

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

January 28, 2010

9:02 a.m.

MEMBERS PRESENT

Senator Linda Menard, Chair
Senator Kevin Meyer, Vice Chair
Senator Hollis French
Senator Albert Kookesh
Senator Joe Paskvan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 62

"An Act relating to the community property of married persons."

- BILL HEARING CANCELED

SENATE BILL NO. 184

"An Act relating to public access to legislative committee meetings during regular legislative sessions by Internet broadcast."

- MOVED SB 184 OUT OF COMMITTEE

SENATE BILL NO. 194

"An Act relating to civil damages for certain alcohol violations."

- MOVED CSSB 194(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 184

SHORT TITLE: INTERNET ACCESS TO LEG COMMITTEE MTGS

SPONSOR(S): SENATOR(S) FRENCH

04/07/09	(S)	READ THE FIRST TIME - REFERRALS
04/07/09	(S)	STA, FIN
01/28/10	(S)	STA AT 9:00 AM BELTZ 105 (TSBldg)

BILL: SB 194

SHORT TITLE: CIVIL DAMAGES FOR ALCOHOL VIOLATIONS

SPONSOR(S): SENATOR(S) MEYER

04/17/09 (S) READ THE FIRST TIME - REFERRALS
04/17/09 (S) STA, JUD
01/28/10 (S) STA AT 9:00 AM BELTZ 105 (TSBldg)

WITNESS REGISTER

SENATOR HOLLIS FRENCH
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Sponsor of SB 184.

SUE GULLUFSEN, Manager
Legislative Information Office
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Explained how SB 184 would be implemented.

MATT WALLACE
Alaska Public Interest Research Group (AKPIRG)

POSITION STATEMENT: Supported SB 184.

ARLISS STURGULEWSKI
Representing herself
Anchorage, AK

POSITION STATEMENT: Supported SB 184.

CLARK GRUENING
City and Borough of Juneau and the Alaska Committee

POSITION STATEMENT: Supported SB 184.

JAKE CARPENTER, IT Coordinator
Legislative Information Office
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Answered questions on SB 184.

SENATOR KEVIN MEYER
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Sponsor of SB 194.

O.C. MADDEN III, Director of Operations
Brown Jug

Anchorage, AK

POSITION STATEMENT: Supported SB 194.

CAROL HARTMAN, Vice-president

Alaska Cabaret, hotel, Restaurant and Retailers Association
(CHARR)

Anchorage, AK

POSITION STATEMENT: Supported SB 194.

CHRISTINA MARASIGAN

Aide to Senator Meyer

Alaska State Capitol

Juneau, AK

POSITION STATEMENT: Answered questions on SB 194.

ACTION NARRATIVE

[9:02:44 AM](#)

CHAIR LINDA MENARD called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators French, Meyer, Kookesh, Paskvan and Menard.

SB 184-INTERNET ACCESS TO LEG COMMITTEE MTGS

[9:03:21 AM](#)

CHAIR MENARD said the first order of business to come before the committee was SB 184.

SENATOR FRENCH, sponsor of SB 184, said the capitol is best brought to Alaska through the Internet. Some parts of Alaska are remote and inaccessible in relation to the state capitol, no matter where it is in the state. He felt that every committee room should be feeding a stream of information to the laptops and handheld devices of Alaska's citizens and this can be done with the simple, reliable and inexpensive technology of web cameras. He said he can foresee a day when citizens of Alaska will watch what is happening in the capitol over their cell phones.

SENATOR FRENCH said he filed SB 184 last spring and the Legislative Council became interested. Working with the Legislative Information Office (LIO), they began to implement the idea.

SUE GULLUFSEN, Manager of the LIO, said she received permission from Senate and House Rules Committee Chairs to implement a pilot project and to use some funds from Legislative Council for

consulting fees. She did not use the funds because her IT staff, Jake Carpenter and Tim Powers, developed the pilot project in-house. She said her staff outfitted the House Health and Social Services committee (HHSS) room with webcams. [She showed live streaming video coverage of the House State Affairs committee meeting from her laptop which projected on the wall.] Ms. Gullufsen pointed out that a small screen showed the testifiers and a big screen showed the committee members simultaneously. She said the Butrovich Room was also outfitted with two cameras in the same manner.

