (S) CRA

| | Jrn-Date | Jrn-Pg | | Action |
|----|----------|--------|-----|---|
| 1 | 02/15/88 | 2224 | (H) | READ THE FIRST TIME - REFERRAL(S) |
| 2 | 02/15/88 | 2224 | (H) | STATE AFFAIRS THEN JUDICIARY |
| 3 | 02/17/88 | 2276 | (H) | CO-SPONSOR ADDED: COLLINS, PEARCE |
| 4 | 02/22/88 | 2319 | (H) | CO-SPONSOR ADDED: HUDSON |
| 5 | 03/07/88 | 2469 | (H) | STA RPT 4DP |
| 6 | 03/07/88 | 2469 | (H) | 2 ZERO FISCAL NOTES PUBLISHED 3/7/88 |
| 7 | 03/21/88 | 2645 | (H) | JUD RPT CS(JUD) 5DP |
| 8 | 04/19/88 | | (H) | RULES TO CALENDAR 4/19/88 |
| 9 | 04/19/88 | 3025 | (H) | READ THE SECOND TIME |
| 10 | 04/19/88 | 3026 | (H) | JUD CS ADOPTED UNAN CONSENT |
| 11 | 04/19/88 | 3026 | (H) | ADVANCED TO THIRD READING UNAN CONSENT |
| 12 | 04/19/88 | 3026 | (H) | READ THE THIRD TIME CSHB 521(JUD) |
| 13 | 04/19/88 | 3026 | (H) | AMENDMENT NO 1 BY PETTYJOHN |
| 14 | 04/19/88 | 3026 | (H) | RETURN TO SECOND FOR AM 1 Y25 Y13 X1 A1 |
| 15 | 04/19/88 | 3027 | (H) | AM NO 1 FAILED Y8 N30 X1 A1 |
| 16 | 04/19/88 | 3028 | (H) | PASSED Y38 N- X1 A1 |
| 17 | 04/19/88 | 3031 | (H) | SHULTZ NOTICE OF RECONSIDERATION |
| 18 | 04/19/88 | 3031 | (H) | RECON TAKEN UP SAME DAY UNAN CONSENT |

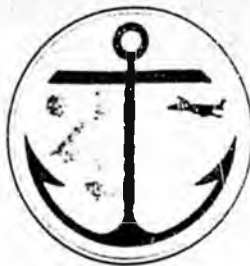
Selection=>

| | | | | | | | | | | | |
|--------|-----|------|------|------------------------|-------|-----|-----|-----|-------|------|-------------|
| PF1 | PF2 | PF3 | PF4 | PF5 | PF6 | PF7 | PF8 | PF9 | PF10 | PF11 | PF12 |
| HELP | | EXIT | MENU | TEXT | PRINT | BWD | FWD | | FIRST | LAST | QUIT |
| HB 521 | | | | Bill/Resolution Action | | | | | | | Page 3 of 3 |

Current Status: (S) CRA

| | Jrn-Date | Jrn-Pg | | Action |
|---|----------|--------|-----|-------------------------------------|
| 1 | 04/19/88 | 3031 | (H) | PASSED ON RECONSIDERATION Y38 N1 X1 |
| 2 | 04/19/88 | 3032 | (H) | TRANSMITTED TO (S) |
| 3 | 04/20/88 | 3110 | (S) | READ THE FIRST TIME - REFERRAL(S) |
| 4 | 04/20/88 | 3110 | (S) | CRA, THEN JUDICIARY |

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4674

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

Representative Fran Ulmer
House State Affairs Committee, Chair
Alaska State Legislature
POB V
Juneau, Alaska 99811

Dear Representative Ulmer,

The Municipal Health and Human Services Commission would like to lend their full support to the passage of HB 521. Although there was a decrease in alcohol related motor vehicle fatalities between 1986 and 1987, preliminary results of a state study indicate that long term trends are not as promising.

The Anchorage Health and Human Services Plan (January 1988) ranks substance abuse as the second highest behavioral and mental health priority. Prohibiting open containers in motor vehicles is an important measure in Alaska's continuing efforts to reduce the social and economic devastation attributable to substance abuse.

Volume 3 of the plan, Policy Recommendations and Objectives, proposes altering public opinion about the acceptability of the social and recreational use of drugs and alcohol in the community-at-large (see page 4-98, Objective #2). Passage of HB521 would promote changing community norms regarding drug and alcohol use.

If I can answer any questions, I would be happy to. You can reach me at 562-2828 or, our staff at 343-4674.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gari B. Andreini".

Gari B. Andreini, Chair
Municipal Health and Human Services Commission

cc: ✓ Representative Steve Frank, Sponsor
House State Affairs Committee
Anchorage Municipal Assembly
Tom Fink, Mayor, Municipality of Anchorage
Ron Garzini, Manager, Municipality of Anchorage
Robert A. (Bert) Hall, Director, Department of Health and Human Services,
Municipality of Anchorage

SJ9/dPD20

MADD

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

March 3, 1988

Rep. Frances Ulmer, Chairman
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Rep. Ulmer,

The Fairbanks Northern Lights Chapter of Mothers Against Drunk Driving strongly supports passage of HB 521, the Open Container Bill.

