

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 28, 2001
9:06 a.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative Jeannette James
Representative Hugh Fate
Representative Gary Stevens
Representative Peggy Wilson
Representative Harry Crawford
Representative Joe Hayes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 187(FIN)

"An Act relating to absentee and special needs voting."

- MOVED CSSB 187(FIN) OUT OF COMMITTEE

HOUSE BILL NO. 42

"An Act relating to the consumption, purchase, furnishing, delivery, offer for sale, and sale of alcoholic beverages and to driver's licenses and identification cards used to purchase alcoholic beverages."

- MOVED CSHB 42(STA) OUT OF COMMITTEE

HOUSE BILL NO. 213

"An Act relating to initiative and referendum petitions; and providing for an effective date."

- BILL HEARING POSTPONED

HOUSE JOINT RESOLUTION NO. 14

Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund and to the Alaska heritage fund; and providing for an effective date for the amendments.

- BILL HEARING POSTPONED

HOUSE JOINT RESOLUTION NO. 25

Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions.

- BILL HEARING POSTPONED

PREVIOUS ACTION

BILL: SB 187

SHORT TITLE: ABSENTEE AND SPECIAL NEEDS VOTING

SPONSOR(S): SENATOR(S) WARD

| Jrn-Date | Jrn-Page | | Action |
|----------|----------|-----|--|
| 04/10/01 | 1048 | (S) | READ THE FIRST TIME - REFERRALS |
| 04/10/01 | 1048 | (S) | STA, FIN |
| 04/19/01 | | (S) | STA AT 3:30 PM BELTZ 211 |
| 04/19/01 | | (S) | Moved CS(STA) Out of Committee |
| 04/19/01 | | (S) | MINUTE(STA) |
| 04/20/01 | 1194 | (S) | STA RPT CS 3DP NEW TITLE |
| 04/20/01 | 1194 | (S) | DP: THERRIAULT, PHILLIPS, DAVIS |
| 04/20/01 | 1194 | (S) | FN1: ZERO(GOV) |
| 04/23/01 | 1214 | (S) | FIN RPT CS 7DP 2NR NEW TITLE |
| 04/23/01 | 1214 | (S) | DP: KELLY, DONLEY, GREEN, OLSON, WILKEN |
| 04/23/01 | 1214 | (S) | WARD, LEMAN; NR: AUSTERMAN, HOFFMAN |
| 04/23/01 | 1214 | (S) | FN1: ZERO(GOV) |
| 04/23/01 | | (S) | FIN AT 9:00 AM SENATE FINANCE 532 |
| 04/23/01 | | (S) | Moved Out of Committee |
| 04/23/01 | | (S) | MINUTE(FIN) |
| 04/25/01 | 1261 | (S) | RULES TO CALENDAR 1OR 4/25/01 |
| 04/25/01 | 1264 | (S) | READ THE SECOND TIME |
| 04/25/01 | 1264 | (S) | FIN CS ADOPTED UNAN CONSENT |
| 04/25/01 | 1264 | (S) | ADVANCED TO THIRD READING UNAN CONSENT |
| 04/25/01 | 1264 | (S) | READ THE THIRD TIME CSSB 187(FIN) |
| 04/25/01 | 1264 | (S) | PASSED Y14 N6 |
| 04/25/01 | 1265 | (S) | ELLIS NOTICE OF RECONSIDERATION |
| 04/25/01 | | (S) | RLS AT 10:45 AM FAHRENKAMP 203 |

| | | | |
|----------|------|-----|--|
| 04/25/01 | | (S) | MINUTE(RLS) |
| 04/26/01 | 1288 | (S) | RECONSIDERATION NOT TAKEN UP |
| 04/26/01 | 1289 | (S) | TRANSMITTED TO (H) |
| 04/26/01 | 1289 | (S) | VERSION: CSSB 187(FIN) |
| 04/27/01 | 1264 | (H) | READ THE FIRST TIME - REFERRALS |
| 04/27/01 | 1264 | (H) | STA |
| 04/28/01 | 1308 | (H) | STA RPT 3DP 2NR 1AM |
| 04/28/01 | 1308 | (H) | DP: WILSON, JAMES, FATE; NR: HAYES, |
| 04/28/01 | 1308 | (H) | COGHILL; AM: CRAWFORD |
| 04/28/01 | 1308 | (H) | FN1: ZERO(GOV) |
| 04/28/01 | | (H) | STA AT 9:00 AM CAPITOL 102 |

