

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

February 9, 2006  
8:34 a.m.

**MEMBERS PRESENT**

Senator Ralph Seekins, Chair  
Senator Charlie Huggins, Vice Chair  
Senator Hollis French  
Senator Gretchen Guess

**MEMBERS ABSENT**

Senator Gene Therriault

**COMMITTEE CALENDAR**

SENATE BILL NO. 237

"An Act increasing the number of superior court judges designated for the third judicial district, to provide additional superior court judges at Anchorage, Palmer, and Kenai; and providing for an effective date."

MOVED CSSB 237(JUD) OUT OF COMMITTEE

SENATE BILL NO. 10

"An Act relating to liability for destruction of property by unemancipated minors; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 209

"An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs."

MOVED CSSB 209(JUD) OUT OF COMMITTEE

SENATE BILL NO. 240

"An Act relating to rights of crime victims."

SCHEDULED BUT NOT HEARD

CS FOR HOUSE BILL NO. 107(FIN)

"An Act relating to unlawful obstruction or hindrance of hunting, fishing, trapping, or viewing of fish or game; and amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure."

SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 237

SHORT TITLE: ADDITIONAL JUDGES FOR THIRD DISTRICT

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/13/06 (S) READ THE FIRST TIME - REFERRALS  
01/13/06 (S) JUD, FIN  
01/31/06 (S) JUD AT 9:30 AM BUTROVICH 205  
01/31/06 (S) <Bill Hearing Postponed>  
02/08/06 (S) JUD AT 8:30 AM BUTROVICH 205  
02/08/06 (S) ASSAULT ON SCHOOL EMPLOYEES/BUS DRIVERS

BILL: SB 10

SHORT TITLE: PARENTAL LIABILITY FOR CHILD'S DAMAGE

SPONSOR(s): SENATOR(s) GUESS, DYSON

01/11/05 (S) PREFILE RELEASED 12/30/04  
01/11/05 (S) READ THE FIRST TIME - REFERRALS  
01/11/05 (S) HES, JUD  
01/19/05 (H) HES AT 1:30 PM SENATE FINANCE 532  
01/19/05 (S) Heard & Held  
01/19/05 (S) MINUTE(HES)  
01/26/05 (S) HES AT 1:30 PM BUTROVICH 205  
01/26/05 (S) -- Meeting Canceled --  
04/04/05 (S) HES AT 1:30 PM BUTROVICH 205  
04/04/05 (S) Heard & Held  
04/04/05 (S) MINUTE(HES)  
04/06/05 (S) HES AT 1:30 PM BUTROVICH 205  
04/06/05 (S) Scheduled But Not Heard  
04/11/05 (S) HES AT 1:45 PM BUTROVICH 205  
04/11/05 (S) Moved CSSB 10(HES) Out of Committee  
04/11/05 (S) MINUTE(HES)  
04/12/05 (S) HES RPT CS FORTHCOMING 2DP 3NR  
04/12/05 (S) DP: DYSON, OLSON  
04/12/05 (S) NR: WILKEN, ELTON, GREEN  
04/13/05 (S) HES CS RECEIVED NEW TITLE  
01/19/06 (S) JUD AT 8:30 AM BUTROVICH 205  
01/19/06 (S) Scheduled But Not Heard  
01/24/06 (S) JUD AT 8:30 AM BUTROVICH 205  
01/24/06 (S) Scheduled But Not Heard  
01/25/06 (S) JUD AT 8:30 AM BUTROVICH 205  
01/25/06 (S) Heard & Held  
01/25/06 (S) MINUTE(JUD)  
02/01/06 (S) JUD AT 8:30 AM BUTROVICH 205  
02/01/06 (S) Heard & Held  
02/01/06 (S) MINUTE(JUD)  
02/08/06 (S) JUD AT 8:30 AM BUTROVICH 205

02/08/06 (S) Heard & Held  
02/08/06 (S) MINUTE(JUD)

BILL: SB 209

SHORT TITLE: UNDERAGE MILITARY ON LICENSED PREMISES  
SPONSOR(s): SENATOR(s) HUGGINS

01/09/06 (S) PREFILE RELEASED 12/30/05  
01/09/06 (S) READ THE FIRST TIME - REFERRALS  
01/09/06 (S) JUD, FIN  
02/09/06 (S) JUD AT 8:30 AM BUTROVICH 205

**WITNESS REGISTER**

Susan Parkes, Deputy Attorney General  
Criminal Division  
Department of Law  
PO Box 110300  
Juneau, AK 99811-0300

