

Offered: 4/20/70
Referred: Rules

Original sponsor: Jackson

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 406
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the age of majority and responsi-
7 bility."

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

9 * Section 1. AS 04.10.190(a)(5) is amended to read:

10 (5) the consent of a majority of the citizens over the age
11 of 19 [21] years, residing within one mile of the place where the in-
12 toxicating liquor is to be manufactured, bartered, sold and exchanged,
13 or bartered, sold and exchanged, but an applicant for a license outside
14 the corporate boundaries of an incorporated town need not obtain the
15 consent for a reissuance of the license.

16 * Sec. 2. AS 04.10.440 is amended to read:

17 Sec. 04.10.440. CONSENT OF RESIDENTS OUTSIDE OF INCORPORATED
18 CITIES OR TOWNS. No new license for the sale of intoxicating liquor
19 may be issued under this title in areas outside of incorporated cities
20 or towns unless a petition containing signatures of a majority of the
21 bona fide residents residing within one mile of the place where intoxi-
22 cating liquor is to be sold, and over the age of 19 [21] years, is
23 filed with the board asking that a license be issued within the said
24 area. The board may not require the petition for a reissuance of the
25 license.

26 * Sec. 3. AS 09.20.010(3) is amended to read:

27 (3) at least 19 [21] years of age;

28 * Sec. 4. AS 10.05.252 is amended to read:

29 Sec. 10.05.252. INCORPORATORS. Three or more natural persons

1 at least 19 [21] years of age may act as incorporators of a corporation
2 by signing, verifying and delivering in duplicate to the commissioner
3 articles of incorporation for the corporation.

4 * Sec. 5. AS 18.65.010(a) is amended to read:

5 (a) The commissioner of public safety may appoint as special
6 officers qualified police officers of the federal, state or local
7 government units or other persons with adequate police training over
8 the age of 19 [21] years, as he considers necessary to aid and assist
9 the division of state troopers in the enforcement of the criminal laws
10 of the state. Each special officer appointed serves without compen-
11 sation and at the pleasure of the commissioner of public safety and
12 appointments shall be of limited duration.

13 * Sec. 6. AS 21.27.090(a)(1) is amended to read:

14 (1) be 19 [21] years of age or over, if an individual;

15 * Sec. 7. AS 21.27.290(1) is amended to read:

16 (1) is 19 [21] or more years of age;

17 * Sec. 8. AS 24.25.020 is amended to read:

18 Sec. 24.25.020. SERVICE OF SUBPOENA. A person over the age of
19 19 [21] years who is competent as a witness in the state courts may
20 serve the subpoena. His affidavit that he delivered a copy to the
21 witness is evidence of service.

22 * Sec. 9. AS 25.05.011(a)(1) is amended to read:

23 (1) a male who is 19 [21] years of age or older with a female
24 who is 19 [18] years of age or older, who are otherwise capable, or

25 * Sec. 10. AS 29.10.333 is amended to read:

26 Sec. 29.10.333. POLL TAX. The council may assess, levy and
27 collect a poll tax of not more than \$5 a year on all men over 19 [21]
28 and under 50 years of age. The tax is a lien upon and may be collected
29 from any real or personal property of the person against whom the tax

1 is levied, except wearing apparel and household furniture less than
2 \$300 in value.

3 • * Sec. 11. AS 29.15.210 is amended to read:

4 Sec. 29.15.210. ASSESSMENT, LEVY AND COLLECTION OF POLL TAX. The
5 board of trustees may assess, levy and collect a poll tax of not more
6 than \$4 a year on all male residents over 19 [21] and under 50 years
7 of age. The tax is a lien upon and may be collected from real or per-
8 sonal property of the person against whom the tax is levied except
9 wearing apparel and household furniture of the head of a family or
10 householder of less than \$200 in value.

11 * Sec. 12. AS 47.10.080(b)(1) is amended to read:

12 (1) order the minor committed to the Department of Health
13 and Welfare for an indeterminate period of time not to extend past a
14 specified date or in any event past the day the minor becomes 19, ex-
15 cept that the department may petition the court for continued super-
16 vision for an additional one-year period for minors who have not
17 responded to treatment [21], and may direct the minor's placement in a
18 juvenile correctional school, detention home, or detention facility
19 designated by the department; the minor may be released from placement
20 or detention and placed on probation on order of the court; or

21 * Sec. 13. AS 47.10.080(b)(2) is amended to read:

22 (2) order the minor placed on probation, to be supervised by
23 the department, and release him to his parents, guardian, or a suitable
24 person; if the court orders the minor placed on probation, it may
25 specify the terms and conditions of probation; the probation may be for
26 an indeterminate period of time, not to extend past a specified date
27 and in no event past the day the minor becomes 19, except that the
28 department may petition the court for continued supervision for an
29 additional one-year period for minors who have not responded to

1 treatment [21].