BILL: HB 42

SHORT TITLE: PRIVILEGE TO PURCHASE ALCOHOL/I.D. CARDS

SPONSOR(S): REPRESENTATIVE(S) GREEN

| Jrn-Date | Jrn-Page | | Action |
|----------|----------|-----|--|
| 01/10/01 | 0049 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/10/01 | 0049 | (H) | STA, JUD, FIN |
| 04/10/01 | | (H) | STA AT 8:00 AM CAPITOL 102 |
| 04/10/01 | | (H) | Scheduled But Not Heard |
| 04/17/01 | | (H) | STA AT 8:00 AM CAPITOL 102 |
| 04/17/01 | | (H) | Heard & Held |
| 04/17/01 | | (H) | MINUTE(STA) |
| 04/28/01 | 1300 | (H) | STA RPT CS(STA) 1DP 1DNP 3NR 1AM |
| 04/28/01 | 1301 | (H) | DP: FATE; DNP: COGHILL; NR: CRAWFORD, |
| 04/28/01 | 1301 | (H) | HAYES, JAMES; AM: WILSON |
| 04/28/01 | 1301 | (H) | FN1: (ADM); FN2: (ADM) |
| 04/28/01 | 1301 | (H) | FN3: (COR); FN4: (LAW) |
| 04/28/01 | 1301 | (H) | REFERRED TO JUDICIARY |
| 04/28/01 | | (H) | STA AT 9:00 AM CAPITOL 102 |

WITNESS REGISTER

LORETTA BROWN, Staff
to Senator Jerry Ward
Alaska State Legislature
Capitol Building, Room 423
Juneau, Alaska 99801

POSITION STATEMENT: Presented SB 187 on behalf of the sponsor,
Senator Ward.

GAIL FENUMIAI, Election Program Specialist
Division of Elections
Office of the Lieutenant Governor
PO Box 110017
Juneau, Alaska 99811-0017
POSITION STATEMENT: Expressed concerns with CSSB 187(FIN).

JEFF LOGAN, Staff
to Representative Joe Green
Alaska State Legislature
Capitol Building, Room 403
Juneau, Alaska 99801
POSITION STATEMENT: Testified on behalf of the sponsor,
Representative Green.

CHUCK HOSACK, Deputy Director
Division of Motor Vehicles
Department of Administration
3300B Fairbanks Street
Anchorage, Alaska 99503
POSITION STATEMENT: Testified on HB 22.

KEVIN HOGAN
(No address provided.)
POSITION STATEMENT: Testified in support of HB 22.

DR. BOB JOHNSON
(No address provided.)
POSITION STATEMENT: Testified in opposition to HB 22.

REPRESENTATIVE JOE GREEN
Alaska State Legislature
Capitol Building, Room 403
Juneau, Alaska 99801
POSITION STATEMENT: Testified as the sponsor of HB 42.

ACTION NARRATIVE

TAPE 01-51, SIDE A
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 9:06 a.m. Representatives Coghill, James, Fate, Wilson, and Crawford were present at the call to order. Representative Hayes and Stevens arrived as the meeting was in progress.

SB 187-ABSENTEE AND SPECIAL NEEDS VOTING

CHAIR COGHILL announced that the first order of business would be CS FOR SENATE BILL NO. 187(FIN), "An Act relating to absentee and special needs voting."

Number 0103

LORETTA BROWN, Staff to Senator Jerry Ward, Alaska State Legislature, presented SB 187 on behalf of the sponsor. Ms. Brown explained that SB 187 requires the director of the Division of Elections to notify the voting public of all absentee in-person voting stations 45 days before an election. Currently, the opening is left to the discretion of the director. This legislation will create regulations stating that no new stations may be opened after the 45-day period. Therefore, everyone would have an even playing field in regard to knowing where the absentee voting stations will be open. Furthermore, the public would be informed in a timely manner. This legislation also requires that the absentee voting stations may not be opened more than 15 days before an election. She explained that with a 45-day notice, there is actually a 30-day period during which the public is notified before the actual voting begins. This legislation does not take away the discretion that can be used during the 15-day period before the election; the absentee voting stations can operate at their discretion.

MS. BROWN, in response to Chair Coghill, specified that [the legislation] anticipates public notice, not personal notice. In response to Representative Wilson, Ms. Brown said this legislation would not impact absentee voting by mail.

Number 0404

REPRESENTATIVE CRAWFORD expressed his difficulty in seeing a need for this legislation. If the division had the ballots completed early, then the opportunity for more people to vote would be better.

MS. BROWN pointed out that the Division of Elections is not the only group that notifies voters. Candidates and other organizations notify voters and advertise. Therefore, if there is mix up in regard to the location and opening times of a voting station, then there is the possibility that a [voter] is confused.

