

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 00/2

10936 HOUSE LABOR & COMMERCE

closing, or, in the case of new construction or conversion to residential occupancy, prior to the issuance of a certificate of occupancy, and the seller must provide the buyer with smoke detector and carbon monoxide detector certificates at the time of the transfer of title.

What happens if inspection does not occur before closing? If the carbon monoxide detector is not inspected prior to closing, the seller may complete an affidavit stating that the real property being conveyed by this instrument had working smoke and carbon monoxide detectors within fourteen days of the date of this instrument, and that an inspection has been requested.

Must the carbon monoxide certificate be recorded? Yes, a carbon monoxide detector certificate must be recorded with the town or city clerk's office in the same way that a smoke detector certificate is recorded.

What responsibility does a real estate broker or salesperson have? The new law requires only the property owner to assume legal responsibility for installing the carbon monoxide detectors and ensuring that they are working.

Where can I get a copy of this law? Members of the Rhode Island Association of REALTORS can obtain a copy of the law from <http://www.statewidemls.com>.

Posted: 10/5/01

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TO

Medical
& Other News

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Title: **Children Are at Greater Risk of Injury or Death From Carbon Monoxide Poisoning**

URL: <http://www.pslgroup.com/dg/CF62.htm>

Doctor's Guide

October 14, 1996

CHICAGO, Oct. 14, 1996 – Children, infants and unborn babies are more vulnerable to carbon monoxide (CO) poisoning than healthy adults, according to toxicologists and medical professionals. Younger family members are particularly susceptible due to their higher metabolic rates – meaning they require more oxygen and use it faster than adults. Carbon monoxide even in small amounts works to restrict oxygen in the bloodstream, thus starving a child's tissues and organs of what is needed to function and develop properly.

"Carbon monoxide poisoning can cause neurological problems, learning disabilities, memory loss and personality changes in children and can lead to miscarriage or stillbirth for women exposed during pregnancy," said Dr. Marc Bayer, medical director, Connecticut Poison Control Center. "Because of the higher oxygen requirements of smaller bodies, carbon monoxide's interference with oxygen delivery can lead to permanent damage to a child's developing nervous system," he said.

Young children are also vulnerable to misdiagnosis because they cannot fully explain the onset, progression and severity of their symptoms. Additionally, because children spend most of their time in the home, they are more likely to be exposed to carbon monoxide produced by gas, oil, wood or propane burning appliances and heating systems.

"Because this toxin is invisible to human senses and the early poisoning symptoms look like other common problems such as the flu, the best way to know if a leak is present is to equip the home with carbon monoxide detectors that have an audible alarm," said Bayer.

To provide an early warning of carbon monoxide dangers, First Alert(R), the nation's leading brand of carbon monoxide detectors, has developed a UL listed, extra-sensitive battery-powered detector that will sense carbon monoxide at lower concentrations than plug-in models are designed to detect. The detector will continue to operate in the event of a power outage, a time when alternative heat sources are commonly used and can be mounted out of reach of little fingers – important to children with families.

Families with children, pregnant women, elderly people or anyone with heart or lung disorders may want the added protection of the First Alert bio-sensor technology. The elderly and people with heart and lung disorders are at greater risk of injury or death from carbon monoxide because CO can aggravate a pre-existing condition of restricted oxygen flow in the

bloodstream.

The Consumer Product Safety Commission (CPSC) recommends that every home in America install at least one carbon monoxide detector with an audible alarm, located near the sleeping area. Additional detectors on every level provide an extra measure of safety.

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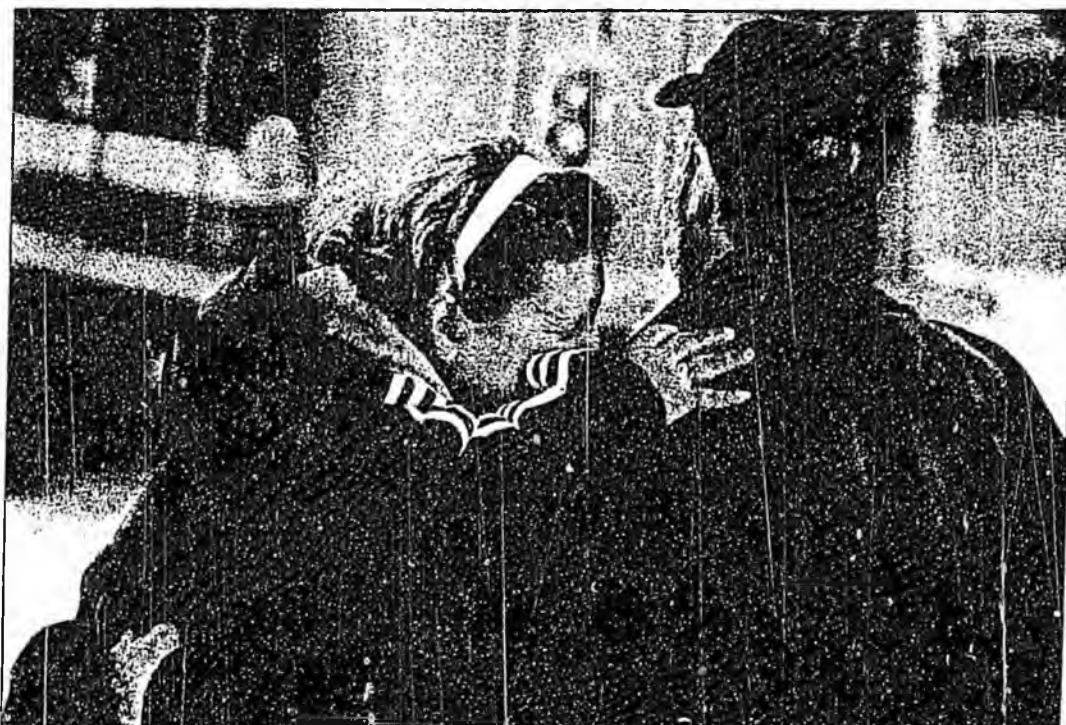
\$1.50

Anchorage Daily News

Sunday, December 7, 2003

ALASKA'S NEWSPAPER

CARBON MONOXIDE POISONING



Friends arrived at Dave and Rita Arta's Hillside residence Saturday after unsuccessful attempts to contact them. Four family members were found dead inside the Bear Valley home, all victims of carbon monoxide poisoning.

Gas kills four at home

Father, three children perish on Hillside; mother fighting for life

By YATABOLINE BRANT and ZAZ HOLLANDER
Anchorage Daily News

A father and his three children died after carbon monoxide saturated the air in their Bear Valley home, fire officials said Saturday.

Anchorage firefighters found the four dead in bedrooms and a hallway of the three-story Robert Drive home when they were summoned to the scene shortly after noon Saturday by a neighbor. The mother was found unconscious in a hallway, was rushed to the hospital and was fighting for her life late Saturday night.

Firefighters did not know how long the family had been dead. Police said some victims were still in their nightclothes.

David Arta, 42, was found dead in his bed on the third floor, Anchorage Fire Department spokesman Tom Kempton said.

Wileen, 3, and his sister Taylor, 11, were found in their shared room on the second floor, Wileen

See Back Page, DEATHS



The Arta family lived at 8100 Robert Drive. David Arta, 42; daughters Ann Marie, 8, and Taylor, 11; and son Wileen, 3, died. Rita Arta was taken to Alaska Regional Hospital.

New tactics make U.S. troops safer, anger Iraqis

■ **GET-TOUGH:** Strategy similar to approach Israel uses in occupied territories.

By DEXTER FILKINS
The New York Times

ABU HISHMA, Iraq — As the

have begun imprisoning the relatives of suspected guerrillas in hopes of pressuring the insurgents to turn themselves in.

The Americans embarked on their get-tough strategy in early November, the deadliest month yet for U.S. forces in Iraq, with 81 soldiers

INSIDE

■ **ATTACK KILLS CHILDREN:** U.S.-led air attack against suspected terrorist in Afghanistan killed nine children as well as the intended target.

Page A-6

tacks on American troops, Iraqi civilians line up to go in and out, slipping through an American-guarded checkpoint, each carrying an identification card printed in English only.

"If you have one of these cards, you can come and go," coaxed Lt. Col. Nathan Sassaman, the battal-

No race for b must

■ **EDITORIAL:** Rachael misses mandatory n

By ZAZ HOLLANDER
Anchorage Daily News

After pressuring Id rod Trail Sled Dog Race officials to allow her to run v special concessions, a le by blind woman from Oro failed to show up for a r datory rookies meeting; urday and will not compet next year's race.

Rachael Scoria, a year-old musher from Be Oro., waged an aggres high-profile campaign this to get race officials to b rules banning outside acc modations.

Scoria suffers from genital achromatopsia, a reditary condition that pairs her central vision makes it hard for her to the front of her team. critics feared the could threaten her safety that of her dogs and pos other mushers.

In September, race ctals voted to let her run Iditarod with help from an sistant on a separate dog i who would radio warn

See Back Page, SCDO

Plane s man sp night i

■ **EKLUTNA:** He stay cabin overnight, wa

By KATIE PESZNECKER
Anchorage Daily News

An Anchorage firefight plane into Eklutna Lake swam to shore, spent a fre per's cabin, then walked ers stumbled upon him a said Saturday.

Battalion Chief Wade age Fire Department's Si Idence Alaska Medical i night, dehydrated, cold a Col. Steve Politzsch, an Al spokesman.

Dan Amyot, the park r that when they initially r urday walking along the lighter was mildly to mod and "a little bit out of it." snowmachine to the rang

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State Edition

Anchorage Daily News

Tuesday, December 9, 2003

ALASKA'S NEWSPAPER

www.adn.com

Carbon monoxide traced to poorly vented furnace

■ **BEAR VALLEY:** Four members of Arts family died; mother still in hospital.

By **TATABOLINE BRANT**
Anchorage Daily News

An improperly ventilated gas furnace caused a Bear Valley home to fill with carbon monoxide over the weekend, killing a man and his three children and leaving the mother of the family in critical condition, officials

said Monday.

Anchorage Fire Department spokesman Tom Kempton said investigators determined that the fresh-air intake vent on David and Rita Arts' furnace had been intentionally blocked, perhaps to keep cold air from getting into the house.

Kempton did not immediately say what blocked the vent. But, he said, as the temperatures dropped outside and the furnace worked harder, the blocked vent caused fumes to be drawn from

the furnace room into the living areas of the home.

Authorities were called to the residence on Robert Drive around noon Saturday by a concerned neighbor who went to check on the family after they missed some appointments.

Firefighters found David Arts, 42, in his bed on the third floor; Wilem, 3, and his sister Taylor, 11, were found in their beds in a shared room on the second floor; Ann Marie, 8, and Rita, 33, were discovered together in a hallway out-

side the children's bedroom. Everyone but Rita was dead, officials said. She was rushed to Alaska Regional Hospital, where she remained Monday. Her condition was not released.

Initial carbon monoxide readings in the Artses' home showed more than 700 parts per million. Levels of 150 ppm are sufficient to kill.

Kempton said investigators did not find any evidence that a vehicle parked in an attached garage was the source of the carbon monoxide. The car was

not running when authorities arrived Saturday and it still had about a quarter of a tank of gas, he said. There was no soot stain near the vehicle's exhaust, which would have been consistent with an idling engine, he said. The car did not have a remote starter.

The tragedy has shocked Anchorage and Bear Valley, and many residents have rushed out to buy carbon monoxide detectors for their homes.

See Back Page, FURNACE

Panel looks at limiting pull-tabs

■ **SENATORS:** Should \$25.2 million operation just serve charities?

By **SEAN COCKERHAM**
Anchorage Daily News

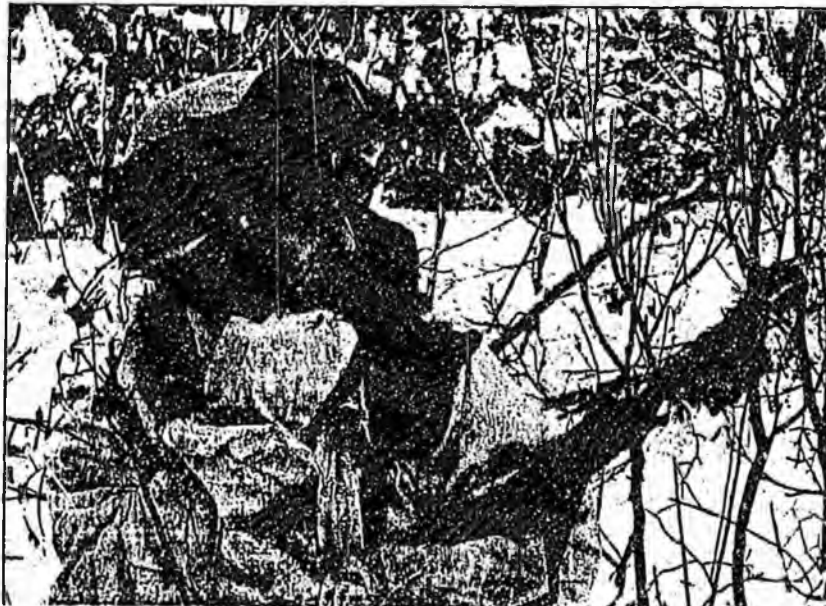
JUNEAU — Think pull-tab charitable gaming permits in Alaska just go to charities?

Well, you're wrong.

Sure, the American Lung Association of Alaska, the Special Olympics of Alaska and various youth sports programs all have state pull-tab permits. But so do groups like Home Builders Association of Juneau, the Fairbanks Area Sheet Metal Workers, the Alaska Democratic Party and the Anchorage Republican Women's Club.

On Monday, a legislative subcommittee took on whether to

ON THE LOOKOUT AT FORT RICHARDSON



Afghan postwar assault begins

■ **OPERATION AVALANCHE:** U.S. targets those who target rebuilding.

By **STEPHEN GRAHAM**
The Associated Press

KABUL, Afghanistan — The U.S. military launched its largest postwar offensive against Taliban and al-Qaida insurgents Monday, sending 2,000 soldiers into a lawless swath of Afghanistan to put down a wave of attacks.

DEATHS: Neighbor found bodies, called police

Continued from A-1
 in his bed, Taylor on a mattress next to the bed. Ann Marie, 8, and her mother, Rita Arts, 33, were found lying side by side in a hallway outside the children's room.

"I don't know if that means anything or not," paramedics battalion chief Kurt Sorenson said.
 Fire and utility officials Saturday night were still trying to determine the source of the carbon monoxide.

The first firefighter inside "found the mother with some signs of life and got her out of the house immediately," Kempton said.

"This is a very horrible tragedy to have happen anytime of the year, let alone Christmas," Kempton said.

Officials said a concerned relative or friend who lives nearby went to check on the Arts family Saturday because they had missed several appointments. The woman had a key to the house, a home with a spectacular view of the mountains, and let herself in, Kempton said. The woman found the bodies and called 911.

Carbon monoxide, a byproduct of combustion, is lethal if inhaled for an extended period. It gets into the blood and robs the blood of oxygen. Early symptoms of exposure include headache, fatigue, shortness of breath, nausea and confusion.

Kempton said carbon monoxide can come from a variety of sources, such as a malfunctioning furnace, a gas-burning generator or an idling car. Carbon monoxide tends to concentrate on upper floors in homes because it is lighter than air, Sorenson said.

Initial carbon monoxide readings at the Artses' home came back at 775 parts per million, Kempton said. "That's very high."

Levels of 150 to 200 ppm are sufficient to kill, according to a Consumer Product Safety Commission publication. More than 200 people die every year in the United States from carbon monoxide produced by fuel-burning appliances, according to the publication.

Rita Arts was rushed to a local hospital

Carbon monoxide

WHAT IS IT: A poisonous, colorless, odorless and tasteless gas that results from the incomplete burning of natural gas and other material containing carbon, such as gasoline, kerosene, oil, propane, coal or wood.
COMMON SOURCES: idling vehicles, malfunctioning or improperly used fuel-burning

appliances such as ovens, space heaters and furnaces.
SYMPTOMS: Headache, fatigue, nausea, shortness of breath, confused thinking. Can cause death if exposed for extended periods of time.
MORE INFO, INCLUDING SAFETY TIPS: www.cpsc.gov/cpscpub/pub4/466.htm

and then moved to a facility with a pressurized chamber, Kempton said. "The only way to treat this is to force more oxygen into the body by higher pressure," Kempton said.
 Sorenson said investigators were told that there was a carbon monoxide detector in the house but that it had been unplugged while the Arts family remodeled their home to get ready to move.

Friends of the Artses stopped by the home Saturday while fire investigators, firefighters, police and Enstar officials worked inside trying to determine where the carbon monoxide came from.

"What happened? What happened?" asked one frantic woman, who showed up with a man. The woman began to cry. The couple said they had been trying to contact the family since the evening before.

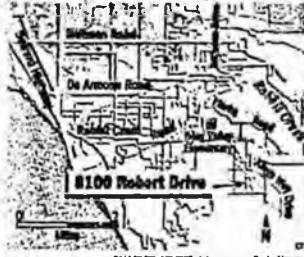
Friends said the Artses were getting ready to move overseas. Walter Yankauskas, who lives across the street, said Dave Arts was a cargo pilot for Cathay Pacific Airways. He was about to start work as a passenger pilot and needed to move to Hong Kong, the airline's hub city, he said.
 Cathay Pacific Airways could not be reached Saturday.

The Artses planned a party next weekend to mark their move. The invitation was posted on a neighbor's refrigerator.

Dave Arts was known in the Bear Valley neighborhood for plowing his neighbors' driveways and for keeping Robert Drive passable for everyone.

"You notice how it's 40 feet wide up here and it's 15 feet wide down there?" Yankauskas said, gesturing down the steep, snowy

Family members die from carbon monoxide poisoning



CHARLES STROM / Anchorage Daily News

road. "That's because of Dave."
 "They were just great people," Yankauskas said.

Kempton encouraged all Anchorage residents to install carbon monoxide detectors in their homes.

"They're readily available at almost all hardware stores," he said. "They're not very expensive. They even make combined smoke and carbon monoxide detectors now."

Six people, including three children, were saved in an Anchorage trailer park last winter after a 911 dispatcher realized a caller and her family were suffering from carbon monoxide poisoning during the call.

Daily News reporter Deborah Grant can be reached at grant@dailynews.com or 257-4321.

SCDORIS: Disqu

Continued from A-1
 about trail dangers ahead. The board had previously rejected her request to run with one or two visual interpreters on snowmachines.

On Saturday, Sedoris' father, Jerry Sedoris, said the decision not to run next March was based on several factors.

Using a dog sled instead of a snowmachine doubled the team's original budget, estimated at \$40,000 to \$50,000, Sedoris said. A snowmobile manufacturer also pulled its sponsorship, he said. "That's about a \$40,000 turnaround right there."

His daughter, a veteran of several stage races in the Lower 48, also needs to get accustomed to relying on a visual interpreter on a sled rather than on a snowmobile, he said.

Rachael Sedoris was the only rookie of a record 50 entered in the race who did not attend a mandatory meeting Saturday at the Millennium Alaskan Hotel. She did not officially withdraw by Saturday, but she is no longer eligible to race because attendance at the meeting was required of all rookie runners, said race marshal Mark Nordman.

Sedoris' absence on Saturday caught some of her peers by surprise.

