

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6103 HOUSE STATE AFFAIRS

507

2-6-89

DEAR RED,

I'D LIKE TO THANK YOU FOR SPENDING TIME WITH THE CLOSE-UP STUDENTS AND MYSELF (I'M AN ANCHORAGE HIGH SCHOOL SOCIAL STUDIES TEACHER) TODAY & DISCUSSING IN PLAIN LANGUAGE THE ISSUE OF ~~LEGA~~ MARIJUANA. WHEN I WAS IN HIGH SCHOOL (I'M 35 NOW) THE ISSUE OF DRUG USE WAS NOT MUCH DIFFERENT THAN THEY ARE TODAY. I EXPERIMENTED, AS MOST STUDENTS DID & DO, WITH ALCOHOL, MARIJUANA & HASH. OTHER PEOPLE I KNEW TRIED SPEED, PSYCHEDELICS etc. DRUGS WILL ALWAYS BE AVAILABLE - SO THE ISSUE IS NOT "MAKE IT ILLEGAL AND SO WIPE OUT DRUG USE/ABUSE."

THE ISSUE TO ME IS - "ARE THERE SUBSTANCES THAT HARM SOCIETY, AND SINCE THERE ARE, SOCIETY MUST PROTECT ITSELF AND MAKE A MORAL STATEMENT ABOUT DRUGS & THEIR USE & ABUSE." IN OTHER WORDS, EVEN THOUGH PEOPLE WILL USE DRUGS - WE AS A SOCIETY ~~AT~~ SHOULD NOT CONDONE THEIR USE TO PROTECT ALL OF US. A MORAL SOCIETAL STATEMENT AGAINST DRUG USE IS POWERFUL AND IS IMPORTANT.

IF EVERYTHING ANYTHING IS  
ALLOWED - MORE PEOPLE WILL  
BE HURT THAN IF IT IS NOT  
ALLOWED.

EVEN WHEN I USED SOME  
DRUGS I KNEW SOCIETY DIDN'T  
APPROVE - AND, DEEP DOWN, KNEW  
IT WASN'T GOOD FOR ME. NOT  
BECAUSE PEOPLE WANTED TO STOP  
ME FROM HAVING FUN - BUT  
BECAUSE IT WAS ACTUALLY,  
REALLY BAD FOR ANYONE,  
PHYSICALLY & PSYCHOLOGICALLY.  
BOTTOM LINE - SOCIETY (that's  
all of us) NEEDS TO PROTECT  
ITSELF AND TO DEFINE  
WHAT A DANGER IS. MARIJUANA  
SEEMS A DANGER, THE TOUGH  
JOB, OF COURSE, IS TO DETERMINE  
AN APPROPRIATE PENALTY - I  
DON'T ENVY YOU THAT JOB.

Steve Polk

Dear Rep. Boucher,

Thank you for asking us in to discuss the marijuana resolution. I enjoyed that extensively. I believe that marijuana should be outlawed with harsh penalties. What is the difference between it and any other dangerous drugs that are outlawed?

As for Europe and its laws I spent all summer there in 1988. They have an extensive drug and alcohol problem but it is not well known because they don't broadcast it. On the other side of the coin is Israel, with about the lowest drug problem in the world, that they outlawed drugs and have an instant death penalty for drugs. I don't think we should be that extreme though. Maybe we should look at Russia, anyone can get alcohol and, most, until recently could legally get drugs, they are one of the drunkest, most storied nations on earth, worse by far than the U.S.

Maybe we should ask the federal government to declare war on drug dealers. If a country ~~data~~ kills that many people

we declare war on them, yet  
10,000 + people are killed by drugs  
and we tick the police on them.  
Shouldn't the group equipped to  
fight people that are armed and  
carrying automatics (the military)  
be asked to deal with them?

The most abused drug in my  
school is alcohol, followed by  
nicotine and THC (marijuana's main  
drug). Those drugs are killing  
America and our will to work  
and win, therefore we are losing  
our edge to Japan. ~~The~~ Ban marijuana  
and educate the people and then  
thoroughly enforce those laws. Also  
make the laws have a true penalty  
to stop those dealers and users,  
don't tease them.

Jason Hamilton  
Eagle

please show this to Dick Shultz  
also, thanks

Robert Miller  
4334 Butte Circle  
Anch, Alaska. 99504

Dear Rep. Boucher,

Thank you for your talk on drugs. Many Representatives don't take the time to talk to the teen-agers nowadays, because they think of us as juvenile delinquents. I do not think, that people don't spend a lot of time with us kids, were the future of this State or any other state. I feel if were going to get any kind of response to illegalizing drugs we must do it together.

I heard <sup>when</sup> you asked us, if ~~we~~ you should solve the problems, or pass a bill behind the backs of Alaskans, that wouldn't work, nobody would be satisfied just the people of the Court would.

I feel that you should legalize drug use in the home. I know it's on the streets, I've been there, but all we have to do is enforce our drug laws just a little harder. Drugs will never cease, ~~then~~ they're all over the place, little five year old kids are getting drugs and selling them, so lets put a little more effort into this drug problem, pass it on to other members, and I'll pass it on to the students of Anchorage and maybe we can make some progress.

Thank You!!!

H.A. "Red" Boucher  
Box V  
Juneau, Ak. 99811

Lead Frontierhouse  
Box 377  
Healy, Ak 99743  
March 4, 1989

Dear Rep. H.A. "Red" Boucher,  
I'd like to thank you for  
your time on 3/4/89. I found your  
feelings on the Recriminalization of  
Marijuana very interesting. You asked  
for our feelings on paper. I think  
that marijuana is like alcohol,  
when it is illegal to a minor they  
are the ones that use it the most.  
For the people that it is legal for  
it is no big deal but for the people  
that can't have it want it the  
most. I think that if it is legal  
that there will be less of a problem.  
I hope you find my feelings useful  
to your ideas and thinking. Thank  
you for asking for our opinions.

Sincerely,  
Lead Frontierhouse

H.A. "Red" Boucher

P.O. Box 21

Jackson, Alaska 99811

Mar. 6, 1989

Dear Representative Boucher,

I want to thank you for talking with our  
Close-Up students today. I know you must be a very  
busy man and I think the students felt good about  
you wanting to hear their thoughts. Your concern and  
interest in them was appreciated.

I would like to see much stricter penalties  
for all substance abuse. I certainly don't think marijuana  
should be legalized. I don't agree with the "prohibition  
argument". Our laws should be strictly enforced with  
more community service not just a slap on the hand.

Thank you

Close-up Teacher

Hawni Ann Taylor  
Box 3005  
Anderson, AK 99744  
March 6, 1988

H.A. Red Boucher  
P.O. Box V  
Juneau, AK 99811

Dear Representative Boucher:

Thankyou for the time that you spent today talking to our group of Close-Up students. I think that it was very nice of you to take such an interest in our feelings; not many legislators care what we think.

I personally do not believe that the use of marijuana is right. It seems to me that our laws contradict themselves when they say that marijuana is illegal, but if you have under four ounces in your own home for your own use — it is okay. How did the marijuana get to your home? The people had to transport it at sometime or participate in illegally buying it from a drug dealer.

This is just my opinion. Thankyou for your time.

Sincerely,

Hawni Ann Taylor

Annette Deal  
2910 West 35th  
Anchorage, AK. 99517  
West Anchorage H.S.

H.A. Red Boucher  
P.O. Box V  
Juneau, AK. 99811

March 6, 1989

Dear Representative Red Boucher,

I would like to thank you for the time you gave us to talk with you. I feel it a great pleasure and honor to be selected for close up.

It is very difficult for me to make a judgement call on this marijuana issue, because I have never been involved with it. I find myself to be a rare example of this though, when you give people an inch, they take a mile. Do people really stop at 4 ounces? I don't know many that do, but it is to remain legal for the 4 ounces, when there should be more control and punishment on it.

I think the best idea though is to abide with the federal laws and to make any possession whatsoever illegal.

Sincerely, Annette Deal

March 6, 1989

Dear Representative Boucher,

In my opinion I believe that marijuana should not be recriminalized. There are many factors to my decision. First of all, I think that people should have the choice to make or break their lives. Second, I myself wouldn't want to be imposed upon if I made a habit out of something and then someone makes it illegal.

