ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1722 SJ HB 74. - HB 156

<u>COMMENT</u>

Sec. 09.38.200. JUDICIAL RELIEF.

This section is identical to section 17 of the Uniform Act as proposed for enactment by the National Conference of Commissioners on Uniform State Laws. The official comment to section 17 of the Uniform Act follows:

(1) Generally injunctive relief provides the only adequate and complete protection for the beneficiaries of exemption laws. Sometimes, however, that relief is no longer available, and sometimes both an injunction and an award of damages may be appropriate. See generally 31 Am. Jur. 2d <u>Exemptions</u> §§173-90 (1967). The section does not authorize or require an award of damages for every violation, in particular one that is merely technical and causes no loss or prejudice to those protected by the exemption laws. Because of the difficulty of proving actual damages for a violation of the Act, an award of costs and reasonable attorney's fees may also be justified. <u>Cf.</u> U.C.C.C. §§5.108(6) and 5.201(8) and the accompanying comments.

(2) Subsection (b) enables the court to take into account any special circumstances in granting relief to a party or any other person, including a spouse or dependent of a debtor, for noncompliance with a time limitation prescribed by the Act or fixed by the court in proceedings under the Act. Such circumstances may include not only failure to receive timely notice or knowledge of the right or duty to take action but also inaction induced by a communication received from an adversary party or an officer of the court indicating that no action is necessary.

Sec. 09.38.210. DEBTOR'S PROPERTY OWNED WITH ANOTHER. (a) If an individual and another own property in this state as tenants in common or tenants by the entirety, a creditor of the individual, subject to the individual's right to claim an exemption under this chapter, may obtain a levy on and sale of the interest of the individual in the property. A creditor who has obtained a levy, or a purchaser who has purchased the individual's interest at the sale, may have the property partitioned or the individual's interest severed.

(b) A partner's right in specific partnership property is exempt except on a claim against the partnership; when partnership property is attached for a partnership debt, the partners or any of them or the representatives of a deceased partner may not claim an exemption for that property under this chapter.

COMMENT

Sec. 09.38.210. DEBTOR'S PROPERTY OWNED WITH ANOTHER.

Section 210(a) of this Act is similar to section 18 of the Uniform Act proposed by the National Conference of Commissioners on Uniform State Laws.

(1) The section is a restatement of existing law as presently enacted in AS 34.15.140. The section is included here in an effort to consolidate provisions relating to exemptions. The divisibility of tenancies by the entirety for the purpose of satisfying an execution upon a debt has been recognized in Pilip v. U. S. 186 F. Supp. 397 (D Alas. 1960). Under the law of some states, a debtor's interest in a tenancy by the entirety is exempt from execution for the payment of a judgment based upon a debt owed by only one of the co-tenants. However, under the law of the state the shelter afforded by a tenancy by the entirety has been somewhat diminished through the operation of AS 34.15.140 which protects the tenancy by the entirety against the debts of one or either of the co-tenants only to the extent of the value of the homestead exemption. See also, Barclay v. Automatic Welding and Supply, Inc. Superior Court, 3rd Jud. Dist., Civ. No. 73-2476 (1974).

(2) Section 210(b) is a restatement of AS 32.05.200 which represents the Alaska version of the Uniform Partnership Act which was inserted here to consolidate the exemption laws of the state.

Sec. 09.38.220. WAIVER OF EXEMPTION. A waiver of exemption executed in favor of an unsecured creditor before levy on an individual's property is unenforceable, but a valid security interest may be given in exempt property.

COMMENT

Sec. 09.38.220. WAIVER OF EXEMPTION.

This section is identical to section 12 of the Uniform Act as proposed for enactment by the Commissioners on Uniform State Laws. The official comment to section 12 of the Uniform Act follows; (citations appearing in brackets are to the Alaska Exemptions Act):

> This section is comparable to §4-503(f) of the Proposed Bankruptcy Act. Waivers of exemption executed in favor of unsecured creditors are generally unenforceable. Annot., 94 A.L.R. 2d 967 (1964). The purpose of this section is to protect an individual against pressure to execute a waiver of his exemptions except insofar as he may create a valid security interest in exempt property as provided in §11 [150]. Section 12 [220] furthers the policy underlying §11 [150] by providing protection against harsh enforcement of security interests in exempt property.

Sec. 09.38.230. FEDERAL REQUIREMENTS. If a federal department or agency issues a formal ruling that any section of this chapter relating to public assistance cannot be given effect without causing this state's plan for the delivery of services or benefits to be out of conformity with federal requirements, the section shall become inoperative to the extent that it is not in conformity with federal requirements.

COMMENT

Sec. 09.38.230. FEDERAL REQUIREMENTS.

The Commission has proposed that certain benefits payable under a public assistance program should lose their exempt status once in the possession of the recipient. The protection afforded by the "earnings and other liquid assets exemption" created under §70 is intended to be sufficient to exceed the value of public assistance benefits. This section is intended to prevent a loss of federal funding for state-administered public assistance programs if the exemption of the benefits while in the hands of the recipient is a precondition to receipt of federal financial participation. The formal ruling by a federal department or agency referred to in this section is any ruling having determinative effect on the availability of federal financial participation.

Sec. 09.38.240. ADJUSTMENT OF DOLLAR AMOUNTS. (a) The dollar amounts in this chapter change, as provided in this section, according to and to the extent of changes in the Consumer Price Index for the Anchorage Metropolitan Area Consumer Price Index compiled by the Bureau of Labor Statistics, United States Department of Labor (the index). The index for November of the year preceding the year in which this section becomes effective is the reference base index.

(b) The dollar amounts change on July 1 of each even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index, is 10 per cent or more, but

(1) the portion of the percentage change in the index in excess of a multiple of 10 per cent is disregarded and the dollar amounts change only in multiples of 10 per cent of the amounts appearing in this chapter on the effective date of this chapter; and

(2) the dollar amounts do not change if the amounts required by this section are those currently in effect as a result of earlier application of this section.

(c) If the index is revised, the percentage of change is calculated on the basis of the revised index. If a revision of the index changes the reference base index, a revised reference base index is determined by multiplying the reference base index applicable by the rebasing factor furnished by the United States Bureau of Labor Statistics. If the index is superseded, the index referred to in this section is the one represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar for Alaskan consumers.

(d) The Department of Labor shall adopt a regulation announcing

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by (b) of this section; and

(2) promptly after the changes occur, changes in the index required by (c) of this section, including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) The Department of Labor shall also provide notification of a change in exemption amounts required under (c) of this section to the clerks of court in each judicial district of the state.

COMMENT

Sec. 09.38.240. ADJUSTMENT OF DOLLAR AMOUNTS.

This section is similar to section 2 of the Uniform Act. The Commission determined that the index for the U.S. City Average used in the Uniform Act would not realistically reflect the buying power of the Alaskan consumer. The Anchorage Metropolitan Area Consumer Price Index was selected because it would realistically reveal fluctuations in the local consumer price index. Anchorage is a commercial center and one in which a majority of the debtor-creditor litigations occur. The ravages of inflation have eroded the effectiveness of the protections intended under the existing exemption laws. The intent of the Commission is to recommend a proposal for legislation that will not require regular oversight, and to protect the citizens of Alaska by allowing exemptions determined under modern economic standards.

Sec. 09.38.250. PROTECTION OF PROPERTY OF RESIDENTS AND NONRESIDENTS. (a) Residents of this state are entitled to the exemptions provided under this chapter. Nonresidents are entitled to the exemptions provided by the law of the jurisdiction of their residence.

(b) The term "resident" means an individual who is physically present in the state and who intends to maintain his permanent home in Alaska.

COMMENT

Sec. 09.38.250. PROTECTION OF PROPERTY OF RESIDENTS AND NON-RESIDENTS.

This section is similar to section 3 of the Uniform Act as proposed by the National Conference of Commissioners on Uniform State Laws. An excerpt from the official comment to that section follows:

> Many states restrict the benefits of their exemption laws to resident debtors, and the full faith and credit clause does not require a state to accord a non-resident debtor the protection of the exemption laws of his domicile. Vukowich, Debtors Exemption Rights, 62 Geo. L.J. 779, 838 - 41 (1974); Note 68 Yale L.J. 1472 - 75 (1959). In allowing a non-resident the benefit of the exemption laws of his own residence, the section adopts a rule frequently adopted as a matter of comity. Vukowich, supra, 62 Geo. L.J. at 839. Cf. Restatement 2nd Conflict of Laws §132 (1971) (Forum should apply the exemption laws of another state which, "by reason of such circumstances as the domicile of the creditor and debtor within its territory, has the dominant interest in the questions of exemptions"); Comment, 68 Yale L.J. 1459, 1474 (arguing that a state's exemption law should be accorded full faith and credit by other states). According to an individual debtor, the exemptions provided by the law of his residence will generally conform to the expectations and understanding of his creditors in more cases than an alternate rule would. Vukowich, supra, 62 Geo. L.J. at 840; Cf. Hanover National Bank v. Moyses, 186 U.S. 181, 189 (1902).

Section 250(b) was altered from the original (b) of section 3 of the Uniform Exemptions Act to include the same definition of "resident" as was applied in State v. Adams, 522 P.2d 1125 (Alaska, 1974). For the purposes of this section, the term "resident" means the same as "domicile".

* Sec. 3. AS 14.25.200 is amended to read:

Sec. 14.25.200. EXEMPTION FROM TAXATION AND PROCESS. (a) Teachers' retirement salaries and other amounts held in the retirement fund on behalf of the teachers are exempt from state and municipal taxes and are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge [, GARNISHMENT, EXECUTION OR LEVY] of any kind, either voluntary or involuntary, before they are received by the person entitled to the amount under the terms of the system, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of any right to amounts accrued in the retirement fund shall be void.

(b) Teachers' retirement salaries and other amounts held in the retirement fund on behalf of the members are exempt from garnishment, execution or levy as provided in AS 09.38 (exemptions).

* Sec. 4. AS 23.20.405 is amended by adding a new subsection to read:

(e) Benefits paid or payable under this chapter are exempt from levy to enforce the collection of a debt as provided in AS 09.38 (exemptions).

* Sec. 5. AS 23.30.160 is amended to read:

Sec. 23.30.160. ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS. (a) No assignment, release, or commutation of compensation or benefits due or payable under this chapter, except as provided by this chapter, is valid [, AND THE COMPENSATION AND BENEFITS ARE EXEMPT FROM ALL CLAIMS OF CREDITORS AND FROM LEVY, EXECUTION, AND ATTACHMENT OR OTHER REMEDY FOR RECOVERY OR COLLECTION OF A DEBT]. This exemption may not be waived.

(b) Benefits payable under this chapter are exempt from levy to enforce the collection of a debt as provided in AS 09.38 (exemptions).

* Sec. 6. AS 34.15.140(b) is repealed and re-enacted to read:

(b) A homestead held by tenants by the entirety is exempt from execution on a debt to the value specified under AS 09.38.030(b) and may be liable for the debts of either tenant after partition of the tenancy under AS 09.38.210.

* Sec. 7. AS 39.35.500 is amended to read:

Sec. 39.35.500. SAFEGUARD OF EMPLOYEE FUNDS HELD BY THE SYSTEM. (a) Employee contributions and other amounts held in the pension fund are exempt from Alaska state and local taxes. Amounts held on behalf of, or payable to, any employee or other person who is or may become eligible for benefits under the system are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge [, GARNISHMENT, EXECUTION, OR LEVY] of any kind, either voluntary or involuntary, before being received by the person entitled to the amount under the terms of the system. An attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of a right to amounts held under the system is void.

