

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 26, 2019

1:37 p.m.

MEMBERS PRESENT

Senator Shelley Hughes, Chair
Senator Lora Reinbold, Vice Chair (via teleconference)
Senator Peter Micciche
Senator Jesse Kiehl

MEMBERS ABSENT

Senator Mike Shower

COMMITTEE CALENDAR

SENATE BILL NO. 52

"An Act relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and retailers of alcoholic beverages; relating to licenses, endorsements, and permits involving alcoholic beverages; relating to common carrier approval to transport or deliver alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

- MOVED CSSB 52(JUD) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 9

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation bill funding public education for grades kindergarten through 12.

- MOVED CSSJR 9(JUD) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 12(JUD)

"An Act relating to protective orders."

- MOVED SCS CSHB 12(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 52

SHORT TITLE: ALCOHOLIC BEVERAGE CONTROL; ALCOHOL REG

SPONSOR(s): SENATOR(s) MICCICHE

02/11/19 (S) READ THE FIRST TIME - REFERRALS
02/11/19 (S) L&C, JUD, FIN
03/26/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/26/19 (S) Heard & Held
03/26/19 (S) MINUTE(L&C)
03/28/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/28/19 (S) Heard & Held
03/28/19 (S) MINUTE(L&C)
04/02/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/02/19 (S) Heard & Held
04/02/19 (S) MINUTE(L&C)
04/04/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/04/19 (S) -- MEETING CANCELED --
04/09/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/09/19 (S) Heard & Held
04/09/19 (S) MINUTE(L&C)
04/11/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/11/19 (S) Heard & Held
04/11/19 (S) MINUTE(L&C)
04/16/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/16/19 (S) Moved CSSB 52(L&C) Out of Committee
04/16/19 (S) MINUTE(L&C)
04/17/19 (S) L&C RPT CS FORTHCOMING 4DP
04/17/19 (S) DP: REINBOLD, COSTELLO, BIRCH, BISHOP
04/17/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/17/19 (S) -- MEETING CANCELED --
04/17/19 (S) JUD AT 6:00 PM BELTZ 105 (TSBldg)
04/17/19 (S) -- MEETING CANCELED --
04/19/19 (S) L&C CS RECEIVED SAME TITLE
04/22/19 (S) JUD AT 6:00 PM BELTZ 105 (TSBldg)
04/22/19 (S) Heard & Held
04/22/19 (S) MINUTE(JUD)
04/23/19 (S) JUD AT 6:00 PM BELTZ 105 (TSBldg)
04/23/19 (S) Heard & Held
04/23/19 (S) MINUTE(JUD)
04/24/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/24/19 (S) Heard & Held
04/24/19 (S) MINUTE(JUD)
04/26/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SJR 9

SHORT TITLE: CONST.AM: APPROP. BILL FOR PUBL EDUCATION

SPONSOR(s): SENATOR(s) COSTELLO

03/06/19 (S) READ THE FIRST TIME - REFERRALS
 03/06/19 (S) EDC, JUD, FIN
 03/14/19 (S) EDC AT 9:00 AM BUTROVICH 205
 03/14/19 (S) Heard & Held
 03/14/19 (S) MINUTE(EDC)
 03/29/19 (S) EDC AT 9:00 AM BUTROVICH 205
 03/29/19 (S) Moved SJR 9 Out of Committee
 03/29/19 (S) MINUTE(EDC)
 04/01/19 (S) EDC RPT 3NR 1DP
 04/01/19 (S) NR: STEVENS, BIRCH, HUGHES
 04/01/19 (S) DP: COSTELLO
 04/10/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/10/19 (S) Heard & Held
 04/10/19 (S) MINUTE(JUD)
 04/17/19 (S) JUD AT 6:00 PM BELTZ 105 (TSBldg)
 04/17/19 (S) -- MEETING CANCELED --
 04/23/19 (S) JUD AT 6:00 PM BELTZ 105 (TSBldg)
 04/23/19 (S) <Bill Hearing Canceled>
 04/26/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 12

SHORT TITLE: PROTECTIVE ORDERS

SPONSOR(s): REPRESENTATIVE(s) KOPP

02/20/19 (H) PREFILE RELEASED 1/7/19
 02/20/19 (H) READ THE FIRST TIME - REFERRALS
 02/20/19 (H) STA, JUD
 02/28/19 (H) STA AT 3:00 PM GRUENBERG 120
 02/28/19 (H) Heard & Held
 02/28/19 (H) MINUTE(STA)
 03/07/19 (H) STA AT 3:00 PM GRUENBERG 120
 03/07/19 (H) Moved CSHB 12(STA) Out of Committee
 03/07/19 (H) MINUTE(STA)
 03/08/19 (H) STA RPT CS(STA) 7DP
 03/08/19 (H) DP: VANCE, LEDOUX, WOOL, SHAW, STORY,
 FIELDS, KREISS-TOMKINS
 03/18/19 (H) JUD AT 1:30 PM GRUENBERG 120
 03/18/19 (H) Heard & Held
 03/18/19 (H) MINUTE(JUD)
 03/27/19 (H) JUD AT 1:00 PM GRUENBERG 120
 03/27/19 (H) Moved CSHB 12(JUD) Out of Committee
 03/27/19 (H) MINUTE(JUD)
 03/29/19 (H) JUD RPT CS(JUD) 5DP 1NR
 03/29/19 (H) DP: WOOL, LEDOUX, SHAW, KOPP, CLAMAN
 03/29/19 (H) NR: EASTMAN
 04/05/19 (H) TRANSMITTED TO (S)

04/05/19 (H) VERSION: CSHB 12 (JUD)
04/08/19 (S) READ THE FIRST TIME - REFERRALS
04/08/19 (S) JUD
04/23/19 (S) JUD AT 6:00 PM BELTZ 105 (TSBldg)
04/23/19 (S) Heard & Held
04/23/19 (S) MINUTE (JUD)
04/26/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

ANNA BRAWLEY, Title 4 Project Review Coordinator;
Senior Associate
Agnew Beck Consulting
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 52.

JOHN SKIDMORE, Director
Criminal Division
Central Office
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on SB 52.

