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# COMMITTEE REPORT

## SENATE

FURTHER:

Date: 3/9/83

Mr. President:

The Committee on JUDICIARY has had SEN. NO. 87

Authorizing persons 16 years of age or older to be present in certain premises that serve alcoholic beverages

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for 30 10  same title  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN



# BIG BROTHERS / BIG SISTERS OF JUNEAU, INCORPORATED

Ken McQuade  
Executive Director

March 14, 1983

Senator Bill Ray  
Honorary Chairman

Board Presidents:  
Eeverly Koski, 1983  
Brenda Knapp, 1982  
Howard Gile, 1981  
Kevin Ritchie, 1979-80

Mr. Patrick Sharrock  
A.B.C. Board  
201 E. Ninth Avenue  
Anchorage, Alaska 99501

Dear Mr. Sharrock:

I am writing to have input into hearings which you will conduct April 13 and 14 regarding parental consent for a child to enter the premises of an establishment where alcohol is served under supervision of an adult who is not the parent or legal guardian.

I am strongly in favor of "implied consent" or some option which does not require the submission of a parental permission slip for every visit. In my work with Big Brothers/Big Sisters of Juneau, I help arrange relationships between volunteer adults in the community and children from single-parent families. We have a thorough screening process before accepting these adults. We involve the child's parents or legal guardians in the formation of this relationship. There are over 50 such relationships in Juneau, over 70 in Anchorage, and about 20 in Sitka. Often, the adults take their little brother or sister to a local restaurant for a meal during their weekly activity. With the current method of enforcement, the volunteer must get a special permission slip from the parent each time he may plan to stop for a meal. A large majority of the eating establishments in Juneau have a beer and wine or liquor license and would require the permission slip.

In addition, I coach a youth basketball team for our local Parks and Recreation Department. I have done this for four years and enjoy taking the kids once or twice during the season for pizza. I know most other volunteer coaches for football, baseball, swimming, and other sports like to treat the kids at least once a year. Several weeks ago, I took my team to two local pizza restaurants, and we were denied service at both establishments because I did not have written consent. The kids were very disappointed, and I was quite angry that I had to get written consent from each of the parents in order to treat the kids the following week.

Mr. Patrick Sharrock  
March 14, 1983  
Page 2

I really believe that the A.B.C. Board should change the procedure so that volunteers in the community who want to do something special with a kid or group of kids will not have to submit written permission each time. I, too, am concerned about the welfare of our community's youth. I am involved with Juneau's Board of Education and National Council on Alcoholism to plan alcohol and drug abuse prevention programs which are directed to young people. However, I believe that the system requiring written parental permission is too cumbersome and restricts community efforts to do something positive and enjoyable with our young people.

I will be happy to testify at your public hearing. I hope the A.B.C. Board will find a solution to this problem, keeping in mind the efforts of Boy Scouts, volunteer coaches, Big Brothers/Big Sisters, and many other community programs helping our youth.

Sincerely,

Ken McQuade, M.S.W.  
Executive Director

KM/bc

bcc: Larry Caudle  
Bill Adair  
✓ Senator Bill Ray



BIG BROTHERS / BIG SISTERS  
OF JUNEAU, INCORPORATED

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March 14, 1983

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Beverly Koski, 1983  
Brenda Knapp, 1982  
Howard Gile, 1981  
Kevin Ritchie, 1979-80

Mr. Bill Adair  
Bullwinkles  
9309 Glacier Highway, #200  
Juneau, Alaska 99801

Dear Bill:

Enclosed is a copy of the letter I sent to Patrick Sharrock of the A.B.C. Board regarding the issue of parental permission for minors to enter premises where alcohol is sold and consumed.

I did meet with Senator Ray on this matter back on March 3. He understands my concern about its impact on volunteers with programs such as Big Brothers/ Big Sisters or Parks & Recreation, and he assured me that he is working with them to reach a resolution which better fulfills the intent of the law.

Please let me know if I can help on April 13 or 14 by testifying at the hearing.