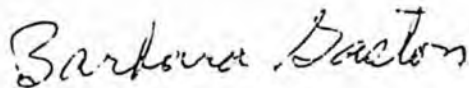
MADD's stand against drinking and driving is well known. Drinking while driving is a doubly dangerous activity. It not only contributes to a higher blood alcohol level, but is a distraction from the serious business of safely operating a motor vehicle.

We constantly read vehicle crash reports wherein the investigating officer has inserted comments such as, 'numerous empty beer cans were observed in the vehicle', or 'strong odor of an alcoholic beverage was apparent in the vehicle'. Beer cans or liquor bottles are found stuffed under seats, or close by vehicles at crash sites, where they have obviously been tossed out after a crash. Partially empty six packs are common currency in vehicle crash reports.

The only safe place for alcohol in a motor vehicle is in a sealed container, or mixed in the tank with gasoline. Please give an assist to safety on the highways, airways and waterways of Alaska by passing out HB 521 with a 'do-pass' endorsement from the House State Affairs Committee.

We ask that you share these comments with other committee members.

Sincerely yours,



Barbara Gaston, President
Fairbanks Northern Lights
Chapter MADD

✓ cc: Rep. Steve Frank, Prime Sponsor HB 521

SCOTT & WESLEY GERRISH
MEMORIAL

M A D D

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
733 West 4th Avenue, Box 821
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS
733 West 4th Avenue, Suite 304
Anchorage, AK 99501

March 1, 1988

Rep. Steve Frank
P.O. Box V
Juneau, AK 99811

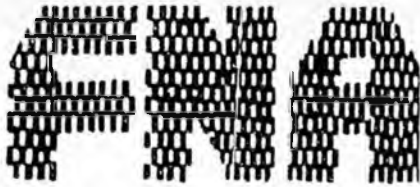
Dear Rep. Frank,

On behalf of the Anchorage Chapter of Mothers Against Drunk Driving, I would like to endorse House Bill #521. This bill regarding open containers of alcoholic beverages in automobiles is long overdue in Alaska. There are very few states in our country that have not passed similar legislation. This bill would give the message to the citizens, especially the teenagers, of this state that the legislature is committed to eliminating the drunk driving problem in Alaska. I wish you the best in passing this bill into law.

Sincerely,

Barbara B Mills
Barbara B. Mills, President
Anchorage Chapter MADD

MODIFYING
ATTITUDES
TOWARDS
DRIVING AND
DRINKING



FAIRBANKS NATIVE ASSOCIATION, INC.

310½ First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1642 / 456-5151

February 29, 1988

Representative Fran Ulmer
Chairman, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer:

The abuse of alcohol and the resulting tragedies associated with this abuse are a primary concern to the Fairbanks Native Association. Among the perils related to alcohol abuse are those which happen due to drunk driving.

FNA is aware of Representative Steve Frank's proposed "Open Container Law", HB 521. In our continuing work towards eliminating alcoholism we do support HB 521. FNA sees this as an important step towards curbing drunk driving and the related deaths, accidents and other tragedies.

We hope you will support this bill in the interest of Alaska's efforts to combat drunk driving and alcohol abuse.

Sincerely,

Samuel S. Demientieff
Acting Executive Director

cc: Representative Steve Frank

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM

"SAAKKAAYA CENTER"
451-6201 or 451-6211

BUSINESS AND MANPOWER
DEVELOPMENT
452-1648

WOMEN'S EDUCATION PROGRAM
451-8592

COMMUNITY SERVICES
452-1648

Counseling Services
452-1648

Child Welfare
452-1648

Family Focus
452-5802

Small Business Assistance
451-8466

ALCOHOL AND DRUG ABUSE SERVICES

Drop-In Center
456-7948

Out-Patient Services
456-1041
456-1101

Fairbanks Alcohol Safety
Action Program
452-6144

Youth Drug Abuse Prevention
452-5085

Director
452-1648 Ext. 15

RCAOA Detox Center
456-1053

RCAOA Treatment Center
456-1045

RCAOA Halfway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045



ALASKA COUNCIL ON PREVENTION OF ALCOHOL AND DRUG ABUSE, INC.

March 1, 1988

Rep. Fran Ulmer, Chairwoman
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Chairwoman Ulmer:

I understand that two bills regarding alcohol will be considered in House State Affairs Committee on Friday, March 4. The Alaska Council supports both pieces of legislation and asks that the following comments be read into the record at that time, if at all possible.

HB 500:

The Alaska Council on Prevention of Alcohol and Drug Abuse supports HB 500 which relates to membership on the Alcoholic Beverage Control Board. Public awareness of the severity of alcohol abuse in Alaska is increasing and this bill will help continue that process. The Alaska Council is encouraged by the proposed changes which would require that one member of the board be knowledgeable of alcohol and substance abuse problems. The presence of a substance abuse professional on the ABC Board would be a responsible step toward increasing awareness of the effects of alcohol on individuals and communities.

The Alcoholic Beverage Control Board's decisions impact the health and well being of the citizens of Alaska. The Alaska Council feels that informed, responsible decision making at the state level is crucial to alcohol prevention efforts. Passage of HB 500 will send a positive message that legislators recognize the need for continued awareness of the problems associated with alcohol use and abuse.