REGINA LARGENT, Staff
Senator Shelley Hughes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis for the proposed committee substitute (CS) for SJR 9, Version E on behalf of the committee.

SENATOR MIA COSTELLO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SJR 9.

REPRESENTATIVE CHUCK KOPP
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HB 12.

ACTION NARRATIVE

[1:37:48 PM](#)

CHAIR SHELLEY HUGHES called the Senate Judiciary Standing Committee meeting to order at 1:37 p.m. Present at the call to order were Senators Reinbold (via teleconference), Micciche, Kiehl, and Chair Hughes.

SB 52-ALCOHOLIC BEVERAGE CONTROL; ALCOHOL REG

[1:39:03 PM](#)

CHAIR HUGHES announced that the first order of business would be SENATE BILL NO. 52, "An Act relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and retailers of alcoholic beverages; relating to licenses, endorsements, and permits involving alcoholic beverages; relating to common carrier approval to transport or deliver alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

[Before the committee was CSSB 52(L&C), Version S.]

[1:39:14 PM](#)

SENATOR REINBOLD moved to adopt Amendment 1, work order 31-LS0004\S.2, Bruce, 4/18/19.

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR REINBOLD
TO: CSSB 52(L&C), Draft Version "S"

Page 6, line 19:

Delete "1,250"

Insert "1,000"

Page 22, line 19:

Delete "1,250"

Insert "1,000"

CHAIR HUGHES objected for discussion purposes.

SENATOR REINBOLD said this would reduce the fees for the six wineries in the state from \$1,250 to \$1,000, which is still a significant increase.

[1:40:30 PM](#)

SENATOR MICCICHE stated that he cosponsored Amendment 1.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 1 was adopted.

[1:40:42 PM](#)

SENATOR MICCICHE moved to adopt Amendment 2, work order 31-LS0004\S.4, Bruce, 4/22/19.

AMENDMENT 2

OFFERED IN THE SENATE BY SENATOR MICCICHE
TO: CSSB 52(L&C)

Page 15, line 31, following the second occurrence of
"a":

Insert "package store"

Page 47, line 4:

Delete "**Tasting**"

Insert "**Package store tasting**"

Page 47, line 4, following "A":

Insert "package store"

Page 47, line 11, following the first occurrence of
"a":

Insert "package store"

Page 47, line 14, following "six":

Insert "package store"

Page 47 line 19, following the first occurrence of
"a":

Insert "package store"

Page 47, line 23, following "a":

Insert "package store"

Page 106, line 3, following "(25)":

Insert "package store"

CHAIR HUGHES objected for discussion purposes.

[1:40:54 PM](#)

SENATOR MICCICHE explained that Amendment 2 provides technical cleanup language that corrects a drafting error.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 2 was adopted.

[1:41:36 PM](#)

At-ease.

[1:42:04 PM](#)

CHAIR HUGHES reconvened the meeting.

[1:42:09 PM](#)

SENATOR MICCICHE provided a corrected explanation of Amendment 2. He said that Amendment 2 is a technical amendment related to the package store tasting event permit, which is consistent with the catering permit becoming a beverage dispensary caterer's permit.

[1:42:37 PM](#)

SENATOR MICCICHE moved to adopt Amendment 3, work order 31-LS0004\S.5, Bruce, 4/20/19.

AMENDMENT 3

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR MICCICHE

Page 48, line 23:

Delete "punishable under AS 04.21.072"

Page 48, line 25, following "is":

Insert "a violation"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that this is a technical amendment as previously described related to a drafting error.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 3 was adopted.

[1:43:03 PM](#)

SENATOR MICCICHE moved to adopt Amendment 4, work order 31-LS0004\S.8, Bruce, 4/22/19.

AMENDMENT 4

OFFERED IN THE SENATE
TO: CSSB 52 (L&C)

BY SENATOR MICCICHE

Page 94, lines 21 - 22:

Delete "approved by the board under
AS 04.09.750 (b)"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that the carrier approval is intended to apply to company carriers who transport and deliver orders of wine or alcohol from a licensed business to a consumer. He related that carrier approval is not required for a carrier used by individuals to transport alcohol in their possession.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 4 was adopted.

[1:43:40 PM](#)

SENATOR MICCICHE moved to adopt Amendment 5, work order 31-LS0004\S.9, Bruce, 4/22/19.

AMENDMENT 5

OFFERED IN THE SENATE
TO: CSSB 52 (L&C)

BY SENATOR MICCICHE

Page 95, line 2:

Delete "This section does"

Insert "The requirements in (a) of this section
do [THIS SECTION DOES]"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that this is a technical amendment that aligns with the previous amendment.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 5 was adopted.

[1:44:01 PM](#)

SENATOR MICCICHE moved to adopt Amendment 6, work order 31-LS0004\S.11, Bruce, 4/22/19.

AMENDMENT 6

OFFERED IN THE SENATE` BY SENATOR MICCICHE
TO: CSSB 52 (L&C)

Page 19, line 3:
Following "**Sporting**":
Insert "**activity or**"
Following "sporting":
Insert "activity or"

Page 19, line 5, following "sporting" in both places:
Insert "activity or" in both places.

Page 19, line 6:
Following "school":
Insert "activity or"
Following "sporting":
Insert "activity or"

Page 19, line 7, following "sporting":
Insert "activity or"

Page 19, line 8, following "sporting":
Insert "activity or"

Page 19, line 9, following "rodeos,":
Insert "skiing and snowboarding activities,"

Page 19, line 11, following "sporting":
Insert "activity or"

Page 19, line 14, following "sporting":
Insert "activity or"

Page 19, line 15, following "sporting":
Insert "activity or"

Page 35, line 4, following "sporting":
Insert "activity or"

Page 44, line 5, following "sporting":
Insert "activities or"

Page 60, line 5, following "sporting":
Insert "activity or"

Page 105, line 19, following "sporting":
Insert "activity or"

Page 118, line 2, following "sporting":
Insert "activity or"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that this would add skiing and snowboarding activities to the sporting event license which will be renamed as the sporting activity license. He said that this language is also in SB 16, which would ensure that ski areas can obtain licenses if they meet all of the other requirements.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 6 was adopted.