Sincerely,

Ken McQuade, M.S.W.  
Executive Director

KM/emc  
Enclosure

→ cc: Senator Bill Ray  
Larry Caudle

# Municipality of Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-6730

TONY KNOWLES,  
MAYOR

COMMISSION ON YOUTH  
825 L Street

February 22, 1983

Senator Tim Kelly  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Senator Kelly:

Recently I received some of the new bills, pertaining to youth, that have been introduced into the legislature this session. The Anchorage Commission on Youth and myself are currently reviewing the bills and we will be making responses on some of them in the near future.

On bill in particular that I am personally interested in and am in favor of is, SB 88. If my understanding of this bill is correct, it proposes to allow 16 year olds and older to enter an establishment that serves alcohol, for the sole purpose of dining, without an adult present. I feel this will answer the many questions I am asked by young people in Anchorage.

Many times, in visiting the local high schools, the students will ask if anything is or will be done to allow them into a nice restaurant to eat. As a youth it is very discouraging when you're out Prom Night, or friends and you go to a restaurant to have a nice dinner (with no intention of drinking) and are told you are not old enough to come in. Currently, some restaurants let them "slide", letting them know that they will not be served alcohol, and other's obey the law. The youth that I have come in contact with are in support of a bill of this nature.

Something that should be kept in mind if a bill like this becomes law is, that the establishment understands this does not allow them to let the young people "slide" and have "just one" drink. It is important that if it happens the owners and employees should be held responsible in some way. This, hopefully, will discourage any abuse of the law.



"YOUNG PEOPLE HELPING YOUTH"

Senator Tim Kelly  
State Capitol  
February 18, 1983  
Page 2

The Commission on Youth will take action on this bill in the next few weeks and I hope that you and your colleagues will take our response under consideration.

If you have any questions, please feel free to contact me at the number or address above. I hope that myself and the Commission can be of service in the future.

Sincerely,



Mark Begich  
Youth Programs Coordinator

MB/ej

STATE OF ALASKA

MEMBER

TENTH ALASKA LEGISLATURE  
ELEVENTH ALASKA LEGISLATURE  
TWELFTH ALASKA LEGISLATURE  
THIRTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3822

283 HULDOON ROAD  
STATION BOX 76  
ANCHORAGE, ALASKA 99804  
(907) 333-1178

TO: Members of the Senate Judiciary Committee  
FROM: Senator Tim Kelly  
SUBJECT SB 88

As AS 04.16.049 now reads, a person under the age of 19 years may not knowingly enter premises that serve alcoholic beverages unless accompanied by a parent, guardian, spouse 19 years or older, or by a person 19 years or older and with the consent of the person's parent or guardian.

SB 88 would allow a person at least 16 years of age to dine, that is, to be served food only, in a restaurant that is licensed to serve alcoholic beverages. The only restriction is that the restaurant may exclude a person under 19 years from an area on the premises that is used primarily for the consumption of alcoholic beverages.

After phone calling restaurants listed in the Anchorage Yellow Pages, it was determined that all but one restaurant in Eagle River had an alcoholic beverage license. This is the only restaurant (other than fast food places) a person under 19 years of age may legally dine unless accompanied by a parent or guardian.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 88 Date on Bill: 1/28/83  
 Title: An Act authorizing persons 16 years of age or older to be present in  
 Sponsor: Sen. Kelly certain premises that serve alcohol.  
 Requestor: Senate Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

NO FISCAL IMPACT.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: 2/16/83  
 Approved by Commissioner: *Robert L. Kelly* Date: 2-22-83  
 Department: Alaska Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to CIB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 88 Date of Bill: 1 28 83  
 Title: an act authorizing persons 16 years of age or older to be present in certain premises that  
 Sponsor: serve alcoholic beverages. Sponsor: Kelly  
 Requestor: Senate Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Mary Kelyed From: 465-2300  
 Division: Comm. office Date: 3/3/83  
 Approved by Commissioner: [Signature] Date: 3/3/83  
 Department: Revenue

5. Distribution:  
 Original to Legislative Finance  
 Copy to OMB  
 Copy to Sponsor  
 Copy to Requestor

2/15/83

AS04.16.049 DOCUMENT= 1 OF 1 PAGE = 1 OF 3  
CHAPTER = 04.16  
SECTION = 04.16.049  
TITLE = 04

HEADINGS TITLE 4.  
Alcoholic Beverages.  
CHAPTER 16.  
Regulation of Sales and Distribution.  
ARTICLE 1.  
Prohibited Acts.