Number 0506

GAIL FENUMIAI, Election Program Specialist, Division of Elections, Office of the Lieutenant Governor, pointed out that the Division of Elections already provides public notice of the location and time of absentee in-person voting. Historically, the notice [begins] about three weeks prior to the election, which is about six days prior to the voting period. The division feels that such is an adequate period of time to notify the public. Ms. Fenumiai related her belief that if people are notified 30 days in advance, they wouldn't remember. Furthermore, the locations of the absentee in-person voting stations are usually set by June 1, which is around the same time as the division secures the polling places and recruit election workers. She clarified that absentee voting stations are those locations where all 40 House district ballots are available as compared to an absentee voting official, which may have ballots for one specific jurisdiction.

MS. FENUMIAI recalled references to absentee voting starting early. However, in the six years she has been with the division, it has happened once and that was during last year's general election. The ballots arrived earlier than ever before. She explained that the division has the statutory authority to begin absentee in-person voting only in the regional election offices, which are located in Anchorage, Fairbanks, Juneau, and Nome. The six recognized political parties were notified that absentee in-person voting would start a week early than scheduled because the ballots were available. It was thought it would be a good service to voters.

Number 0733

CHAIR COGHILL asked if Ms. Fenumiai viewed the 15-day period before an election as problematic.

MS. FENUMIAI noted that absentee in-person voting has always started 15 days before the election. In further response to Chair Coghill, she agreed that the struggle would be in relation to the 45-day period. Ms. Fenumiai pointed out that SB 187 would require the division to publish the location, date, and time of [absentee in-person voting] 45 days prior to the election and the bill also repeals the division's ability to start absentee in-person voting early at the four regional election offices in the case that the ballots arrive early. She reiterated that such has only happened once in six years.

Number 0789

REPRESENTATIVE JAMES related her belief that in order to get more people to vote, known [locations, times, and dates] would be better. She felt that there are a couple of problems with getting people to vote, which include that people are apathetic about the issue or merely forget to vote. "Not only do we want people who want to vote, we want informed people to vote," she emphasized. She indicated that specific timelines would provide people with order on which they could depend. Therefore, she requested that Ms. Fenumiai provide a better case as to why the proposed timelines would destroy some of the things the division is able to do.

MS. FENUMIAI clarified that she didn't believe that [the timelines] would destroy anything the division is trying to do. Rather, she believes that advertising 30 days prior to the voting starting is perhaps too soon for people to remember or be effective for the voter to remember. She reiterated that these [absentee in-person] voting stations are set around June 1 and listed on the Internet at the division[*'s* site]. She emphasized that the division doesn't object to noticing the locations, it's merely the timing that seems too long. In further response to Representative James, Ms. Fenumiai clarified that it's not an issue of not knowing where the locations will be but rather the effectiveness of the public notice.

REPRESENTATIVE JAMES countered by relating her belief that having the notice earlier would provide people with the opportunity to know earlier.

Number 1209

REPRESENTATIVE FATE inquired as to the hardship that a 45-day and a 30-day notification would create for the division.

MS. FENUMIAI answered that there might be an increase to the on-year election costs in the division's budget by about \$10,000. She informed the committee that \$35-\$40,000 is spent for each election advertising. In further response to Representative Fate, Ms. Fenumiai said that such a change wouldn't be a hardship on personnel.

Number 1281

MS. BROWN informed the committee that the legislation originally had a 60-day notification. Although Ms. Brown acknowledged that

the division already has these voting stations scheduled and set, the desire is to [avoid] a change at the last [minute]. Therefore, the 45-day period would allow other organizations the ability to have time [to include voting locations and times] in their mailings and telephonings and know the voting stations won't change [or] be added.

REPRESENTATIVE HAYES inquired as to whether the division has changed polling locations at the last moment, without proper notice.

MS. BROWN said, "I'm not real sure. Senator Ward feels there have been cases."

MS. FENUMIAI pointed out that polling places are a bit different than stations. There [have been] unusual circumstances under which polling places can't open for election day and thus there are emergency closures. However, the division does its best to notify voters of polling place changes, which have to be cleared with the Department of Justice. In regard to the absentee voting stations, those are listed in regulation. Furthermore, it is too difficult to set up an absentee voting station three weeks prior to the election and thus the absentee voting stations are established around June 1 when polling place election recruiting is done.

Number 1405

REPRESENTATIVE HAYES related his understanding, then, that the absentee polling station is already in statute and thus [only] an extraordinary circumstance would cause a station not to be available. Therefore, he inquired as to what justification this legislation has to change the requirement to a 45-day notification period. He recalled speaking with voters during his "door knocking" and those voters mentioned that they didn't think of the election until the last 10 days. Therefore, he viewed this legislation as adding another layer of bureaucracy that he didn't believe was necessary.

MS. BROWN agreed that [the location of the absentee voting stations] is in regulation, but she pointed out that the director of the Division of Elections has discretion in changing, moving, and opening [absentee voting stations]. Therefore, this legislation places [the 45-day requirement] in statute [and thus] doesn't allow that to happen.