[1:44:38 PM](#)

SENATOR MICCICHE moved to adopt Amendment 7, work order 31-LS0004\S.14, Bruce, 4/23/19.

AMENDMENT 7

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR MICCICHE

Page 55, line 26:
Delete "60"
Insert "90"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that in the previous committee, the language related to automatic transfer of a restaurant and eating place license (REPL) was changed to 60 days. He said although he supports the automatic transfer, that timeframe did not allow time for municipalities to protest. This amendment would increase the timeframe to 90 days, but still require an automatic transfer. This generally would provide sufficient time

for the board to meet and municipalities to file a protest, if necessary.

1:45:25 PM

SENATOR KIEHL asked whether the remaining language in this section is written so that a protest by a municipality would prompt the board to issue a denial or otherwise condition the application as per the rest of the provisions in Title 4.

SENATOR MICCICHE explained that this language would limit the board from going beyond their normal meeting dates. He explained that since the board meets quarterly, extensions sometimes have gone on for some time and been a disadvantage to restaurants. This tells the board it is expected to deal with a transfer that occurs in the 90-day period, but if something significant occurs, those procedures would remain in place.

1:46:22 PM

CHAIR HUGHES removed her objection. There being no further objection, Amendment 7 was adopted.

1:46:32 PM

SENATOR KIEHL moved to adopt Amendment 8, work order 31-LS0004\S.17, Bruce, 4/25/19.

AMENDMENT 8

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR KIEHL

Page 12, line 18, following "to":
Insert "(1)"

Page 12, line 19, following "premises":

Insert "; and
(2) allow a person
(A) under 21 years of age access as provided in (d) of this section to the licensed premises; and
(B) to enter or remain on the licensed premises to consume food or nonalcoholic beverages as authorized under AS 04.16.010(c)(5)."

Page 12, line 22, following "that":
Insert "(A)"

Page 12, following line 23:

Insert new subparagraphs to read:

"(B) there is supervision on the premises adequate to reasonably ensure that a person under 21 years of age will not obtain alcoholic beverages; and

(C) it is unlikely that persons under 21 years of age not employed on the premises will enter and remain on the licensed premises for purposes other than dining; and"

Page 12, lines 24 - 25:

Delete all material.

Renumber the following paragraph accordingly.

Page 12, following line 28:

Insert a new section to read:

"(d) The board may authorize the holder of a restaurant or eating place license

(1) to allow a person who is at least 16 years of age but under 21 years of age to enter and remain on the licensed premises for dining only;

(2) to allow a person who is under 16 years of age to enter and remain on the licensed premises for dining only if

(A) the person is accompanied by a person who is 21 years of age or older; and

(B) the parent or guardian of the person consents to the person being on the licensed premises; and

(3) subject to AS 04.16.049, to employ or permit the employment of a person who is at least 16 years of age but under 21 years of age on the licensed premises if the employer provides adequate supervision to ensure that the person does not obtain alcoholic beverages."

Reletter the following subsections accordingly.

Page 13, line 21:

Delete "or fails to comply with (e)"

Insert ", engages in activity not authorized by the board under (d) of this section, or fails to comply with the requirements of (d) or (f)"

Page 26, line 4, following "to":

Insert "(1)"

Page 26, line 5, following "year":

Insert "; and

(2) allow a person

(A) under 21 years of age access as provided in (f) of this section to the licensed premises; and

(B) to enter or remain on the licensed premises to consume food or nonalcoholic beverages as authorized under AS 04.16.010(c)(5)."

Page 26, line 9, following "that":

Insert "(A)"

Page 26, following line 10:

Insert new subparagraphs to read:

"(B) there is supervision on the premises adequate to reasonably ensure that a person under 21 years of age will not obtain alcoholic beverages; and

(C) it is unlikely that persons under 21 years of age not employed on the premises will enter and remain on the licensed premises for purposes other than dining; and"

Page 26, lines 11 - 12:

Delete all material.

Renumber the following paragraph accordingly.

Page 26, following line 23:

Insert a new subsection to read:

"(f) The board may authorize the holder of a seasonal restaurant or eating place tourism license

(1) to allow a person who is at least 16 years of age but under 21 years of age to enter and remain on the licensed premises for dining only;

(2) to allow a person who is under 16 years of age to enter and remain on the licensed premises for dining only if

(A) the person is accompanied by a person who is 21 years of age or older; and

(B) the parent or guardian of the person consents to the person being on the licensed premises; and

(3) subject to AS 04.16.049, to employ or permit the employment of a person who is at least 16 years of age but under 21 years of age on the licensed

premises if the employer provides adequate supervision to ensure that the person does not obtain alcoholic beverages."

Reletter the following subsections accordingly.

Page 27, line 19, following "section":

Insert ", engages in activity not authorized by the board under (f) of this section,"

Page 27, line 20:

Delete "(f) or (h)"

Insert "the requirements of (f), (g), or (i)"

Page 35, line 3:

Delete "restaurant or eating place license,"

Page 35, line 5, following the second occurrence of "license,":

Insert "or"

Page 35, lines 5 - 6:

Delete ", or seasonal restaurant or eating place tourism license"

Page 44, line 19:

Delete "AS 04.09.210(d)"

Insert "AS 04.09.210(e)"

Page 44, line 20:

Delete "AS 04.09.350(f)"

Insert "AS 04.09.350(g)"

Page 64, lines 10 - 12:

Delete "[(1) THE LICENSE IS FOR A RESTAURANT OR EATING PLACE UNDER AS 04.11.100; OR (2)]"

Insert "(1) the license is [FOR] a (A) restaurant or eating place license under AS 04.09.210 [AS 04.11.100]; or (B) seasonal restaurant or eating place tourism license under AS 04.09.350; or (2)"

Page 84, line 7, following "are":

Insert "(A) licensed under a restaurant or eating place license issued under AS 04.09.210 or a seasonal"

restaurant or eating place tourism license issued under AS 04.09.350; or
(B) "

Page 89, line 7, following "a":