2 * Sec. 14. AS 47.10.080(c)(1) is amended to read:

3 (1) order the minor committed to the department for an
4 indeterminate period of time not to exceed the date the minor becomes
5 19 [21] years of age, except that the department may petition the court
6 for continued supervision for an additional one-year period for minors
7 who have not responded to treatment;

8 * Sec. 15. AS 47.10.080(c)(2) is amended to read:

9 (2) order the minor released to his parents, guardian, or
10 some other suitable person; if the court releases the minor, it shall
11 direct the department to supervise the care and treatment given to the
12 minor; the department's supervision may not extend past the date the
13 minor becomes 19 [21] years of age, except that the department may
14 petition the court for continued supervision for an additional one-year
15 period for minors who have not responded to treatment; or

16 * Sec. 16. AS 47.10.100(a) is amended to read:

17 (a) The court retains jurisdiction over the case and may at any
18 time stay execution, modify, set aside, revoke, or enlarge a judgment
19 or order, or grant a new hearing, in the exercise of its power of pro-
20 tection over the minor and for his best interest, until he becomes 19
21 [21] years of age, unless sooner discharged by the court, except that
22 the department may petition the court for continued supervision for an
23 additional one-year period for minors who have not responded to treat-
24 ment. An application for any of these purposes may be made by the
25 parent, guardian, or custodian acting in behalf of the minor, or the
26 court may, on its own motion, and after reasonable notice to interested
27 parties and the appropriate department, take action which it considers
28 appropriate.

29 * Sec. 17. AS 47.10.100(c) is amended to read:

1 (c) If a minor is adjudicated a delinquent, a child in need of
2 supervision, or a dependent before his eighteenth birthday, the court
3 may retain jurisdiction over him after his eighteenth birthday for the
4 purpose of supervising his rehabilitation, but the court's jurisdiction
5 over him under this chapter never extends beyond his nineteenth [TWENTY-
6 FIRST] birthday, except that the department may petition the court for
7 continued supervision for an additional one-year period for minors who
8 have not responded to treatment. The department may retain jurisdiction
9 over a child between his eighteenth and nineteenth [TWENTY-FIRST] birth-
10 days for the purpose of supervising his rehabilitation, if he is com-
11 mitted to the custody of the department before his eighteenth birthday,
12 except that the department may petition the court for continued super-
13 vision for an additional one-year period for minors who have not re-
14 sponded to treatment.

15 * Sec. 18. AS 04.10.040(b) is amended to read:

16 (b) A citizen of the United States, over the age of 19 [21] years
17 and good moral character, may be regularly employed as a waiter or
18 waitress in an establishment operating under a beverage dispensary
19 license. The duties of waitresses employed therein shall be confined
20 to taking orders and serving beverages, alcoholic or otherwise, and
21 food. Waitresses employed under this section may not solicit or en-
22 courage the purchase of beverages, alcoholic or otherwise, by a patron
23 of the premises, whether the beverage is for the patron or for another.
24 No waitress may accept any beverage, alcoholic or otherwise, purchased
25 for her by a patron of the establishment. The licensed premises must
26 apply for and receive a permit from the board to employ female persons
27 as waitresses.

28 * Sec. 19. AS 04.15.020(a) is repealed and re-enacted to read:

29 (a) Sale to minors or intoxicated persons. It is unlawful to

1 give, barter, or sell any intoxicating liquors, including beer and wine,
2 to an intoxicated person or to permit the giving, selling, bartering, or
3 drinking of any intoxicating liquor within the premises covered by a li-
4 cense to such a person. Except in premises licensed under AS 04.10.050
5 and licensed premises designated under (d) of this section, within which
6 persons 19 or 20 years of age may enter and purchase beer, it is unlawful
7 to give, barter, or sell any intoxicating liquors, including beer and
8 wine, to a person under the age of 21 years or to permit the giving,
9 selling, bartering, or drinking of any intoxicating liquor within the
10 premises covered by a license to a person under the age of 21 years.

11 * Sec. 20. AS 04.15.020(d) is amended to read:

12 (d) Presence of minors on premises. It is unlawful to permit a
13 person under the age of 21 years to enter or remain upon licensed
14 premises unless he [THE MINOR] is accompanied by his parent, guardian
15 or spouse who has attained the age of 21 years. However, a person
16 18 years of age or older may enter and remain upon licensed premises
17 in the course of his employment as a musician, entertainer or busboy.

18 [In addition, a [PERSON WHO IS 19 OR 20 YEARS OF AGE MAY ENTER LICENSED
19 PREMISES WHICH ARE ALSO RECOGNIZED AS A RESTAURANT FOR THE PURPOSE OF
20 DINING. A] person under the age of 19 years may enter and remain upon
21 licensed premises which are also recognized as a restaurant for the pur-
22 pose of dining or dancing, if accompanied by his parent or guardian or
23 by the parent or guardian of any other minor also present, or with any
24 other adult with the consent of the minor's parent or guardian. The
25 Alcoholic Beverage Control Board, with the approval of the city council
26 if the premises are within the city or with the approval of the borough
27 assembly if the premises are outside the city but within a borough, shall
28 designate which premises are restaurants for the purposes of this
29 section. Licensed premises are premises holding licenses under

1 AS 04.10.020(a) - 04.10.020(d). The Alcoholic Beverage Control Board
2 shall promulgate regulations for the designation of restaurants and the
3 continuation or withdrawal of the designation. No establishment may be
4 designated as a restaurant for purposes of dining without the consent
5 of the licensee.