MS. FENUMIAI reiterated that the director of the division has the discretion to begin absentee in-person voting early only in the four regional election offices. This [occurs] only if the ballots are available for distribution. Those four locations are the only locations that such happened in the 2000 general election. Ms. Fenumiai informed the committee that there are 14 absentee ballot stations that are operational during a primary election and 15 are operational statewide during a general election. This legislation doesn't impact the dates of operation, it only states that absentee in-person voting can't start any earlier than the 15th day.

Number 1562

REPRESENTATIVE WILSON requested that Ms. Fenumiai provide the committee with an example of an emergency that would necessitate a change.

MS. FENUMIAI reiterated that such would be the case with polling places, which is a different issue than an absentee voting station. With regard to a polling place, a school that was under construction may have been secured. However, the construction isn't completed by the time of the election and thus an emergency polling place change would have to be done. In such a circumstance, voters are mailed notification of the change. Furthermore, a notice directing voters to the new location is usually posted at the original location.

REPRESENTATIVE WILSON surmised then that the only objection Ms. Fenumiai has is the 45-day requirement. She inquired as to why, when ballots are available early, voting would be allowed early in some areas versus statewide.

MS. FENUMIAI reiterated that the statute only provides the director with the authority to open absentee in-person voting early at the four regional election offices, which serve as absentee voting stations.

Number 1697

REPRESENTATIVE JAMES recalled hearing some "flap" regarding the elections at the University of Alaska - Anchorage and thus she inquired as to what that was about.

MS. FENUMIAI explained that the University of Alaska - Anchorage wanted to have an absentee voting station on campus. The division attempted to do so in the past, but was unable to

recruit workers. This last year the division was successful and thus had [an absentee voting station] open for the primary and general elections the Monday prior to the election and election day.

REPRESENTATIVE JAMES asked, "You wouldn't have known 45 days out to notice ... that there was going to be one there?"

MS. FENUMIAI said that the division did have adequate time to have [45 days notice]. In further response to Representative James, Ms. Fenumiai affirmed that this proposed requirement wouldn't have impacted that situation.

Number 1778

REPRESENTATIVE WILSON inquired as to what timeframe the department would accept.

MS. FENUMIAI informed the committee that when the legislation was in the Senate, the division proposed a 30-day notification requirement.

MS. BROWN explained that a 30-day notification requirement would result in notification occurring only 15 days before absentee voting could take place and thus it is really only two weeks before, which could be problematic for mailings and phone calls.

REPRESENTATIVE JAMES noted that it could be problematic getting the mail out. Fifteen days seems a bit short. Therefore, she felt that 45 days would be appropriate.

Number 1892

REPRESENTATIVE HAYES pointed out that what is done currently doesn't cause any new phone calls, aggravations, or hassles. If it takes more than 15 days for [a candidate] to get something out to the voters through the mail house, then most [candidates] wouldn't be here. Representative Hayes felt that 15 days is burdensome, cumbersome, too long, inefficient, and causes a lot of problems.

REPRESENTATIVE JAMES respectfully disagreed.

MS. FENUMIAI remarked that the division wants to do public notice as it is the division's job and thus [the division] is attempting to determine when the notice would be most effective for the voter.

Number 1960

CHAIR COGHILL pointed out that the division is looking at this matter from the perspective of the voter, while the candidates may take a little different tact because they notify voters themselves. Chair Coghill inquired as to the will of the committee.

REPRESENTATIVE JAMES moved to report CSSB 167(FIN) out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE HAYES also objected and explained that he is attempting to draft a conceptual amendment that would reduce the 45-day notification to a 30-day notification.

REPRESENTATIVE JAMES withdrew her motion.

REPRESENTATIVE HAYES moved a conceptual amendment on page 2, line 1, [of CSSB 187(FIN)] to change the reference from [45 days] to "30 days".

REPRESENTATIVE WILSON objected. She explained the difficulty she incurs due to the lack of a local printer on the island that she lives. Therefore, she emphasized the need for 45-day notification because there are people that don't have access to things [that are easily accessible in] other parts of the state.

REPRESENTATIVE FATE objected and related the example of a person being at a fishing camp without communication during the time prior to the election. He agreed with the need for early notification.

CHAIR COGHILL remarked that perhaps this illustrates, for the division, the dichotomy of notifying voters as well as campaigns. Chair Coghill recognized that the objections were maintained and thus a roll call was in order.

A roll call vote was taken. Representatives Crawford and Hayes voted for Representative Hayes' conceptual amendment. Representatives Fate, James, Wilson, and Coghill voted against Representative Hayes' conceptual amendment. Therefore, Representative Hayes' conceptual amendment failed with a vote of 2-5.