"I looked for her, and I didn't see her. I seen her picture in the paper a few times, and I thought, well, I'd probably meet her there," said Gary McKelvie, a 48-year-old Wasilla musher running the race for the first time.

Sedoris' bid to race gained national attention after the

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Daily News

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RESCUE: Pilot spends a night in the cold after crashing plane into

Continued from A-1
 A nurse at Providence Alaska Medical Center said Strahan would stay in the hospital as long as it took for his feet to warm up.

He declined to speak to the media but could be heard through the curtain of his hospital room describing his ordeal to friends and family members. Strahan's rescue came roughly 24 hours after he left Merrill Field on Friday afternoon on a solo flight in his Cessna C-172.

He did not file a flight plan. Strahan's wife apparently called firefighters when her husband was overdue. The Alaska National Guard and Civil Air Patrol started searching after interviewing Strahan's wife about places her husband typically flew to.

The resulting search area was 2,400 square miles that encompassed Eklutna Lake, the Chugach Range, Lake George, Knik, and Big Lake, said Major Chris Kobl, senior rescue controller with the Guard.

"It would have made everybody's life so much easier if we'd had a flight plan," Kobl said.

Strahan told rescue officials that the plane crashed about 3 p.m. Friday while he was attempting to land at Bull Airstrip on the lake's east end.

"He was doing a turn and go to pack a route on the airstrip and test the airstrip to see how solid it was," said Amyot,

who added that Strahan's plane had wheels, not skis.

"It sounds like the third or fourth time he tried to make a landing, his wheels started sinking in and things got a little tipsy," Amyot said.

"He started to take off again, but it slowed him down a little bit and he hit a stump of driftwood that got washed up in late fall."

Amyot said the plane then apparently skidded across the lake shore and plunged through the ice. The plane sank.

"He had to swim about 150 feet to shore," Amyot said.

Strahan etched the word "help" in the shoreline snow. He saw rescue helicopters overhead but didn't get their attention, Amyot said.

He found the Eklutna Alex Cabin nearby and spent the night there.

The tiny log trapper's cabin was supposed to be removed several years ago by the Eklutna Corp., Amyot said. It has no stove or fireplace.

"He broke a bunch of spruce bows and set up a little bed in there," Amyot said.

The National Weather Service doesn't take an official reading in the Eklutna area, but a forecaster there said that it couldn't have been warmer than 10 degrees Friday night and early Saturday.

"Our winters are unforgiving in Alaska," Kobl said. Strahan "ought to go play the lottery



PHOTO BY JOHN CONLEY

Rescuers escorted Wade Strahan, a battalion chief in the Anchorage Fire Department, to a helicopter at the Eklutna Ranger Station. The man on the left gave Strahan his own socks to wear. Strahan had landed at the Eklutna airstrip and when he tried to take off again the plane crashed into the lake. Strahan got out of the plane, swam to shore and spent the night in a nearby cabin.

right now."

Strahan on Saturday set out walking. He had gone eight miles when, less than two miles from the ranger station, he encountered several skiers.

The skiers text messaged police on a cell phone and aided to the ranger station, where they found Amyot and the caretaker, Chandra Caleert.

The pair hopped on snowmachines and headed for Strah-

an, Amyot taking the lower trail and Caleert taking the upper route. Caleert found him about 1:30 p.m., Amyot said.

They got Strahan back to the ranger station and gave him hot tea and patched a phone call through to his wife.

Police arrived soon, as did an Alaska Air National Guard HH-60G Pavehawk helicopter crew from Kulis Air National Guard Base.

James Conley, a police officer on scene, was amazed by Strahan's ordeal. He said the firefighter had on wet, faded bluejeans, boots, and "a couple layers on top." One of the guardsmen took off his own warm socks to give to Strahan, Conley said.

"He didn't have a chance to get anything out of the aircraft, he told me," Conley said. "It's an incredible story in terms of

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IRAQ: Many Iraqis in Sunni triangle find tactics 'absolutely humili

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 their cars through the zone. Over to one side, an Iraqi man named Tariq muttered in anger.

"I see no difference between us and the Palestinians," he said. "We didn't expect anything like this after Saddam fell."

The practice of destroying buildings where insurgents are suspected of planning or mounting attacks has been used for decades by Israeli soldiers in

recently traveled to Israel to glean lessons learned from their counter-terrorist operations in urban areas."

Vans is the deputy chief of staff for doctrine concepts and strategy, at the U.S. Army Training and Doctrine Command.

American officers here say their new hard-nosed approach reflects a more realistic appreciation of the military and political realities faced by U.S. soldiers in the Sunni triangle, the area

hitting back pretty hard. We've forced them to slow down the pace of their operations."

In that way, the new American approach seems to share the successes of the Israeli military, at least in the short term; Israeli officers contend that their heavy-handed strategy regularly stops catastrophes like suicide bombings from taking place.

"If you do nothing, they will just get stronger," said Martin van Gynveld

The grenade went straight into the sergeant's chest. With the Bradley still smoldering, the soldiers of the 1st Battalion, 8th Infantry, part of the 4th Infantry Division, surrounded Abu Hisham and searched for the guerrillas. Soldiers began encasing the town in razor wire.

The next day, an American jet dropped a 500-pound bomb on the house that had been used to attack them. The Americans arrested 10

guerrillas.

In Tikrit, ro home they said.

American tanks ready left, they s

"I watched t that house," said

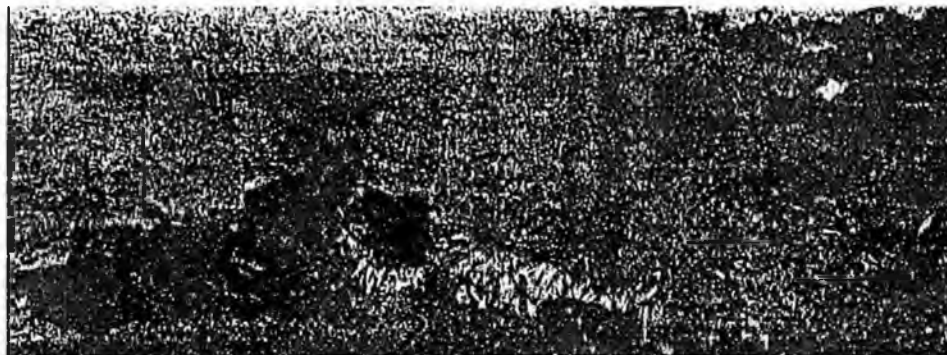
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Afghanistan on Saturday, mistakenly killing nine children, officials said.



AP/WIDEWORLD

AFGHANISTAN: U.S. strike may have missed terrorist

Continued from A-1

Brig. Gen. Lloyd Austin, has appointed a team of military policemen, doctors, a lawyer and a nurse to investigate the deaths, Hillferty said. The military will also provide aid to the village, he said.

The deaths of so many children shocked Afghans and foreign officials. The United Nations has called for an investigation and for the findings to be made public. The U.N. spokesman in Kabul, Manoel de Almeida e Silva, said the deaths would have a "negative impact" on the population, which is already unhappy with the presence of foreign military.

The U.N. secretary general, Kofi Annan, expressed "profound sadness" at the deaths and warned that the fight against terrorism "cannot be won at the expense of innocent lives."

The special envoy in Afghanistan, Lakhdar Brahimi, said that the incident followed similar incidents and

that "it is a sense of insecurity and fear in the country."

Operation Avalanche, in southern and eastern Afghanistan, "is the largest we have ever designed," Hillferty said at the coalition military headquarters at Bagram, north of the capital, Kabul. The enemy "isn't going to know when we hit. He isn't going to know what we're doing."

"Right now, I'd say there's four infantry battalions involved" of around 500 men each, Hillferty said. Some Afghan National Army and militia forces also will be involved, he said.

Hillferty gave no details about the operation, including when it started or what provinces were targeted.

Taliban fighters have stepped up attacks — particularly against aid workers and civilians — in provinces near the Pakistani border and in Ghazni and Zabul provinces south of the capital.

On Monday, one Pakistani engi-

neer was shot dead and his Afghan driver was wounded when gunmen attacked their vehicle on the main Kabul-Kandahar highway in Ghazni province. A second Pakistani engineer was missing, and two escaped.

A French U.N. worker was gunned down last month in Ghazni, and three international workers were kidnapped in past weeks.

The wave of Taliban attacks against aid workers, U.S. soldiers and Afghan government officials has belied American claims that it is winning the war to stabilize the country. Two years after the fall of the Taliban, 11,700 soldiers, mainly American, remain in Afghanistan on combat missions against the Taliban and their allies, remnants of al-Qaida and followers of renegade warlord Gulbuddin Hekmatyar.

But Saturday's airstrike highlighted the risk that a heavy U.S. military hand may only alienate Afghan civilians.

"Every innocent who is killed has brothers, uncles, sisters and nephews, and behind them the tribe," said Sadokhan Ambarkhil, deputy governor of Paktika, one of the most dangerous provinces for coalition troops and their Afghan allies. "If 10 people are killed, how many people are saddened?"

The push announced Monday follows Operation Mountain Resolve, which involved about 1,000 troops to stabilize a remote northeastern region bordering Pakistan. That operation, which was launched Nov. 7 and ended this weekend, saw only minor skirmishes.

The number of U.S. troops in Operation Avalanche appeared to be bigger than the March 2002 Operation Anaconda, one of the heaviest battles in the U.S.-led campaign in Afghanistan, in which 2,000 American and allied Afghan forces participated.

The New York Times contributed to this story.

FURNACE: Cause

Continued from A-1

A manager at Lowe's Home Improvement Warehouse on Tudor Road said his store has sold more than 29 of the devices in the past two days. There are still some in stock — ranging from \$27 to \$40 — and the store put in a rush order for more, he said. Sales also were up at Wal-Mart, said Marty Howard, a manager at the South Anchorage store.

Mayor Mark Begich's press secretary, Julie Hasquet, said the mayor is asking for donations for carbon monoxide detectors for a giveaway next week. Some corporate sponsors have stepped up, she said. Donations can be made to the Red Cross and dropped off at its headquarters at 235 E. Eighth Ave.

"Everybody here is devastated," Hasquet said. "The mayor was very upset and we all talked about what could we do, and that's how we came up with the idea."

Tami Fowell, who has known the Artses for about 12 years and lives near their home, said Dave Arts used to be the Bear Valley Community Council president and Rita Arts was formerly in charge of the local Parent Teacher Association. The Artses would pitch in to keep the restricted-access roads in Bear Valley plowed and would help anyone who got stuck in the snow, she said.

Three years ago when his husband broke his hip, Dave came over to sit with my husband and care for my husband," Fowell said. "They were just so warm and loving and caring to everyone. They would have helped anyone in need."

Fowell said the accident has been difficult for everyone in Bear Valley.

"I don't know how anyone could go to work today," she said. "They were very well loved by their neighborhood."

Fowell said the tragedy has to be particularly hard for Bear Valley Elementary, where the Artses' two daughters went to school and Rita was the former PTA president.

Anchorage School District spokesman Roger Fiedler said counselors were on hand at the school Monday to talk to parents, students and staffers and will stay throughout the week. "It's a very close community out there."

Officials said neighbors told them the Artses had a carbon monoxide detector in their home but it was unplugged because they were remodeling and getting ready to move.

Dave Arts, a cargo pilot for Cathay Pacific Airways since 2000, was about to move to Hong Kong, the airline's hub city, to take a job as a passenger pilot, friends and airline officials said.

Nationwide, about 500 people a year die from accidental exposure to carbon monoxide, according to federal statistics. Kempton said the Anchorage Fire Department has responded to 144 carbon monoxide alarms so far this year. Last winter, six people, including three children, were saved at an Anchorage trailer park after a 911 dispatcher realized a caller and her family were suffering from carbon monoxide poisoning during the call.

"The only sure way to make sure that something like this doesn't happen is to have a carbon monoxide detector," Kempton said. He recommended buying one with an Underwriters Laboratory rating on the packaging.

YEE: Captain faces a total of 13 years if convicted

Continued from A-1

secure container — at the time and confined in solitary in a naval brig for nearly three months while the military completed its investigation. When the investigation was finished last month and he was released, the military's new charges included keeping pornography on his government computer and having an extramarital affair, both violations of the military code of justice.

The military does not contend that either of those offenses are related to any security breaches but that they were violations discovered in the course of the investigation. But Yee's civilian defense lawyer, Eugene Fidell, has said the charges were added vindictively as part of an effort to cover up the military's mistake and overreaction.

"I think it is quite disgraceful that this officer's reputation was tarnished in a way that can never be repaired," Fidell said Monday. He hopes the presiding judge will recommend dismissal of the charges, which he characterized as "trivial and in-

however inconsequential they might be, the testimony of Wallace on Monday produced great anguish for Yee and his family and probably for the lieutenant. Under questioning by a prosecutor and the judge, Wallace, who testified under a grant of immunity from prosecution for her own behavior, said the relationship was social and romantic.

"Was it sexual?" asked Col. Dan Trimble, the presiding officer. "Yes, sir," she replied.

"What does it mean to have a sexual relationship?" Trimble asked. "We had sex together," she said, estimating having done so about 20 times at his quarters and hers. She said that she knew he was married because he told her.

Yee's wife, who was born in Syria and wore a Muslim head covering and a long black coat, went outside the courtroom and began sobbing on a bench. When Wallace walked out, Yee's wife went after her with her daughter in her arms.

"You happy now?" shouted Yee's lurcher from Wallace. "Destroying a family?"

her and said: "You know what? You need to speak with him."

Yee walked back to the courtroom and shouted an epithet at Wallace.

The court also heard testimony from law enforcement officials at Jacksonville who had detained Yee on Sept. 10. One, a customs inspector, testified via telephone that he had been told to scrutinize Yee when he got off the flight from Jacksonville because he might be carrying classified information. Fidell, Yee's lawyer, said that such testimony showed that the discovery of any suspicious papers was not a result of a random search. Yee's friends have suggested that the authorities at Guantanamo resented him because of the way he ministered to and looked out for the interests of the mostly Muslim prison population there.

At the end of the hearing, Trimble is supposed to make a recommendation from a list of options that range from a general court martial to an acquittal. Yee faces up to 13 years in prison if tried

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Brad HIRSH/KTUU

The Arts did have a carbon monoxide detector, but was unplugged.

Stores sell out of carbon monoxide detectors after tragedy

Dan Fagan

Anchorage, Alaska, Dec. 7 - An Anchorage mother was fighting for her life Sunday after losing her husband and three children.

Thirty-three-year-old Rita Arts is the only member of her family to survive high carbon monoxide levels in their Hillside home. The four deaths of her husband and three kids had people rushing to hardware stores Sunday to buy carbon monoxide detectors.

At Home Depot, employees began to see the rush to buy CO detectors the moment the doors opened. The demand was so high, people forced the store to move all remaining detectors to a display in the front.

Stores like Home Depot are reporting the sales increase of CO detectors after the four deaths at 8100 Robert Dr. in Bear Valley. Saturday, Firefighters found the bodies of 42-year-old David Arts and his three kids Taylor, Ann Marie and Willem, ages 11, 8 and 3, respectively.

They found Rita Arts unconscious in the hallway next to her daughter, Ann Marie.

Alaska Regional Hospital has reported Rita Arts in critical condition and is being treated in a hyperbaric chamber every eight hours.

The fire department has not determined why the Arts home had such high levels of the carbon monoxide poison and does not suspect foul play.

The family has a CO detector, but it was apparently left unplugged.

Many that stormed home improvement stores for the CO detectors did so to prevent such a tragedy from striking their family. One such man, Mark Stevens, bought three detectors.

"I saw it on the news. I thought I would pick one up for each floor of my house...I'll pick up three," said Stevens.

NEXT STORY >>

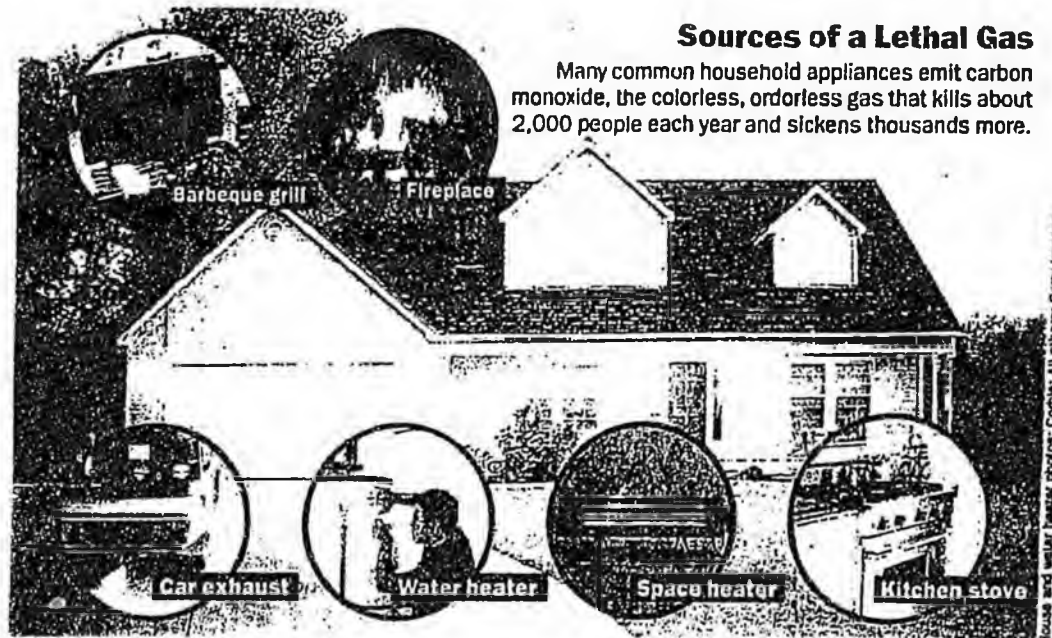
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THE WALL STREET JOURNAL

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THURSDAY, OCTOBER 17, 2002 VOL. CCXL NO. 77 - ***** \$1.00



Sources of a Lethal Gas

Many common household appliances emit carbon monoxide, the colorless, odorless gas that kills about 2,000 people each year and sickens thousands more.

House and water heater photos: Corbis; All others: Getty Images

More States Force Homeowners to Install Devices That Monitor Deadly Carbon Monoxide

By ANDREA PETERSEN

A GROWING NUMBER of states and cities are requiring homes to install a device that detects the presence of carbon monoxide, a dangerous gas that kills 2,000 people a year and sickens many times that number.

Surprising to most homeowners, carbon monoxide is the leading cause of accidental poisoning in the U.S. Detectors have been available for almost a decade, to alert people to the gas—odorless and colorless—spewed out by faulty furnaces,

stoves and even barbecue grills. However, fewer than one-third of American homes have these inexpensive devices, according to industry surveys.

Just as laws requiring smoke alarms spurred nearly every household to install them during the past 20 years or so, legislators and doctors are hopeful that the new carbon-monoxide detector requirements will have the same effect.

Starting next month, most homes sold in New York state—new or resale—must have a carbon-monoxide monitor. Similar laws have already passed in Rhode Island, New Jersey and West Virginia. A number of other states are contemplating legislation. Action is being taken at the local level too: Cities such as Chicago and St. Louis have ordinances requiring detectors.