(b) Employee contributions and other amounts held in the pension fund and retirement benefits payable under this chapter are exempt from levy to enforce the collection of a debt as provided in AS 09.38 (exemptions).

* Sec. 8. AS 47.25.210 is amended to read:

Sec. 47.25.210. ALIENATION AND ATTACHMENT. Assistance granted under secs. 120 - 300 of this chapter is inalienable by assignment or transfer and is exempt from garnishment, levy, or execution as provided in AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

* Sec. 9. AS 47.25.395 is amended to read:

Sec. 47.25.395. ALIENATION AND ATTACHMENT. Assistance granted under secs. 310 - 420 of this chapter is inalienable by assignment or

transfer and is exempt from garnishment, levy, or execution as provide in AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

* Sec. 10. AS 47.25.550 is amended to read:

Sec. 47.25.550. ALIENATION AND ATTACHMENT. Assistance granted under secs. 430 - 610 of this chapter is inalienable by an assignment transfer and is exempt from garnishment, levy, or execution as provide in AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

* Sec. 11. AS 47.25.710 is amended to read:

Sec. 47.25.710. ALIENATION AND ATTACHMENT. Assistance granted under secs. 620 - 780 of this chapter is inalienable by assignment or transfer and is exempt from garnishment, levy, or execution as provide in AS 09.38 (exemptions) [UNDER THE LAWS OF THE STATE].

* Sec. 12. AS 47.25.880 is amended to read:

Sec. 47.25.880. ALIENATION AND ATTACHMENT. Assistance grant under secs. 790 - 970 of this chapter is inalienable by assignment or transfer and is exempt from garnishment, levy, or execution as provid in AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

* Sec. 13. AS 47.45.120 is amended to read:

Sec. 47.45.120. EXEMPTION FROM TAXATION AND PROCESS. (a) Bonu received under this chapter are exempt from all state and political subdivision taxes except sales and use taxes [AND ARE NOT SUBJECT TO EXECUTION, ATTACHMENT, GARNISHMENT OR OTHER PROCESS]. No bonus receiv under this chapter may be exempt from a federal tax requirement.

(b) Bonuses received under this chapter are exempt from levy to enforce the collection of a debt as provided in AS 09.38 (exemptions).

COMMENTS TO AMENDING SECTIONS

Sections 3 - 13

These sections of the Act contain proposed amendments to existing law. The amendments are intended to consolidate provisions relating to exemptions under one title and to provide cross-references from related provisions to AS 09.38 as an aid to finding the exemption laws of the state. The amendments contained in these sections are intended to reorganize the style and form of the statutes but are not intended to cause a substantive change in the law. The technique used in Alaska for setting out new language in an existing section of the law is to underscore the new material. When material is deleted from an existing section, the deleted material appears in brackets and is capitalized. Set out below is a list of the amending sections and the subjects to which they relate:

Section 3:	teachers retirement benefits (see also the comment to AS 09.38.070 on page 24 for the status of retirement benefits paid to a retired teacher or member);
Section 4:	unemployment compensation benefits;
Section 5:	workmen's compensation benefits;
Section 6:	tenancies by the entirety
Section 7:	public employee retirement benefits (see also the comment to AS 09.38.070 on page 24 for the status of retirement benefits paid to a retired former public employee;
Section 8:	general relief assistance benefits;
Section 9:	aid to families with dependent children;
Section 10:	old age assistance benefits;
Section 11:	aid to the blind;
Section 12:	aid to the permanently and totally disabled; and
Section 13:	longevity bonuses.

1 * Sec. 14. AS 09.35.035, 09.35.040, 09.35.050, 09.35.080 - 09.35.090,
2 09.35.120; AS 21.24.110; AS 21.42.320 - 21.42.350; AS 23.20.405(b) and (c);
3 and AS 32.05.200(b)(3) are repealed.
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1 * Sec. 15. All writs of execution, claims of exemption, sales, confirma-
2 tions of sales, rights of redemption and priorities of redemption issued or
3 filed under any law repealed by this Act and in full force and effect on the
4 effective date of this Act, shall remain in full force and effect for the
5 term issued or until revoked, vacated, or modified under the provisions of
6 this Act.
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APPENDIX

This appendix sets out a comparison of the Act with existing state law and the exemptions provided under the laws of Washington and Oregon.

	ALASKA	HB 56	BANKRUPTCY ACT
HOMESTEAD EXEMPTION (residence)			
realty	$19,000	$19,000	$7,500
mobile home	$12,000	$19,000	$7,500
burial plot 1/	all exempt	all exempt	$7,500
LIMITED VALUE EXEMPTIONS			
animals		$300 (pets)	each item of this type of property is exempt if the value of the item does not exceed $200
household goods	$1,200		
furniture			
appliances		$1,500	
wearing apparel	$200 (includes jewelry)		
books			
pictures	$300		
musical instruments			
professional books			
tools of trade	$2,500	$1,000	$750
automobile	2/	$1,500 3/	$1,200
jewelry	(see wearing apparel)	$500	$500
miscellaneous property	none	none	$400 plus any unused portion of the homestead exemption

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1/ A burial plot is exempt only if it is part of a cemetery association.

2/ To be exempt the auto must be used in the debtor's trade or profession.

3/ The total value of the auto may not exceed $10,000.

Limited Value Exemption	Alaska	Oregon	Wash.	Alaska Exemptions Act
Books Pictures Musical Instruments	$300 (combined)	$150 (combined)	Books: All Exempt Pictures: All Exempt	$1,500 (combined value including value of household goods, furniture, and heirlooms, below)
Wearing Apparel	$200	$500	All Exempt	
Watches and Jewelry	$200	none	$500	$500
Articles used in Trade or Profession	$2,500 (incl. auto)	$1,600 (only $800 can be for an auto)	$1,500 (Farmer - equip. stock, etc. Professional equip)	$1,000
Household goods Furniture	$1,200 (combined with Pets)	$800 (combined)	$1,000 (combined)	$1,500 (combined value including books, pictures, musical instruments, and heirlooms)
Pets		$600 (incl. domestic animals & poultry)	none	$3,000
Automobile	Exempt under Trade or Profession exemption	$800		$1,500 (to be exempt, the total value of the auto may not exceed $10,000)
Heirlooms	none	none	"Keepsakes"- All exempt	$1,500 (combined value including household goods, furniture, books, pictures and musical instruments - above)
Provisions and Fuel	for 6 months	for 60 days	for 3 months	
Miscellaneous personal property	none	none	$400 - not more than $100 may be liquid assets	

Homestead Exemptions

	Alaska	Oregon	Wash.	Alaska Exemptions Act
Debtor's dwelling (realty)	$19,000	$12,000	$10,000 (multiple exemptions allowed)	$19,000[1]

[1]Aggregate exemption allowed for multiple owners but totaled exemption may not exceed $28,000.

Homestead Exemptions (cont.)	Alaska	Oregon	Wash.	Alaska Exemptions Act
Debtor's dwelling (Mobile home)	$12,000	$12,000 ($10,000 if mobile home on rented space)		$19,000[1]
Tracing of proceeds		1 year from time of removal or absence	1 year from date of voluntary sale	1 year from sale, destruction, or compensation
Firearms	none	1 rifle 1 pistol	none	

Property Exempt Without Limitation

	Alaska	Oregon	Wash.	Alaska Exemptions Act
Burial Plots	exempt	exempt	exempt	exempt
Health Aids	no provision	no provision	no provision	exempt
Social Security Benefits	exempt	exempt	exempt	exempt
Unemployment Benefits	exempt*	exempt	exempt*	nonexempt**
Medical, Surgical, Hospital Benefits	exempt	exempt	exempt	exempt** (only to the extent used to pay medical services)
Violent Crimes Benefits	no provision	no provision	no provision	exempt
Unmatured Life Insurance	exempt	exempt	exempt	exempt***
Workmen's Compensation	exempt	exempt	exempt*	nonexempt**
General Relief Assistance	exempt	N/A	N/A	nonexempt**
PERS benefits	exempt*	exempt (all pensions)	exempt (all pensions)	nonexempt**
TRS benefits	exempt*			nonexempt**

* Totally exempt until paid to beneficiary

** Treated as income to which a separate exemption amount is provided

*** If cash surrender value does not exceed $5,000

Exempt Income

Alaska	Oregon	Wash.	Alaska Exemptions Act
the lesser of: $114/wk. or 75% of disposable earnings per week	40 x Fed. minimum hourly wage or 75% of disposable earnings per week.	40 X state min. hourly wage or 75% of disposable earnings per week	$125/week or $500/month

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH S
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

March 3, 1982

The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
Room 125 - Capitol Building
Juneau, Alaska

Re: CS for House Bill No. 74 (Rules) am

Dear Senator Rodey:

On April 29, 1932, Senator Mulcahy, Chairman of the Labor and Commerce Committee moved and asked unanimous consent that the Labor and Commerce Committee referral on CS for House Bill No. 74 (Rules) am, be waived.

Without objection, it was so ordered and the bill was referred to the Senate Judiciary Committee.

For the consideration of the Senate Judiciary Committee, I am enclosing copies of Fiscal Notes prepared by Mr. Dan R. Copeland, Director, Child Support Enforcement Division, Anchorage and Ms. Marilla L. Gemmer, Director, Enforcement Division of the Department of Revenue concerning the Committee Substitute.

Sincerely,

R. D. Stevenson
Special Assistant

Enclosures

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Dan R. Copeland, Director
Child Support Enforcement
Department of Revenue

Marilla L. Gemmer, Director
Enforcement Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CSHB 74 (Rules) am
Title Act relating to the rights of debtors and creditors
Requested by Senate Labor and Commerce Date 4/19/82

II. FISCAL DETAIL
Agency Affected Department of Revenue
Program Category Affected Revenue Collection & Management
BRU, Program, Or Subprogram(s) Affected Enforcement Division
(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)

NONE	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

NONE						
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NONE						
FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE April 19, 1982
PREPARED BY Marilla L. Gemmer, Director
AGENCY Department of Revenue - Enforcement Division
PHONE 465-2366

Original: Legislative-Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

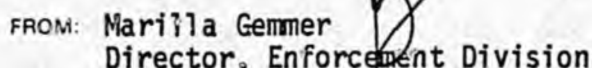
MEMORANDUM State of Alaska

TO: Joseph K. Donohue
Deputy Commissioner, Taxation

DATE: April 30, 1982

FILE NO:

TELEPHONE NO:



FROM: Marilla Gemmer
Director, Enforcement Division

SUBJECT: CSHB 74 (Rules)am
Requested Amendments

Dan Copeland, Director of Child Support Enforcement Division and this writer request that the following three amendments be added to CSHB 74 am:

No. 1.

A.S 09.65.132 is amended to read:

Sec. 09.65.132 (g) An income assignment under this section has priority over all other attachments, executions, garnishments, or other assignments unless otherwise ordered by the court. An income assigment is not limited to the wages of an obligor but may include all money owed to the obligor not otherwise exempt by law. The exemptions from execution by judgment debtors under AS 09.38 [AS 09.35.080 (A) AND THE RESTRICTIONS FROM EXECUTION BY JUDGEMENT DEBTORS UNDER AS 09.35.080 (b)(1)] do not apply to income assignments under this section; however, 50 percent of the gross wages of the obligor or $100 a week, whichever is less, is exempt from execution under this section.

No. 2.

AS 43.20.270 is amended to read:

Sec.43.20 270. DISTRAINT ON PROPERTY. (b) Notwithstanding the provisions of AS 09.35.070, 09.38.010-09.38.020 (-09.35.090) or any other provision of law exempting property from execution, only the following property, if it belongs to the head of a family, is exempt from distraint and sale under this chapter:

No. 3.

