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The Safety Board believes that a model program to reduce hard core drinking driving would incorporate the following elements:

- Frequent and well-publicized statewide sobriety checkpoints that include checking for valid driver's licenses. Checkpoints should not be limited to holiday periods.
- Vehicle sanctions to restrict or separate hard core drinking drivers from their vehicles, including license plate actions (impoundment, confiscation, or other actions); vehicle immobilization, impoundment, and forfeiture; and ignition interlocks for high-BAC first offenders and repeat offenders.
- State and community cooperative programs involving driver licensing agencies, law enforcement officers, judges, and probation officers to enforce DWI suspension and revocation.
- Legislation to require that DWI offenders who have been convicted or administratively adjudicated maintain a zero blood alcohol concentration while operating a motor vehicle.
- Legislation that defines a high blood alcohol concentration (0.15 percent or greater) as an "aggravated" DWI offense that requires strong intervention similar to that ordinarily prescribed for repeat DWI offenders.
- As alternatives to confinement, programs to reduce hard core drinking driver recidivism that include home detention with electronic monitoring and/or intensive probation supervision programs.
- Legislation that restricts the plea bargaining of a DWI offense to a lesser, non-alcohol-related offense, and that requires the reasons for DWI charge reductions be entered into the public record.
- Elimination of the use of diversion programs that permit erasing, deferring, or otherwise purging the DWI offense record or that allow the offender to avoid license suspension.
- Administrative license revocation for BAC test failure and refusal.
- A DWI record retention and DWI offense enhancement look-back period of at least 10 years.
- Individualized sanction programs for hard core DWI offenders that rely on effective countermeasures for use by courts that hear DWI cases.

As a result of this review, the Safety Board issued a recommendation to the Governors and Legislative Leaders of the 50 States and to the Mayor and Council of the District of Columbia, to establish a hard core drinking driver program that is designed to reduce the incidence of alcohol-related crashes and fatalities, and that includes highly visible enforcement, administrative license revocation, vehicle sanctions, special laws for aggravated driving while impaired offenses and zero BAC for repeat offenders, limits on plea-bargaining, alternatives to confinement, and improved record-keeping, as described in the model program. The Board also issued a recommendation to the U.S. Department of Transportation, regarding improvements to the Transportation Equity Act for the 21<sup>st</sup> Century.

## Chapter 1

# Introduction

In 1984, the National Transportation Safety Board (Safety Board) published a safety study titled *Deficiencies in Enforcement, Judicial, and Treatment Programs Related to Repeat Offender Drunk Drivers* (NTSB/SS-84/04) (the *Repeat Offender Study*). That study was based on Safety Board investigations of more than 50 alcohol-related crashes in which the driver had prior arrests for driving while impaired (DWI).<sup>1</sup> The *Repeat Offender Study* identified repeat offender drinking drivers (included in this report under the category of "hard core drinking drivers") as a serious traffic safety problem. By studying the circumstances of these crashes, the Safety Board was able to identify the problems, loopholes, and deficiencies in the States' systems for detecting, arresting, and adjudicating drinking drivers. The study examined why the systems already in place in the States were unable to prevent the drivers in the investigated crashes from continuing to drive after drinking. Based on its analysis of those cases, the Safety Board issued 14 recommendations, including 10 to the States, 2 to the National Highway Traffic Safety Administration (NHTSA), 1 to the Veterans Administration, and 1 to legal associations and judicial organizations.<sup>2</sup>

In the more than 15 years that have passed since the recommendations were issued, efforts have been made by all States to address the alcohol-related highway safety problem, and considerable progress has been made in detecting, arresting, and adjudicating drinking drivers. Efforts by public and private entities<sup>3</sup> have contributed to substantial reductions between 1983 and 1999 in the number (23,646 to 15,794)<sup>4</sup> and proportion (56 percent to 38 percent) of alcohol-related fatalities. However, the measures taken and the degree of implementation of the Safety Board's 1984 recommendations by States and localities have not been uniform, and alcohol-related crashes continue to claim too many lives on the Nation's roads and highways. The 15,794 people killed in such crashes in 1999 far exceed the target of no more than 11,000 alcohol-related driving fatalities by 2005 that was set by the Secretary of Transportation in 1995.<sup>5</sup>

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<sup>1</sup> In this report, the term "driving while impaired" and its acronym "DWI" are used to refer to the act of driving with a blood alcohol concentration that exceeds the State's standard. States use different terms, such as "driving under the influence (DUI)," "operating under the influence (OUI)," "driving while alcohol impaired (DWAI)," and other terms to describe essentially the same offense.

<sup>2</sup> A description of the recommendations and their current status are fully discussed in Appendix A.

<sup>3</sup> These include the National Highway Traffic Safety Administration, the States, Mothers Against Drunk Driving (MADD), and others.

<sup>4</sup> Preliminary estimate by the National Highway Traffic Safety Administration in a press release dated 3 Apr. 2000, entitled "U.S. Transportation Secretary Slater Says Nation's Traffic Death Rates Reach Historic Low in 1999." The final 1999 fatality report, pending completion of data collection and quality control verification, will be available in August 2000. Data for 1998 are the most recent complete data available and are used throughout this report except as noted.

In light of the thousands of deaths still resulting from these crashes, the National Transportation Safety Board is again focusing efforts on the groups it categorizes as "hard core drinking drivers." For purposes of this report, the term includes the following two groups:

- repeat offender drinking drivers (that is, offenders who have prior convictions or arrests for DWI offenses within the past 10 years) and
- offenders with a blood alcohol concentration (BAC) of 0.15 percent or greater (simply called "high BAC").<sup>6</sup>

These two groups are involved in almost 40 percent of the alcohol-related fatalities and present traffic safety challenges that States can address by implementing the laws, policies, and strategies described in this report.<sup>7</sup>

Six accident investigations for which the Safety Board obtained information were used in preparing this report (see appendix F for briefs of the investigations). These six investigations illustrate some types of crashes in which repeat offenders and high-BAC drivers are involved. While the Board's 1984 study investigated over 50 crashes, this safety report is based on the extensive crash analysis and research currently available that was not available for the 1984 study. These data, despite the limitations of NHTSA's Fatal Accident Reporting System (FARS) and the General Estimates System (GES), provide sufficient information to determine that the involvement of hard core drinking drivers in alcohol-related crashes and fatalities is substantial.<sup>8</sup> The bulk of available data and research on the hard core drinking driver problem made the study of large numbers of Safety Board investigations unnecessary, as no new information would likely be gained regarding the nature or cause of these crashes.

This report examines alcohol-related fatality crash trends in the United States; identifies repeat offenders and high-BAC drinking drivers as highway safety problems; summarizes research on countermeasures; and proposes actions to decrease fatalities caused by hard core drinking drivers. This report also discusses steps taken by the United States Congress to address the problem by enacting certain provisions in the

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<sup>5</sup> National Highway Traffic Safety Administration, *Partners in Progress: Impaired Driving Goals and Strategies for 2005 Summary of Proceedings*, DOT HS 808 246 (Washington: National Highway Traffic Safety Administration, 1995) 5.

<sup>6</sup> The amount of alcohol consumption necessary to reach a BAC of 0.15 percent is substantial. Various BAC estimators have been developed, including the "Blood Alcohol Educator," which was used to develop the following estimates. These estimates assume that the person has not eaten, and drinks quickly. For a 180-pound male, six drinks (each drink equals 12 ounces of beer, a 1-ounce shot of 80 proof distilled liquor, or 5 ounces of wine) in 1 hour will result in a BAC of approximately 0.15 percent. For a 130-pound female, four drinks in 1 hour will result in an estimated BAC of 0.15 percent. Conditions that affect blood alcohol concentration include gender, weight, food intake, alcohol content of the drink, rate of consumption (sipping, drinking, or "chugging" or "slamming"), and time elapsed since consumption. University of Illinois and The Century Council, *Blood Alcohol Educator*, CD-ROM (Urbana-Champaign: University of Illinois and The Century Council, 1999).

<sup>7</sup> A more detailed description of each group and case illustrations are provided in the next chapter.

Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21),<sup>9</sup> and suggests ways to make this legislation more effective.

## Trends

### *Exposure and Probability-of-Arrest Data*

Marked decreases have occurred both in hard core drinking driving exposure and in the probability of hard core drinking drivers' arrest, according to NHTSA. The agency's 1997 survey of driver behavior revealed that there were an estimated 968 million drinking and driving trips in 1997 (based on this self-reported data).<sup>10</sup> This was a decrease from an estimated 1.3 billion trips (also self-reported) in 1993.<sup>11</sup> Also, in 1997, the FBI reported 1.477 million DWI arrests.<sup>12</sup> NHTSA's 1984 review of alcohol-impaired driving in the United States indicated that the risk of DWI arrest is low: it was estimated to be 1 in 300 in a heavily patrolled area and 1 in 2,000 in other areas.<sup>13</sup> NHTSA further reported that "on average, a driver can drive [impaired] 5,000 miles before being arrested for a DUI offense."<sup>14</sup>

NHTSA's *Drinking and Driving in the United States: The 1996 National Roadside Survey* further indicates that on Friday and Saturday nights between the hours of 10 p.m. and 3 a.m., 19.6 percent of 6,400 drivers surveyed had been drinking, 3.2 percent had an illegal BAC of 0.10 percent or greater, and 0.8 percent had a BAC of 0.15 percent or greater. Based on those results, on Friday and Saturday nights in 1996 approximately 1 in 5 cars was driven by a driver who had been drinking, approximately 1 in 31 cars was

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<sup>8</sup> These two systems are crash databases that provide statistics on traffic crashes of all severities. NHTSA states that "care should be taken when comparing nonfatal crash and injury statistics from one year to the next. Since the statistics derived from General Estimates System (GES) data are estimates, year-to-year differences may be the result of the sampling process, not the result of an actual trend. The variability or sampling errors associated with the estimates must be considered when making any year-to-year comparisons using GES data." National Highway Traffic Safety Administration, *Traffic Safety Facts 1998: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System* DOT HS 808 983 (Washington: National Highway Traffic Safety Administration, 1999) 13. One shortcoming of FARS involves the lack of information involving the role that alcohol impairment plays in the causation of highway crashes. Currently, FARS does not allow an analyst to determine with confidence whether an individual driver's alcohol impairment was a determining factor in causing a crash. While it is clear that degraded driver performance caused by alcohol impairment is a leading cause of death and serious injury, statistical summaries of alcohol-related injuries or fatalities may lead to a tendency to overstate the relationship between alcohol and highway crashes. This happens because all injuries caused by crashes involving at least one drinking driver are labeled "alcohol-related"; this practice leads to the mistaken assumption that alcohol impairment is causal in every crash where alcohol is present.

<sup>9</sup> Pub. L. 105-178, 9 Jun. 1998, Stat. 112.107.

<sup>10</sup> Dawn Balmforth, *National Survey of Drinking and Driving Attitudes and Behavior: 1997* (Washington: National Highway Traffic Safety Administration, 1998) 81.

<sup>11</sup> Balmforth 81.

<sup>12</sup> Federal Bureau of Investigation, *Crime in the United States* (Washington: Federal Bureau of Investigation, 1997) 222.

driven by a legally impaired driver, and approximately 1 in 119 cars was driven by a hard core drinking driver.<sup>15</sup>

### ***Alcohol-Related Crash Fatalities in the United States***

NHTSA defines a fatal traffic crash as alcohol-involved or alcohol-related if either a driver or pedestrian/bicyclist had a blood alcohol concentration (BAC) of .01 g/dl (.01 percent) or greater.<sup>16</sup> In 1983, of the 42,589 people who died in traffic crashes, 23,646 (nearly 56 percent) died in alcohol-related crashes.<sup>17</sup> In 1999, an estimated 41,345 people died in all motor vehicle crashes; 15,794 (38 percent) of the deaths resulted from alcohol-related crashes.<sup>18</sup> This percentage represents the lowest proportion of alcohol-related fatalities in the history of reliable national statistics; it also represents a 33.2-percent reduction in alcohol-related fatalities reported since 1983 (see figure 1).

Reductions in alcohol-related crash fatalities have occurred among *all* drinking drivers, including those whom the Safety Board defines as hard core. For example, in those States with good BAC testing rates (greater than 80 percent) of fatally injured drivers, the proportion of these drivers with a BAC of 0.15 percent or greater declined from 29 percent in 1983 to 20 percent in 1997.<sup>19</sup>

Safety Board staff analyzed FARS data for the same time period as that of NHTSA's Roadside Survey (Friday and Saturday nights, 10 p.m. to 3 a.m., 1996). This analysis determined that 5,203 drivers were involved in fatal crashes during those hours, of which 1,421 were hard core drinking drivers, using the Safety Board's definition. While hard core drinking drivers constituted only 0.8 percent (1 of 119) of all drivers on the road in the National Roadside Survey, they constituted 27 percent of drivers in fatal crashes during the same time period in 1996. These data clearly suggest that hard core drinking drivers are overrepresented in fatal crashes.

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<sup>13</sup> National Highway Traffic Safety Administration, *Alcohol and Highway Safety 1984: A Review of the State of the Knowledge* (Washington: National Highway Traffic Safety Administration, n.d.) 56.

<sup>14</sup> National Highway Traffic Safety Administration, *Alcohol and Highway Safety 1984*, 56.

<sup>15</sup> Robert B. Voas, et al., *Drinking and Driving in the United States: The 1996 National Roadside Survey*, DOT HS 809 019. (Washington: National Highway Traffic Safety Administration, 2000) 8, B-26-30.

<sup>16</sup> Since BAC tests are not given to all active participants in fatal crashes (i.e., drivers, pedestrians or bicyclists), an estimation procedure using discriminant function analysis is used in NHTSA's Fatal Accident Reporting System (FARS) to determine these percentages (Terry M. Klein, *A Method for Estimating Posterior BAC Distributions for Persons Involved in Fatal Traffic Accidents*, DOT HS 807 094 [Washington: U.S. Department of Transportation, 1986]). Unless otherwise noted, statistics used in this report were provided by NHTSA.

<sup>17</sup> National Highway Traffic Safety Administration, DOT HS 808 983, 32.

<sup>18</sup> National Highway Traffic Safety Administration, "U.S. Transportation Secretary Slater Says Nation's Traffic Death Rates Reach Historic Low in 1999," 1. In 1998, 15, 935 people died in all alcohol-related crashes combined.

<sup>19</sup> These states include CA, CO, DE, HI, IL, MD, MN, NV, NJ, NM, OR, SD, WA, WI, and WY. Personal communication with Allan Williams, Insurance Institute for Highway Safety, Mar. 2000.