I can relate to those who are concerned with the well being of the future generations and those who just need a reason to quit. But, not everybody (unfortunately) will be consenting to that law. The people who do sell drugs like marijuana are already breaking the law. And the people who smoke the stuff are putting themselves in a situation by buying it. Most people do not grow their supply of marijuana.

The government would ~~not~~ be making a wise decision in my opinion by putting up funds for educating the public about drugs and their negative effects. If that doesn't stop them nothing will.

Thank you for your  
time.

Rhonda  
Thompson

P.O. Box 566  
Delta Jct., AK  
99737

March 6, 1989

H.A. Red Boucher  
Pouch V  
Juneau, AK 99811

Dear Mr. Boucher,

If you would decriminalize marijuana  
you would cause more problems  
than you have right now.  
I have not been in contact  
with the stuff so I don't know  
what to tell you. My Dad is  
very protective.

Alcohol I know lots  
about because my dad takes  
me to Bars and I see a lot  
of people drunk. I have also  
tasted alcohol so I know  
what some taste like. But  
I didn't like it ~~too~~ though.

Sincerely yours,

March 6-89

Box - 317  
Galena, Alaska  
-99741-

Dear Representative Boucher,

I think that if you made it against the law that people would smoke dope even more because it is something to be sly about and say "hey, look at me, I can do this and not get caught because nobody is going to find out. So other kids will think that if they can do that and not get caught so can I to be cool.

I don't really know what the answer is but if it is illegal for parents to then kids won't have access to it and be able to steal it from parents.

Thank you for speaking with the Close Up students

Jiffany Simmons  
Close Up Student

3/6/89

Dear 'Red' Barcher,

I would like to thank you for taking the time to invite us to your committee room to ask us our opinions about the proposed bill of decriminalizing marijuana. I personally think no matter what the state does people are still going to be smoking marijuana, illegal or not. Cocaine is illegal and look how bad of a national problem it is. Recriminalizing marijuana might deter a few people from growing and smoking, but the majority are still going to be doing it. The only solution to the nation's drug problem is ~~at~~ direct relations with the country's who are major producers of illegal substances. I know it's easier said than done, but it can be accomplished. My parents are from the country of Colombia and I often go there for summer vacation. Colombians, especially teenagers, hardly have drug problems because they know what it can do. But, the big problem there is the violence caused by drug trafficking. Alaska must convince the nation to work hard with the Colombian government to stop the drug problem at its root.

Sincerely,

Javier Rivera

JAVIER RIVERA

March 6

Dear Representative Boucher,

Thank you for talking with us to day, The Marijuana issue is one that affects teenagers greatly and its nice to know that someone cares what we feel.

I'm not sure if Marijuana should be "recriminalized" because the crime rate could go up and it could ~~raise~~ <sup>rise to</sup> the level of cocaine or crack. I feel that prevention steps should be taken because the problems of abuse are not just the people who abuse drugs now but the people who have the potential to become abusers.

Education programs should be set up in early elementary school no age is to young to start learning about substance abuse. Many kids start using drugs at 8 years old or younger, and a large majority of these kids have parents that use drugs, and there is a pattern that stems from this we need to get these kids to break the pattern & to ~~stop using~~ not start ~~so~~ using drugs.

Sincerely,  
Cristina Wakefield

March 6, 1989

H.A. "Red" Bowchen  
Pouch V  
Gumnaau, AK 99811

Dear Sir:

I feel that this act should not be  
recriminalized, although I feel that a change  
should be made. I don't know  
the solution to the marijuana problem.

If the marijuana act was  
recriminalized the way it would  
increase and I don't think it would  
better the problem. It would  
worsen it.

I really don't know of the  
marijuana problem as well as others  
because I haven't tried it before  
even though I am 17 years old,  
I do know the problem exists.

Sorry I can't think of any  
solutions at the present. Thank  
you for your time.

Sincerely,  
A Close-Up Student

March 6, 1987

Dear Representative Boncher,

My concern of the present marijuana laws is that they do not concur with the federal laws and I believe that dictates a mixed-message to society. It is my firm belief that state laws should concur with federal laws, and since the present law concerning marijuana is convulsed to the point of ridiculousness, I also believe we should decriminalize, or make illegal, marijuana.

I would also like to thank you for taking the time to confer with myself and fellow members of Close-Up this afternoon. I thank you all appreciated it greatly.

Sincerely,  
Phil Harrison

March 6, 1989

Dear Rep. Boucher,

The whole marijuana issue seems kind of inane to me. It is clearly a dangerous and illegal substance, and I feel that it should be outlawed in any quantity. If you can't buy it, sell it, grow it, or transport it, you shouldn't have it at all, regardless of any "privacy" laws. Privacy rights go too far when they involve such a dangerous substance. If the country as a whole has determined that marijuana is illegal to possess, what right does Alaska have to decide to re-interpret the issue? I myself am receiving quite mixed signals. We receive all this drug education in school, but then we are told that it's okay to possess 4 ounces in our home? It doesn't make sense. So basically, I'm saying that marijuana should definitely be made illegal in any quantity. Thanks so much for caring enough to hear our point of view.

Sincerely,  
Jennifer Hogen

never tried marijuana

March 6, 1959

Dear Representative Bavelor,

I have never tried marijuana but I know people who love. I believe it is good to make all marijuana illegal because what if a person smokes it then leaves his house?

I know of a man ~~who~~ who grows his own crop and frequently gets high before he goes flying. This guy has crashed up several airplanes, but has survived each time. My greatest fear is that this type of person may land or crash into other people, because he flies inland on heavily traveled water ways.

~~I would also like to see more education~~

I would also like to see more education in the bush concerning drugs and alcohol because most abusers don't understand what they do to their bodies.

Sincerely,  
Fred [unclear]

March 6, 1989

I have never tried marijuana.

I feel that to educate children in school that marijuana is a detrimental drug, but to have a precedent set that a person cannot be held for possession of said drug, is a double standard in the first degree. A law banning possession will not make people stop using marijuana - but it will at least tell them that we don't approve. I believe that there should be a law outlawing it, but that it should be rather lenient. The best way to combat drugs is through education, not incarceration.

If you have any questions, my name is Tim Mikesell. My home address is: Box 156 Delta Jet, Alaska, 99737. Phone: (907) 895-4317. Please feel free to call.

Thanks for your time.

March 6, 1989

Rep. Baucher, I have never used  
any illegal substances & I don't really  
know much about it. I am a senior  
at Delta Jct. High & I have never been  
approached in relation to drug use before,  
but I'm really not the kind of person that  
would be approached. A friend of mine  
has told me that he can get all  
sorts of drugs in under half an  
hour. I don't have an opinion  
about the drugs in your own home, but  
I am decidedly against the use of marijuana &  
other drugs & I appreciate your efforts.

David Crawford

3-6-89

Dear Representative Boucher,

I feel that marijuana use should be made illegal. I think that the punishment that goes with this should increase in severity fairly rapidly, such as a fairly heavy fine on the second offense, and a jail sentence of 30 days on the third offense, while the first offense should only have a light fine. I think that this would be very effective because the first time offenders (people who are experimenting) get a light warning, while people who repeatedly break the law are punished fairly heavily. I think this would be appealing to many sides of the issue.

Sincerely,  
Jeff Smith

Jeff Smith

Marijuana-

March 6, ~~1988~~ 1989

Dear Rep. Boucher,

I think that the use of marijuana should be illegalized. I think that would make it so that it would be easier to punish people. That way, anyone ~~to~~ that had marijuana would be in trouble. But, the punishment should get worse and worse for each offense.

Sincerely,

Joel Hamilton  
Joel Hamilton

3-6-89

Dear Red Boucher,

Thanks for taking the time to listen to our opinions. I really appreciate that.

I have never used or even tried any drugs, including pot. ~~That does not mean~~ However, that does not mean that I'm not around people who do. Many of my friends and family have tried drugs.

In my school, there is a problem. Just last week "Fast Freddie," a student there, was arrested for selling to fellow students. I go to Chugiak High School.