[9:07:40 AM](#)

MS. GULLUFSEN explained that the audio feed is tied to the teleconference feed and will go silent during an At Ease and upon adjournment of the meeting. Ms. Gullufsen noted that webcams are good but not TV production quality.

MS. GULLUFSON said that if the pilot project is successful, she will ask for funding from Legislative Council or if SB 184 becomes law, funding will go through the Finance Committee process. LIO would outfit the seven remaining committee rooms in the capitol building making every committee meeting held during the session accessible online. She explained that while SB 184 would not mandate that all video and audio be archived, the LIO intended to do so. People could go back later and see or hear any committee meeting that took place during session which is helpful for committee aides and the public.

[9:09:37 AM](#)

MS. GULLUFSEN said she would need \$56,000 to outfit seven committee rooms and pay a part-time staff person to monitor from the new media services office on the second floor of the Terry Miller building.

MATT WALLACE, Alaska Public Interest Research Group (AKPIRG) said that AKPIRG is a statewide citizen oriented non-profit non-partisan public interest advocacy group. AKPIRG supports SB 184.

[9:12:30 AM](#)

MR. WALLACE said people outside of the capitol will be able to closely monitor what goes on and citizens will be able to watch the proceedings of the state. Public participation and monitoring should be encouraged; the more sunshine on the legislative process, the better. He encouraged the use of open and cross-platform standards so that the most people possible, using the widest range of technology, can take advantage of it.

ARLISS STURGULEWSKI, former Alaska state Senator, spoke in support of SB 184. She said that SB 184 is related to past actions to make government more accessible and is a good step to further maximize citizen's access to their legislative decision makers. State residents want and welcome information and she suggests the legislators should make it clear and easy for their constituents, particularly older people, to understand where to find information and how to use this new technology.

[9:15:38 AM](#)

CLARK GRUENING, with the City and Borough of Juneau and the Alaska Committee, spoke in support of SB 184. He said the City and Borough of Juneau supports and largely funds Gavel to Gavel and that the Alaska Committee has worked to improve access to the capitol and also supports Gavel to Gavel. However, Gavel to Gavel is not in every committee room simultaneously. SB 184 would lead to every committee being accessible through the Internet. He noted that KTOO, the force behind Gavel to Gavel, is in support of SB 184.

[9:18:27 AM](#)

CHAIR MENARD closed public testimony.

SENATOR MEYER asked if users will have to add additional memory to their computers or handheld devices and if the video will come across slowly or in real time.

JAKE CARPENTER, Legislative Information Office, replied that they use FLASH which is the same technology used by many websites such as Youtube or Hulu. Most MAC's and PC's have FLASH installed. The video is not high definition and most computers should be able to view it. He said that people with dial-up or slow connections will not get the same quality of service. Once the meeting is over, however, it will be downloadable.

SENATOR MEYER asked if a 1990 computer would need to be upgraded.

MR. CARPENTER replied yes.

[9:20:47 AM](#)

SENATOR MEYER moved to report SB 184 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 184 moved from the Senate State Affairs Standing Committee.

At Ease from 9:21 a.m. to 9:24 a.m.

SB 194-CIVIL DAMAGES FOR ALCOHOL VIOLATIONS

9:24:13 AM

CHAIR MENARD announced consideration of SB 194.

SENATOR MEYER moved to adopt the proposed committee substitute (CS) for SB 194, labeled 26-LS0895\R, as the working document. There being no objection, version R was before the committee.

SENATOR MEYER, sponsor of SB 194, said some businesses and the Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR) asked that civil damages be increased from \$1000 to \$1500 for certain alcohol violations. They also requested, though it cannot be required, that a court be able to recommend alcohol training for the minors involved in these violations.