As.47.23.250 is amended to read:

Sec.47.23.250.(i) The exemptions from execution by judgment debtors under AS 09.38 [AS 09.35.080(b)(1)] do not apply to proceeding to enforce the payment of child support under AS 47.23.230 - 47.23.270; however, 50 percent of the gross wages of the obligor or $100 a week whichever is less, is exempt from execution under AS 47.23.230 - 47.23.270. (29 ch 126 SLA 1977; am 8 ch 96 SLA 1981)

02-001A(Rev.10/79)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CSHB 74 (Rls) am
Title "An Act relating to the Rights of debtors and creditors"
Requested by Home Rules Date 4/21/82

II. FISCAL DETAIL
Agency Affected Department of Revneue
Program Category Affected Revenue Collection and Management
BRU, Program, Or Subprogram(s) Affected Child Support Enforcement Division
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL None						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
None						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY None						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
Statutes affecting child support enforcement AS 09.65.132(g) and AS 47.23.250(i) include reference to sections of current law AS 09.35 which section 14 of HB 74 moves to repeal. These references exempt certain child support enforcement actions from the restrictions from execution by judgment debtors under AS 09.35 and impose specific restrictions for child support actions. Language in HB 74 under AS 09.38.065 presents every indication that child support enforcement should continue to maintain this exemption.

With the reference changes from AS 09.35 to AS 09.38 in both AS 09.65.132(g) and AS 47.23.250(i), the child support agency and the obligor should experience the benefits of the procedures for execution on judgments. Without the reference changes the child support agency would experience additional legal expense in executing on judgments where two sets of requirements and restrictions are in effect.

IV. DATE 4/21/82 PREPARED BY Dan R Copeland [signature]
AGENCY Child Support Enforcement - Dept. of Revenue
PHONE 276-3441

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 74 (Rules)

Title "An Act relating to the rights of debtors and creditors."

Requested by Senate Labor and Commerce Date 4/15/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Social Services

BRU, Program, or Subprogram(s) Affected Administrative Services

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

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

The information required is already available.

IV. DATE 4/15/82 PREPARED BY Nico Bus, Finance Officer

AGENCY Department of Labor

PHONE 465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

HB
89

COMMITTEE REPORT

SENATE

FURTHER: None

4/2/81

Date: ______________________

Mr. President:

The Committee on JUDICIARY has had HB 89 am

remedies for violation of campaign laws

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 ______________________ [ ] 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:
[signature] Do Pass	Bill Ray No Rec

[signature]

CHAIRMAN

Do Pass

HB
112

COMMITTEE REPORT

SENATE

5/18/82

FURTHER: None

Date: May 18, 1982

Mr. President:

The Committee on JUDICIARY has had CSHB 112(Jud) am age limits under Title 4, 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)

[x] replace with CS for [ ] same title [x] 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

S 60 (Rev. 12/78)

Original sponsor: Martin

1 IN THE HOUSE — BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 112 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to revocation or limitation of the
7 driver's license of a person under 19 years of age who
8 is convicted of driving while intoxicated, and authoriz
9 ing persons 16 years of age or older to be present in
10 certain premises that serve alcoholic beverages."

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

12 * Section 1. AS 04.16.049(a) is amended to read:
13 (a) A person under the age of 19 years may not knowingly enter or
14 remain in premises licensed under this title unless
15 (1) accompanied by a parent, guardian or spouse who has at-
16 tained the age of 19 years; or
17 (2) the person is at least 16 years of age, and [ACCOMPANIED
18 BY A PERSON OVER THE AGE OF 19 YEARS AND WITH THE CONSENT OF THE PERSON'
19 PARENT OR GUARDIAN IF] the premises are designated by the board as a
20 restaurant for the purposes of this section [AND THE PERSONS ENTER AND
21 REMAIN ONLY FOR DINING].

22 * Sec. 2. AS 04.16.049(b) is repealed and reenacted to read:
23 (b) A licensee, his agent, or employee may exclude a person under
24 the age of 19 years from a part of a licensed premise designated by the
25 board as a restaurant if that part is used primarily for the consumption
26 of alcoholic beverages and not for dining, dancing, or other entertain-
27 ment.

28 * Sec. 3. AS 28.15.181(b) is amended to read:
29 (b) Subject to (c) of this section, a [A] court convicting a

1 person of an offense under (a)(1) - (7) of this section shall revoke
2 that person's driver's license for a period of not less than 30 days for
3 the first conviction, unless the court determines that the person's
4 ability to earn a livelihood would be severely impaired and a limitation
5 under sec. 201 of this chapter can be placed on the license which will
6 enable the person to earn a livelihood without excessive risk or danger
7 to the public. If a court limits a person's license under this subsec-
8 tion, it shall do so for a period of not less than 30 days. Upon a
9 subsequent conviction of a person for any offense under (a) of this
10 section, the court shall revoke the person's license and may not grant
11 him any limited license privileges for the following periods:
12 (1) not less than one year for the second conviction; and
13 (2) not less than three years for a third or subsequent
14 conviction.
15 * Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:
16 (c) A court convicting a person under 19 years of age of driving
17 while intoxicated under AS 28.35.030 shall revoke the person's driver's
18 license for a period extending until the person reaches the age of 19 or
19 for a longer period, unless the court limits the person's license in
20 accordance with AS 28.15.201. If a court limits a person's license
21 under this subsection, it shall do so for a period extending until the
22 person reaches the age of 19 or for a longer period.
23
24
25
26
27
28
29

Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 9981

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MAY 18, 1892

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

HB 633 - "An Act authorizing an advisory vote on raising the age of majority to 21 for the purpose of regulation of alcoholic beverages and authorizing an advisory vote on legalizing possession of marijuana by adults for their own use; and providing for an effective date."

CSHB 112 - "An Act relating to revocation or limitation of the driver's license of a person under 19 years of age who is convicted of driving while intoxicated, and authorizing persons 16 years of age or older to be present in certain premises that serve alcoholic beverages."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 3:20 P.M. Committee members present were: Senators Parr, Ray, Rodey, and Anderson. Senator Bennett was absent.

005 - Call to order.

015 - Chairman Rodey brought HB 633 before the committee.

060 - Representative Anderson testified against placing the HESS Committee substitute language on HB 633, stating it was dirty politics.

122 - After brief discussion, Senator Ray suggested an amendment adding a ballot question on whether the voting age be raised from 18 to 21.

205 - After discussion, Senator Ray's amendment was adopted with no objection.

249 - Senator Anderson moved that the Senate CSHB 633 along with Senator Ray's amendment be added to CSHB 155 St. Aff. amended. There was no objection.

264 - Chairman Rodey brought HB 112 before the committee.

289 - Senator Ray objecting to section one, stated that if you allow kids 16 years of age to enter premises where liquor is served, you are just going to put the burden on the licensees. The licensees are not going to let them in anyway, so they will be the one's who will have to turn them away, instead of the law.

580 - Senator Rodey states that the language evoking the license of a person under the age of 19 who is picked up for driving while intoxicated is a good idea and important to public safety.

605 - Senator Ray moves to delete Sec. 1 & 2 of the bill.

606 - Senator Parr objects. Chairman Rodey takes a vote on the motion. Senator Parr votes no. Senators Ray, Rodey, and Anderson vote yes. The motion is adopted.

614 - Senator Anderson moved to adopt the CS and move the bill from committee. There was no objection.

639 Chairman Rodey adjourned the meeting at 4:00 P.M.

Official Business

Alaska State Legislature

Senate

Charlie Parr, Chairman
Terry Stimson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

May 17, 1982

LETTER OF INTENT
ON
SENATE (HESS) COMMITTEE SUBSTITUTE for CSHB 112 (Jud) am

The legislature finds that there is a serious highway safety problem caused by persons driving under the influence of alcohol, and that a disproportionate number of alcohol related traffic fatalities involve persons under the age of 19.

The legislature further finds that in many cases existing law may contribute to this problem. AS 04, which prohibits young people from frequenting establishments which serve alcohol, leads them to drive to out-of-way places to socialize. Behavior in such places tends to be less controlled and may result in driving under the influence of alcohol.

The legislature recognizes that for most young people a driver's license is a "key to the world" and is highly prized. It is the intent of SCS HB 112 that revocation of the drivers license be a significant deterrent. Loss of a drivers license for a substantial period may for young people be a more significant deterrent than a short period of imprisonment. It is further the intent that young people be encouraged not to drink and drive by increasing the number of places they may legally frequent, to eat, listen to music, and dance. Nothing in SCS HB 112 is to be interpreted as changing existing law as to the age at which they may legally drink alcohol.

Senator Charles H. Parr
Chairman

FROM: Mail Station 1205 | Department AHSPA
By T. Michael Lewis | Date 4/27/82
02-002(Rev. 2/80)

Alaska Hwy Safety
Charlie Smith

AGE	MALE	% (1)	FEMALE	% (1)	TOTAL	% (2)
14-18	8,367	60.6	5,431	39.4	13,798	5.1
19-24	25,822	55.0	21,111	45.0	46,933	17.2
25-29	25,395	53.3	22,282	46.7	47,677	17.5
30-34	24,950	55.4	20,121	44.6	45,071	16.5
35-39	18,681	55.9	14,753	44.1	33,434	12.3
40-44	13,721	57.4	10,164	42.6	23,885	8.8
45-49	10,588	58.2	7,610	41.8	18,198	6.7
50-54	9,114	59.3	6,252	40.7	15,366	5.6
55-59	7,211	59.3	4,943	40.7	12,154	4.5
60-64	4,922	60.2	3,254	39.8	8,176	3.0
65-69	2,772	61.5	1,738	38.5	4,510	1.7
70 +	2,093	65.1	1,120	34.9	3,213	1.2
Unknown	34	59.6	23	40.4	57	
TOTAL	153,670	56.4	118,802	43.6	272,472	100.0

(1) Percentage of that age group.
(2) Percentage of total licensed drivers.

MOTOR VEHICLE TRAFFIC FATALITY ACCIDENTS

During the years 1976-1978 the rate of alcohol-related fatal accidents occurring in the state appears to have remained fairly constant: approximately one-half of all fatal accidents were alcohol-related. A departure from this trend was reported in 1979 when the rate of alcohol involvement increased to 70% in fatal accidents.

There is some indication that improved reporting of alcohol involvement contributed to this apparent increase. However, alcohol involvement in highway crashes is the state's most serious and enduring problem and has been assigned the highest priority for treatment in the 1982 highway safety program.

ALCOHOL

The following table reflects the distribution of alcohol/driver by age group. Accidents in which alcohol involvement was not stated or was unknown have been removed from the calculations.

AGE	NUMBER OF ALCOHOL ACCIDENTS	A PERCENT INVOLVEMENT	B PERCENTAGE OF LICENSED DRIVERS	A/B
15-18	220	11.3	3.4	3.3
19-29	922	47.2	36.5	1.3
30-39	407	20.9	27.8	.75
40-49	238	12.2	15.2	.80
50-59	134	6.9	10.3	.67
60 +	31	1.6	2.5	.64

During 1979, alcohol was indicated in 1,952 traffic accidents. Drivers aged 19-29 were the most frequent offenders: 47.2% of the alcohol-related accidents involved drivers in this age group who had been drinking or who were suspected of drinking.

Drivers between the ages of 15 to 18, inclusive, who make up only 3.4% of the licensed driver population, accounted for 11.3% of the alcohol-related accidents, or more than 3 times their distribution in the general driver population.

Alcohol was a factor in 70% of the fatal accidents that occurred during 1979. Further analysis is not possible because of contradictory bivariate data, although there is some indication that young drivers are, again, overrepresented. Inexperienced both in driving and in drinking, the young driver also has a predilection for high speeds, and the combination is lethal.