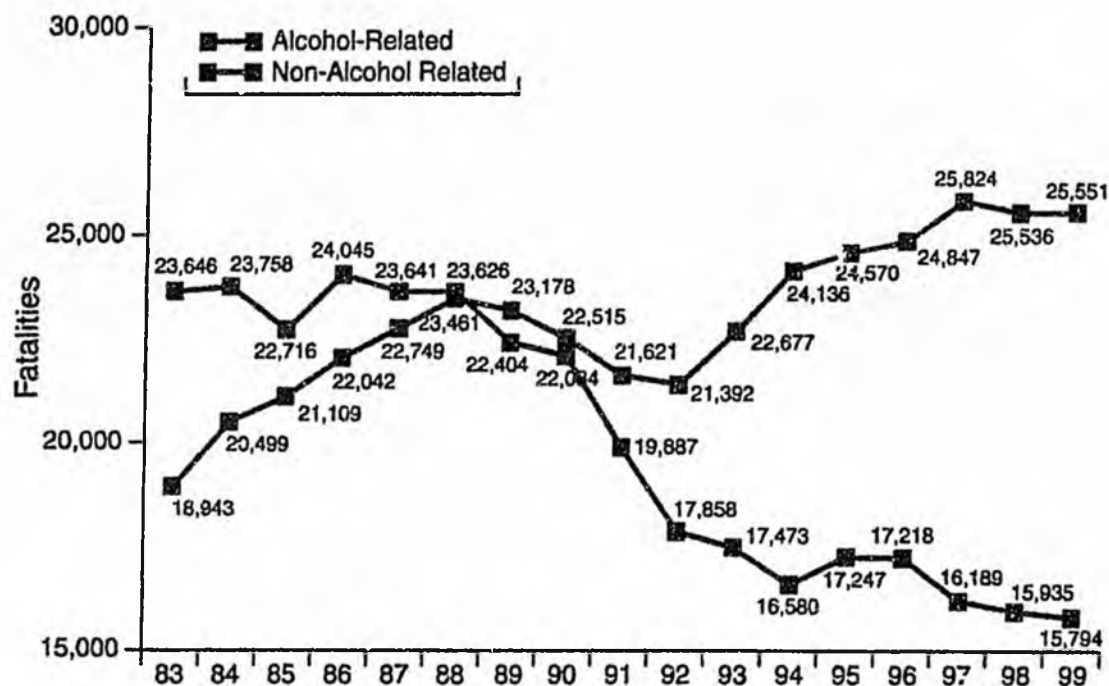


Figure 1. Alcohol-related fatalities in the United States, 1983–1999

### ***Alcohol-Related Crash Injuries in the United States***

The proportion of injuries involving all drinking drivers is difficult to estimate because driver blood alcohol concentration is not routinely taken on surviving drivers and thus is not available for inclusion in NHTSA's General Estimates System. However, according to NHTSA's *Traffic Safety Facts 1998: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System*,<sup>20</sup> an estimated 305,000 persons were injured in alcohol-related crashes in 1998 alone, a decline from an estimated 340,000 persons in 1992.<sup>21</sup> NHTSA's data also indicate that 99,812 people were injured in fatal crashes involving hard core drinking drivers (as defined by the Safety Board) between 1983 and 1998. The number of injuries resulting from all crashes (both fatal and non-fatal) involving hard core drinking drivers was probably far greater than 100,000 over 16 years.<sup>22</sup>

<sup>20</sup> See footnote 9, page 13.

<sup>21</sup> See footnote 9, page 13.

<sup>22</sup> See footnote 9, page 13.

## Chapter 2

# The Hard Core Drinking Driver

This chapter describes the drivers that the Safety Board defines as hard core, who present particular challenges that can be addressed through proven, effective measures. Following are descriptions and justifications for inclusion of these two groups in the Board's definition of this term.<sup>23</sup> Also included in this chapter are the details of two cases illustrating typical fatal crashes involving repeat DWI offender drivers and high-BAC drivers. Information concerning these and four additional cases are provided in appendix F.

### The Hard Core Drinking Driver

- Repeat offender drinking drivers (DWI Arrest or conviction in past 10 years)
- Drivers having high BAC (0.15 percent or greater)

## Groups Included in The NTSB Definition

### Repeat Offender Drinking Drivers

Repeat offenders, as the term is used in this report, are individuals who are convicted of or arrested for a DWI offense within 10 years of a prior DWI conviction or arrest. In 1995, NHTSA identified this group as high-risk, problem drinking drivers.<sup>24</sup> The agency recognizes that "the relative risk of crashes leading to death—both their own and other people's—is greater for drivers with prior DWI [convictions]."<sup>25</sup> NHTSA reports that 17 percent of fatally injured drivers in 1998 with a positive BAC had a previous DWI conviction, and that fatally injured drivers with BAC levels of 0.10 percent or greater were six times as likely to have a prior DWI conviction compared to fatally injured sober drivers.<sup>26</sup> A North Carolina study also found that 26.2 percent of case drivers who died in alcohol-related motor vehicle crashes had prior DWI arrests while only 3.1 percent of those who died in non-alcohol-related crashes (control group) had one or more DWI arrest

<sup>23</sup> Definitions used by other agencies and organizations are provided in appendix C.

<sup>24</sup> National Highway Traffic Safety Administration, "Repeat DWI Offenders in the United States," *Traffic Tech* 85 (Feb. 1995) 1.

<sup>25</sup> James C. Fell, "Persistent Killers," *Recovery*, 7:3 (Fall 1996) 2 <<http://www.icbc.com/oldrecovery/volume7/number3/persistentkillers>>.

<sup>26</sup> National Highway Traffic Safety Administration, *Traffic Safety Facts 1998: Alcohol*, DOT HS 808 950 (Washington: National Highway Traffic Safety Administration, 1998) 3.

in the preceding 5 years. The same study found that the risk of death increases dramatically in relation to the number of prior DWI arrests.<sup>27</sup>

In March 2000, NHTSA published a summary of the attributes of repeat offenders. The report characterizes the typical repeat offender as follows:

<b>Mean Age</b>	35
<b>Education</b>	High school or less
<b>Occupation</b>	Non-white collar
<b>Income</b>	Low
<b>Preferred Beverage</b>	Beer, some distilled liquor
<b>Other Offenses</b>	Traffic and Criminal
<b>Gender</b>	Male (over 90 percent)
<b>Race</b>	White
<b>Marital Status</b>	Unmarried
<b>BAC</b>	>0.18 percent at arrest; higher in fatal crashes
<b>Prior DWIs</b>	2-3
<b>Alcohol Problems</b>	Alcohol dependency common*

\* John H. Lacey and Ralph K. Jones, *State of Knowledge of Alcohol-Impaired Driving Research on Repeat Offenders* (Washington: National Highway Traffic Safety Administration, 2000) 19.

In analyzing the extent of the problem, NHTSA reviewed repeat offense drinking driver data provided by 12 States (CA, CO, IA, LA, MN, NC, NE, NM, OH, SD, TX, and WI) and reported that approximately one-third of all drivers convicted or arrested for DWI each year are repeat DWI offenders. Eight of these States indicated proportions between 21 and 47 percent for repeat offenders previously convicted of DWI. Repeat offense drinking driver data from the four other States, which measure repeat offense in terms of arrests rather than convictions, were similar; that is, re-arrests ranged between 24 and 46 percent of total DWI arrests.<sup>28</sup> In addition, NHTSA reported that repeat offenders account for 10 to 20 percent of all drinking drivers in fatal crashes, and one out of eight drinking drivers in fatal crashes have had a prior DWI conviction within the past 3 years.<sup>29</sup> The following case<sup>30</sup> is an example of a recent fatal crash involving a repeat offender.

*Case 1.*—On October 7, 1999, at 4:32 p.m., a pickup truck traveling on the shoulder of the road in excess of 50 mph in a 35 mph zone in Bristol Township, Pennsylvania, struck two pedestrians standing behind a truck parked on the shoulder. The impact threw one pedestrian into a nearby yard, causing him serious injury. The second pedestrian was killed when he was pinned between the two trucks.

At the time of this crash, the pickup truck driver, a 42-year-old female, was driving despite the fact that her license had been suspended until 2003 for DUI-related offenses.

<sup>27</sup> Robert D. Brewer, et. al., "The Risk of Dying in Alcohol-Related Automobile Crashes Among Habitual Drunk Drivers," *New England Journal of Medicine* 331:8 (25 Aug. 1994) 513-17.

<sup>28</sup> National Highway Traffic Safety Administration, "Repeat DWI Offenders in the United States" 2.

<sup>29</sup> National Highway Traffic Safety Administration, "Repeat DWI Offenders in the United States" 1.

<sup>30</sup> Both cases included in this chapter, along with additional illustrative cases, are provided in appendix F.

A blood test taken 1 hour after the crash revealed her BAC to be 0.079 percent.<sup>31</sup> Her driver's record indicated that she had been sentenced to a diversion program known as DUI Accelerated Rehabilitation Disposition<sup>32</sup> (a DWI-offender diversion program designed for first-time offenders) in 1985. Although she had not been arrested for another drinking and driving offense for 13 years, she had been re-arrested in both July and August of 1998 for DUI. Following these two arrests in 1998, she received two separate sentences in 1999 of 2 to 364 days in county jail. She served only the minimum 2 days on each count before she was released on probation.<sup>33</sup>

### **High-BAC Offenders**

The precise definition of what constitutes a "high-BAC" offender is subject to debate.<sup>34</sup> In the 15 States that have established laws imposing increased penalties against drivers with a high BAC, the definition of the term differs: four States define high BAC as 0.15 percent; three States, as 0.16 percent; three States, as 0.18 percent, and five States, as 0.20 percent (see appendix B).<sup>35</sup> The National Commission Against Drunk Driving, the Century Council, and Mothers Against Drunk Driving have all developed policies or programs to deal with hard core drinking and driving; all include high-BAC drivers as a part of the problem. These groups all define the term as either 0.15 or 0.16 percent (see appendix C).

The Safety Board selected 0.15 percent or greater in defining high BAC for the following reasons: At this level, offenders are from 1 1/2 to nearly 2 times above the legal BAC limit established in any of the 50 States. Drivers who reach this high level of BAC have consumed large amounts of alcohol, much more than is considered to be social or responsible drinking.<sup>36</sup> Moreover, research has found that drivers with a high BAC are at a substantially greater risk of being involved in a fatal crash: using NHTSA Fatality Analysis Reporting System (FARS) data, the Insurance Institute for Highway Safety estimated the relative fatality risk for drivers in single-vehicle crashes with a high BAC (0.15 percent or greater) to be 385 times that of a zero-BAC driver (see figure 2).<sup>37</sup> Similarly, The Traffic Injury Research Foundation (TIRF), also using FARS data,

<sup>31</sup> The driver also tested positive for cocaine and benzoylecgonine, a cocaine metabolite.

<sup>32</sup> Under the Pennsylvania DUI Accelerated Rehabilitation Disposition, a violator loses his or her driver's license for 1 year and serves 1 year of probation. If the violator successfully completes probation, the violator may request to have his or her record expunged after 7 years.

<sup>33</sup> National Transportation Safety Board Accident No.: HWY-00-1H-20

<sup>34</sup> The Safety Board specifically notes, as it did in its 1990 Safety Study NTSB/SS-90-01, *Fatigue, Alcohol, Other Drugs, and Medical Factors in Fatal-to-the-Driver Heavy Truck Crashes*, that any BAC may be impairing and that the only safe BAC is zero.

<sup>35</sup> Indiana, Louisiana, Maine, and Washington use 0.15 percent. Connecticut, New Hampshire, and New Mexico use 0.16 percent. Arizona, Arkansas, and Kentucky use 0.18 percent. Colorado, Florida, Idaho, Minnesota, and Tennessee use 0.20 percent.

<sup>36</sup> The American Psychiatric Association accepts a single DWI conviction as evidence of alcohol abuse. DWI convictions can be obtained at 0.08 percent BAC or greater in 18 States and the District of Columbia and at 0.10 percent BAC or greater in 33 States. In addition, the U.S. Department of Health and Human Services in the National Household Survey on Drug Abuse defines "binge drinking" as drinking 5 or more drinks on the same occasion. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders, 4th Edition* (Washington: American Psychiatric Association, 1994) 196.

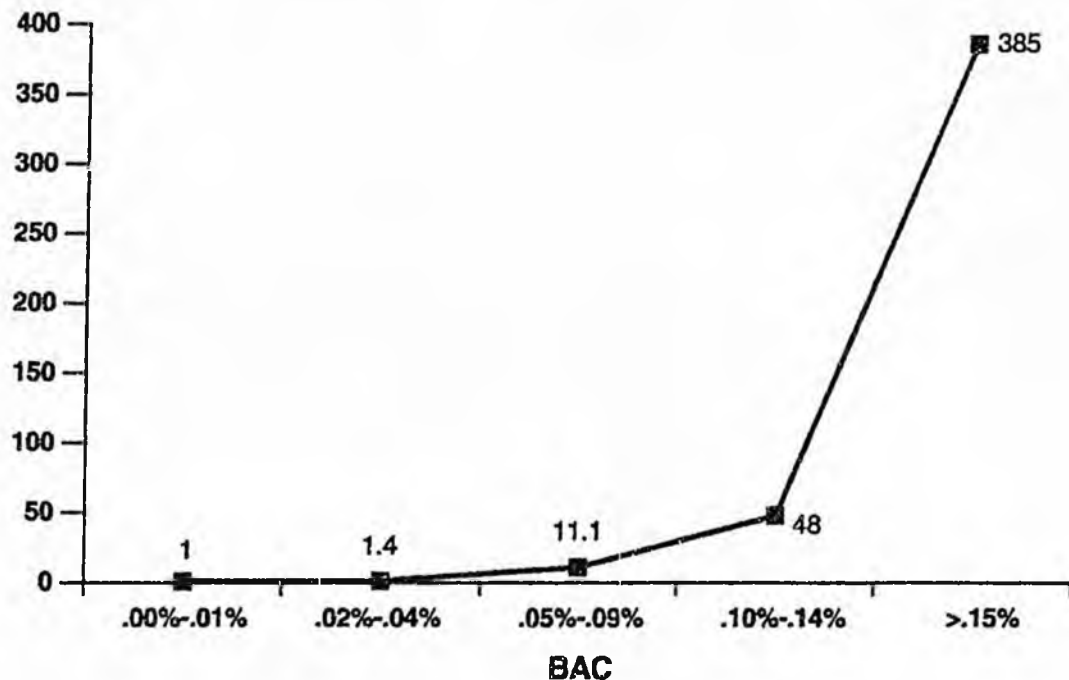


Figure 2. Relative single vehicle crash risk at a high-BAC level

estimated that high-BAC drivers (0.15 percent or greater) are more than 200 times more likely to be involved in a fatal crash than a non-drinking driver.<sup>38</sup> TIRF also indicated that on weekend nights, less than 1 percent of all drivers on the road have a BAC of 0.15 or greater, but they “represent nearly half of all the fatal crashes at that time.”<sup>39</sup>

In 1998, NHTSA sponsored a critical literature review of the alcohol highway safety problem and concluded that “recent research adds little new knowledge about the role of high BAC in alcohol-related crashes, but reinforces the findings of prior studies indicating that a high BAC is strongly related to both high alcohol-crash incidence and high alcohol-crash risk.”<sup>40</sup> One study by Simpson and Mayhew,<sup>41</sup> included in the 1998 literature review, showed that 80 percent of all fatally injured drivers with measurable BAC had a level in excess of 0.10 percent, 64 percent had a level in excess of 0.15 percent, and about 40 percent had a level of 0.20 percent or greater.<sup>42</sup> The Simpson and Mayhew study also showed that, among drivers who had a BAC above 0.10 percent,

<sup>37</sup> Paul Zador, “Alcohol-related Relative Risk of Fatal Driver Injuries in Relation to Driver Age and Sex,” *Journal of Studies on Alcohol* 52 (1991) 302-310.

