

Clarification on local option

To The Editor:

The July 1, 1981, issue of the Tundra Times carried a long article I wrote on the alcohol local options law and the way to have an election. Rather than repeating all that information, the interested reader is asked to look at that edition of the paper and to note the following information.

The Assistant Attorney General Rodney Pegues in late June, 1981, told the Lieutenant Governor's office that the City Council of a municipality, after it meets all the requirements set out in the state Title 4 alcohol local option law, can schedule an election 20 days after the petition has been given to the City Council and certified by the City Clerk. This means that after a petition under Title 4 has been given to and approved by the City Clerk, a "special" election can be scheduled for 20 days later.

Pegues also told the Lieutenant Governor's office that for BOTH a MUNICIPALITY and an ESTABLISHED or TRADITIONAL VILLAGE, Title 4 petitions which are older than 90 days, will be good. BUT, Pegues did not say how old the petitions can be.

We are still waiting for Mr. Pegues or his office to give a

"formal," written opinion on both (i) the number of days before an election can be scheduled and (ii) how old a petition can be. Until the information is in writing, Pegues' words are only an "informal" opinion and can be changed. When Pegues has given a written opinion, that will be a formal opinion which the state must honor. As soon as received, that information will appear in this column.

Alakanuk was a prime mover in getting this information. Pegues said their petition dated Jan. 12, 1981, was valid and an election could be scheduled 20 days from the date the original petition was certified by the City Clerk.

The residents of Alakanuk voted on the "prohibition of the sale and importation of alcoholic beverages on July 20. Many other communities are now gathering signatures on similar petitions and will also be holding elections soon. If a village votes for one of the options and the election is certified, the Troopers will have to enforce the law.

In the past few months there have been many questions as to whether a second class city (a municipality) can adopt an emergency ordinance. On April 16, 1981, Mr. Pegues issued an

informal opinion saying an emergency ordinance to ban the sale and importation of alcoholic beverages invalid.

In May, 1981, he said that was because the area is "pre-empted" by state law. "Pre-empted" means the state has passed a law on the same subject and that the state law, not municipal law (the city ordinances), must be followed.

Some people disagreed with Pegues' analysis. At this writing, it is certain that there is a workable state law providing communities with options and a way to hold election. The State Title 4 alcohol local option law should probably be sued by any community wishing to forbid the sale and importation of alcoholic beverages. The legality of the emergency ordinance process is in question and under state law, it is now possible to hold a valid election.

If you or your community have any questions or if you want assistance or someone to come to your community to answer questions about the alcohol local option process, please write Carole A. Baekey, Alaska Legal Services Corporation, 615 H Street, Anchorage, Alaska 99501 or call her at 272-9431.

Carole A. Baekey
Alaska Legal Services Corp.

Beach bottle philosophy

To The Editor:

Not too long ago, I found a bottle floating in the Yukon River near Minto, and in this bottle was a seemingly old piece of yellowing parchment paper with the following handwritten message scrawled on it in almost illegible handwriting and signed by someone named Leinad Moolb. He entitled his parchment "The Alaska Dryrotta" and it reads as follows:

"GO placidly amid the tundra and snow and remember what peace there may be in woodstoves. As far as possible be on good terms with your neighbors

and remember that the Natives were here first. You are a denizen of this Great Land even if you were born in Oklahoma or Los Angeles and therefore conduct yourself accordingly. Respect the signs of nature, preserve the environment or what's left of it, recycle your laundry and stay away from bears, be they in animal or human form. As for the Capitol Move, who knows what Willo (sic) shall be? When you see an eagle soar, soar with it. Fish away to your heart's delight and hunt up a storm but keep yourself dry with GoreTex and plastic sheets. Eat of the silver, the pink and

the king, and taste the flesh of the deer, the moose and the moosquito. Oh yes, and enjoy yourself because life is short and the Legislature meets tomorrow.

With your quilted parka and your earmuffs, strive to stay warm and let not the climate get to you for surely there shall be summertime soon. Believe it and pray for oil."

poster
copies of it are available (free from Brendan Fog Productions, 90 Spruce Street, Room 101, Juneau, Alaska 99801, Dryrotta Department.

Daniel Bloom
Juneau