HB 521:

The Alaska Council supports HB 521, relating to open containers of alcoholic beverages in motor vehicles. Drinking and driving are a dangerous, often fatal, combination which should be strongly discouraged.



A United Way Agency

7521 OLD SEWARD HWY., SUITE A ANCHORAGE, ALASKA 99518 (907) 349-6602

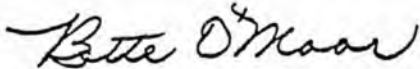
March 1, 1988
Page Two

In 1985, 58 traffic accidents resulted in 69 alcohol-related deaths in Alaska. Youth under age 21 accounted for 14 percent of these driving fatalities even though this same age group only holds 7.1 percent of the drivers licenses. Measures, such as enacting HB 521, need to be taken to reduce the number of lives that are lost each year in alcohol-related accidents.

The Alaska Council hopes that the House State Affairs Committee will act favorably on HB 521 and take this opportunity to help protect the lives of Alaskans.

Thank you, Chairwoman Ulmer, for sponsoring HB 500 and hearing other bills in House State Affairs Committee which support prevention of alcohol and drug abuse in our state.

Sincerely,

A handwritten signature in cursive script that reads "Bette O'Moor".

Bette O'Moor
Executive Director

cc: Rep. Steve Frank



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

March 4, 1988

MEMORANDUM

TO: Representative Steve Frank

ATTN: Teresa Sager-Stancliff

FROM: Patricia Brawley *pb*
Legislative Analyst

RE: Open Container Laws in Other States and Alaska Communities
Research Request 88.200

You asked this agency to provide the names of states with laws prohibiting possession of open containers of alcoholic beverages in vehicles. You also wished to know which Alaska communities have ordinances prohibiting the same. Because of increased national awareness of public health and safety problems associated with drinking and driving, more stringent legislation is the trend throughout the country. The attached information, updated to January 1988, from the National Highway Traffic Safety Administration's, Digest of State Alcohol--Highway Safety Related Legislation, shows which states currently prohibit the possession of open containers in vehicles, as well as which states have laws prohibiting consumption of alcoholic beverages in motor vehicles.

State Laws

Fourteen states have very strict laws which prohibit the possession of open containers and prohibit any consumption of alcoholic beverages in motor vehicles. These states are California, Hawaii, Iowa, Kansas, Michigan, Minnesota, Montana, North Dakota, Oklahoma, Oregon, South Carolina, Utah, Washington, and Wisconsin.

Three states--Idaho, Illinois, and South Dakota--prohibit open containers in motor vehicles but are silent on consumption--consumption being implicitly prohibited in the absence of an open container.

Maryland and North Carolina prohibit open containers from driver access in motor vehicles and prohibit consumption of alcoholic beverages by drivers.

Representative Frank
March 4, 1988
Page 2

Ten states and the District of Columbia do not prohibit open containers, but do prohibit any consumption--by passenger or driver--of alcoholic beverages within a motor vehicle. These states are Arkansas, Colorado, Kentucky, Nebraska, New Hampshire (possession is prohibited for persons under 20, unless accompanied by a parent or guardian), New Jersey, New York, Ohio, Virginia, and West Virginia.

The following seven states do not prohibit open containers in vehicles, but do prohibit the consumption of alcoholic beverages by drivers: Arizona, Massachusetts, Nevada, Pennsylvania, Rhode Island, Texas (sentence for DWI may be more severe if an open container is present at offence), and Vermont.

Alaska is one of fourteen states which currently have no statutes prohibiting the possession or transportation of open containers or the consumption of alcoholic beverages in motor vehicles. Other states include Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Mississippi, Missouri, New Mexico, Tennessee, and Wyoming. Alabama, Mississippi, and New Mexico are also currently considering legislation addressing these issues.

Alaska Community Ordinances

Anchorage, Fairbanks, Nome, and Seward have ordinances which specifically prohibit the possession or transportation of open containers of alcoholic beverages in motor vehicles. Other communities--including Juneau, Cordova, and Petersburg--prohibit the possession of open containers in public places, and consider motor vehicles to be "public places." Some communities, however--including Ketchikan, Kodiak, and Barrow--prohibit possession of open containers in public places, but do not consider motor vehicles to be "public places." Thus, local ordinances and enforcement vary widely.

I hope this information is useful to you. Please contact me if you have any questions.