<sup>38</sup> Herbert M. Simpson, Daniel R. Mayhew, and Douglas J. Beirness, *Dealing with the Hard Core Drinking Driver* (Ottawa: The Traffic Injury Research Foundation of Canada, 1996) 40.

<sup>39</sup> Simpson, Mayhew, and Beirness, *Dealing with the Hard Core Drinking Driver* 21.

<sup>40</sup> Ralph K. Jones and John H. Lacey, *Alcohol Highway Safety: Problem Update*, DOT HS 808 743 (Washington: National Highway Traffic Safety Administration, 1998) 34.

<sup>41</sup> Herbert M. Simpson and Douglas R. Mayhew, *The Hard Core Drinking Driver Update* (Ottawa: The Traffic Injury Research Foundation of Canada, 1992) 3.

<sup>42</sup> Jones and Lacey DOT HS 808 743, 13

almost 8 out of 10 had a BAC of 0.15 percent or more.<sup>43</sup> An examination of 1997 data by NHTSA showed that these proportions had changed very little since 1991, indicating the large role played by high-BAC drivers in fatal crashes.<sup>44</sup>

The following case is an example of a recent fatal crash involving a high-BAC driver.

*Case 2.*— On November 25, 1999, about 1:20 a.m., a 1993 Pontiac Grand Am had been traveling for more than 5 miles in the wrong direction (east) on Interstate 76 (I-76) in Upper Merion, Pennsylvania, when it collided head-on with a 1993 Nissan Altima transporting the driver and four passengers. The impact caused the Altima to spin, strike a concrete barrier, and catch fire. One passenger was trapped in the Altima and died of burns, multiple injuries, and smoke inhalation. The three remaining passengers and the driver of the Altima sustained minor to serious injuries. A third vehicle that was also traveling west on I-76 struck the Pontiac. Both the driver of the Pontiac and the driver of the third vehicle also suffered minor to serious injuries. The driver of the Pontiac was found to have a BAC of 0.24 percent.<sup>45</sup> This driver had been arrested for DUI on June 30, 1996. The court ordered his license suspended, but the suspension did not take effect until Aug. 21, 1997.<sup>46</sup>

## Scope Of The Hard Core Drinking Driver Problem

NHTSA's data show that, since 1983, at least 137,338 people have died in crashes involving hard core drinking drivers. In 1998, 6,370 died in such crashes; this number represents nearly 40 percent of all alcohol-related fatalities for that year (6,370 of 15,935).

According to *Traffic Safety Facts 1998*,<sup>47</sup> an estimated 305,000 persons were injured in alcohol-related crashes in 1998, and of that number, 60,000

### Cost to Society

- 137,338 Hard core drinking driver related fatalities, 1983–1998
- 6,370 Hard core drinking driver related fatalities, 1998
- \$5.3 Billion estimated economic cost of these fatalities, 1998

<sup>43</sup> Jones and Lacey DOT HS 808 743, 13

<sup>44</sup> The 1997 Fatality Analysis Reporting System (FARS) data also indicated that there was a sizable number (3,507) of fatal crashes at lower BACs (.01 to .09 percent), but there were no comparable data from non-crashes to get a good estimate of relative risk. Combining the data from FARS and from roadside surveys, the National Highway Traffic Safety Administration believes that there is a significant relative crash risk at BAC levels between 0.05 and 0.10 percent, and a lower but not insignificant crash risk for BAC levels between 0.02 and 0.05 percent (Jones and Lacey, DOT HS 808 743, 34).

<sup>45</sup> Traces of marijuana (cannabinoids) were also detected in the driver's system.

<sup>46</sup> Like many DUI offenders, this driver had not taken the necessary measures to have his driver's license reinstated following the period of suspension. National Transportation Safety Board Accident No.: HWY-00-IH-12.

<sup>47</sup> National Highway Traffic Safety Administration, DOT HS 808 983, 111.

persons received incapacitating injuries. The proportion of injuries involving hard core drinking drivers, however, is difficult to estimate because of the lack of alcohol test results in the GES.

In addition to the cost of human lives, hard core drinking drivers exact a substantial monetary cost. In 1994, NHTSA estimated that all motor vehicle crashes combined cost American society over \$150 billion dollars per year.<sup>48</sup> Using NHTSA's formula, the economic cost to society for hard core drinking driver-related fatalities in 1998 would be at least \$5.3 billion dollars (6,370 x \$830,000).<sup>49</sup>

Hard core drinking drivers (repeat offender drinking drivers with a prior DWI arrest or conviction within the past 10 years and offenders with a blood alcohol concentration of 0.15 percent or greater) pose an increased risk of crashes, injuries, and fatalities. Therefore, the States should take measures that would further reduce the significant loss of human life and immense societal costs caused by hard core drinking drivers. The following chapter discusses countermeasures that have been shown successful in achieving this goal.

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<sup>48</sup> Lawrence J. Blincoe, *The Economic Cost of Motor Vehicle Crashes*, DOT HS 807 876 (Washington: National Highway Traffic Safety Administration, 1995) 5.

<sup>49</sup> Computation rendered in 1994 dollars as defined in *The Economic Cost of Motor Vehicle Crashes*. In this report, the economic cost of a human life was estimated at \$830,000 for a fatality, \$706,000 for a critically injured survivor, and \$230,000 for a seriously injured survivor.

My Turn? Juneau Empire 04/06/01

My heart certainly goes out to Cindy Cashen in the tragic death of her father. She deserves the utmost respect for turning the unquestionable evil that took place that awful day into a motivator for change in our community. The Drunk Driver is a menace to society. The long history of M.A.D.D. is a testament to the fact that American society has recognized the destructive force of an automobile in the hands of an intoxicated person. Laws have changed. Many are passionate about continuing this effort to make even greater strides. We must not confuse passion with rhetoric.

The Juneau Empire gave repeated front-page headlines to Cindy Cashen and Matt Felix in their characterizations of the alcohol issues before the Legislature. Back on page five it was more difficult to notice that the National Transportation Safety Board reported that Drunk Driving Fatality numbers are at an all time low. Nearly two thirds of auto fatalities do not involve Drunk Drivers. The incidence of D.D.F. auto accidents has been steadily declining for over fifteen years. Back in the days of the big cars and the seventy-mile per hour speed limits, before the public recognized the senseless carnage on the country's roads, nearly 70,000 people lost their lives every year. More cars are on the road today than ever before, yet the D.D.F. number has dropped to about 17,000. The Alcohol Beverage Industry has been passionate about this change as well.

The characterization of our industry as "getting rich off the blood of the State's citizens" is inflammatory and patently false. Matt Felix calls the industry position histrionic, and describes lobbyists as some sub-human forms that "slithered" in the room. Matt and Cindy were certainly being histrionic. Look it up. I did!

The fact is that the majority of people make the choice for sensible consumption of alcohol beverages. Only about a third of Americans of Legal Drinking Age choose not to consume beverage alcohol. The production and use of alcohol pre-dates all forms of government by several thousand years. The majority of people have always recognized that it is possible to consume beverage alcohol in a responsible manner. The problem with the Drunk Driver is a problem in that person, not in the beverage he consumes. If the consumption of alcohol were the only factor influencing Drunk Drivers, then two thirds of the country should be involved in these accidents. Let's make these people take some personal responsibility. We can't tax them into moral judgment.

Matt Felix and the National Council on Alcohol and Drug Dependence would have Alaskans believe that initiation of a 300% tax increase and a hefty hike in the cost of alcohol beverages will decrease the number of deaths on our roads.

Raising the tax on alcohol will not stop the identifiable minority of alcohol consumers who choose to ignore existing laws and drive while intoxicated. It will put unprecedented tax burden on the food and beverage industry, while having little effect on the state's projected budget deficit. Rep. Lisa Murkowski quotes alleged costs the state must recover as a result of the use of alcohol, as she joins the hype to push her new bill. She knows that the collection of these new funds can't be earmarked for a particular program in the budget. It's certain any new or expanded program will come at the expense of other state needs, alcohol related or not. There is no "pot of gold" at the end

of an alcohol beverage tax. These alcohol reform organizations have a monetary stake in this issue too. They get their grants and funding by capitalizing on bogus statistics and crude rhetoric.

Beverage Retailers and their employees face tough regulations, fines, law suites, and jail. They have to attend classes to understand alcohol's affects, and the risks involved in its sale. Let's go after the person who drives while intoxicated. It's not certain that a tax increase would have stopped anyone from driving drunk, but being in jail would. The reason that 65% of inmates have problems with alcohol is that these people have A LOT of problems. The rest of the non-inmate population is composed of 65% alcohol consumers who don't go to prison.

Don't let the vocal minority ramrod their tax and spend agenda through the Legislature.

C.L. "Butch" Tangney  
B.S. Health Technology  
Oregon Institute of Technology

State Registered Server Training Instructor  
Techniques of Alcohol Management

Employed at Juneau branch of Odom Corp.  
Alaska based Beverage Distributors



GASTINEAU HUMAN SERVICES CORPORATION • 5597 AISEK STREET • JUNEAU, ALASKA 99801  
*Substance Abuse Treatment • Community Corrections • Drug Testing Services • Community Work Service*

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April 9, 2001

#### Labor & Commerce Committee

Good afternoon, my name is Greg Pease, for the past fifteen years I have been the Executive Director for Gastineau Human Services Corporation which was the first alcohol and other drug treatment program in the state of Alaska founded in 1965 during the Egan Administration. GHS was also the first Community Residential Center or halfway house program in the state for the DOC, opened in 1983.

I serve on a number of National and International committees for a number of organizations. Two in our state are the Alaska Coalition on Housing and Homelessness and the now complete the Alaska Criminal Justice Assessment Commission or CJAC. This Commission was made up of public members, private business people, attorneys, judges, Commissioners, victims, and members of this legislature, both sides of the isle and from both chambers.

The recommendations in the final report to this body were researched and rationally debated and the message is clear. Alcohol was a primary or contributing factor in 80-95% of all criminal offenses committed in our state and the percentages are even higher among Alaska Natives, 97%. Almost every state departmental budget is affected by the abuse of Alcohol.

The costs of this abuse, the majority borne by non-abusing Alaskans who pay in increased insurance, medical costs, and alcohol related accidents is close to 250 Million dollars per year, every year. Private businesses like those who sell the product are among those affected the most, in lost time at work and employee turnover.

Since little of the cost of alcohol abuse is offset through the collection of alcohol-related revenues of only 13.5 Million dollars, the first recommendation in the CJAC report was to increase the statewide excise tax on alcohol. The second was to allow municipalities to do the same.

The cost of incarceration we all know is horrendous. The recent Newsweek article on Addictions pointed out that we, as a state, will never be able to incarcerate our way out of the problem of addiction. The movement nationwide is to prevention and treatment.



Treatment works and has reduced the costs of alcohol abuse significantly, for example; One year after treatment recidivism or re-arrests had decreased at the following rates: Ohio – 90%, Minnesota – 90%, Hawaii – 87%, Florida – 82%, Colorado – 80%, Texas – 80%, Maine – 79%, and California – 60%. Savings in the Criminal Justice system, safer communities (most of you ran campaigns on that one, and yes, fewer victims of crime and abhorrent behavior.

Oregon saved 83.1 million dollars in reduced costs over three years, Minnesota saved 28 million dollars and recovered 67% of its investment in treatment and after only six months Iowa saved 87 million dollars from reductions in crime.

You are the stewards of our money, it really is a pay now or pay later proposition, and the economic facts speak for themselves. Cost savings...

As a treatment professional and a criminologist, I am here to remind you that the outcome measurements and research are in, the empirical data is irrefutable; raising taxes reduces consumption and thus those problems associated with over-consumption and abuse.

Everyone saves not only money but also families and neighbors. This is about better business, the public's business. For fifteen years I have seen firsthand the ravages of alcohol abuse, like many other states, ours spends four cents on prevention and treatment the remaining 96 cents on mopping up mess. Its time to move forward with as many resource options as possible.

I will end my testimony with a quote by an Alaska State Trooper who described to me the problem of alcohol in rural Alaska as, "The River of Death". It doesn't get any more serious than that.

For questions please contact me at the GHS office: 780.3011 or e-mail [ghs@rtialaska.net](mailto:ghs@rtialaska.net)

Apr. 9, 2001

Rep. Lisa Murkowski

From Ellen Northup  
Box 211231, Auke Bay, Ak. 99821  
789-3471

Dear Rep. Murkowski,

I would appreciate you sharing my concerns, regarding House Bill 225, with your fellow Legislators.

Before I Directed the Glory Hole (homeless shelter/soup kitchen), I had never seen the effects of alcohol abuse, up close and personal. As I met seemingly "normal" people who acted in strange ways, I learned these were "FAS"—Fetal Alcohol Syndrome people. Many times in the 8+ years I was there, I heard some church person, serving dinner, say, "Why is that guy eating here—he looks like a big, healthy man who should be earning his own way" I would reply, "Go sit with him and engage him in a conversation and then come back and tell me if you would/could hire this person".

For the FAS person may look good, (although some are dreadfully deformed,) their BRAIN has been left half done, by their birth Mother's addiction to alcohol.

In addition, I learned that many of the alcoholics we were working with, to help them recover their lives, felt anyone who attempted to stop or even slow down their drinking, was THE ENEMY. If someone doesn't want to stop, nothing and no one can cause them to—including jail time. One man was sent to prison for 3 years, in an attempt to help him get rid of his addiction, going to meetings and educational programs while he was incarcerated, only to resume the day he was released.

I have a neighbor who was recently released after serving a year for DWI, who got drunk the day he was released and drove his car around our trailer park! I went out and asked him why he was driving, since his license had been revoked. He stated he was on private property and could drive all he wanted. So much for progress.

Yes, these cases represent OFFENDERS, however, none would quit because the cost of alcohol went up. BUT, if there is an additional tax, perhaps some of the money will filter down to the (sometimes excellent) educational programs in the school, for partially reimbursing the state for treatment programs, and to help with the costs of supporting FAS victims.

I, for one, would not resent a tax on "my wine" if I knew some of the money would be used in this way. And I didn't even address Driving Under the Influence "accidents"!

God Bless You,

*Ellen Northup*

April 9, 2001

Labor and Commerce Room, Capitol Building

My name is Gene Miller, elected President of the Juneau Chapter of Mothers Against Drunk Driving. I am a father who fears for the lives and safety of children. I cannot control the behaviors of drunk drivers and their potential to take the lives of my children or seriously injure them. Others will testify to numbers, however, as best we can determine by oblique measurements, the record of drunk driving and alcohol related social problems in Alaska rank close to the top of all the States.

We believe cost and increasing public awareness powerful means to lower the risks to our children. Sometimes a tax versus a user fee blurs such as we know persons who drink alcohol in Alaska pay only a small portion of the total cost of alcohol related problems. We believe people who drink should bear a larger share of the true costs of alcohol consumption in Alaska.

Some in the industry fear loss of livelihood. However, some countries of the industrialized nations promulgate strict laws such as zero tolerance for drunk driving with no deleterious loss of jobs in the alcohol industry. Persons just adjust their behaviors such as automatically designating a non-drinking driver when attending a party or taking public transportation. We also know that underage drinkers are sensitive to price and that increasing the price of alcohol in Alaska can lead to a reduction in underage drinking.

