

**ALASKA STATE LEGISLATURE**  
**SENATE LABOR AND COMMERCE STANDING COMMITTEE**

April 17, 2007

1:35 p.m.

**MEMBERS PRESENT**

Senator Johnny Ellis, Chair  
Senator Gary Stevens, Vice Chair  
Senator Bettye Davis  
Senator Lyman Hoffman  
Senator Con Bunde

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 102

"An Act relating to mortgage lenders, mortgage brokers, mortgage originators, state agents who collect program administration fees, and other persons who engage in activities relating to mortgage lending; relating to mortgage loan activities; relating to an originator fund; relating to fees for mortgage loan transactions; and providing for an effective date."

SCHEDULED BUT NOT HEARD

CS FOR HOUSE BILL NO. 118(RLS)

"An Act relating to underage possession of alcoholic beverages in a dwelling."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 118

SHORT TITLE: PROHIBIT ALLOWING MINORS TO HAVE ALCOHOL

SPONSOR(S): REPRESENTATIVE(S) MEYER

02/05/07	(H)	READ THE FIRST TIME - REFERRALS
02/05/07	(H)	L&C, JUD
02/16/07	(H)	L&C AT 3:00 PM CAPITOL 17
02/16/07	(H)	<Bill Hearing Canceled>
02/21/07	(H)	L&C AT 3:00 PM CAPITOL 17
02/21/07	(H)	Moved Out of Committee
02/21/07	(H)	MINUTE(L&C)
02/22/07	(H)	L&C RPT 4DP 2NR

02/22/07 (H) DP: GARDNER, RAMRAS, GATTO, OLSON  
02/22/07 (H) NR: LEDOUX, NEUMAN  
03/12/07 (H) JUD AT 1:00 PM CAPITOL 120  
03/12/07 (H) Moved Out of Committee  
03/12/07 (H) MINUTE(JUD)  
03/14/07 (H) JUD RPT 2DP 4NR 1AM  
03/14/07 (H) DP: LYNN, RAMRAS  
03/14/07 (H) NR: COGHILL, DAHLSTROM, SAMUELS, HOLMES  
03/14/07 (H) AM: GRUENBERG  
04/02/07 (H) RLS AT 5:00 PM CAPITOL 106  
04/02/07 (H) Moved CSHB 118(RLS) Out of Committee  
04/02/07 (H) MINUTE(RLS)  
04/03/07 (H) RLS RPT CS(RLS) 4DP 3NR  
04/03/07 (H) DP: FAIRCLOUGH, KERTTULA, HARRIS,  
JOHNSON  
04/03/07 (H) NR: SAMUELS, GUTTENBERG, COGHILL  
04/03/07 (H) TRANSMITTED TO (S)  
04/03/07 (H) VERSION: CSHB 118(RLS)  
04/04/07 (S) READ THE FIRST TIME - REFERRALS  
04/04/07 (S) L&C, JUD  
04/17/07 (S) L&C AT 1:30 PM BELTZ 211

#### **WITNESS REGISTER**

MIKE PALOWSKI

Staff to Representative Meyer

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Presented HB 118 for the sponsor.

LIEUTENANT RODNEY DIAL

Alaska State Troopers

Department of Public Safety (DPS)

Ketchikan AK

**POSITION STATEMENT:** Supported HB 118.

#### **ACTION NARRATIVE**

**CHAIR JOHNNY ELLIS** called the Senate Labor and Commerce Standing Committee meeting to order at [1:35:46 PM](#). Present at the call to order were Senators Davis, Bunde and Ellis. Senator Ellis announced that SB 102 would not be heard today and was rescheduled to next Thursday.

#### **CSHB 118(RLS)-PROHIBIT ALLOWING MINORS TO HAVE ALCOHOL**

[1:36:50 PM](#)

CHAIR ELLIS announced the first public hearing on CSHB 118(RLS).

MIKE PALOWSKI, staff to Representative Meyer, sponsor of HB 118, said he introduced HB 118 after talking to his constituents concerning some of the larger neighborhood parties that tend to happen in Anchorage. He found there was a bit of a gap in statute in that while it is illegal to rent a hotel room to throw parties with minors, nothing specific covers being the host for a party at a house. What often happens is the police show up at a party where there are several minors drinking and if the person that is hosting the party is over the age of 21, it can often be difficult to prove that they have furnished alcohol to minors. HB 118 attempts to create a non-criminal violation for a person hosting a party where minors are in possession of alcohol.

MR. PALOWSKI explained that a non-criminal violation is up to a \$500 fine that does not show up on someone's criminal record. So you go outside the regular judicial system and allow the police to have a tool and a deterrent to these types of parties.

The changes that happened in the House were primarily in the Rules Committee and they narrowed down the criteria. First the person is in physical possession and exercising dominion or control over the dwelling, the key for the sponsor being that an absent parent or landlord would not be the one who was liable. The person actually throwing the party would take responsibility. So, if the child was throwing a party while his parents were gone it would be his responsibility, not the parents.