Attachment

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2

| STATE | Illegal Per Se (BAC Level) | Pre- sumptive (BAC level) | In Vehicle Prohibitions | | Dram Shop Law ² | Legal Purch/ Sale for Alc Bev |
|-------|-------------------------------------|------------------------------------|-------------------------------------|-------------------------------|----------------------------------|---|
| | | | Open Con- tainer ¹ | Anti- Consump- tion Law | | |
| AL | 0.10 | 0.10 | | | Statute | 21 |
| AK | 0.10 | -- | | | Statute | 21 |
| AZ | 0.10 | 0.10 | | X ³ | Statute | 21 |
| AR | 0.10 | -- | | X ⁴ | No | 21 |
| CA | 0.10 | 0.10 | X | X | Statute ⁵ | 21 |
| CO | 0.15 | .05-.10 ⁶ | | X | Statute | 21 |
| CT | 0.10 | -- | | | Statute ⁸ | 21 |
| DE | 0.10 | 0.10 ⁹ | | | No | 21 |
| DC | 0.10 | 0.05 ⁹ | | X | Case Law | 21 ¹⁰ |
| FL | 0.10 | -- | | | Statute ¹¹ | 21 |
| GA | 0.12 | 0.10 | | | Possible ⁷ | 21 |
| HI | 0.10 | -- | X | X | Case Law | 21 |
| ID | 0.10 | >0.08 | X | | Statute | 21 |
| IL | 0.10 | 0.10 | X | | Statute ⁸ | 21 |
| IN | 0.10 | 0.10 ⁹ | | | Statute | 21 |
| IA | 0.10 | -- | X | X | Statute | 21 |
| KS | 0.10 | 0.10 ⁹ | X | X | No | 21 |
| KY | -- | 0.10 | | X | Case Law | 21 |
| LA | 0.10 | 0.10 | | | Possible ¹² | 21 |
| ME | 0.10 | -- | | | Statute ⁸ | 21 |
| MD | -- | .08,.13 ^{9,13} | X ¹⁴ | X ³ | No | 21 |
| MA | -- | 0.10 | | X ³ | Case Law | 21 |
| MI | 0.10 | >.07,.10 ⁶ | X | X | Statute | 21 |
| MN | 0.10 | -- | X | X | Statute | 21 |
| MS | 0.10 | -- | | | Statute | 21 |
| MO | 0.10 | 0.10 ⁹ | | | Statute ¹⁵ | 21 |
| MT | 0.10 | 0.10 | X | X | Statute | 21 |
| NE | 0.10 | -- | | X | No | 21 |
| NV | 0.10 | 0.10 | | X ³ | No | 21 |
| NH | 0.10 | 0.10 ⁹ | | X ⁴ | Statute | 21 |
| NJ | 0.10 | -- | | X | Statute | 21 |
| NM | 0.10 | 0.10 | | | Statute | 21 |
| NY | 0.10 | 0.08 ⁹ | | X | Statute | 21 |
| NC | 0.10 | -- | X ¹⁴ | X ^{14,3} | Statute | 21 |
| ND | 0.10 | -- | X | X | Statute | 21 |
| OH | 0.10 | -- | | X | Statute | 21 |
| OK | 0.10 | 0.10 ⁹ | X | X | Case Law | 21 |
| OR | 0.08 | 0.08 ¹⁷ | X | X | Statute | 21 |
| PA | 0.10 | -- | | X ³ | Statute | 21 |
| PR | -- | 0.10 | | | No | 18 |
| RI | 0.10 | -- | | X ³ | Statute | 21 |
| SC | -- | 0.10 | X | X ⁴ | Possible ⁷ | 21 |
| SD | 0.10 | 0.10 | X | | No | 21 ²³ |
| TN | -- | 0.10 | | | Statute | 21 |
| TX | 0.10 | -- | | X ³ | Statute ²¹ | 21 |

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2 (continued)

| STATE | Illegal | Pre- sumptive (BAC Level) | In Vehicle Prohibitions | | Dram Shop Law ² | Legal Purch/ Sale for Alc Bev |
|-------|---|---|-------------------------------------|-------------------------------|---|---|
| | Per Se (BAC Level) | | Open Con- tainer ¹ | Anti- Consump- tion Law | | |
| UT | 0.08 | -- | X | X | Statute | 21 |
| VT | 0.10 | 0.10 | | X ³ | Statute | 21 ¹⁸ |
| VA | 0.10 | 0.10 | | X ⁴ | No | 21 |
| WA | 0.10 | -- | X | X | Case Law ^{8&19} | 21 |
| WV | 0.10 | 0.10 ²⁰ | | X | No | 21 |
| WI | 0.10 | -- | X | X | Statute ⁵ | 21 |
| WY | -- | 0.10 | | | Statute ²² | 19 |
| TOTAL | .08 - 2 .10 - 41 .12 - 1 .15 - 1 | >.08 - 1 .10 - 21 .10 <u>prima</u> <u>facie</u> - 7 Other - 5 | 19 | 34 | Case Law - 6 Statute - 33 Possible Case Law - 3 | 18 - 1 19 - 1 21 - 50 |

- ¹Laws prohibiting the possession of an open container of an alcoholic beverage in the passenger compartment of a motor vehicle.
- ²Ten (10) States do not have dram shop liability.
- ³Applies to drivers only.
- ⁴Possible.
- ⁵Applies only to the actions of intoxicated minors; previous case law as to other types of dram shop actions has been specifically abrogated by legislation.
- ⁶The lower of the two numbers is driving while impaired; the higher is driving while under the influence.
- ⁷Possible case law.
- ⁸This state has a statute that places a monetary limit on the amount of damages that can be awarded in dram shop liability actions.
- ⁹BAC level or levels which indicated prima facie evidence.
- ¹⁰Persons who were 18 before 9/30/86, may continue to purchase beer and light wine (14% alcohol or less).
- ¹¹Applies only to the actions of intoxicated minors or persons known to be habitually addicted to alcohol.