Insert "restaurant or eating place license issued under AS 04.09.210, seasonal restaurant or eating place tourism license issued under AS 04.09.350, or"

Page 109, line 5, following "a":

Insert "restaurant or eating place license under AS 04.09.210, seasonal restaurant or eating place tourism license under AS 04.09.350, or"

Page 112, line 27, following "premises":

Insert "(A) licensed under a restaurant or eating place license issued by the Alcoholic Beverage Control Board under AS 04.09.210 or seasonal restaurant or eating place tourism license issued by the Alcoholic Beverage Control Board under AS 04.09.350; or
(B) "

SENATOR KIEHL explained that Amendment 8 would provide some streamlining. The language in [CSSB 52(L&C)] said that the only basic license type that also needed a permit to engage in the baseline activity was the REPL. Under Amendment 8, an establishment that served food, beer, and wine would not need a restaurant eating place permit on top of the REPL. Any other licensee who wants to serve food and have people under the age of 21 in for the purpose of eating would still need a permit. However, a business with a baseline brewery license without a tasting room and not selling directly to the public does not need a permit on top of the brewery license, he said.

CHAIR HUGHES asked whether this would be an endorsement.

[1:47:51 PM](#)

SENATOR MICCICHE agreed it would be an endorsement. He said that he supports Amendment 8 because it makes sense and is not necessary for a business holding a restaurant license [REPL] to also obtain a restaurant endorsement.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 8 was adopted.

[1:48:33 PM](#)

SENATOR KIEHL moved to adopt Amendment 9, work order 31-LS0004\S.18, Bruce, 4/24/19.

AMENDMENT 9

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR KIEHL

Page 70, line 23, following "estimate":

Insert ", based on a month selected by the municipality,"

CHAIR HUGHES objected for discussion purposes.

SENATOR KIEHL said Amendment 9 relates to some municipalities, including first class, home rule, and unified cities' ability to petition for additional REPLs based on the population of visitors or non-resident workers that rely on the municipality but lie outside their boundaries. He said CSSB 52(L&C) did not have any definition and he could imagine some extreme scenarios. For example, the City and Borough of Juneau might claim that since it has 1.3 million visitors annually, the board should approve licenses based on that population. Alternately, an overzealous regulatory board would count Juneau's visitor population on December 12 without considering the summer seasonal influx. Amendment 9 would allow municipalities to base the population on the month it chooses.

1:50:20 PM

SENATOR MICCICHE said that the bill has the right mix, which he determined after consulting with municipalities on their experience in considering additional licenses. He deferred to Anna Brawley to respond.

1:50:57 PM

ANNA BRAWLEY, Title 4 Project Review Coordinator and Senior Associate, Agnew Beck Consulting, Anchorage, stated that she is neutral on Amendment 9. Although she understands the intent, it would ensure the municipalities would have discretion over the population estimate to use and to consider a specific timeframe. She said that the language does not specify that it needs to be a daily estimate but leaves the burden or the discretion to the municipality to prepare the petition in the way that best represents their interest. Certainly, the board could put more restrictions on the petition, she said. However, as the statute

is currently written, the intent is to give that control to the municipalities. She said that it would also allow municipalities to use an annual estimate. She said that she leaves it to the committee to decide. She clarified that Amendment 9 is not inconsistent with the bill's goal, but it is not necessary.

[1:52:15 PM](#)

SENATOR KIEHL said that this is just intended to rule out the ridiculous. He said Amendment 9 makes sense but he also appreciates the sponsor's intent to leave as much as possible up to municipalities. Ultimately, he said his preference is to put guidelines in statute.

CHAIR HUGHES said that having the discussion reflected in the record is important. She offered her belief that the bill would allow the municipality to make that case. She opined that this discussion would be helpful to keep the board from being overbearing on this issue.

SENATOR MICCICHE said he did not support Amendment 9. He related that he worked with the City of Wasilla and the City of Soldotna and they represented other municipalities on the language. He offered his belief that it constitutes the right mix without tying either side's hands to become too specific in the application process.

CHAIR HUGHES maintained her objection.

[1:53:32 PM](#)

A roll call vote was taken. Senator Kiehl voted in favor of Amendment 9 and Senators Reinbold (via teleconference), Micciche, and Hughes voted against it. Therefore, Amendment 9 failed by a 1:3 vote.

[1:54:24 PM](#)

SENATOR KIEHL moved to adopt Amendment 10, work order 31-LS0004\S.19, Bruce, 4/24/19.

AMENDMENT 10

OFFERED IN THE SENATE
TO: CSSB 52 (L&C)

BY SENATOR KIEHL

Page 69, lines 20 - 26:

Delete ". The [, THE] board may not approve the relocation unless, at the time of application, the

existing number of issued licenses of the type under consideration for relocation located within the borough exceeds the maximum allowed under (a) of this section, and the governing bodies of both the borough and the incorporated city approve the relocation. The board may allow not more than three relocations into each city [IN A BOROUGH] under this subsection each decade. In this subsection, "decade" means each 10-year period beginning April 1 in a year ending in zero."

Insert "[, THE BOARD MAY NOT APPROVE THE RELOCATION UNLESS THE GOVERNING BODIES OF BOTH THE BOROUGH AND THE INCORPORATED CITY APPROVE THE RELOCATION]. The board may allow not more than three relocations into each incorporated city [IN A BOROUGH] under this subsection each decade. The board may approve a relocation under this subsection only if

(1) the incorporated city

(A) serves as a center for commercial activity within and outside the boundaries of the city by providing goods and services to a population that is greater than the permanent resident population within the boundaries of the city;

(B) maintains a local law enforcement department; and

(C) at the time of the application, meets or exceeds the maximum limit under (a) of this section for the type of license under consideration for relocation;

(2) the relocation is in the public interest; and

(3) the governing bodies of both the borough and the incorporated city approve the relocation [IN THIS SUBSECTION, "DECADE" MEANS EACH 10-YEAR PERIOD BEGINNING APRIL 1 IN A YEAR ENDING IN ZERO]."