6 * Sec. 21. AS 04.15.060 is amended to read:

7 Sec. 04.15.060. PURCHASE BY MINORS. (a) Except as provided in
8 sec. 20(a) and (d) of this chapter, it [IT] is unlawful for a person
9 under the age of 21 years to solicit the purchase of or in any other
10 way to attempt to purchase or otherwise secure any intoxicating liquor.
11 A person violating the provisions of this section is guilty of a mis-
12 demeanor, and upon conviction is punishable as provided in sec. 100 of
13 this chapter.

14 (b) A person who influences or attempts to influence the unlawful
15 sale, giving or serving of intoxicating liquor to a person under 21
16 years of age, by misrepresenting the age of that person, or who orders,
17 requests, receives, or procures intoxicating liquor from a licensee,
18 employee, or other person, for the purpose of selling, giving, or serving
19 it to a person under 21 years of age who is not excluded under sec. 20(a)
20 and (d) of this chapter, is guilty of a misdemeanor.

21 (c) A person under the age of 21 years who enters a licensed
22 premises where intoxicating liquor is sold and who offers or presents
23 to a licensee or his employee a fraudulent or false certificate of
24 birth or other written evidence of age, which is not actually his or
25 her own, or who otherwise misrepresents his or her age, for the purpose
26 of inducing the licensee or his employee to sell, give, serve, or
27 furnish intoxicating liquor contrary to law, is guilty of a misdemeanor.

28 (d) A licensee or his employee who questions, or has reason to
29 question, whether a person entering upon licensed premises, or ordering,

1 purchasing, attempting to purchase or otherwise procuring or attempting
2 to procure the serving or delivery of intoxicating liquor unlawfully,
3 has attained the age of 21 years, shall require that person to sign a
4 statement that he is over the age of 21 years. This statement shall
5 be made upon a form prepared by and furnished to the licensee by the
6 board. If a licensee, or his employee, in good faith, secures the
7 signed statement he shall not be subject to criminal prosecution for
8 violation of the provisions of subsections (b) and (c) of this section.

9 (e) Except as provided in sec. 20(a) and (d) of this chapter, a
10 [A] licensee, or his employee, who allows to remain upon licensed
11 premises where intoxicating liquor is sold, a person under the age of
12 21 years not in company of his parent or legal guardian or spouse who
13 has attained the age of 21 years, or sells, gives, or serves intoxicating
14 liquor to a person under the age of 21 years without having procured
15 the signature of the person upon a statement as provided in this sec-
16 tion, or who knowingly sells, gives, or serves intoxicating liquor to
17 or allows the person to remain on licensed premises where intoxicating
18 liquor is sold, is guilty of a misdemeanor.

19 * Sec. 22. AS 04.15.065 is repealed and re-enacted to read:

20 Sec. 04.15.065. DRIVER'S LICENSE AS PROOF OF AGE. A valid Alaska
21 driver's license is acceptable as proof of age when used for identifi-
22 cation in the purchase of alcoholic beverages, and for presence in
23 licensed premises, if the license is made of or encased in plastic and
24 contains a photograph of the license holder and a statement of his age
25 or date of birth. The licensee is not subject to any of the penalties
26 imposed for serving persons under 19 years of age or permitting persons
27 under 19 years of age on the premises, when the driver's license indi-
28 cates that the owner and possessor of the driver's license is 19 years
29 of age or over. If the driver's license indicates that the owner and

1 possessor of the license is 21 years of age or over, but he is in fact
2 19 or 20 years of age, the licensee is not subject to any of the
3 penalties imposed for serving intoxicating liquor to the person.

4 * Sec. 23. AS 04.15.080 is amended to read:

5 Sec. 04.15.080. GIVING OF INTOXICATING LIQUOR TO PERSONS UNDER
6 THE AGE OF 21 YEARS. (a) A person or firm, company, corporation
7 or an employee thereof who sells, barter, gives or delivers to a
8 person under the age of 21 years not excluded under sec. 20(a) and (d)
9 of this chapter, any intoxicating liquor is guilty of a misdemeanor,
10 and upon conviction is punishable by imprisonment of not more than one
11 year, or by a fine of not more than \$500, or by both.

12 (b) The term "person" as used in this section does not include
13 a parent as to his own child, a guardian as to his ward or a licensed
14 physician or nurse in giving medical treatment.

15 * Sec. 24. AS 23.10.355 is amended to read:

16 Sec. 23.10.355. PERSONS [CHILDREN] UNDER 19 [21]. No person
17 [MINOR] under 19 [21] may be employed or allowed to sell or serve
18 intoxicating liquors or to work in any room or other place where
19 intoxicating liquors are sold for consumption on the premises, except
20 as provided in AS 04.15.020(d).

21 * Sec. 25. AS 08.08.130(2), 08.16.140(1), 08.20.120(1), 08.36.110(1),
22 08.84.030(1), 08.88.211(a)(3), 08.98.170(2) and 21.42.080(b), (c) and (d)
23 are repealed.

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