**POSITION STATEMENT:** Commented on SB 237

Chris Christianson, Deputy Administrative Director  
Alaska Court System  
303 K St.  
Anchorage, AK 99501-2084

**POSITION STATEMENT:** Commented on SB 237

Senator Gretchen Guess  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of SB 10

Anne Carpeneti, Assistant Attorney General  
Criminal Division  
Department of Law  
PO Box 110300  
Juneau, AK 99811-0300

**POSITION STATEMENT:** Commented on SB 10

Brad Thompson, Director  
Division of Risk Management  
Department of Administration  
PO Box 110200  
Juneau, AK 99811-0200

**POSITION STATEMENT:** Commented on SB 10

Tony Newman, Program Officer

Department of Juvenile Justice  
Department of Health & Social Services  
PO Box 110601  
Juneau, AK 99801-0601  
**POSITION STATEMENT:** Commented on SB 10

Cynthia Hora, Associate Victim's Rights Advocate  
Alaska Office of Victim's Rights  
1007 West Third Ave  
Anchorage, AK 99501  
**POSITION STATEMENT:** Testified in opposition to SB 10

Stacy Steinberg, Chief Assistant Attorney General  
Collections and Support Section  
Department of Law  
PO Box 110300  
Juneau, AK 99811-0300  
**POSITION STATEMENT:** Commented on SB 10

Senator Charlie Huggins  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Introduced SB 209

Josh Sample, Legislative Aide  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Answered questions on SB 209

Jim Van Horn, Legislative Aide  
Staff to Representative Jim Elkins  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Commented on SB 209

Clayton Love  
Auke Bay, Alaska  
**POSITION STATEMENT:** Testified in support of SB 209

John Wilkins Jr.  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of SB 209

Howard Culbert  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of SB 209

**ACTION NARRATIVE**

**CHAIR RALPH SEEKINS** called the Senate Judiciary Standing Committee meeting to order at [8:34:52 AM](#). Present were Senators Hollis French, Charlie Huggins, Gretchen Guess, and Chair Ralph Seekins.

**SB 237-ADDITIONAL JUDGES FOR THIRD DISTRICT**

[8:35:57 AM](#)

CHAIR RALPH SEEKINS announced SB 237 to be up for consideration.

SUSAN PARKES, Deputy Attorney General, Department of Law (DOL), offered the committee a letter of intent to replace Section 1, which was the findings and intent section. On the topic of an additional judge in Palmer, she reported that the DOL supports it and Chris Christianson was prepared to report further on the facility needs.

[8:37:16 AM](#)

CHRIS CHRISTIANSON, Deputy Administrative Director, Alaska Court System, reported that two additional judges in Palmer would be appreciated. Facility space is a problem and so they would have to continue to hold night court, which is actually working out and the residents appreciate the convenience.

[8:39:09 AM](#)

SENATOR CHARLIE HUGGINS asked Mr. Christianson whether adding two additional judges to the Palmer court system was a reasonable thing to do.

MR. CHRISTIANSON said yes.

[8:41:49 AM](#)

SENATOR HUGGINS moved to adopt the letter of intent. Hearing no objection, the letter of intent was adopted.

SENATOR HUGGINS moved Amendment 2. Include a second additional judge for the Palmer courts. Hearing no objection, Amendment 2 was adopted.

SENATOR GRETCHEN GUESS noted that the letter of intent does not address subsection (b) of Section 1 and queried whether that needed to be spelled out.

[8:43:58 AM](#)

MS. PARKES countered the last paragraph of the letter of intent does spell it out. She intentionally left out the specific number of additional judges since it could change in the next committee of referral, which is the Senate Finance Standing Committee.

CHAIR SEEKINS said by adding six positions the Legislature would trust that they would be assigned to the judicial districts where they are intended. He said yesterday's action of removing Section 1 and then amending it would call for some corrective work on the bill.

SENATOR HOLLIS FRENCH said detailing Section 2 of the bill with specific identification of the intended judicial districts could address the problem.

[8:46:19 AM](#)

MR. CHRISTIANSON added that normally the drafter puts the locations in the title. In this case, everyone is in agreement of where the need is.

SENATOR GUESS moved Amendment 3. Amend the title to read, "An Act increasing the number of superior court judges designated for the third and fourth judicial districts. Provide additional superior court judges in Anchorage, Palmer, Kenai and Fairbanks, and providing for an effective date." Hearing no objection, Amendment 3 was adopted.

