

HB

35

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 9, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4/19/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 35 [ACCESS TO LICENSED PREMISES BY MINORS]
"An Act relating to entry of persons under age 21 to licensed premises."

[X] be replaced with CSHB 35 (HESS) [X] the same title
[] a new title

[] have attached amendment(s)

- [X] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

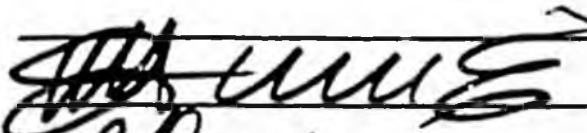
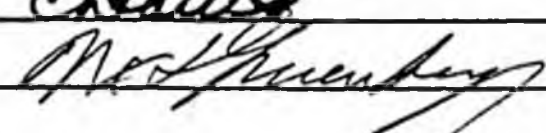
- [] fiscal impact
- [X] zero fiscal note DHS
- [X] zero with analysis LAW

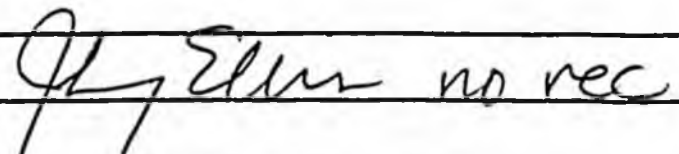
APPROVES PREVIOUS:

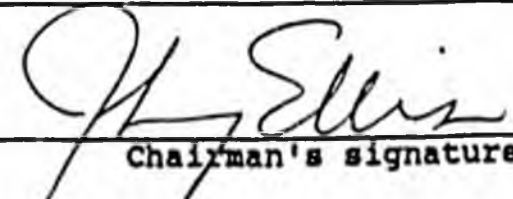
- [] fiscal note(s) published: _____
- [] zero fiscal notes(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)


 Chairwoman

 Member


 no rec


 Chairman's signature

Original sponsor: Hudson

1 IN THE HOUSE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 35 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to entry of persons under age 21 to
7 licensed premises."

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

9 * Section 1. AS 04.16.049(a) is amended to read:

10 (a) A person under the age of 21 years may not knowingly enter
11 or remain in premises licensed under this title unless

12 (1) accompanied by a [PARENT, GUARDIAN OR] spouse who is
13 [HAS ATTAINED THE AGE OF] 21 years of age or older;

14 (2) the person is at least 16 years of age, the premises
15 are designated by the board as a restaurant for the purposes of this
16 section, and the person enters and remains only for dining; [OR]

17 (3) the person is under the age of 16 years, is accompanied
18 by a person who is [OVER THE AGE OF] 21 years of age or older, the
19 parent or guardian of the underaged person consents, the premises are
20 designated by the board as a restaurant for the purposes of this
21 section, and the person enters and remains only for dining;

22 (4) accompanied by a parent or guardian who is 21 years of
23 age or older and the premises are

24 (A) licensed as a club under AS 04.11.110, the club
25 does not discriminate on the basis of race or sex and the person
26 under the age of 21 years enters or remains only during a club
27 function appropriate for persons under 21 years of age;

28 (B) licensed as a package store under AS 04.11.150;

29 (C) licensed as a common carrier dispensary under

1 AS 04.11.180; or

2 (D) or are entered for the purpose of touring a bot-
3 tling works, brewery, winery, wholesale warehouse, or distillery;

4 or

5 (5) accompanied by a parent or guardian who is 21 years of
6 age or older and the parent or guardian is licensed under this title
7 to sell or serve alcoholic beverages for consumption only on the
8 licensed premises; in this paragraph, "licensed under this title"
9 includes being a partner in a partnership licensed under this title,
10 or being an officer, director, or stockholder of a corporation
11 licensed under this title, if the partner, officer, director, or
12 stockholder is employed on the licensed premises.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to entry of persons under age 21 to licensed premises"
 Sponsor: Hudson
 Requestor: _____