Alcohol enforcement and diversion to treatment and/or education of the drinking driver will remain the highest priority for Alaska's highway safety program.

SPEED RELATED

The number of speed-related fatalities declined from 80 in 1978 to 61 in 1979. Although the number of fatalities that were speed-related declined, the rate of speed involvement has remained constant at 27%. Speed as a contributing factor in injury accidents declined from 21% in 1978 to 16% in 1979.

YOUNG DRIVERS

As might be expected, young drivers, ages 15-24, are significantly overrepresented in fatal and injury accidents. During 1979, young people in this age group were involved in 38.8% of fatal accidents and 34.8% of injury accidents, while representing only 22.6% of the licensed drivers. Drivers in all other age groups were generally underrepresented relative to their occurrence in the licensed driver population.

MOTORCYCLE ACCIDENTS

The frequency of motorcycle accidents showed a marked decline during the years 1976-1978 and has leveled off to a seemingly stable figure of approximately 300 motorcycle accidents per year during 1978 and 1979. There has been a steady decrease in the number of injuries reported from 1976 to 1979. The number of fatalities has fluctuated in a random manner between 10-15 per year. In 1979, 294 accidents were reported, with 214 injuries and 11 fatalities. The ratio of injuries and fatalities to reported accidents indicates high risk to motorcyclists involved in accidents.

Technical Report Documentation Page

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UM-HSRI-81-58		

4. Title and Subtitle	5. Report Date
Raising the Legal Drinking age in Michigan and Maine	December 1981
	6. Performing Organization Code
7. Author(s) A. C. Wagenaar, R. L. Douglass, C. P. Compton, with L. C. Pettis	8. Performing Organization Report No. UM-HSRI 81-58
9. Performing Organization Name and Address Highway Safety Research Institute The University of Michigan Ann Arbor, Michigan 48109	10. Work Unit No. (TRAIS)
	11. Contract or Grant No. H 84 AA 04794-01
12. Sponsoring Agency Name and Address National Institute on Alcohol Abuse and Alcoholism Department of Health and Human Services Rockville, Maryland 20857	13. Type of Report and Period Covered Final 9/80 - 4/82
	14. Sponsoring Agency Code

15. Supplementary Notes

16. Abstract

Previous research has shown that increased alcohol availability associated with reductions in legal minimum age for purchase of alcoholic beverages resulted in increased alcohol-related traffic crash involvement among young drivers. In the late 1970s, Michigan raised the drinking age from 18 to 21, and Maine from 18 to 20, providing natural experiments reducing alcohol availability. Effects of the raised drinking age on motor vehicle crash involvement were evaluated using a tri-level hierarchical multiple time-series design.

Results revealed a significant 20% reduction in alcohol-related injury-producing crash involvement among 18-20-year-old Michigan drivers directly attributable to the higher drinking age; alcohol-related property damage crashes decreased 17% for this age group. Maine drivers age 18-19 experienced a 20% reduction in alcohol-related property damage crash involvement attributable to the raised drinking age.

It is concluded that the legal minimum drinking age has a significant effect on alcohol-related motor vehicle crash involvement among young drivers. Implications of the findings for beverage alcohol availability theory and public policy concerning the prevention of alcohol-related problems are included.

17. Key Words	18. Distribution Statement
Legal drinking age, traffic accidents, alcohol availability, Box-Jenkins Time Series Analysis	Unlimited

19. Security Classif. (of this report)	20. Security Classif. (of this page)	21. No. of Pages	22. Price
Unclassified	Unclassified	367	

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* U. S. GOVERNMENT PRINTING OFFICE

6.0 SUMMARY, DISCUSSION, AND RECOMMENDATIONS

6.1 Summary

The core issue of this investigation was whether raising the legal minimum age for purchase of alcoholic beverages has a significant effect in reducing alcohol-related motor vehicle crash involvement among young drivers, the leading cause of death for this age group. The findings are unambiguous; analyses of extended crash time series, comparing (1) alcohol-related with non-alcohol-related crashes, (2) young drivers with older drivers, and (3) states that raised the legal age with those that have not, demonstrate that significant reductions in alcohol-related crash involvement among young drivers result from increases in the minimum drinking age. Taking into account the results from analyses of multiple states, age groups, and indicators of alcohol involvement, the best estimates of the effects of the raised drinking age in Michigan and Maine are as follows. First, Michigan drivers age 18-20 experienced a net reduction of approximately 20% in the frequency of involvement in alcohol-related injury-producing crashes due to the higher drinking age. The 20% reduction means that about 1100 fewer young Michigan drivers were injured in the first 12 months with the higher drinking age than would have been expected had the legal age not been raised. Second, young Michigan drivers were involved in 17% fewer alcohol-related property damage crashes after the drinking age change, representing a reduction of about 1500 crash-involved drivers per year. Third, 18-19-year-old Maine drivers were involved in approximately 20% fewer alcohol-related property damage crashes after the drinking age was raised; that is, 75 fewer young drivers were involved in property damage crashes than one would have expected had the law not been changed. These crash

reductions are causally attributable to the higher drinking ages because substantial decreases in crash involvement were limited to alcohol-related crashes among young drivers in states that raised the drinking age, with no comparable reductions in non-alcohol-related crashes among youth, crash involvement of older drivers within the same state, or crash involvement of young drivers in comparison states with unchanged drinking ages.

Although the public health benefits and reduced social costs resulting from injury and property damage reductions identified in this research are large, note that the benefits of higher drinking ages are understated, because reductions in injuries to passengers of young crash involved drivers have not been taken into account.

The conclusion that the legal minimum drinking age affects youth crash involvement is further strengthened by comparing results of this research on the raised drinking age with results of earlier research on effects of lowered drinking age. Douglass and Freedman (1977) analyzed a subset of Michigan jurisdictions with complete accident reporting over the 1968 through 1975 period, using a time-series design. Results revealed a 17% ($p<.06$) increase in total (i.e., property damage and injury producing) single-vehicle nighttime male crash involvement among drivers age 18-20 associated with the lowered drinking age in 1972. Police-reported drinking driver crash involvement increased 35% ($p<.01$) after the drinking age was reduced. Similar analyses for the State of Maine revealed a 29% ($p<.02$) increase in reported alcohol-related crashes, and a 16% ($p<.10$) increase in single-vehicle nighttime male crash involvement associated with Maine's reduction in drinking age from 20 to 18 in 1972 (Douglass et al., 1974). Comparisons between these

earlier findings and results of the present investigation reveal that raising the drinking age reverses the effect of prior reductions in drinking age. Estimates of the increase in alcohol-related crash involvement among young drivers associated with Michigan and Maine's lowered drinking ages ranged from 16 to 35%, remarkably similar to the 11 to 34% range of estimates obtained in the present study of decreased alcohol-related crash involvement associated with raising the drinking age in these two states.

6.2 Discussion

Although the effect of the raised drinking age in reducing youthful auto crashes is now clearly documented, some caution is warranted before a blanket statement is made that any state raising the drinking age can count on a 20% decrease in youth crash involvement. The effect of higher drinking ages is not necessarily uniform across states. In this research, the effect in Michigan was larger and more obvious that the effect in Maine, particularly for the more serious, injury-producing crashes. As noted in section 3.2.2, two studies of fatal crash involvement in Massachusetts found no significant reductions due to an increase in drinking age from 18 to 20 (Hingson et al., 1981; Williams et al., 1981).

One possible reason for the lack of an effect in Massachusetts is that four of the five state bordering Massachusetts had minimum drinking aged of 18 for all alcoholic beverages after Massachusetts' higher drinking age was implemented.[35] The availability of beverage alcohol to

---

[35]Vermont, New York, Connecticut, and Rhode Island permitted 18-year-olds to purchase all types of alcoholic beverages during the period for which the Massachusetts law was evaluated. New Hampshire increased

LICENSED DRIVERS - 1981

AGE	REGULAR LICENSE M	REGULAR LICENSE F	REGULAR LICENSE TOTAL	REGULAR + M/C M	REGULAR + M/C F	REGULAR + M/C TOTAL	REGULAR + M/S M	REGULAR + M/S F	REGULAR + M/S TOTAL
Unknown	30	23	53	3	-	3	1	-	1
14	8	3	11	-	-	-	1	-	1
15	20	6	26	-	-	-	1	1	[illegible]
16	1,471	1,002	2,473	108	5	113	115	10	125
17	2,415	1,778	4,193	199	18	217	157	23	180
18	2,845	2,352	5,197	265	21	286	330	164	494
19	2,981	2,631	5,612	291	27	318	172	80	252
20	3,377	3,003	6,380	350	35	385	165	83	248
21	3,681	3,298	6,979	327	45	372	208	135	343
22	3,863	3,539	7,402	420	41	461	123	114	237
23	4,149	3,820	7,969	447	50	497	132	108	240
24	4,358	3,872	8,230	464	54	518	215	164	379
25-29	22,262	21,288	43,550	2,270	273	2,543	827	714	1,541
30-34	22,405	19,342	41,747	1,762	171	1,933	754	605	1,359
35-39	17,096	14,199	31,295	1,027	112	1,139	543	438	981
40-44	12,829	9,824	22,653	560	58	618	321	280	601
45-49	9,995	7,410	17,405	325	22	347	264	177	4[illegible]
50-54	8,708	6,099	14,807	202	15	217	200	138	33[illegible]
55-59	6,931	4,839	11,770	112	8	120	167	96	263
60-64	4,774	3,187	7,961	43	5	48	105	62	167
65-69	2,715	1,721	4,436	16	-	16	40	17	57
70-+	2,055	1,101	3,156	3	-	3	34	19	53
TOTAL	138,968	114,337	253,305	9,194	960	10,154	4,875	3,428	8,303

ALASKA STATEWIDE STUDENT ASSOCIATION
Position Paper: HB 112

ASSA is opposed to raising the drinking age. We feel this is not the best way to solve our many alcohol-related problems, as its only major effect would be to put many young adults out of work.

Furthermore, we feel it is manifestly unfair to punish an entire cross-section of the electorate for the transgressions of a few of their peers. This is inconsistent with the Anglo-American tradition of punishing only the guilty.

We urge you not to pass this bill or, if you feel you must, to amend it to an advisory vote.

No. of Arrests for Driving Under the Influence
By Age of Offender
1977-1981

	15 & Under	16	17	18	19	20	21	22	23	24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60+	TOTAL ALL AGES
1977	5	19	50	141	130	146	148	135	145	155	569	455	397	343	274	181	135	76	3,504
1978	7	28	35	102	103	135	135	129	129	140	592	455	368	280	233	208	111	75	3,265
1979	7	29	48	105	118	138	137	133	117	121	553	411	341	249	204	150	83	62	3,006
1980	5	15	71	74	102	130	106	115	113	92	451	245	291	201	193	122	76	73	2,475
1981	7	21	69	112	179	132	134	153	170	142	661	567	366	268	189	147	96	68	3,481
FIVE YEAR TOTAL	31	112	273	534	632	681	660	666	674	650	2,826	2,133	1,763	1,341	1,093	808	501	354	15,731

Source: House Research Agency, May 1982, from data provided by the Criminal Justice Planning Agency, Crime in Alaska, 1977-1981.

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

May 6, 1982

TO: Bill Zybach

FROM: Christine Johnson, Research Staff

RE: Age Breakdown of OMVI Offenders

Attached please find a table showing the ages of individuals arrested for driving under the influence in the past five years. If you have any questions regarding this data, please give me a call.