SENATOR FRENCH moved Amendment 4. Detail the number of superior court judges per each judicial district. The superior court consists of 40 judges; five of whom shall be judges in the first judicial district, three of whom shall be judges in the second judicial district, twenty-four of whom shall be judges in the third judicial district, and eight of whom shall be judges in the fourth judicial district and the rest shall stay the same. Hearing no objection, Amendment 4 was adopted.

SENATOR GUESS moved CSSB 237(JUD) as amended with the attached letter of intent, individual recommendations, and attached fiscal note, which is to be updated to reflect the additional judges. Hearing no objections, the motion carried.

CHAIR SEEKINS announced a brief recess at [8:50:18 AM](#).

#### **SB 10-PARENTAL LIABILITY FOR CHILD'S DAMAGE**

[8:57:14 AM](#)

CHAIR RALPH SEEKINS announced SB 10 to be up for consideration.

SENATOR GRETCHEN GUESS, bill sponsor, explained to the committee that she drew up a matrix reflecting all the different situations to help the committee discuss the options before them. The issue is whether or not to hold the state liable for children in state's custody. The original bill did not hold the state liable but the committee amended the bill and since then discussions have been in regard to the extent of that liability. She said it was now up to the committee to finalize the bill.

SENATOR HOLLIS FRENCH asked for clarification on the number of juveniles in state's custody.

TONY NEWMAN, Program Officer, Division of Juvenile Justice (DJJ), said there were approximately 2,300 juveniles in the system.

SENATOR FRENCH asked the number of juveniles whose parents have seen their parental rights terminated.

MR. NEWMAN said of those, there were approximately 200 children.

SENATOR CHARLIE HUGGINS asked whether there was potential that the state would be the only payor on a claim.

SENATOR GUESS said that is not the intent nor is the bill written that way. The juvenile would be responsible for the first \$5,000. The intent of the bill is to create consistency in the system and to balance restitution to the victim.

[9:00:30 AM](#)

SENATOR HUGGINS expressed concern that juvenile and parents might never pay the debt and that the state would be the only entity held liable for restitution.

MS. CARPENETI said she thought that the state would end up being the deep pocket on a lot of the claims. The normal way to collect judgments from Alaskan citizens is through the permanent fund dividend and that is not a guaranteed form of restitution. She said Ms. Steinberg would be the best person to speak about success in collections from juveniles and their parents.

[9:02:27 AM](#)

BRAD THOMPSON, Director, Division of Risk Management, Department of Administration (DOA) testified and said it was a policy call to decide at what segment the state should be held responsible. As noted in the previous hearing, there could be a situation

where four juveniles cause some damage and the state would be targeted if one of them were in state's custody.

CHAIR SEEKINS asked Mr. Thompson whether there was any way to access the risk in terms of dollars.

MR. THOMPSON said he researched the website for the insurance information institute, which is a data collection entity for all homeowner and renter policies. He estimated that vandalism was 10 percent of all property claims in the past five years. Ninety-five percent of homeowners have insurance and sixty-four percent of renters have no insurance. Arson is the leading cause of claims and children are responsible for almost half of arson fires. Juveniles under 18 years of age accounted for 42 percent of arson arrests in 2004. He offered to provide more information to the committee in the form of statistics.

[9:05:58 AM](#)

CHAIR SEEKINS said out of the 2300 children in state's custody, the most dangerous ones are in the pre-teen and teenage years. He asked Mr. Newman the number of juveniles that fall in that age group.

MR. NEWMAN said the majority of the children in state's custody are OCS kids (Office of Children's Services) and they are typically younger than those under watch of the DJJ. He did not have a breakdown of the age distribution.

[9:08:48 AM](#)

CHAIR SEEKINS said it was difficult for the committee to proceed because there were no hard numbers to refer to. The committee had no information of the actual occurrences of vandalism by the juveniles and the committee was not aware of the actual number of pre-teen and teenage juveniles and so they could not determine a risk factor. He said he believes that somebody should be held responsible so that the property owner gets restitution. He expressed support for the state taking liability for juveniles in custody.

SENATOR HUGGINS referred to the matrix provided by Senator Guess and asked whether the parents would be held liable for restitution under any of the potential amendments.

SENATOR GUESS responded under the first posed situation the parents would be liable for a segment of the restitution.

[9:12:21 AM](#)

CHAIR SEEKINS said part of his concern was for the property owner and insurance companies tend to search for ways to recoup their losses.