I think that marijuana should be illegal in any amount. I've seen too many people with ruined lives because of it. If someone gets caught with a joint and faces a jail sentence, it's his own fault. A parent may fear having one of his kids go jail, but the kid must learn that drugs are wrong.

Thanks a lot for listening!

- Teresa M. Jansen

Red Bowden

3-6-89

Dear Red

Thank you very much for taking the time to discuss your feelings about the marijuana issue with us on a personal basis and giving us a chance to speak our mind on the issue.

I do feel there is an increasing problem in the schools dealing with marijuana. It is everywhere! I think that we need to put harsh punishments on second time offenders! Many of my peers have used marijuana and ~~have~~ experimented with other drugs - especially alcohol. It is a definitely a curiosity among young people. A good saying is "Do as I say not as I do". Our examples are important. We need help.

Many people have easy access to buying the weed - keep the seller in jail away from us. Stress the importance of clamping down on the laws. I see kids at school participating every day - "stoned" especially after lunch. They never get caught so each time it goes a little further. If you want to know more about what I see in school let me know. I will help in any way I think it needs is too much to state for decoration in one house!

Erna Patrawke Erna Patrawke

ERNA PATRAWKE  
5530 PERENSA  
9/15/15

3-6-89

Rep. Red Boucher, Hello I'm glad that you took the time and talked to us because I was rather disappointed in my District 13 representative & he acted as if his problem are more important than some of the kids here for just a week.

I would hope to see you tomorrow at breakfast because I would like to talk to you some more on the substance abuse in our schools

P.S

Thanks again  
for taking the time

Sincerely  
Yony Beckin  
of East Anchorage

By the way I was very a great deal because I really wasn't excited about the program but your talk changed my mind because you made me feel like my opinion counted.  
Thanks.

March 6, th 1989

Representative Red-

I myself haven't used any alcohol or drugs and I don't plan to in the future. Although, all of my friends have tried both drugs and alcohol at sometime in their lives they do not experiment on a regular basis.

I've noticed that in my school, the central problem with drugs/alcohol is the "availability" of it. We need to find out how these kids are getting it and where they're getting it. We also need to invoke a stricter punishment on those who are caught with it while being "underage." Another thing we need to do is, to get the "adults" who are providing/selling these things to the kids.

Have you ever seen 21 Jump Street? I think we should have some kind of program like this to target drug sources/dealers. But it would have to start early on in high school.

I talked to a few others (students) about it - it's been tried before but unsuccessfully. It was unsuccessful because <sup>new</sup> kids were "brought in" from the outside and everyone knew. It would have to be a highly secretive and collective program.

Sincerely,  
BARTLETT H.S.  
ANCHORAGE Alaska Brandi Pruitt

Dear Rod

Thankyou for taking time to talk to us. I myself have used alcohol before but never used marijuana before.

I think as a solution to the problem, it should be taxed like alcohol and put certain restrictions on it. If you made it illegal I think that would just cause more problems. The people who "have to have it" will do anything to get it no matter what.

Another option to the problem would be to do something like 21 Jumpstreet. Look over Brandi Krewitt letter she gives in detail the project.

Thankyou

Marne Kolesky  
Marne Kolesky

Tanya Rodriguez  
8542 Steep Place  
Juneau, AK 99801

Pouch V  
Juneau, AK 99811

Dear Representative Boucher,

I am writing to urge you oppose HB 88. In reading and researching this bill I have found that this bill will only make Marijuana a violation, which is only as bad as a parking ticket. This bill will not recriminalize Marijuana. Even though I am only a sophomore in High school, I am strongly against this. I researched the pros and cons of Marijuana, and have seen the consequences of potential health damage to our society. Please oppose HB 88!

Sincerely,

Tanya Rodriguez

*Tanya Rodriguez*

cc: House State Affairs Committee

Representative Fran Ulmer

Representative Bill Hudson

To: H.A. Boucher

From: Krystie Bengtson

Re: HB 88

In a survey taken by Senator Frank Murkowski, 63.9% of the 10,000 people who responded wanted marijuana recriminalized. I feel because recrimianalization is what the people of Alaska want then we must support bills that will recriminalize marijuana. I am against HB 88 because it does not give Alaskans what they want it just pretends to. HB 88 makes the possession of marijuana only a violation which is the same as going through a stop sign. Where as the support of HB 22 and SB 18 makes the possession of marijuana a misdemeanor.

The drug problem in the Alaska school system is worse than that of New York City schools. This should be enough to make us want to clean up our schools and our youth. "You can't say drugs are bad at the same time that you are making them legal. Law is a teaching instrument among other things." (Rudolph Giuliani, US attorney New York). I feel that if we put restrictions on marijuana many people will stop using it.

Please support HB 22 and SB 18.

P.S I am 15 years old.

Thank you.

  
Krystie Bengtson

April Jackson  
Box 164  
Douglas, Alaska  
99824

Representative Boucher  
Pouch V  
Juneau 99811

Dear Representative Boucher,

I oppose House Bill 88 because it does not recriminalize marijuana. It makes the possession of marijuana only a violation. Drugs are a big problem in Alaska. House Bill 88 will not effect our drug problem. We need stronger laws against marijuana. Even though I am fourteen, this is a concern of mine.

Even though your committee sponsored this legislation, I urge you to oppose House Bill 88.

Sincerely,

*April Jackson*  
April Jackson

cc: State Affairs Committee Members  
Representative Fran Ulmer  
Representative Bill Hudson

Anna Mesdag  
4937 Hummingbird Ln.  
Juneau, Alaska 99801

Representative H.A. Boucher  
Pouch V  
Juneau 99811

Dear Mr. Representative,

Alaska has the worst drug problem in the Union and in order to change that, Alaska needs stronger drug laws. I am opposed to House Bill 88 because it does not recriminalize marijuana, it only makes it a violation. I may only be 14, but this issue concerns me.

Although your committee sponsored this legislation, I earnestly urge you to vote against this bill.

Sincerely,

*Anna Mesdag*  
Anna Mesdag

cc: State Affairs Committee Members  
Representative Fran Ulmer  
Representative Bill Hudson

David J. Numme  
8402 Decoy Boulevard  
Juneau, Alaska 99801  
March 13, 1989

Representative Red Boucher  
Pouch V  
Juneau, Alaska 99811

Dear Representative Boucher,

I am a 16 year old local high school student. I am writing you concerning HB 88. I have been told that you are sensitive to the needs of children. So from that standpoint, I do urge you not to support CS HB 88. CS HB 88 would not make the penalty for having marijuana harsh enough. It would be the same penalty as running a red light. Such a penalty for the long range damages of the harm that marijuana does in my view is not harsh enough.

I know that your committee sponsored CS HB 88, it would be hard for you to vote against the bill that you sponsored, but please consider the harm that it would do. The law must be consistent from a federal standpoint. I do not understand how we can say yes to marijuana and no to cocaine and heroine.

Again, for the sake of Alaska's youth, I urge you not to support HB 88.

Sincerely,

*David J. Numme*

David J. Numme

9-6973

after 4pm

cc: State Affairs Committee  
Representative Fran Ulmer  
Representative Bill Hudson

FOR IMMEDIATE RELEASE  
January 18, 1989

CONTACT: Marie Majewske  
333-0717

4488

### MARIJUANA INITIATIVE SPONSORS STILL SIGNING ON

Organizers of a statewide drive to recriminalize the use of marijuana say they aren't having any trouble getting book sponsors.

Since December 21, 1988, when the Division of Elections certified the Marijuana Initiative Petition with 116 signatures of qualified voters throughout the state, over 160 additional sponsors have signed on and more signatures are anticipated in the weeks to come. The Division of Elections has certified over 270 sponsors thus far, meaning that each person will receive a book for gathering signatures as soon as the Department of Law approves the initiative language. At 100 signatures per book, this dedicated group can easily gather 27 000 signatures.

The Chair of the drive says the initiative is needed because the legislature refuses to address the issue.

"We, the citizens of Alaska, must make our voices heard in the legislature and the Governors office," Marie Majewske said.