Page 69, following line 26:

Insert a new bill section to read:

"* **Sec. 50.** AS 04.11.400(n) is amended to read:

(n) In this section,

(1) "decade" means a 10-year period beginning April 1 in a year ending in zero;

(2) "radius" means the circular area or distance limited by the sweep of a straight line originating at the proposed licensed premises and extending outward."

Renumber the following bill sections accordingly.

Page 71, line 14:

Delete "sec. 50"

Insert "sec. 51"

Page 71, line 20:

Delete "sec. 50"

Insert "sec. 51"

Page 115, line 7:

Delete "Sections 166(a) and 167"

Insert "Sections 167(a) and 168"

Page 115, lines 10 - 11:

Delete "81 - 84, 86 - 131, 136 - 139, 141, and
149 - 151"

Insert "82 - 85, 87 - 132, 137 - 140, 142, and
150 - 152"

Page 115, line 14:

Delete "sec. 124"

Insert "sec. 125"

Page 115, line 15:

Delete "sec. 125"

Insert "sec. 126"

Delete "sec. 130"

Insert "sec. 131"

Page 115, line 20:

Delete "sec. 171"

Insert "sec. 172"

Page 115, line 23:

Delete "71, and 166"

Insert "72, and 167"

Page 115, line 25:

Delete "71, and 166"

Insert "72, and 167"

Page 116, line 3:

Delete "sec. 161"

Insert "sec. 162"

Page 116, line 9:
Delete "sec. 161"
Insert "sec. 162"

Page 116, line 15:
Delete "sec. 160"
Insert "sec. 161"

Page 116, line 19:
Delete "sec. 160"
Insert "sec. 161"

Page 116, line 23:
Delete "sec. 160"
Insert "sec. 161"

Page 116, line 26:
Delete "sec. 160"
Insert "sec. 161"

Page 116, line 29:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 1:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 4:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 9:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 13:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 17:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 21:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 25:
Delete "sec. 160"
Insert "sec. 161"

Page 117, line 29:
Delete "sec. 160"
Insert "sec. 161"

Page 118, line 2:
Delete "sec. 160"
Insert "sec. 161"

Page 119, line 27:
Delete "50, 55, 161, 166(a), 166(c)(8), 167, and
168"
Insert "51, 56, 162, 167(a), 167(c)(8), 168, and
169"

Page 119, line 29:
Delete "Section 165"
Insert "Section 166"

Page 119, line 30:
Delete "secs. 169 and 170"
Insert "secs. 170 and 171"

CHAIR HUGHES objected for discussion purposes.

SENATOR KIEHL explained that his intention was to adjust the rule for transferring licenses from a borough into a city within a borough. However, he said the language in Amendment 10 is not written to accomplish that goal. He said that in the version of the bill that initially came to the committee, [CSSB 52(L&C)], the only opportunity to do so would be if the balance of the borough has grandfathered licenses above the population quota cap. This effectively would mean that local governments would have one opportunity to move several licenses unless the borough suffers a population crash. He said he wanted to allow borough and city governments to agree to move additional licenses into the city. He said the city and borough assemblies may have somewhat different goals. Unfortunately, the way Amendment 10 is written, it would also create a loophole that might flood the rest of the borough with new licenses. He said that this was not his intention.

SENATOR KIEHL withdrew Amendment 10.

[1:56:43 PM](#)

SENATOR KIEHL moved to adopt Amendment 11, work order 31-LS0004\S.20, Bruce, 4/25/19.

AMENDMENT 11

OFFERED IN THE SENATE BY SENATOR KIEHL
TO: CSSB 52 (L&C)

Page 66, lines 4 - 5:
Delete "**and AS 04.11.405**"
Insert "**, AS 04.11.405, and 04.11.407**"

Page 67, line 6, following "section":
Insert "**, [AND]**"

Page 67, line 7, following "AS 04.11.405":
Insert "**, and 04.11.407**"

Page 69, line 27:
Delete "a new section"
Insert "new sections"

Page 71, following line 13:
Insert a new section to read:

"Sec. 04.11.407. Petition for additional brewery retail, winery retail, and distillery retail licenses for certain local governing bodies. (a) A first class city, a home rule city, or a unified municipality may submit a resolution to the board, adopted by its legislative body, petitioning the board for the issuance of additional brewery retail licenses under AS 04.09.310, winery retail licenses under AS 04.09.320, and distillery retail licenses under AS 04.09.330 that exceed the limits under AS 04.11.400(a) in accordance with this section.

(b) The board, following a public hearing, may issue one or more additional brewery retail licenses under AS 04.09.310, winery retail licenses under AS 04.09.320, and distillery retail licenses under AS 04.09.330, within the boundaries of the municipality, if the board finds that

(1) the municipality
(A) serves as a center for commercial activity within and outside the boundaries of the

municipality by providing goods and services to a population that is greater than the permanent resident population within the boundaries of the municipality;

(B) maintains a local law enforcement department;

(C) exercises planning or land-use authority; and

(D) at the time of the petition, meets or exceeds the maximum limit under AS 04.11.400(a) for brewery retail licenses issued under AS 04.09.310, winery retail licenses issued under AS 04.09.320, or distillery retail licenses issued under AS 04.09.330;

(2) the number of additional licenses does not exceed the number of additional licenses requested by the municipality in the petition; and

(3) granting the additional licenses is in the public interest.

(c) A resolution submitted by a municipality under (a) of this section must include

(1) information demonstrating that the petitioner meets the criteria in (b) of this section;

(2) the most recent estimate, based on a month selected by the municipality, of the number of people who claim residency or work outside the boundaries of the municipality and who are served by the municipality, including the

(A) population located outside the boundaries of the municipality that relies on the municipality for goods and services;

(B) visitor population; and

(C) nonresident worker population that resides in the municipality, but that is not counted in the latest federal or state census for the municipality;

(3) the number of existing brewery retail licenses, winery retail licenses, and distillery retail licenses

(A) within the boundaries of the municipality;

(B) in a geographic area that the municipality serves under (2) of this subsection;

(4) information showing that the number of additional licenses requested does not exceed more than one brewery retail, one winery retail, and one distillery retail license for each 9,000 population of the population identified under (2) of this subsection; and

(5) additional justification, as necessary, to demonstrate that granting of the additional licenses is in the public interest.