I urge Legislators to support an increase in the alcohol excise tax. It's good public policy and will take courageous leadership. I urge the Alcohol industry to support this effort as well. It's the responsible thing to do and will, I believe, in the long run preserve jobs.

Thank you.

Gene Miller, President of the Juneau Chapter, Mothers Against Drunk Driving  
211 4<sup>th</sup> Street, Suite 102  
Juneau, Alaska 99801

Phone: 907-463-2562



# Alaska State Legislature

Please enter into the record my testimony to the Labor + Commerce  
committee name

Committee on HB 225 (Retail Tax), dated 4/9/01  
bill # / subject

I would urge the committee to allow this bill to die, due to the fact the increase in tax would not go toward the intended solution. Instead it would end up along with the tobacco tax which has solved nothing.

If this bill could target some of the social burdens that plague this state, I would support a ~~small~~ tax increase.

EDUCATE DON'T LEGISLATE

Signed: GLENN A. VISDAL  
Testifier

DECKWALTER FANN  
Representing (optional)

P.O. Box 703 SOLDOTNA AK 99669  
Address

907-262-2692  
Phone number



# Alaska State Legislature

Please enter into the record my testimony to the Labor and Commerce

committee name

Committee on HB 225/Municipal taxation of alcohol

dated 4/9/01

bill # / subject

I oppose HB 225 for several reasons. Stating it as a dime a drink increase is misleading. It sounds nominal, but in reality - the tax proposed is well over double what it currently is. Imagine people's reaction if you attempted to double any other tax.

Is it fair to tax only one area of commerce or group of people? Is the cost of Health + Social Services, Welfare, Unemployment, + Law enforcement only related to alcohol? I agree that alcohol consumption can contribute to these problems; I don't believe that it is the sole cause of them or that it should be the only thing responsible to pay for them. The penalties due a small group of people should not be paid for by the majority of responsible people. This bill attempts to penalize everyone.

Section 3(a) says that every brewer, distiller, bottler, jobber, retailer, wholesaler, or manufacturer who sells or ships alcoholic beverages in the state is taxed. The maker is taxed, who passes that cost on to the wholesaler who is taxed + passes those costs on to the retailer who is taxed + passes all costs on to the consumer. That's quite a cost that is finally being charged.

The price of alcohol is not the cause of these problems! People have a right to choose their choices. Government does not have the right to overtax a small group because a few people feel that it is the cause of all problems!

Signed:

Karen McKeahan

Testifier

D+C Investments

Representing (optional)

Box 2139 Nikiski, AK 99635

Address

907 776-5274

Phone number



# Alaska State Legislature

Please enter into the record my testimony to the

HLC

committee name

Committee on HB 225 Alcohol Tax Rates dated April 9, 2001  
bill # / subject

One night my friend Mike got off work & had a few drinks to mellow out on his <sup>flight</sup> way home. He worked on the slope so he got a few more drinks in Anchorage <sup>\$50/mo</sup> for the ride to Moose Pass. He didn't make it home. On the way, he crossed the center line and hit another car head-on. I talked with him in the hospital where he said the sight of the two men he killed were all he remembered of the accident. He saw their faces just before his truck ran into their car. To resist a 10¢/drink cost which could help to prevent further loss of life seems tragic. What would it have been worth to the families of those two men to have prevented their loss? Mike is in jail for killing them. It will cost more than \$1.2 M to keep him there. It costs less than \$30,000 to hire a TX counselor for a year.

Signed:

Ausara Caswell  
Testifier

(over)  
+ 3 PAGES  
ATTACHED

Representing (optional)

PO Box 3238, Soldotna, AK 99669  
Address

(907) 262-3913 or (907) 262-1794  
Phone number

Prevention is a bargain. But it still costs money.

It is logical to charge people who use services for those services. Since the alcohol industry profits from the sale of alcohol, it also makes sense that they support the costs associated with alcohol use. For the individual drinker; the more you drink, the more you pay - this also appeals to clean logic. Problems are caused when alcohol is consumed in excess which should not be passed onto the general public when they choose not to imbibe.

If any citizen has a problem paying this tax, they can choose not to drink @ any time. It's that simple.

Alcohol costs us through implication in

- 50% of hospital emergency room visits.
- 65% of suicide attempts
- 83% of child abuse investigations
- 60% of domestic violence reports
- 63% of sexual assaults
- 53% of fatal automobile crashes
- 45% of fatal fires
- 46% of murders.

It is a voluntary behavior. Think about it. I don't drink, for me it is very simple.

## ***Alcohol Abuse & Alcoholism in Alaska***

Alcohol is the most significant contributing factor to crime in Alaska. Excessive drinking also is associated with child abuse, domestic violence, poor health and low educational achievement in our state. The FY2002 budget for the Alcohol and Drug Abuse ERU proposes \$8.1 million GF to address problems related to alcohol abuse and alcoholism.

'Alcohol is the 800 pound gorilla in the middle of most of our social and health problems.'

--Karen Perdue  
Health & Social Services,  
on challenges facing  
Alaska families.

Nearly 14 percent of adult Alaskans depend on or abuse alcohol, compared to a national rate of about 7 percent

Nationwide, Alaska has the 5<sup>th</sup> highest rate of alcohol-related problems, but ranks 32<sup>nd</sup> for treatment services provided per capita.

Alaska youth frequently must wait two to five months for residential substance abuse treatment. In cases where these intensive services are recommended, the need is typically urgent.

### ***What does alcohol abuse and alcoholism cost our state?***

Putting a price tag on the impacts of alcohol abuse and alcoholism is extremely difficult. Extrapolating from national figures, one conservative estimate puts the cost to government alone at \$250 million a year in Alaska. What we do know is that, in Alaska, alcohol is implicated in:

- 50 percent of hospital emergency room visits
- 65 percent of suicide attempts
- 83 percent of child abuse investigations
- 60 percent of domestic violence reports
- 63 percent of sexual assaults
- 53 percent of fatal automobile crashes
- 45 percent of fatal fires
- 46 percent of murders

### ***Does treatment work?***

Alcoholism is a chronic, progressive, disease. It is treatable. Many people relapse several times before achieving long-term sobriety. But a recent study examining the effectiveness of publicly funded treatment programs in Alaska found that 56 percent of outpatient clients and 42 percent of residential clients abstained from alcohol for one year after treatment. The study found a strong association between abstinence and participation in follow-up care and peer support groups such as alcoholics anonymous.

The study also found that, among participants:

- Arrests and motor vehicle accidents decreased;
- full-time employment increased from 30 percent to 45 percent;
- unemployment rates dropped from 45 percent to 24 percent;
- visits to hospital emergency rooms declined.

A University of Alaska survey concluded that monitoring the treatment of Alaskans convicted of drunken driving and other drug and alcohol related crimes significantly reduces recidivism. The state's Alcohol Safety Action Program (ASAP) monitors offenders referred by the courts to ensure that they complete required treatment. The survey found that three-quarters of participants referred for drunken driving and more than half of those referred for other drug and alcohol offenses did not commit a second offense

January 30, 2001

within three years. However, ASAP resources have been cut back over the last decade. Five grantee offices were closed and monitoring of offenders' compliance with treatment was diminished. In FY2000, the Anchorage ASAP was responsible for providing case management and monitoring services to 2,792 new cases and FY2001 case management is estimated at 4,826 new cases.

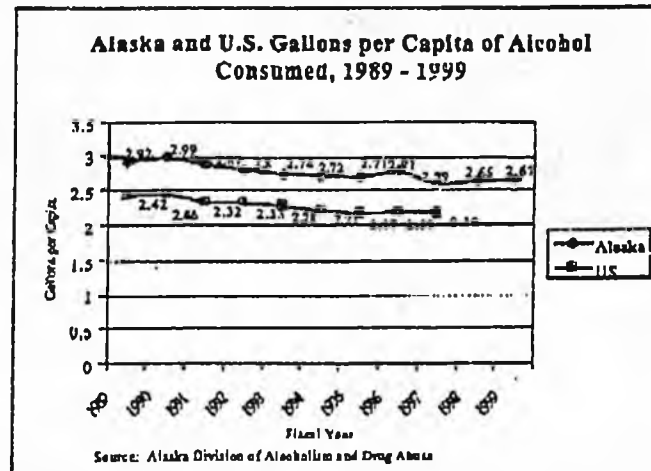
Alcohol consumption rates illustrate the extent of alcohol-related problems. Nationally alcohol consumption has slightly decreased. In Alaska, consumption declined fairly steadily between 1989 and 1997. It then shows a slight increase, but rates are still well below the peak in 1990. This is good news, but consumption in Alaska is still higher than the rest of the nation.

### *Who needs treatment and isn't getting it?*

- Statewide, dependence and abuse rates are found to be twice as high among men as among women, and about 50 percent higher among Alaska Natives and Native Americans than among whites.
- A 1998 study of recently arrested inmates at four Alaska jails found that 60 percent met the criteria for a diagnosis of substance abuse or dependence. "...A large proportion, possibly the majority of arrestees in Alaska may be in need of substance abuse treatment services," researchers concluded.
- A 1998 survey of Alaska households revealed that 40 percent of Alaskans who wanted alcohol treatment but had not received it in the past year were women of childbearing age. Reasons for not seeking treatment included lack of insurance or other means to pay and treatment facilities that were too far away or full.

### *What should be done?*

1. Restore the successful Alcohol Safety Action Program to provide more substance abuse screening and monitoring of court-ordered treatment, including drunk drivers (\$1,366.1 GF);
2. Increase treatment in rural Alaska by placing professionals trained in mental health and substance abuse counseling in 10 more communities; and increasing the number of highly effective Spirit/Recovery camp programs (\$1,107.0 GFMH);
3. Increase availability of substance abuse treatment for adults by increasing the number of beds at existing residential facilities, improving outpatient services, and providing safe and sober housing for clients receiving these services. (\$2,000.0 GF, \$660.0 GFMH);
4. Provide more treatment for minors convicted of alcohol-related crimes and increase prevention activities(\$1,500.0 GF);
5. Maintain alcohol and drug abuse grants by replacing anticipated loss of federal funding (SYNAR) (\$1,500.0 GF)



January 30, 2001

HLTC FACILITY U.S.U



# Alaska State Legislature

Please enter into the record my testimony to the De. Labor & Commerce  
committee name

Committee on HB 225, dated 4-9-01  
bill # / subject

The impact of alcohol has seriously & consistently affected all Alaskans both economically & emotionally.

Citizens pay through experiencing auto accidents, domestic violence, & medical complications among others. Treatment for alcohol abuse is expensive & must be administered again & again.

Emotionally, families are broken up by the abuse & crime brought on through drinking. This bill would contribute to supporting the burden placed on the general population by an industry making money from the weakness of those seeing alcohol as a necessity.

The bill is reasonable & fair. Please support it.

Signed: Margaret Day  
Testifier

Self & Commission on Aging  
Representing (optional)

Box 2876 Selkirk, AK 99669  
Address

(907) 262-3908  
Phone number



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE/LABOR & COMMERCE COMMITTEE  
committee name

Committee on No. 225 ALCOHOLIC BEVERAGES, dated 4-9-01  
bill # / subject TAX RATES

IF THE PRICE OF ALCOHOL CONTINUES TO RISE AS IT HAS BEEN. TAXES ON ALCOHOL - FUEL - ETC. THE SMALL BUSINESS OWNER WILL NOT HAVE A CHANCE TO REMAIN IN BUSINESS. I PERSONALLY HAVE ABSORBED THE LAST TWO PRICE INCREASES DUE TO FUEL PRICES. THE LAST HIKE I HAD NO OTHER ROUTE BUT TO INCREASE MY PRICES. I LOST A % OF MY REGULAR CUSTOMERS. IF THE STATE CONTINUES TO INCREASE TAXES ON ALCOHOL IT WILL BE PUTTING ALOT OF SMALL PRIVATELY OWNED BUSINESS OUT OF BUSINESS. WE CANNOT ABSORB A TAX INCREASE OF THIS SIZE.

Signed: Scott Daugherty  
Testifier

PROVIDOR HOOTS HIDE A WAY  
Representing (optional)

P.O. 426 STERLING, ALASKA 99672  
Address

907/262/5087  
Phone number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House LTC  
 Committee on HB 225 Committee Name  
Bill / Subject Dated 4/9/01

There are many of us in Fairbanks who support this bill. ~~Constitutionally~~  
 There is no other industry which is allowed to externalize the true costs of its operations to the extent the liquor industry is.

- ② I strongly object to the fact that current law precludes local communities from locally controlling local alcohol taxes
- ③ It's sound public policy to impose a tax which gives me & every Alaskan the chance to pay zero, a little, or a lot - each individual's choice.

Thank you

SIGNED:

Andrew Harrington

Testifier

Representing

4624 Stanford Ave, Fairbanks AK 99709

Address / Phone Number



## ALASKA STATE LEGISLATURE.

Please enter into the record my testimony to the House Labor and Commerce Committee  
 Committee on HB 225 Committee Name Dated 4-9-01  
Bill / Subject

I am a recovering alcoholic who has not had an alcoholic drink for 17 years.

If I was testifying 17 or more years ago I would have said I wasn't the cause of problems, like others have testified today. Especially 30 years ago I didn't think of myself as a problem drinker. But I became one.

I did end up causing state spending. My son who is 22 years old has Fetal Alcohol Effects. I used the welfare system and unemployment system & community counseling programs. All of this was caused by my diminished productivity due to alcoholism.

Who's 120 room in Fairbanks smells like alcohol today. Some people have felt the need to drink before 3:00 today. They could also testify they don't cause problems and hopefully they aren't driving home.

I support this bill and the research it is founded on. Thank you for your efforts. I wish you could earmark the tax for prevention programs and direct service to families impacted by alcohol. We all know for a fact that alcohol has tremendous effects on children, from neglect to death.

SIGNED:

Mary Lou Canney  
 Testifier

Fetal Alcohol Syndrome Parent Support Group and  
 Representing The Aurora Project (for FAS families)

505 Stewart St. G-5 FBKS. 99701

Address / Phone Number

452-4664 H

452-2866 W



## ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Labor and Commerce

Committee on HB 225 - Alcohol tax Dated 4/9/01

My name is Elizabeth Jaaffe and I support an alcohol tax. Perhaps with adequate rehab centers - with appropriate treatment, my adopted daughters' mother may have given birth to a healthy child rather than a medically fragile little girl with developmental disability. It also would have been cost effective to prevent this birth.

My daughters mother could have been educated through many means. The rate of FAS in Alaska is too high! I support every means that would reduce / prevent FAS. This tax could provide revenue that could reach this goal. I hope this money would be earmarked for prevention and treatment.

Thank you for your attention and for your work towards making Alaska a safer place for all of us.

SIGNED:

Elizabeth Jaaffe  
Testifier

myself  
Representing

120-Wilderness dr. Ithaca 99712 (907) 457-2307  
Address / Phone Number

APR-10-01 TUE 03:28 PM  
APR. 10. 2001 7:01 AM  
7A 456-3346

FBX LEGIS INFORMATION  
FNA/RALPH PERDUE CENTER

FAX NO. 9074563346

P. 02



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the \_\_\_\_\_  
Committee on HB 25 \_\_\_\_\_ Committee Name  
Bill / Subject Dated 4/9/01

See Attached

SIGNED:

Victoria M. Jock

Testifier

FNA's Ralph Perdue Center

Representing

3100 S. Puckman St.

907 452-6251 x211

Address / Phone Number

Hello,

I am the Director for the Ralph Perdue Center for Fairbanks Native Association, a full treatment service for people with addiction issues. I have been in the field for over 20 years, with ten of them in Bethel. I used to think I would work myself out of a job but I know better than that now. Thank you for this opportunity to testify on HBV 2 5.