"A detector can save families from something they can not control," says Stephen Glasstone, vice president of the American Society of Home Inspectors. "If somebody doesn't have a carbon-monoxide alarm and their heating system malfunctions, they might just not wake up." Nearly a decade ago, tennis star Vilas Gerulaitis died of carbon-monoxide poisoning from a faulty heater.

Legislation seems to have life-saving effect: Cities with ordinances that require carbon-monoxide detectors have much lower death rates from exposure to the gas than those that don't, according to a study published last year in the American Journal of Emergency Medicine. In Chicago, for example, which does require carbon-monoxide detectors, 8.4% of those exposed to the substance during the time of the study died. In Los Angeles, 19% of those exposed died.

While fires and automobiles are the top producers of carbon monoxide, a typical family home has myriad possible culprits. Furnaces, kitchen stoves, water heaters, fireplaces, generators, camping stoves and charcoal barbecues—anything that burns fossil fuels such as gasoline, diesel fuel, wood and kerosene—can produce dangerous levels of the gas.

One June day three years ago, Thad Dohm turned on the air conditioner in his three-bedroom house in Ames, Iowa, for the first time that summer. The next morning his wife, Stephanie, complained of a headache. As he walked to the bathroom to check on her, he passed out. He came to, but then Stephanie passed out. "She came to and

New Laws Require Home Carbon-Monoxide Detectors

Continued From Page D1

we walked outside. I was crying on the phone to our neighbors and was all confused," says Mr. Dohm, now an associate athletic director at Columbia University in New York.

Mr. and Mrs. Dohm were taken to the hospital and diagnosed with carbon-monoxide poisoning. The cause: A mechanical malfunction caused the air conditioner and the heat to be on simultaneously. The system didn't have proper ventilation either. And the Dohms didn't have a carbon-monoxide monitor.

Carbon monoxide is produced when these fossil fuels don't burn completely. Incomplete or "dirty" burning can occur if rust or grime falls into a furnace burner, if equipment cracks or rusts, if gas pressure is out of adjustment or if there isn't proper ventilation for these devices. Health officials have seen carbon-monoxide poisoning occur after people warm up their cars in their garages, even for a few minutes.

"It can be produced so easily and it can spill into a home so easily," says Tom Giviner, an Iowa human-housing engineer who is pressing for a law in his state to require detectors.

Today's carbon-monoxide detectors don't go off anytime they sense the gas. Earlier versions of the device (those made before 1998) did that and were tripped off so easily—a car pulling into the garage could cause it to go off—that many consumers saw them as an annoyance and were inclined to ignore them.

Detecting Deadly Gas

Here are a few of the many carbon monoxide alarms on the market.

DETECTOR	CONTACT	PRICE
First Alert Maximum Protection	800-323-9005 BRK Brands, Inc. Aurora, Ill.	About \$50
Kidde's Brightest alarm	800-834-9877 Kidde Inc. London	Generally retails for \$40 to \$50
Senco Model One	800-858-0158 Senco Sensors, Inc. Vancouver, B.C.	\$49.99

New models go off when they sense a certain level of gas over a period of time. The detectors measure how many molecules of carbon monoxide are present in one million molecules of air (parts per million). Government regulations state that 50 parts per million is the maximum concentration a healthy adult should sustain over an eight-hour period. (A concentration of 400 parts per million can be life-threatening within three hours.)

Consumers can choose from inexpensive no-frills monitors that simply beep and cost around \$15 to fancier \$50 devices that have digital displays and flash the concentration detected. There are also combination smoke and carbon-monoxide alarms. Safety experts recommend that

an alarm be placed outside bedrooms and on each floor of the house. Some also suggest putting a detector near carbon-monoxide-producing devices such as furnaces. Manufacturers suggest that people replace their alarms every seven years since sensors can degrade and electronics can fail. Companies that sell detectors include U.K.-based Kidde PLC (www.kidde-safety.com) and BRK Electronics' First Alert (www.firstalert.com).

Symptoms of carbon-monoxide poisoning vary depending on the concentration of gas in the air. Mild carbon-monoxide exposure often mimics the flu or food poisoning—with headaches, nausea, vomiting and fatigue—and is thus commonly misdiagnosed. Higher concentrations of carbon monoxide can cause almost immediate dizziness and nausea and can lead to convulsions, coma and death within a few hours, or even minutes at extremely high concentrations. Small children and those with heart and respiratory conditions are most at risk. And some patients complain of neurological symptoms months and even years after exposure.

Carbon monoxide suffocates the cells of the body: It enters the bloodstream and prevents the release of oxygen to the tissues. The only treatment for carbon-monoxide poisoning is to immediately leave the source of the gas and to administer oxygen. Some patients with severe exposure are placed in hyperbaric oxygen chambers (the same treatment for scuba divers with the "bends").

The New York Times Real Estate

Sunday, November 10, 2002

Section 11

Special:
Manhattan
Real Estate Offerings

INSIDE
Your Home
**Monitoring Levels
Of Carbon Monoxide**
Starting Nov. 30, all newly constructed one- or two-family homes and co-op and condominium apartments in New York must have carbon monoxide alarms installed. By Jay Romano **7**

YOUR HOME

Monitoring Carbon Monoxide

By JAY ROMANO

UNDER a new state law that takes effect in New York on Nov. 30, all newly constructed one-family homes, two-family homes and co-op and condominium apartments must have carbon monoxide alarms installed. The law also requires existing homes and apartments to have carbon monoxide alarms installed before they can be sold.

And in New Jersey, where existing state law requires carbon monoxide alarms in multifamily dwellings, rooming houses and hotels, legislation introduced in the State Senate last month would require carbon monoxide alarms in all newly constructed one- and two-family homes and in existing homes when they are sold if a certificate of occupancy is required for the sale.

The increasing attention to the dangers of carbon monoxide comes after at least nine people in the region — four family members in a home in Colonia, N.J.; a 76-year old woman in Carteret, N.J.; a husband and wife in Queens; and an 80-year old woman and her daughter in a Brooklyn apartment building — died of accidental carbon monoxide poisoning within the last month.

"Reports of entire families killed in their homes by carbon monoxide poisoning highlights the importance of this legislation," said State Senator Joseph Palata, a Republican from Ocean Township, sponsor of the proposed legislation in New Jersey. "Inexpensive carbon monoxide detectors could have prevented those tragedies."

In New York, Assemblyman Joseph Morelle, a Democrat from Irondequoit, the sponsor of the law that will take effect at the end of this month, said the proven success of smoke detector laws inspired him to push for a law requiring carbon monoxide detectors and alarms. "As smoke alarm laws were enacted, more of these life safety devices went into homes and death rates from fire have declined," Mr. Morelle said. "It's now time to look at carbon monoxide alarms the same way."

Dr. Edward P. Krenzelok, director of the poison center in the Children's Hospital of Pittsburgh, said carbon monoxide is a natural byproduct of combustion whenever an organic fuel is burned. "We're talking about wood, natural gas, heating oil and gasoline, to name a few," Dr. Krenzelok said. "And once you have produced carbon monoxide, you need to vent it out to the environment."

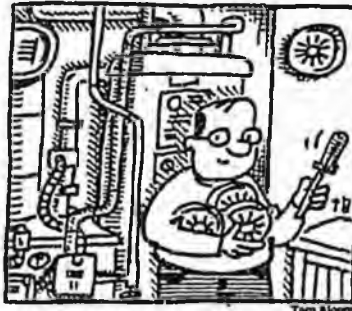
While most people know that it is extremely dangerous to allow an automobile to run in a closed garage, he said, people generally do not realize that any number of combustion appliances in a house can result in dangerously high levels of carbon monoxide if they are not properly vented.

Moreover, Dr. Krenzelok said, people made ill from carbon monoxide often are not aware of the cause of their illness. "Carbon monoxide poisoning is called 'the great imitator,'" he said, explaining that the symptoms of carbon monoxide poisoning — headache, nausea and muscle weakness — are the same symptoms commonly associated with the flu.

While most people who are exposed to nonlethal levels of carbon monoxide fully recover, about 10 percent of those who are exposed to the gas, which is tasteless, colorless and odorless, develop delayed neurological and behavioral problems like memory loss and behavior change.

Infants, the unborn and elderly people are at greater risk than the general population. "A fetus is particularly vulnerable because fetal hemoglobin holds onto carbon monoxide five times longer than the mother's blood," Dr. Krenzelok said. "And a senior citizen with pre-existing heart disease could be more at risk for a heart attack because the carbon monoxide may limit the amount of oxygen being released to the heart."

Dr. Krenzelok pointed out that there are



Under a new law in New York, carbon monoxide alarms must be installed before a home is sold.

generally two ways to prevent accidental carbon monoxide poisoning. The first is to ensure that carbon monoxide is not allowed to build up in a house, and the second is to alert occupants if it does.

Robert Bellini, president of Varsity Plumbing, Heating and Air Conditioning in Flushing, said homeowners who use any organic fuel to heat their house — including wood, oil, gas and coal — should make sure that the products of combustion are being properly vented to the exterior.

"All it takes is for a bird or a squirrel to build a nest in your chimney, and you can end up with dangerous gases backing up into your home," Mr. Bellini said. He said that even if a chimney is only partially obstructed by an abandoned nest, the obstruction could reduce the ability of the chimney to vent gases from the house. And on windy days, Mr. Bellini said, the wind may create a back draft in the chimney that pushes combustion gases back into the house.

"The most common cause of carbon monoxide in a house is faulty heating equipment," Mr. Bellini said, pointing out that cracked or improperly sealed vent pipes from the furnace or boiler could allow carbon monoxide to escape into living areas.

And warm air furnaces — which use what is known as a heat exchanger to heat air that is then circulated throughout the house — occasionally develop cracks that result in carbon monoxide being distributed by the heating system itself.

Accordingly, Mr. Bellini said, homeowners should consider hiring

a professional to inspect their heating system — using devices that can detect even small amounts of carbon monoxide — at the beginning of each heating season.

Other potential sources of carbon monoxide in the home are improperly vented gas-fueled water heaters and clothes dryers, gas- or wood-fueled fireplaces and stoves, kerosene heaters and even gas-fueled cooking stoves and ovens.

In fact, there are so many potential sources of carbon monoxide in many homes, the only way to be sure that dangerous levels of the gas are not building up is to install a carbon monoxide detector and alarm.

Ed LeBlanc, president of the residential and commercial divisions of Kidde, a Mebane, N.C., manufacturer of home safety products, said there are a number of different carbon monoxide detectors and alarms on the market, costing about \$18 to \$50.

Detectors that have been approved by Underwriters Laboratories, Mr. LeBlanc said, sound an alarm when specific levels of carbon monoxide are present for certain amounts of time. For example, he said, when levels reach 70 parts per million, the alarm must sound between 60 and 240 minutes after the carbon monoxide is first detected. At 400 parts per million, the alarm sounds between 4 minutes and 15 minutes. The lag time before the alarm sounds, Mr. LeBlanc said, is to prevent it from sounding unnecessarily when relatively small amounts of carbon monoxide are present for relatively short periods of time.

"Even low levels of carbon monoxide can be dangerous over long periods of time," he said. "But when you reach 400 parts per million, you're into a very dangerous situation."

He added that it is also possible to purchase a digital carbon monoxide alarm that provides a continuous readout of the carbon monoxide level and stores in memory the "peak levels" that were recorded.

"That means that if you go away on vacation, you can come back into the home and push the peak level button and it will tell you the maximum level of carbon monoxide you've had since you last turned the unit on," Mr. LeBlanc said. He added that since carbon monoxide mixes readily with room air — instead of rising to the ceiling or falling to the floor — carbon monoxide detectors can be installed anywhere in the room. In fact, Mr. LeBlanc said, some models are designed to be set on a table or bed stand.

Generally speaking, he said, carbon monoxide detectors should be installed anywhere there is a source of combustion. "The closer you have them to the source, the better off you are," he said.

Mr. LeBlanc said some manufacturers — including Kidde — make a combination smoke and carbon monoxide alarm that provides a voice warning when unacceptable levels of either substance are detected. Kidde's model, called the Nighthawk, priced at \$35, emits a piercing 85-decibel alarm when activated and also alerts homeowners to the source of the problem by announcing either "Fire" or "Warning! Carbon Monoxide."

Dr. Krenzelok of Children's Hospital of Pittsburgh said he considers carbon monoxide detectors so important that he gives them to friends as presents. "They make great housewarming gifts," he said.

HB

356

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB356-DPS-ABC-2-9-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Extend Alcohol Delivery Site Sunset RDU Statewide Services
 Component ABC Board
 Sponsor Rep. Joule
 Requester H. Labor & Commerce Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 In 2001, as part of (SCS CSHB 132(FIN)) enacted as CH. 63, SLA 01, the state was permitted to designate and operate an alcohol community delivery site. This provision found in AS 04.11.491(f), sunsets on July 1, 2004 as does AS 04.11.494 which sets out how these community delivery sites are to be operated. HB 356 seeks to extend the sunset provisions in AS 04.11.494 until July 1, 2008.

 No fiscal impact is anticipated to the Department of Public Safety.

Prepared by: LeeAnn Lucas, Special Assistant Phone 465-2649
 Division: Office of the Commissioner Date/Time 2/8/04 12:00 AM
 Approved by: Commissioner William Tandeske Date 2/9/2004
 Agency: Department of Public Safety

NORTH SLOPE BOROUGH

POLICE DEPARTMENT

P.O. Box 470

Barrow, Alaska 99723

Phone: 907-852-0311

Fax: 907-852-0318



February 6, 2004

Representative Regie Joule
State Capitol, Room 405
Juneau, AK 99801-1182

Re: Barrow Alcohol Distribution Center

Dear Representative Joule:

Alcohol abuse and alcohol related crime continue to be significant Public Safety and Public Health problems in rural Alaska. Directly related to the magnitude of these problems is the amount of alcohol available in a community and the ease at which it may be obtained.

Prior to the implementation of Barrow's Alcohol Distribution Center, a person could easily obtain 6 to 8 cases of distilled liquor each month by simply ordering each case from a different liquor store. The result was that persons involved in the illegal sales of alcohol and the importation of alcohol into dry communities had a ready supply of product.

Barrow's Distribution Center and the manner in which it is operated by the City of Barrow changed this. Persons are now limited in the amount of alcohol that can be brought into the community. All legal alcohol shipments must be delivered to the Distribution Center which tracks how much alcohol a person has received. Amounts of alcohol in excess of what is allowable are returned. Additionally, the residency requirements make it difficult for a person from a dry village to have liquor shipped to Barrow and then import it into the village.

Alcohol distribution centers are a positive step for communities that wish to control the amount of alcohol brought into the community. The Distribution Center in Barrow has had a positive affect on the level of disorder in Barrow and the communities served by Barrow as a transportation hub.

Barrow is a community that has been deeply divided over the issue of controlling alcohol. In local option elections, taking place over the span of several years, citizens of Barrow repeatedly changed the local option status of the community. The implementation of the Alcohol Distribution Center addressed the concerns of those on both sides of the issue. This "happy medium", while not punishing persons who are responsible drinkers, has limited the amount and availability of alcohol.

I support legislation that would allow communities to continue to utilize alcohol distribution centers as a method for controlling the amount of alcohol imported.

Sincerely,

Paul A. Carr
Paul A. Carr
Chief of Police



CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559
907-543-2047
FAX # 543-4171

MEMORANDUM

To: Representative Reggie Joule
Alaska House of Representatives

From: Bob Herron *Robert E. Herron*
City Manager

Re: HB356: "An Act relating to operation of alcoholic beverage delivery site; and providing for an effective date."

Date: February 6, 2004

I support extending the sunset of this provision of "Title 4 local options" and respectfully request your and fellow committee members' favorable consideration.

It is a valuable "tool in the toolbox" for communities who are willing to address their local issues and problems themselves. Though this option or "tool", as far as I know currently, is only utilized in one community in our state, it allows people to measure the possibilities for and against all other "tools" that are available to our communities.

The community of Bethel has considered this alternative three times over the years since this option was added to state law. The most recent past public discussion began in the late 1990s with the Bethel City Council's Public Safety Committee and interested members of the public working on a draft ordinance for the Council's deliberation.

A several-month carefully researched approach to the delivery site concept was introduced as an ordinance in August 1999 and debated for seven months until the final narrow vote (3 yea-4 no) in March 2000. (This Bethel ordinance was used as a model for the alcohol delivery site ordinance passed in Barrow)

In August 2000, the same Bethel City Council passed Ordinance #00-21 placing the issue of an alcohol delivery site on the October 2000 municipal election ballot seeking input from the Bethel citizens because of the narrow council vote outcome. The option to use

the alcohol delivery site concept "tool" was to appropriately "gauge" the wishes of their constituents. The result was a vote against an alcohol delivery site.

In the last 60 days, the alcohol delivery site issue and public discussion within region in the "dry" communities surrounding the regional hub of Bethel has surfaced with resolutions to the Bethel City Council.

I will not attempt to explain their discussions or expectations as I have attached the resolutions for your review. However, it is apparent that these communities see it as a valuable "tool".

If there are questions concerning this memorandum, please call at your convenience.

Thank you.

Akiak Native Community

Akiak IRA Council

P.O. Box 52127

PH (907) 765-7112

Akiak, AK 99552

FAX (907) 765-7512

January 14, 2004

*The Honorable Mayor Hugh Short
City of Bethel
P. O. Box 1388
Bethel, Alaska 99559*

Dear Honorable Mayor Hugh Short:

This letter is written to transmit a resolution adopted by the Akiak IRA Council numbered 03-12-33 supporting the joint resolution of the Tribal Councils of Kasigluk, Atmauthluak, and Nunapitchuck numbered 03-02-02 concerning a need for an alcohol delivery site located in Bethel, Alaska. The Tuluksak Tribal Council also adopted a similar resolution supporting the three communities and their desire to control the flow of the illegal alcohol into dry communities. The resolution of the four Tribal Council is calling on the City of Bethel to consider establishing an alcohol delivery site in Bethel to assist nearby villages in controlling alcohol that is illegally imported to dry communities in the Bethel area.

The Akiak IRA Council agrees with and understands the results of illegally imported alcohol and the violence that results is disrupting the peaceful community way of life in villages. The final resolved section of the Akiak IRA Council resolution supports the efforts of the villages and their interest in establishing an alcohol delivery site in the community of Bethel and calls upon the City of Bethel, State of Alaska, and the Federal Government and their agencies to assist in combating the ravages of alcohol that is ruining youth, families, and communities in the Yukon-Kuskokwim delta area.

We wish you success and pray that you and your council will consider this resolution that will assist the surrounding village councils in their efforts to improve and preserve life in small communities. Wishing you a belated Happy Holidays and a Happy New Year to you, the Bethel City Council members, administration, and your families.

Sincerely,

MOSES OWEN, CHIEF



*Ivan M. Ivan
Executive Director*

cc: Tribal Councils of Kasigluk, Atmauthluak, Nunapitchuck, and Tuluksak

Akiak Native Community

Akiak IRA Council

P.O. Box 52127

Akiak, Ak 99552

PH. (907) 765-7112

FAX (907) 765-7512

Resolution 03-12-33

A RESOLUTION OF THE AKIAK IRA COUNCIL SUPPORTING UNIT 6 VILLAGE TRIBAL COUNCILS OF KASIGLUK, ATMAUTHLUAK, AND NUNAPITCHUK JOINT RESOLUTION NUMBERED 03-02-01 CONCERNING A NEED FOR AN ALCOHOL DELIVERY SITE IN BETHEL.

