

H

B

17

COMMITTEE REPORT
SENATE

FURTHER:

Date: 1/13/13

Mr. President:

The Committee on GOVERNMENTAL OPERATIONS has had HEARING

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 5 CS for CS HB 17 (Jura) 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:

CHAIRMAN

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSHB17(Jud)am
 Title: Age of majority for alcoholic beverages
 Sponsor: House Judiciary
 Requestor: Senate State Affairs Comm

II. FISCAL DETAIL

Agency Affected: REvenue
 Program Category Affected: Public Protection
 BRU, Program or Subprogram(s) Affected:
 Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Patrick L. Sharrock, Director
 Division: Alcoholic Beverage Control Board

Phone: 277-8638

Date: 3/30/83

Approved by Commissioner: Robert D. Heath
 Department: Revenue

Date: 3/30/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)

Fiscal Note
CSHB17(Jud)am

The following items are noted for possible further clarification:

1. Referencing page 4, line 26, one could conclude that parental consent was intended to be provided in AS 04.16.049(a)(2) at page 2, line 5. However, parental consent is not required in AS 04.16.049(a)(2) but is required in AS 04.16.049(a)(3) at page 2, line 8. OR: page 4, line 26 and 28 could be changed to read "...age of 16..." and "AS 04.16.049(a)(3)" respectively.

2. Page 3, line 8 - "restaurant or eating place" refers to a specific type of license under AS 04.11.100. If it is intended that persons 19 years of age or older be employed in restaurant premises which might also be "beverage dispensary" (AS 04.11.090) licenses premises, line 8 could be changed to read "premises of a hotel or premises designated as a restaurant for the purpose of this section, may enter and remain"

3. Page 6, line 18 - it would seem appropriate to add "and AS 04.16.049(d)."

4. It has been traditional under law that the "local governing body" defined at AS 04.21.080(a)(10) participate in approving "designated" restaurant premises referred to at lines 5 and 8, page 2, and noted in (2) above.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 17, 1983

SUBJECT: Drinking age (SCS CSHB 17 (State Affairs)
version dated May 5, 1983)

TO: Senator Vic Fischer

FROM: *RJ* Russ Josephson
Legislative Counsel

You have asked for an opinion whether secs. 19 and 20 of this version of HB 17 come within the scope of the title of HB 17 as it passed the House. I do not believe they do.

Section 20 is the easier of the two sections to address. The title of CSHB 17 (Judiciary) am, the version of HB 17 that passed the House, did not include a reference to an effective date. Therefore, this section clearly does not fit under that title.

Section 19 presents a closer question. Sec. 19 provides a "grandfather clause" for those age 19 as of January 1, 1984. The title of CSHB 17 (Judiciary) am does not include such a clause. Had the title been broad, this section would not present a problem. However, the title is in a "string title" style; it mentions each of the main points of the bill. It is my feeling that the "grandfather clause" is a significant part of the bill and that the title ought to mention it. Accordingly, I do not feel that sec. 19 fits under the title of the bill as it passed the House.

The problem here, of course, is that under Rule 41(b) of the Uniform Rules of the Alaska State Legislature, one house may not amend the title of a bill introduced in the other house, except for a clerical or technical change. In drafting the committee substitute, I overlooked this restriction. You may want to use a committee bill to accomplish the scheme desired by the committee.

RJ:ljb
20/012

DITTMAN

71-103 P100 HSD
TO BE RELEASED 4/12/83

DITTMAN

~~1984~~ 1983
MARCH

Currently the drinking age in Alaska is 19. Some people feel the drinking age should be lowered to 18 and others feel it should be raised to 21. What do you feel should the drinking age be lowered to 18, remain at 19 or raised to 21?