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2 (continued)

- 12Possible case law based upon the actions of minors.
- 13The lower of the two numbers is prima facie evidence of driving while under the influence; the higher is prima facie evidence of driving while intoxicated.
- 14Limited application.
- 15Cause of action limited to licensees who have been convicted of selling alcoholic beverages either to minors or to intoxicated individuals.
- 16The statute applies specifically to the actions of intoxicated minors, but the law does not foreclose developing case law as to other types of dram shop actions.
- 17Not less than 0.08 constitutes being under the influence of intoxicating liquor.
- 18Persons who were 18 as of 6/30/86 may continue to purchase alcoholic beverages.
- 19Applies only to the actions of (1) intoxicated minors and/or (2) adults who have lost their will to stop drinking.
- 20This state has both prima facie and presumptive evidence laws with BAC levels of 0.10.
- 21Statutory law has limited dram shop actions.
- 22Liability limited only to the actions of persons who are under 19 years old.
- 23Until 4/1/88, persons who are at least 19 years of age can purchase 3.2% beer.

HCR

33/

SCR 36

Dear Senator Sturgulewski,

Just a short additional note to let you know I have sent copies of this letter to all committee members in both the house and senate. Also copies to the Governor, Anchorage Daily News and our two local news papers here in the Copper River basin.

I also have a letter from Ahna Native Corporation voicing their strong opposition to any form of increased government.

It doesn't seem right that DORA can take sides in an issue when they supposedly represent all the people of Alaska.

DG

Jan 30, 1988
HC 60 Box 303
Copper Center, Alaska
99573

Senator Arliss Stungulewski
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Stungulewski,

I am writing to express my emphatic opposition to the forced formation of a borough government in the Copper River Basin, and to comment on the misleading, deceptive and slanted report produced by the Department of Community and Regional Affairs for the State Legislature. The report is entitled "Regional Government Study".

This report which DCRA calls a study is nothing more than a support document for a political agenda which seeks to encumber the unorganized areas of Alaska with a form of government the local people do not desire, and in many cases find repugnant.

One of my main criticisms of this report is its misleading and deceptive use of data to support the goal of increased government and taxation in rural Alaska.

In section I page 3, the report indicates that 80% of the population of the unorganized borough already live within a municipal government structure, inferring wide range acceptance and support for local government. While the numbers may be correct, they are absolutely not representative

of the Copper River Basin on the Copper River Rural Education Attendance Area (CREAA). To my knowledge there is not one incorporated Home Rule, First class, or Second class city in the Copper River Basin. The more logical conclusion here is that the people do not desire any local government, taxation or associated services.

In section II the report references 9 tables in support of its agenda. In these tables the information base and on area is adjusted to suit the author's (DCRA) purpose by including areas that are not geographically, socially, or economically connected to the Copper River Basin. For example in tables 4, 5, 6, and 8, the Copper River Basin is included in the Valdez-Condova Census area. This inclusion dramatically distorts the figures such as per capita income, average monthly wage, unemployment rates, and racial composition. Naturally these figures are meant to project an affluent area well able to financially support local government. Nothing could be farther from the truth. I also take exception with table 1, which shows the Copper River REAA with fully taxable property in the amount of 1.2 billion dollars. This figure must either include the Valdez Pipeline terminal or a gold mine which has yet to be discovered. I would suspect that 95% of this figure is Trans Alaska Pipeline property which is already taxed by the State of Alaska.

Section III of this report which supposedly deals with "Options for Decision Makers" is a broad based attack on the current school funding system. While completely ignoring the cost differential of providing education facilities, transportation, and utilities in a school district like the CRREA which covers such a large geographical area, this report focuses on a so called inequity based solely on the amount of state money received per student.

Finally, this document goes on to state that we may be in violation of the State Constitution because we don't have

a local government. This is absolutely preposterous. The Constitution of the State of Alaska in Article X, Section 3 specifically states, "The entire State shall be divided into boroughs, organized or unorganized". It gives equal emphasis to both.

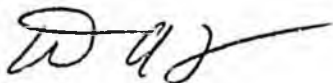
Further, in Section 6 the Constitution reads, "The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility."

Based on the State Constitution then, we have as much right to remain an unorganized borough as other areas have to remain organized. In fact some concern has been expressed that the DCRA orchestrated plan to force borough government on unorganized areas is unconstitutional.

The final kicker in this report is a statement on page 17 and I quote "While the Department does not advocate any particular course of action in this regard, this report would not be considered complete without the following final comments.". This statement is an outright falsehood. Any person of reasonable intelligence who reads and studies this document can see that the DCRA is advocating the elimination of unorganized boroughs to accomplish its political agenda which is the TAXATION of all privately held property in the state of Alaska.

This report by the DCRA is biased, misleading, and insulting to the intelligence of the people of Alaska. As a State Senator I hope that you will support our constitutional right to remain an unorganized borough and hold DCRA accountable for its obvious misuse of public funds in support of a particular political agenda.