Whereas, the Akiak IRA Council is the federally recognized tribal governing body for the Native Village of Akiak, and;

Whereas, the Akiak IRA Council was established to represent, encourage, and promote the social well being and health of the Akiak Native Community members and citizens living in the Native Village of Akiak, and;

Whereas, Association of Village Council Presidents have embarked on a mission to improve the regional health, social well-being, and welfare of the member communities in the Yukon-Kuskokwim Delta region through a project called Kinguliamta Ciunerkaat, and;

Whereas, the tribal governments of Kasigluk, Atmauthluak, and Nunapitchuk have conducted a unit 6 joint meeting to explore ways and means to control the alcohol illegally imported to the three communities, and;

Whereas, the Unit 6 villages concluded that the illegal alcohol has caused great deal of youth, family, and community violence that is ruining community members and disrupt the community way of life, and;

Whereas, the Akiak IRA Council agrees and understands the results of illegally imported alcohol and the violence that is disrupting the peaceful community way of life in villages of the Yukon-Kuskokwim Delta region and including the community of Akiak, and;

NOW, THEREFORE BE IT RESOLVED THAT the Akiak IRA Council agrees with the proposed solution of controlling illegal alcohol imported to villages and the actions taken and recommended by Kasigluk, Nunapitchuk, Atmauthluak, and Tuluksak to establish an Alcohol Delivery Site in the City of Bethel to control alcohol illegally imported to dry communities in the Yukon-Kuskokwim delta villages, and,

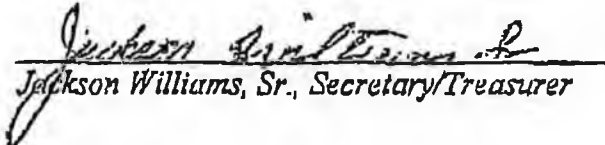
Page 2. Resolution.03-11-33, Support Unit 6 Alcohol Delivery Site

BE IT FURTHER RESOLVED THAT the Akiak IRA Council agrees, concurs, and supports the efforts of the Kasigluk, Nunapitchuck, Atmauthluak, and Tuluksak interest in establishing an alcohol delivery site in the community of Bethel and calls upon the State and Federal agencies and the City of Bethel to assist in combating the ravages of alcohol that is ruining youth, families, and communities in the Yukon-Kuskokwim delta area.

CERTIFICATION

This resolution was reviewed and approved by the Akiak IRA Council in a duly called meeting with quorum present this 19th day of December, 2003. The votes to adopt this resolution were 3 for, 0 against, and 0 abstaining.


Moses Owen, Chief


Jackson Williams, Sr., Secretary/Treasurer

KINGULIAMTA CIUNERKAAT CONFERENCE
UNIT 4
KWETHLUK, ALASKA 99621

December 17, 2003

City of Bethel
Bethel, Alaska 99559

To: Bethel City Council;

The delegates and staff of Kinguliamta Ciunerkaat in Unit 4 held a meeting here in Kwethluk and would like to ask City of Bethel and other organizations to support this Resolution 03-12-01 concerning the Alcohol delivery site. As we all know that Bethel is the Hub of all the surrounding villages whether be near or far and for the health and safety of our people we need this support from the City of Bethel to act upon this resolution and set it as a priority. Thank you for your time.

Unit 4 Delegates

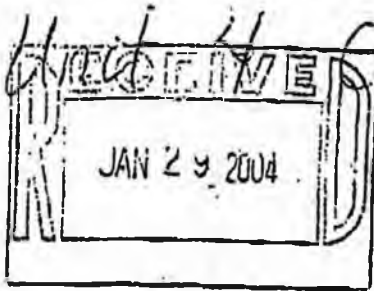
Margaret L. Nege
AKIACHAK

[Signature]
AKIAK

[Signature]
KWETHLUK

[Signature]
TOLUKSAK

Bob Hemon - 1/22/04
These are from
Unit 4 Conference.
- Vivian
X7442



Organized Village of Kwethluk

Kwethluk IRA Council

PO Box 11

Kwethluk Alaska 99621

Phone (907) 757-6714/6715

Fax (907) 757-6328

Herman I. Tribal Administrator

Nick N. Epchook, Honorary Traditional Chief

Martin Andrew, President

James M. Nicori, Vice-President

Max Olick, Sr., Secretary/Treasurer

Oscar P. Larson, Council Member

Herman Evan, Council Member

Vacant, Deputy Director

Margaret Michael, Administrative Asst.

DELIVERY SITE RESOLUTION

03-12-01

WHEREAS, the Organized Village of Kwethluk, Kwethluk IRA Council being a part of Unit 4 have come together to Address Local Option Laws. Unit 4 villages of Akiak, Akiachak, Kwethluk, and Tuluksak would like a standing agreement to encourage Bethel City Council to open the Alcohol Delivery site, and

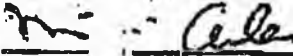
WHEREAS, the Organized Village of Kwethluk, Kwethluk IRA Council being a part of Unit 4 villages have seen the amount of alcohol being imported to the villages of Akiak, Akiachak, Kwethluk, and Tuluksak have voted to be "Dry" communities in Unit 4.

NOW THEREFORE BE IT RESOLVED, that the Organized Village of Kwethluk, Kwethluk IRA Council being a part of Unit 4, Akiak, Akiachak, Kwethluk, and Tuluksak stress the importance of constructing and maintaining the Alcohol Delivery Site as proposed by the previous Public Safety Commission volunteers.

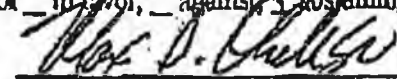
BE IT FURTHER RESOLVED THAT, the Organized Village of Kwethluk, Kwethluk IRA Council supports the opening of the delivery site will Greatly reduce the amount of alcohol being brought into our region, to Prevent alcohol related violations.

CERTIFICATION

It is hereby certified that on the ___ day of December 2003, a quorum of the Organized Village of Kwethluk, Kwethluk IRA Council was formed, and did pass and adopt the preceding resolution by a vote of ___ in favor, ___ against, ___ abstaining, and ___ excused.

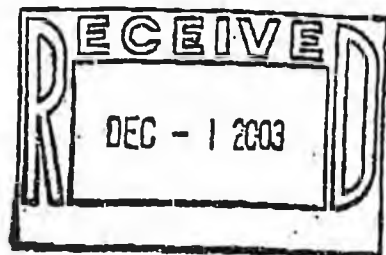


Martin Andrew, President



Attest: Max D. Olick, Sr., Secretary/Treasurer

Akiachak Native Community
Akiachak Indian Reorganization Act Council
P.O. Box 70
Akiachak, Alaska 99551
(907)825-4626
Fax#825-4029



November 26, 2003

Bob Herron, City Manager
City of Bethel
P.O. Box 388
Bethel, Alaska 99559

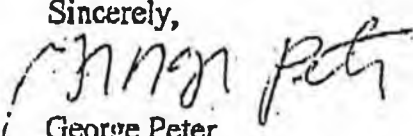
Re: Resolution #03-01

Dear Bob:

I would like for you to address the enclosed resolution during your earliest Council meeting. Remember that Akiachak is a dry village-this means that alcohol cannot be in Akiachak for human consumption. The best way to control the importation of alcohol to Akiachak (village) is for City of Bethel to erect a delivery site. For example, a person with a tribal ID card from Akiachak Native Community will be denied a delivery of alcohol.

If you have any questions, concerning the resolution, please let me know. I thank you in advance for your cooperation.

Sincerely,


George Peter
Tribal Administrator

Akiachak Native Community
Akiachak Indian Reorganization Act Council
P.O. Box 70
Akiachak, Alaska 99551

TRIBAL MEMBERSHIP ANNUAL MEETING
NOVEMBER 20, 2003

RESOLUTION #03-01

**RE: DECLARATION OF WAR ON ABUSE OF ALCOHOL BY AKIACHAK
NATIVE COMMUNITY**

WHEREAS, The Social problems caused by abuse of alcohol in Akiachak threatens our culture, our children, our own very survival, and cause infringement upon individual rights or the peace and dignity of the people of Akiachak; and

WHEREAS, The Akiachak Native Community members voted to become dry village and approved the Local Option Law which the importation, sale, and consumption of alcohol be prohibited within the jurisdiction of Akiachak Native Community which includes all lands within the exterior boundary of lands selected under the Alaska Native Claims Settlement Act by the ANSCA Village Corporation for Akiachak and all Native allotment and federal townsite lands within the exterior boundaries of such selected lands.

NOW THEREFORE BE IT RESOLVED that Akiachak Native Community declares war on alcohol abuse and will do everything within its power to lead by example, and


BE IT FURTHER RESOLVED that Akiachak Native Community demand the City of Bethel the importance of adopting regulation to control alcoholic, or intoxicating beverages commonly used for human consumption by eracting a Bethel Based Alcohol Delivery Site as proposed by the previous Public Safety Commission Volunteers, and

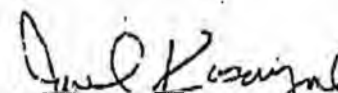
BE IT FURTHER RESOLVED that the Bethel Based Alcohol Delivery Site will demonstrate the City of Bethel's support in Akiachak Native Community's efforts to put an end to abuse of alcohol; and

BE IT FINALLY RESOLVED that Akiachak Indian Reorganization Act Council, the federally recognized tribe will hereby exercise it's sovereign authority to enforce local option law for all the safety and welfare of Akiachak Native Community once for all.

ADOPTED by the Akiachak Native Community tribal membership annual meeting on November 20, 2003 with a duly constituted quorum of 137 members present.

CERTIFICATION:


Phillip K Peter, Sr., Chairman


Joe Kasayulie, Secretary

Tuluksak Native Community
P.O. BOX 95
Tuluksak, AK 99679
Phone: (907) 695-6420 Fax: (907) 695-6932

Date: November 8, 2003

City of Bethel
Bethel Alaska 99559.

To: Bethel City Council

Tuluksak Native Community, the Tribal Council Members and the Delegates of the KINGULLAMTA CIUNERKAAT of Unit 4 held a meeting on November 11, 2003, here in Tuluksak and are supporting Unit 6, Kasigluk on there resolution # 03-02-01 concerning the Alcohol Delivery Site based in Bethel.

As we all know that Bethel is the hub of all surrounding villages whether it be near or far and for the health and wellness as much as safety of our people, we need the support from the City of Bethel to act on this resolution and consider it as a priority.

QUYANA VERY MUCH!!!

Kingulliamta Ciunerkaat Student Delegate

Joe Rice

Lucy Napoka

Kingulliamta Ciunerkaat Elder Delegate

Lucy Napoka

Joseph Alexis 10-11-03

Tribal president: Joseph Alexis

Tuluksak Native Community
P.O. BOX 95
Tuluksak, AK 99679
Phone: (907) 695-6420 Fax: (907) 695-6932

Resolution 03-16-37

Bethel Based Alcohol Delivery Site

WHEREAS: Tuluksak Native Community and the Tribal Council Members of Tuluksak Unit 4 have come together on this 8th day of November 2003 to address Local Option Laws. Unit 4 village of Tuluksak would like a standing agreement to encourage Bethel City Council to open an Alcohol Delivery Site.

WHEREAS: Tuluksak Native Community has voted that our community be a dry village and the importation, sale, and consumption be prohibited.

WHEREAS: The Unit 4 village of Tuluksak has seen the amount of alcohol that is being imported into the dry village of Tuluksak.

WHEREAS: Alcohol that has come into our community illegally has been causing great deals of youth, family, and community violence. And ruining our communities way of life.

THEREFORE BE IT RESOLVED: The Unit 4 village of Tuluksak stress the importance of constructing and maintaining the Alcohol Delivery Site as proposed by the previous Public Safety Commission Volunteers.

THEREFORE BE IT FURTHER RESOLVED: The opening of the Delivery site will Greatly reduce the amount of alcohol being brought into our community. And this action will alert the proper agencies that the possibility of alcohol being illegally imported into a dry community.

CERTIFICATION

I, the undersigned, do hereby certify that the Tuluksak Tribal Council, which is composed of seven members, whom Four constitutes a quorum, were present at a meeting held on November 11, 2003 and 12 members voted yes and 0 voted no and 1 members were absent.

Signed:
Justin Ph. Colad
President

Ass. By:
Carol A. Charlie
Secretary

Date 11-11-03

Date 11-11-03



CITY OF BARROW

"farthest north incorporated city"

February 6, 2004

Honorable Rep. Reggie Joule
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Honorable Rep. Joule

Thank you for introducing House Bill 356 an act to extend alcohol delivery site sunset to July 1, 2008.

After several local opinion elections here in Barrow going back and forth between damp and dry, Mayor Jim Vorderstrasse began to explore the possibility of using a delivery site. Ordinance 99-1, establishing a Local Delivery Site for Alcohol Beverage Brought into the City of Barrow was introduced in February 25, 1999, public hearing for the ordinance 99-1 was held on March 25, 1999 and ordinance 99-1 was adopted by the Council on April 22, 1999. The administration worked out the deals and put it out for bid and Resolution 11-99 was adopted July 22, 1999 to the successful operator.

I am enclosing a copy of ordinance 99-1 which is the same as Chapter 8.15 title Alcohol Delivery Site.

Since the delivery site was established we have issued 1713 permits to date. Each permit must be renewed annual. This number does not reflect that they are all current, some may have moved away. We work very closely with North Slope Borough Public Safety Department on criminal background checks, which are requirement in order to obtain a permit. The safety our families are a priority and anyone who has been involve with crime involving domestic violence, as that term is defined under AS 18.66.990, or violating a protective order under AS 11.56.740 is denied a permit or his/her permit can be revoked. As statistic show that a lot of the cases before our judicial system are alcohol related. We also have begun to work with the public defenders office, district attorney office and the 2nd Judicial District Court to help insure that our families remain safe.

Under section 8.15.060 are importation limits per month. Within any calendar month, a person may not import into the city more that 13.5 gallons of malt beverages = 6 cases, twenty liters of wine, or 4.5 liters of distilled spirits. With these limitations per calendar month I strongly believe it has impacted us here in Barrow in a positive way. Before a delivery site was establish anyone could order without any limits. This helps us control the amount of alcohol that is coming into our community.

I am encouraging you as legislature of the 23rd Legislature Session to pass House Bill 356 so that the City of Barrow can continue to operate our delivery site beyond June 30, 2004. By passing House Bill 356 the City of Barrow will be able to keep ordinance 99-1 in tack.

If you have any questions please do not hesitate in giving me a call at 907-852-5211 or emailing me at barrowmayor@nuvuk.net.

Sincerely,



Edith A. Vorderstrasse
City of Barrow Mayor

Cc: Senator Donald Olson
Files

LL04-030

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4833
Fax (907) 465-4586
1-800-782-4833

Representative_Reggie_Joule@legis.state.ak.us



During Interim:
P.O. Box 673
Kotzebue, Alaska 99752
(907) 442-3880
Fax (907) 442-3022

Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

To: Labor and Commerce Committee Members

From: Representative Reggie Joule *RJ*

Date: January 28, 2004

Re: Sponsor Statement

I am sponsoring House Bill 356 entitled, "An Act relating to alcohol beverage delivery sites; and providing for an effective date." HB 356 merely extends the sunset date on this bill from July 1, 2004 to July 1, 2008. The legislation itself provides communities with the option to monitor the inflow of alcohol into their community through a locally operated distribution center. To date Barrow is the only community that has opted to utilize this option but has found it helpful in controlling alcohol consumption and bootlegging in the area. I believe it is important to extend the sunset date on this legislation giving communities more options to deal with problems on the local level. Thank you for your consideration of this matter.

HB

367

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 3, 2004

SUBJECT: Sex-oriented businesses, CSHB 367(L&C)
(Work Order No. 23-LS1394I)

TO: Representative Tom Anderson
Chair of House Labor and Commerce Committee
Attn: Josh Applebee

FROM: Barbara R. Craver *BRC*
Legislative Counsel

Enclosed is the Labor and Commerce committee substitute for HB 367. The committee decided to amend version H with amendment #1 (23-LS1394\D.3) drafted to amend version D. Because version H has new concepts not found in version D, the new bill version contains some new sections which I will explain below. I also want to draw your attention to a couple of issues that you may want to resolve in the committee process.

Version I explanation

In this I version, all references to the minimum age of entertainers were changed from age 19 to age 21. Version H had created two types of sex-oriented business licenses, one for businesses using entertainers at least 21 years of age, and one for businesses using entertainers at least 19 years of age. Because, under Version I, all entertainers are required to be at least 21 years of age those two sections were changed so that there is only one kind of business license under AS 08.90.020. This was not in amendment #1, but was needed to accomplish the intent of the amendment.

Version H contained a section, AS 08.90.060, which provides additional training for entertainers who are 19 or 20 years old. This is removed from version I as unnecessary because all entertainers must be at least 21 years old. This follows amendment #1 because version D and version H both had this section.

The fee section in version H, AS 08.90.080, provided two different fees for the two types of sex-oriented business licenses; this has been eliminated in version I. This was not in amendment #1, but was needed to accomplish the intent of the amendment. Subsection (b) was removed as it pertained to the extra cost of training for entertainers 19 and 20 years of age, as directed by amendment #1.

The age of persons allowed in a licensed premises in AS 08.90.350, (as numbered in this I version) is raised to 21, and the proof of age section, AS 08.90.350 is also raised to reflect the 21 year old minimum age.

Representative Tom Anderson

February 4, 2004

Page 2

A change was made to version H in regard to the definition of sex-oriented business licensee in AS 08.90.500(9) to eliminate a reference to the second type of business license for businesses employing entertainers 19 years old and over.

Several changes occur in sections 3 - 12 which provide bill sections to take effect in the event that the age restrictions were found to be unconstitutional. These changes in version I enact those provisions of version H which contained age related issues. The reenacted sections include the two business license system introduced in version H for 18 and over and 21 and over business licenses. All references to entertainers who are 19 and 20 are changed to reflect an 18 - 20 year old entertainer category, and the 21 and older entertainer category.

New contingency clause may be prudent

Sections 3 - 12 of this bill are drafted to "save" the regulation of sex-oriented businesses in the event that the 21 year old age restriction on entertainers in the bill make portions of the bill unconstitutional. The change to AS 08.90.350 (as numbered in this I version) in section 2 of the bill, which limits the access of persons under 21 to enter a sex-oriented business, raises an independent constitutional issue. In any subsequent version of this bill, it would be prudent to treat this as an independent contingency, with its own set of reenacted sections if that section were to be found unconstitutional.

Age of business licensee

Under this and all previous versions of the bill, the age of the person applying for a sex-oriented business license has not been restricted. An 18-year old otherwise qualified might obtain a license to operate a business. Now that access to a licensed premises is raised to age 21 in AS 08.90.350, there may be a problem with the presence of a licensee in the licensed premises if that licensee is under 21 years of age. Apparently this same sort of ambiguity exists in regard to alcohol licenses where a person may be eligible to be licensed to own and operate a business that requires an alcoholic beverage license and yet not be able to enter the premises or portions of the premises where the business is operated because of age restrictions on the consumption of alcohol. Endorsements of business licenses to sell tobacco products are also not restricted by age, although the sale of tobacco to persons under 19 years of age is prohibited.