	<u>STATE</u>	<u>ANCH</u>	<u>SC</u>	<u>FAIR</u>	<u>SE</u>	<u>RURAL</u>
18	6%	8%	1%	8%	1%	4%
19	27%	24%	34%	33%	30%	20%
21	66%	66%	63%	58%	69%	76%
	18-24	25-40	40-54	55+		
18	7					
19	35					
21	57%	67%	68%	76%		

ANALYSIS
1/10/64 - 1/11/64

<u>Raising Drinking Age from 18-21</u>	<u>Single</u>	<u>Divorced/ Separated</u>	<u>Married</u>	<u>Total</u>
Favor	55.0	65.5	75.6	69.3
Do Not Favor	45.0	34.5	24.4	30.7

(600)

Although the sample size is small, there appeared, to be a tendency for those in a cohabitational relationship to be less strongly in favor of the proposal similar to the single respondents. The widowed were more strongly in favor of the proposal, which is similar to the married respondents. There also appeared to be a tendency for those married once to be more strongly in favor and those married several times to be less strongly in favor of the proposal.

c. Length of Alaska Residence

Those having lived in Alaska from 4 - 14 years were most strongly in favor of the proposal. Those that lived in Alaska from 0 - 3 years were least supportive of the proposal. This is shown on the following table:

<u>Raising Drinking Age from 18-21</u>	<u>Lived in AK 0-3 Yrs</u>	<u>Lived in AK 4-14 Yrs</u>	<u>Lived in AK 15+ Yrs.</u>	<u>Average</u>
In Favor	59.5	74.2	69.8	69.5
Do Not Favor	40.5	25.8	30.2	30.5

Although less significant the same trend appears to be true for length of residency in Anchorage.

d. Industry of Employment

Those employed in construction, finance, real estate, public administration, armed forces and service industry are more likely to support the proposal while those in the trades, transportation, communication, utilities, manufacturing and oil extraction industries were less likely to support the proposal. This is shown in the following table:

A M E N D M E N T

Offered in the SENATE

By Ziegler and Josephson

TO: SCS CSHB 17 (Judiciary)

Pattey John

Page 6, following line 22, insert a new section to read:

"* Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1, 1984. Notwithstanding any other provision of this title regarding age limitations, any person born on or before December 31, 1964 may be present upon licensed premises and may possess, consume, receive or purchase alcoholic beverages as otherwise allowed under this title, and a person may serve, deliver, dispense, furnish or sell alcoholic beverages to a person born on or before December 31, 1964 as otherwise allowed under this title."

Renumber subsequent section accordingly.

BY PETTYJOHN

AMENDMENT TO

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (Judiciary)

* Sec. 19. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1, 1984. Notwithstanding any other provision of this title regarding age limitations, a person born before January 1, 1965 may be present upon licensed premises and may possess, consume, receive or purchase alcoholic beverages as otherwise allowed under this title, and a person may serve, deliver, dispense, furnish or sell alcoholic beverages to a person born before January 1, 1965 as otherwise allowed under this title.

* Sec. 20. This Act takes effect January 1, 1984.

Delete

TREATMENT SERVICES
URBAN

Anchorage

- Inpatient (Alcoholism and Drug Abuse) 100 Beds
- Emergency Services/ Detoxification 22 Beds
- Outpatient (Alcoholism and Drug Abuse)
- Special Services (e.g. special women's treatment center; prison counselors)
- Methadone Maintenance/ Detox and Drug Free Counseling
- Intermediate Care 20 Beds

Ketchikan

- Intermediate care 8 Beds
- Outpatient
- Emergency/ Detoxification Services

Kodiak

- Intermediate care 12 Beds
- Outpatient
- Emergency/ Detoxification Services

Sitka

- Inpatient (PHS Hospital) 16 Beds
- Emergency Services/ Detoxification
- Intermediate care 12 Beds
- Outpatient (Alcoholism and Drug Abuse)

Wasilla

Long term care 48 Beds

Fairbanks

- Inpatient 20 Beds
- Emergency Services/ Detoxification 10 Beds
- Intermediate Care 21 Beds
- Outpatient (Alcoholism and Drug Abuse)
- Methadone Maintenance/ Detox and Drug Free Counseling