(d) If the board grants a petition for additional brewery retail, winery retail, and distillery retail licenses under this section to a municipality, the board may not authorize additional brewery retail, winery retail, or distillery retail licenses to the same municipality under this section for the following three years."

Page 119, line 27:

Delete "50"

Following "Act":

Insert ", and AS 04.11.405, enacted by sec. 50 of this Act,"

CHAIR HUGHES objected for discussion purposes.

[1:56:50 PM](#)

SENATOR KIEHL explained that Amendment 11 would create an opportunity based on the same model as the petition for additional REPLs, which would apply to the brewery, winery, and distillery retail licenses. He explained that he was offering this amendment because the population quota is set so high that it will serve to close off opportunities for innovation and entrepreneurship. He said that setting it at one license per 9,000 is very limiting. He pointed out that the community of Juneau is already over that cap for breweries. He offered his belief that no one would suggest that the city is overrun with brewery retail operations. He remarked that he is not a big fan of quotas. He said that people effectively have a property right that gets in the way of the ability to use regulations related to life, health, and safety.

He explained that Amendment 11 is meant to keep the cap and use the same system for REPLs by letting municipalities consider tourist population, nonresident workers, and people who use the municipality as a hub. In doing so, local governments could consider creating a few more opportunities to open these types of businesses. He pointed out that a person in Juneau can buy a beer at a package store, a bar, or a restaurant, which essentially gives them one chance to buy one beer for every 750 people. However, to suggest that buying a beer at a brewery is a dozen times riskier to life, health, and safety does not resonate.

SENATOR KIEHL stated that he has discussed a compromise that the sponsor has crafted, but he does not wish to hold up the bill. He said he very reluctantly will withdraw Amendment 11 at the request of two breweries in his community and the sponsor.

CHAIR HUGHES said that it is worth considering at some point in the future since it is a new model. She stated that Amendment 11 has been withdrawn.

[2:00:35 PM](#)

SENATOR MICCICHE moved to adopt Amendment 12, work order 31-LS0004\S.23, Bruce, 4/24/19.

AMENDMENT 12

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR MICCICHE

Page 13, line 21, following "with":
Insert "(d) or"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that Amendment 12 is a technical amendment change caught by the bill drafter. This ensures that the holder of a REPL must comply with subsection (d) and (e); however, subsection (e) is the only item in the bill.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 12 was adopted.

[2:01:09 PM](#)

SENATOR REINBOLD commented that Linda Bruce [attorney, Legislative Legal Services,], and the sponsor's office have been excellent to work with.

[2:01:29 PM](#)

SENATOR REINBOLD moved to adopt Amendment 13, work order 31-LS0004\S.24, Bruce, 4/25/19.

AMENDMENT 13

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR REINBOLD

Page 7, line 29, through page 8, line 5:
Delete all material.

Page 11, lines 13 - 19:
Delete all material.

Page 29, lines 19 - 24:
Delete all material.

Page 50, lines 6 - 9:
Delete all material and insert:
"(a) Except as provided in AS 04.11.020, a person may not knowingly
(1) [MANUFACTURE, SELL, OFFER FOR SALE,] possess for [SALE OR] barter, traffic in, or barter an alcoholic beverage unless under license or permit issued under this title; or
(2) manufacture an alcoholic beverage, sell an alcoholic beverage, offer an alcoholic beverage for sale, or possess an alcoholic beverage for sale in an area that has adopted a local option under AS 04.11.491 unless under license or permit issued under this title."

Page 50, line 26:
Delete "04.09.070, 04.09.140, 04.09.145, 04.09.370, or 04.09.380"
Insert "04.09.140, or 04.09.370"

Page 87, line 14:
Delete "04.09.070, 04.09.145, 04.09.370, 04.09.380,"
Insert "04.09.370,"

Page 98, line 25:
Delete "04.09.070, 04.09.145, 04.09.370, 04.09.380,"
Insert "04.09.370,"

Page 99, lines 3 - 4:
Delete "04.09.070, 04.09.145, 04.09.370, 04.09.380,"
Insert "04.09.370,"

Page 99, line 12:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380,"
Insert "04.09.370,"

Page 99, lines 24 - 25:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380,"
Insert "04.09.370,"

Page 99, line 31:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380, AS 04.09.750,"
Insert "04.09.370, 04.09.750,"

Page 100, lines 8 - 9:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380,"
Insert "04.09.370,"

Page 100, lines 11 - 12:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380,"
Insert "04.09.370,"

Page 102, line 12:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380,"
Insert "04.09.370,"

Page 113, lines 7 - 8:

Delete "04.09.070, 04.09.145, 04.09.370,
04.09.380,"
Insert "04.09.370,"

CHAIR HUGHES objected for discussion purposes.

[2:01:47 PM](#)

SENATOR REINBOLD explained that Amendments 13 and 14 were brought to her by the Department of Law. They relate to local option areas and make it easier for prosecutors to catch bad actors.

[2:02:36 PM](#)

JOHN SKIDMORE, Director, Criminal Division, Central Office, Department of Law, Anchorage, stated that the Department of Law, Criminal Division, is not taking any opinion on the bill overall. However, some sections of Title 4 address local option

areas and the department takes it very seriously when people make alcohol or import alcohol to local option areas because it is a criminal offense.

He said that some revisions in the bill made it difficult for the DOL because it swept in some of the bootlegging or manufacturing conduct. He said that the department worked with the sponsor and Senator Reinbold on the language in Amendment 13. It would remove local option provisions from this bill and place them back into the statutes where the DOL is accustomed to addressing them. It will also allow the department to continue to prosecute illegal bootlegging or manufacturing. He said the Department of Law supports Amendment 13.

[2:04:20 PM](#)

SENATOR KIEHL asked whether the bill increases the penalty for manufacturing or bootlegging alcohol to a class C felony.

MR. SKIDMORE answered that it would continue to be a class C felony.

SENATOR MICCICHE said he cosponsored and supports Amendment 13.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 13 was adopted.