If I may be of further assistance, please advise.

BRC:med
04-133.med

Enclosure

cc with enclosure: Representative Lesil McGuire, Co-prime sponsor
Representative Les Gara, Co-prime sponsor

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 12, 2004

FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: _____

The LABOR AND COMMERCE Committee considered:

HB 367

HOUSE BILL NO. 367

LICENSING SEX ORIENTED BUSINESSES

"An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

Recommends it be replaced with [] HCS or [] CS for HB 367 (LSC)
For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ Same Title [] New Title

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CED		X		

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	CRAWFORD			X	
	LYNN GATTO			X	
	ROKEBERG			X	X
	DAHLSTROM	X			
	GUTTENBERG				X
	ANDERSON	X			
Chair:					
Chair:					

HOUSE LABOR
& COMMERCE

COMMITTEE
PACKET
Index

January 29, 2004

1

HB 367

*Licensing Sex
Oriented Businesses*



Alaska State Legislature

Representative Lesil McGuire

Representative Les Gara

Official Business, State Capitol, Juneau, Alaska, 99801

Sponsor Statement For HB 367:

Protection Of Young Adults and Minors, and Requirements For Protective Licensing at Strip Clubs, Massage Parlors and Other Nude Entertainment Establishments

Introduction

The Statewide Parent Teacher Association (PTA) has passed a resolution asking the Legislature to pass a law to protect under 21-year-old employees and minors from some of the ill effects caused by strip clubs, massage parlors and other nude entertainment businesses. Accordingly, it has worked to help craft HB 367. Among the findings in the statewide PTA resolution, from a review of studies and court findings, is a showing that the operation of sexually oriented businesses leads to higher rates of crime, including sexual assaults, prostitution, drug sales and drug use.

The primary goals of HB 367 are: to permit the legal operation of these businesses while protecting young Alaskans who work at them; to protect minors; and to protect the public from operations by those adult establishments that do not follow the law.

Summary of Bill Provisions

HB 367 protects the public and young adults in the following ways.

- It prohibits nude entertainment from sharing a common entrance, restroom or hallway with businesses or residences used by minors.
- It prohibits the use of closed private booths where illegal sexual activities may occur.
- It prohibits the operation of sexually oriented businesses by those with felony records, or records involving sexually-related, drug-related, or violence-related crimes.
- It prohibits the employment of nude or semi nude entertainers under the age of 19.
- It requires entertainers to obtain a license, and prove they have attended a state approved course teaching the entertainer how to

protect her/himself from sexual assault; and a course teaching entertainers of wage and working condition violations that occur in this area of business.

- It requires entertainers under 21 years old to show they have attended a state-approved counseling session that is aimed at letting young adults know of career and educational alternatives, and financial aid and vocational training, available to them as viable options to entering or remaining in a career in adult entertainment. While it is likely unconstitutional to ban all 21 year olds from these jobs, it is important that young adults at least know about other life options. Many young adults who enter into these careers come from backgrounds where those options are not fairly discussed.

- Entertainers under age 21 shall also be required to show they have taken a state-approved course on sexually transmitted diseases.

- Businesses and entertainers are required to obtain licenses to show these requirements have been followed. The state, as it does in other areas, will set the license fees at a level to cover the state's costs of administration and enforcement in this area.

- Communities shall be apprised of adult business license applications through reasonable public notice rules.

- It allows suspension of an adult entertainment business license if provisions of this law are knowingly violated.

Please feel free to contact either Rep. McGuire's or Rep. Gara's offices with any questions you may have.

Representative Lesil McGuire
Alaska State Capitol, Rm. 118
Juneau, AK 99801

465-2995
Representative_Lesil_McGuire@legis.state.ak.us

Representative Les Gara
Alaska State Capitol, Rm. 422
Juneau, AK 99801

465-2647
Representative_Les_Gara@legis.state.ak.us

LEGAL SERVICES

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Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 21, 2004

SUBJECT: Sectional Summary of HB 367 (Work Order No. 23-LS1394D)

TO: Representative Les Gara
Attn: Ryan Peterson

FROM: Barbara R. Craver 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

The bill adds a new chapter, "Chapter 90. Sex-oriented Businesses and Entertainers," to Title 8, Business and Professions. The chapter is divided into three articles for sake of organization: Licensing, Miscellaneous, and General.

Section 1. Adds this chapter to the list of types of licenses in Title 8.

Section 2. Adds a new chapter to Title 8.

Article 1. Licenses

Sec. 08.90.010 License required. Prohibits a person from

- working in a sex-oriented business as an entertainer without an entertainer license, or working as an entertainer in an unlicensed business;
- operating a sex-oriented business without a business license issued under this chapter, or permitting an unlicensed entertainer to work in the licensed business;
- allowing another person to use the licensee's license;
- obtaining or attempting to obtain a license by fraud;
- permitting entertainers to be in contact with customers;
- allowing tipping of entertainers by customers.

Sec. 08.90.020. Sex-oriented business license. Requires an application submitted to the department to obtain a business license.

Sec. 08.90.030. Sex-oriented business entertainer license. Requires an application submitted to the department to obtain an entertainer license.

Sec. 08.90.040. Regulations for sex-oriented business licenses. Directs the department to create licensing regulations to specifically address and implement the following policies:

- no sharing with a residential unit inhabited by a minor of any:
 - (A) public entrance;
 - (B) restroom or entrance to a restroom; or
 - (C) hallway;
- physical separation of entertainers from patrons during performances;
- open booths;
- consent of property owner to operation of the sex-oriented business;
- applicants must not have been convicted of specified criminal acts within ten years of the date of the application.

Sec. 08.90.050. Regulations for sex-oriented business entertainer licenses. Directs the department to enact licensing regulations to specifically address and implement the following policies for entertainer licensees: entertainers must

- be at least 19 years of age;
- receive education about assertiveness training and wage and hour laws; and
- have other qualifications and training deemed to be required by the department.

Sec. 08.90.060. Additional provisions for sex-oriented business entertainer licenses for adults who are 19 or 20 years of age. Directs the department to require through its regulations that applicants for entertainer licenses take a course on career and educational opportunities outside the sex-oriented entertainment business. The cost of the additional cost of this training is to be passed on to businesses that employ entertainers who are 19 or 20.

Sec. 08.90.070. Application for a new license or permit. Sets out requirements for an application.

Sec. 08.90.075. Notice of application for sex-oriented business license. Provides for notice to the public, community councils, and nonprofit community organizations.

Sec. 08.90.080. Fees. Directs the department to collect fees to cover the costs of administering the program under AS 08.01.065.

Sec. 08.90.090. Grounds for denial, suspension, or revocation.

Sec. 08.90.100. Criminal justice information and records. Requires applicants to submit fingerprints and appropriate fees so that the department can conduct a criminal background investigation.

Sec. 08.90.110. Person and location for sex-oriented business license. Requires that licenses are issued only to specific individuals and for specific locations.

Article 2. Miscellaneous

Sec. 08.90.300. Disciplinary sanctions. Provides the department with remedies and procedures for violations by licensees and permittees.

Sec. 08.90.310. Violations. Establishes criminal offenses for violations of the licensing statutes.

Sec. 08.90.320. Limitation of liability. This provides immunity from suit to a person who reports, investigates or participates in a proceeding in good faith regarding a person having a license or permit under this chapter.

Sec. 08.90.330. Accessibility of license and licensed premises to inspection.

Sec. 08.90.340. License a privilege. Making it clear that a license or permit is not a property right.

Sec. 08.90.345. Access of persons under the age of 18 to licensed premises. Establishes standard of care for licensees in allowing persons under 18 into the licensed premises. This can be used to impose disciplinary sanctions on licenses or violations. AS 11.66.300 already makes it a crime to allow minors into an adult entertainment establishment.¹

Sec. 08.90.350. Proof of age. This language comes from the regulation of alcoholic beverages, AS 04.21.050. It establishes the standard of care to be used by licensees in keeping minors out of licensed premises.

Sec. 08.90.360. Responsibility of licensees, agents, and employees. This language comes from the regulation of alcoholic beverages, AS. 04.21.030. It establishes the standard of care of those listed for complying with this chapter.

Article 3. General Provisions

¹ Sec. 11.66.300. Prohibiting minors from being present at an adult entertainment business.

(a) The owner or an agent or employee of the owner of a business that offers adult entertainment may not with criminal negligence allow a person under the age of 18 years to enter and remain within premises where adult entertainment is offered.

(b) In this section, "business that offers adult entertainment" has the meaning given in AS 23.10.350(f).

(c) A person who violates this section is guilty of a class A misdemeanor. Each violation is a separate offense.

Representative Les Gara
January 21, 2004
Page 4

AS 08.90.500. Definitions. This section defines the special terms used in this chapter.

Sections 3, 4 and 5. These sections will take effect in the event that a court finds that AS 08.90.050(1) violates the constitution. That subsection restricts entertainer licenses to persons 19 years of age. The effect of these sections will be to make the statutes refer to entertainers who are 18 years of age as well as those under 21 years.

Section 6. Provides that the provisions of the act are severable.

Section 7. This section describes the contingency under which sections 3, 4 and 5 will become effective.

Section 8. This section establishes what date the contingency will be considered to have occurred, thus establishing the effective date for those sections.

Section 9. Establishes the effective date for the rest of the bill, sections 1, 2, 6 and 7.

If I may be of further assistance, please advise.

BRC:med
04-062.med

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

To: Rep. Lesil McGuire
Fr: Rep. Les Gara
Date: January 19, 2004

A handwritten signature in black ink, appearing to read "Les Gara", with a horizontal line extending to the right.

Technical Amendments To HB 367

We've identified the following technical amendments that should be addressed by a substitute version of HB 367. Barbara Craver will be asked to draft a substitute with the following changes. Nancy Fair, in addition to these amendments, suggested we add one governing prohibited physical contact at these clubs. I still don't want to regulate that area but you might contact her if you disagree. See attached note, Nancy Fair suggested amendment # 3.

1. Section 2: Delete AS 08.90.010 (2)
2. Page 5 line 31 delete everything after "Action", because DCED doesn't hold hearings on license applications.
3. Add separate license for employment of under 21 year-olds as follows:
Page 6 line 7 after "renewal" add "for businesses employing sex-oriented business entertainers or age 19 and older; and (2) a sex oriented business license application or renewal for businesses employing sex-oriented business entertainers of age 21 and older." Renumber current AS 08.90.080(a)(2) as "(a)(3)."
4. Page 6 line 22 etc. Delete AS 08.90.100 allowing DCED the option to require fingerprinting and a background check. DCED says it causes them an administrative problem. If they are given the option to require fingerprinting of adult business applicants, and decide to exercise the option, they might have to add that requirement to non-sexually oriented business applicants too.
5. Page 11 line 12 add "live" after "appears".
6. Page 11 line 10 add "or organization" after "business", and delete "to the public".
7. Page 11 line 11, after "entertainment" add "for compensation".

8. Page 11 lines 14 – 15. delete “to the public.” Add “for compensation” after “customers.”

Changes/suggestions for HB 367:

Nancy Fair amendments:

1. There appears to be a loophole where private clubs would be exempt from this licensing, as they don't serve "the public" (e.g. Wolfies). See suggested changes.
2. Jenny Strickler of DCED made some suggestions and clarifications regarding licensing (not to be construed as their endorsement).
3. Genital contact with stage props, money, any object transferred to another, and other people should be banned for health reasons.
4. Question: Are you allowing 18 year old owners to only hire older people? What about protecting them from this type of business?

Amd. AS 08 90 500 sub sec 6

- Regulate only people who appear nude in person

Amd.

- 1 year away effective date



everychild.one voice.

"Alaska PTA supports the enactment of legislation to regulate sexually oriented businesses and employees in order to protect school children and other youth under 21 years old."

Passed Nov. 15, 2003

Alaska PTA Issues Conference

Anchorage Council of PTA's Legislative Priorities 2003-2004

1. Stable, reliable, adequate and inflation proofed funding so every child can meet the standards of the "No Child Left Behind" Act.
RATIONALE: In order to provide a quality education to each child in Alaska, stable, reliable, adequate, and inflation proofed funding is necessary. The amount of time, money, and creative energy spent on securing annual funding for education would be better spent in the classroom.
2. Advocate graduated driver's licenses for 16 to 18 year old drivers.
RATIONALE: Because inexperienced drivers are involved in a high number of accidents causing injury and death, we support graduated licensing aimed at reducing the number of accidents of young drivers.
3. Reduce teen involvement in sexually oriented businesses.
RATIONALE: Sexually oriented businesses in Alaska are largely unregulated. In an effort to protect high schools and students from being affected by the negative influences of such businesses we support regulations that would discourage teen involvement. Anchorage Council also supports raising the minimum age of dancers and patrons to at least 19 years old.
4. Support funding for security for schools during non-school hours.
RATIONALE: Vandalism is a real problem for our public buildings, especially schools. While this needs to be addressed in a multi-faceted way, one thing that would serve as a deterrent is to provide for security at schools during non-school hours—the time when most vandalism occurs.

These legislative priorities were determined by the Anchorage Council of PTAs General Membership, Monday, October 6, 2003.

Alaska State PTA and Anchorage Council PTA
draft resolution

**RESOLUTION ENCOURAGING MORE
REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES**

WHEREAS, a mission of the Parent-Teacher Association is to support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children,

WHEREAS, the purpose of the Parent-Teacher Association is to promote the welfare of the children and youth in home, school, community, and place of worship, and to secure adequate laws for the care and protection of children and youth,

WHEREAS, schools in Alaska serve many thousands school children of ages 18 to 20 years annually (with over 3,400 in Anchorage alone) who interact daily with younger students,

WHEREAS, Alaska has over 45 sexually oriented businesses that are available for employment or patronage of school children 18 years or older;

WHEREAS, sexually oriented businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses, as well as the citizens of the communities where they locate; and

WHEREAS, it has been found that sexually oriented businesses are associated with unlawful activities, including prostitution and illegal drug and alcohol use; and

WHEREAS, the concern over sexually transmitted diseases, unwanted pregnancies and sexual assaults are legitimate health concerns of the city that demand reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, Alaska has no laws regulating obscenity and some of the weakest laws in the country to protect the health and safety of patrons and employees of, and neighborhoods around sexually oriented businesses; and

WHEREAS, licensing is a legitimate means of accountability to ensure that operators and employees of sexually oriented businesses comply with reasonable regulations, and to ensure that operators do not allow their establishments to be used as places of illegal activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the safety and quality of life in the adjacent area; and

WHEREAS, communities want to prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, it is not the intent to suppress any speech activities protected by the First Amendment, but to enact ordinances that address the secondary effects of sexually oriented businesses as well as the health and safety problems associated with such businesses; and

WHEREAS, based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearings and in reports available to the public, and on findings incorporated in the various court cases (*City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington,*, 65 F.3d 1248 (5th Cir.1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984); as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas) and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention,

it is known that,

- (1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities. Further, there is presently no mechanism to make owners or employees of these establishments responsible for illegal, unsafe or unhealthy activities that occur on their premises.
- (2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.
- (3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. *See, e.g.*, *California v. LaRue*, 409 U.S. 109, 111 (1972); *See also* Final Report of the Attorney General's Commission on Pornography (1986) at 377.
- (4) Offering and providing services involving bodily contact and/or such booths and/or cubicles encourages such activities, which creates unhealthy conditions. *See, e.g.*, Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.
- (5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses. *See, e.g.*, *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); *see also* Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.

- (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. *See, e.g., Study of Fort Meyers, Florida.*
- (7) For the period 1985 through 2001, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 816,149. *See, e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*
- (8) The number of reported cases of gonorrhea in the United States reported annually remains at a high level, with a total of 361,705 cases reported in 2001. *See, e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*
- 9) The number of reported cases of chlamydia skyrocketed to 783,242 in 2001 (a six-fold increase since 1987). *See, e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*
- (10) The surgeon general of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, and exposure to infected blood and blood components.
- (11) According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis, gonorrhea, and chlamydia are principally transmitted by sexual acts, and syphilis facilitates transmission of HIV. *See, e.g. Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.*
- (12) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities. *See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 377.*
- (13) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view "adult" oriented films. *See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 377.*
- (14) Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g., Barnes v. Glen Theatre, 501 U.S. 560, 583 (1991).*
- (15) Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. *See, e.g., Kev, Inc. v. Kitsap County, 793 F.2d 1053, 1056 (9th Cir.1986), and contact between dancers and patrons can transmit up to 50 communicable diseases. See, e.g., Study of Fort Meyers, Florida.*
- (16) The findings noted in paragraphs numbered (1) through (15) raise substantial governmental concerns.
- (17) Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners, operators and employees of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore non-existent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of youth and other patrons and employees, as well as the citizens of this community. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein, and that all employees are fully informed about how to reduce health and safety risks to themselves and others.

(19) Regulating time, place and manner of sexually-oriented business operations advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.

(20) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.

(21) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(22) The fact that an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this ordinance.

(23) The barring of such individuals from operation or employment in sexually oriented businesses for a period of ten (10) years for a previous felony conviction serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(24) Stricter licensing requirements for sexually oriented businesses and employees (especially those under 21 years old) could help protect school children and other young people.

(25) The general welfare, health, and safety of the school children and citizens of this community will be promoted by the enactment of such type of laws.

THEREFORE BE IT RESOLVED, to request that the Alaska State Legislature enact laws incorporating items 1 through 25 to regulate existing or future sexually oriented businesses and employees, and to take all possible actions to protect Alaska school children and other youth from the harmful effects of these businesses.

Signed:

President, Alaska State Parent Teacher Association

Date

**RESOLUTION ENCOURAGING MORE
REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES**

WHEREAS, a mission of the Parent-Teacher Association is to support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children; and

WHEREAS, the purpose of the Parent-Teacher Association is to promote the welfare of the children and youth in home, school, community, and place of worship, and to secure adequate laws for the care and protection of children and youth; and

WHEREAS, schools in Anchorage annually serve over 3,400 students of ages 18 to 20 years who interact daily with younger students; and

WHEREAS, Anchorage has over 35 sexually oriented businesses that are available for employment or patronage of students and other young people 18 years old or older; and

WHEREAS, Anchorage Municipal Code already acknowledges some of the deleterious effects of sexually oriented businesses:

“These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships.” (AO 21.45.240)

WHEREAS, crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Oklahoma City, Phoenix, Arizona; Indianapolis, Indiana; Austin, Texas and others:

<http://www.afa.net/pornography/SOB%20Land%20Use%20Studies-NLC-SOB%20pkt.doc>.

WHEREAS, Anchorage has one of the highest sexual assault rate in the country; and

WHEREAS, Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g.*, *Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).