I am in favor of HB 2. 5 and what I like most about it is:

It doesn't put people in jail for using alcohol,

-it doesn't prevent anyone from using,

-Nor will it stop anyone from using,

It does tax those who use and those who use the most get taxed the most.

Furthermore, given the nature of my business I see those who use the most, and those tax dollars have a greater chance of better serving them.

As we know (and it's well documented) those who use the most, cost us the most, not in treatment costs, but in all the other costs in our society. It took Congress years to learn that tobacco was addictive so let me perhaps be the first to state it here so is alcohol.

Currently, we pay over \$500. per capita for substance abuse. The majority of the states pay closer to \$200. per capita, even those with populations close to our size.

I don't have the misconceptions that the user tax will stop drunk drivers, or that it will go to treatment programs (although I think it should), nor will it put bar owners out of business. And judging by my nicotine-addicted friends-they don't smoke less even when paying over \$40. per carton, but now there is more money generated by their smoking to help alleviate general fund costs- the same should be true for alcohol. And frankly, all taxes discriminate and I think this one aims to the correct audience.

Sincerely,

Victoria M. Foote  
Director Ralph Perdue Center



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce.  
committee name

committee on HB225- Alcohol Tax, dated 4-09-01  
bill/subject

I work in the Liquor Ind.  
 I feel that the Liq Industry  
 should not be responsible for  
 rehab for Drugs also - Perhaps  
 some of this should be spread  
 around to some other industries also.  
 I feel this 600% increase would  
 be detrimental to many jobs &  
 probably put me out of work.  
 I feel this is a preferential tax

Signed: Karen Loutensock  
Testifier

T Omp Bar  
Representing (Optional)

Box 1294 KODIAK, AK  
Address

Phone No. 907-486-5838



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce  
 committee name  
 committee on Alcohol tax, dated 04-09-01  
 bill/subject

The alcohol taxes are high enough. The town is dying already, the bars are about the only businesses left - the fisheries are not profitable anymore. No one can make any money here anymore and can't hardly afford to purchase alcohol. I work at three different bars in order to make enough money to survive. As a bartender - we depend on our tips now - if the taxes go up our tips will stop and hours will go down.

Signed: Barbara Walkoff  
 Testifier  
bartenders  
 Representing (Optional)  
Box 21 Kodiak, AK  
 Address  
907-486-6195  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce  
committee name

committee on HB 225- Alcohol Tax, dated 4-09-01  
bill/subject

I think that most of the violent crimes that people under the influence of alcohol do - are also because the person needs medication and counseling from a <sup>psychiatrist</sup> doctor or AP I. But most people can not afford help unless they have enough money - Because since Reagan the funding of mental services has been depleted... And alot of problems concerning violence and criminal activity are because of mental illness <sup>with Alcohol</sup> and not alcohol.

Signed: Wendy Waldheim  
Testifier

Tony's Bar  
Representing (Optional)

PO Box 574 Kodiak AK 99615  
Address

907-287-2978  
Phone No.

# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Ad Hoc  
committee on HB225 dated April 9, 2001

Run these simple numbers. Let us assume that I am working in an establishment that serves alcoholic beverages and my till will average \$1000 per day with an average drink price of \$3.00 or roughly 333 drinks per day will be sold.

\$1000 till  
x .08% must be reported to IRS as tips  
\$80.00 per day that I need to report to IRS as income

We all know that no one is going to mess with nickels and dimes so of course, the price of a drink will be jumped up \$.25 "to cover the new tax increase"

333 drinks per day  
x .25 to cover the new tax increase  
\$83.25 increase in the till every day

\$3.25 new price of drinks  
x 333 drinks per day  
\$1082.25 new till every day  
x .08% to be reported to IRS as tips  
\$ 86.58 must now be reported to IRS as income

	TILL/TAKE	\$ REPORTED TO IRS as TIPS
Today's figures	\$1,000.00	\$80.00
\$.25 tax increase	\$1082.50	<u>\$86.58</u>
Increase in taxable income		\$6.58 per day increase
Let us assume I am working 5 days a week, year round		X <u>5</u> days per week.
		\$32.90 per wk
		X <u>52</u> weeks per year
		\$1710.80 additional income per yr.

As another example -- as a drinker, I will order a drink, lay out a \$5 bill. If the drink is \$3.00, I pull \$1 back for my pocket and leave \$1 tip. If the drink is \$3.25, I will pull \$1 for my pocket and leave \$.75. OOOOOPS, the bartender just lost a 25 cent tip in this transaction. BUT the state just got their tax increase on this transaction. But when we ring out the till at the end of the day, the server (bartender) gets shorted on both ends, one by losing that 25 cent tip, and having to pay increased taxes on money that never hit their hands.

Looks as if the state wants to collect more money, at the expense of the servers. State gets the money, the server will be losing income in tips and will have to pay more taxes to IRS at the end of the year. DOUBLE WHAMMY!! Is the state willing to reimburse bartenders and cocktail waitresses for collecting this tax???

It appears that the state is (again, yet or still) unwilling to tighten up their belts, cut down on waste, utilize materials and funds available, and learn to live within their means. The average citizen of this great state has no choice but to "cut back" when the wolf starts coming to the door. We have no choice but to live on macaroni & cheese and a pot of beans when times get tough, job losses, illnesses, accidents or any other reason that the cash flow is slowed down. To put it in layman's language, it seems like ALI, government agencies (local, state & federal) have one thing in common --  
"CHAMPAGNE APPETITE ON A BEER WALLET"



J.S. Lane  
Box 873084  
Wasilla, AK. 99687  
907-376-8830

*Jox 465-2293*



# Alaska State Legislature

Please enter into the record my testimony to the House Labor and Commerce Committee  
 committee on HB225 Inc. Alcohol Tax dated 4/10/01  
 bill/subject

To All House Labor and Commerce Committee members,

How much are you willing to sacrifice for Alaskan children and families? I want to believe that the liquor lobby is not more important than we are.

HB 225, to increase the excise tax on alcohol represents one of the BEST efforts to prepare our children to cope with growing up in Alaska. The money represents an opportunity to prevent early onset of drinking and the related injuries, school failures and unplanned diseases and pregnancies that accompany underage drinking. This tax represents your best effort to keep children on the right track. We know that a child is more likely to avoid dependency on alcohol if they delay high risk drinking before they are 15 years. Your goal, if you are serious, is to prevent high risk drinking of young people and dependency of those who already binge drinking. After someone becomes dependent on alcohol as an adult, there really isn't much that can be done. Increasing the price of alcohol is a necessary step towards sobering up our state and showing support for raising children.

Joan Diamond  
Anchorage, Alaska

Signed: \_\_\_\_\_

Testifier

*Commitment's Public Health's Parent*

Representing (Optional)

*5700 Rabbit Creek Rd. Anchorage AK.*

Address

*907-345-6192*

Phone No.



MADD strongly supports House Bill 225. Without a decent excise tax increase more Alaskans will be killed. When programs go unfunded, treatment centers have a waiting list so long they have quit taking names, laws on the books are not enforced and alcohol abuse education is not taught in our schools then we will have more Alaskans killed by drunk driving and underage drinking. It's that simple. When we don't put money where it's needed then the problem grows.

MADD is concerned over the fact Alaska does not have enough ABC officers to enforce the laws passed concerning selling to minors and inebriated persons. 5 officers covering the state of Alaska is not enough. The person who killed my father bought from a liquor store while obviously intoxicated, according to witnesses. Had there been enough ABC officers in the state that store would probably have not felt as comfortable selling to someone who staggered in reeking of alcohol.

MADD is concerned over the fact Alaska does not have enough State Troopers. The person who killed my father felt comfortable becoming impaired, buying more alcohol and drinking it for almost 2 hours on the Seward Highway. Had there been a sufficient number of State Troopers the drunk driver might not have felt confident doing this, or might have been apprehended before he took the lives of my father and Martin Richards.

Alaskans need this source of income to protect our loved ones. Yes, it's a tax and not everyone believes in taxing but alcohol is different. Alcohol comes with a price tag. It's the real world-where there's alcohol there's abuse. We can't expect the offender to pay for all of the thousands of dollars it costs the state because usually the offender doesn't have that kind of money.

Offenders don't just grow out of trees. They don't wake up one day and decide they will become alcoholics and drink and drive. These people were once little kids. They were once teenagers. They were once at an age where consistent alcohol abuse education could have made a difference in their lives. When a child does not know the dangers of a drug, what is to prevent that child from taking it? We don't have education programs in our schools and we owe it to our children to provide what we already know: underage drinking and drinking and driving kills. They don't know this-but they need to. Before our children of today become the drunk drivers of tomorrow.

The man who killed my father could have used that education when he was a little boy. But it's too late for him now. It's too late for his family now. And it's too late for me and my family. MADD encourages this committee to support this bill..

Thank you.

Cindy Cashem

April 9, 2001

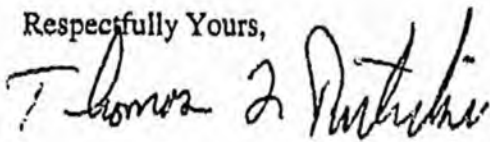
Dear Representative Murkowski,

I am a supporter of increasing the tax on alcohol by 10 cents or more. Some of the money garnered from the tax increase could be used to prevent people from driving while intoxicated. I have been directly affected by the actions of a drunk driver. Dick Carlson was a friend, mentor, and colleague of mine who was killed by a drunk driver near his home in Auke Bay during July of 1999. We shared a small office at the Auke Bay Fisheries Lab for 16 years and I sure miss him. Dick was a loving husband; a great father whose family misses him and has been very emotionally impacted by his sudden and needless death. Dick was truly a person who cared about others and would help those who needed help. Dr. Carlson's contributions to his profession (Fisheries Biology) and community were acknowledged by the Twenty-First Alaska State Legislature that issued a proclamation of such in his honor. Your name appears on the proclamation.

I feel that increasing the tax on alcohol could help to prevent needless death's like Dick's. The man that killed Dr. Carlson was served alcohol at a local bar shortly before the accident that killed Dick. Witnesses at the bar said that man appeared to be intoxicated and was served alcohol anyway. Money from the tax increase could be used to hire more officers to enforce existing laws that prohibit selling alcohol to intoxicated people making vendors of alcohol less likely to do so.

Contrary to what the alcohol industry might say, I don't think this tax will have a negative impact on sales. No one is not going to order a drink at a restaurant because of an additional 10 cents. People will not abstain from purchasing beer, wine, and spirits because of the increased tax. Alaska has no income tax and increasing the tax on alcohol is also a painless way to generate revenue. Alcohol is a luxury item and not an essential item. People who do not use alcohol will benefit from the tax. The legislature should not use any of the permanent fund until sources of revenue like increasing the alcohol tax is considered.

Respectfully Yours,



Thomas L. Rutecki  
1513 Ling Ct.  
Juneau, Ak 99801

**04/09/01**

**To: Rep. Lisa Murkowski**

**From: Melinda Freemon M.S., LPC  
3242 Lake Park Circle  
Anchorage, Alaska 99517-2811  
(907) 278-9340**

**Re: Alcohol Excise Tax**

Ms. Murkowski, I implore you to support the Alcohol Excise Tax (HB 225) at the proposed level of taxation. The tax has not been increased since 1983 and as a taxpayer I am tired of covering the related health care and social service bills of people that drink. If people drink moderately they have a moderate increase in their drinking costs. The heavy drinker bears the burden of problems related to excessive drinking. Our state is spending approximately \$240,000,000 trying to clean up the messes from excessive alcohol consumption. This expensive tab can be covered by the people that use the product. As a non-smoker and a non-drinker I can tell you that I'm fed up with covering the cost of these social problems. Please hold the line on this bill and see that the excise tax is applied at the 10% level.

Thank you for your time.

Sincerely,  
Melinda Freemon



## ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Labor & Commerce  
 Committee on HB 225 Dated 4-09-01  
 Bill / Subject

I would like to enter my testimony on HB 225. I am in full support of the alcohol tax. I work for a small private non-profit Children's mental health center. I am the Parent Advocate for our agency. We serve 200 families per year with children who experience Severe Emotional Disturbance. Not all the families we work with have difficulties due to alcohol, but a large majority, either directly or indirectly, do. Many of the children we serve are in foster homes due to neglect or abuse by family members using alcohol. Many of the children we serve abuse alcohol themselves. Many of the families we serve are non traditional families, meaning either single parent or other relative placement due to alcohol abuse by one or both parents. We have no treatment centers here in Fairbanks that will work with children who have co-occurring disorders. The State of Alaska is facing a financial crisis that is effecting us all. There are more services in competition for limited dollars. The alcohol tax should be raised and the proceeds used to fund the prevention and treatment programs that alcohol causes. I will not hesitate to still buy a drink with my dinner when out in a restaurant. We heard lots of testimony about how many employees will loose their jobs if the owners have to pay a tax increase. However, I believe we all know that this cost will just be passed to the customers as any other overhead increase is. And instead of raising the price of a glass of wine \$0.20 they will raise it \$1.00 or more, and I'll bet they don't pass this profit on to their employees. At this time when the Legislature is calling for cost accountability from grantees and service providers, it is the only fiscally responsible thing you can do.

SIGNED:

Jeri B. Lanier Jeri B. Lanier  
 Testifier

Family Centered Services of AK  
 Representing

620 5<sup>th</sup> Ave. Fairbanks 99701 474-0890 x124  
 Address / Phone Number



## ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Labor & Commerce  
 Committee on HB 225 Dated 4-09-01  
 Bill / Subject

I would like to enter my testimony on HB 225. I am in full support of the alcohol tax. I have entered testimony on behalf of the agency I work for. I would also like to enter testimony relating my personal experiences with alcohol and its effects on my family. I am the mother of 3 children. I drink in moderation and by moderation I mean a social drink on rare occasions. When I was pregnant with my first child, I was experiencing difficulties with my pregnancy. My doctor recommended that I have at least one drink per day to help me with my stress. Back then, this was acceptable practice. My daughter was born and I love her and have raised her to the best of my abilities, but I have no doubt that she is affected by that alcohol consumption. She thinks differently than many. Her brain waves are abnormal. She suffers from depression and has an inner rage that she is learning to control. She is now an adult (19) and raising a family of her own. Not all of her problems are due to my alcohol consumption, but I will never know how many are. I also have a son. He is also an adult (25). He is the son of my ex-husband from a first marriage. His life has also been affected by alcohol. He has many diagnoses, but the main problem he has is PostTraumatic Stress Syndrome. That has become a catchall phrase to cover a wide variety of problems, but he did suffer trauma that no child should ever have to go through. We got custody of him when he was 11 years old. He had suffered from years of abuse and neglect by his birth mother. He came to us with 5 fresh cigarette burns on his arm; the first one - he told us - was an accident. He walked into his mother's cigarette, but the other 4 were from not so accidental causes. He suffered years of abuse by others who should never have been able to abuse him. Alcohol was a factor in all his abuse. I would like to be able to say that when he got to our home, he suffered no more trauma, but that would not be true. His father is also an alcoholic. At the time we got him, my husband was drinking a lot. My new son witnessed many nights of domestic violence. He received bruises trying to protect me. I in turn received many more protecting him. My daughters also witnessed some of this violence, they heard more than they saw. The simple solution seemed to be to just leave my husband, but when he was not drinking, he was a very caring and loving husband and father. He just had a little problem - add alcohol, instant lunatic. I still carry the scars today of some of the abuse. My children still carry some emotional scars from the abuses of their parents. Would raising the price of a drink stop any of this? I doubt it. My ex-husband will still drink, but now instead of a case, he might only be able to afford a 12 pack. Still, a 12 pack is too many. But at least there will be some

SIGNED:

Testifier

Jeri B. Lanier Jeri B. Lanier

Representing

790 Green Meadow Dr. Fairbanks 99712

Address / Phone Number

page 1 of 2

455-8855



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the

House Labor & Commerce

Committee Name

Committee on

HB 225

Dated

4-09-01

Bill / Subject

funding for programs that might help him. My son now drinks. He is no better at it than his father ever was, but adding the tax may prevent him from buying so much. And the funds will be available to allow him to get help. If we stop one child or mother from being abused by those who cannot control their alcohol reaction, then we have done prevention. If we do more prevention, we may save many of those who will go on to be abusers. If we don't stop the vicious cycle, the whole State loses.

