

SB

2009

HFIN

FILE

ALASKA STATE LEGISLATURE

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Charlie Huggins
Senator

Senate Bill No. 209

Sponsor Statement

"An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs"

Senate Bill 209 amends AS 04.11.110(g) by authorizing access by persons under 21 years of age, who possess a valid military active duty (or armed forces identification card issued by the United States Department of Defense or the United States Department of Homeland Security) ID card, to a club's licensed premises without specific authorization of the Alcoholic Beverage Control board in certain circumstances.

Under present state law, persons under the age of 21 cannot be on any premises that are licensed to sell alcoholic beverages unless a parent or legal guardian accompanies them. Current law causes a dilemma to the under age veteran. Although they are eligible to join an organization, they are unable to go to the veteran's meetings or functions because they are under age.

This legislation will, in no way, allow the consumption of alcoholic beverages by persons under the age of 21 in licensed clubs. This bill will simply allow our troops access to the supportive and safe environments which they currently are not allowed. A military organization post will truly be a place where veterans across the generations will have an accepting atmosphere in which they can impart their wisdom and stories. This bill will help ensure a place of safety for our troops while they are on the home front.

Contact: Josh Tempel
Staff to Senator Charlie Huggins
465-3878

Version 24-LS1215F

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CCSB 209 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title Underage Military on Licensed Premises RDU ABC Board
Component ABC Board
Sponsor Huggins
Requester HFC Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date _____

Rep. Mike Chonault, Co-Chair

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 209(JUD)
(S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans' Affairs
Title: Underage Military on Licensed Premises RDU: Military and Veterans Affairs
Component: Office of the Commissioner
Sponsor: Senator Huggins
Requester: _____ Component No. 414

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: *(Attach a separate page if necessary)*

No fiscal impact.

Prepared by: John Cramer Phone (907) 465-4602
Division: Administrative Services Division Date/Time 1/12/06 3:15 PM
Approved by: Craig E. Campbell, Commissioner Date 1/12/2006
Agency: Department of Military & Veterans' Affairs

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MEMORANDUM

February 10, 2006

SUBJECT: CSSB 209(JUD) (Work Order No. 24-LS1215M)

TO: Senator Charlie Huggins
Chair of the Senate Transportation Committee
Attn: Josh

FROM: Jean M. Mischel
Legislative Counsel 

You've asked for an opinion about the meaning of the term "patriotic organization" in the context of the above referenced bill and AS 04.11.110, pertaining to licensed club premises for the sale of alcoholic beverages. You are specifically wondering whether any entity, such as a strip club, could be considered a "patriotic organization" in certain circumstances. The statute itself requires a club license and a charter for the organization. In addition, the common meaning of the term does not seem to lend itself to strip clubs.

The term is not defined in statute or regulation and is, therefore, subject to the interpretation of the Alcoholic Beverages Control Board. In reviewing an interpretation, a court would look generally to the common meaning of the term. I have found only one court case in which the term is used and, in that case, a "patriotic organization" was described as an organization "devoted to the happiness and welfare of the United States." (*In re Fordham Naturalization*, 99 Conn. 551, 556 (Conn. 1923).)

The common meaning of the term may be discerned by looking at the dictionary definition and common usage. The common usage of the term applies to veterans organizations, such as the VFW and the USO. The dictionary does not define "patriotic organization" but by combining the definition of both terms, the likelihood of including a strip club as such an organization seems remote.¹ A strip club, it seems to me, cannot be described as either patriotic or as a type of organization. If, in the future, a strip club attempts to adapt to the definition, the board may adopt a more restrictive one.

If I may be of further assistance, please advise.

JMM/ljw
06-065 ljw

¹ According to Webster's "patriotic" is defined as "a person who loves his and loyally or zealously supports his own country"; "organization" is defined as "a body of persons organized for some specific purpose, as a club, union, or society."