CJ

From Charlie Smith

1979

FATAL ACCIDENTS	ALCOHOL RELATED	ALCOHOL RELATED AGE 0-18	ALCOHOL RELATED AGE 19-20	TOTAL AGE 0-20
80	48 = 60.0%	15 = 31.3%	9 = 18.8%	24 = 50.0%

1980

FATAL ACCIDENTS	ALCOHOL RELATED	ALCOHOL RELATED AGE 0-18	ALCOHOL RELATED AGE 19-20	TOTAL AGE 0-20
79	50 = 63.3%	23 = 46.0%	13 = 26.0%	36 = 72.0%
LICENSED DRIVERS				
272,472		13,798 = 5.1%	13,226 = 4.9%	27,024 = 9.9%

Passage in 1971 of the 26th Amendment to the United States Constitution went far beyond giving voting privileges to those in the 18-to-20 age bracket. It also stimulated a prevailing trend toward a lower age-of-majority with respect to the purchase and consumption of alcoholic beverages. The period from 1970 to 1975 saw a spate of legislation to lower the minimum drinking age (MDA), in most cases to the age of 18. By May 1976 (when the first *In Brief* on the subject appeared), 27 states had lowered the MDA for all alcoholic beverages and another 11 had lowered it for wine and/or beer. This concession of drinking privileges reflected the view of many legislators that there was no longer a constitutional basis for their denial. To many people the right to drink was nothing more than the legitimization of already existing behavior.

The initial thrust of the movement to lower the MDA, however, has not been sustained: on the contrary, a reversal of the trend has developed and appears to be gaining momentum. While the Oregon and Pennsylvania legislatures have recently taken preliminary steps to lower the MDA, not one state has actually done so since 1976. Following Minnesota's lead (1976), three other states have succeeded in raising the MDA, four are at present considering such legislation, and another six have so far failed in the attempt. Michigan voters have raised the minimum age in that state to 21, and voters in Montana have raised theirs to 19--both through the referendum process.

The generally good reception accorded efforts to raise the MDA may not herald a cessation of MDA-lowering efforts; however, it does suggest substantial disaffection with the idea of drinking as early as 18, which can be traced to the appearance of research evidence of increased problem drinking among those affected by the lowering of the MDA. The literature, although rather limited in this regard, points to a higher incidence of alcohol-related traffic accidents and traffic fatalities among the younger drinkers. Survey data also imply an increase in alcohol use among youth below 18 owing to the so-called "trickle-down effect" (access to alcohol through older classmates in the "legal" age group).

Perhaps the most significant impact analysis to date is a series of studies conducted by R. L. Douglass et al. at the Highway Safety Research Institute (HSRI) of the University of Michigan. The first study (1973-1974), prepared under contract to the National Highway Traffic Safety Administration, focused on the effect of legislation lowering the drinking age on the affected driver populations in Maine, Michigan, and Vermont. The results disclosed significant increases in the alcohol-related crash experience of 18- to 20-year-old drivers in both Maine and Michigan. No concomitant changes were observed in Vermont or in any of four control states. (Not insignificantly, the three states targeted in this study were among the first seeking to rescind their MDA-lowering laws.) The second HSRI study (1976-1977), conducted for the Office of Substance Abuse Services (OSAS) of the Michigan Department of Public Health, concentrated on effects over a 4-year period (1972-1975) of the 1972 law permitting drinking at 18. The results, as elaborated in an April 1977 report to Governor Milliken and in the final report of August 1977, showed a significantly greater increase in alcohol-related accidents among 18- to 20-year-old drivers than among any other age group during the period under review. The increase was attributable in part to the change in drinking age and in part to other long-term behavioral trends. The initial increase in alcohol-related crashes persisted but did not worsen over the years following the change. There was no conclusive evidence that the change in law caused an increase in alcohol-related automobile accidents among 16- and 17-year-old drivers; an increase for this group was better explained by long-term trends existing before 1972 and continuing to the present.

The HSRI findings are to a great extent supported by those of other investigators. A 1977 review of empirical research (including the initial HSRI study) on the consequences of changes in alcohol-purchasing age in different areas of the United States and Canada found consistent and possibly reliable evidence of the following: (1) substantial increases in drinking, particularly in on-premises drinking, among those affected by the lowered MDA; (2) a greater increase in alcohol-related motor vehicle accidents in areas of lowered purchasing age than in comparison areas; and (3) a probable influence of alcohol on the crash experience of 15- to 17-year-olds. The studies under review have yielded little information to implicate alcohol in greater educational, family, or public order problems, or in the observed increase in the admission of young people to alcoholism treatment facilities.

The agreement among HSRI and other findings notwithstanding, the notion that the dramatic

* This updates the May 1976 *In Brief* Number 4, published under the same title.

increase in youth crash involvement is necessarily connected with MDA lowering is challenged by some specialists. Conspicuous among these is Richard Zylman of Rutgers University's Center of Alcohol Studies. Zylman's view, expounded in several papers, is that the allegedly disproportionate number of such crashes can be otherwise interpreted. He argues that the drinking habits of youth were changing before the laws were enacted and that a dramatic upsurge in accidents among youth was therefore inevitable. Accordingly, the increased drinking and driving reported in Michigan and elsewhere would have occurred with or without the sanction of law. He also insists that one consequence of MDA legislation was stricter police reporting of alcohol involvement in accidents and that this distorted the picture of actual changes that were taking place. The result was the creation of a "phantom" problem, which to Zylman is nowhere better exemplified than in an HSRI report on alcohol involvement in fatal crashes among 18- to 20-year-old drivers in Michigan between 1971 and 1973. His conclusion is that changing social norms, not MDA lowering, are the real cause of the increase seen in alcohol-related collisions, and that withholding the right to drink at 18 or, even worse, rescinding it once it has been granted, runs the risk of criminalizing a normal youthful activity and thereby alienating a rather large segment of the nation's youth.

Indirect support for Zylman's position has come in the form of widespread recognition of: (1) the lack of uniform statistics in accident reporting; (2) the revision of law enforcement procedures following legislation lowering the drinking age; and (3) the overriding significance of long-range behavioral trends. As yet, however, this concert of opinion has not been matched by a major protest response from young people in those states which rescinded earlier MDA-lowering laws. The few efforts that have been initiated have fared poorly both in state legislatures and in the courts. One youth group in Maine organized a petition drive aimed at suspending the age increase until the electorate could vote on the measure by referendum. The drive fell significantly short of the number of signatures required by the closing date. A second Maine drive would have placed on the ballot a bill to limit the 20-year minimum to carry-out purchases, while retaining 18 as the age for on-premises drinking. This move suffered the same fate as the first, even with the benefit of a much-longer time period for the gathering of signatures. In a landmark case, the issue of drinking rights was resolved in favor of the state. The Supreme Court of the State of Washington ruled that the constitutional rights of 18-year-olds were not violated by a distinction between legal drinking age and the age of other adult rights and privileges. The court cited as justification the evidence of a more severe impact of alcohol on 18-year-olds than on persons 21 years of age or older.

Any attempt to predict the future course of MDA policy would be guesswork. There is, however, a certain pattern to the accomplished and projected MDA changes in various states. A compromise has evolved, such that 19 is the favored age among those states inclined to change. With the exception of Maine (age 20) and Michigan (age 21), all states that have already rescinded their lowered MDA have adopted an MDA of 19, and most of the states still seeking to raise the MDA show the same tendency. The two states committed to the opposite course, Oregon and Pennsylvania, have also settled on age 19. A review of the pertinent literature brings to light three specific goals of such a compromise: (1) the legalization of drinking at an age approximating that of the recognition of adulthood in other senses; (2) the separation of legal drinking age from legal driving age, so as to eliminate the difficulties associated with learning both at the same time; and (3) the removal, at least from the high school environment, of a major potential source of alcohol for the younger teenager.

The Legal Drinking Age and Traffic Casualties:
A Special Case of Changing Alcohol Availability In a Public Health Context

Richard L Douglass, Ph.D.

In 1971 the legislature of Michigan voted to lower the legal drinking age from 21 to 18. The legal drinking age was one of three components in an age of majority proposal modeled after the July 1971 U.S. Constitutional amendment which permitted 18-year-olds to vote in Federal elections. The Michigan law included the right to vote in local and State elections, to enter into binding contracts, and to purchase, possess, and consume distilled spirits, beer, and wine according to the provisions of alcoholic beverage control policies in the State of Michigan.

Similar alterations in the legal drinking ages took place throughout the United States and Canada at the same time. Maine and Vermont lowered drinking ages to 18 in 1972, as did Ontario. Texas lowered the drinking age to 18 in August of 1973. Wisconsin made all alcoholic beverages available to 18-year-olds in 1972 (beer had been legal for the young purchasers since 1969). Many other States and provinces joined the bandwagon and, in a relatively short period of time, over half the States had reduced the legal age of purchase from 21 to a lower age, either for all beverages or for beer, wine, or a lower alcohol content beverage.

Considerable national, State, and local controversy erupted during the months prior to the effective dates of the new laws. The beverage alcohol industry, in concert with most of the intellectual community, supported lowering the legal drinking age on several grounds. On the basis of surveys of high school students, proponents claimed that lowering the legal drinking age would have little effect on drinking patterns or alcohol consumption levels among heretofore underage drinkers. It was claimed that young people already drank, that they could acquire alcoholic beverages at will, and the legal change would simply legitimize existing behaviors.

In addition, the intellectual community, civil liberties advocates, and others argued that thousands of young people had served in the armed forces in Vietnam and elsewhere, yet were unable to legally purchase or consume alcoholic beverages at home. This apparent inequity of rights and responsibilities helped create a groundswell of emotion that characterized the debate.

The opposition to lowering the legal drinking age was also vocal, but not nearly as broadly based as the proponents. Religious organizations, residuals of the temperance movement, and similar groups argued that if 18- to 20-year-olds were given the right to purchase and consume alcoholic beverages, then alcohol-related traffic accidents, public drunkenness, and early alcoholism would increase. Associated with these immediate social costs, some opponents argued, would be an increase in the general moral decay of Michigan's youth. These groups also argued that the younger peers and siblings of 18- to 20-year-old new drinkers would become involved, and Michigan would experience increas-

ing alcohol-related problems among early adolescents and the very young.

Another major coalition opposing the 18-year-old minimum drinking age was composed of the departments of State, county, and local police. These organizations argued that the lower legal drinking age would cause an increase in traffic casualties associated with drinking and driving, as well as an increase in driving-while-intoxicated incidents.

A pervasive element in this debate was a lack of adequate research to predict the impact of the proposed lower legal drinking age. No one really knew what would happen and it is probably true that it was not possible to predict the consequences of the legal drinking age change without actually trying it with a natural population.

In Michigan the law became effective on January 1, 1972. When most elections and referendums are approved, debates typically dissipate and attendant energies are directed toward new [illegible]. Not so with the legal drinking age. Within 6 months of the effective date of the 18-year-old drinking age, the Michigan Department of State Police reported an increase of more than 100 percent in alcohol-related accidents in which the 18- to 20-year-old drivers had been drinking, compared with the same time period in 1971. This report touched off a new, more emotional, debate.

Armed with statistics, the opposition to the lower legal drinking age launched a campaign to move the minimum age back to 21. Charges of unreliable reporting, bias, and statistical misrepresentation were made by the proponents of the 18-year-old drinking age and the situation was again deadlocked.

The issues raised in 1972 and 1973 were based on the need to explain events rather than postulate them. Specifically, it had been alleged that traffic casualties had increased in Michigan and that drinking had become a problem in the public schools; the debate involved the fundamental question of to what extent the lower legal drinking age was responsible for traffic casualties and public school problems.

In 1973, the U.S. Department of Transportation, National Highway Traffic Safety Administration, contracted with the Highway Safety Research Institute (HSRI) of The University of Michigan to conduct a scientific analysis of the effects of the lower legal drinking age on youth crash involvement in three States—Michigan, Maine, and Vermont. The Department of Transportation's initiative was in response to the public's reactions to the initial effects of the lower drinking age.