9:26:40 AM

SENATOR MEYER said in the 1990's, Anchorage establishments, such as Brown Jug and Chilkoot Charlie's, were frustrated when nothing resulted from catching kids with fake ID's and turning them over to the Anchorage Police Department (APD). These establishments could be fined or lose their liquor license for serving minors and wanted something in place to deter kids from trying to get alcohol. In 2001, state law allowed licensees to take civil action up to \$1000, but this no longer covers the costs of going through the civil action process. Senator Meyer felt that the proposed increased fee of \$1500 would be a deterrent to kids trying to get alcohol.

9:29:10 AM

SENATOR MEYER said several establishments have been using the civil program effectively; the Brown Jug has seized 2000 fake ID's in the last 10 years. Big establishments pursue civil damages themselves; smaller establishments go through CHARR which pursues the case for a fee. He reiterated that SB 194 is raising the civil penalty from \$1000 to \$1500 and also allows the option of a judge recommending the minor go to alcohol training.

CHAIR MENARD began public testimony.

O.C. MADDEN III, Director of Operations for Brown Jug, said he has been involved in this civil penalty process since it began in the late 90's. He reported that Brown Jug has seized 2100 ID's from minors in the last ten years or so and has been aggressively pursuing civil action against minors and adults who buy for minors. He felt the civil penalty laws were effective

and had prevented a lot of tragedies but that the cost of taking civil action has gone up.

[9:31:47 AM](#)

SENATOR FRENCH asked how many ID's Brown Jug seizes in a week.

MR. MADDEN estimated Brown Jug seizes 150 a year which is three or more per week.

SENATOR FRENCH asked if each of those seizures resulted in a civil remedy against the minor.

MR. MADDEN said he first sends a letter to the minor demanding payment, and then initiates discussion with the minor and acts on a case by case basis. In some instances, no further action is needed. If there was alcohol involved or an adult buying for a minor, Brown Jug moves forward with a civil case.

SENATOR FRENCH asked if SB 194 is meant to address adults buying alcohol for minors or to address fake ID's.

MR. MADDEN said he thinks SB 194 addresses both situations. He referred to Section 2(a) [page 1] and believes it deals with minors who solicit adults to buy for them or adults who order or receive a beverage from a licensee for the purpose of providing to a minor.

[9:34:05 AM](#)

SENATOR FRENCH asked what the connection is between adults who buy for minors and fake ID's.

MR. MADDEN said there are two sections to SB 194. Section 1 deals with AS 04.16.049(e) [page 1] which is illegal entry of a licensed premises by a minor. He explained that is where fake ID comes in.

SENATOR FRENCH wanted to clarify that SB 194 deals with two things: one is young people presenting false ID's and the other is adults buying alcohol for minors.

MR. MADDEN clarified that SB 194 addresses three issues: fake ID's or illegal entry of a licensed premises, minors who solicit adults to buy for them and adults who order or receive a beverage from a licensee for the purpose of providing to a minor.

SENATOR FRENCH asked how Mr. Madden detects adults buying for minors.

MR. MADDEN said Brown Jug's trained security personnel look for profile transactions such as parking far from the front door in spite of closer spaces being available, or only one person getting out of a car with multiple passengers to come in and make a purchase. Security questions the person in the store and goes to the car and ask for ID's.

[9:36:43 AM](#)

SENATOR FRENCH asked, other than seizing ID's, how many cases Brown Jug pursues of a more difficult nature, such as an adult buying for a minor.

MR. MADDEN said he doesn't have any statistics but knows that Brown Jug has pursued over 100 of these more difficult cases. He explained that minors who solicit adults to buy alcohol are liable as well as the adults that order and receive alcohol for minors. Of the cases Brown Jug has pursued, a significant number of the adults involved were prior offenders, including sex offenders.

[9:38:18 AM](#)

SENATOR FRENCH asked how many cases Brown Jug turns over to the police.

MR. MADDEN said Brown Jug turned over all cases of adults buying for minors. Every time Brown Jug seizes an ID, they call the police and an officer will come to the store if possible. The officer can decide what, if anything, to do. Mr. Madden said civil action provides licensees with an avenue to deal with the situation directly. Sending collection letters gets parents involved and kids tell their friends that Brown Jug is after them for \$1000. He said the civil penalty money gets more licensees involved in preventing alcohol sales to minors. Brown Jug uses part of the civil penalty money as a bonus for employees who helped with a case.