Sincerely,



Thomas A. Maza

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: WILLIAM L. ELMORE

TITLE: MAYOR

ADDRESS: CITY OF EAGLE

CITY: EAGLE

ZIP: 99738

PHONE: 547-2265

BILL NO: SCR 36

SUBJECT: LOCAL BOUNDARY COMMISSION ANNEXATIONS

MESSAGE: I, AS MAYOR OF EAGLE, AS DO THE OTHER MEMBERS OF THE COMMON COUNCIL OF EAGLE, OPPOSE IN ITS ENTIRETY, THE ANNEXATION OF EAGLE INTO THE ORGANIZED BOROUGH. WE SUPPORT SCR 36 IN THE INTERIM UNTIL TOTAL DEFEAT OF HB1.

POMID: 02125419

DATE: 01/28/88

TIME: 12:54:19

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COPIES: SENATORS

COGHILL

HALFORD

KELLY

SZYMANSKI

ZHAROFF

Thomas A. Mays
HC 60 Box 303
Copper Center, AK 99573

P-590 855 394



January 9, 1988
Connecticut



January 9, 1988
Connecticut



Milk Wagon 1900s
5 USA



January 9, 1988
Connecticut



Senator Anliss Stungulewski
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Alaska State Legislature



Session Address:
STATE CAPITOL BUILDING
BOX V
JUNEAU, ALASKA 99811
(907) 465-3727

Interim Address:
BOX 53
PALMER, ALASKA 99645
(907) 745-3826 - Palmer
(907) 376-8628 - Wasilla

Representative Ronald L. Larson
District 16B

TO: All Legislators

FROM: Representative Ronald L. Larson

SUBJ: Response to a recent letter regarding SCR 36, HCR 33,
and 2nd SSHB 1

DATE: February 8, 1988

Attached is a letter sent to all legislators regarding SCR 36, HCR 33, and 2nd SSHB 1, as well as our response to the letter. I believe the letter raises some legitimate concerns. I hope I have addressed them adequately. Please feel free to give me a call if you have questions.

Alaska State Legislature



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(907) 376-8628 - Wasilla

Representative Ronald L. Larson
District 16B

February 5, 1988

Armeda A. Bulard
P.O. Box 87
Cantwell, Alaska 99729

Dear Armeda:

Thank you for your letter regarding SCR 36, HCR 33 and 2nd SSHB 1. As prime sponsor to the last, I thought it important that I respond.

I agree with the first point you make. I have no problem with SCR 36 and HCR 33. An 18 month moratorium on borough annexation would have no effect on the process outlined in my bill. More importantly, I think a halt to all annexation attempts, so that regions being threatened can examine the formation of a borough on their own, would be a good thing. There is nothing I would like more than to see various regions of the state form their own boroughs on their own terms-- with the boundaries they choose and with a form of government that would best meet their needs. In fact, one of my underlying motivations in introducing HB 1 was to encourage this very thing. You hit it on the nose: Citizens of various regions in the state should assess their educational needs, their resource and economic capabilities, the effects borough government would have (both the pros and the cons), and then proceed accordingly.

As to your concern about the power wielded by the Local Boundary Commission, let me say this: The commission was purposely set up to be independent from the legislature and from any state agency. Moreover, it is made up of five citizens from around the state. I believe that it is appropriate that such an apolitical commission study and make recommendations to the legislature regarding municipal boundaries. If it were otherwise, I'm afraid, boundary decisions would likely be the result of political battles based on emotion and self interest.

You make the point that lesser classifications of local government should be considered. I disagree. In 1972 the legislature eliminated all Fourth Class Boroughs. In 1986 the legislature passed legislation mandating that no more Third Class Boroughs could be formed. I believe that in both instances legislative discussion pointed out the many problems associated with Third and Fourth Class Boroughs. I don't believe we have to debate the issue again, and I believe that to reverse the legislative decisions already made would be a mistake. Most

importantly, I believe the type of borough government called for in my current bill, that of Home Rule Boroughs, offers the most flexible and adaptable form of government available. Citizens of a region can literally mold their Home Rule Charter to their own circumstances and needs.

Even though I represent the Mat-Su Borough, I pretty much agree with your fourth point. There is some inequity in the provision of services to different areas within current boroughs. I believe it the responsibility of each Borough Assembly to eliminate that inequity as much as it can. I also agree that unless there are very unusual circumstances most boroughs should not add to their present boundaries. I would say that the Bristol Bay and the Ketchikan Boroughs might be exceptions.

You present several arguments in your fifth point. Part of your argument is very similar to one I make in favor of borough formation. You are right, of the 56,000 people living in the Unorganized Borough, almost 80 percent of them live in some form of municipality right now. That is one of the primary arguments for borough formation: People are already familiar with, and part of, municipal government; the adjustment to borough government should not be difficult. As to the 13,000 not living in municipalities, little will change. They can continue their rural life style and continue to take care of themselves and their neighbors.

You end your fifth point by talking about the dollars I "can garner off such projects as the pipeline." I want you to know that I stand to garner nothing from borough formation--other than the satisfaction of making this state a better and a more effectively functioning one. As to the pipeline itself, you should know that the state now garners all the revenue from taxes on the pipeline in the Unorganized Borough (taxed at a 20 mills). With borough formation, each borough could tax the pipeline up to the 20 mill rate to use for its own purposes, and the state would receive only what remained short of 20 mills.