Agency Affected: Health & Social Services
BRU: Alcohol & Drug Abuse Services
 Components: Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	2	0	0	0	0
CAPITAL	0	0	2	0	0	0
REVENUE	0	0	0	2	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	2	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	2	0

POSITIONS:

FULL-TIME	0	0	0	0	0	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Matthew C. Felix *Matthew C. Felix* Phone: 586-5201
 Division: Office of Alcoholism & Drug Abuse Date: 3/6/89
 Approved by Commissioner: Myra M. Johnson *Myra M. Johnson* Date: 3/13/89
 Agency: Department of Health & Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to entry of persons under age 21 to licensed premises."
Sponsor: Repr. Hudson
Requestor: House HFSS

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services
Approved by Commissioner: Douglas B. Baily, Attorney Gen.
Agency: Department of Law

Phone: 465-3672
Date: March 14, 1989
Date: March 14, 1989

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 35

This bill would amend AS 04.16.049(2) so that a person under the age of 21 years may no longer enter or remain in a licensed premises when accompanied by a parent or a guardian. Heretofore, such entry has been permitted. Although there may be a small number of violations, until this change is fully understood, it is not expected that the bill will have a fiscal impact on the Department of Law.

POSITION PAPER

ON

HOUSE BILL NO. 35

"An Act relating to entry of persons under age 21 to licensed premises"

The Department of Health and Social Services is highly supportive of HB 35. Further limitations on entry of persons under age 21 to licensed premises is an idea often supported by public safety officers, educators, health and social services personnel, and parent groups. At the June 1986 meeting of the Review Board on Alcoholism, the following action was recorded in the minutes of the meeting:

Whereas, persons under the legal drinking age are allowed to accompany their parents into facilities where alcoholic beverages are sold or dispensed;

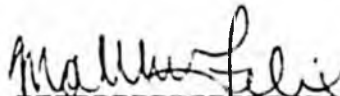
Be it resolved that no one under the legal drinking age be allowed to accompany their parents into facilities where alcoholic beverages are sold or dispensed unless such facilities have dining facilities."

PASSED, 1 Opposed
1 Abstention

Sociological studies show drinking attitude and habits are formed early in childhood through observation of significant adults in a child's life. Research has also demonstrated that drinking practices are firmly developed in the teen years and continue into adulthood.

Alaskans drink nearly four (4) gallons of absolute (pure) alcohol per capita. This makes Alaska one of the highest per capita consuming states. The heavy drinking in Alaska contributes to a variety of health and social problems. The attitude and experiences of young Alaskans will greatly determine if this devastation continues into the next generation. This legislation may serve notice to adult drinkers that young Alaskans need not be put at risk.

Recommended by:



Matthew C. Felix
Coordinator
Office of Alcoholism & Drug Abuse

3/6/89

Date

Approved by:

Myra M. Munson

Myra M. Munson
Commissioner
Department of Health & Social Services

3/13/89
Date



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

February 9, 1987

MEMORANDUM

TO: Representative Bill Hudson
ATTN: Landa Holton
FROM: Karla Hart *KH*
Legislative Analyst
RE: Children Allowed in Bars
Research Request 87.120

You requested information on the number of states that do not allow children (anyone under 21 years of age) in bars. The National Alcohol Beverage Control Association recently completed a state-by-state study of alcohol control laws but did not address this question. After speaking with you, I contacted California, Montana, Oregon and Washington.

California does not allow minors under the age of 21 in bars, except persons 18-21 may be employed as musicians for entertainment purposes only. They are restricted by statute (attached).

Montana has no regulations concerning minors in bars. Diana Coon, with the Montana State Liquor Division, said anyone of any age can enter a bar, children do not need to be accompanied at all, unless the bar owner chooses to restrict them. She explained that Montana is a rural state and in many communities the bar is the only place people can go for entertainment. The drinking age is 19 years and employees who serve alcohol must be 18 years old.

Oregon statute does not allow minors (under the age of 21) in bars, except a minor spouse may enter a bar if accompanied by a legal-aged spouse. The minor spouse may not possess or consume alcoholic beverages according to Mr. Rogers with the Oregon Liquor Control Commission.