RECEIVED

FEB 7 1989

## MARIJUANA INITIATIVE

Page 2

Although several pieces of legislation dealing with the recriminalization of marijuana have been or will be introduced this session, Majewske, who is Chair of the Marijuana Initiative Committee has urged her committee members to continue their efforts to bring the issue to the forefront of public attention.

"The problem is, and has been, that we have relied upon our elected officials to heed our concerns about the detrimental affect Alaska's permissive marijuana laws are having on our children and our society as a whole," Majewske said. "Our legislature has been given many opportunities to enact appropriate legislation, but hasn't. After years of disappointment, we decided that the initiative process was the only recourse available to us."

Initiative Committee Chair Majewske believes that no matter what the legislature passes, it will be challenged in court by out of state special interest groups through their Alaskan lawyers. This may delay repeal of the current permissive laws for unknown years. Majewske added, "The initiative may be the quickest way to solve the marijuana problem as it is less likely that the Alaska Supreme Court

MARIJUANA INITIATIVE

Page 3

would overturn a vote of the people in a matter of public health and safety."

Majewski stressed that the Initiative Committee strongly opposes the passage of HB 88, which would treat the possession and use of marijuana much the same as a traffic violation, by allowing those individuals charged with possession to simply mail in their fines. "We want possession and use of marijuana to be classified as a Class B misdemeanor," said Majewske. "Issuing a citation with the option of mailing in the fine, amounts to little more than a slap on the hand."

The Committee supports HB 22 by Rep. Alyce Hanley and SB 18 by Sen. Paul Fischer which would increase the penalty for possession/use of marijuana.

Senators Frank Murkowski and Ted Stevens have pledged their support and assistance in working with the Committee to recriminalize the possession and use of marijuana in Alaska.

*Marie Majewske*

###

"Red" get off the fence  
It's either right  
or wrong —  
middle of the road no good.

Jerry Hanington

# METRO

"Red" you let  
me down!  
still waiting  
on your  
due's  
\$40.00  
Shepmate  
Hanington

TUESDAY

SECTION B Jan. 31, 1989

## Marijuana again becomes tricky issue

### House Democrats try to walk thin line since pot law turned into hot campaign topic

By DAVID POSTMAN  
Daily News reporter

JUNEAU — Bruised by campaign charges of being soft on drugs, and worse, House Democrats are again trying to figure out what to do about marijuana to "send a message" about drugs without violating the constitution.



Boucher

"A few of the Democrats I've talked to said, 'We're not going to get beat up on this again' and I said, 'Yeah, Republicans got beat up on local hire and we lost a couple of people,'" said Republican Rep. Alyce Hanley. "I think something will happen."

A bill introduced by Rep. Red Boucher's State Affairs Committee would make possession of marijuana a civil violation, but not a criminal offense. While Republicans say it doesn't go far enough, it is a step further than the House took last year.

The committee has scheduled a

work session today on the bill.

In the 1988 session, a Senate bill that recriminalized possession and use of marijuana was committed to death in the House. The Republican-controlled Senate passed the bill on the grounds that new research showed that the drug is a serious health threat.

In the House, though, there was testimony from several experts who said there was no such research.

The Alaska Supreme Court in 1975 had ruled that adults could possess and smoke marijuana at home because there were no ill

health effects and, therefore, the constitutional right to privacy prevailed.

House leaders didn't buy the health argument made by the Senate and worried that recriminalizing marijuana would violate the court ruling.

This year, though, House leaders are at least considering changes to the law.

"Let's face it, it is a campaign issue," Boucher said. "And most of the things that happen here are driven by vocal outbursts."

Boucher has pushed harder than most House Democrats for tougher

marijuana laws. Last year he spoke against the leadership's attempts to keep the recriminalization bill hidden away in committee. But even he was pegged as giving in to drug pushers in the November campaign. He wants to make sure he can't be hit with that again.

"I think, personally, that marijuana should be considered part of the drug scene," he said. "The State Affairs bill is a starting place. I'm not saying it's perfect but at least it gets us talking."

Please see Page B-2, POT

# REP: Alaska Repertory Theatre closes its doors today

Continued from Page D-1

date for Anchorage. Ken Myers, Peppard's show manager, said from New York that May is the earliest the actor could be available.

"The board will do what they can to fill the gap for the time being," said board member Lanie Fleischer. "There's road shows traveling all around the Lower 48. Nothing's firm yet, but we're looking."

Tomlinson said he is negotiating for several shows, including a large-scale musical he described as "a major coup." The musical would be brought up by its producer, who would rent one of the center's three auditoriums.

Even though TAC doesn't exist, and may not ever exist under that name, Tomlinson said the center has laid the

groundwork "for a group of people to talk about how professional theater was going to continue in the state. That was our intent, so I feel good about it."

Other groups are looking at the gap the Rep leaves. Out North Theatre Company has already announced its intention to expand and produce professional theater. A loose-knit group dubbed Citizens Forum for Professional Theatre is trying to decide what Anchorage needs.

The center is lending a meeting room and clerical help to the citizens forum. Called together by local actor and director Marty Decker, the forum met two weeks ago and will meet again today at 5:30 p.m. in the center office.

The first meeting dealt primarily with whether An-

chorage needs a new professional theater company or whether the Forum should help an existing group, such as Out North or the Theatre Guild, move into that arena.

Tiny Out North, known for low-budget, high-quality shows with gay and lesbian themes, recently announced that next season it would expand its focus considerably, producing mainstream plays with a half-million-dollar budget.

On Saturday, Out North will hold a 5 p.m. planning meeting at the John W. Thomas Community Center, 325 E. Third Ave. The public meeting is designed to draft a five-year plan for the development of professional theater under the Out North banner. For its 1989-90 season, Out North has scheduled three main-stage shows

in the arts center's Discovery Theatre and two second-stage productions in another location.

Hart said she hopes groups planning to move into the Rep's place move slowly.

"If this thing is done too quickly, they're still not going to solve the problem of a professional theater that costs too much."

Carr said he wants "to get back to fund raising and helping this thing get off the ground, whether it's Theatre at the Center or something else. My only goal is to fill the center."

The Rep's much-reduced staff has been cutting refund checks to subscribers who paid for a full season but got a partial one when the company stopped producing Dec. 31.

# POT: Becomes tricky issue again

Continued from Page B-1

Boucher is clearly hoping that last year's campaign rhetoric will propel some sort of marijuana bill through the House.

House Speaker Sam Cotten and Rep. Johnny Ellis, who last year was co-chairman of the Health, Education and Social Services Committee, which killed the bill, agreed that action is more likely this year than last, but said legislation should not be passed to deal with what they consider dirty campaign tricks.

Ellis faced perhaps the most direct campaign attacks. His opponent, Bill Dam, said Ellis was "soft on drugs" and "refused to let tougher laws on drugs out of his committee."

"I was attacked vociferously," Ellis said.

Cotten said he didn't think the Republican charges will do much to get a bill passed. "I hadn't thought about that much," Cotten said. "Perhaps it raises people's consciousness and it is a good emotional issue."

Besides, Cotten said, the incumbent Democrats who were hit hard on the drug issue were all re-elected, so the attacks did not appear to work.

For Ellis, being labeled soft on drugs doesn't mean he will rush to embrace any bill that recriminalizes marijuana.

"I think people would like to put the issue behind us," he said. "But why are we spending so much time talking about marijuana when there are so many more serious substance abuse problems documented in the state of Alaska?"

## OBITUARIES

### JACK TEFFETELLER

Jack Teffeteller, 59, an Anchorage resident, died Jan. 28 at Elmendorf Air Force Base Hospital.



Teffeteller

Mr. Bedlington was born July 24, 1913, in Custer, Wash. In 1933, he graduated from Ferndale High School in Ferndale, Wash. He arrived in Alaska in 1938.

He worked for the Civil Aeronautics Administration

Masons Lodge 56 in Lynden, Wash., the Juneau Scottish Rite Bodies, the Royal Arch Masons in Juneau, the American Legion Post 143 in Twisp, Wash., and Pioneers of Alaska Igloo 4.

He leaves his brothers,

### BARBARA CAROL LAIN

Barbara Carol Lain, 35, died Jan. 26 at Providence Hospital after a lengthy battle with cancer.

