

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

April 5, 2011

1:03 p.m.

MEMBERS PRESENT

Representative Dan Saddler, Co-Chair
Representative Steve Thompson, Co-Chair
Representative Carl Gatto, Vice Chair
Representative Alan Austerman
Representative Bob Lynn
Representative Sharon Cissna (via teleconference)

MEMBERS ABSENT

Representative Bob Miller

COMMITTEE CALENDAR

HOUSE BILL NO. 210

"An Act relating to the drinking age for a person who is an active member of the armed forces of the United States or an active member of the Alaska National Guard; and relating to the age to possess tobacco for a person who is an active member of the armed forces of the United States or an active member of the Alaska National Guard."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 210

SHORT TITLE: ALCOHOL/TOBACCO FOR UNDERAGE MILITARY

SPONSOR(S): REPRESENTATIVE(S) LYNN

03/28/11	(H)	READ THE FIRST TIME - REFERRALS
03/28/11	(H)	MLV, JUD
04/05/11	(H)	MLV AT 1:00 PM CAPITOL 120

WITNESS REGISTER

THOMAS REIKER, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Discussed the misconceptions surrounding HB 210 on behalf of Representative Bob Lynn, sponsor.

ROGER HEALY, Chief Engineer
Division of Statewide Design & Engineering Services
Department of Transportation & Public Facilities (DOTPF)
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 210.

SUE STANCLIFF, Special Assistant
Office of the Commissioner
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered a question during the hearing on HB 210.

ACTION NARRATIVE

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CO-CHAIR DAN SADDLER called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:03 p.m. Representatives Saddler, Thompson, Gatto, and Lynn were present at the call to order. Representatives Austerman and Cissna (via teleconference) arrived as the meeting was in progress.

HB 210-ALCOHOL/TOBACCO FOR UNDERAGE MILITARY

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CO-CHAIR SADDLER announced that the only order of business would be HOUSE BILL NO. 210, "An Act relating to the drinking age for a person who is an active member of the armed forces of the United States or an active member of the Alaska National Guard; and relating to the age to possess tobacco for a person who is an active member of the armed forces of the United States or an active member of the Alaska National Guard."

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REPRESENTATIVE GATTO moved to adopt HB 210, Version 27-LS0658\M as the working document. There being no objection, Version M was before the committee.

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REPRESENTATIVE LYNN introduced HB 210, as the sponsor. He explained that the intention of the bill is to treat Alaska's active duty warriors equally. The legislation would permit active duty service members and National Guardsmen under age 21 to consume alcoholic beverages and use tobacco products - not on base - but in Alaska where the state has jurisdiction. Representative Lynn said that soldiers, sailors, marines, and airman under the constant risk of deployment, or who brave the horrors of war are de facto adults and should be treated as such. He described his own war experience as maturing, and pointed out that the bill does not advocate drinking or smoking, but that all warriors, regardless of age, should be treated as adults.

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THOMAS REIKER, Staff, Representative Bob Lynn, Alaska State Legislature, informed the committee that one misconception about HB 210 is that it will create two classes of those 18- to 20-year-olds. As a matter of fact, Alaska already treats residents differently; for example, emancipated minors enjoy civil rights not available to others of their age, and felons have different voting rights than the general population. He advised that 18- to 20-year-olds in the military are different than others their age because they undergo rigorous training and live under intensive military oversight and discipline. Another misconception about HB 210 is that the state will lose 10 percent of its federal highway funds if the bill passes. Mr. Reiker relayed the effect of the National Minimum Drinking Age Act of 1984 on the Federal Aid Highway Act, and referred to the fiscal note from the Department of Transportation & Public Facilities (DOTPF) which indicates the expected loss of only 3 percent of overall federal funds. Furthermore, the state may not lose any funding because rulings by the U.S. Supreme Court raise questions about the relevance of the national minimum drinking age to interstate highway construction, especially in Alaska where interstate travel is not an issue. In addition, the fiscal note also shows that portions of the federal funds in question are for unrelated purposes such as congestion mitigation in air quality, highway safety and research, and the Alaska Marine Highway System (AMHS).

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MR. REIKER continued to explain another misconception is that adults under 21 will not drink responsibly because their brains are not fully developed. In fact, a young person's brain is not

fully developed until the age of 25, and he pointed out that there is no proposal to raise the minimum drinking age to 25 years old. He restated that members of the military are disciplined and are more likely to drink responsibly than others their age. Another argument against the bill may be that 18- to 20-year-olds in the military will engage in binge drinking or other risky behaviors. Mr. Reiker noted that a lower minimum drinking age has not been an effective deterrent to these behaviors, and 60 percent of the deaths attributed to underage drinking happen off the highways; in fact, over 1,000 of 18- to 24-year-olds die each year from alcohol consumption off the highways, a figure that has risen since 1998 - 10 years after every state adopted the minimum 21-year-old drinking age. Mr. Reiker clarified that the proposed legislation does not advocate lowering the drinking age for everyone, although 130 presidents and chancellors of major U.S. universities have asked to reopen the national debate on this issue. The last misconception is that the present minimum drinking age has saved lives. Although, traffic fatalities have decreased since 1984, he said this reduction is better attributed to the cumulative effects of seat belts, air bags, antilock brakes, better law enforcement zero tolerance laws, and public education campaigns. Furthermore, drunk driving is more often tied to binge drinking as established by a study by the Centers for Disease Control (CDC) in 2005. Mr. Reiker concluded by saying that HB 210 does not exempt the military from Driving Under the Influence (DUI) laws, or from the prohibition against supplying other minors with alcohol, thus the bill does nothing to encourage underage drinking, smoking, or binge drinking, and would have a very limited impact on the level of the consumption of alcohol and tobacco in Alaska.