REPRESENTATIVE JAMES moved to report CSSB 187(FIN) out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSB 187(FIN) was reported from the House State Affairs Standing Committee.

The committee took a brief at-ease from 9:37 a.m. to 9:39 a.m.

HB 42-PRIVILEGE TO PURCHASE ALCOHOL/I.D. CARDS

CHAIR COGHILL announced that the next order of business would be HOUSE BILL NO. 42, "An Act relating to the consumption, purchase, furnishing, delivery, offer for sale, and sale of alcoholic beverages and to driver's licenses and identification cards used to purchase alcoholic beverages." [Before the committee was CSHB 42, Version 22-LS0043\P, Ford, 4/16/01.]

Number 2258

JEFF LOGAN, Staff to Representative Joe Green, Alaska State Legislature, testified on behalf of the sponsor. Mr. Logan informed the committee that Version 0 included a provision whereby people convicted of alcohol-related offenses were included under the auspices of the bill. The Department of Law and other departments estimated that such would include about 14,000 alcohol-related offenders. The cost of processing those additional 14,000 increased the fiscal note considerably. Therefore, in an effort to decrease the fiscal note in hopes of the bill's passage, the sponsor decided to limit the scope of the bill to those refusing to take a breathalyzer; or [being in violation of AS 28.35.030] refusing to submit to a chemical test; or being convicted of operating a motor vehicle, aircraft, or watercraft while intoxicated.

CHAIR COGHILL related his understanding that the bill is limited to criminal action.

MR. LOGAN agreed.

Number 2326

REPRESENTATIVE WILSON related her understanding that the legislation says that an individual refusing to take a breathalyzer test [or chemical test] would be arrested.

MR. LOGAN clarified that is already in the statute. "Essentially, what we're saying is: If you are convicted for operating a motor vehicle under the influence of alcohol or if

you refuse to take a breathalyzer, you fall under this legislation," he explained. However, the previous version included those intoxicated persons that were involved in a fight at a bar. The scope of this version of HB 42 was restricted to drunk driving and refusing to take the breathalyzer.

REPRESENTATIVE WILSON inquired as to what this bill would do to drunk drivers and those refusing to take the breathalyzer that is different than normal.

MR. LOGAN explained that this bill adds the requirement that such persons have a different driver's license and there are restrictions in relation to the privilege of purchasing alcohol. Furthermore, the current version allows municipalities and local governments to impose a local option whereby those identifications would have to be checked.

MR. LOGAN, in response to Chair Coghill, clarified that the bill is saying that [changes to] the driver's licenses will be imposed. However, the municipality can have a local option election whereby the licensee or the employee of the licensee selling the alcohol would be required to check the license in order to know that the license is different from those having the privilege to purchase alcohol.

CHAIR COGHILL asked if there have been discussions with the department regarding how the license may be colored or changed.

MR. LOGAN pointed out that the language merely specifies a "distinctive color," which he indicated would be left to the department.

Number 2500

CHUCK HOSACK, Deputy Director, Division of Motor Vehicles, Department of Administration, explained that if this legislation passes, the division would envision issuing a card that looks like the driver's license or ID card. The division plans to have a colored stripe, such as a light red stripe, that would run diagonally across the license.

REPRESENTATIVE JAMES related her understanding that if a municipality opted to check and refuse service to anyone that has such a license, then the municipality would be requiring that the individual couldn't use his/her driver's license for identification. She asked if that understanding is correct or

is the division assuming that these are people that don't have a driver's license.

MR. HOSACK answered, "It could be either." He explained that some of these people may not be able to get their driver's license back because their license is revoked, and therefore an ID card with a stripe would be issued. An individual with a first offense can be eligible to get his/her driver's license back after 90 days, but the privilege to purchase alcohol would be revoked for a year. Therefore, that individual would have a driver's license with a stripe, which would signify the individual's inability to purchase alcohol.

REPRESENTATIVE JAMES related her understanding that under this legislation if an individual has done something to lose his license, that individual can't purchase [alcohol]. She also related her understanding that the revocation of an individual's ability to purchase alcohol isn't anywhere else in law.

MR. HOSACK agreed that there is no other provision that would prevent such an individual from purchasing alcohol.

REPRESENTATIVE JAMES said, "This bill, then, says that anyone who has lost their license by one of these things cannot buy liquor any more; ... that's statewide."

MR. HOSACK replied yes.

MR. LOGAN indicated agreement with Representative James that under this bill everyone would be treated the same [in that an individual losing his/her license for an alcohol-related offense can't purchase alcohol].