CITATION Sec. 04.16.049.

CATCH LINE

ACCESS OF PERSONS UNDER THE AGE OF 19 TO LICENSED PREMISES.

TEXT

(a) A person under the age of 19 years may not knowingly enter or remain in premises licensed under AS 04.06.010 - 04.21.080 unless

(1) accompanied by a parent, guardian or spouse who has attained the age of 19 years;

(2) accompanied by a person over the age of 19 years and with the consent of the person's parent or guardian if the premises are designated by the board as a restaurant for the purposes of this section and the persons enter and remain only for dining.

(b) Notwithstanding (a) of this section, a licensee, his agent, or employee may refuse entry to a person under the age of 19 years to that part of licensed premises in which alcoholic beverages are sold, served or consumed, may refuse service to a person under the age of 19 years, or may require a person under the age of 19 years to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

(c) Notwithstanding this section, a person between 16 and 19 years of age may enter and remain within the licensed premises of a hotel, restaurant, or eating place in the course of his employment if (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages; (2) the person has the written consent of a parent or guardian; and (3)

an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor. The board, with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurants or eating places for the purposes of this subsection.

HISTORY (Sec. 3 ch 131 SLA 1980; am sec. 16 ch 28 SLA 1981)

TO: Billy Berrier, Director  
Legal Services

FROM: John Gabrielli, Counsel  
Senate Judiciary Committee

DATE: March 8, 1983

RE: SB 88 -- Authorizing persons 16 yrs of age or older to  
be present in certain premises that serve  
alcoholic beverages.

I am providing you with the attached minutes of our 3/4/83 committee hearing to give you an idea of the topics and concerns regarding SB 88 raised and discussed therein.

After the hearing Senator Ray proposed the following general language and provisions to be included in a committee substitute that he would like drafted as soon as possible:

Alcoholic beverage dispensary licensees whose applications have been submitted and reviewed and, after an inspection of the premises, are determined to be bona fide purveyors of food by the Alcoholic Beverage Control Board, with prior notice to and the consent of the appropriate local governing bodies, shall be permitted, at their exclusive discretion, to allow minors to enter their licensed premises for the purpose of dining only. In exercising their discretion to admit or exclude minors, said licensees shall not violate any other applicable federal or state constitutional provision, law or regulation, and said licensees shall be solely responsible for the safe and orderly conduct of business on their licensed premises.

Although I am responsible for structuring the above language, the key phrases and words are Senator Ray's and the committee substitute should retain as many of them as possible. Of course, we expect you to structure the committee substitute in whatever manner you deem appropriate, with the key elements of provisions being the following:

- 1) Only already licensed applicants;
- 2) Must apply:

The intent here is that the application be as simple as possible; e.g., basic

identifying information plus an affidavit that primary business is food, rather than the sale of alcoholic beverages. Best example of intended establishments is pizza parlors that serve beer and wine. But would also like to include hotel (e.g., Latchstring), motel and airport restaurants.

Query: Define "Bona fide purveyor of food" as primary business thereof;

3) ABC Board must:

- (a) Fully review applications;
- (b) Do on site inspection;
- (c) Give prior notice to appropriate local governing bodies;
- (d) Determine that establishment is bona fide purveyor of food;

4) Local governing bodies must:

- (a) Be given prior notice and opportunity to be heard;
- (b) Consent;

5) Approved licensees shall have

- (a) Exclusive discretion as to admission or exclusion of minors; however, there is some concern about civil rights violations and it is suggested that some limiting language be inserted in this regard;
- (b) Sole responsibility for safe and orderly conduct of operations on premises;

6) Purpose for entering must be dining only, rather than dancing or playing machines, etc.; however, there is no intent to exclude other activities in conjunction with dining.

Of course, I will be glad to answer any questions and work whoever will be drafting the committee substitute. My extension is 4451 or 4452.

cc: Senator Ray