Juneau

- Inpatient 15 Beds
- Emergency Services/ Detoxification
- Intermediate Care 21 Beds
- Outpatient (Alcoholism and Drug Abuse)

Bethel

- Emergency Services/ Detoxification 8 Beds
- Intermediate Care 8 Beds
- Outpatient
- Rural Village Counselors

Nome

- Emergency Services/ Detoxification
- Intermediate Care 12 Beds
- Outpatient
- Rural Village Counselors

Kotzebue

- Emergency Services/ Detoxification
- Intermediate Care 8 Beds
- Outpatient
- Rural Village Counselors

URBAN SERVICES

Combinations of outreach, public education, outpatient diagnosis and treatment, and aftercare are available in all large urban areas of the State. These same services are also found in all rural hub centers and through those programs to the surrounding villages.

TREATMENT SERVICES
RURAL

Subregional/Rural Hub Centers/Village Programs

- Norton Sound (Nome)
- Mauneluk (Kotzebue)
- Bristol Bay Area Health Corporation
- Mat-Su Council on Alcoholism
- Seward
- Cook Inlet Council on Alcoholism
- Cook Inlet Native Association
- Copper River Native Association
- McGrath
- Petersburg
- Wrangell
- Upper Tanana Council on Alcoholism
- Cordova
- Yakutat
- South Kachemak
- North Slope (Barrow)
- Rural Cap/I.H.S. (Village Counselors- Illiana, Aleutian-Pribilof Islands, St. Paul)
- Ft. Yukon/TCC
- Valdez
- Kuskokwim N. A. (Aniak)
- Minto
- Galena
- SEARHC
- Haines
- Klukwan
- Hoonah
- Angoon
- Hydaburg
- Craig/Klawock
- Kake
- Yukon-Kuskokwim HC (Bethel)
- Mountain Village
- Hooper Bay
- Mekoryuk
- Toksook Bay
- Nunapitchuk
- Napaskiak
- Akiachak
- Akiak
- Quinhagak
- Togiak
- Manokotak
- Koliganek
- New Stuyahok
- Levelock
- King Salmon
- Nondalton
- Newhalen
- Port Heiden
- Chevak

Rural Services

Each community listed here has at least 1 full time alcohol/drug abuse worker. Many of the above grantees offer services in areas surrounding their specific locations and some of these programs have letters of agreement with Regional Center programs for services not provided by them.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FEB 3 1983

FISCAL NOTE

LEGISLATIVE FINANCE

I. REQUEST
 Bill/Resolution No. HB 17
 Title "An Act relating to age limits under Title IV, Alcoholic Beverages."
 Requested by House Judiciary Committee Date 1/26/83

II. FISCAL DETAIL
 Agency Affected Department of Law
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram Affected Prosecution
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		150.2	161.1	170.8		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		150.2	161.1	170.8		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section II)

This bill raises the age at which a person is legally allowed to consume alcoholic beverages from 19 to 21. It does not change the current penalty provisions under Title 4; most violations of Title 4 are class A misdemeanors. It is anticipated that passage of the bill would result in 250 to 300 additional criminal prosecutions per year statewide, especially during the first 1 or 2 years after passage. Those persons now aged 19 and 20 are used to being able to legally consume alcoholic beverages, it is expected that many would resist efforts to enforce a law which takes away this privilege.

Prosecution of consumers of alcoholic beverages under 21 years of age would be for relatively minor violations; however, the total anticipated number of such violations represents an appreciable increase in overall prosecutor workload.

Richard I. Pegues

IV. DATE February 1, 1983 PREPARED BY Richard I. Pegues, Dir. Adm. Svcs.
 AGENCY Department of Law
 PHONE 465-3672

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

OMB Reviewed by: Guy Bell

Fiscal Analysis

HB 17

Page 2

Additionally, it is anticipated that 50 to 100 prosecutions of the more serious offence of furnishing alcohol to a minor will also occur. These offences, committed by bars, liquor stores, bootleggers, and older friends, will require vigorous prosecution by the state if the change in the drinking age is to succeed. Consequently, prosecutor resources must be increased to handle the increased workload that will result from enactment of this bill.

