

HB

174

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.

4-8-88

1:30 p.m.

1 IN THE HOUSE

BY TAYLOR BY REQUEST

2

HOUSE BILL NO. 174

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to providing alcohol to persons

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under 21 years of age."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 04.16.051(b) is amended to read:

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(b) This section does not prohibit the furnishing of an alco-

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holic beverage

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(1) by a parent to the parent's child, by a guardian to the

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guardian's ward, or by a person to the legal spouse of that person if

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the furnishing occurs in a private residence and if the person under

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21 years of age who receives the alcoholic beverage does not leave the

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residence while under the influence of the alcohol [OFF LICENSED

17

PREMISES]; or

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(2) by a licensed physician or nurse to a patient in the

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course of administering medical treatment.

HBI 2



City and Borough of Sitka

POLICE DEPARTMENT

304 LAKE STREET • SITKA, ALASKA • 99835

JOHN H. NEWELL
CHIEF OF POLICE

BUSINESS 747-3245
EMERGENCY 9-1-1

RECEIVED

April 3, 1987

Representative Fran Ulmer, Chairman
House State Affairs Committee
Box V
Juneau, AK 99811

Dear Representative Ulmer,

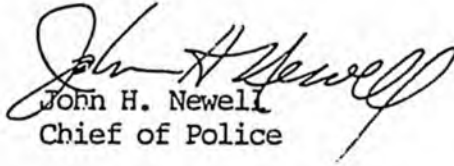
I am writing in support of House Bill No. 174.

As Chief of Police, we constantly deal with our youth being involved in alcohol related problems. I believe we should do everything we can to enforce and support the existing laws which make it unlawful for a minor to consume or possess alcohol. The exception in the current law allows a parent to provide alcohol in certain cases; however, the changes provided by House Bill No. 174 will clarify this limited opportunity, requiring the minor to remain in the privacy of their home while under the influence of the alcohol provided.

I do have some concern with the words "under the influence" as this is specifically used and defined in our DWI statutes to have a particular meaning within the law. I believe it is the intent, in Senate Bill No. 174, to be used more broadly than currently provided for in other statutes. Therefore, I would suggest some alternative language which would prohibit the minor from leaving the

residence while still having any perceptible blood alcohol level or obvious odor on their breath.

Thank you.


John H. Newell
Chief of Police

JHN/lr

cc: House State Affairs Committee
Representative Lyman Hoffman, Vice-Chairman
Representative H.A. Boucher
Representative Cliff Davidson
Representative Dave Donley
Representative Terry Martin
Representative Curt Menard
Senator Dick Eliason
Representative Ben Grussendorf
Richard Anderson, Administrator, City and Borough of
Sitka

Community Prevention Plan Committee
3050 Fifth Avenue
Ketchikan, Alaska 99901

January 26, 1988

Dear Representative Taylor:

For approximately eight months a group of concerned citizens have been meeting to gain a better understanding of the complaints of alcohol and drug abuse problems in the Ketchikan area. We have drafted an action-oriented community Alcohol and Drug Abuse Prevention Plan, which is currently being reviewed by a "Blue Ribbon" Task Force appointed by our area Mayors.

The draft plan is comprehensive in scope and requires the mobilization of individuals, community organizations, and governmental bodies to accomplish specified tasks. It is our belief that when these specific tasks are accomplished, the problems of alcohol and drug abuse will be significantly reduced.

The intent of this letter is to mobilize your support to accomplish a segment of this plan. For the past four weeks the committee has been reviewing proposed legislation for the forthcoming session. Of the fourteen Bills reviewed, we consider the following four to have the most significant impact when passed (in order of priority):

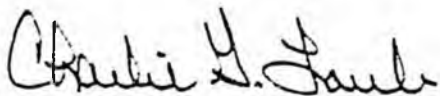
1. CS for Senate Bill No. 32 "An Act relating to marijuana".
2. House Bill No. 361 "An Act relating to suspension and revocation of a Minor's license to drive and the definition of driver's license; and providing for an effective date."
3. House Bill No. 174 "An Act relating to providing alcohol to persons under 21 years of age".
4. House Bill No. 147 "Persons under 21 years of age on licensed premises".

We also support the intent of the following bills (not in order of priority):

- a. House Bill No. 265 providing community service by and treatment for delinquent minors.
- b. House Bill No. 243 prohibiting sale and consumption of alcoholic beverage to certain individuals.
- c. Senate Bill No. 29 respecifying the open-container-in-vehicle law.
- d. Senate Bill No. 27 "An Act establishing conspiracy in the commission of certain crimes".
- e. We are also informed that a Bill has been written to require employers who furnish medical insurance to employees to include coverage for alcohol and drug treatment programs. We strongly urge introduction and passage of such Bill.
- f. CS for Senate Bill No. 3 temporary registration of vehicles and special plate for certain driving offenses.
- g. Senate Bill No. 175 combining Alcoholism and Drug Abuse Review Board and Advisory Board.

Do not hesitate to contact us if you have any questions concerning these recommendations. We feel confident that through a spirit of cooperation and a sense of single purpose we can significantly reduce the negative impacts of alcohol and drug abuse on our community and on our state.

For the Ketchikan Community Prevention Plan Committee,



Charlie G. Laub

CGL/sh



Re: House Bill #174

3/22/88

This bill is introduced because existing law allowing a parent or guardian to furnish alcoholic beverage to a minor in a private home does not spell out that once the furnishing occurred, the minor must remain in the private home or direct control of the parent or guardian until the effects of the alcohol have subsided.

I know of two cases in Ketchikan that were dismissed because the furnishing took place by a parent in a private home and the minor left the home.

I feel that should this bill not pass, the State could open themselves up to a lawsuit should a minor cause injury or damage to another while under the influence.

The State should pass this bill or be held accountable to future action.

Respectfully,

Ronald Leighton
Det Lt. ~~Ret.~~ Ronald Leighton, Retired.



FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Public Safety
 Title: "An Act relating to providing alcohol to persons under 21..." BRU: Alaska State Troopers
 Sponsor: Rep. Taylor Components: Detachments & CIB
 Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated as a result of this legislation.

Prepared by: Gayle A. Horetski, Deputy Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 3/18/88

Approved by Commissioner: *Gayle Horetski* Date: 3-18-88
 Agency: Public Safety

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/11/87

FURTHER REFERRALS: Judiciary
Finance

DATE: 3-23-87

The State Affairs Committee has considered HB 174

"An Act relating to providing alcohol to persons under 21 years of age."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING TO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signature]

Chairman's signature