A funeral will be at 6 p.m. Wednesday at Witzleben Family Funeral Homes & Crematory, Bragow Chapel

She was an active member of the Center of Hope Church of God in Christ, where she was a member of the senior choir.

She had lived in Alaska since 1981 and had worked as a secretary for an attorney's office, a

Terrick and Derrick, all of Anchorage; her daughter, Brandie Lain, of Anchorage; her brothers, Belvard Burns, of San Diego, Calif., and Terrence Burns, of Anchorage; and her sisters, Madonna Adkins and Lelear McGhee, both of Anchorage.

M+D 2  
X HB 88

SUGGESTED PRESS STATEMENT FOR REP. BOUCHER ON BEHALF OF THE  
MAJORITY CAUCUS

HB 88 the marijuana bill sponsored by the House State Affairs Committee which Rep. Boucher chairs, represents a consensus on the part of the House majority caucus for a compromise between those who feel that possession of marijuana should be decriminalized and those who feel possession should entail arrest, a fine and jail sentence.

One of the bill's salient features is that it brings clarity to a law which is ambiguous. Current law provides different penalties for marijuana possession, depending on the quantity involved and whether the possession is in a public or private place. The bill offered by the House Majority addresses this ambiguity by making it illegal in both public and private places to possess small amounts of marijuana. Possession of larger amounts has not been a public issue and the law will remain the same.

Rep. H.A. "Red" Boucher introduced HB 88 through the House State Affairs Committee by request. Said Boucher, "This issue has been dividing us for too long and something has to be done", and "I'm happy to try and bring about a compromise on this issue."

Boucher's State Affairs Committee will begin hearings on the marijuana bill soon.

I. MARIJUANA POSSESSION

A. Comparison of current law and proposed HB 88

1. Current law

<u>Place</u>	<u>Quantity</u>	<u>Offense Classification</u>	<u>Penalty</u>
Public	< 1 oz.	7th Degree Violation	\$ 100
Public	> 1 < 4 oz.	Misdemeanor B	\$1000/90 days
Anywhere	> 4 < 8 oz.	Misdemeanor B	\$1000/90 days
Anywhere	> 8 oz.	Misdemeanor A	\$5000/1 year

2. Proposed HB 88

Anywhere	< 4 oz.	7th Degree Violation	\$ 100
Anywhere	> 4 < 8 oz.	Misdemeanor B	\$1000/90 days
Anywhere	> 8 oz.	Misdemeanor A	\$1000/1 year

# Alaska State Legislature

## Committees:

Chair-State Affairs  
V. Chair-Judiciary  
Telecommunications  
Special Ethics  
Legislative Council  
Finance Subcommittee  
for the University of Alaska  
Joint Committee  
on Economic Recovery



*See 46: A*  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4947

**REPRESENTATIVE FRAN ULMER**

November 25, 1988

Representative Red Boucher  
Box V  
Juneau, AK 99811

Dear Red:

I have been working on a bill for next session which would impose a fine for small quantity possession of marijuana. This is the concept promoted by the Alaska Peace Officers Association.

In the past you have expressed some interest in this issue. Please let me know if you have any comments on the draft, and if you would be interested in being a cosponsor or principal sponsor.

I feel this is an important issue for us to address early in the session and hopefully by the Democratic majority.

Sincerely,

Handwritten signature of Fran Ulmer.  
Fran Ulmer

DEC 7 1988

6-0278A/  
Chenoweth  
12/2/88

1 IN THE HOUSE

BY

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to possession of controlled sub-  
7 stances and imitation controlled substances, to their  
8 delivery to certain persons under 21 years of age,  
9 and to the disposition of offenses of misconduct  
10 involving a controlled substance in the seventh  
11 degree."

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

13 \* Section 1. PURPOSE. (a) Alaska's criminal code classifies marijuana  
14 as a schedule VIA controlled substance. Section 4 of this Act makes the  
15 possession of a very small amount of marijuana misconduct involving a  
16 controlled substance in the seventh degree. Misconduct involving a con-  
17 trolled substance in the seventh degree is, under current Alaska law, a  
18 "violation," that is, an offense punishable by a fine.

19 (b) It is the purpose of secs. 6 and 8 of this Act to amend applica-  
20 ble statutes so that a law enforcement officer who stops or contacts a  
21 person for possession of a small amount of marijuana may issue a citation  
22 for that offense, and the person who receives the citation may waive a  
23 court appearance and remit a payment as satisfaction of the offense.

24 \* Sec. 2. AS 11.71.010(a) is amended to read:

25 (a) Except as authorized in AS 17.30, a person commits the crime  
26 of misconduct involving a controlled substance in the first degree if  
27 the person

28 (1) delivers any amount of a schedule IA controlled sub-  
29 stance to a person under 21 [19] years of age who is at least three

1 years younger than the person delivering the substance; [OR]

2 (2) delivers any amount of a schedule IIA or IIIA con-  
3 trolled substance to a person under 21 [19] years of age who is at  
4 least three years younger than the person delivering the substance; or

5 (3) engages in a continuing criminal enterprise.

6 \* Sec. 3. AS 11.71.030(a) is amended to read:

7 (a) Except as authorized in AS 17.30, a person commits the crime  
8 of misconduct involving a controlled substance in the third degree if  
9 the person

10 (1) manufactures or delivers any amount of a schedule IIA  
11 or IIIA controlled substance or possesses any amount of a schedule IIA  
12 or IIIA controlled substance with intent to manufacture or deliver;

13 (2) delivers any amount of a schedule IVA, VA, or VIA con-  
14 trolled substance to a person under 21 [19] years of age who is at  
15 least three years younger than the person delivering the substance; or

16 (3) being 18 years of age or older, possesses any amount of  
17 a schedule IA or IIA controlled substance within the grounds of or on  
18 a parking lot immediately adjacent to a public or private preschool,  
19 elementary, junior high, or secondary school.

20 \* Sec. 4. AS 11.71.070(a) is amended to read:

21 (a) Except as authorized in AS 17.30, a person commits the  
22 offense of misconduct involving a controlled substance in the seventh  
23 degree if the person

24 (1) manufactures or delivers, or possesses with the intent  
25 to manufacture or deliver, one or more preparations, compounds, mix-  
26 tures, or substances of an aggregate weight of less than one-half  
27 ounce of a schedule VIA controlled substance; [OR]

28 (2) possesses one or more preparations, compounds, mix-  
29 tures, or substances of an aggregate weight of less than one ounce

1 containing a schedule VIA controlled substance on a public street or  
2 sidewalk or on the premises of a public carrier or business establish-  
3 ment or in any other public place; or

4 (3) possesses one or more preparations, compounds, mix-  
5 tures, or substances of an aggregate weight of less than four ounces  
6 containing a schedule VIA controlled substance in a place other than a  
7 public place.

8 \* Sec. 5. AS 11.71.070(b) is amended to read:

9 (b) Misconduct involving a controlled substance in the seventh  
10 degree is a violation and is punishable by [AS AUTHORIZED IN AS 12.55,  
11 EXCEPT THAT IF] a fine of [IS IMPOSED IT SHALL] not [BE] more than  
12 \$250 [\$100].

13 \* Sec. 6. AS 11.71 is amended by adding a new section to read:

14 Sec. 11.71.075. CITATION FOR VIOLATION. (a) The provisions of  
15 AS 12.25.190(b) apply to a person arrested or cited for the commission  
16 of an offense under AS 11.71.070.

17 (b) The supreme court shall establish a schedule of bail  
18 amounts, not to exceed fines prescribed by law, for each offense under  
19 AS 11.71.070. If the offense for which the citation is issued may be  
20 disposed of without court appearance, the citing officer shall write  
21 on the citation the amount of bail applicable to the cited offense.

22 (c) A person cited under (a) of this section may, within five  
23 days after the date of the citation, mail or personally deliver to the  
24 clerk of the court having jurisdiction over the place where the of-  
25 fense occurred

26 (1) the amount of bail indicated on the citation for that  
27 offense; and

28 (2) a copy of the citation signed by the person on an  
29 appropriate blank on the citation indicating the person's waiver of

1 appearance, plea of no contest, and direction to forfeit the bail.