WHEREAS, the preponderance of evidence indicates that repeated exposure to pornography is detrimental to healthy social behavior and an influence on many sexual perpetrators (*See Just Harmless Fun?* By Bruce Watson and Sheila Rae Welch, c. Enough is Enough 2000); and

WHEREAS, skin and genital contact among employees, patrons and objects at sexually oriented businesses may spread at least 50 communicable diseases including, but not limited to, syphilis, gonorrhea, chlamydia, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. *See, e.g., Study of Fort Meyers, Florida.*

WHEREAS, Alaska has the highest rate of chlamydia in the nation, and a skyrocketing gonorrhea rate among 15-24 year olds. *See State of Alaska Epidemiology Bulletins 18 and 19.*

WHEREAS, Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. *See, e.g., Kev, Inc. v. Kitsap County, 793 F.2d 1053, 1056 (9th Cir.1986);* and

WHEREAS, Courts have ruled that studies from other locations can be legitimately used to support regulations outside the study area; and

WHEREAS, Alaska has some of the weakest laws in the country regulating sexually-oriented businesses related to protection of the health and safety of minors, patrons and employees of, and neighborhoods around sexually oriented businesses; and

WHEREAS, it is not the intent to suppress any speech activities protected by the First Amendment, but to enact ordinances that address the effects of sexually oriented businesses as well as the health and safety problems associated with such businesses; and

WHEREAS, several courts have overturned raising the minimum age above 18 years old for attendance or employment at sexually oriented businesses unless the government can show harm to that particular age group; and

WHEREAS, evidence from research on brain development and social service agencies indicate that young people are not fully mature at age 18, nor do federal and state laws grant them full rights and privileges until 21 years old (*See A. White, Ph.D, Substance use and adolescent brain development at <http://www.duke.edu/~amwhite/adolescence.html>, and interviews with Covenant House, Transitional Learning Center, etc.*),

it is known that,

- (1) Many cities and states have reduced crimes by implementing court-upheld regulations of sexually oriented businesses (*See Gerard, Jules B. Local Regulation of Adult Businesses: 2003 Edition. St. Paul, Minn.: Thomson/West, 2002*).
- (2) Regulating time, place and manner of sexually oriented business operations advances a substantial governmental interest in curbing the illegal and unhealthy activity occurring in adult establishments.

- (3) Offering and providing sexually oriented services involving bodily contact and/or such booths and/or cubicles encourages activities which create unhealthy conditions. *See, e.g.,* Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.
- (4) Annual licensing is a legitimate means of accountability to ensure that operators and employees of sexually oriented businesses operate with reasonable health and safety provisions and an understanding of current laws and impacts of their businesses, protect youth, face stiffer consequences for underage employment or patronage, and do not allow their establishments to be used as places of illegal activity or solicitation.
- (5) The general welfare, health, and safety of affected neighborhoods and school children who interact with sexually-oriented business patrons and employees will be promoted by the enactment of such type of laws.

THEREFORE BE IT RESOLVED, to request that the Alaska State Legislature and local governments enact laws incorporating items 1 through 5 to regulate existing or future sexually oriented businesses and employees, and to take all possible actions to protect Alaska school students and other youth under 21 years old from the harmful effects of these businesses.

Signed:

President, Robert Service High School Parent-Teacher-Student Association

Date

QUOTES ABOUT TEENS AND ALASKA STRIP CLUBS:

"A few years ago, I attended a bachelor party at one of these under-21 strip clubs. We were offered anything [sexual] by the young girls there. We left in disgust."

Anchorage Westside Community Patrol worker

"...yes, I don't think high school girls should be working as [nude] dancers. I think that is highly distracting in the high school setting."

*Terry Stahlman, Owner of Showboat Show Clubs, Anchorage and Fairbanks
(Alaska Star, February 13, 2003)*

"Some of our residents know girls under 18 who are dancing at Showboat and Fantasies [strip clubs]."

Anchorage social service worker

"I hear a lot of stories from the high school teens about recruitment of girls, even under 18 years old, to work in these clubs. Often a male teen will invite the girls to attend with him. After he gets them there, the club recruits the girls to work there. Asian and Native girls seem to be particular targets, and the money is very attractive to them.... I know that high school boys attend these places. We even found a Fantasies (strip club) card in one West High School boy's lost wallet."

Staff member, Mountain View Boys and Girls Club

"I talked with [one client, a former prostitute for 25 years in Anchorage]. I got the distinct impression that there is a strong relationship between teen strip dancing and drug use and prostitution. She expressed the following: It is very common to start down the road to drugs and prostitution in a strip club. The older prostitutes and the drug dealers go to the teen strip clubs to 'recruit.' The older men there are definitely predators looking for fresh young women."

*Staff, Mary Magdalene Home
(a program for recovering prostitutes)*

"Almost all of the prostitutes I have talked to in the Spenard area started out in strip clubs."

Anchorage Westside Community Patrol worker

"I've been told by former teen nude dancers that illegal drugs were available for "free" at the strip clubs."

Anchorage social service worker

"My son and his friend were recruited to be male dancers at one under-21 club. My son declined, but his friend tried it. The money was great, but he quit because he didn't like what they were asking him to do."

Anchorage mother and social service worker

While treating a teen stripper who had had four unwanted pregnancies and numerous sexually-transmitted diseases, the physician asked her if her lifestyle was worth enduring all this. She replied, "Are you kidding? Of course it is. I made \$265,000 last year, tax-free!"

17-year old Anchorage stripper [note underage]

"I spoke with a former bouncer from the Showboat, and he told me he was paid under the table in cash every night."

Community Council President, Anchorage

"Young adult guys who are going there [under-21 strip clubs] have no respect for women. The whole thing does not make for a healthy community."

D. Cowan, former stripper in Anchorage [starting at age 14]

(Anchorage Chronicle, March 20, 2002)

"It certainly didn't turn out to be the glitzy, glamorous world I had imagined it would be. Instead, I soon realized how dark and dirty and degrading it really was. And I desperately wanted out."

Kimberly Drake, former stripper

Founder of Spokane's Citizens for Community Values

"Teens who used to work as nude dancers have told me about the unsanitary conditions, including repeated genital contact by various dancers with the uncleaned floor, digital penetration by customers, and shared costumes which were not cleaned."

Anchorage social service worker

“These [sexually-oriented] enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, an increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships.”

Anchorage Municipal Code 21.45.240

“If you say no to bad business, better business will come.”

E. McMahon, Community Planner and Author

"Strip Clubs According to Strippers: Exposing Workplace Sexual Violence"

Kelly Holsopple

Program Director

Freedom and Justice Center for Prostitution Resources

Minneapolis, Minnesota

INTRODUCTION

The purpose of this paper is to investigate women's experiences in stripclubs and to describe the activities in stripclubs from the women's point of view. The format approach is collective story narrative with the author as part of the collective voice. The research was inspired by the author's experiences in stripping over the course of thirteen years. The author's intention is to examine the conditions of stripclubs by describing the fundamental way stripclubs are organized. The description features bar activities focused on stripper-customer interactions; survey data on sexual violence in stripclubs; and women's thoughts on stripping.

THEORETICAL FOUNDATION

Stripclubs are popularly promoted as providing harmless entertainment and as places where respectful men go to watch and talk to women (Reed 1997). Stripclub customers are described as normal men who use stripclubs to avoid adultery and therefore find a safe outlet for their sexual desires in balance with their marital commitments (Reed 1997). In contrast, stripclubs are criticized for being environments where men exercise their social, sexual, and economic authority over women who are dependent on them and as places where women are treated as things to perform sex acts and take commands from men (Ciriello 1993).

Stripclubs are organized according to gender and reflect gender power dynamics in greater society. "Gendered spaces are social arenas in which a person's gender shapes the roles, statuses, and interpersonal dynamics and generates differential political and economic outcomes and interaction expectations and practices" (Ronai, Zsembik, and Feagin 1997:6). Stripclubs are more specifically organized according to gender inequality, which is perpetuated by gendered spaces and consequently sexualized (Ronai, et al 1997). The typical stripclub scenario displays young, nude or partially nude women for fully clothed male customers (Thompson and Harred 1992).

The entire analysis of stripclubs is located within the context of men's domination over women. When organizations are produced in the context of the structural relations of domination, control, and violence, they reproduce those relations (Hearn 1994). These organizations may also make explicit use of gendered forms of authority with unaccountable and unjustifiable authority belonging to men (Hearn 1994). The stripclub elicits and requires direct expressions of male domination and control over women (Prewitt 1989).

In order to dominate or control and secure men's domestic, emotional and sexual service interests, male dominated institutions and individual men utilize violence (Hanmer 1989). Violence against women is identified as physical, sexual, emotional, verbal, and representational, but all violence from men against women should be understood as sexual violence (Hearn 1994).

The concept of a continuum is useful when discussing sexual violence, especially in stripclubs. Continuum is defined as a basic characteristic underlying many different events and as a series of elements or events that pass into one another (Kelly 1987). The common underlying element in stripclubs is that male customers, managers, staff, and owners use diverse methods of harassment, manipulation, exploitation, and abuse to control female strippers.

LITERATURE REVIEW

Despite a substantial amount of research on the topic of strippers, stripping, and stripclubs, none focuses on sexual violence in stripclubs perpetrated against strippers. Instead the studies focus on sociological and psychological profiles of the women (Forsyth and Deshotels 1997; Peretti and O' Connor 1989; Reid, Epstein, and Benson 1994; McCaghy and Skipper 1970; Thompson and Harred 1992) and their strategies for interaction with customers (Boles and Garbin 1974; Enck and Preston 1988; Ronai 1989). Although most studies mention male sexual violence and exploitation, the research regarding stripping fails to investigate and account for the problem of sexual violence in establishments that feature female strippers. The gap is the rationale for my study.

METHOD

Data for this research was obtained through interviews, a survey, and the researcher's participant observation while involved in stripping (Hamel 1993). Women in this study stripped in the local stripclubs in the Midwest metropolitan area where the researcher lives, in local nightclubs in the same area, in metropolitan and rural stripclubs and nightclubs across the United States, at private parties, in peep shows, and in saunas. The stripclubs featured a variety of attractions including topless dancing, nude dancing, table dancing, couch dancing, lap dancing, wall dancing, shower dancing, and bed dancing. In addition, some clubs had peepshows, female boxing and wrestling with customers, offered photographs of the dancers, or hired pornography models and actresses as headliners.

The study was conducted in two phases. In 1994, I conducted free-flowing qualitative interviews for one to four hours each with forty-one women while I was still involved in stripping and compiled participant observer notes about the activities in stripclubs. The women ranged in age from nineteen to forty years old and were involved in stripping from three months to eighteen years. All of the women identified themselves as Caucasian.

In 1996, I proceeded to design a twenty-six question survey according to themes derived from the interviews to investigate sexual violence in stripclubs. My long-time involvement in the strip industry allowed an association with strippers that was invaluable for administering in-depth surveys regarding sensitive issues. The surveys were administered face-to-face to insure the information was indeed from the women in stripping. Again, the surveys and consequent discussions lasted from one to four hours. Many women explained that they had never talked about their experiences so extensively because no one had ever asked them the right questions. Participants were asked to say whether they had experienced different abusive and violent actions in the stripclub, to estimate how often each action happened, and then to identify which men associated with the stripclub perpetrated the action. The categories of men were defined as customer, owner, staff, and manager. Since I exited stripping, snowball sampling was employed to recruit the eighteen participants for the survey. Participants in the survey were asked to pass on postcards to other women. The range of ages was eighteen to thirty-five years old. The age of entry into stripping ranged from fifteen to twenty-three years old, with a mean age of eighteen

years and ten months. The length of time the women in this study were involved in stripping ranged from three months to eighteen years with an average length of six years and seven months. Women predominantly identified themselves as Caucasian. Only one woman identified herself as Hispanic. Twelve of the women described their sexual orientation as heterosexual, two as lesbian, and four as bisexual. The survey data was analyzed on the Statistical Program for Social Sciences.

After the data was compiled, a focus group of 4 women currently in stripping and with no prior association with the study positively evaluated the relevancy of the study and approved the collective story.

Statements in quotations throughout this paper are derived from the 41 interviews and discussions that often followed the administration of the 18 surveys.

PART 1: TYPICAL STRIPCLUB ACTIVITIES

A. Recruitment

Women find out about stripping from a variety of sources. Upscale stripclub franchises recruit in new cities by having managers and imported dancers scout in nightclubs. Most women find out about stripping from girlfriends already in stripping, male associates, the media, and some from prior involvement in prostitution. One woman told how she loitered in and around urban stripclubs to pick up customers when she was fifteen and how her pimp eventually drove her to small town strip bars because those bars admitted her and hired her. Someone else got involved in stripping through an escort service for bachelor parties. Another young woman who went to a gentlemen's club to pick up her friend recounted her recruitment as an eighteen-year-old. She waited at the bar, was served alcohol, and the owner asked to check her I.D. Instead of censuring her for drinking, he told her she would make \$1000 per week and pressured her to enter the amateur contest that night. She won the contest, \$300, and worked there three weeks before being recruited into an escort service by a patron pimp.

In a typical hiring scenario women respond in person to a newspaper ad promising big money, flexible hours, no experience necessary. As an audition the club manager asks the applicants to perform on amateur night or bikini night, both of which are particularly popular with customers who hope to see girl-next-door types rather than seasoned strippers. The manager will make a job offer based on physical attributes and number of women already on the schedule. Clubs portray the job requirements as very flexible. Women are told that they will not be forced to do anything they do not want to do, but clubs overbook women so they are forced to compete with each other, often gradually engaging in more explicit activities in order to earn tips (Cooke 1987).

B. Working Conditions

Women in stripping are denied legal protection relating to the terms and conditions under which they earn their livings (Fischer 523). Most strippers are hired to work as independent contractors rather than employees. Most strippers are not paid a wage (Mattson 1995), therefore their income is totally dependent on their compliance with customer demands in order to earn tips. More often than not, the strippers have to pay for the privilege of working at a club (Cooke 1987; Forsyth and Deshotels 1997; Prewitt 1989). The majority of clubs demand that women turn over 40 to 50 percent of their income for stage or couch rental and enforce a mandatory tip

out to bouncers and disc jockeys (Enck and Preston 1988; Forsyth and Deshotels 1997). Usually a minimum shift quota is set and the women must turn over at least that quota amount. If a woman does not earn the quota and wants to continue working at the establishment, she owes the club and must pay off that shift's quota by adding it to the quota for the next shift she will work. The stripclubs may also derive income from promotional novelty items, kickbacks, door cover charges, beverage sales, prostitution, and capricious fines imposed on the women. As independent contractors, strippers are not entitled to file discrimination claims, receive workers' compensation, or unemployment benefits (Fischer 1996; Mattson 1995). Club owners are free from tax obligations and tort liability. Owners pay no Social Security, no health insurance, and no sick pay. Some club owners require strippers to sign agreements indicating that they are working as independent contractors and many clubs require women to sign a waiver of their right to sue the club for any reason.

Although strippers are classified as independent contractors, the reality of their relationship to their supervisors is an employee-employer relationship. Regardless of the agreements claiming independent contractor status, clubs maintain enormous control over the women. The club controls the schedule and hours, requires strippers to pay rental fees, tip support staff large amounts, and even sets the price of table dances and private dances. Clubs have specific rules about costuming and even dictate the sequence of stripping and nudity. For example, by the middle of the first song the woman must remove her top, she must be entirely nude by the end of the second song, and must perform a nude floorshow. All this regardless of whether customers are tipping her or not. A club may further influence dancers' appearances by pressuring them to shave off all their pubic hair, maintain a year-long tan, or undergo surgery for breast augmentation. At nude clubs, it is common for the performers to be shaved clean, giving them an adolescent and even childlike appearance.

Clubs also exert significant control over the strippers' behavior during their shifts by regulating when women may use the bathroom and how many of them can be in the dressing room at one time. Some clubs do not provide seating in the dressing room and forbid smoking in that room, thus preventing strippers from taking a break. When a woman wants to sit down or smoke a cigarette, she must do so on the main floor with a customer. Clubs enforce these rules through fines (Cooke 1987; Enck and Preston 1988; Ronai 1992). Women are fined heavily by club management: \$1 per minute for being late, as much as \$100 for calling in sick, and other arbitrary amounts for "talking back" to customers or staff, using the telephone without permission, and touching stage mirrors. Women are fined for flashing, prostitution (Enck and Preston 1988), taking off their shoes, fighting with a customer, being late on stage, leaving the main floor before the DJ calls her off, not cashing in one dollar bills, profanity in music, being sick, not cleaning the dressing room, using baby oil on stage, dancing with her back to a customer (Enck and Preston 1988) and being touched by a customer.

Despite the stripclub's representation of a dancing job as flexible, strippers attest that their relationship with the club becomes all consuming and everything associated with being a stripper interferes with living a normal life. And despite the common perception that a woman can dance her way through school, many strippers report that their jobs take over their lives. Long and late hours, fatigue, drug and alcohol problems, and out of town bookings make it difficult to switch gears. Not only do the women spend a significant amount of their time in stripclubs, the activities and influences from the club environment permeate their personal lives and detrimentally effect their well-being. Although stripclubs are considered legal forms of entertainment, people unassociated with the industry are unaware of the emotional (Peretti and O'Connor 1989; Ronai 1992), verbal (Mattson 1995; Ronai 1992), physical (Boles and Garbin

1974), and sexual abuse (Ciriello 1993; Ronai 1992) inherent in the industry. Despite claims from management that customers are prohibited from touching the women, this rule is consistently violated (Enck and Preston 1988; Forsyth and Deshotels 1997; Ronai and Ellis 1989; Thompson and Harrod 1992). Furthermore, stripping usually involves prostitution (Boles and Garbin 1974; Forsyth and Deshotels 1997; Prewitt 1989; Ronai and Ellis 1989; Thompson and Harrod 1992).

C. Stripper-Customer Interactions

Main Floor

Stripclub activities are offered in public spaces or private rooms or other isolated parts of clubs (Forsyth and Deshotels 1997). The typical stripclub scenario presents young, nude or partially nude women mingling with fully clothed male customers. They circulate through the crowd, encouraging men to buy liquor, drinking and talking with men, and soliciting and performing a variety of private dances (Prewitt 1989; Ronai and Ellis 1989). Women describe their role in the stripclub as hostess, object, prostitute, therapist, and temporary girlfriend and say they are there to entertain and attract men and business for the owners.

Women who work at small strip joints say they can hang out, order in food, and play pool during their shifts. On the other hand, women who work at gentlemen's clubs have to hustle photographs and drinks and are required to sell promotional T-shirts, calendars, and videos. They can be mandated to sell the items with private dances. For example, the dancers buy T-shirts from the house mom for \$8 and sell them for \$15. So for \$15, the customer receives a T-shirt and 2 \$10 table dances. Strippers at gentlemen's clubs are further informed by management that they are not allowed to buy their own drinks, that they have to be sitting with customers, and can never turn down a drink, even when their drinks are full.

Stage

Women report dancing on stages as cheaply constructed by laying plywood on the benches of restaurant booths to stages covered with kitchen linoleum to wood parquet or marble stages in a few upscale clubs. Some stages are elevated runways so narrow that strippers say that cannot get away from customers on each side touching them, especially when they are kneeling down to accept a tip in the side of their gstrings/t-bars or when they have their backs turned. Stages can also be sunken pits with a rail around it and a bar for the customers' beverages. During a set, a stripper may do striptease, acrobatics, dance, walk, or squat to display her genitals. Generally the progression for striptease begins during the first song with the woman wearing a dress or costume covering her breasts and buttocks. Over the course of a set of 2 or 3 songs she will remove her bra and in nude clubs, her g-string/t-bar. Some clubs feature floorshows in which women crawl or move around on the floor posing in sexual positions and spread their legs at the customers' eye level. During a floorshow, a dancer changes her movements from upright to positions on her knees and squatting in a crabwalk in order to 'flash' tipping customers. "Flashing" is pulling the g-string/t-bar aside, revealing the pubic area and/or the genitals. Dancers describe this as "doing a show" for paying customers. Ordinarily, a dancer only positions herself in front of tipping patrons (Prewitt 145). Customers who fail to tip are ignored. Audience response can be expressed by clapping, hooting, barking, whistling, amount of money tipped, or complete silence depending upon time of day, state of inebriation, excitement over the musical selection, or the appearance and abilities of the stripper.