Finally, in your sixth point you castigate the Department of Community and Regional Affairs for authoring the Regional Government Study. You accuse the department for "its disloyalty to rural residents." I think you are wrong. I think the department is very much an advocate of rural Alaska. Each year it oversees and provides millions of dollars of programs and services to rural citizens.

In regards to HB 1 itself, the department has officially taken a stand against the bill as it is currently written. Though it strongly endorses the concept of borough formation across the state as a whole,

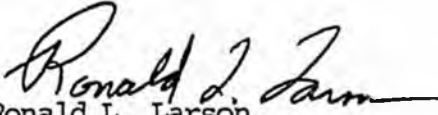
it has taken the stand that the process should be slowed and that an educational effort aimed at rural Alaska is necessary. I can agree with both. There is nothing magical about the year 1992. I can agree that there are some areas that will need a longer time to form as boroughs-- or need a large ongoing subsidy from the state. However, I also believe there are other areas that should have long ago formed as boroughs (and taken on some of the responsibilities now shouldered by the state). As to an educational effort, right now I am attempting to get funding for such an effort. It is important for the people who will be affected by borough formation to understand it, to know the pros and cons of it, and therefore be able to make an informed decision.

Ameda, I could go on to argue the merits of borough formation, but I won't. I will only say that there are many advantages, both to each region that would be organized and to the state as a whole. I won't deny that there is a "flip side to the coin," however. I have attended a number of public hearings on the issue; I will continue to do so. I have received and responded to several letters like your own. I have discussed the issue with many a rural legislator. I have listened, I have noted the problems that have been raised, and I have searched for solutions to those problems. I will continue to do the same.

Let me assure you, though. In the end--it may be 5 years, 10 years, or 20--the state as a whole will be organized into boroughs. In the end, all people of the state must have equal access to programs and services; all people of the state must share in local responsibility for those programs and services; and all people of the state must take local control of their affairs.

Again, thank you for writing.

Sincerely,


Ronald L. Larson
Representative

January 28, 1988

All Legislators of Alaska
P. O. Box V
Juneau, AK 99811

To All the Legislators of the State of Alaska:

As a member of the rural constituency of Alaska I support and ask that you support SCR 36 or HCR 33. As an advocate of these resolutions, I oppose 2nd SSHB-1 and ask that you do likewise. The following are some of my reasons for supporting the resolutions and opposing the house bill.

1. Mandatory or voluntary formation or annexation of boroughs must be studied prior to and not after boundary decisions are made in order to determine residents desires, educational needs, resource and economic capabilities, usefulness to residents, etc.
2. The Local Boundary Commission wields more power over Alaskan residents than it should. We need to investigate this department to ensure it openly approaches the people of this state.
3. Lesser classifications of local government must be considered and presented to the people.
4. Present monstrously oversized boroughs that do not represent or service ALL of their residents should not be allowed any further annexation of land, people, and businesses until they can prove to the State of Alaska that they are meeting the needs of every person, place and business within their present boundaries (ie Mat-Su Borough). Inequities occur daily within these gigantic local government entities. I honestly believe the boroughs should not be allowed to get any larger but should be limited in size.

5. The creator of 2nd SSHB-1 stated in a letter to the Railbelt School District that "an area covering 2/3's of the state (is) operating under a complex...confusing system of...governments, and service areas...". This refers to land mass and not population density. The Regional Government Study states that of a total state population of 553,880 only 56,650 people (10% of the total population) live in unorganized areas with 40,516 of these people residing in 1st class, 2nd class or home rule cities. That leaves a mere 12,934 (2% of the total population) taking care of themselves and their neighbors in the unorganized areas. This leads me to conclude that the creator of 2nd SSHB-1 is not concerned with the people of rural Alaska, but rather with the number of dollars that he can garner off of such projects as the pipeline. It is therefore the land mass and not the people that the boroughs and their supporting urban legislators are lusting after.

6. Department of Community and Regional Affairs was instituted to oversee the needs and services of the people in the unorganized, rural areas. It has not been discharging these duties satisfactorily for some time. The fact that D.C.R.A. produced the Regional Government Study in an extremely one-sided manner is proof of its disloyalty to rural residents. This also warrants investigation.

Many other arguments in favor of the Alaskan rural people and their lifestyle could be presented during the course of comparing all of the reports, letters, and bill revisions that have been introduced. I will settle for the six that I have set forth in this letter as I'm sure other rural Alaskans have submitted these and other points of contention. Interest in being

forced into a new borough or annexed into an existing borough is not as preeminent as urban legislators and borough assemblypeople would have every one believe.

I reiterate my request for your support of SCR 36 or HCR 33 as the proposed movement to total government must be studied to a maximum before any drastic measures are taken.