2 (d) When bail has been forfeited under this section, a judgment  
3 of conviction shall be entered. Bail forfeited under this section is  
4 a complete satisfaction for the offense, and the offender shall be  
5 given a receipt stating that fact.

6 (e) The maximum penalty that may be imposed for the offense may  
7 not exceed the bail amount for that offense set out in the schedule of  
8 bail amounts as determined by the supreme court under (b) of this  
9 section.

10 \* Sec. 7. AS 11.73.030(a) is amended to read:

11 (a) Except as provided in AS 11.73.050, a person 21 [19] years  
12 of age or older may not deliver an imitation controlled substance to a  
13 person under 21 [19] years of age, who is at least three years younger  
14 than the person delivering the substance.

15 \* Sec. 8. AS 12.25.190(c) is amended to read:

16 (c) The person cited for the crime shall give a written promise  
17 to appear in court by signing at least one copy of the written cita-  
18 tion prepared by the peace officer and the officer shall deliver a  
19 copy of the citation to the person. The written promise requirement  
20 of this subsection does not apply to

21 (1) motor vehicle and traffic citations for which a bail or  
22 fine schedule has been established under AS 28.05.151;

23 (2) [,] fish and game citations for which a bail schedule  
24 has been established under AS 16.05.165;

25 (3) [,] citations issued under AS 18.35.341;

26 (4) [,] citations issued in state park and recreational  
27 facilities under AS 41.21.960;

28 (5) [, OR] littering citations issued under AS 46.06.080;

29 or

1                   (6) citations issued under AS 11.71.075.

2 \* Sec. 9. AS 12.45.155(a) is amended to read:

3                   (a) In a prosecution under AS 11.71.010 - 11.71.075 [AS 11.71.-  
4 010 - 11.71.070], a complete copy of an official laboratory report  
5 from the Department of Public Safety or a laboratory operated by  
6 another law enforcement agency is prima facie evidence of the content,  
7 identity, and weight of a controlled substance. The report must be  
8 signed by the person performing the analysis and must state that the  
9 substance which is the basis of the alleged offense has been weighed  
10 and analyzed. In the report, the author shall state with specificity  
11 findings as to the content, weight, and identity of the substance.

12 \* Sec. 10. AS 17.30.080(b) is amended to read:

13                   (b) A person who violates (a) of this section, or who otherwise  
14 manufactures, distributes, dispenses, or conducts research with a  
15 controlled substance in the state without fully complying with 21  
16 U.S.C. 811 - 830 (Controlled Substances Act), and regulations adopted  
17 under those sections, is guilty of misconduct involving a controlled  
18 substance under AS 11.71.010 - 11.71.075 [AS 11.71.010 - 11.71.070] in  
19 the degree appropriate to the circumstances as described in those  
20 sections.  
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1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 88

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the definition of the offense of  
7 misconduct involving a controlled substance in the  
8 seventh degree to make possession of less than four  
9 ounces of marijuana illegal as a violation, and  
10 relating to the disposition of offenses of misconduct  
11 involving a controlled substance in the seventh  
12 degree."

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

14 \* Section 1. PURPOSE. (a) Alaska's criminal code classifies marijuana  
15 as a schedule VIA controlled substance. Section 2 of this Act makes the  
16 possession of less than four ounces of marijuana illegal as the offense of  
17 misconduct involving a controlled substance in the seventh degree. Miscon-  
18 duct involving a controlled substance in the seventh degree is, under  
19 current Alaska law, a violation, that is, an offense punishable by a fine.

20 (b) It is the purpose of secs. 3 and 4 of this Act to amend applica-  
21 ble statutes so that a law enforcement officer who stops or contacts a  
22 person for possession of a small amount of marijuana may issue a citation  
23 for that offense, and the person who receives the citation may waive a  
24 court appearance and remit a payment as satisfaction of the offense.

25 \* Sec. 2. AS 11.71.070(a) is amended to read:

26 (a) Except as authorized in AS 17.30, a person commits the  
27 offense of misconduct involving a controlled substance in the seventh  
28 degree if the person

29 (1) manufactures or delivers, or possesses with the intent  
to manufacture or deliver, one or more preparations, compounds,

1 mixtures, or substances of an aggregate weight of less than one-half  
2 ounce of a schedule VIA controlled substance; [OR]

3 (2) possesses one or more preparations, compounds, mix-  
4 tures, or substances of an aggregate weight of less than one ounce  
5 containing a schedule VIA controlled substance on a public street or  
6 sidewalk or on the premises of a public carrier or business establish-  
7 ment or in any other public place; or

8 (3) possesses one or more preparations, compounds, mix-  
9 tures, or substances of an aggregate weight of less than four ounces  
10 containing a schedule VIA controlled substance in a place other than a  
11 public place.

12 \* Sec. 3. AS 11.71 is amended by adding a new section to read:

13 Sec. 11.71.075. CITATION FOR VIOLATION. (a) The provisions of  
14 AS 12.25.180(b) and 12.25.190 - 12.25.230 apply to a person arrested  
15 or cited for the commission of an offense under AS 11.71.070.

16 (b) An offense under AS 11.71.070 for which a citation is issued  
17 may be disposed of without court appearance. For each offense under  
18 AS 11.71.070, the supreme court shall establish a schedule of bail  
19 amounts, not to exceed the amount of a fine prescribed by law. The  
20 citing officer shall write on the citation the amount of bail appli-  
21 cable to the cited offense.

22 (c) A person cited under (a) of this section shall, within five  
23 days after the date of the citation, mail or personally deliver to the  
24 clerk of the court having jurisdiction over the place where the of-  
25 fense occurred

26 (1) the amount of bail indicated on the citation for that  
27 offense; and

28 (2) a copy of the citation signed by the person on an  
29 appropriate blank on the citation indicating the person's waiver of

1 appearance, plea of no contest, and direction to forfeit the bail.

2 (d) When bail has been forfeited under this section, a judgment  
3 of conviction shall be entered. Bail forfeited under this section is  
4 a complete satisfaction for the offense, and the offender shall be  
5 given a receipt stating that fact.

6 (e) The maximum penalty that may be imposed for the offense may  
7 not exceed the bail amount for that offense set out in the schedule of  
8 bail amounts as determined by the supreme court under (b) of this  
9 section.

10 \* Sec. 4. AS 12.25.190(c) is amended to read:

11 (c) The person cited for the crime shall give a written promise  
12 to appear in court by signing at least one copy of the written cita-  
13 tion prepared by the peace officer and the officer shall deliver a  
14 copy of the citation to the person. The written promise requirement  
15 of this subsection does not apply to

16 (1) motor vehicle and traffic citations for which a bail or  
17 fine schedule has been established under AS 28.05.151;

18 (2) [,] fish and game citations for which a bail schedule  
19 has been established under AS 16.05.165;

20 (3) [,] citations issued under AS 18.35.341;

21 (4) [,] citations issued in state park and recreational  
22 facilities under AS 41.21.960;

23 (5) [, OR] littering citations issued under AS 46.06.080;

24 or

25 (6) citations issued under AS 11.71.075.

26 \* Sec. 5. AS 12.45.155(a) is amended to read:

27 (a) In a prosecution under AS 11.71.010 - 11.71.075 [AS 11.71.-  
28 010 - 11.71.070], a complete copy of an official laboratory report  
29 from the Department of Public Safety or a laboratory operated by

1 another law enforcement agency is prima facie evidence of the content,  
2 identity, and weight of a controlled substance. The report must be  
3 signed by the person performing the analysis and must state that the  
4 substance which is the basis of the alleged offense has been weighed  
5 and analyzed. In the report, the author shall state with specificity  
6 findings as to the content, weight, and identity of the substance.