MR. NEWMAN said his previous testimony pointed out that the state was already holding children accountable for causing damage while in state's custody. The department forces the kids to work off the damage and they occasionally take them to court. Currently the statute says that parents retain residual rights, one of which is support of a minor and would include acts of vandalism. He said it was difficult to tell how the bill would change the situation. By codifying that the state is liable it would open up third party claims, which do not exist at this time. He said he was reluctant to believe there was a problem and that the bill was necessary.

[9:14:52 AM](#)

SENATOR GUESS clarified for the committee that the issue was vandalism that is over \$25,000 and the bill limits the state's liability to \$15,000. She took issue with the continuing reference to the possible abuse from the "deep pockets" of the state. From the data that the sponsors gathered the vandalism claims were almost all \$5,000 or less.

The bill is intended to hold juveniles and their parents responsible for some of the damages incurred by vandalism. She cited a recent case in Anchorage where a juvenile burned down a playground and the parent advised the school that they shouldn't have flammable playgrounds. The bill is to address those parents that are not taking responsibility for the actions of their children.

[9:17:01 AM](#)

MS. CARPENETI added that SB 10 would affect all sorts of instances of children causing damages and the ability of people to recover. The Office of Victim's Rights is interested to testify on the bill as well, she said.

CHAIR SEEKINS said his personal leaning was toward option number two, labeled 24-LS0115\0.4.

[9:18:23 AM](#)

STACY STEINBERG, Section Chief of Collections, Department of Law, (DOL) commented there was a statistic that didn't seem to match up. Her section, which is part of the civil division, collects criminal restitution owed to victims and also they collect restitution in juvenile delinquency cases that have gone

to formal adjudication. She reported that they currently have 356 open juvenile delinquency files and of that amount 124 were over \$5,000 dollars. This differs from Senator Guess's claim that 98 percent of claims are less than \$5,000 dollars and she questioned what those numbers reflect. SB 10 would also make the restitution process much slower, she reported.

SENATOR GUESS responded that the statistics were hard to delineate between the person and the property crimes. The data she cited was reported from the municipalities on actual damage and not just the cases that had gone through the system.

[9:21:22 AM](#)

CYNTHIA HORA, Associate Victim's Rights Advocate with the Alaska Office of Victim's Rights, said her comments were on behalf of the victims. The Office of Victim's Rights supports the concept of consistency relating to the ability of crime victims to obtain restitution from those who have caused damage. The amount and ability to collect should not depend on whether the juvenile is placed on informal probation, formally adjudicated a delinquent, or sued civilly when the state decides not to prosecute.

Restitution is very important to victims. They often suffer a high emotional price and they should not be made to bear the economic price of the crime. The wait is often years until the juvenile case is resolved and restitution is formally ordered. The citizens of Alaska recognized the importance of restitution when they passed the constitutional right to restitution.

The Office of Victim's Rights supports prompt payment of restitution and they oppose any amendment that acts against that. They oppose having the juvenile solely responsible for the first \$5,000 dollars. Victims should be paid first and having the juvenile responsible does not serve that goal. The Office also opposes a cap on parental liability especially when the parents are financially able to pay. They oppose relieving the parents of responsibility when the child is a runaway. The purpose of the juvenile statutes dealing with delinquent minors addresses both juvenile and parental accountability. Holding parents fully liable will keep them involved by making the juvenile work to pay the parents back and to get the restitution paid off.

[9:25:06 AM](#)

MS. HORA directed the committee to AS 47.12.010 and cited the majority of it:

Sec. 47.12.010. Goal and purposes of chapter.

(a) The goal of this chapter is to promote a balanced juvenile justice system in the state to protect the community, impose accountability for violations of law, and equip juvenile offenders with the skills needed to live responsibly and productively.

(b) The purposes of this chapter are to

(1) respond to a juvenile offender's needs in a manner that is consistent with

(A) prevention of repeated criminal behavior;

(B) restoration of the community and victim;

(C) protection of the public; and

(D) development of the juvenile into a productive citizen;

(2) protect citizens from juvenile crime;

(3) hold each juvenile offender directly accountable for the offender's conduct;

(4) provide swift and consistent consequences for crimes committed by juveniles;

(5) make the juvenile justice system more open, accessible, and accountable to the public;

(6) require parental or guardian participation in the juvenile justice process;

(7) create an expectation that parents will be held responsible for the conduct and needs of their children;

(8) ensure that victims, witnesses, parents, foster parents, guardians, juvenile offenders, and all other interested parties are treated with dignity, respect, courtesy, and sensitivity throughout all legal proceedings;

(9) provide due process through which juvenile offenders, victims, parents, and guardians are assured fair legal proceedings during which constitutional and other legal rights are recognized and enforced;

(10) divert juveniles from the formal juvenile justice process through early intervention as warranted when consistent with the protection of the public;

(11) provide an early, individualized assessment and action plan for each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community;

(12) ensure that victims and witnesses of crimes committed by juveniles are afforded the same rights as victims and witnesses of crimes committed by adults;

(13) encourage and provide opportunities for local communities and groups to play an active role in the juvenile justice process in ways that are culturally relevant; and

(14) review and evaluate regularly and independently the effectiveness of programs and services under this chapter.