Thank You for the opportunity to speak out about this issue.

SIGNED:

Joe B. Giam...  
Testifier

Myself  
Representing

790 Green Meadow Dr. Fairbanks 99712  
Address / Phone Number

page 2 of 2

455-8855

April 17, 2001

Rep. Lisa Murkowski  
Juneau, Alaska

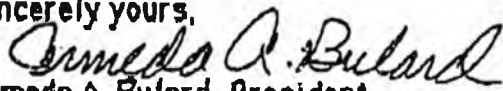
Dear Rep Murkowski:

As an owner/operator of a rural licensed liquor establishment, your House Bill 225 will tax me out of business and put me and my TAMS certified employees out of work. I knew it was just a matter of time before someone in the legislature would go after alcohol taxes now that cigarettes have been taxed to the maximum. I have voluntarily paid for my employees TAMS courses. This in a way is already a self-imposed tax.

We do not have the major problems here that the cities have with alcohol -- extreme drunk driving, abuse, rape, etc. So maybe you city folks should find other ways in which to clean up your own backyards first. We already handle our local drinking population on a personal one-on-one basis. An 800% increase in alcohol taxes will not help my community as we won't see any of that money. It goes into the general fund. And by the time you do get around to us, I'll have been socialized out of business.

Therefore, I do not support House Bill 225 and I am asking you to reconsider what you have proposed. I also ask the rest of the legislators of Alaska not to support this extreme alcohol tax bill. The United States is already enough of a socialistic nation. Alaska should not be helping the country on this government subsidized social spiral downwards. Thank you.

Sincerely yours,

  
Armeda A. Bufard, President  
Longhorn Liquor, Inc.  
dba Cantwell Lodge  
P. O. Box 87  
Cantwell, AK 99729  
907-768-2512 (Ph., Fax, Ans. Mach.)

# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Ad Hoc  
committee on HB225 dated April 9, 2001

Run these simple numbers. Let us assume that I am working in an establishment that serves alcoholic beverages and my till will average \$1000 per day with an average drink price of \$3.00 or roughly 333 drinks per day will be sold.

\$1000 till  
x .08% must be reported to IRS as tips  
\$80.00 per day that I need to report to IRS as income

We all know that no one is going to mess with nickels and dimes so of course, the price of a drink will be jumped up \$.25 "to cover the new tax increase"

333 drinks per day  
x .25 to cover the new tax increase  
\$83.25 increase in the till every day

\$3.25 new price of drinks  
x 333 drinks per day  
\$1082.25 new till every day  
x .08% to be reported to IRS as tips  
\$ 86.58 must now be reported to IRS as income

	TILL/TAKE	\$ REPORTED TO IRS as TIPS
Today's figures	\$1,000.00	\$80.00
\$.25 tax increase	\$1082.50	<u>\$86.58</u>
Increase in taxable income		\$6.58 per day increase
Let us assume I am working 5 days a week, year round		X <u>5</u> days per week.
		\$32.90 per wk
		X <u>52</u> weeks per year
		\$1710.80 additional income per yr.

As another example -- as a drinker, I will order a drink, lay out a \$5 bill. If the drink is \$3.00, I pull \$1 back for my pocket and leave \$1 tip. If the drink is \$3.25, I will pull \$1 for my pocket and leave \$.75. OOOOOPS, the bartender just lost a 25 cent tip in this transaction. BUT the state just got their tax increase on this transaction. But when we ring out the till at the end of the day, the server (bartender) gets shorted on both ends. one by losing that 25 cent tip, and having to pay increased taxes on money that never hit their hands.



Looks as if the state wants to collect more money, at the expense of the servers. State gets the money, the server will be losing income in tips and will have to pay more taxes to IRS at the end of the year. **DOUBLE WHAMMY!!** Is the state willing to reimburse bartenders and cocktail waitresses for collecting this tax???

It appears that the state is (again, yet or still) unwilling to tighten up their belts, cut down on waste, utilize materials and funds available, and learn to live within their means. The average citizen of this great state has no choice but to "cut back" when the wolf starts coming to the door. We have no choice but to live on macaroni & cheese and a pot of beans when times get tough, job losses, illnesses, accidents or any other reason that the cash flow is slowed down. To put it in layman's language, it seems like ALL government agencies (local, state & federal) have one thing in common --  
"CHAMPAGNE APPETITE ON A BEER WALLET"



J.S. Lane  
Box 873084  
Wasilla, AK. 99687  
907-376-8830





**STATE OF ALASKA**  
**LEGISLATIVE AFFAIRS AGENCY**  
**DIVISION OF PUBLIC SERVICES**

DATE: 4/10/01

Please accept the enclosed original(s) of written testimony for the House Labor & Commerce teleconference hearing that was scheduled on 04/09/01.

A copy of this testimony was transmitted to your committee via fax on 04/00/01.

Thank you,

Lorna Steelman  
Kodiak LIO



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce  
committee name

committee on Alcohol tax, dated 04-09-01.  
bill/subject

The alcohol taxes are high enough. The town is dying already, the bars are about the only businesses left - the fisheries are not profitable anymore. No one can make any money here anymore and can't hardly afford to purchase alcohol. I work at three different bars in order to make enough money to survive. As a bartender - we depend on our tips now - if the taxes go up our tips will stop and hours will go down.

Signed: Barbe Wolkoff

Testifier

bartenders

Representing (Optional)

Box 21 Kodiak, AK

Address

907-486-6195

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce  
committee name

committee on HB225- Alcohol Tax, dated 4-09-01  
bill/subject

I think that most of the violent crimes that people under the influence of alcohol do - are also because the person needs medication and counseling from a <sup>psychiatrist</sup> doctor or AP I. But most people can not afford help unless they have enough money - Because since Reagan the funding of mental services has been depleted... And alot of problems concerning violence and criminal activity are because of mental illness, <sup>with Alcohol</sup> and not alcohol.

Signed: Wendy Waldheim Wendy Waldheim  
Testifier

Tony's Bar  
Representing (Optional)

PO Box 514 Kodiak AK 99615  
Address

907-487-2978  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce  
committee name

committee on HB225 Alcohol Tax, dated 4-09-01  
bill/subject

I work in the Liquor Ind.  
I feel that the Liq Industry  
should not be responsible for  
rehab for Drugs also - Perhaps  
some of this should be spread  
around to some other industries also.  
I feel this 600% increase would  
be detrimental to many jobs &  
probably put me out of work.  
I feel this is a prejudicial tax

Signed: Karen Loutensock  
Testifier

T Omp Bar

Representing (Optional)

Box 1294 Kodiak, AK  
Address

Phone No. 907-486-5838



ALASKA COALITION OF SMALL BUSINESS

Representative Lisa Murkowski  
Alaska State House  
State Capitol, Room 406  
Juneau, AK 99801

April 18, 2001

Dear Representative Murkowski:

The Coalition of Small Business was formed 13 years ago to give voice to the class of businesses who have historically provided most of the new jobs, the new technology & growth for the Alaskan economy.

I am writing you to express the Coalition's strong opposition to House 225, the latest legislative vehicle for raising taxes on the hospitality industry. Its effect would be a 300 percent increase on alcohol taxes, under the misleading guise of a "dime-a-drink." Whatever the sponsor's intent, this bill will do nothing to cure Alaska's alcohol problems and it merely forestalls the day that the Legislature deals with Alaska's biggest problem, the lack of a sound fiscal plan for our future.

Beverage alcohol is already the most heavily taxed consumer product in the United States and Alaskans currently pay some of the highest beverage alcohol taxes in the nation. The vast majority of individuals who pay these taxes are responsible, social drinkers who are not a drain on state resources. Problem drinkers, on the other hand, will never be deterred by taxes. Simply stated, this bill punishes the wrong people.

Perhaps more alarming to our organization is the harm a tax increase of this magnitude will have on the vast majority of restaurants, taverns and retail outlets that are family businesses. Small businesses of this type are particularly sensitive to price fluctuations and we could very well see a number of them close due to this legislation. Those that survive will be forced to reduce their workforce, ensuring that some Alaskans end up paying for this excessive increase with their jobs.

We strongly encourage you to oppose this legislation and all similar legislation until the Legislature develops the fiscal plan we have been promised these many years. Thank you for your consideration.

Telephone:  
(907) 345-5131

11800 Nebesna  
Anchorage, Alaska  
99516

Sincerely,

George P. Kallas  
President

# DRAFT FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: Work Draft for CSHB 225  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
Title: Alcoholic Beverage Tax BRU: Revenue Operations  
Component: Tax Division  
Sponsor: Representative Murkowski  
Requester: House Labor and Commerce Committee Component Number: 2476

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	63.0	63.0	63.0	63.0	63.0	63.0
Travel	2.5	2.5	2.5	2.5	2.5	2.5
Contractual	3.0	3.0	3.0	3.0	3.0	3.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	5.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>74.5</b>	<b>69.5</b>	<b>69.5</b>	<b>69.5</b>	<b>69.5</b>	<b>69.5</b>

CAPITAL EXPENDITURES						

CHANGE IN REVENUES ( increase )	22,238-23,878	27,873-29,921	27,873-29,921	27,873-29,921	27,873-29,921	27,873-29,921

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	74.5	69.5	69.5	69.5	69.5	69.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>74.5</b>	<b>69.5</b>	<b>69.5</b>	<b>69.5</b>	<b>69.5</b>	<b>69.5</b>

Estimate of any current year (FY2001) cost: \_\_\_\_\_

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

**\*\* Please see attached bill analysis.**

We used the following to arrive at the revenue estimates above:

- (1) Alcoholic beverage prices are from the 1999 American Chamber of Commerce Research Association survey for Anchorage.
- (2) Price elasticity ranges from 1990 Congressional Office report: "Federal Taxation of Tobacco, Alcoholic Beverages, and Motor Fuels."
- (3) We assume that the tax is completely passed on to the consumer in the form of higher prices.
- (4) We assume that in the first year of implementation, as a result of stockpiling, the revenue increase would be 20 percent less (from our experience with the cigarette tax rate increase).
- (5) We assume that the tax becomes effective on July 1, 2001.
- (6) We assume that the decrease in consumption occurs as one-time effect and then does not change.
- (7) We assume that only Alaskan businesses take advantage of the lower tax rate on qualifying breweries.

Prepared by: Johanna Bales and Brett Fried  
Division: Tax Division  
Approved by: Larry Persily, Deputy Commissioner  
Agency: Department of Revenue

Phone 907-269-6628 or 465-3682  
Date/Time 4/17/01 4:00 PM  
Date 04/17/2001

For distribution information, call the Governor's Legislative Office

**Department of Revenue Bill Analysis**  
**Draft CSHB 225 - Alcoholic Beverage Tax (April 17, 2001)**

**Section 1. Increasing the alcoholic beverage excise tax rate.**

The bill creates a new tax rate category for "hard" cider. We recommend that cider be added to the listing of taxable beverages under (a) as well.

Based on experience with the 1997 increase in the tax rate on cigarettes and tobacco products, the department would like to point out the following:

1. There is no provision in this bill to tax existing inventory in the state at the new tax rate. When the cigarette and tobacco products tax rates were increased, a significant amount of stockpiling took place within the state. The department estimates that approximately \$7.1 million in revenue was lost during the first six months of the tobacco tax increase due to stockpiling. We believe the same thing could happen if the alcoholic beverage tax rate is increased. If it is the intent of the legislature to tax existing inventory at the new rate, there should be transitional language in the bill requiring a floor stock tax. A floor stock tax is a one-time tax paid by all retailers and wholesalers in the state on existing alcoholic beverage inventory. However, we believe that there would still be some stockpiling by individuals.
2. There is no explicit provision for a person to pay the tax if they import product from outside the state for personal consumption. If it is the intent of the legislature to put the tax burden on the consumer, a provision should be made to make a person primarily liable for the tax if they are the first importer of the product into the state for personal consumption.
3. Based on experience with the tobacco tax increase, the department believes that there will be an incentive to try to avoid the increased state excise tax. The current tax rate is viewed by many as immaterial, but the higher rate likely would result in an increase in tax avoidance efforts by some individuals. As such, the department estimates it would need one full-time Revenue Auditor III (Range 18) to provide additional enforcement to ensure that the tax is enforced and that the state does not lose revenues.

**Section 2. Reduced rate for small domestic brewers**

1. We have reduced the estimated revenue for this legislation to reflect our best guess of the fiscal impact from the reduced tax rate for small Alaska beer producers.
2. Section 2 incorporates provisions of the Internal Revenue Code that are applicable to domestic (U.S.) beer producers. The existing 35 cent per gallon tax rate is retained for certain brewers on the first 60,000 barrels (31-gallon barrels) sold in Alaska. Because qualification under this provision is dependent on the taxpayer's

qualification under the federal rules, and the federal rules are restricted to domestic producers, this provision could violate the United States Constitution. This problem could be resolved if the bill is amended to qualify brewers independent of federal tax status, such that qualification were independent of state or country of origin. One consequence of such change could be increased administrative costs.

3. The section applies to brewers that qualify under the cited federal law and are direct taxpayers. The section as written does not apply to beer producers that qualify under federal rules but that sell their product in Alaska through a distributor.

We are unable to estimate the number of out-of-state brewers that meet the federal requirements and would assume the role of taxpayer to obtain the lower tax rate. The fiscal note assumes that the in-state brewers are the only beneficiaries of the section.

We also are unable to estimate the number of out-of-state brewers that qualify for the reduced federal rate or the number that would qualify if constitutional problems were fully addressed. Neither can we estimate the volume of beer sold in Alaska by these non-Alaska brewers. The impact on revenue could be significant. For example, a brewer approaching the 2,000,000-barrel threshold that sells 60,000 barrels in Alaska would pay \$651,000 compared to an unqualified brewer paying \$2,641,200 on its 60,000 barrels.