Washington does not allow minors in bars except "professional minor musicians" and others over 18 years of age performing services as outlined in the statutes (attached).

If you require additional information, please call.

KH

Attachments

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801
907 463 3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

A. HESS 3-14-89

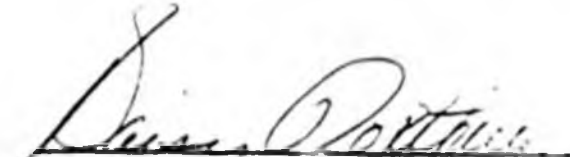
TANANA CHIEFS CONFERENCE, INC.
Board of Directors
Resolution No 89-116

MINORS IN BARS

- WHEREAS, attitudes about alcohol and alcoholic behavior patterns at a very early age; and
- WHEREAS, it is not healthy for children to be in places where alcohol consumption is the primary activity; and
- WHEREAS, there are a variety of circumstances in rural Alaska when an adult may need to enter a bar for a variety of reasons other than to drink.
- NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors support legislation making it illegal for adults to bring children into bars while those same adults are drinking alcoholic beverages.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 16, 1989 at Fairbanks, Alaska and a quorum was duly established.


Daisy Northway
Secretary-Treasurer
Tanana Chiefs Conference, Inc

Submitted by: Alcohol Workshop

TANANA CHIEFS CONFERENCE, INC.
Board of Directors
Resolution No. 89-1

SUPPORTING NATIVE ELDERS IN THEIR FIGHT AGAINST ALCOHOL AND DRUGS

- WHEREAS, there are many problems which threaten our survival as a people, but none have such a devastating impact on our villages and families as does the problem of alcohol and drug abuse;
- WHEREAS, the use of alcohol and drugs offers nothing to our villages but broken spirits, broken families, pain, suffering and death; and
- WHEREAS, the use of alcohol and drugs never has been and never will be of any value to our Native culture and Native people; and
- WHEREAS, since its introduction from other cultures, Native elders have warned their villages that alcohol and drugs are the greatest threat to health, life and cultural values; and
- WHEREAS, as the keepers and teachers of Native culture, the elders today speak stronger than ever against alcohol and drugs and have committed themselves to bring their message against alcohol and drugs to their villages; and

NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors request that Governor Steve Cowper and every Alaska State legislature and member of Alaska's delegation in Congress support the efforts of the Interior villages in their fight against alcohol and drug abuse; and

BE IT FURTHER RESOLVED that the Tanana Chiefs Conference Board of Directors direct TCC to pursue state, federal, local, and private sector funding to institute comprehensive region wide alcohol and drug prevention programs utilizing elders, concerned village volunteers, village councils and youth in each village and that these concerned village teams be afforded training and ongoing support; and

BE IT FURTHER RESOLVED that the Village Councils and village courts pass ordinances against alcohol and drugs and strictly enforce these ordinances through their village courts; and

BE IT FURTHER RESOLVED to protect our children and families, Village Councils and courts strongly consider the use of traditional Native justice mechanisms and banish bootleggers and drug pushers from our village; and

BE IT FURTHER RESOLVED each school in each village includes a comprehensive drug prevention to their curriculum and actively implement preventive education at every grade level; and

BE IT FURTHER RESOLVED as an example to our children and to each other that alcohol to be served at any TCC function from this day forward; and

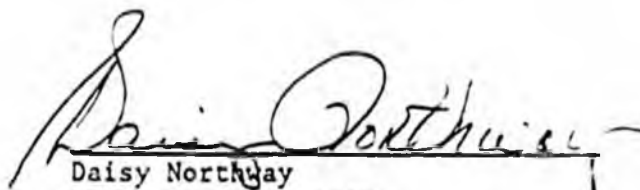
BE IT FURTHER RESOLVED any TCC employee determined to have a drug or problem be given the option to receive treatment or be ately terminated from employment; and

BE IT FURTHER RESOLVED each Native person of strong body and mind lend hand to help their elders and village leaders in this most serious task; and

BE IT FURTHER RESOLVED for the spiritual well being of our children families and for the survival and strengthening of our village from this day forward, let it be known that the elders of Athabascan Nation have declared war on all those who associated with alcohol and drug abuse.