On stage, some women's thoughts wander, while others' focus on angry desperation. *"I daydream about nothing in particular to pass the time of 12 minutes."* *"I'm thinking about how good I look in the mirrors and how good I feel in dance movements."* *"I tell myself to smile."* *"I think about getting high and that I am making money to get high."* *"I am giving these guys every chance to be decent, so that I don't have to be afraid of them."* *"I am filled with disdain for the customers who do not tip, but sit and watch and direct you to do things for no money."* *"I think of how cheap these fuckers are, what bills I need to pay."*

Private Dance Activities

Private dances are usually performed in areas shielded from the larger club view (Forsyth and Deshotels 1997, Prewitt 1989). As a rule, the private dance involves one female dancer and one male customer. Private dances are situations where women are often forced into acts of prostitution in order to earn tips (Forsyth and Deshotels 1997; Prewitt 1989; Ronai and Ellis 1989). Men masturbate openly (Peretti and O'Connor 1989), get hand jobs (Forsyth and Deshotels 1997), and stick their fingers inside women (Ronai and Ellis 1989). Men with foot fetishes have been known to suck on dancers' toes.

A variety of private dances are promoted in strip clubs. **Table dancing** is performed on a low coffee table or on a small portable platform near the customer's seat. The woman's breasts and genitals are eye level to the customer. **Couch dancing** for a customer entails the dancer standing over him on the couch, dangling her breasts or bopping him in the face with her pubic area. **Lap dancing** requires the woman to straddle the man's lap and grind against him until he ejaculates in his pants. A variation involves the woman dancing between his legs while he slides down in his chair so that the dancer's thighs are rubbing his crotch as she moves. **Bed dancing** is offered in a private room and requires a woman to lay on top of a fully clothed man and simulate sexual intercourse until he ejaculates. **Shower dancing** is offered in upscale clubs and allows a

clothed patron to get into a shower stall with one or more women and massage their bodies with soap. **Wall dancing** requires a stripper to carry alcohol swabs to wash the customer's fingers before he inserts them into her vagina. His back is stationary against the wall and she is pressed against him with one leg lifted. **Peep shows** feature simulated or actual acts directed by openly masturbating customers. Customers sit in a private booth and view the women through a glass window. **Live sex shows** involve 2 or more individuals engaging in simulated or sexual activity performed behind glass or on a stage. Customers openly masturbate while watching the show from the audience or through an opening in a private booth.

During private dances women are conscientious about their boundaries and safety. *'I don't want him to touch me, but I am afraid he will say something violent if I tell him 'no'.'* *'I was thinking about doing prostitution because that's when customers would proposition me.'* *'I could only think about how bad these guys smell and try to hold my breath.'* *'I spent the dance hyper vigilant to avoiding their hands, mouths, and crotches.'* *'We were allowed to place towels on the guys' laps, so it wasn't so bad.'* *'I don't remember because it was so embarrassing.'*

D. Dressing Room

Women describe a range of types and qualities of dressing rooms. Strippers are expected to change clothing in beer coolers, broom closets, and public restrooms. Some stripclub dressing rooms are nice with lights, mirrors, vanities, and chairs, and are equipped with lockers, and tanning beds. Other clubs have make-up mirrors but no chairs or ashtrays to prevent dancers from lingering. Women complain that too many dressing rooms are down isolated halls or in the basements of establishments and that they have to scream for help when customers intrude. Some are so damp or filthy that the women cannot take their shoes off. Other dressing rooms are so frigid that dancers carry small space heaters to and from work. The dressing rooms are used to change costumes, drink, do drugs, do hair and make-up, iron costumes, do homework, bitch about customers, avoid customers, talk about problems, hang out. In strip joints and rural bars, women lay on blankets or inside sleeping bags between sets and nap and read.

The greatest response to questions regarding preparation for work was "drink". Women drink while getting ready to go to work and they drink while doing their hair and make-up once in the dressing room. Women who work at nude juice bars that do not serve alcohol or at bars that do not allow women to buy their own drinks report that they stop at another bar on their way in and "get loaded". Between stage sets and private dances, women drink some more, clean themselves with washcloths or babywipes after performing on a dirty stage or being touched by a lot of men, apply deodorant, and perfume their breasts and genitals.

PART 2: SURVEY DATA

One hundred percent of the eighteen women in the survey report being physically abused in the stripclub. The physical abuse ranged from three to fifteen times with a mean of 7.7 occurrences over the course of their involvement in stripping. One hundred percent of the eighteen women in this study report sexual abuse in the stripclub. The sexual abuse ranged from two to nine occurrences with a mean of 4.4 occurrences over the course of their involvement in stripping. One hundred percent of the women report verbal harassment in the stripclub. The verbal abuse ranged from one to seven occurrences with a mean of 4.8 occurrences over the course of their involvement in stripping. One hundred percent of the women report being propositioned for prostitution. Seventy eight percent of the women were stalked by someone associated with the stripclub with a range of one to seven incidents. Sixty one percent of the

women report that someone associated with the stripclub has attempted to sexually assault her with a range of one to eleven attempts. Not only do women suffer the abuse they experience, all of women in the survey witnessed these things happen to other strippers in the clubs. The overwhelming trend for violence against women in stripclubs was committed by customers of the establishments. Stripclub owners, managers, assistant managers, and the staff of bartenders, music programmers or disc jockeys, bouncers, security guards, floorwalkers, doormen, and valet were significantly less involved in violence against the women. According to the women in this study, almost all of the perpetrators suffered no consequence whatsoever for their actions.

Physical Abuse

Customers spit on women, spray beer, and flick cigarettes at them. Strippers are pelted with ice, coins, trash, condoms, room keys, pornography, and golf balls. Men pitched a live guinea pig and a dead squirrel at two women in the survey. Some women have been hit with cans and bottles thrown from the audience. Customers pull women's hair, yank them by the arm or ankle, rip their costumes, and try to pull their costumes off. Women are commonly bitten, licked, slapped, punched, and pinched.

Table 1 - Physical Abuse

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Grabbed by arm	78	44 C 6 M 11 S	17 C 6 O 6 M 11 S	11 C 6 O 6 M	6 M
Grabbed by ankle	56	28 C		6 C 6 M	11 C
Grabbed by waist	94	50 C 6 M 11 S	33 C 11 M 11 S	6 M	11 C
Bitten	56	6 C	11 C		11 C
Licked	78	28 C	17 C	11 C 6 O 6 M 11 S	22 C
Slapped	39	6 C	11 C		17 C
Hair pulled	39	6 C	6 C	11 C	
Punched	72	6 C			
Pinched	72	17 C	17 C	6 C 6 M 6 S	22 C 6 S
Kicked	11	6 C			
Spit on	61	6 C			28 C
Pulled costume off	83	22 C		6 C 6 O 6 M	22 C 6 S
Ripped costume	44	6 C		6 C	17 C
Flicked cigarette	33	6 C	6 C		11 C
Sprayed beer	39	6 C	6 C	6 C	6 C

Threw ice	61	6 C	11 C	6 C	6 C
Threw coins	83	17 C	11 C	11 C 6 S	28 C
Threw cans/glasses	22	6 C			
Threw garbage	39	17 C	11 C		
Threw other	28	11 C			

N = 18 Key: C = customers, O = owners, M = managers, S = staff

Sexual Abuse

Stripclub customers frequently grab women's breasts, buttocks, and genitals. Customers often attempt and succeed at penetrating strippers vaginally and anally with their fingers, dollar bills, and bottles. Customers expose their penises, rub their penises on women, and masturbate in front of the women. Women in this study consistently connected lap dances to the sexual abuse they suffered in the club. *"That's the first thing men try to do when they get close to you and always in a lap dance."* Stripclub owners, managers, and staff also expect women to masturbate them and some have forced intercourse on strippers.

Table 2 - Sexual Abuse

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Grabbed breasts	94	28 C 6 M	17 C	17 C 6 M	17 C 6 O
Grabbed buttocks	89	39 C	11 C	39 C 6 M 6 S	6 O 6 S
Grabbed genitals	67	17 C		11 C 6 M	17 C
Exposed penis to her	67	11 C	6 C	6 C 6 O 6 M	33 C
Rubbed penis on her	78	39 C 6 M	22 C 6 O 6 M 6 S	6 C	22 C 6 O
Masturbated in front of her	78	33 C 6 M	11 C	28 C	6 C

N = 18 Key: C = customers, O = owners, M = managers, S = staff

Table 3 - Sexual Abuse

Abusive Action	Experienced Attempted Abuse (%)	Experienced Successfully Completed Abuse (%)
Penetrate her: vaginally with fingers	61 C 6 M	39
Penetrate her anally with fingers	33 C	17
Penetrate her with object	33 C 6 O	11
Force her to masturbate him	28 C 6 O 6 M	17
Force intercourse on her	17 C 6 O 6 M	11

N = 18

Key: C = customers, O = owners, M = managers, S = staff

Verbal Abuse

Customers, owners, managers, and staff alike engage in harassing namecalling. Women are continually called "cunt", "whore", "pussy", "slut", and "bitch". Women in this study charge that men in the stripclub called them other demeaning or degrading names like ugly, loser, fat, pregnant, boy, stupid, crack, slash, snatch, beaver, dog, dyke, lezzie, brown eye, hooters, junkie, crackhead, and shit.

Forty four percent of the women report that men associated with the stripclub have threatened to hurt them physically. These women report from three to 150 threats during their involvement in stripping. Threats range from verbal threats of slaps, ass whippings, and rapes to physical postures of punching and back hand slapping. *"When I wouldn't let a customer grab on me, he would call me a bitch and threaten to kick my ass or rape me."* *"When a customer grabs and the woman and the girl takes action, they threaten"*.

Table 4 Verbal Abuse – Namecalling

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Called "cunt"	61	28 C 6 M	6 C	17 C	11 C 6 M
Called "slut"	61	28 C 6 S	6 C	17 C 6 O 6 M 6 S	11 C
Called "whore"	78	28 C 6 S	6 C	17 C 6 O 6 M 6 S	22 C
Called "pussy"	72	39 C 6 S	11 C	11 C	11 C
Called "bitch"	89	39 C 6 S	11 C 6 O 6 M 6 S	6 C	22 C 6 M
Called other	56	17 C	6 C	17 C 6 M	6 C

N = 18

Key: C = customers, O = owners, M = managers, S = staff

Stalking

Men associated with stripclubs repeatedly attempt to contact the women against their wishes. Strippers are followed home and stalked by stripclub customers. Customers telephone, write letters, send gifts, and follow the women around against their wishes. Women recount stories of catching customers following them to fitness clubs, parks and lakes, day care centers, and even lesbian bars. They describe times when customers have broken into their homes and taken underwear, hairbrushes, and family photographs. Women say that other customers have used their jobs at the telephone company or within the criminal justice system to target the women. The women complain that customers also have followed them home masturbating while

driving in the next lane. Women who travel the strip circuit to rural areas report that customers and stripclub owners, managers, and staff alike follow women from city to city and state to state. Furthermore, local men in small towns harass the visiting women by calling and knocking on the doors of the motel rooms and have been caught peeping in the windows of strippers' motel rooms.

Twelve percent of the women who reported being followed to their cars further reported that they were robbed (5.6 %), beaten (11.1%), threatened with a weapon (5.6%), verbally sexually harassed (66.7%), and sexually assaulted (16.7%) by customers. A customer who claimed he was in love with the woman followed her to her car, called her a "fucking cunt" and strangled her hard enough to cause blood to squirt from her neck.

Table 5 - Stalking

Abusive Action	Ever (by men in stripclub) (%)	Range of occurrences
Sent her letters against her wishes	28	3-100 times
Sent her gifts against her wishes	22	2-100 times
Called her home against her wishes	39	2-360 times
Followed her home against her wishes	56	2-500 times
Followed her to her car against her wishes	67	12-500 times
Followed her around on her private time	28	1-150 times
Followed her from club to club, city, and state	28	6-360 times
Other	28	1-360 times

N = 18

Sexual Exploitation

Only a minority of women report that they were asked to perform sexual acts on men associated with the stripclub in order to return to work (11% by owners); as a condition of being hired (11% by managers, 11% by owners); in order to continue working there (17% by owners); in order to get a better schedule (6% by owners); or for drugs (17% by customers, 11% by managers, 22% by owners, 11% by staff).

A majority of the women, however, report they were asked to perform sexual acts on men associated with the stripclub for money (100% by customers, 6% by managers, 17% by owners, 11% by staff). Customers and pimps constantly proposition women (Boles and Garbin 1974; Forsyth and Deshotels 1997; Ronai 1992; Ronai and Ellis 1989). Fourteen (78%) women from the survey report they are propositioned for prostitution every day by customers, three (17%) every week, one (6 %) every year. Women comment that customers ask them "Do you date?" all night long. "*Infinite...too many too count.*" Women say that prostitution is influenced and suggested by management. One woman new to stripping was dumbfounded at how little money she was making taking her clothes off, so she asked the manager for his advice on increasing tips. He suggested turning tricks and said he could help her set up dates. Management sets up tricks, says it is good for business, and obligates women to turn over money from prostitution to the club. Women say prostitution is promoted even though owners tell women

they would be punished if they turn tricks. Some stripclubs are notorious for promoting prostitution. "You have to be a 'ho to work there".

Women disclosed that they were recruited into prostitution through stripping. Although the strip industry markets stripping as something other than prostitution, some women consider prostitution an extension of stripping and stripping a form of prostitution. Pimps season women first with stripping and then turn them out into brothels or escort services for more money. Tricks, sugar daddies, pimps, and drug dealers in the stripclub seek to engage women in prostitution. Another young woman said that soon after she became involved in stripping, a pimp who posed as a customer in the stripclub manipulated her into an escort service by promising that she could make more money in less time simply by accompanying businessmen to dinner. She agreed in order to feed her crack addiction and as her addiction increased she slid down from gentlemen's clubs to escort service to brothel to street and crack house prostitution.

Not only are women in stripping pressured by customers to perform sexual acts on them, owners, managers, and staff pressure the women to perform sexual acts on them, their relatives and associates, on vice officers and police officers. Women explain the pressure could range from being coerced into dancing for the intended with an expectation to put on a real good show with special treatment, extra time, and sexual contact, to engaging in prostitution. Strippers, like other subordinates in worker-management relationships, respond with obedience to directives from management and others with authority (McMahon 1989).

Table 6 - Sexual Exploitation

Recipient	Pressured by customer (%)	Pressured by owner (%)	Pressured by manager (%)	Pressured by staff (%)	Pressured by vice officer (%)	Pressured by police officer (%)
Owner's friend		39				
Owner's relative		11				
Owner's business associate		33				
Manager's friend			17			
Manager's relative			6			
Manager's business associate			11			
Customer	72	22	17	6		
Vice officer		17	11	6	11	
Police officer		17	11	6		22

N = 18

PART 3: WOMEN'S THOUGHTS ON STRIPPING

Women in stripping are overwhelmingly motivated by the promise of wealth or a will to survive (McCaghy and Skipper 1970; Ronai 1992; Thompson and Harred 1992). Stripclub owners, managers, pimps and the media portray stripping as a glamorous way to earn big money fast and use this strategy to lure young women into stripping. Women in this study report the

best part of stripping to be the money. *"The only part that keeps me there is the money"*. At the same time, women are trapped and disappointed by the money. *"I hated it...but glad I had it at the time for the income."* *"Women are reduced to exposing genitals for \$1 bills."* *"It pays the bills... if we could pay bills another way we would."* *"The bar owners and management are exploitative, they steal money."* *"It's hard to get out because of the money."* With respect to the money strippers seek to earn, they in turn must pay out fines, kickbacks, 100% of their social security insurance and taxes, travel and hotel expenses, and the costs for costumes, tanning, and plastic surgery. Women report that they have to have the right attitude to make money (Ronai 1992). This ordinarily was described as being drunk, high or numb (Forsyth and Deshotels 1997). Others feel it required tolerance. *"The ability to ignore customers for just being there."* Most women say it is easier when the men are tipping regularly and when they do not have to interact with men intimately. Women acknowledge that strippers measure their worth according to the amount of tips they earn and that they want attention, acceptance, and approval from the customers because it brings money (Futterman 1992).

Women in stripping feel it doesn't take much skill to be a stripper (Forsyth and Deshotels 1997; McCaghy and Skipper 1970). *"It would be nice to say women need dance talent but it's not true."* *"Tits, pussy, and blonde hair is all it takes."* Instead they referred to dissociation to abuse. *"It takes a willingness to do it...anybody can do it."* *"It takes somebody who can shut themselves off and be really fake."* *"...the ability to take a lot of abuse."* They state a stripper needs a good head on her shoulders, an open mind, guts, strength, and survival skills. They believe they need abuse counseling, a lifeline from the "outside world", and education about what's really going on. *"Need to know they have options, that they aren't always going to be a 'ho'."* Women in stripping want a union to protect strippers, decent working conditions, fair treatment, and an end to cruelty by management. Lastly, strippers think that women and girls don't know what they are getting into when they first start dancing. *"It's really harmful because it is so benign, so accepted."* *"Girls think they will have fun dancing and get paid, they have no idea they have to fight men's hands, and dicks, and tongues, and then fight for every fucking dollar bill you earn."* *"It was a lot different than I originally thought."*

The women in this study condemn the men associated with stripping and the impact stripping has on them as the worst parts of stripping. Women do not like the way customers treat them (Thompson and Harred 1992). Furthermore they say they do not like talking to customers, asking men for money, and resent having to have to deal with them at all. They find customers irritating because they are drunk and have negative attitudes towards women. Women characterize customers as scum, psycho mama's boys, rapists and child molesters, old perverted men, idiots, assholes, and pigs. Strippers are largely disgusted by customers and describe them as pitiful and pathetic, stupid and ignorant, sick, controlling and abusive. *"They smell so sour, they breathe very heavy and kind of wheeze when women are near."* *"They are weak abusers who have to subordinate women and girls to feel like a man."* *"I see my dad. They're old enough to be my father."* *"Yuck. I am repulsed by the sight, sound, smell, and touch of them."* *"I'm embarrassed for them."* The women offer insightful evaluations of stripclub customers. They say that these men do not know how to communicate. Moreover, they perceive that customers are out of control, have power and abuse problems, and will do anything to degrade women because they hate women. Strippers also state that customers want a free show and think women are cheap. In contrast, a few women positively perceived some customers as nice and added they are thankful to those who tip well.