[2:05:16 PM](#)

SENATOR REINBOLD moved to adopt Amendment 14, work order 31-LS0004\S.25, Bruce, 4/25/19.

AMENDMENT 14

OFFERED IN THE SENATE
TO: CSSB 52(L&C)

BY SENATOR REINBOLD

Page 94, lines 21 - 31:

Delete all material and insert:

"(a) A person may not use a common carrier to transport alcoholic beverages into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) unless

(1) the common carrier is approved by the board under AS 04.09.750(b);

(2) the shipping container holding the alcoholic beverages is clearly labeled as containing alcoholic beverages [WITH LETTERS THAT CONTRAST IN COLOR TO THE SHIPPING CONTAINER AND THAT ARE AT LEAST TWO INCHES IN HEIGHT]; and

(3) [(2)] an itemized invoice showing the quantity and purchase value of distilled spirits, [OF] wine, and brewed [OF MALT] beverages is attached to the outside of the shipping container."

CHAIR HUGHES objected for discussion purposes.

SENATOR REINBOLD said that the bill lists some things that were allowed but the bill was not explicit in describing conduct that is not allowed. She explained that Amendment 14 would clarify that a person cannot use a common carrier to transport alcoholic beverages into a restricted area unless the common carrier is approved by the board under AS 04.09.750(b). She said that lines 8-14 are clarifying language.

[2:06:12 PM](#)

MR. SKIDMORE directed attention to page 94 of the bill. He said he agreed with Senator Reinbold's description of Amendment 14. In addition to the conduct of creating or manufacturing alcohol in the local option areas, some individuals will travel to a local option area by common carrier, such as a commercial airline. Many interdiction efforts prevent people from bringing alcohol to a local option community, he said. He explained that the language in SB 52 was written to indicate conduct that is allowed, but criminal law tends to focus on what is illegal for enforcement purposes. He said that Amendment 14 would clarify that if someone is carrying alcohol in via a common carrier, the department can take law enforcement action against it. The department supports Amendment 14, he said.

SENATOR MICCICHE said he is a cosponsor of Amendment 14 and supports it.

CHAIR HUGHES asked to be added as cosponsor of Amendment 14.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 14 was adopted.

[2:08:02 PM](#)

SENATOR MICCICHE moved to adopt Amendment 15, work order 31-LS0004\S.26, Bruce, 4/25/19.

AMENDMENT 15

OFFERED IN THE SENATE
TO: CSSB 52 (L&C)

BY SENATOR MICCICHE

Page 66, line 1:
Following "may":
Insert "delegate to the director the authority to
impose"
Delete "impose"

CHAIR HUGHES objected for discussion purposes.

SENATOR MICCICHE explained that Amendment 15 also supports Senator [Reinbold's] previous amendment. Although the board can currently impose conditions, Amendment 15 would allow the board to delegate its authority to the director to impose conditions. He explained that permit applications sometimes are submitted just prior to an event and the board may not have the ability to meet. He offered his belief that Senator Reinbold expressed interest in streamlining the process while keeping as much control with the board as possible. This amendment would accomplish both of those objectives, he said.

CHAIR HUGHES removed her objection. There being no further objection, Amendment 15 was adopted.

[2:09:29 PM](#)

SENATOR REINBOLD thanked the departments, organizations, and sponsor for their work on the bill.

[2:10:56 PM](#)

SENATOR MICCICHE echoed Senator Reinbold's thanks.

[2:11:35 PM](#)

CHAIR HUGHES characterized the process as somewhat of a tightrope act that has come together. She solicited the will of the committee on SB 52.

[2:11:49 PM](#)

SENATOR MICCICHE moved to report the committee substitute (CS) for SB 52 from committee with individual recommendations and attached fiscal note(s).

[The committee treated the foregoing motion as withdrawn.]

[2:12:27 PM](#)

At-ease.

[2:12:42 PM](#)

CHAIR HUGHES reconvened the meeting and advised that a corrected motion would be read.

[2:12:46 PM](#)

SENATOR MICCICHE moved to report SB 52, work order 31-LS0004\S [as amended] with individual recommendations and attached fiscal note(s). There being no objection, CSSB 52(JUD) was reported from the Senate Judiciary Standing Committee.

CHAIR HUGHES noted that the Legislative Legal Research Services, Legislative Affairs Agency was authorized to make any technical and conforming changes necessary to adopt the amendments.

[2:13:19 PM](#)

At-ease.

SJR 9-CONST.AM: APPROP. BILL FOR PUBL EDUCATION

[2:14:43 PM](#)

CHAIR HUGHES reconvened the meeting. She announced that the next order of business would be SENATE JOINT RESOLUTION NO. 9, Proposing amendments to the Constitution of the State of Alaska relating to an appropriation bill funding public education for grades kindergarten through 12.

[2:15:01 PM](#)

SENATOR MICCICHE moved to adopt the proposed committee substitute (CS) for SJR 9, work order 31-LS0561\E, Caouette, 4/25/19, as the working document.

CHAIR HUGHES objected for discussion purposes.

[2:15:25 PM](#)

REGINA LARGENT, Staff, Senator Shelley Hughes, Alaska State Legislature, Juneau, reviewed the "Explanation of Changes in Committee Substitute for CSSJR 9 Version S to E."

Title Changes: The following has been added to or removed from the title in order to conform to changes and added provisions;

- REMOVED: relating to an appropriation bill funding of public education grades kindergarten through 12
- ADDED: relating forward funding of public education grades kindergarten through 12

MS. LARGENT presented the sectional analysis for SJR 9.

Section 1: The proposed separate appropriation bill in Version S is removed, thereby leaving Article IX, sec. 12, Constitution of the State of Alaska unchanged.

[2:16:32 PM](#)

MS. LARGENT turned to Section 2.

Section 2: Adds a new subsection to Article IX, sec. 12, Constitution of the State of Alaska to require continued forward funding of public education grades kindergarten through grade 12 (K-12) with a mechanism for enactment should education forward funding for FY 2022 in the FY 2021 operating budget take effect as well as a separate mechanism for enactment if the education forward funding for FY 2022 in the FY 2021 operating budget does not occur. The section includes a release valve in the event of extreme budgetary constraints in the transition year, but the effective date for the constitutional amendment may not be later than January 1, 2026 .