TO: Senator Ray

FROM: Paula Scavera

DATE: May 19, 1983

RE: Sectional Analysis of CSHB 17 (Judiciary) am

Background:

When this bill got on the House Floor they had two committee substitutes to choose from, one Judiciary and one Finance. They took the Judiciary CS as their vehicle, but they pulled a lot out of the Finance version. Consequently they ended up with a version very similar to the Finance version with some technical mistakes. This same version was the one that Senate State Affairs passed out of their committee.

Attached is a copy of the bill with the technical amendments to make it internally correct according to Russ Josephson in Mr. Berrier's office.

Section 1:

Changes the age reference in the statutes pertaining to bowling alleys, from 19 to 21.

Section 2:

Changes the age reference in the statutes pertaining to access to clubs during times when alcoholic beverages are sold, from 19 to 21

Section 3:

Changes the age reference in the statutes pertaining to prior public approval of new or transferred liquor licenses from 19 to 21.

Section 4:

Allows an underaged (under 21) person access to licensed premises in three ways;

1. If with a parent, guardian or spouse at least 21 years of age,
2. If a person is at least 16 years of age they may enter a licensed premise designated as a restaurant for purposes of dining only,
3. If accompanied by a person at least 21 years of age and with consent of the parent or guardian, if the premise is designated as a restaurant and the person dines only.

Section 5:

Clarifies that the employee referred to in the provision that allows refusal of entry to underaged persons is the employee of the licensee, and makes the age change.

Section 6:

Pertains to the access of underaged persons to licensed premises, to coincide with the rest of the bill.

Section 7:

Adds a new subsection to allow a person 19 years of age or older to be employed in a licensed premise and to "serve, deliver or dispense alcoholic beverages."

Section 8:

Changes the age pertaining to possession or consumption from 19 to 21.

Section 9

Changes the age pertaining to furnishing alcoholic beverages to underaged persons from 19 to 21.

Section 10:

Changes the age pertaining to furnishing alcoholic beverages to underaged persons by licensees from 19 to 21

Section 11:

Changes the age pertaining to the purchase of alcoholic beverages by an underaged person from 19 to 21.

Section 12 and 13:

Changes the age pertaining to unlicensed persons from 19 to 21.

Section 14:

Changes the age in the section pertaining to civil liability for persons providing alcoholic beverages to another, from 19 to 21.

Section 15 and 16:

Changes the statute pertaining to proof of age from 19 to 21, by making references to the new provisions in this bill. These sections also provide the ABC Board with the authority to determine the form of proof of consent that the license may require from the questioned individual.

Section 17:

Changes the age pertaining to employment of underaged persons to sell or serve alcoholic beverages or to work on a licensed premise from 19 to 21-(Conforming amendment in Title 23-Labor and Workers Comp)

Section 18:

Calls for advisory vote at the next statewide election for a preference of drinking age, 19 or 21.

There is no effective date clause in this bill.

H. Sub.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 17
Title An act relating to age limits under Title 4, Alcoholic Beverages
Requested by Martin Date 1/17/83

II. FISCAL DETAIL

Agency Affected Division of Insurance
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Division of Insurance
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

RECEIVED

FEB 3 1983

LEGISLATIVE FINANCE

IV. DATE January 25, 1983

PREPARED BY Kenneth C. Moore, Div of Insurance
AGENCY Commerce & Economic Development
PHONE 465-2515

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev.)

OMB Reviewed by: Guy Bell *B* *G* *V*

- ANS -

Box 1210 602 Railroad Avenue
Cordova, Alaska 99571
Phone: (907) 424-3237
or 424-3238

"The Friendly City"



March 23, 1983

James A. Poor
Mayor

Perry D. Lovett,
Manager

Donna M. Sherby,
Clerk / Treasurer

Council Members
Richard Croff
R. J. Popchuk
Garry Purvis
Joe Gunderson
Phyllis Day
Oliver Osborn

Senator Bill Ray
Chairman of the Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

At it's regular meeting held March 21, 1983, the Cordova City Council unanimously went on record to support the State Legislature's efforts to raise the minimum age for consumption of alcoholic beverages to 21.