Women in this study undoubtedly denounce stripclub owners as pimps and "glorified pimps" and maintain that owners misuse power and are sick. The women also label managers as

pimps citing that they mistreat women, that they make every attempt to take money from the women, and that they are sick because they are affiliated with the industry and know the harm they do. Strippers accuse managers of being threatened and jealous of the money women make and that women are just a dollar to management. Finally, women refer to staff music programmers, doormen, bartenders, bouncers, floorwalkers, and valet as wanna-be pimps because they always want to be tipped. The women see staff as derelicts who can't get a job anywhere else and who think they are cool for working in a stripclub. Strippers perceive staff as creepy and disrespectful and as "looky-lous" who just want to look at naked women for free. Women criticize staff by pointing out that at least owners are making big money. Few women had positive responses, but those that did felt they got along well with staff and had no real hard feelings.

Clearly strippers' attitudes about men are impacted by the activities in stripclubs. Women say they don't like men and men are worthless. Likewise women believe stripping inhibits their ability to be involved in a normal relationship. *"It affects your lovelife and feelings about men."* *"Nice boyfriends can't handle it."* *"Too large a percentage of men fit into category of customer and I do not want to hate men."*

Women in this study expressed mostly negativism regarding their experiences in stripping with themes of abuse, deception, drugs, and low self-esteem. *"I would never do it again. It was degrading."* *"No doubt that it led me to prostitution and my pimp."* *"Taught me how to control men and gave me a false illusion of control. Takes a long time to regain self-control."* *"Don't do it. Once you do it, it is hard to get out."* *"If there is any way you can avoid it...it is hard to get out once you start."* *"I wouldn't recommend it. It is too stressful and I am always comparing myself to other women on the outside."* *"I wish I had put more money away and had more education by the time I quit. I just didn't know it wasn't about success for us, it was about using us."* *"I spent my entire young adulthood being abused. It is hard to undo all this."* *"Drugs destroyed beautiful, healthy women."* *"I blame the men...it is all bad. I didn't think highly of myself while I was in stripping, but I am glad I got out of it by standing up for myself."* *"It is hard to view myself for who I am and my accomplishments rather than how I look and attention from men. I got this from stripping."*

Some women expressed fascination with stripping. *"It has been an experience of a lifetime. I've seen everything...some crazy shit."* *"I have never seen things like I have seen in stripping. It is weird."* Still others felt positively about their experience. *"If it wasn't for the money I made at it, I would have nothing right now. It has its ups and downs, but I always enjoy the music and dancing and the attention."* *"I have been extremely fortunate as far as what happened in stripping. It provides a good life, but I look at it as a job, work day shifts and work a straight job at the same time."* A few women also determined positive outcomes for themselves from their involvement in stripping. *"It served its purpose as a group for a sense of belonging."* *"Helped me recognize what is right and wrong, and what is right and wrong for me."* *"After surviving it I felt strong."* *"Stripping distracted me from my personal problems that led me into stripping...no way could I have held normal job with the problems I had."*

Above all, women in stripping reject the popular image of stripping and clarify the common misperceptions about stripclubs. *"That no one touches you, women enjoy it, and it's okay for men to go there."* *"That women actually get to wear a costume and actually get to dance."* *"That we get sexually aroused doing this."* *"That men are there to have harmless fun, when they are really there to abuse women."* *"That it is a big party and that the women want to be there for some reason other than money, like sex or to meet men or because they are nudists"*

or exhibitionists." "That you are doing things you want to be doing." "That they are not degrading us because girls always are justifying it with college." "That it is not prostitution." "That it is glamorous, fast money, easy work, way to get ahead."

DISCUSSIONS AND CONCLUSIONS

Men associated with stripclubs use force and coercion to establish sexual contact with women in stripping, proposition women for prostitution, intentionally inflict bodily harm upon the women, and expose themselves to the women. These actions are prohibited by law, yet when these crimes are committed against women in stripclubs, the general attitude that strippers deserve what they get prevails. Women's complaints of abuse are met with contempt and are dismissed by owners, managers, and staff. Women are customarily told to ignore abuse and have been rebuffed with "Go bend over and do your job" and "You have to expect a certain amount of that." In the case of women in stripping, enduring sexual violence is part of her job description. Women in stripping are expected to endure these abuses, degradations, and humiliations with a smile and a "Thank You".

The degree of sexual violence perpetrated against strippers explodes the myths about stripping as harmless entertainment. The verbal harassment, physical and sexual abuse, and financial exploitation women suffer in stripclubs is unparalleled in any other legitimate workplace. Women in stripping are subject to actions that would be perceived as assaultive or at least unwanted in any other context or were directed against other women. Stripclubs allow men to use and abuse women in a manner that is not tolerated in any other business.

The organization and conditions of stripclubs not only produce and reproduce gender inequality, but facilitate and normalize men's violence against women. Sexual violence has been normalized, institutionalized, and legalized in the stripclub industry as socially sanctioned male behavior. Stripclubs and the men associated with stripclubs have turned acts of violence into entertainment and tied male sexual pleasure to victimizing and exploiting. Stripclubs are structured according to male domination and control, and are inherently violent. It is impossible to set up stripclubs without sexual violence and that is reason to challenge the legitimacy of stripclubs.

Future research should address men associated with stripclubs and their views on women in stripping and stripclub activities. An exploration of why stripclubs exist, an explanation of why men go to stripclubs, and a description of how stripclub owners and government policy establish the tone and culture of stripclubs are also in order. Future research should explore gender role socialization and female strippers' perceptions of sexual harassment and violence. The definition of sexual harassment should be tested with strippers to learn if they perceive actions differently than women in other workplaces. In turn, strippers' rights in the workplace must be considered. Studies focused on women's emotional and psychological response, including drug and alcohol abuse, to violence in stripclubs should be conducted.

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NATIONAL LAW CENTER
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NLC Summaries of "SOB Land Use" Studies

*Crime Impact Studies by Municipal and State Governments
on Harmful Secondary Effects of
Sexually Oriented Businesses*

1. Phoenix, Arizona
2. Tucson, Arizona
3. Garden Grove, California
4. Los Angeles, California
5. Whittier, California
6. Adams Co., Colorado
7. Manatee Co., Florida
8. Indianapolis, Indiana
9. Minneapolis, Minnesota
10. Saint Paul, Minnesota
11. Las Vegas, Nevada
12. Ellicottville, New York
13. Islip, New York
14. New York, New York
15. Times Square, New York
16. New Hanover Co., North Carolina
17. Cleveland, Ohio
18. Oklahoma City, Oklahoma
19. Oklahoma City, Oklahoma II
20. Amarillo, Texas
21. Austin, Texas
22. Beaumont, Texas
23. Cleburne, Texas
24. Dallas, Texas
25. El Paso, Texas
26. Houston, Texas
27. Houston, Texas II
28. Newport News, Virginia
29. Bellevue, Washington
30. Des Moines, Washington
31. Seattle, Washington
32. St. Croix Co., Wisconsin

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EXCERPTS FROM :

<http://www.nationallawcenter.org/SOB%20Summaries.htm>

Phoenix, Arizona

Land Use Study

Dated May 25, 1979

The study examines crime statistics for 1978 comparing areas which have sexually oriented businesses with those that do not. The results showed a marked increase in sex offenses in neighborhoods with sexually oriented businesses, and also proved increases in property and violent crimes as well. This study is not unique but is unusually significant, in covering the issue of property crimes more extensively.

Three study areas (near locations of sexually oriented businesses) and three control areas (with no sexually oriented businesses) were selected. The study and control areas were paired according to the number of residents, median family income, percentage of non-white population, median age of population, percentage of dwelling units built since 1950, and percentage of acreage used for residential and non-residential purposes.

Three categories of criminal activity were included in the study: property crimes (burglary, larceny, auto theft), violent crimes (rape, murder, robbery, assault), and sex crimes (rape, indecent exposure, lewd and lascivious behavior, child molestation).

On average, the number of sex offenses was 506% greater in neighborhoods where sexually oriented businesses were located. In one of the neighborhoods the number was 1,000% above the corresponding control area. Of the sex offenses, indecent exposure was the most common offense and the largest contributor to the increase of crimes in areas where sexually oriented businesses were located. Even without considering the crime of indecent exposure, the number of other sex crimes, such as rape, lewd and lascivious behavior, and child molestation, was 132% greater than in control areas without sexually oriented businesses.

On average the number of property crimes was 43% greater in neighborhoods where sexually oriented businesses were located, and the number of violent crimes was 4% higher in those areas.

The Phoenix ordinance requires sexually oriented businesses to locate at least 1,000 feet from another sexually oriented business and 500 feet from a school or residential zone. Approval by the City Council and area residents can waive the 500 foot requirement. A petition signed by 51% of the residents in the 500 foot radius who do not object must be filed and be verified by the Planning Director.

Indianapolis, Indiana

Land Use Study

Dated February, 1984

OVERVIEW: After a 10 year growth in the number of sexually oriented businesses (to a total of 68 on 43 sites) and numerous citizen complaints of decreasing property values and rising crime, the city compared 6 sexually oriented business "study" areas and 6 "control" locations with each other and with the city as a whole. The study and control areas had high population, low income and older residences. In order to develop a "best professional opinion," the city collaborated with Indiana University on a national survey of real estate appraisers to determine valuation effects of sexually oriented businesses on adjacent properties.

CRIME: From 1978-82, crime increases in the study areas were 23% higher than the control areas (46% higher than the city as a whole). Sex related crimes in the study areas increased more than 20% over the control areas. Residential locations in the study areas had a 56% greater crime increase than commercial study areas. Sex related crimes were 4 times more common in residential study areas than commercial study areas with sexually oriented businesses.

REAL ESTATE: Homes in the study areas appreciated at only 1/2 the rate of homes in the control areas, and 1/3 the rate of the city. "Pressures within the study areas" caused a slight increase in real estate listings, while the city as a whole had a 50% decrease, denoting high occupancy turnover. Appraisers responding to the survey said one sexually oriented business within 1 block of residences and businesses decreased their value and half of the respondents said the immediate depreciation exceeded 10%. Appraisers also noted that value depreciation on residential areas near sexually oriented businesses is greater than on commercial locations. The report concludes: "The best professional judgment available indicates overwhelmingly that adult entertainment businesses -- even a relatively passive use such as an adult bookstore -- have a serious negative effect on their immediate environs."

RECOMMENDATIONS: Sexually oriented businesses locate at least 500 feet from residential areas, schools, churches or established historic areas.

Oklahoma City, Oklahoma II

Land Use Study

Dated June 1992

This study, written by Jon Stephen Gustin, a retired sergeant for the Oklahoma City Police Department, examines a history of the successful abatement of sexually oriented businesses (SOBs) in Oklahoma City between 1984 - 1989, which ultimately reduced an alarmingly high crime rate in the city, which is one of many harmful secondary effects related to the operation of SOBs in the community.

This study indicates that in the early 1980's there was a large growth of SOBs in Oklahoma City in conjunction with a boom in the oil industry resulting in a large influx of oil field workers in the area. Houses of prostitution, nude bars and adult theaters spread throughout the city. SOB promoters and entrepreneurs from around the country came to the area to compete for their share in the market. By 1984, over 150 SOBs and an estimated 200 prostitutes operated in the city. SOB owners competed by using more and more blatant signs and advertising. As a result, the city experienced epidemic proportions of crime problems associated with the SOBs. Citizens began to voice concerns over the decay of community moral standards, the increased crime rate, and decreased property values.

Although Oklahoma City had a history of unsuccessful prosecution of cases related to pornography, prostitution, and related SOBs, public pressure from citizens and elected officials ultimately resulted in support by the Chief of Police, the City Council and the city's District Attorney to prosecute SOBs that were in violation of the law. Abating prostitution and related businesses was the first priority. The media aided this effort by publishing names of arrested customers and prostitutes, and airing live coverage of arrests and raids. This bolstered citizen support of police and prosecutors.

At adult bookstores and peep booths arrests were made for customers propositioning undercover officers to engage in sex acts, for the sale and possession of pornography, the display of pornography and for health department violations (including seminal fluids on the walls and floors of peep show booths). [Note that the author uses the term "pornography" referring to illegal pornography, also known as "obscenity."]

The city next focused on prosecution for violations at nude and semi-nude dance bars, where customers engaged in sexual favors with nude employees in exchange for the purchase of expensive cocktails. Repeated arrests in these bars forced them into compliance, causing a lack of customer support. Simple arrests at escort services, which were organized fronts for prostitution, did little to abate the illegal activity. Therefore, police worked undercover, arresting solicitors of the service. Also an attempt was made to prohibit businesses that had been convicted on prostitution charges from having access to phone service.

As a result of the aggressive arrest and prosecution efforts, only a handful of the original 150 SOBs remained by early 1990. All remaining SOBs operated within statutory guidelines. It has been documented that incidents of reported rape in Oklahoma City decreased 27% during that period, while it increased 16% in the rest of the state. In 1983 nearly one-half of the rapes in Oklahoma occurred in Oklahoma City, decreasing to

one-third by 1989. This is an example of the benefits of stringent enforcement and prosecution of the so called "victimless crimes" associated with SOB's.

Austin, Texas Land Use Study

Dated May 19, 1986

OVERVIEW: The report was the basis for developing an amendment to existing sexually oriented business ordinances. At the time, 49 such businesses operated in Austin, mostly bookstores, theaters, massage parlors and topless bars. The study examined crime rates, property values, and trade area characteristics.

The report focused on sexually related crimes in four study areas (with sexually oriented businesses) and four control areas (close to study areas and similar). Two study areas had one sexually oriented business and the others had two such businesses. To determine the effects of these businesses on property values, the city sent surveys to 120 real estate appraising or lending firms (nearly half responded). For trade area characteristics, three businesses (a bookstore, theater and topless bar) were observed on a weekend night to determine customer addresses.

CRIME: Sexually related crime ranged from 177-482% higher in the four study areas than the city average. In the two study areas containing two sexually oriented businesses, the rate was 66% higher than in the study areas with one such business. All control areas had crime rates near the city average.

REAL ESTATE: 88% said that a sexually oriented business within one block of a residential area decreases the value of the homes (33% said depreciation would be at least 20%). Respondents also said such a business is a sign of neighborhood decline, making underwriters hesitant to approve the 90-95% financing most home buyers require. They said commercial property is also negatively affected by such businesses.

TRADE AREA CHARACTERISTICS: Of 81 license plates traced for owner address, only 3 lived within one mile of the sexually oriented business. 44% were from outside Austin.

RECOMMENDATIONS: 1) Sexually oriented businesses should be limited to highway or regionally-oriented zone districts. 2) Businesses should be dispersed to avoid concentration. 3) Conditional use permits should be required for these businesses.



REGULATION OF SEXUALLY ORIENTED BUSINESSES

It is undisputed that state and municipal legislatures have the power to enact content-neutral laws regulating the time/place/manner in which a Sexually Oriented Business (hereinafter "SOB") operates. See *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of National City v. Wiener*, 3 Cal.4th 832, 838 P.2d 223 (1992); *Topanga Press, Inc. v. City of Los Angeles*, 989 F.2d 1524 (1993); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir. 1999), cert. den. April 17, 2000; and *City of Erie v. Pap's A.M.*, ___ U.S. ___, 120 S.Ct. 13⁹² (March 29, 2000), 2000 WL 313381.

The experiences of other states and cities demonstrate that reasonable SOB restrictions are a beneficial and necessary means of reducing and curtailing deleterious "secondary effects" of adult-oriented establishments, including increases in:

1. crime,
2. noise,
3. traffic congestion,
4. police response time and efforts,
5. parking problems,
6. sexual disease,
7. illegal sexual activity,
8. littering of discarded sexually explicit material and paraphernalia on neighboring properties,
9. problems of harassment of neighborhood adults and children,
10. loitering, and
11. problems of visual blight from bright colors and explicit signage associated with adult businesses.

Courts have held that SOBs can be a source of urban decay, and that the location of such business enterprises in fact can lead to the secondary effects that SOB ordinances seek to curtail. See *Young*, *Renton*, and *National City*, *supra*. SOB regulations are designed to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial districts, and the quality of urban life.

In *Renton*, the U.S. Supreme Court held that states and cities may rely on the experiences of other communities to prevent or reduce the attendant harmful secondary effects of adult-oriented establishments and sexually oriented businesses, rather than await the impact of such effects. 475 U.S., at 50-52. See, also, *Genusa v. City of Peoria*, 619 F.2d 1203 (7th Cir. 1980) (there is no need to demonstrate a past history of adult uses causing neighborhood deterioration; a city may rely on the experience and findings of other legislative bodies as a basis for action). Because of their unique nature, SOBs have produced consistently similar negative secondary effects in a number of cities and counties studied, regardless of size. See copies of Official Studies of Land Use & Crime Impact from Several American Cities and Counties, referred to in the *NLC Legal Manual on How to Enact Sexually Oriented Business Ordinances*.¹ See, also, *DiMa*, *FW/PBS*, *Barnes*, *Wiener*, and *Topanga Press*, *supra*.

¹ This publication can be obtained by contacting NLC headquarters in Fairfax, VA. at 703-691-4626..

**RESOLUTION ENCOURAGING MORE
REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES**

WHEREAS, a mission of the Parent-Teacher Association is to support and speak on behalf of children and youth in the schools, in the community and before governmental bodies and other organizations that make decisions affecting children; and

WHEREAS, the purpose of the Parent-Teacher Association is to promote the welfare of the children and youth in home, school, community, and place of worship, and to secure adequate laws for the care and protection of children and youth; and

WHEREAS, schools in Anchorage annually serve over 3,400 students of ages 18 to 20 years who interact daily with younger students; and

WHEREAS, Anchorage has over 35 sexually oriented businesses that are available for employment or patronage of students and other young people 18 years old or older; and

WHEREAS, Anchorage Municipal Code already acknowledges some of the deleterious effects of sexually oriented businesses:

"These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships." (AO 21.45.240)

WHEREAS, crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. *See, e.g.*, Studies of the cities of Oklahoma City, Phoenix, Arizona; Indianapolis, Indiana; Austin, Texas and others:

<http://www.aha.net/pornography/SOB%20Land%20Use%20Studies-NLC-SOB%20ck1.doc>.

WHEREAS, Anchorage has one of the highest sexual assault rate in the country; and

WHEREAS, Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. *See, e.g.*, *Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).

WHEREAS, the preponderance of evidence indicates that repeated exposure to pornography is detrimental to healthy social behavior and an influence on many sexual perpetrators (*See Just Harmless Fun?* By Bruce Watson and Sheila Rae Welch, c. Enough is Enough 2000); and

- (3) Offering and providing sexually oriented services involving bodily contact and/or such booths and/or cubicles encourages activities which create unhealthy conditions. See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.
- (4) Annual licensing is a legitimate means of accountability to ensure that operators and employees of sexually oriented businesses operate with reasonable health and safety provisions and an understanding of current laws and impacts of their businesses, protect youth, face stiffer consequences for underage employment or patronage, and do not allow their establishments to be used as places of illegal activity or solicitation.
- (5) The general welfare, health, and safety of affected neighborhoods and school children who interact with sexually-oriented business patrons and employees will be promoted by the enactment of such type of laws.

THEREFORE BE IT RESOLVED, to request that the Alaska State Legislature and local governments enact laws incorporating items 1 through 5 to regulate existing or future sexually oriented businesses and employees, and to take all possible actions to protect Alaska school students and other youth under 21 years old from the harmful effects of these businesses.

Signed:

Samuel A. Massey

 President, Robert Service High School Parent-Teacher-Student Association

12/11/03

 Date