REPRESENTATIVE JAMES understood, then, that such individuals would have a separate identification card that would have a stripe across it. This ID card would be shown when attempting to purchase alcohol because the individual wouldn't have a driver's license. On the other hand, would [the passage of this legislation allow] an individual who has the ability to purchase alcohol the ability to show other forms of identification, such as a passport. She inquired as to whether a local government could make decisions that only impacted that area.

MR. HOSACK answered that this legislation is aimed primarily at the driver's license and, as he reads it, doesn't preclude showing other forms of identification that has a date of birth listed.

REPRESENTATIVE JAMES surmised that this ID card would be the identification that would be shown as a person boards a plane.

MR. HOSACK replied yes and specified that this ID card could be used for anything that requires identification.

Number 2740

KEVIN HOGAN testified via teleconference. He began by commending the sponsor because he viewed this legislation as model legislation. However, Mr. Hogan didn't view the committee substitute as an improvement over the original bill. The local option provision doesn't seem to provide any benefit at all nor does reducing the scope of the legislation. Mr. Hogan expressed the need for judicial discretion in regard to setting the duration of the revocation of the ability to purchase alcohol. He reiterated his praise for this legislation.

MR. HOGAN turned to the problem surrounding ID cards for out-of-state residents, the military, et cetera. He felt that such could be dealt with through an affidavit process with a sticker attached to the form of ID, with an expiration date.

CHAIR COGHILL remarked that judges have some discretion now in that they have the ability to impose a "no tolerance" on individuals. Chair Coghill announced that the public testimony would be closed.

Number 2908

REPRESENTATIVE JAMES related her experience in Washington State where she owned a convenience store. One of her customers had severe alcohol problems that led a judge to rule that this man couldn't be on the premises where alcohol was sold. She characterized that as a desperate attempt by a judge to help. Representative James asked whether this legislation creates a situation in which committing one of these crimes automatically results [in a special ID card because the ability to purchase alcohol has been revoked] or does the judge have the discretion to impose it or not.

MR. LOGAN explained that the legislation would make it mandatory.

TAPE 01-51, SIDE B

CHAIR COGHILL opened the public testimony again.

Number 2966

DR. BOB JOHNSON testified via teleconference. He informed the committee that has practiced medicine in Kodiak for 40 years. A large part of his practice involved addiction treatments. He noted his membership on the governor's Review Board on Alcoholism; he was also its president for a number of years. Dr. Johnson was also the founder of the Kodiak Treatment program, also known as the Hope House Treatment Program. Therefore, Dr. Johnson said that he is aware of addiction problems.

DR. JOHNSON remarked the he was surprised with Mr. Hogan's testimony because he thought [Mr. Hogan] was aware that punitive treatment for alcoholism doesn't work. No matter the number of punitive measures applied, it doesn't impact the addiction. Punitive measures don't treat the problem or the person. However, treatment does work. Dr. Johnson pointed to the failure of the Holstead Act in the 1930s. Dr. Johnson said, "I think this bill is way off in left field. I don't think it should've been introduced at all." He didn't believe that it would be effective, but would merely add another layer of bureaucracy on top of a very difficult social and ethical problem. Therefore, he encouraged the committee not to pass this legislation out of committee. However, if this legislation were to pass, he suggested that serious consideration be given to the recommendations of the Alaska Civil Liberties Union (AkCLU) that speak to the unfair [aspects of this legislation].

DR. JOHNSON, in response to Chair Coghill, clarified that he was speaking on his own behalf as a physician with much experience in this area.

REPRESENTATIVE STEVENS remarked that Dr. Johnson speaks from a great deal of knowledge and has been an important person with the development of treatment for alcoholism in Kodiak.

MR. LOGAN, in response to Representative James' earlier question, corrected his earlier statement by saying that the court may revoke a person's privilege as specified in the bill. The language on page 2, line 22, [of Version P] specifies "If a person is convicted of operating a motor vehicle, aircraft, or watercraft while intoxicated in violation of AS 28.35.030 or refusal to submit to a chemical test under AS 28.35.032, the

court may revoke the person's privilege to purchase alcoholic beverages."

REPRESENTATIVE WILSON asked if this legislation is utilized in any other state.

MR. LOGAN replied, "Not that we know of."

REPRESENTATIVE HAYES recalled that at the last hearing on HB 42 there were a number of questions, but the same CS is before the committee and there are no answers to the questions. Therefore, he inquired as to whether Mr. Logan intended on answering those questions or should the questions be asked again.

MR. LOGAN said that he thought the questions had been answered. He mentioned that there may be a solution to Representative Hayes' question regarding military personnel.

Number 2680

REPRESENTATIVE JOE GREEN, Alaska State Legislature, testified as the sponsor of HB 42. Representative Green informed the committee that there was discussion with military personnel regarding whether this [ID] would be problematic. The only response from the military was that when military personnel are caught driving while intoxicated, anything done outside the military setting is minor compared to what is done within the military system.