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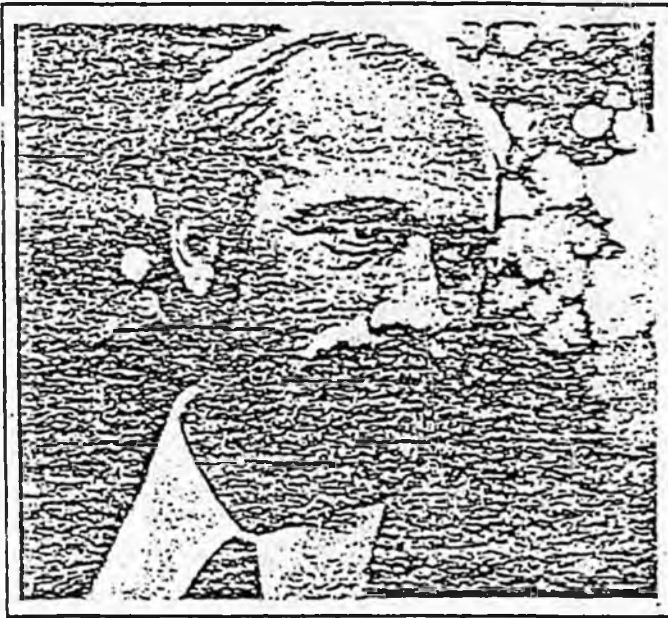
Impact of Lower Drinking Age

The initial study, reported in 1974, revealed that Michigan and Maine experienced a frequency increase in alcohol-related traffic crashes among 18- to 20-year-old drivers, conservatively estimated to be between 9.99 percent and 25.66 percent for the first 12 to 18 months subsequent to the effective dates in 1972. The increases in alcohol-related traffic accidents were statistically and socially significant. No comparable change was found in Vermont.

The 1973-1974 HSRI study demonstrated an immediate impact of the lower legal drinking age on youth crash involvement in two States. However, two research questions were generated by the investigation. First, was the initial increase in alcohol-related crashes temporary or permanent? Secondly, what intervening factors might help explain the relationship between the change in legal drinking age and a consequent increase in alcohol-related casualties? These unresolved issues constituted the focus of a second investigation.

The second study, conducted between 1976 and 1977, was sponsored by the Office of Substance Abuse Services of the Michigan Department of Public Health. Unlike the first investigation, the focus of this inquiry was only on Michigan.

In the second study, the time period for analysis after the Michigan 18-year-old drinking age change was extended from 12 to 48 months and the age comparisons for analysis included 16- and 17-year-old drivers involved in traffic crashes as well as the 18 to 20 and older age groups. Also, a detailed analysis of licensing activities of



Richard L. Douglass, Ph.D.

the Michigan Liquor Control Commission and statistics of alcohol beverage distribution in the State was conducted to test possible alternative explanations for the increase in alcohol-related crashes attributed to the 18-year-old drinking age in the first study.

The main objectives of the second study were to determine if the initially measured increase in 18- to 20-year-old alcohol-related crashes was temporary or permanent, if 16- and 17-year-olds were also affected, and if there was any evidence that other kinds of alcohol control measures also changed the availability of beverage alcohol which might help the increase in traffic casualties.

Subsequent to the release of findings from the second HSRI study, in addition to political pressure from the organized public school interests in Michigan, the Michigan legislature introduced legislation which essentially raised the legal drinking age to 19, effective in December 1978. Not satisfied with the 19-year-old drinking age, an organized petition drive put the issue on the November 1978 popular election ballot as a proposed constitutional amendment. The proposition to return Michigan's drinking age to 21, as a constitutional amendment, passed without difficulty in over 90 percent of Michigan jurisdictions and the new law became effective just prior to Christmas in 1978.[1] The constitutionality of the new 21-year-old drinking age was challenged in Federal court and upheld in December 1978.[2] Subsequent appeals to the 1978 court opinion were denied.[3]

To date, the effectiveness of the 21-year-old drinking age regarding improved circumstance on the highways, in public schools, and regarding other drinking problems among 18- to 20-year olds has not been measured. It is, in my opinion still too early to know to what extent the return to age 21 has changed either the drinking, drinking and driving, or other behaviors of 18- to 20-year-olds in Michigan.

Following is a summary of the two studies I was responsible for conducting.

Study I 1973–1974

The first study for which I had responsibility was conducted in 1973–1974.[4] The research was an analytic evaluation of the impact of the lower drinking age in Michigan, Maine, and Vermont on alcohol-related highway crash experiences of affected young driving populations. The objectives of the study were:

1. To determine if the alcohol-related highway crashes increased among legally affected populations of drivers in three study States
2. To determine, if changes were found in the frequencies and rates of alcohol-related crashes, whether a causal relationship exists between the crash experience increases and the legal changes

Data were collected from appropriate police or traffic safety agencies in seven States. Data for the 1968-1973 time period were sought; few States, however, were able to produce full sets of data in uniform and compatible computerized form. Therefore, incomplete data were obtained for certain States, resulting in an unbalanced quasi-experimental time series design.

The seven States included represent two long-

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[1]Michigan's proposition to raise the drinking age to 21 passed by over 400,000 votes and became effective on December 23, 1978.

[2]Hon. Ralph Guy, Jr., U.S. District Judge. *Opinion*, Civil No. 8-73015 and Civil No. 8-73159. U.S. District Court, Eastern District of Michigan, Southern Division, December 22, 1978.

[3]Personal correspondence, Michigan Attorney General Frank J. Kelley to Michigan Governor William G. Milliken, dated June 21, 1979. Re: Felix V. Milliken et al. Sixth Circuit Court, Michigan, 79-1049.

[4]Richard L. Douglass, "The Effect of the Lower Legal Drinking Age on Youth Crash Involvement." Ph.D. dissertation, Public Health Administration, The University of Michigan, 1974. Richard L. Douglass et al. *The Effect of the Lower Legal Drinking Age on Youth Crash Involvement*. Final Report for the National Highway Traffic Safety Administration, U.S. Department of Transportation. Report No. UM-HSRI-AL-74-1-1. Ann Arbor: The University of Michigan, 1974.

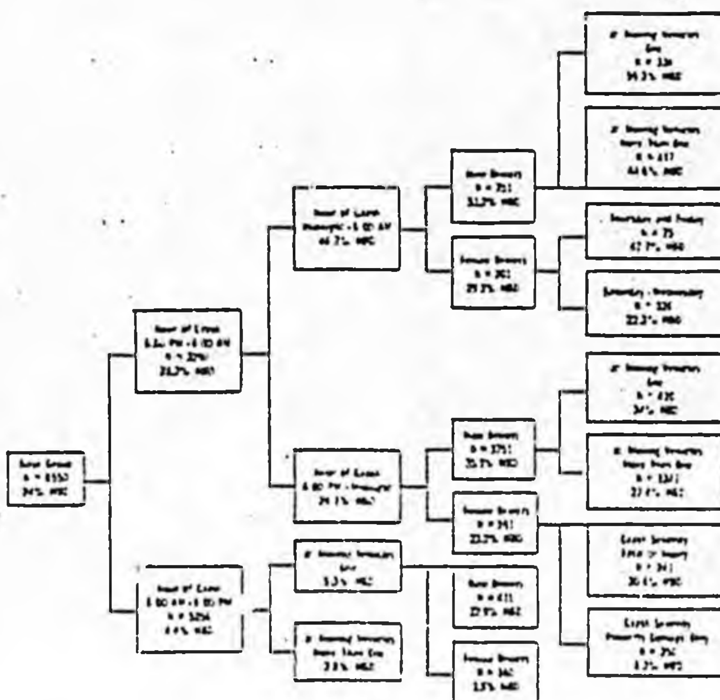


Figure 1. AID Analysis of Oakland County, Michigan, 18-20-Year-Old Drivers, "Had Been Drinking" (HBD) as Dependent Variable; 1972 Data.

term 18-year-old States—New York and Louisiana; two long-term 21-year-old States—Pennsylvania and Texas; and three transitional States forming an "experimental group."[5] All three experimental States—Michigan, Vermont, and Maine—changed their legal drinking age within the same 6-month period in 1972. State selection was based on the legal structure of the age of majority regarding the purchase of alcoholic beverages, and geographic-demographic matching characteristics of the several candidate States. The total data files utilized in the research represented approximately five million driver-crash involvements between 1968 and the first half of 1973.

Although agencies in all States in this research do report alcohol involvement as a matter of course in highway crash investigations, the variety of ways in which alcohol involvement is measured is a direct function of the number of jurisdictions in question.[6] None of the seven States in this research design measured, defined, or counted "alcohol involvement" in the same way—and some States changed their own procedures between 1968 and 1973. Because reported statistics were unacceptable for comparative analysis, the measurement problem became defined as the need to derive an empirical surrogate variable to substitute for reported alcohol involvements.[7]

An analytic program named *Automatic Interaction Detection* (AID)[8] was used to select the "best" subset of objectively measured variables in 1970 Texas and 1972 Oakland County, Michigan, data. "Best" was operationally defined as the subset of all driver involvements which, interactively, was most often known to be alcohol-related. The 1972 Oakland County, Michigan, and 1970 Texas data were selected because of known relative stability of these data regarding the operational measurements of alcohol involvement.[9]

Figure 1 presents the results of one of many AID analyses of these data. It can be seen, by

[5]Texas lowered the legal drinking age to 18 in August 1973, after the data-limit of the present study.

[6]Richard L. Douglass, "The Operational Meaning of Reported Alcohol Involvement in Official State Accident Data: A Comparative Analysis," *HIT LAB Reports*, Highway Safety Research Institute, Ann Arbor, Michigan, Vol. 4, 9, May 1974, pp. 1-6.

[7]Richard L. Douglass and L.D. Filkins, "Empirical Development of a Surrogate Measure of Alcohol Involvement in Official Accident Data," *HIT LAB Reports*, Highway Safety Research Institute, Ann Arbor, Michigan, Vol. 4, 9, May 1974, pp. 7-11.

[8]J.A. Sonquist and J.N. Morgan, *The Detection of Interaction Effects: A Report on a Computer Program for the Selection of Optimal Combinations of Explanatory Variables*. Monograph No. 35. Ann Arbor: Survey Research Center, Institute for Social Research, 1964.

[9]Douglass and Filkins, op. cit.

following the uppermost or "worst" path, that the final analytic group was derived with the entry of only three variables:

Factor 1. Time of Night
Factor 2. Sex of Driver
Factor 3. Number of Vehicles

Inclusion of additional independent variables did not make statistically significant contributions to this "worst case." It can be seen that the three key descriptive variables—9:00 p.m. to 6:00 a.m., single vehicle, and male drivers—interactively predict the driver-crash involvements most likely to be alcohol-related. This *three-factor-surrogate* subset, in terms of expected alcohol involvement, is remarkedly consistent and between 53 percent and 63 percent alcohol-related. This subset of all crash involvements was measured, by month, for all data in each jurisdiction in the study. Measurement of the three-factor-surrogate subset was substituted for analyses of cases with reported alcohol involvement for reasons of comparative measurement consistency.

The Magnitude of Change

On the basis of the three-factor-surrogate subset, the Michigan experience was a clear demonstration that the 18- to 20-year-old driver involvements increased dramatically. In Maine, the 18- to 20-year-old frequency increased to a level approaching statistical significance. No changes were found in Vermont. It would appear that these conservative analyses demonstrate an impact of the lower legal drinking age in Michigan, evidence of a lesser change in Maine, and no evidence at all in Vermont. In that no 21- to 45-year-old observations changed significantly, any changes among the 18- to 20-year-olds can be related to the change in the drinking age.