[9:40:28 AM](#)

SENATOR MEYER clarified that SB 194 does also pertain to adults buying alcohol for minors which is a more serious offense. Kids, however sometimes get a slap on the wrist. He has witnessed Brown Jug clerks being proactive about who they sell to.

[9:42:21 AM](#)

SENATOR PASKVAN asked if the definition of "premises" is intended to include any premise open to the public.

MR. MADDEN believed this to be correct; it includes any event in which a minor is illegally on licensed premises. His understanding is that statute 04.16.060 [Section 2(a) page 1] also deals with fake ID's to some extent, for example a minor who orders a beer in a restaurant is soliciting an adult to provide him or her with alcohol.

SENATOR PASKVAN asked if the intent is to apply to a beverage dispensary, a standard bar.

MR. MADDEN said that is correct.

SENATOR PASKVAN said poor enforcement against minors on licensed premises has been a problem in Alaska for decades. Civil action gives the owner of the premises the ability to take direct action.

[9:44:26 AM](#)

SENATOR KOOKESH asked how staff can recognize a fake ID and asked if some ID's are sophisticated.

MR. MADDEN said Brown Jug staff goes through training every 12 to 18 months. Brown Jug uses about 100 seized ID's as training material. Recent ID's are extremely sophisticated and can be obtained through the internet or from kids with card making devices.

CHAIR MENARD asked how many staff Brown Jug employs.

MR. MADDEN answered roughly 174.

CAROL HARTMAN, Vice-president of Anchorage CHARR, spoke in favor of SB 194. She has two liquor licenses in Anchorage. Over the last two years, her security personnel have caught 23 or 24 minors attempting to gain access to her licensed premises. APD arrested the minors and she followed through with the civil penalties process, which is time and labor intensive. She explained that Anchorage CHARR will handle the process for the licensee for a small fee. She felt underage drinking in Alaska is a problem and the consequences are traumatic to their families, the public and businesses. She felt more severe penalties are needed for minors who attempt to purchase alcohol or enter a licensed premises. She explained that minors jeopardize her licenses by breaking the law and they must be

held accountable for their behavior. As an owner of a liquor license, she could face a fine of \$10,000, a year in jail, the closure of her establishment or the revocation of her license if she mistakenly allows a minor in her establishment. A \$1500 civil penalty would be a better deterrent to minors. The courts should recommend or require that these minors complete an alcohol education class.

[9:47:47 AM](#)

MS. HARTMAN said revocation of a minor's driver's license might be another good deterrent as well as stronger penalties and bigger fines for repeat offenders.

SENATOR PASKVAN proposed that perhaps a licensed premise should get a credit for successfully catching a minor who was a part of a sting operation with ADP.

MS. HARTMAN said the ADC board issues you a letter if you were in compliance.

CHAIR MENARD opened Public Testimony.

SENATOR PASKVAN asked if an exemption was needed for a minor who enters licensed premises as a part of a sting operation. Technically the owner could retain and prosecute the minor.

[9:50:52 AM](#)

SENATOR MEYER thought that kids involved in a sting operation are protected and cannot be pursued criminally or civilly.

SENATOR FRENCH also believed that minors involved in a sting operation are protected from civil or criminal charges. He said SB 194 goes to Judiciary next and he would to confirm this.

CHRISTINA MARASIGAN, aide to Senator Meyer, believed that Senator French and Senator Meyer were correct about protection for kids in sting operations.

[9:52:06 AM](#)

CHAIR MENARD closed public testimony.

SENATOR PASKVAN moved to report the CS for SB 194), version R, from committee with individual recommendations and accompanying zero fiscal note. There being no objection, CSSB 194(STA) moved from the Senate State Affairs Standing Committee.

[9:52:51 AM](#)

With no further business before the committee, the meeting was adjourned at 9:52 p.m.