MS. HORA asserted people have a constitutional right to restitution. Adults are ordered to pay the full amount of restitution with no delay in beginning payments. She asked that the committee not adopt the limitation on parental responsibility. She asked that the committee not require the juvenile to be responsible for the first \$5,000 and that the parents of runaways also be held liable.

9:27:07 AM

SENATOR GUESS clarified that current statute does not require full restitution. SB 10 is the first attempt to conform all of the systems so that full restitution can be reached. There have been cases where the judge determines the amount that the juvenile and parent can afford, assigns that number and declares it "full restitution."

SENATOR GUESS said she believes that there should be consistency in all of the systems as well as full restitution. The bill is an attempt to create a better balance and has evolved out of much public, departmental, and legislative comment. In response to the Office of Victim's Rights, they are correct that if the goal were simply to bring full restitution to the victims as soon as possible then SB 10 would have to be changed dramatically. That goal was not the sole intent, although that is a valid concern.

SENATOR HUGGINS stated for the record that he did not agree with a judge assessing fines due to ability to pay. His opinion was that every vandal should be forced to pay full and unrestricted restitution.

CHAIR SEEKINS closed public testimony and asked for committee comment.

SENATOR FRENCH moved to adopt Amendment 1.

24-LS0115\0.2  
Cook

**A M E N D M E N T 1**

OFFERED IN THE SENATE

BY SENATOR GUESS

TO: CCSB 10(JUD), Draft Version "0"

Page 4, lines 15 - 24:

Delete all material and insert:

"\* **Sec. 6.** AS 34.50.020(b) is repealed and reenacted to read:

(b) The state is liable, to the same extent a parent is liable under (a) of this section, for an act of an unemancipated minor committed while in state custody if the parental rights of the minor's parents have been terminated. This subsection does not apply if the act is committed while the minor has run away or is missing from state custody."

Page 7, line 29, through page 8, line 7:

Delete all material.

Insert "(the index). The index for January of 2006 is the reference base index. The state is responsible for restitution, to the same extent a parent is responsible under this subsection, for an act of a minor committed while in state custody if the parental rights of the minor's parents have been terminated. This subsection does not apply if the act is committed while the minor has run away or is missing from state custody."

Page 14, lines 22 - 31:

Delete all material.

Insert "of 2006 is the reference base index. The state is responsible for restitution, to the same extent a parent is responsible under this subsection, for an act of a minor committed while in state custody if the parental rights of the minor's parents have been terminated. This subsection does not apply if the act is committed while the minor has run away or is missing from state custody."

CHAIR SEEKINS objected and said he would prefer the option labeled 24-LS0115\0.4. He said it closes a black hole as far as the victim's property rights are concerned.

SENATOR GUESS said if the juvenile is in state's custody and the parental rights have not been terminated they would still be liable so there wouldn't be a black hole as far as the victim was concerned.

CHAIR SEEKINS announced a brief recess at [9:36:09 AM](#).

[9:45:16 AM](#)

SENATOR FRENCH withdrew Amendment 1.

SENATOR HUGGINS moved Amendment 2.

A M E N D M E N T 2

OFFERED IN THE SENATE

BY SENATOR GUESS

TO: CSSB 10(JUD), Draft Version "O"

Page 4, lines 15 - 24:

Delete all material and insert:

"\* **Sec. 6.** AS 34.50.020(b) is repealed and reenacted to read:

(b) The state is liable, to the same extent a parent is liable under (a) of this section, for an act of an unemancipated minor committed while in the legal custody of the state, except that the state is not liable if the act is committed while the minor has run away from state custody, is missing from state custody, or has been placed by the state into the physical custody of a parent of the minor. If the minor has been placed by the state into the physical custody of a parent, the parent is liable under (a) of this section for an act committed during that placement. To the extent that the state is liable under this subsection, a parent is not liable under (a) of this section."