*(prepared by Johanna Bales and Brett Fried, Tax Division)*

**HB**

**226**



ALASKA STATE LEGISLATURE  
REPRESENTATIVE JOHN HARRIS  
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor Statement  
HB 226 – Employment of minors on licensed premises

House Bill 226 was introduced with the objective of making it easier for minors to obtain summer and after school employment, especially in hotels, restaurants and other eating establishments. Many more kids could get jobs as dishwashers, hotel maids, busboys, etc., if not for the fact that most of the businesses where they might be employed have beverage dispensary licenses.

Current state law also makes it unnecessarily difficult for employers, as well as the job-seeking youth. Finding workers willing to take jobs that typically are not high-paying becomes more difficult if high school-age kids are not eligible. And it becomes a real problem during the short but intense tourist season when kids on summer vacation are required to get their parents' permission before they can start working. This is a process that can take days or weeks, during which time the youth lose income and employers go without help.

HB 226 seeks to streamline this process by allowing youth 16-18 years of age to work in these jobs without having to obtain their parents' permission. Provisions in current law are retained that prevent minors from serving, mixing, delivering or dispensing alcoholic beverages, and requiring the employer to notify the Department of Labor and Workforce Development of the fact that a minor is working for them. HB 226 also extends state law to allow 14- and 15-year-olds to work in these hotels, restaurants, resorts, and other eating places, with their parents' permission.

The bill also makes minor changes to state law governing the number of hours and time of day a minor can work, while school is in session and when it is not, mainly to align Alaska law with current federal limits.



ALASKA STATE LEGISLATURE  
REPRESENTATIVE JOHN HARRIS  
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sectional Summary  
HB 226 – Employment of minors on licensed premises

Sec. 1 - rewrites a portion of the "Regulation of Sales and Distribution" section of the Alcoholic Beverages title (AS 04.16) to allow persons 14-18 years old to work at a business that includes a licensed premises, so long as their employment does not have anything to do with alcoholic beverages. The business owner would be required to report to the Department of Labor and Workforce Development (DLWD) the fact that underage persons are working there. Minors who are 14 or 15 years old would have to obtain their parent's or guardian's written permission. Under current law, 14- and 15-year-olds are not allowed to work at licensed premises; and 16- to 18-year-olds must obtain permission.

Sec. 2 – amends the "definitions" section of the Amusements and Sports title (AS 05.15) to conform the definition of a pull-tab vendor to changes made in section 1 of the bill.

Sec. 3 – rewrites the "Employment of Children" portion of the Labor and Worker's Compensation title (AS 23.10) to regulate what times and for how many hours per week minors under the age of 16 may work. This change is to conform to federal limits.

Sec. 4 – adds a new subsection to AS 23.10 to allow minors between 14 and 16 years old to work at certain sporting events and at school-supervised work programs.

Sec. 5 – makes a conforming amendment to AS 23.10.355 to require that the employer notify the DLWD if a minor between 14 and 18 years old is employed at a licensed premises.

Sec. 6 – adds a new subsection to AS 23.10.355 to clarify that the employer has 10 days after employing a minor at a licensed premises to notify DLWD, and that the employer has the option to notify DLWD when the minor is no longer employed.

22-LS0368\O  
Cramer  
4/27/01

CS FOR HOUSE BILL NO. 226( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES HARRIS, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the employment of persons 14 years of age or older and under 21  
2 years of age on licensed premises, including hotels, restaurants, or eating places; relating  
3 to possession, control, or consumption of alcoholic beverages by a person under 21 years  
4 of age; and relating to hours of work of minors under 16 years of age."

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

6 \* Section 1. AS 04.16.049(c) is repealed and reenacted to read:

7 (c) The board, with the approval of the governing body having jurisdiction and  
8 at the licensee's request, shall designate premises that are considered hotels,  
9 restaurants, or eating places for the purposes of this subsection. Notwithstanding any  
10 other provision in this section, a person 14 years of age or older and under 21 years of  
11 age may enter and remain within the licensed premises of a hotel, restaurant, or eating  
12 place in the course of employment if

13 (1) the employment does not involve the serving, mixing, delivering,  
14 or dispensing of alcoholic beverages;

1 (2) the commissioner of labor and workforce development has granted  
2 the licensee an exemption from the prohibition in AS 23.10.355 concerning the  
3 employment of persons 14 years of age or older and under 21 years of age on licensed  
4 premises; and

5 (3) in the case of a person 14 years of age or older and under 16 years  
6 of age, the person has the written consent of a parent or guardian.

7 \* Sec. 2. AS 04.16.050(a) is amended to read:

8 (a) A person under the age of 21 years may not knowingly consume, possess,  
9 or control alcoholic beverages except

10 (1) as permitted under AS 04.16.049(c); and

11 (2) those furnished persons under AS 04.16.051(b).

12 \* Sec. 3. AS 23.10.340(a) is repealed and reenacted to read:

13 (a) Except as provided in (c) of this section, employment of a minor under 16  
14 years of age shall be confined to the following periods:

15 (1) outside school hours;

16 (2) not more than 40 hours in any one week when school is not in  
17 session;

18 (3) not more than 18 hours in any one week when school is in session;

19 (4) not more than eight hours in any one day when school is not in  
20 session;

21 (5) not more than three hours in any one day when school is in session;  
22 and

23 (6) between 7:00 a.m. and 7:00 p.m. in any one day; however,  
24 beginning June 1 and ending on Labor Day of that year, a minor may be employed  
25 until 9:00 p.m.

26 \* Sec. 4. AS 23.10.340 is amended by adding a new subsection to read:

27 (c) The department shall adopt regulations consistent with federal regulations  
28 on the subject to permit the employment of a minor 14 years of age or older and under  
29 16 years of age to

30 (1) perform sports-attending services at professional sporting events at  
31 times not otherwise permitted by (a)(2) - (6) of this section;

1 (2) participate in a school-supervised and school-administered work  
2 experience and career exploration program at times not otherwise permitted by (a) of  
3 this section.

4 \* Sec. 5. AS 23.10.355 is amended to read:

5 Sec. 23.10.355. Persons under 21. A person under 21 years of age may not  
6 be employed or allowed to

7 (1) sell or serve alcoholic beverages, except as allowed in  
8 AS 04.16.049(c); or

9 (2) [TO] work on a licensed premises, except as allowed in  
10 AS 04.16.049(c) and, in the case of persons 14 years of age or older and under 21  
11 years of age, only if the commissioner of labor and workforce development has  
12 granted an exemption under (b) of this section [PROVIDED IN AS 04.16.049].

13 \* Sec. 6. AS 23.10.355 is amended by adding a new subsection to read:

14 (b) Before employing a person 14 years of age or older and under 21 years of  
15 age to work on licensed premises under AS 04.16.049, a person licensed under AS 04  
16 shall apply to the commissioner of labor and workforce development for an exemption  
17 from (a) of this section.

18 \* Sec. 7. AS 04.16.049(d) is repealed.

22-LS0368\L  
Cramer  
4/19/01

**CS FOR HOUSE BILL NO. 226( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES HARRIS, Kerttula**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the employment of persons 14 years of age or older and under 21  
2 years of age on licensed premises, including hotels, restaurants, or eating places; relating  
3 to possession, control, or consumption of alcoholic beverages by a person under 21 years  
4 of age; and relating to hours of work of minors under 16 years of age."

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

6 \* **Section 1.** AS 04.16.049(c) is repealed and reenacted to read:

7 (c) The board, with the approval of the governing body having jurisdiction and  
8 at the licensee's request, shall designate premises that are considered hotels,  
9 restaurants, or eating places for the purposes of this subsection. Notwithstanding any  
10 other provision in this section, a person 14 years of age or older and under 21 years of  
11 age may enter and remain within the licensed premises of a hotel, restaurant, or eating  
12 place in the course of employment if

13 (1) the employment does not involve the serving, mixing, delivering,  
14 or dispensing of alcoholic beverages;

1 (2) the licensee has notified the Department of Labor and Workforce  
2 Development as required by AS 23.10.355 that persons 14 years of age or older and  
3 under 21 years of age are employed on the premises; and

4 (3) in the case of a person 14 years of age or older and under 16 years  
5 of age, the person has the written consent of a parent or guardian.

6 \* Sec. 2. AS 04.16.050(a) is amended to read:

7 (a) A person under the age of 21 years may not knowingly consume, possess,  
8 or control alcoholic beverages except

9 (1) as permitted under AS 04.16.049(c); and

10 (2) those furnished persons under AS 04.16.051(b).

11 \* Sec. 3. AS 05.15.690(44) is amended to read:

12 (44) "vendor" means a business whose primary activity is not regulated  
13 by this chapter but that

14 (A) is engaged in the sale of pull-tabs on behalf of a permittee;

15 (B) holds a business license under AS 43.70; and

16 (C) is an establishment holding a

17 (i) beverage dispensary license under AS 04.11.090 that  
18 has not been designated by the Alcoholic Beverage Control Board  
19 under AS 04.16.049(a)(2) - (3), is not required to notify [HAS NOT  
20 BEEN EXEMPTED BY] the Department of Labor and Workforce  
21 Development under AS 04.16.049(c) and AS 23.10.355 that the  
22 business is employing persons 14 years of age or older and under  
23 21 years of age, and, if the establishment is a hotel, motel, resort, or  
24 similar business that caters to the traveling public as a substantial part  
25 of its business, does not allow the sale of pull-tabs in a dining room,  
26 banquet room, guest room, or other public areas other than a room in  
27 which there is regularly maintained a fixed counter or service bar at  
28 which alcoholic beverages are sold or served to members of the public  
29 for consumption;

30 (ii) package store license under AS 04.11.150;

31 \* Sec. 4. AS 23.10.340(a) is repealed and reenacted to read:

1 (a) Except as provided in (c) of this section, employment of a minor under 16  
2 years of age shall be confined to the following periods:

3 (1) outside school hours;

4 (2) not more than 40 hours in any one week when school is not in  
5 session;

6 (3) not more than 18 hours in any one week when school is in session;

7 (4) not more than eight hours in any one day when school is not in  
8 session;

9 (5) not more than three hours in any one day when school is in session;

10 and

11 (6) between 7:00 a.m. and 7:00 p.m. in any one day; however,  
12 beginning June 1 and ending on Labor Day of that year, a minor may be employed  
13 until 9:00 p.m.

14 \* Sec. 5. AS 23.10.340 is amended by adding a new subsection to read:

15 (c) The department shall adopt regulations consistent with federal regulations  
16 on the subject to permit the employment of a minor 14 years of age or older and under  
17 16 years of age to

18 (1) perform sports-attending services at professional sporting events at  
19 times not otherwise permitted by (a)(2) - (6) of this section;

20 (2) participate in a school-supervised and school-administered work  
21 experience and career exploration program at times not otherwise permitted by (a) of  
22 this section.

23 \* Sec. 6. AS 23.10.355 is amended to read:

24 **Sec. 23.10.355. Persons under 21.** A person under 21 years of age may not  
25 be employed or allowed to

26 (1) sell or serve alcoholic beverages except as allowed in  
27 AS 04.16.049(c); or

28 (2) [TO] work on a licensed premises, except as allowed in  
29 AS 04.16.049(c) and, in the case of persons 14 years of age or older and under 21  
30 years of age, only if the Department of Labor and Workforce Development is  
31 notified as required by (b) of this section [PROVIDED IN AS 04.16.049].

1 \* Sec. 7. AS 23.10.355 is amended by adding a new subsection to read:

2 (b) A person licensed under AS 04 who employs a person 14 years of age or  
3 older and under 21 years of age to work on licensed premises under AS 04.16.049  
4 shall notify the Department of Labor and Workforce Development within 10 calendar  
5 days after the licensee first begins employment of the person that the licensee is  
6 employing a person 14 years of age or older and under 21 years of age on the licensed  
7 premises. A licensee who ceases to employ any person 14 years of age or older and  
8 under 21 years of age on licensed premises may notify the department that  
9 employment of these persons on the licensed premises has ceased.

10 \* Sec. 8. AS 04.16.049(d) is repealed.

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: HB 226  
 Bill Version: \_\_\_\_\_  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
 Title: Employment of Persons Under BRU: Labor Standards and Safety  
           Age 19 Component: Wage and Hour Admin  
 Sponsor: Representative Harris  
 Requester: House L&C Component Number: 345

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: None

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would amend AS 04.16.049 to allow employment of persons 14 years of age or older and under 19 years of age on licensed premises, under certain restrictions. This is a change from the current limit of 16 years of age. The Department of Labor and Workforce Development would be notified when such hires were made, but departmental approval is not required. The department does not anticipate any significant financial impact from this legislation.

Prepared by: Richard Mastriano, Director Phone: 269-4900  
 Division: Labor Standards and Safety Date/Time: 4/24/01 7:39 AM  
 Approved by: Ed Flanagan, Commissioner Date: 04/24/01  
 Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

**Subject:** HB 226

**Date:** Tue, 24 Apr 2001 16:42:48 -0800

**From:** Douglas Griffin <doug\_griffin@revenue.state.ak.us>

**Organization:** State of Alaska - Department of Revenue - ABC

**To:** Representative\_Lisa\_Murkowski@legis.state.ak.us

I will be involved all day tomorrow in an ABC Board meeting so I will be unable to testify on HB 226. I have discussed this bill with the Department of Labor representatives and our position is aligned with theirs regarding concerns for younger workers on liquor licensed premises. It is not clear to us how this bill might effect us if enacted and that is why the ABC Board has a zero fiscal note. However, I support additional oversight that needs to be provided by DOL.

I do not understand how the public is better served by relaxing standards for employment on liquor licensed premises. I know that labor shortages can be a problem during the busy visitor season. However, I do not thing expanding the labor pool to include 14 and 15 year old eligibility to work on licensed premises is the proper solution. The maturity and judgment of a middle schooler compared to a high school student is significant. Why expose younger persons to a work environment involving the sale of alcohol unless it is absolutely necessary?

If this bill is scheduled for additional hearings on another day, I would be happy to testify.

**HB**

**227**



ALASKA STATE LEGISLATURE  
REPRESENTATIVE JOHN HARRIS  
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor Statement  
HB 227 – Minimum standards for land surveys

House Bill 227 directs the Board of Architects, Engineers and Land Surveyors to adopt minimum technical standards for land surveys. Currently in Alaska there are no standards in state law, so it is left up to individual surveyors to include however much information on their surveys as they chose. This lack of minimum standards leads to undesired results. For example, information that a surveyor in Fairbanks would include in an as-built survey, a surveyor in Kenai might leave off.

The American Land Title Association/American Congress on Surveying and Mapping has adopted comprehensive minimum standards, but it is not the intention of HB 227 to place these in statute. The approach of this bill is to have the board adopt in regulations minimum standards, whether the ALTA/ACSM standards or those of another state that as already done so. In this regard, regulations of the State of Florida may be adequate.

It seems logical that a person who orders and pays for a survey of a piece of property should be able to expect the survey to provide certain pertinent information about the property's features. HB 227 will ensure the adoption of minimum standards so that every survey done in Alaska will include the same basic information.

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Sectional Summary  
HB 227 – Minimum standards for land surveys

HB 227 has only one section, which adds a new section to Chapter 48, the Architects, Engineers, and Land Surveyors portion of Title 08 (Business and Professions), to require the board of architects, engineers and land surveyors to adopt minimal technical standards for surveying.