C E R T I F I C A T I O N

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 16, 1989 at Fairbanks, Alaska and a quorum was duly established.



Daisy Northway
Secretary-Treasurer
Tanana Chiefs Conference, Inc.

Submitted by: Executive Board

TANANA CHIEFS CONFERENCE, INC.
Board of Directors
Resolution No. 89-104

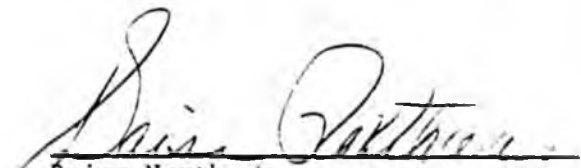
EDUCATION ABOUT ALCOHOL AND DRUGS

- WHEREAS, the Elders of the Tanana Chiefs region have declared war on alcohol and drugs; and
- WHEREAS, education is an important element in solving the problems of alcohol and drug abuse in Alaska; and
- WHEREAS, education about alcoholism and drug abuse must begin at an early age and continue through adolescence to be as effective as it can be in preventing alcohol and drug abuse.

NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors support legislation that directs and requires the Department of Education to begin alcohol and drug abuse education in kindergarten and continue through high school.

C E R T I F I C A T I O N

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 16, 1989 at Fairbanks, Alaska and a quorum was duly established.


Daisy Northway
Secretary-Treasurer
Tanana Chiefs Conference, Inc.

Submitted by: Alcohol Workshop

POSITION PAPER

ON

HOUSE BILL NO. 35

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Recommended by:

Matthew Felix

Matthew C. Felix
Coordinator
Office of Alcoholism & Drug Abuse

3/6/89

Date

Approved by:

Myra M. Munson

Myra M. Munson
Commissioner

Department of Health & Social Services

3/13/89
Date

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99801
907 465 1600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1989

SUBJECT: Summary of W.O. 6-0510A
TO: Representative Max Gruenberg
FROM: Theresa L. Bannister *tb*
Legislative Counsel

You have requested a brief summary of bill draft 6-0510A (1-23-89). As a preliminary matter, note that this summary should not be considered an authoritative interpretation of the bill draft. The bill draft itself is the best statement of its contents.

1. SUMMARY OF CONTENTS.

Section 1 enacts the Alaska Uniform Transfers to Minors Act ("proposed act") as AS 13.46.

Section 2 makes a technical change.

Sections 3 and 4. Section 3 amends the Uniform Anatomical Gift Act (AS 13.50) by deleting the requirement that two persons must sign the document as witnesses to the donor's signature. Section 4 conforms another section to this change.

Section 5 repeals the sections of the present Alaska Uniform Gifts to Minors Act ("present act") (AS 45.60).

Section 6 makes the Act effective January 1, 1990.

2. MAJOR DIFFERENCES BETWEEN THE PROPOSED ACT AND THE PRESENT ACT. The proposed Uniform Transfers to Minors Act is an expanded and more comprehensive version of the present Uniform Gifts to Minors Act (AS 45.60). The major differences are discussed below.

Representative Max Gruenberg

Page 2

January 31, 1989

Property coverage. The proposed act expands the type of property that can be transferred to a minor. The present act only covers securities, life insurance policies, life insurance annuity contracts, and money. The proposed act covers all types of property.

Types of transfers. The proposed act expands the type of transfers that can be made. The present act covers only outright gifts made during the donor's lifetime. In addition to such outright gifts, the proposed act covers transfers from trusts, estates, and guardianships, and from persons who are indebted to the minor.

Extension beyond minority. The proposed act allows the custodial property to be held for the minor beyond the age of 18 to a maximum age of 25. The present act does not provide for this.

If I may be of further assistance, please advise.

TLB:gc
WKG6/062