Among the control States which did not lower the legal drinking age, no evidence was found that would support an hypothesis of change specific to the young drivers. The absence of concomitant changes in the control States strengthens the causal interpretation linking the increases in Michigan and Maine to the legal changes in those States.

Study II 1976–1977

The second study of the legal drinking age focused exclusively on Michigan's experience in the 48 months subsequent to the new law's effective date, January 1, 1972.

The second study, first reported in September 1977, was intended to determine if the initial impacts reported in 1974 were permanent or transitory. Also, it was decided to determine if the full urban-rural mix of Michigan populations were equally affected and if a "spill-over" effect was measurable among 16- and 17-year-old drivers.

To investigate the consistency of 18- to 20-year-old response to the lower legal drinking age, we reasoned that the urban-rural mix of the Michigan population should be separately analyzed. Therefore, a systematic sample of 27 rural counties with 1970 populations under 100,000 residents was taken and aggregated to form a "rural" analytic study site. Ingham County was selected as a mid-Michigan analytic study site with a substantial metropolitan and rural population mixture.

Other jurisdictions included were Washtenaw County, Oakland County, and statewide localities (with those areas consistently reporting all accidents since 1968 and fatal driver-crash involvements). These study sites formed the basic set of Michigan jurisdictions in the 1973–1974 HSRI study and were included to permit consistency and comparability with the results of the two investigations.[10]

These jurisdictions represent urban, suburban, and rural areas of Michigan. Places of rapid population growth (Oakland County), high youth population density (Washtenaw County), mixed population (Ingham County), and stable, low-youth-population density (rural counties) are all represented.

Rather than only comparing 18- to 20- against 21- to 45-year-old drivers involved in crashes, in the second study four analytic groups were created. These included 16- to 17-, 18- to 20-, 21- to 24-, and 25- to 45-year-old drivers. These four groups give considerable control to the quasi-experimental design in which only the 18- to 20-year-olds were affected by the 18-year-old drinking age. Also, it is possible to be more precise in the analytic comparisons with both younger and immediately older proximal persons of the 18- to 20-year-old target group.

The 48-month experience in Michigan after the 18-year-old drinking age became effective was consistent throughout the State. In most jurisdictions increases of residual three-factor-surrogate crashes among 18- to 20-year-old drivers were concurrent with decreases among

[10] Richard L. Douglass and Jay Alan Freedman. *Alcohol-Related Casualties and Alcohol Beverage Market Response to Beverage Alcohol Availability Policies in Michigan*. Vol. 1. UM-HSRI-77-37. Ann Arbor: The University of Michigan, 1977.

16- to 17-year-old and/or 21- to 24-year-old drivers. While all under-25-year-old groups experienced percentage residual increases of alcohol-related crashes, the 18- to 20-year-old group usually had much larger increases than any other age group. The impact of the legal drinking age change is generally found only among the 18- to 20-year-old drivers, except in Oakland County, where the 16- to 17-year-old drivers were also involved.

Our findings clearly isolate the young drivers, particularly 18- to 20-year-olds, as being uniquely affected by the lower legal drinking age. These findings are more dramatic when it is observed that total residual crash involvement throughout the State stabilized or declined considerably in this same time period. Among drivers 21 and older, the 48-month residuals reveal consistently fewer crash involvements than predicted; except for Oakland County, this holds as well for 16- to 17-year-old drivers.

The effect of the legal drinking age measured after the initial 1972 experience appears to have persisted through 1975. On a statewide basis (1972–1975) a conservative estimate is that at least 4,625 three-factor-surrogate alcohol-related crashes—of which at *least* 89 were fatal—occurred due primarily to the 18-year-old drinking age.

Alcohol Consumption and Retail Licensing

In addition to analyses of traffic accidents my colleagues and I have collected data from the Michigan Liquor Control Commission and the Michigan Beer and Wine Wholesaler's Association to assess changes in alcohol consumption or licensing activities which might elaborate or challenge the causal relationship between the the 18-year-old drinking age and increased numbers of 18- to 20-year-old traffic crashes.

Michigan liquor control laws were reviewed, and when appropriate data were examined, it became apparent that the retail marketplace, far from being in a steady state between 1968 and 1976, was in a state of considerable change. Several specific changes were noted.

Class C licenses are awarded to retail establishments to permit consumption of all types of alcohol on premise. In Michigan the current formula for such licenses is 1 per 1,500 people in the population of the jurisdiction. Because the formulas change with the availability of new population size estimates it was expected that there would be an increase in Class C award transactions after the 1970 U.S. census. Studies showed that the monthly frequency of Class C transactions increased in mid-1971.

On occasion, rules and regulations governing retail licensing change, and the marketplace responds. In early 1970 legislation was passed permitting owners of tavern licenses, who could sell only beer or wine by the drink, to transfer their license to Class C, thus enabling them to expand their trade. There was a dramatic response to this legislation, which had the effect of increasing the on-premise distilled spirits availability throughout the State.

Court decisions were found to be major determinants of increased frequencies of certain Liquor Control Commission activities. The most significant was the case of Sunday sales permits and a series of legal opinions and judicial decisions that eventually deregulated a major factor of alcohol availability. A large number of Sunday sales permits were awarded during 1972.

Few changes in the laws, policies, or interpretations of the laws have the effect of expanding the most basic foundations of market availability. It is clear that the alterations in 1972 enabled such a basic change, and one that could, hypothetically, have had a disproportionate impact on young drinkers in on-premise consumption establishments during weekends, the recreational time when most youthful drinking takes place.

Although the marketplace, as measured by licensing activities, was anything but stable during the years proximal to the 1972 change in the legal drinking age, only the increases in Sunday sales permits might have had a direct interaction with that legal change. No changes in liquor control during the 1968–1976 period were age-specific, except the drinking age change in 1972.

Analyses of Beverage Alcohol Consumption

Table Top (on-premise) and SDD (Specially Designated Distributor, Package Sales) distilled spirits sales in Michigan increased between 1968 and 1976. This suggests an increase in *consumption* during the 1972–73 period which is slightly greater than the stable and strong growth trend in these data. Time-series analyses using the same techniques as were used with traffic accident data, however, found no statistically significant increase in 1972.

The statewide frequencies for wholesale gallons of wine and barrels of beer showed an upward linear trend, as well as the regular cyclical pattern in which wholesale packaged beer

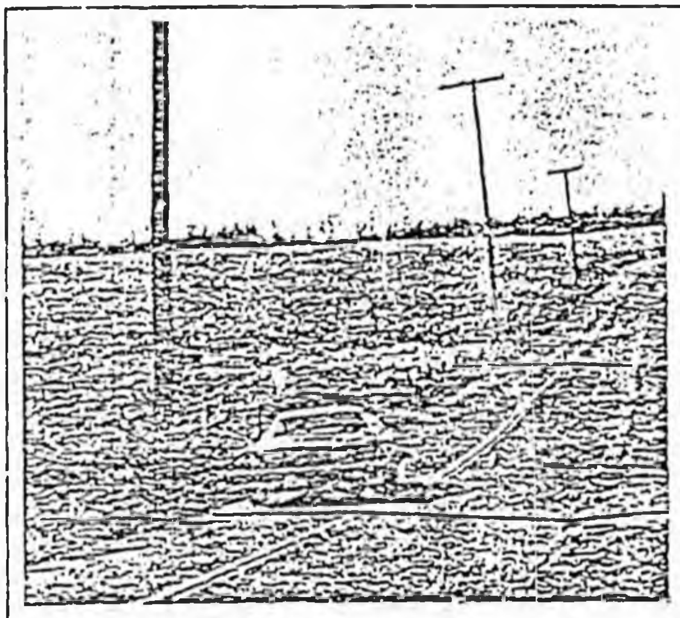
sales consistently peak during the months of July and August, while wholesale draught beer sales peak during the months of May through August.

Of particular interest in this set of data is a statistically significant increase in wholesale draught beer sales during 1972.[11] In that beer is the preferred alcoholic beverage among young people, and because on-premise consumption represents a sphere of the alcoholic beverage market not open to 18- to 20-year-olds prior to the legal change (as opposed to off-premise consumption which, although illegal prior to 1972, was impossible to restrict totally), this increase would appear to represent a temporary surge in on-premise consumption of beer by 18- to 20-year-olds. The findings regarding draught beer are consistent with Smart's 1977 findings that in 25 States in which the drinking age was lowered, only beer demonstrated an increase in consumption.[12] The present findings further isolate draught rather than packaged beer.

Discussion and Conclusions

The basic findings of the studies summarized here demonstrate that in the time period surrounding Michigan's reduction of the legal drinking age to 18 in 1972, alcohol-related casualties increased for 18- to 20-year-olds and many concurrent dynamics occurred in the control and consumption of beer, wine, and distilled spirits.

In the methodological development of the many analyses reported here, great care has been exercised to maximize our control over spurious or plausible alternative explanations of increases



in traffic casualties and alcohol consumption. There is a point, however, beyond which the limits of data quality and data availability prohibit further systematic control over spuriousness; the process of integrating the findings of these years of study approaches that point.

It has been established that many historical, legal, and social changes took place at or about the same time that 18- to 20-year-olds in Michigan became enfranchised to purchase and consume beverage alcohol. We know, too, that traffic casualties among 18- to 20-year old drivers related to alcohol increased during and subsequent to 1972, and that draught beer sales increased durin[illegible] since 1972. Distilled spirits, packaged bee[illegible] wine sales have increased markedly since 1969. All of these events, combined, represent a compelling argument that the changes in alcohol availability, consumption, and related traffic casualties are not independent but linked together. Particularly, the changes in availability brought about by the 18-year-old drinking age in Michigan were usually associated with a large increase in traffic accidents among the age group directly affected.

Little Attention Paid to Availability

During the countless discussions and arguments about the probable impact of the lower legal drinking age during 1971, little, if any, serious attention was paid to the entire notion of the availability (supply) of beverage alcohol in Michigan—most people involved in the debates presumed the availability to be primarily stable. During this period of debate, the influx of new young drinkers and drinking drivers was conceived as a change in demand for alcoholic beverages. A potential change in alcohol-related casualties was thought to be the result of an increase in the population of young drinkers.

To many, the lower legal drinking age was little more than the legitimization of presumed existing drinking, and drinking-driving behaviors, among the enfranchised 18- to 20-year-old populations. Little or no change in either demand or availability (supply) of alcoholic beverages was predicted. Proponents of the lower drinking age supported the position that potential increases in alcohol-related traffic crashes due to the lower legal drinking age, as well as other alcohol-related problems, would be minimal be-

[11] *Ibid.*, p. 86.

[12] Reginald G. Smart, Changes in alcoholic beverage sales after reduction in the legal drinking age, *Am J Drug Alcohol Abuse* 4(1):101-108, 1977.

cause "nothing real" would be changed (except a poorly enforced minimum drinking age).

Our position, on the basis of the analyses reported here, is that in 1971 most individuals and organizations engaged in the debate over the legal drinking age were not provided with adequate information about the factors influencing the likely impacts of that legislation. Assumptions of stability of beverage alcohol consumption and supply and demand of beverage alcohol were fallacious. We have identified that the distribution of beer, wine, and spirits is highly variable over time, although predictable. Draught beer consumption, especially, appears to have been directly affected by the lower legal drinking age.

We are struck by the apparent disassociation of beverage alcohol from potential problems related to alcohol during the continuing debate about the effects of the lower legal drinking age. Specifically, the technical and popular literature directed to the issue have consistently failed to consider the supply and distribution of beverage alcohol as a potential factor in any expected social impact.