[1:38:56 PM](#)

CHAIR ELLIS asked him to review the support and opposition.

MR. PALOWSKI responded that the most recent support came from The Red Ribbon Coalition, a new community group that is working on getting out the message that hosting parties for underage people isn't appropriate. That letter is signed by Carol Cuomeau, the Superintendent of Schools; Harvey Goering, U.S. Drug Enforcement Agency, and Colonel Audie Holloway, Alaska State Troopers.

[1:40:11 PM](#)

He said they also found some power point presentations - one that is particularly compelling is from Alaska Federation of Natives Elders and Youth Conference - in which young people are

asked how they get alcohol. It was found that most children get alcohol from their house or a friend's house. That led to the push behind this bill.

MR. PALOWSKI said he hadn't heard any opposition, but there were some questions about what "recklessly" means and what scenarios this works under.

1:40:23 PM

SENATOR HOFFMAN joined the committee.

CHAIR ELLIS noted that the bill does have an additional referral to the Judiciary Committee.

1:40:42 PM

LIEUTENANT RODNEY DIAL, Alaska State Troopers, said the Department of Public Safety supports this bill and he thought all the other law enforcement agencies in Alaska did as well. "It helps to address a quality of life issue that we face in our neighborhoods every single week."

He said the Troopers go to the same party houses over and over again. The best they can hope for in many cases is to contain the party and prevent young people from driving away intoxicated.

CHAIR ELLIS asked if he thought this would have the hoped for deterrent effect.

LIEUTENANT DIAL replied that he thought so. It allows them to give a small fine to the person who is in most control of the home and probably transfer the parties to the gravel pits and the beaches where it is easier for enforcement to control those situations. They see no downside to this bill at all.

CHAIR ELLIS asked him to describe a typical scene.

LIEUTENANT DIAL came back with a Friday night scenario where generally neighbors complain about noise and cars going up and down the road. Normally the neighbors have dealt with the problem many times. The Troopers will go out and if they are lucky more than one will show up on the scene. Their main goal is to make sure they don't go in the front door while a dozen kids go out the backdoor, hop in cars and drive down the road intoxicated. He repeated that their first goal is to insure the safety of the children. They will try to identify who the owner is and determine if they are aware that minors are drinking in

their home. They will try to get the party to disperse so they can eliminate the complaints in the neighborhood. It's a very time consuming process and can be dangerous if there is only one officer and multiple individuals.

CHAIR ELLIS asked how often a parent is hosting this kind of thing on the theory that kids are going to drink anyway and it's safer for them to be drinking at a private residence. How often is it a non-parent person over the age of 18 and how often is it just bunch of under agers consuming alcohol illegally?

1:45:46 PM

LIEUTENANT DIAL replied that it's rare that a parent is hosting one of these parties. He has heard parents over the years make the comments that if the kids are going to drink, they would prefer they do it at home. However, he appreciates in most of those cases the parents keep things from getting too far out of control. Generally, it is somebody who is a young adult who either has access to their own home or apartment or has access to their parent's home and the parents are away.

CHAIR ELLIS said the Labor and Commerce Committee's concern would be the source of the alcohol and if businesses are providing it. The sponsor's staff talked about the supply coming from the parents' homes. He asked what his perspective was on the source of alcohol for these kinds of parties.

LIEUTENANT DIAL replied that in his community generally a legal young adult, not much older than the minors they are providing alcohol to, is purchasing it. He also believed there are homes where alcohol is readily available - generally without the parents' knowledge.

CHAIR ELLIS asked if he found these situations were entrepreneurial where someone makes money off of getting the alcohol.

LIEUTENANT DIAL replied that there are some cases like that where a fee is charged to get in the door. He didn't get a lot of feedback from most of the people who attend these parties. Most of the time it is people just sharing the expense of the alcohol.

1:50:05 PM

SENATOR BUNDE noted that all the things he's talking about already violate the law and he wanted to know if this is lowering that standard.

[1:50:49 PM](#)

LIEUTENANT DIAL replied they can currently charge minor consuming or contributing to the delinquency or providing alcohol to minors. But he asked them to keep in mind if Troopers go to the house and issue a citation to one minor, 10 more take off in a car and drive down the road. This bill allows them to shut down the party homes and assist the unintended victims, the neighbors. The person of legal age in the home who is hosting the party really faces no penalties now unless it can be proven that he is providing alcohol to minors. A lot of times they don't really seem to care much if one or two people from their party happen to get a minor consuming charge. The penalty in this bill is focused on that individual.

[1:52:38 PM](#)

MR. PALOWSKI wrapped up saying he could ask Annie Carpeneti from the Department of Law to testify on some of the enforcement issues that led to the questions Senator Bunde was asking about why this bill is necessary.

SENATOR BUNDE said he would appreciate that.

[1:53:39 PM](#)

SENATOR STEVENS joined the committee.

There being no further business to come before the committee, Chair Ellis adjourned the meeting at [1:53:54 PM](#).