

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

April 16, 2009

3:30 p.m.

MEMBERS PRESENT

Senator Donald Olson, Chair
Senator Hollis French
Senator Linda Menard

MEMBERS ABSENT

Senator Joe Thomas, Vice Chair
Senator Albert Kookesh

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 98(FIN) AM

"An Act relating to minor consuming and repeat minor consuming; relating to penalties for violations of limitations on possessing, sending, shipping, transporting, or bringing alcoholic beverages to, soliciting or receiving orders for delivery of alcoholic beverages to, and the manufacture, sale, offer for sale, barter, traffic, or possession of alcoholic beverages in, a local option area; and providing for an effective date."

MOVED CSHB 98(FIN)am OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 98

SHORT TITLE: ALCOHOL: MINOR CONSUMING/LOCAL OPTION

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

01/28/09	(H)	READ THE FIRST TIME - REFERRALS
01/28/09	(H)	JUD, FIN
02/02/09	(H)	JUD AT 1:00 PM CAPITOL 120
02/02/09	(H)	Moved Out of Committee
02/02/09	(H)	MINUTE(JUD)
02/04/09	(H)	JUD RPT 6DP
02/04/09	(H)	DP: LYNN, GRUENBERG, COGHILL, HOLMES, GATTO, RAMRAS
02/17/09	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
02/17/09	(H)	Heard & Held
02/17/09	(H)	MINUTE(FIN)
03/26/09	(H)	FIN AT 1:30 PM HOUSE FINANCE 519

03/26/09 (H) <Bill Hearing Postponed>
04/02/09 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/02/09 (H) Moved CSHB 98(FIN) Out of Committee
04/02/09 (H) MINUTE(FIN)
04/03/09 (H) FIN RPT CS(FIN) NT 3DP 3NR 1AM
04/03/09 (H) DP: KELLY, FOSTER, HAWKER
04/03/09 (H) NR: CRAWFORD, SALMON, THOMAS
04/03/09 (H) AM: GARA
04/13/09 (H) TRANSMITTED TO (S)
04/13/09 (H) VERSION: CSHB 98(FIN) AM
04/14/09 (S) READ THE FIRST TIME - REFERRALS
04/14/09 (S) CRA, JUD

WITNESS REGISTER

JANE PEARSON, Staff
to Representative Jay Ramras
Alaska Capitol Building
Juneau AK

POSITION STATEMENT: Presented HB 98 on behalf of the sponsor.

ACTION NARRATIVE

[3:30:18 PM](#)

CHAIR DONALD OLSON called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators French, Menard, and Olson.

HB 98-ALCOHOL: MINOR CONSUMING/LOCAL OPTION

[3:30:40 PM](#)

CHAIR OLSON announced the consideration of HB 98. [Before the committee was CSHB 98(FIN)AM.]

SENATOR FRENCH moved to adopt the committee substitute.

[3:32:04 PM](#) at ease

SENATOR FRENCH withdrew the motion.

JANE PEARSON, staff to Representative Jay Ramras, said HB 98 began as a minor consuming bill and is a fix for a problem that was created when the language of House Bill 359, which passed the House in 2008, was incorporated into the "omnibus crime bill." She explained that there are three types of minor consuming: 1) minor consuming - the first offense; 2) repeat minor consuming - the second offense; and 3) habitual minor

consuming - the third offense. Habitual minor consuming becomes a misdemeanor. But when the bill was passed last year the statute was amended to say that for a juvenile to be charged with repeat minor consuming, he or she would have had to have been placed on probation under AS 04.16.050(b)(1) and have been previously convicted once. Although the section includes a person who has been convicted of a suspended imposition of sentence (SIS) under .050(b)(1), it does not include a person who served a judgment and conviction under .050(b)(2). The problem is that if a juvenile is convicted under .050(b)(2), it was not possible to charge that juvenile with repeat minor consuming. This fixes that error.

3:34:04 PM

When the bill was in House Finance the Department of Law asked for an amendment to fix an issue related to bootlegging. The new language would bring the penalties for bootlegging in line with felony DUI penalties. This is a bit more stringent.

SENATOR FRENCH asked if it's Section 4 that addresses alignment of the felony bootlegging provisions with felony DUI provisions.

MS. PEARSON said yes.

SENATOR FRENCH commented that, "We thought we were fixing this last year and we did not."

MS. PEARSON said that's right.

SENATOR FRENCH said when he became an assistant district attorney in 1995 or 1996 the legality of minor consuming was an issue, so it's been around for a long time. "Maybe this time we'll get it right."

CHAIR OLSON asked if the bill has any opposition.

MS. PEARSON said no.

CHAIR OLSON asked if there had been opposition to the amendments.

MS. PEARSON explained that there was opposition to some elements in a similar bill that was in the House Community and Regional Affairs Committee There was no opposition to this element and it was put in this bill with the blessing of the chair.

CHAIR FRENCH said this element drew no fire when it was heard in another Senate committee.

CHAIR OLSON asked if the department supports the bill.

MS. PEARSON explained that they are carrying it for the courts and the Department of Law and they support the bill.

SENATOR OLSON closed public testimony and asked the will of the committee.

[3:36:46 PM](#)

SENATOR FRENCH moved to report CS for HB 98 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSHB 98(FIN)am moved from the Senate Community and Regional Affairs Standing Committee.

[3:37:15 PM](#)

There being no further business to come before the committee, Chair Olson adjourned the Senate Community and Regional Affairs Standing Committee meeting at 3:37 pm.