Page 7, line 29, through page 8, line 7:

Delete all material.

Insert "(the index). The index for January of 2006 is the reference base index. The state is responsible for restitution, to the same extent a parent with legal custody is responsible for restitution under this subsection, for an act of a minor committed while in the legal custody of the state, except that the state is not responsible if the act is committed while the minor has run away from state custody, is missing from state custody, or has been placed by the state into the physical custody of a parent of the minor. If the minor has been placed by the state into the physical custody of a parent, the parent is responsible for restitution for an act committed during that placement to the same extent as a parent with legal custody."

Page 14, lines 22 - 31:

Delete all material.

Insert "of 2006 is the reference base index. The state is responsible for restitution, to the same extent a parent with legal custody is responsible for restitution under this subsection, for an act of a minor committed while in the legal

custody of the state, except that the state is not responsible if the act is committed while the minor has run away from state custody, is missing from state custody, or has been placed by the state into the physical custody of a parent of the minor. If the minor has been placed by the state into the physical custody of a parent, the parent is responsible for restitution for an act committed during that placement to the same extent as a parent with legal custody."

SENATOR FRENCH objected.

Roll call proved Amendment 2 passed on a three to one vote with Senators Huggins, Guess and Chair Seekins voting yea and Senator French voting nay.

CHAIR SEEKINS asked the sponsors to roll the amendment into a committee substitute (CS) for the committee to consider during the next scheduled meeting. He held the bill in committee.

CHAIR SEEKINS announced a brief recess at [9:46:34 AM](#).

#### **SB 209-UNDERAGE MILITARY ON LICENSED PREMISES**

[9:55:57 AM](#)

CHAIR RALPH SEEKINS announced a committee substitute (CS) for SB 209 to be up for consideration.

SENATOR CHARLIE HUGGINS, sponsor, introduced the bill. He said it would allow veterans organizations to enhance camaraderie in the military by allowing persons under the age of 21 to attend meetings or functions in a military club that sells alcohol.

JOSH SAMPLE, staff to Senator Huggins said SB 209 amends AS 04.11.110(g) by authorizing access of persons below 21 years of age to a club's licensed premises without specific authorization by the Alcoholic Beverage Control board (ABC) under certain circumstances.

[9:58:55 AM](#)

SENATOR GUESS asked Mr. Sample whether there was a definition of "patriotic organization" in statute.

MR. SAMPLE said it was understood that "patriotic organization" and "veterans organization" was one and the same. He said there was no definition in statutes but that there was no confusion, according to the legislative legal department.

SENATOR HUGGINS added there were six or seven groups in the state that have establishments where the bill would apply.

SENATOR GUESS expressed concern that since "patriotic organization" was not defined in the statutes, an unintended establishment could become creative and qualify. She advised the sponsor to define patriotic organization.

SENATOR HUGGINS agreed.

SENATOR GUESS moved to adopt the CS for SB 209, version \Y as the working document before the committee. Hearing no objection, the motion carried.

SENATOR FRENCH opined the director of the ABC board should be able to comment on the definition.

10:02:50 AM

JAMES VAN HORN, staff to Representative Jim Elkins, said there is a mirror bill in the House and the same question came up. The definition of "patriotic organization" is the same as "veterans organization" as defined in ABC regulation.

SENATOR HUGGINS added the intent of the bill was to connect young people to an environment with older veterans who could act as mentors and provide support and advice.

SENATOR GUESS asked Mr. Sample whether there should be a reference to the definition of "patriotic organizations" in the bill.

MR. SAMPLE assured the committee that the drafter in the legislative legal department said that was not necessary.

SENATOR GUESS clarified that a clear definition makes the law unchallengeable.

10:08:30 AM

CLAYTON LOVE, Commander, Disabled American Veterans Department of Alaska testified in support of SB 209. He said club owners understand the intent of the bill and would not risk losing their license by serving underage individuals.

10:11:06 AM

JOHN WILKINS, Director of Services, Disabled American Veterans Department of Alaska testified in support of SB 209. He suggested that young men and women need mentoring and

camaraderie and that would be supplied by allowing them to congregate in the patriotic clubs.

[10:15:50 AM](#)

HOWARD CULBERT, Commander, Disabled American Veterans Department of Alaska testified in support of SB 209.

[10:21:02 AM](#)

CHAIR SEEKINS closed public testimony.

SENATOR GUESS moved CSSB 209(JUD) from committee with individual recommendations and attached fiscal notes. Hearing no objection, the motion carried.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [10:21:33 AM](#).