REPRESENTATIVE HAYES recalled hearing testimony that indicated that this proposed ID card would be the primary form of identification over all other types.

REPRESENTATIVE GREEN clarified that the proposed ID wouldn't be the primary form of identification. He pointed out that it is up to the local municipality whether this ID is adopted.

CHAIR COGHILL pointed out that the bill specifies that [this proposed ID] will be statewide, while the municipality will have the ability to vote in regard to whether it checks the ID, that is enforces this.

REPRESENTATIVE JAMES referred to the following language in Section 4, subsection (b), and inquired as to what violations are encompassed in AS 28.35.030 and 28.35.032.

MR. LOGAN explained that AS 28.35.030 refers to the violation of operating a vehicle while intoxicated while AS 28.35.032 addresses the breath test. He also pointed that the language in subsection (b), lines 25-31, take into account whether the "... consumption of an alcoholic beverage was a substantial factor in the commission of the offense and the person has, within five years preceding the date of the present conviction, been convicted of violating ..." the aforementioned statutes.

REPRESENTATIVE JAMES pointed out that the language in subsection (b), lines 25-31, refers to when "the court shall revoke the person's privilege to purchase alcoholic beverages."

MR. LOGAN interjected that this language addresses the recidivists.

Number 2495

REPRESENTATIVE CRAWFORD referred to page 2, lines 16-21, [AS] 04.16.165 and noted that [Version P] changes the offense for the person who knowingly furnishes or delivers an alcoholic beverage to a person whose privilege to purchase alcoholic beverages is revoked. The offense originally revoked the person's privilege to purchase alcoholic beverages for a period of six months. However, [Version P] changes that offense to a civil penalty of \$500. Representative Crawford said, "It still seems to me that if ... a person comes into your home and you provide them with an alcoholic beverage that you're ... liable if you haven't checked their ID."

MR. LOGAN highlighted the language "knowingly furnish". If a homeowner/host doesn't know that [one of their guests] has offended, then the homeowner/host doesn't knowingly furnish or deliver the alcoholic beverage. He specified that [checking IDs] isn't a requirement that one must do in his/her own home. However, [AS] 04.16.167 seems to clarify that [the legislation] is addressing the [required] identification check by licensees.

REPRESENTATIVE CRAWFORD remarked, "It seems to me like that was dealing with two different things: one it says it's a person and the other says it's a licensee. It doesn't seem like it's a further clarification; it just seems like it's separating those." Representative Crawford felt the language was ambiguous.

REPRESENTATIVE JAMES pointed out that [AS] 04.16.167 doesn't specify the penalty. She questioned whether the penalty would be located in the local law.

The committee took an at-ease from 10:09 a.m. to 10:24 a.m.

Number 2312

REPRESENTATIVE FATE expressed the following concerns. First, he was concerned with the punitive nature of this on the first offense. He understood the intent to be to address chronic offenders, which may provide a justification for the punitive nature of the legislation. Second, he was concerned [AS] 04.16.165. He noted that off-the-record discussions mentioned the possibility of deleting that entire [provision]. Third, this legislation provides municipalities with the option to come under this state law or not, but he expressed concern with the possibility that those unorganized areas that fall under the state [law] would [automatically] fall under this without a voice.

REPRESENTATIVE FATE remarked that although this legislation may be a step forward, it never mentions illicit drugs. Furthermore, there is no mention of what this would cost proprietors in regard to litigation, not to mention the cost the state would incur with litigation [that is bound to happen].

REPRESENTATIVE CRAWFORD noted that he shared the same concern as Representative Fate in regard to [AS] 04.16.165, which he, too, would like to delete. He also expressed the desire to have [the punishment] occur with the second offense rather than the first offense.

CHAIR COGHILL noted that the amendment would have to be done conceptually because of the statutory numbering. After some discussion, Chair Coghill announced that Representative Crawford had [moved that the committee adopt] the amendment [Amendment 1].

Number 2122

REPRESENTATIVE JAMES suggested that eliminating this section would result in people knowingly giving alcoholic beverages [to those whose ability to purchase alcohol has been revoked]. Although the fine seems hefty, it seems to be the only "backup" in keeping people from buying alcohol.

REPRESENTATIVE GREEN said that the bill was drafted in an attempt to prevent these people from obtaining alcohol in the first place. In particular, this bill tries to prevent the drunk driver from getting on the road, especially the repeat offenders. Although he acknowledged that this legislation may be a Draconian measure, he thought Draconian steps should be taken to stop this serious problem. Representative Green said, "My feeling is that this, as it was written, is not going to stop drunk driving. It hopefully will reduce drunk driving, and if we can do that, that's a step forward" Representative Green announced that he would be willing to delete the language [on page 3, lines 16-19] if it would help get the legislation moving. Therefore, he reluctantly accepted the amendment.