MS. LARGENT explained that Section 2 would add a new subsection to the Constitution of the State of Alaska to continue forward-funding of public education grades K-12 with a separate mechanism for enactment if education forward-funding for FY 22 in the FY 21 operating budget take effect. She said this section contains a release valve in the event of extreme budgetary constraints in the transition year, but the effective date for the constitutional amendment may not be later than January 1, 2026.

[2:17:41 PM](#)

CHAIR HUGHES remarked on the transition language. She stated that last year the legislature forward-funded [public education] and is doing so this year. The legislature would like to forward fund [public education] next year. However, if something were to occur such as a 9.9 magnitude earthquake, oil prices dropped to \$20 per barrel, or some unforeseen thing occurred the transition

language provides a release valve. She explained that if the legislature forward funded public education for next year, in the FY 22 operating budget, this would just "go into stone and continue on if it were passed by the voters." If something dire occurred and the legislature did not forward fund education next year, she said that the relief valve provision on page 2, line 12, would apply. She reiterated that if the legislature did forward fund education, the constitutional amendment would go into effect and every year from there on out would be forward funded, but the effective date for the constitutional amendment may not be later than January 1, 2026.

[2:19:04 PM](#)

CHAIR HUGHES explained that this would also allow the legislature to save for that second year. She said that is one of the things that might be a little confusing for the voters. She said she hopes that it is the will of the committee to move this resolution. She would hope that next year during the normal budget process forward-funding [of public education] would be in place, which would allow in the next committee of referral for this language to be removed and the language would be simplified for the voters.

She said she appreciates that the sponsor highlighted the pink slip. She highlighted that the state has always had a problem recruiting and retaining teachers in Alaska, in particular in the rural areas. She emphasized that fewer people are going into the teaching profession, that enrollment in teaching colleges is down by 35 percent. Teacher turnover not only affects teachers, but also students. It harms the education process for students. She stressed that this would bring stability since it would allow the education funding as a part of the whole. Since it would be a year ahead, it would help to understand the revenue projections, savings, and other department obligations and needs.

CHAIR HUGHES highlighted that the other great thing is that once this is in place, the districts will know that the funding will not be tinkered with and the districts will know the funding more than a year in advance. She said that this would provide stability and allow school districts to do advance planning.

[2:21:55 PM](#)

SENATOR MICCICHE asked whether the sponsor could also respond.

[2:22:07 PM](#)

SENATOR MIA COSTELLO, Alaska State Legislature, Juneau, stated that she came forward with a constitutional amendment to address a problem. She related that the legislature funds education every year and either fully funds the BSA [base student allocation] or funds the BSA and adds additional funding with little variation. The issue is that the legislative funding process is done well past the time when school districts must submit their budgets to local governments for approval. Over the years, the impression she has is that it causes districts to undergo significant turmoil, including releasing teachers at a time when teacher recruitment and retention is at a crisis level. Further, many rural communities lose their teachers every single year and that results in instability for students. This also erodes the effectiveness of teachers and research has shown that effective and committed principals and teachers in the classrooms and are the number one indicator of student results.

[2:24:31 PM](#)

SENATOR COSTELLO said that this resolution was originally introduced to have funding done early in the legislative session. The committee has come back with a different approach, which is to forward fund public education, which she supports. She offered her belief that this would address the situation adequately or even more so than the original resolution.

[2:24:50 PM](#)

CHAIR HUGHES remarked that this resolution is time appropriate.

[2:25:22 PM](#)

SENATOR MICCICHE moved to report the committee substitute (CS) for SJR 9, work order 31-LS0561\E, from committee with individual recommendations and attached fiscal note(s).

[2:25:56 PM](#)

At-ease.

[2:26:15 PM](#)

CHAIR HUGHES reconvened the meeting and removed her objection. She asked Senator Micciche to restate the motion.

[2:26:38 PM](#)

SENATOR MICCICHE moved to report the committee substitute (CS) for SJR 9, work order 31-LS0561\E, from committee with individual recommendations and attached fiscal note(s). There being no objection, the CSSJR 9(JUD) was reported from the Senate Judiciary Standing Committee.

[2:27:27 PM](#)

At-ease.

HB 12-PROTECTIVE ORDERS

[2:29:01 PM](#)

CHAIR HUGHES reconvened the meeting. She announced that the final order of business would be CS FOR HOUSE BILL NO. 12(JUD), "An Act relating to protective orders."

[The committee adopted SCS CSHB 12(JUD), Version G, on 4/23/19]

[2:29:50 PM](#)

SENATOR REINBOLD stated support for HB 12, but cautioned that she does not want to give the public the impression that this is a dramatic change. It extends protective orders, which is critical in the state, but it does not address thousands of other issues with the criminal code and tools that need to be restored for law enforcement.

CHAIR HUGHES advised that question is whether the committee should add an effective date. She said she understood from the court system that it would need 90 days to implement the procedures, so the bill does not have an added effective date.

[2:30:58 PM](#)

REPRESENTATIVE CHUCK KOPP, Alaska State Legislature, Juneau, sponsor of HB 12, stated that the bill does what the Alaska Supreme Court has asked which is to amend the statute to clarify that victims of domestic violence and sexual assault and stalking can have their protective orders extended or renewed without further victimization.

[2:31:34 PM](#)

SENATOR MICCICHE moved to report SCS CSHB 12(JUD), work order 31-LS0103\G, from committee with individual recommendations and attached fiscal note(s).

[2:31:51 PM](#)

At-ease.

[2:32:39 PM](#)

CHAIR HUGHES reconvened the meeting. She stated that hearing no objection, SCS CSHB 12(JUD) is reported from the Senate Judiciary Standing Committee. She noted that Legislative Legal Services is authorized to make any necessary technical and conforming changes.

2:33:20 PM

There being no further business to come before the committee, Chair Hughes adjourned the Senate Judiciary Standing Committee meeting at 2:33 p.m.