7 \* Sec. 6. AS 17.30.080(b) is amended to read:

8 (b) A person who violates (a) of this section, or who otherwise  
9 manufactures, distributes, dispenses, or conducts research with a  
10 controlled substance in the state without fully complying with 21  
11 U.S.C. 811 - 830 (Controlled Substances Act), and regulations adopted  
12 under those sections, is guilty of misconduct involving a controlled  
13 substance under AS 11.71.010 - 11.71.075 [AS 11.71.010 - 11.71.070] in  
14 the degree appropriate to the circumstances as described in those  
15 sections.  
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**HB**

**91**

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF  
HB 91

Protection for "Whistleblowers"

Received January 20, 1989  
by The Labor and Commerce Committee

Heard February 1, 1989  
Heard February 2, 1989

Committee Substitute adopted February 2, 1989

Passed Out of Committee February 2, 1989  
3 Do Pass  
3 No Recommendation

## TABLE OF CONTENTS

### HB 91: Protection for "Whistleblowers"

- Item 1: HB 91 by the Labor and Commerce Committee  
CS HB 91
- Item 2: Fiscal Note
- Item 3: Letter from NEA-Alaska  
January 31, 1989
- Item 4: Amendments offered by Rep. Donley  
Draft 6-0327Aa
- Item 5: Department of Administration  
Proposed Amendment
- Item 6: Amendment #1 offered by Rep. Donley  
Draft 6-0327Ac

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 20, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 91

"An Act relating to protection for certain public employees and certain other persons who report matters of public concern."

be replaced with LS HB91 (SA)  the same title  
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

- fiscal impact
- zero fiscal note
- zero with analysis

- fiscal note(s) published: \_\_\_\_\_
- zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend).

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 Chairman's signature

*Item 2*

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Department of Administration  
 Title: An Act relating to protection BRU: Personnel  
for public employees  
 Sponsor: House Labor and Commerce Committee Components: Centralized Administrative Services  
 Requestor: House Labor and Commerce Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill would not require an additional appropriation.

Prepared By: David K. F. Otto *DKFO* Phone: 465-4430  
 Division: Personnel Date: 1-31-89

Approved by Commissioner: John M. Andrews *JMA* Date: 1-31-89  
 Agency: Department of Administration

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

A M E N D M E N T #1

OFFERED IN THE STATE AFFAIRS COMMITTEE

BY DONLEY

TO: HB 91

Page 3, line 4, after "state":

Insert "including a school district or rural educational attendance area"

A M E N D M E N T #2

OFFERED IN THE STATE AFFAIRS COMMITTEE

BY DONLEY

TO: HB 91

Page 3, lines 11 - 12:

Delete "a federal, state, or municipal officer or agency"

Insert "an officer or agency of the federal government, the state, a public or quasi-public corporation or authority established by state law including the Alaska Railroad Corporation, the University of Alaska, a political subdivision of the state including a school district or rural educational attendance area, or a municipality"

COVER PUBLIC CORP - UNIVERSITY,  
RAILROAD CORP. etc

CLARIFY: UNAS - QUAS, RESOLVED -  
ALREADY INCLUDED -

16 Sec. 39.51.110. EMPLOYER RIGHTS. (a) An employee or other Item  
17 person is not entitled to the protections under AS 39.51.100 - 39.51.-  
18 130 unless the employee or other person

19 (1) has reasonable cause to believe that the information  
20 reported is or is about to become a matter of public concern;

21 (2) has made a reasonable attempt to ascertain the accuracy  
22 of the information before reporting; and

23 (3) reports the information in good faith.

24 (b) As part of its written personnel policy, a public employer  
25 may require that, before an employee reports a matter of public con-  
26 cern under AS 39.51.100, the employee shall submit a written report  
27 concerning the matter to the employer. However, the employer may not  
28 require the employee to submit a report if the employee

29 (1) reasonably believes that reports to the employer will  
1 not result in prompt action to remedy the matter of public concern;

2 (2) knows with reasonable certainty that the activity,  
3 policy, or practice is already known to one or more supervisors;

4 (3) reasonably believes that an emergency is involved; or

5 (4) reasonably fears physical harm as a result of disclo-  
6 sure.

Item 6

6-0327Ac  
Cramer

A M E N D M E N T # 1

OFFERED IN THE HOUSE

BY DONLEY

TO: HB 91

Page 2, line 2:

Delete "39.90.120"

Insert "39.90.130"

Page 2, line 15:

Delete "39.90.120"

Insert "39.90.130"

Page 2, after line 15:

Insert a new section to read:

"Sec. 39.90.110. LIMITATION TO PROTECTIONS. An employee or other person is not entitled to the protections under AS 39.90.100 - 39.90.130 unless the employee or other person

(1) has reasonable cause to believe that the information reported is or is about to become a matter of public concern; and

(2) reports the information in good faith."

Page 2, line 16:

Delete "Sec. 39.90.110"

Insert "Sec. 39.90.120"

Page 2, line 20:

Delete "39.90.120"

Insert "39.90.130"

Page 2, line 26:

Delete "39.90.120" in two places

Insert "39.90.130" in both places

Item 3



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

### ANCHORAGE REGIONAL OFFICE

1411 W 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536

### JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090

### FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435

January 31, 1989

To: Rep. Red Boucher, Chair  
House State Affairs Committee

Re: House Bill No. 91; "An Act relating to protection  
for certain public employees and certain other  
persons who report matters of public concern."

NEA-Alaska supports and encourages passage of HB 91.

We also request that the Committee amend the bill to specifically include employees of school districts and REAAs under its provisions. To do so would require expanding the definitions under (2) and (4) on page 3. It may also be necessary to incorporate the provisions of the "Persons Protected" and "Relief And Penalties" sections from pages 1 and 2 respectively into Title 14 of the Alaska Statutes.

As a matter of fundamental equity, school district employees should be afforded the same rights and protections for their responsible actions as are other public employees.

Thank you for your consideration of our request and position.

Respectfully submitted,

Bob Manners  
Executive Secretary

cc: Rep. Dave Donley, Chair, House Labor Commerce Committee

m31jan3



CSHB 91 (SA)

Amended by the House State Affairs Committee:

- 1) By request of NEA-Alaska (see Items 3 and 4).
- 2) By request of Donley in response to amendment offered by Dave Otto (DOA, DOP) - see Item 5. The committee felt the language offered by Otto was vague and reference to physical harm unnecessary. Donley offered "Limitation To Protections" section (Item 6) which was adopted.

HR 91

Dowley

L passed last yr - based on case in  
Fair Labor - Falsity Records  
Re: Asbestos - 38%

Two proposed amendments:  
Clarity to school Dist.

DAVID OTTO

support - but concern - perception of  
mismanagement -> given opp to  
Respond (management). Need  
Balance for employment rights -  
Report given to management  
About problem -

offer friendly amendment  
"Employer Rights Clause"

MEDWYN

Employer Rights section -

Dowley

Television - JUD -> Artistic concept

WORK OUT LANGUAGE IN JUD ->

Copy of Amendment

↳

1) Line 19

1) not protected, REASONABLE CAUSE  
"WHICH PUBLIC CONCERN"

UNLESS ORIGINAL QUESTION WAS  
REASONABLE. +

2) wouldn't be able to answer  
question - speculation?

What is a REASONABLE ALLEGATION?

UNLESS CLAUSE - PUC

3. Part B

Look CPR requirements ON S.  
copy written Report -

- 1)
  - 2) →
  - 3)
  - 4)
- } classification

→ clause - specifying restrictions -  
have to be very clear  
there.

1) → there - person with employer -  
not employee

2) stopping info becoming before  
US

Purpose: inhibit info coming  
before the legislature

3) People responsible to be

Q: what what has to

be inhibited - asking for

"best guess" -

# Hold over

- REAPD CONSENT - Redist
- CAUSE LAWSUIT
- ~~REAPD~~ political motivated Redist
- PLANS announced 1 yr before election  
    { which cannot be 1 yr in a  
    { public Dist FOR 1 yr. -
- } lock people into dist lines

What if you had to 1 yr earlier

- 1) people know Dist they're in
- 2) opportunity to relocate
- 3) people know that outside,  
    DUMB SCREWING LIVES

⊗ e.g. RURAL AREA.

→ My going, people opp - Belong  
politicals in this process -

now

→ Live down 1 yr before  
decision

Filing

→ 4 months to relocate

History

know  
Feb 83?