REPRESENTATIVE CRAWFORD applauded Representative Green's effort to reduce drunk driving. However, taking this into people's homes is a privacy measure that most Alaskans aren't going to be able to countenance. He didn't believe that the legislation would pass with the language [on page 3, lines 16-19]. Therefore, he felt that [adoption of the amendment to delete the language on page 3, lines 16-19] would be a good compromise.

The committee took a brief at-ease at 10:34 a.m.

Number 1767

CHAIR COGHILL explained that the amendment [Amendment 1] would delete lines 16-21, on page 3. He asked if there was any objection to the amendment. There being no objection, the amendment [Amendment 1] was adopted.

REPRESENTATIVE FATE offered a conceptual amendment [conceptual Amendment 2] in which the punitive damages would take effect on the second offense.

CHAIR COGHILL clarified that Representative Fate's amendment would fall under Section 4.

REPRESENTATIVE FATE clarified that the conceptual amendment [conceptual Amendment 2] would change the language such that an individual with a second offense would lose the privilege [to purchase alcohol] rather than an individual with a first offense.

REPRESENTATIVE GREEN remarked that [adoption of such an amendment] would significantly reduce the potential of reducing the number of drunk drivers on the highway. He reiterated his

desire to address the repeat offenders. However, he pointed out that a first-time offender [probably has been a drunk driver many times prior]. Again, he reluctantly agreed to the conceptual amendment [conceptual Amendment 2] in order for the bill to move.

Number 1615

REPRESENTATIVE JAMES remarked that she agrees with the concept of the bill. However, the application of the bill is problematic [and punitive]. Representative James referred to page 2, subsection (b) and the language that specifies "the court may revoke the person's privilege to purchase alcoholic beverages." That language provides judicial discretion. She echoed Representative Green's comments regarding the [belief] that by the time a person is stopped for drunk driving, the person has probably driven drunk numerous times. She pointed out that for repeat offenses the language specifies that "the court shall revoke the person's privilege to purchase alcoholic beverages." Therefore, it seems that the language in [Version P] already does what the amendments are attempting. However, she announced that she wouldn't object to [conceptual Amendment 2].

CHAIR COGHILL informed the committee that there are revocation notices for the first offense and that is ratcheted up for the second and third offense. Therefore, there are already some fairly significant punitive penalties and thus this legislation would propose a marked ID card with the first offense. The amendment before the committee would propose [the marked ID card] for the second offense. He noted that the next committee of referral for HB 42 is the House Judiciary Standing Committee, which has been working with drunk driving.

CHAIR COGHILL asked if there was any objection to conceptual Amendment 2. There being no objection, conceptual Amendment 2 was adopted.

REPRESENTATIVE FATE said that his earlier-stated concern regarding areas that aren't municipalities is no longer of concern.

Number 1326

REPRESENTATIVE STEVENS asked whether the legislation maintained the local option to have this [special ID].

REPRESENTATIVE GREEN clarified that the legislation, if passed, would be a state law that the local municipalities could opt to enforce or not.

REPRESENTATIVE STEVENS understood that a city council would, then, meet to determine whether this is something that would be enforced in their community. This wouldn't be enforced in a community until the community council [local governing body] had voted to do so.

REPRESENTATIVE GREEN agreed with Representative Stevens' understanding.

Number 1186

REPRESENTATIVE HAYES pointed out that the legislation specified that a ballot question [at the borough level] must be utilized when determining whether to establish this identification system. He specified that he was looking at page 2, lines 7-9.

REPRESENTATIVE GREEN indicated agreement.

REPRESENTATIVE FATE pointed out that in Fairbanks there is a city government and borough government, but there are areas outside of Fairbanks that are in unincorporated jurisdictions.

REPRESENTATIVE GREEN said that he felt that would be a concern for the House Judiciary Standing Committee.

REPRESENTATIVE FATE hoped that question would be reviewed in the House Judiciary Standing Committee.

REPRESENTATIVE STEVENS said, "The question is: ... if you are a city with a police force, you make that decision. If you are a village with a VPSO (Village Public Safety Officer), you can make that decision; you'd have a ballot vote as well, I assume. If you are a borough, you could cover everything and make that decision be enforced by the state troopers."

CHAIR COGHILL noted that the amendments may have had some significant fiscal impacts, and therefore would need to be examined in the House Judiciary Standing Committee.

Number 0806

REPRESENTATIVE WILSON moved to report CSHB 42, Version 22-LS0043\P, Ford, 4/16/01, out of committee with individual

recommendations and the accompanying fiscal notes. There being no objection, CSHB 42(STA) was reported from the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:49 a.m.