Please keep us informed of any developments and advise if there is any testimony or information we can supply to assure passage of this legislation.

Sincerely,

Perry D. Lovett
City Manager

COMMITTEE REPORT

SENATE

3/17/83

FURTHER: JUDICIARY

Date: 5/18/83

Mr. President:

The Committee on STATE AFFAIRS has had CSHB 17 (Jud) am
Authorizing an advisory vote on the drinking age; raising the drinking
age to 21; allowing employment of certain minors in licensed premises;
and amending other provisions of law relating to the drinking age

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), same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" ^{3rd} New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Tom Kelly
Carlisle Stampoulis

MEMBERS HAVING
OTHER RECOMMENDATIONS:

V. Kinchen ~~DO NOT PA~~
CHAIRMAN

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR
CSHB 17 (FINANCE)

The House Finance Committee has considered HB 17, and has made certain amendments to the bill. CSHB 17 (Finance) raises the age at which a person may legally consume alcoholic beverages from 19 to 21. Section 7 of the bill adds a new subsection (d) to AS 04.16.049. The new subsection allows 19 and 20 year olds to be employed in hotels and restaurants and to serve alcoholic beverages, despite the fact that they may not legally consume these beverages. Subsection (d) would not allow these 19 and 20 year old employees to mix alcoholic beverages. However, while they may serve alcoholic beverages and dispense beer and wine, employment as a bartender serving mixed drinks is prohibited. Subsection (d) has been added because the committee is aware that 19 and 20 year olds are often employed in hotels and restaurants on a part time or seasonal basis, especially while attending school. These establishments represent a major source of income for young people in this age range, and the committee does not intend to prevent this employment.

Section 18 of CSHB 17 (Finance) adds a temporary law which allows persons who reach the age of 19 on or before January 1, 1984 to continue to legally consume alcoholic beverages. This allows those persons who are now 19 and 20, and who can now legally consume alcoholic beverages, to continue to do so. The bill thus does not take away the privilege to drink from those to whom it has already been granted as of the effective date of the bill. The bill raises the drinking age from 19 to 21 for all persons born after December 31, 1964; these persons have not yet been granted the privilege to legally consume alcoholic beverages.

The committee recognizes that AS 04.16.065 will allow some 19 and 20 year old persons to legally consume alcoholic beverages, while others who are only slightly younger may not. After careful thought and discussion the committee concluded that this distinction is a reasonable one which does not unfairly discriminate against persons born after December 31, 1964. The committee is convinced that the statistics on alcohol related traffic fatalities, criminal offenses and alcoholism among the youth in this state and the nation dictate that the drinking age be raised from 19 to 21. This is a sound public policy decision which will have long term future benefits for the citizens of the state.

The committee is also cognizant, however, of the problems of effectively and fairly enforcing the new age limitation upon those persons who are now 19 and 20 years of age, and who have been legally consuming alcoholic beverages. Some of these persons can be expected to resist the withdrawal of a privilege which they are already enjoying, as contrasted to the postponement of a privilege which younger persons have not yet received. Thus a decision was made to choose an easily determinable date, January 1, 1984, and to allow all those who have reached 19 years of age by that date to continue to legally consume alcoholic beverages. The higher drinking age will apply to all persons who reach the age of 19 on or after that date.

The committee recognizes that, to a certain extent, any lines which it draws as to age limits will be arbitrary. The drinking age could have been set at 20 1/2 or 22, for example. But the arbitrary lumping of all 19 or 20 year olds into one category, without considering whether or not some individuals had previously been accorded the privilege to consume alcoholic beverages, is a less defensible classification than one which draws a distinction between two classes of persons: those who have previously been able to drink and those who have not.

RESPECTFULLY SUBMITTED,



Al Adams, Chairman
House Finance Committee