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TITLE 61 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.002, F.A.C.

61G17-6.002 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) Benchmark: a relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below an adopted datum plane is known.

(2) Corner: a point on a land boundary that designates a change in direction, for example: points of curvature, points of tangency, points of compound curvature and so forth.

(3) Geodetic: a survey or mapping process that takes into account the curvature of the earth and astronomic observations, and which results in positions expressed on a recognized datum.

(4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey, Plat of Survey, Right-of-Way Survey, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."

(5) Monument: an artificial or natural object that is permanent or semi-permanent, and used or presumed to occupy any real property corner, point on a boundary line, or reference point.

(6) Photogrammetric Methods: a means of surveying and mapping that involves: making precise measurements from a combination of ground control, photographs and other sources of imagery, to document, within pre-ordained accuracies, the existence, the identity, the location and the size of selected features.

(7) Reference Point: any defined position that is or can be established in relation to another defined position.

(8) Survey: the orderly process of determining facts of size, shape, identity, geodetic location, or legal location by viewing and applying direct measurement of features on or near the earth's surface using field or image methods; further defined as follows according to the type of data obtained, the methods and instruments used, and the purpose(s) to be served:

(a) As-Built Survey: a survey performed to obtain horizontal or vertical dimensional data so that constructed improvements may be located and delineated; also known as a Record Survey.

(b) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

(c) Condominium Survey: a survey performed pursuant to Chapter 718, Florida Statutes; includes a Boundary Survey.

(d) Construction Layout Survey: the measurements made, prior to or while construction is in progress, to control elevation, configuration, and horizontal position and dimensions.

(e) Control Survey: a survey which provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(f) Hydrographic Survey: a survey having as its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom; directions and force of current; heights and times of water stages; and location of fixed objects for survey and navigation purposes.

(g) Mean High Water Line Survey: a survey to document the mean high water line as defined in Part II, Chapter 177, Florida Statutes.

(h) Quantity Survey: a survey to obtain measurements of quantity.

(i) Record Survey: a survey performed to obtain horizontal and vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

(j) Right-of-Way Survey: a survey of a strip or area of land used or proposed to be used for the construction and maintenance, according to the designated use, of: public or private way for travel; railroads, drainage or irrigation canals; and any other public or private utility purposes.

(k) Specific or Special Purpose Survey: a survey performed for a purpose other than the purposes detailed in (8)(a) -- (j) or (l) of this rule.

(l) Topographic Survey: a survey of selected natural and artificial features of a part of the earth's surface to determine horizontal and vertical spatial relations.

(9) Survey and Map Report: a written document, sometimes referred to as "a report" or "the report," detailing methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques.

(10) Surveying and Mapping: a process of direct measurement and analysis specifically designed to document the existence, the identity, the location, and the dimension or size of natural or artificial features on land or in the air, space or water for the purpose of producing accurate and reliable maps, suitable for visualization if needed, of such documentation.

#### AUTHORITY

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

#### HISTORY

New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99.

#### NOTES:

#### ANNOTATIONS

##### Proposed amendments

Proposed Rules 21HH-6.002(1)--(4), (7), (8), (11)--(14), (16), (17), (18)(i), (19), (20) [now Rule 61G17-6.002], and 21HH-6.0052(2)(a), (2)(h)--(k) [now Rule

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TITLE 61 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.0031, F.A.C.

61G17-6.0031 Boundary Survey, Map, and Report.

(1) BOUNDARIES OF REAL PROPERTY

(a) REGULATIONAL OBJECTIVE: The public must have confidence that boundaries of real property are located on the ground in an adequate and defensible manner. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality;

(b) The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report. All boundary surveys shall result in a map.

(c) Any discrepancies between the survey map and the real property description must be shown.

(d) All changes in direction, including curves, shall be shown on the survey map by angles, bearings or azimuths, and will be in the same form as the description or other recorded document referenced on the map.

(e) Curved lines with circular curves shall show the radii, arc distances and central angles, or radii, arc distances, chord distances and chord bearings. When intersecting lines are non-radial to a curve, sufficient angular data shall be shown to relate the line to the curve.

(f) Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the following upon the map:

1. The lot(s) and block numbers or other designations, including those of adjoining lots.

2. A comparison between recorded directions and distances with field measured directions and distances when they vary.

3. A comparison between the recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point.

4. The dimensioned remaining portion of a lot(s) when part of a lot is included within the description.

(g) Surveys of parcels described by metes and bounds shall show the following upon the map:

1. The relationship of the parcel(s) to at least one established identifiable real property corner;

2. All information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning;

3. A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary;

4. The most current abutting recorded instrument or recorded plat either known by the surveyor and mapper or furnished to the surveyor and mapper.

#### (2) BOUNDARY MONUMENTS

(a) REGULATIONAL OBJECTIVE: In order to prevent boundary conflicts, the public must have assurance that the corners of accurately located real property boundaries as found by a survey are durably marked with survey monuments that may be identified on the ground with the aid of the survey map. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality;

(b) The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at such corners or unless a water boundary has been located in approximate position. The survey map shall clearly label all approximate water boundaries with notes and these shall be mapped in a distinctly different graphic fashion from water boundaries located to full survey accuracy.

(c) Every boundary monument set shall:

1. Be composed of a durable material;
2. Have a minimal length of 18 inches;
3. Have a minimum cross-section area of material of 0.2 square inches;
4. Be identified with a durable marker or cap bearing either the Florida license number of the surveyor and mapper in responsible charge, the certificate of authorization number of the business entity; or name of the business entity;
5. Be detectable with conventional instruments for finding ferrous or magnetic objects.
6. If a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

(d) All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set.

(e) When a parcel has an irregular roadway as a boundary, such as a dirt road or a common law road, then a monumented meander or survey line shall be established along or near the feature. For other irregular boundaries such as a river, lake, beach, marsh or stream, a dimensioned meander or survey line may be used; however, monuments shall be set at the meander or survey line's terminus points on real property boundary lines. Dimensions shall be shown between a meander or survey line and the boundary line sufficient to show the relationship between the two.

(f) A boundary survey updating a previous survey made by the same surveyor and mapper or business entity, and which is performed for the purpose of locating non-completed new improvements by measurements to the property lines or related offset lines placed on the property since the previous survey, need not have the property corners reset.

(g) Side ties to locate or set monuments shall be substantiated by a redundancy of measurements.

#### (3) BOUNDARY INCONSISTENCIES

(a) REGULATIONAL OBJECTIVE: In order to protect and enhance stability of property location and title, the public must have assurance that potential boundary inconsistencies are adequately researched and disclosed. A survey map should present the factual basis of potential boundary inconsistencies in a clear fashion. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b) Potential boundary inconsistencies that the survey process did not attempt to detect shall be clearly indicated and explained on the survey map or in the report. Where evidence of inconsistency is found, the nature of the inconsistency shall be shown upon the survey map, such as:

1. overlapping descriptions or hiatuses;
2. excess or deficiency;
3. conflicting boundary lines or monuments; or
4. doubt as to the location on the ground of survey lines or property rights.

(c) Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).

(d) All apparent physical use onto or from adjoining property or abutting streets must be indicated, with the extent of such use shown or noted upon the map.

(e) In all cases where foundations may violate deed or easement lines and are beneath the surface, failure to determine their location shall be noted upon the map or report.

#### (4) RIGHTS-OF-WAY, EASEMENTS, AND OTHER REAL PROPERTY CONCERNS

(a) REGULATIONAL OBJECTIVE: In order to provide assurance of the status of access and other real property rights, the public must be informed of the existence and location of rights-of-way and easements associated with property being surveyed. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b) All recorded public and private rights of way shown on applicable recorded plats adjoining or across the land being surveyed shall be located and shown upon the map.

(c) Easements shown on applicable record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.

(d) If streets or street rights-of-way abutting the land surveyed are physically closed to travel, a note to this effect shall be shown upon the map.

(e) If location of easements or rights-of-way of record, other than those on record plats, is required, this information must be furnished to the surveyor and mapper.

(f) Human cemeteries and burial grounds located within the premises shall be located and shown upon the map if open and notorious, or if knowledge of their existence and location is furnished to the surveyor and mapper.

#### (5) REAL PROPERTY IMPROVEMENTS

(a) REGULATIONAL OBJECTIVE: The public must be informed of the existence and location of pertinent real property improvements and their relation to the boundary of real property. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b) Location of fixed improvements pertinent to the survey shall be graphically shown upon the map and their positions shall be dimensioned in reference to the boundaries, either directly or by offset lines.

(c) If fixed improvements are not located or do not exist, a note to this effect shall be shown upon the map.

#### AUTHORITY

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

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TITLE 61 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.004, F.A.C.

61G17-6.004 Topographic Survey, Map, and Report.

(1) Topographic surveying and mapping by field methods shall meet general provisions applicable to all surveys and maps as set out in Rule 61G17-6.003, F.A.C.. A minimum of two site benchmarks on or near the survey shall be established and indicated upon the survey map.

(2) Line-drawn (Vector) Topographic Features by Photogrammetric Methods

(a) REGULATIONAL OBJECTIVE: The public must be able to rely on topographic information contained on a survey map produced by photogrammetric methods and must be able to correctly interpret the intended map coverage.

(b) Intended Features. The surveyor and mapper shall devise a method of reporting which topographic features were intended to be surveyed and mapped, the style of cartographic representation employed for each, and the degree of intended completeness in the surveying and mapping of each feature. A sample method of reporting is as follows:

(c) Obscured Areas. Features in obscured areas where the desired points or surfaces being mapped are not clearly visible on source images shall be clearly labeled on the map as "interpolated" or "estimated" through the use of notes and shall be depicted graphically clearly different from other surveyed features.

(3) Image (Raster) Maps

(a) REGULATIONAL OBJECTIVE: The public must be able to rely on surveys and maps presented in image form, digital or graphical, where coordinate positions of mapped features on a recognized coordinate system may be extracted from the image.

(b) The survey and map report must contain a list of control points employed in geo-referencing the image along with the source of control positions used.

(c) Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions of Rule 61G17-6.003(1)(f).

AUTHORITY

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

HISTORY

New 9-1-81, Formerly 21HH-6.04, Amended 12-13-88, Formerly 21HH-6.004, Amended 12-25-95, 5-13-96, 5-25-99.

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TITLE 61 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.005, F.A.C.

61G17-6.005 Construction Layout Survey, Record or As-Built Survey, Quantity Survey, and Right-of-Way Survey.

(1) Construction Layout Survey: When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in Rules 61G17-6.003 and 61G17-6.004 of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.

(2) As-Built (or Record) Survey:

(a) When performing as-built or record surveys, the surveyor and mapper shall obtain field measurements of vertical or horizontal dimensions of constructed improvements, and when the surveyor and mapper prepares as-built maps they will clearly show by symbols, notations, or delineations, those constructed improvements located by the survey. All maps prepared shall meet applicable minimum technical standards.

(b) The vertical and horizontal accuracy shall be such that it may be determined whether the improvements were constructed consistent with planned locations.

(3) Quantity Surveys: The surveyor and mapper shall obtain horizontal and vertical measurements adequate to delineate graphically geometric configurations and/or dimensions that can be mathematically computed.

(4) Right-of-Way Surveys: The survey map shall indicate the relationship of all section lines, quarter section lines, land grant lines, recorded subdivision lines and recorded subdivision block lines, that lie within or adjacent to the right-of-way that are materially affecting the right-of-way. The relationship between the lines and the rights-of-way shall be supported by field measurements.

#### AUTHORITY

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

#### HISTORY

New 9-81, Formerly 21HH-6.05, Amended 12-18-88, Formerly 21HH-6.005, Amended 12-25-95, 5-18-2000.

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TITLE 61 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.0051, F.A.C.

61G17-6.0051 Control Surveys.

(1) Geodetic Control Surveys: If applicable, all geodetic control surveys, both vertical and horizontal, shall conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC-STD-007.1-1998, entitled "Geospatial Positioning Accuracy Standards Part 1: Reporting Methodology", FGDC-STD-007.2-1998, entitled "Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks", and FGDC-STD-007.3-1998, entitled "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy", which are hereby incorporated by reference, effective 5-18-00, copies of which may be obtained via the Internet web site (<http://fgdc.er.usgs.gov>). No use of the terminology of these standards may be made without adopting and following the standards in all details. If these standards are not employed, a survey map or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.

(2) Other Control Surveys: Any control survey map or report shall detail the datum used and control stations used in a manner consistent with the general survey and map provisions of Rule 61G17-6.003(1).

#### AUTHORITY

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

#### HISTORY

New 12-18-88, Formerly 21HH-6.0051, Amended 12-25-95, 5-13-96, 5-18-2000.

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BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.0052, F.A.C.

61G17-6.0052 Specific Purpose Surveys and Maps.

Surveys which are performed for a purpose other than the purposes encompassed by the definitions in Rule 61G17-6.002(8)(a) -- (j) or (l), shall be permitted only where unusual conditions make impracticable or impossible the performance of one of the types of surveys defined in Rule 61G17-6.002(8)(a) -- (j) or (l). Such purpose and conditions shall be clearly shown upon the survey map or in the survey report.

**AUTHORITY**

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

**HISTORY**

New 12-25-95.

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BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

CHAPTER 61G17-6 MINIMUM TECHNICAL STANDARDS

61G17-6.006, F.A.C.

61G17-6.006 Miscellaneous.

(1) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines. A sketch shall accompany the property description showing all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.

(2) When more stringent survey standards than those set forth in this chapter are required by federal, state, or local governmental agencies, the survey shall comply with those standards. When more stringent survey standards or requirements than those set forth in this chapter are mandated by the client and agreed to by the surveyor and mapper, the survey shall comply with those survey standards, providing said survey requirements are within the scope of the surveyor and mapper's expertise.

(3) This chapter shall not apply to plats being prepared for filing and recording pursuant to Chapter 177, Florida Statutes; however, this chapter shall apply to any boundary survey performed during the preparation of the plat.

AUTHORITY

Specific Authority 472.008, 472.027 Fla. Stat. Law Implemented 472.027 Fla. Stat.

HISTORY

New 8-7-81, Amended 12-30-81, 7-29-85, Formerly 21HH-6.06, Amended 12-18-88, Formerly 21HH-6.006, Amended 12-25-95.

NOTES:

ANNOTATIONS

Reset property corners

Building corners are acceptable as monumentation so long as use of building corners as monumentation is clearly noted on survey drawing. If boundary survey updating previous survey is made by same surveyor or survey firm for purpose of locating non-completed new improvements, property corners need not be reset; however, if boundary survey is updating previous survey made by same surveyor or survey firm and is performed for purpose of locating completed new improvements, property corners must be reset. When boundary survey is updating previous survey made by different surveyor or survey firm, for purpose of locating either non-completed or completed new improvements, property corners must be reset. In Re: Petition for Declaratory Statement of: Gutierrez, 11 FALR 803 (1989).

Specific purpose survey

Surveys performed for purposes of monumenting, referencing, describing, and mapping centerline or baseline may be performed as specific purpose surveys. Additionally, surveys performed for purpose of monumenting official right-of-way lines may be performed as special purpose surveys. In re: Petition for Declaratory Statement of: Thomas B. Howard, 9 FALR 4673 (1987).