1981 - Dist know Dist -  
happens both sides

1965 Residents require. Act pt of

\* Reference

Issue of moving - Govt has  
reapp - 1950C is right

After - now some one

is located - now must  
be taken down

ISSUE IS WHOVE YOU - QUESTION OF  
WHEN YOU ARE TOLD WHOSE  
THOSE LINES ARE DRAWN -

→ by parents, speaker, or

politics -

→ YOU OFFER EVIDENCE!

LABOR AND COMMERCE COMMITTEE

This legislation would protect public employees who report a violation of a state, federal or municipal law, regulation, or ordinance; gross mismanagement; a clear abuse of authority; substantial waste of funds; or a danger to public health or safety by their employer to a state, federal, or municipal officer or agency.

It makes it a civil fine of up to \$10,000 to in any way persecute the employee.

At the request of the National Education Association Representative Donley is offering amendment #1 which would include employees of school districts in this protection.

Amendment #2, also by Donley, would expand the officer or agency which a public employee can go to with their concerns to include the AK Railroad Corporation, University of Alaska, political subdivisions, school district, and REAA.

I can't see anything wrong with either the bill or amendments.

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 91 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to protection for certain public  
7 employees and certain other persons who report mat-  
8 ters of public concern."

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

10 \* Section 1. AS 39.90 is amended by adding new sections to read:

11 ARTICLE 2. PROTECTION FOR REPORTS OF CERTAIN MATTERS.

12 Sec. 39.90.100. PERSONS PROTECTED. (a) A public employer may  
13 not discharge, threaten, or otherwise discriminate against an employee  
14 regarding the employee's compensation, terms, conditions, location, or  
15 privileges of employment because

16 (1) the employee, or a person acting on behalf of the  
17 employee, reports to a public body or is about to report to a public  
18 body a matter of public concern; or

19 (2) the employee is requested by a public body to partici-  
20 pate in a court action or in an investigation, hearing, or inquiry  
21 held by that public body.

22 (b) A public employer may not disqualify a public employee or  
23 other person who reports a matter of public concern, or a public  
24 employee on whose behalf a matter of public concern is reported,  
25 because the employee or person reported the matter, from eligibility  
26 to

27 (1) bid on contracts with the public employer;

28 (2) receive land under a law of the state or an ordinance  
29 of the municipality; or

1 (3) receive another right, privilege, or benefit.

2 (c) The provisions of AS 39.90.100 - 39.90.130 do not

3 (1) require an employer to compensate an employee for  
4 participation in a court action or in an investigation, hearing, or  
5 inquiry by a public body;

6 (2) prohibit an employer from compensating an employee for  
7 participation in a court action or in an investigation, hearing, or  
8 inquiry by a public body;

9 (3) authorize the disclosure of information that is legally  
10 required to be kept confidential; or

11 (4) diminish or impair the rights of an employee under a  
12 collective bargaining agreement.

13 (d) An employer shall post notices and use other appropriate  
14 means to inform employees of their protections and obligations under  
15 AS 39.90.100 - 39.90.130.

16 Sec. 39.90.110. LIMITATION TO PROTECTIONS. An employee or other  
17 person is not entitled to the protections under AS 39.90.100 - 39.90.-  
18 130 unless the employee or other person

19 (1) has reasonable cause to believe that the information  
20 reported is or is about to become a matter of public concern; and

21 (2) reports the information in good faith.

22 Sec. 39.90.120. RELIEF AND PENALTIES. (a) A person who alleges  
23 a violation of AS 39.90.100 may bring a civil action and the court may  
24 grant appropriate relief.

25 (b) A person who violates or attempts to violate AS 39.90.100 -  
26 39.90.130 is also liable for a civil fine of not more than \$10,000.  
27 The attorney general may enforce this subsection.

28 (c) A person who attempts to prevent another person from making  
29 a report or participating in a matter under AS 39.90.100(a) with

1 intent to impede or prevent a public inquiry on the matter is liable  
2 for a civil fine of not more than \$10,000.

3 Sec. 39.90.130. DEFINITIONS. In AS 39.90.100 - 39.90.130

4 (1) "employee" or "public employee" means a person who  
5 performs a service for wages or other remuneration under a contract of  
6 hire, written or oral, express or implied, for a public employer;

7 (2) "employer" or "public employer" includes the state, a  
8 public or quasi-public corporation or authority established by state  
9 law, the University of Alaska, a municipality, a political subdivision  
10 of the state, and the Alaska Railroad Corporation;

11 (3) "matter of public concern" means

12 (A) a violation of a state, federal, or municipal law,  
13 regulation, or ordinance;

14 (B) a danger to public health or safety; or

15 (C) gross mismanagement, a substantial waste of funds,  
16 or a clear abuse of authority;

17 (4) "public body" includes a federal, state, or municipal  
18 officer or agency.  
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**HB**

**93**

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF  
HB 93

Voter Registration

Received January 20, 1989

by Reps. Boucher, Gruenberg, Donley and Goll

Heard February 9, 1989

Passed Out of Committee February 9, 1989

6 Do Pass

## TABLE OF CONTENTS

### HB 93: Voter Registration

- Item 1:** HB 93 by Boucher, Gruenberg, Donley and Goli
- Item 2:** Fiscal Notes and Analysis by  
Division of Elections and Public Safety
- Item 3:** Sectional Analysis  
February 7, 1989

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 20, 1989

FURTHER REFERRALS: JUDICIARY  
FINANCE

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 93

"An Act relating to voter registration."

[ ] be replaced with \_\_\_\_\_ [ ] the same title  
[ ] a new title

[ ] have attached amendment(s)

- do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- [ ] fiscal impact
- [ ] zero fiscal note
- zero with analysis Elections

APPROVES PREVIOUS:

- [ ] fiscal note(s) published: \_\_\_\_\_
- [ ] zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

\_\_\_\_\_  
*Donohue*  
\_\_\_\_\_  
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*Eileen P. McKeon*  
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*...*  
Chairman's signature

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

### COMMENTS IN SUPPORT OF HB 93

Prepared by  
Division of Elections  
February 7, 1989

The Division of Elections has reviewed House Bill 93 and supports its provisions. It should be pointed out that for many years, the Division has enjoyed a cooperative association with the Department of Public Safety through which, most motor vehicle registration outlets already provide voter registration services.

Among the most active outlets are Juneau, Haines, Sitka, Ketchikan, Kodiak, Nome, Fairbanks, Tok, Anchorage, Eagle River and Palmer. Barrow, Bethel and Kotzebue have also been encouraged to participate. The Anchorage motor vehicle offices are scheduled for another refresher training session which is conducted about once a year. The regional supervisors report that registrations submitted through motor vehicle offices have been timely, accurate and properly processed.

In general, the Division has received positive support from the motor vehicle offices currently providing voter registration services.

February 7, 1989  
Date

Sandra J. Stout  
Sandra J. Stout, Director

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to voter  
Registration  
Sponsor: Boucher  
Requestor: Boucher

Agency Affected: Office of the Governor  
BRU: Elections  
Components: I - Elections

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Linda Edgeworth  
Division: Division of Elections

Phone: 465-4611  
Date: \_\_\_\_\_

Approved by Commissioner: \_\_\_\_\_  
Agency: Division of Elections

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

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

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 7, 1989

SUBJECT: Sectional analysis - HB 93  
TO: Representative Red Boucher  
FROM: Michael F. Ford *M. F.*  
Legislative Counsel

The following is a sectional analysis of HB 93:

Section 1 - Requires the director of the division of elections to provide voter registration forms to the Department of Public Safety for public distribution.

Section 2 - Requires the Department of Public Safety to advise certain people who are registering or licensing for driving purposes that they may also register to vote. Requires the department to use forms prepared by the division of elections and to prominently display notice of the right to register to vote.

MFF:gc  
WKG6/095

HB 93

LINDA EDGEMORTH - INFO OFFICER  
INTRODUCED IN PART - IMPLEMENT PROPOSAL.  
USE - BUT NOT STATEWIDE -

SUPPORT / NO FI / ALREADY DOING  
THIS

ZUSACK

Require IS to become REGISTRAR -  
GO THROUGH TRAINING PROGRAM -  
OFFICE IS A REGISTRY - NOT ENDORSEMENT  
ONLY -