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REPRESENTATIVE GATTO asked whether Mr. Reiker believes the minimum drinking age in the U.S. is significantly influenced by the drinking age in foreign countries.

MR. REIKER pointed out most other Westernized nations, with the same history as the U.S., do not impose a 21-year-old drinking age.

REPRESENTATIVE GATTO asked what the minimum age should be.

MR. REIKER opined the issue is "more about opening the discussion than it is about setting an age." He restated that

the legislation only affects military personnel, who are forced to prove their responsibility and discipline every day.

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REPRESENTATIVE LYNN added that one can join the military at age 17 only with parental permission.

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REPRESENTATIVE AUSTERMAN asked whether there is a difference between a responsible 18-year-old who has joined the military and a responsible 18-year-old in college, or one who is holding down a job. He also observed that a lot of military personnel do not end up in a combat zone.

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REPRESENTATIVE LYNN commended every responsible young person, in or out of the military. However, he opined there are two different classes of people, those who get shot at and those who don't, and the military are different. In addition, military personnel assigned to a desk job are eligible to be deployed to a combat zone at any time.

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MR. REIKER argued that college and work experience is significantly different than the training, discipline, and supervision undergone by troops.

REPRESENTATIVE AUSTERMAN expressed his respect for members of the military. He observed that police officers or volunteer fireman of that age are also risking their lives. He said, "I would have a hard time rationalizing going with anybody ... under 21."

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CO-CHAIR THOMPSON pointed out that drinking by those under 21 years of age would not be allowed on military bases, which would encourage more drinking off-base and an increase in DUIs. From his experience as a mayor, he advised that people coming into town to drink on a weekend causes problems for communities near military bases. He said he was not comfortable with the bill and noted that federal law prohibits a military exception to the

minimum drinking age, thus this legislation would jeopardize Alaska's federal highway funds.

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REPRESENTATIVE LYNN, referring to the letters of opposition in the committee packet from military headquarters, advised that civilians are at the top of the military chain of command. The testimony of Secretary of Defense Robert Gates against a similar congressional bill explains the stance taken by military headquarters in Alaska. Moreover, Representative Lynn opined that Mr. Gates's successor at Texas A & M University is in disagreement with the Secretary's testimony.

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REPRESENTATIVE GATTO also referred to the document in the committee packet signed by Lieutenant General Dana T. Atkins, Commander, Alaskan Command, and Major General Raymond P. Palumbo, Commanding General, U.S. Army Alaska, of Alaskan Command (ALCOM), Joint Base Elmendorf-Richardson, Alaska. He read as follows:

We are concerned about Representative Lynn's [HB 210] proposal to lower the military drinking age to 18 ... and the unintended consequences it may bring. We will still be legally mandated to enforce the federal drinking age on military installations.... Alcohol-related misconduct is already a serious issue on military installations.... The military has also been moving to a more tobacco-free culture in recognition of the many harmful health effects of tobacco.

REPRESENTATIVE GATTO concluded that the signers of the document are career generals who worry about their troops.

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MR. REIKER restated that the bill does not exempt DUI laws. Furthermore, there is overwhelming evidence that prohibiting 18- to 20-year-olds from drinking encourages binge drinking, which already occurs.

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REPRESENTATIVE CISSNA said that gender issues apply to this debate and that young people in the military with a focus on

drinking do not have a good outcome. She observed that in Alaska, legislators need to provide what military men and women need to be at their best, so they may face the challenges ahead. Her studies and experience in the field of psychology lead her to believe that negative behaviors, combined with the factors of seasonal affective disorder (SAD), darkness, hardship, and the effects of alcohol, are a depressive mix of ingredients. Representative Cissna stressed that positive things create a stronger support for troops.

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ROGER HEALY, Chief Engineer, Division of Statewide Design & Engineering Services, Department of Transportation & Public Facilities (DOTPF), referred to the fiscal note provided to the committee by DOTPF, and noted that United States Code 158 provides that 10 percent of federal transportation funds would be withheld from Alaska's allocation under three highway transportation programs. He estimated the reduction to existing allocations would be at least \$17 million each year. Mr. Healy confirmed that the state's position is that the money would be withheld at the national level.

CO-CHAIR SADDLER asked about the influence of the Supreme Court decision in *South Dakota v. Dole*.

MR. HEALY deferred to the Department of Law (DOL).

REPRESENTATIVE GATTO asked if this legislation would add costs for the Alaska State Troopers or other enforcement agencies.

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SUE STANCLIFF, Special Assistant, Office of the Commissioner, Department of Public Safety (DPS), explained that with this legislation, when a trooper pulled someone over they would examine both the driver's license and the military identification. If the use of alcohol was in question, the driver would be subject to the same breathalyzer test as any other citizen. Regarding costs for any additional deployments of officers to areas near military bases, she reminded the committee the bases are in the jurisdiction of the Anchorage Police Department and the Fairbanks Police Department.

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REPRESENTATIVE GATTO pointed out the likelihood that additional enforcement could be needed anywhere.

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CO-CHAIR SADDLER closed public testimony.

REPRESENTATIVE LYNN expressed his disappointment that there was no testimony from military veterans. He said there is no need to legislate common sense.

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CO-CHAIR SADDLER relayed his respect for the military and the sacrifices made by them. He stated his concern that enabling drinking brings health risks, hazards, and consequences. House Bill 210 was held for further testimony on funding, legality, and enforcement.

[HB 210 was heard and held.]

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:40 p.m.