August 1, 2005

WHEREAS, The Joint Venture (Disabled American Veterans, The American Legion, and Veterans of Foreign Wars) is made up of patriotic veterans' organizations and membership in the organizations is based solely upon honorable federal military service to our country during dates established by the Congress of The United States, and without regard to age, sex, creed or color; and

WHEREAS, The Joint Venture, throughout their history, have welcomed home active duty military units returning from areas of conflicts. As well, Posts located in our coastal cities have done the same when US Naval and Coast Guard ships sail into port. And, it is generally acknowledged and recognized that a large percentage of active duty military personnel are under the age of 21 years and that their legal guardian is now considered to be the Federal Government; and

WHEREAS, Many Veterans' Posts in Alaska typically consist of one or two general usage rooms for their members, one containing a lounge where alcohol is available to members who are of legal drinking age and desire to purchase a drink; and

WHEREAS, Alaska Statute 04.16.049 allows a person under the age of 21 years, for the purpose of dining, to enter unaccompanied by his/her parent, legal guardian, or spouse 21 years or older in an establishment primarily designated by the Alcohol and Beverage Control Board (the Board) as a restaurant even though it may also contain a licensed bar. This Statute also prohibits this individual from entering or remaining in other liquor licensed establishments during hours of liquor sales; and

WHEREAS, Alaska Statute 04.11.110 provides that the Board must authorize access by persons under 21 years of age to a club's licensed premises during hours when no alcoholic beverages are sold, served or consumed. These statutes, 04.16.049 and 04.11.110, provide an unfair and seemingly unjust requirement that not only keep an active duty member out of his/her Post when alcohol beverages are being sold but require the Board's permission to enter when they are not being sold; and,

WHEREAS, The Joint Venture desires that its Posts be able to put on welcoming activities for active military units, selling and serving drinks to those at least 21 years of age, and offering free meals, soft drinks, shuffleboard, pool and darts to those under 21 years of age. And, we recognize that the requirement not to serve alcohol to those under 21 years of age would be levied on our Posts as it does in the current case of restaurants as stated in Alaska Statute 04.16.049; now, therefore, be it

RESOLVED, That The Joint Venture lobby legislators in Juneau to amend Alaska Statute 04.11.110, to allow military personnel who are under the age of 21 years and who possess a federal active duty military identification card to enter and remain in patriotic service organizations' Posts, as a guest or member, without accompaniment of a parent, legal guardian, or spouse 21 years of age or older, and be it further

RESOLVED, Alaska Statute 04.16.049, also be amended to reflect the same requested change

Clayton Love
Commander
Disabled American Veterans

Peggy Dettori
Commander
The American Legion

Calvin Pope
Commander
Veterans of Foreign Wars

Joshua Tempel

From: Douglas B. Griffin [doug_griffin@dps.state.ak.us]
Sent: Tuesday, February 14, 2006 10:27 AM
To: Joshua Tempel
Cc: leg_contact_notif@dps.state.ak.us
Subject: Response to Question regarding SB 209 -- Underage --Pat.Clubs

Mr. Tempel -- You contacted my office regarding ABC Board guidelines regarding licensing "patriotic" clubs. You wanted assurances that strip clubs or other beverage dispensary licensee could not operate under the guise of "patriotic" club status. I understand the importance of this question with the introduction of SB 209 by Senator Huggins and HB 311 by Representative Elkins which is legislation that allows underage active duty military personnel to gain admittance specifically to patriotic clubs.

The ABC Board is guided by AS 04.11.110(b) which allows the ABC Board to only license "a club, fraternal organization, patriotic organization, or social organization that has been (1) chartered by a state or national organization for a period of two consecutive years before application for a license under this section; or (2) chartered by a national organization and the national organization has maintained a chartered club or organization within the state for a period of at least 20 years. The organization licensed under this section must be operated for social, recreational, political, benevolent, or athletic purposes and not for profit." This section of law goes on to limit sales of alcohol to members, widows or widowers of deceased members who have privileges, and military personnel on active duty who are extended privilege by patriotic organizations upon special occasions.

Patriotic organizations are not specifically defined in statute or regulations, but are historically recognized and licensed by the ABC Board as the American Legion and Veterans of Foreign Wars. The American Legion was chartered by Congress as a patriotic organization in 1919 and the VFW was chartered by Congress in 1936. I do not believe national and state oversight boards for these organizations would allow clubs to be formed and operated unless they are members of the nationally chartered organization.

I hope this response answers your concerns.

Douglas B. Griffin, Director
Alcoholic Beverage Control Board