Sincerely yours,

Armeda A. Bulard

Armeda A. Bulard
P. O. Box 87
Cantwell, AK 99729

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/20/88
Mr. President:

DATE TURNED INTO OFFICE 2/5/88

C&RA

Committee considered SCR 36

Relating to annexations recommended by the Local Boundary Commission

and recommended:

replace with CS from SCR 36 same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Tim Kelly
Rich Halford

Arthur Sturgulovich
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: CS for SCR 36
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: Relative to annexations
Recommended by LOCAL BOUNDARY COMMISSION
Sponsor: 0
Requestor: _____

Agency Affected: LOCAL BOUNDARY COMMISSION
BRU: DC + RA
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 |
|------------------------|--------------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | / | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | - 0 - | | | | | |

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| CAPITAL | - 0 - | | | | | |
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| REVENUE | - 0 - | | | | | |
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: MELIE CAMPBELL Phone: 465-3818
Division: SENATE COMM. + REG. AFFAIRS COMM. Date: 2/4/88

Approved by Commissioner: SENATOR ARUSS STURCULEWICH Date: 2/4/88
Agency: by M&B

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

TO: Senate C&RA Committee February 3, 1988

FROM: Senate C&RA Staff *ME*

RE: CS for Senate Concurrent Resolution No. 36 (C&RA)

This measure was before the committee on January 26th, at the meeting with the Local Boundary Commission. At that time the LBC expressed some reservation regarding the resolution.

The original resolution asked the LBC to postpone any annexation procedures for 18 months. This was a result of the interest by the Mat-Su borough in annexing adjoining portions of the unorganized borough which contain pipeline.

This CS has been developed in cooperation with the sponsor, the LBC and its staff, all of whom support it. The CS recognizes that the LBC has statutory and constitutional responsibilities for hearing annexation petitions, clarifies the resolution is aimed at annexations by boroughs, inserts a date certain (Dec. 1, 1989) and inserts a trigger mechanism where the delay has to be requested by a person involved in a borough organization effort.

There would be no fiscal impact from this measure. Senator Coghill or a representative will be at the meeting to testify.

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

TO: Senate C&RA Committee

February 3, 1988

FROM: Senate C&RA Staff

Handwritten initials, possibly "MZA", written in dark ink.

RE: CS for Senate Concurrent Resolution No. 36 (C&RA)

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There would be no fiscal impact from this measure. Senator Coghill or a representative will be at the meeting to testify.

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

TO: Senate C&RA Committee

February 16, 1988

FROM: Senate C&RA Staff *MEL*

RE: SCS for HCR 33 (C&RA) - Relating to annexations recommended by the Local Boundary Commission.

This resolution by Representative Schultz asks the LBC to postpone any annexation procedures for 18 months. HCR 33 is identical to SCR 36 which this committee has previously considered.

The committee replaced SCR 36 with a CS and recommended unanimous "Do Pass". An identical CS is proposed for HCR 33. Rep. Schultz supports the proposed CS, as does the Local Boundary Commission and the Department of Community and Regional Affairs.

Original sponsor: Shultz

IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 33 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

Relating to annexations recommended by
the Local Boundary Commission.

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

WHEREAS Article X of the Constitution of the State of Alaska encourages the formation of local governments; and

WHEREAS municipalities are best operated when they are closest to the people governed; and

WHEREAS residents of a community are the best determiners of what system of government best fits the community needs; and

WHEREAS a municipality can petition the Local Boundary Commission for annexation of an area without first consulting with the residents of the area to be annexed and without the residents' consent; and

WHEREAS the Local Boundary Commission was established to consider proposed local government boundary changes and may present changes to the legislature within the first 10 days of any regular session; and

WHEREAS various communities in the unorganized borough are studying the concept of self-government and this study may conflict with Local Boundary Commission recommendations for annexation; and

WHEREAS the legislature recognizes that the Local Boundary Commission has statutory and constitutional responsibilities for hearing annexation petitions;

BE IT RESOLVED by the Alaska State Legislature that the Local Boundary Commission is requested to take into full consideration the desire of residents of an area in the unorganized borough to be self-governing and give them reasonable time to study the concept of self-government; and

② ③ BE IT FURTHER RESOLVED that the Local Boundary Commission is requested to postpone borough annexation procedures until after December 1, 1989, in an area where the formation of an organized borough is being studied if a person residing in the area proposed to be annexed and involved in the organization effort requests the delay.

date certain instead of 18 mo from when?

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February 9, 1988

SENATE JOURNAL

p. 2189

HCR 33

HOUSE CONCURRENT RESOLUTION NO. 33 by Representative Shultz,

Relating to annexations recommended by the
Local Boundary Commission.

was read the first time and referred to the Community and
Regional Affairs Committee.

February 18, 1988

SENATE JOURNAL

p. 2328

HCR 33

The Community and Regional Affairs Committee considered
HOUSE CONCURRENT RESOLUTION NO. 33 "Relating to annexations
recommended by the Local Boundary Commission" and
recommended it be replaced with

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 33 (C&RA)

Senator Sturgulewski, Chairman and Senator Halford signed
"do pass." Senators Zharoff and Szymanski signed "no
recommendation."

Zero fiscal note published today from Department of
Community and Regional Affairs.

HOUSE CONCURRENT RESOLUTION NO. 33 was referred to the Rules
Committee.



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.

A handwritten signature in cursive script, appearing to read "John D. [unclear]".

Signature of Camera Operator

1/15/92
Date

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**