It is useful, at this point, to wonder why the distribution and volume of beverage alcohol was not investigated during the debate concerning the impact of the lower legal drinking age in Michigan or elsewhere. Although the precise contribution of changes in beverage alcohol control policies and practices to increases in traffic crashes related to drinking cannot be measured, I believe that increases in the number of outlets, increases in Sunday sales permits, increases in the volume of beer, wine, and spirits distributed, transfers of Tavern to Class C licenses, and the influence of the 1970 census, plus other factors, certainly contributed to the magnitude of the effect of the lower legal drinking age on youth crash involvement. It is clear that Michigan has had a persistent increase of 18- to 20-year-old, alcohol-related crash involvements since 1972. It is my conclusion that the relatively simultaneous alterations of the influences of alcohol availability and the lowered legal drinking age have interacted to create a traffic casualty problem that might have been reduced if one or the other were held constant.

In 1977 my colleague, Jay Freedman, and I recommended that Michigan's legal drinking age be raised because of the magnitude of the traffic casualty impact of the 18-year-old law. We stated, however, that it would be totally naive to expect that legal action, alone, would have any measurable influence. Enlightened social policies regarding alcohol education, nonalcohol-requiring recreational alternatives, and the enforced control of distribution of beverage alcohol all must be engaged simultaneously if the real problem is to be reduced.

It was an encouraging experience in research utilization when the constitutional challenge to the 21-year-old law, which took place in Michigan in December 1978, cited our studies and made mention of the methodological design of the research. It was also encouraging from a public health perspective to note that the Federal judge who wrote the opinion gave credence to the public's right to emphasize the primacy of life and limb over certain social liberties and privileges.[13]

The new 21-year-old drinking age in Michigan will provide the opportunity for another phase of study. The newest chapter in the drama is confounded by an energy crisis which will probably reduce some proportion of total traffic crashes. (We did find, however, that the 1974 fuel shortage had little effect on alcohol-related crashes; thus the newest energy crisis may not threaten our evaluation significantly.)

Also challenging our planned evaluation of the newest legal change is a law which became effective in January 1979 banning nonreturnable glass or metal beer containers (in addition to soft drink containers). The returnable bottle and can law introduced a deposit charge for all off-premise beer containers at the point of retail sale. This has had the effect of raising the retail price of bottled or canned beer, which will probably reduce consumption by the economically disadvantaged, a status that usually includes youth. Thus with on-premise consumption again unavailable and the supply of illicit packaged beer made more expensive, a reduction in beer consumption by 18- to 20-year-olds might not be due entirely to the higher drinking age. Fortunately, the returnable bottle law is not age-specific to youth. The analyses, however, will require new design features to control for the concurrent changes in legal and price availability.

This situation is to be expected with applied research. Good research should produce new and more challenging research questions. The dynamics of alcohol problems and alcohol availability will certainly provide research problems for many years to come.

---

[13] Gov. op. cit., p. 51.

CHAR

Alaska Cabaret, Hotel & Restaurant Association

P.O. BOX 4-1260 • ANCHORAGE, ALASKA 99509
PHONE: 272-4032

April 22, 1982

Sen. Charles Parr
State Capitol
Pouch V
Juneau, Alaska 99811

Good Morning, Charlie:

The Alaska Cabaret, Hotel and Restaurant Association and its membership is very much concerned about new pressures to change the 19 year old drinking age. The age of young adults in Alaska permits:

1) Legal voting at 18
2) Legal subpoena for jury duty at 18
3) Legal to make binding contracts at 18
4) Legal driving license at 18
5) Legal driving license at 16 with parents consent
6) Legaly classed as adult at 16 under new criminal code
7) In March of this year, the Anchorage Crime Commission went on record recommending lowering the age of majority to 16.

All these ages indicate the majority of people believe in the worth and decision making ability of our young adults.

The restaurant industry is the "first-job" for many of our young adults.....dishwashers, waiters, waitress'. In my own Hotel/Restaurant approximately 30 young adults are employed as their first-job each year. Any change in the drinking age would prohibit most of these young adults being employed for the two-year period. On a state-wide basis, this would adversely affect a large number of young adults.

The young adults in our cities and communities are good and productive citizens. As parents, employers and legislators, the young adults deserve our support and encouragement. However, there may be the 5% that create a bad name for the 95% of young adults that are good and law abiding. We believe that strict enforcement of existing laws, cooperation with law enforcement agencies and the judicial system will pave the way toward solving problems created by the 5 per cent.

You will be pleased to learn that since the March 25th Legislative Dinner where CHAR formally announced the beverage industry leadership committment, CHAR leadership has had meetings with the State Coordinator of Alcohol Programs, the ABC Director and the Alaska State Troopers, as a first step to more actively enforce existing State laws, including not serving minors. Further, a work session for police management personnel and CHAR leaders has been scheduled June 11th at the Alaska Police Chiefs Convention to coordinate enforcement of State liquor laws, particularly by the industry.

CHAR

Alaska Cabaret, Hotel & Restaurant Association

P.O. BOX 4-1260 • ANCHORAGE, ALASKA 99509
PHONE: 272-4032

We believe positively in the young adults of our State. We believe that the beverage industry's committment to education and enforcement will positively influence and reduce the 5 per cent.

We request your support in maintaining the legal drinking age at 19.

Sincerely

Alaska Cabaret, Hotel and Restaurant Association

Bob Cramer

Robert W. Cramer, Pres.

RWC/fc

HB
154

STATE OF ALASKA
ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

REPLY TO:

☑ 610 C STREET, SUITE 211
ANCHORAGE, ALASKA 99501-3598
(907) 276-4176

☐ JUNEAU BRANCH OFFICE
POUCH CO
JUNEAU, ALASKA 99811-0222
(907) 465-4864

March 31, 1982

The Honorable Pat Rodey
Chairman, Judiciary Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Rodey:

Shari Holmes, Chairman of the Alaska Public Offices Commission, and I have reviewed Dick Bradley's memorandum of March 18, 1982, concerning changes to AS 39.50, the Conflict of Interest Law, as proposed in SCS CSHB 154(SA). The numbered comments which follow correspond to the numbers in Mr. Bradley's memo.

(1) Deletion of the phrase "at the time the municipal officer becomes a candidate" -- the timelines under which an individual who becomes a candidate for State elective office must file the Conflict of Interest Statement are set out in lines 17 through 28 on page 1 of SCS CSHB 154(SA). The reference on page 2, line 7, is now necessary only to indicate that a Statement on file at a municipality does not satisfy the requirements that candidates for State elective office have a Statement on file with the Commission. To leave in the phrase underlined above would set a different time standard for those who were municipal officers becoming State elective candidates from that provided for those who were not municipal officers.

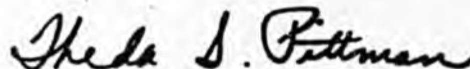
(2) Mr. Bradley is correct about the reference to "a spouse" on page 4, line 18. This can be fixed by making line 18 read as follows: "year by the public official or candidate, the spouse or [HIM, A] dependent"

(3) Mr. Bradley is also correct about the fact that AS 39.50.030(b)(9) as proposed on page 4, line 27, is incomplete. The initial suggestion out of Senate State Affairs which prompted the addition was that items such as limited entry fishing permits and liquor licenses ought to be required to be disclosed in light of their substantial value. A call to the Limited Entry Commission indicated that those permits are held only by individuals; however, liquor licenses are often held by partnerships or corporations. Language requiring that "any other asset or liability valued at over $5,000 owned by the public official or candidate, the spouse or dependent child of the public official or candidate or a partnership or professional corporation of which the public official or candidate is a member, or a corporation in which the public official

or candidate or the spouse or the children of the public official or candidate, or a combination of them, hold a controlling interest." would appear to go substantially beyond what was intended in the original suggestion. If the Committee desires to pursue the more limited suggestion made in State Affairs, perhaps Mr. Bradley can assist with appropriate language.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



THEDA S. PITTMAN
Executive Director

TSP/mab

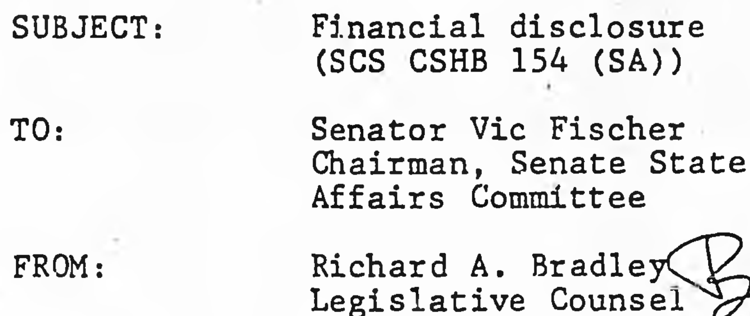
cc: APOC Members
Richard Bradley, Legislative Counsel

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M   March 18, 1982



SUBJECT: Financial disclosure
(SCS CSHB 154 (SA))

TO: Senator Vic Fischer
Chairman, Senate State
Affairs Committee

FROM: Richard A. Bradley
Legislative Counsel

The committee substitute for HB 154 requested has been delivered.

The bill was reviewed quickly and prepared for delivery at a time when we were not able to give the bill a better review; because of this situation, I believe that some comments on the bill that has been delivered to you are appropriate.

(1) I believe that the deletion of the phrase "at the time the municipal officer becomes a candidate" on page 2, line 7 of the bill introduces an element of uncertainty into the bill; as a general rule, if an individual is required to do something on the pain of sanction, the time at which the event must occur is significant and should be stated in the law.

(2) The phrase "a spouse" added to paragraph (8) on page 4, line 18 of the bill is unmodified unlike the similar phrase at, for example, page 4 line 8. As such, it is impossible to determine with certainty whose spouse is involved.

(3) Finally, AS 39.50.030(b)(9) is incomplete. Note that there is essentially no pattern to the requirements for disclosure in sec. 30(b); if there were, the pattern might be available to supply the ommissions in (9). The assets of "mother and father" are required to be disclosed under sec. 30(8) but not otherwise. In some cases assets of

"nondependent child(ren) who is living with the public official or candidate" are required to be disclosed [e.g., sec. 30(7)]; more usually it is not. In some cases the assets of a professional corporation in which the public official or candidate is associated are required to be disclosed; does "any other asset or liability" of a professional corporation involved need to be reported?

I regret that these questions were not called to your attention earlier.

RAB:ljb

HB

155

COMMITTEE REPORT

SENATE

FURTHER: ~~Judiciary~~

4/2/81

Date: May 19, 1982

Mr. President:

The Committee on ~~STATE AFFAIRS~~ Jud has had CSHB 155(SA) am

legislative procedures

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 SCS for CSHB 155 (Jud) [ ] same title [X] 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

[signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

[signature] [signature]

[signature]

CHAIRMAN

FILE

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM May 19, 1982

SUBJECT: Advisory votes
(SCS HB 155 (Judiciary))

TO: Senator Patrick M. Rodey
Chairman, Senate Judiciary Committee

FROM: Tamara Brandt Cook
Legislative Counsel
TBC

Here is a draft of the bill you requested incorporating material from SCS HB 633 (HESS) and adding a provision calling for an advisory vote on whether the legislature should enact laws raising the minimum age for voting in state and local elections to 21 years.

Please note that, despite the outcome of the advisory vote, the legislature may not constitutionally raise the voting age. In Oregon v. Mitchell, 400 U.S. 112, 27 L.Ed.2d 272 (1970) the United States Supreme Court invalidated that portion of a federal statute that lowered the voting age to 18 for state and local elections while upholding the power of Congress to lower the voting age for federal elections. After that decision, the Twenty-Sixth Amendment to the United States Constitution was enacted lowering the minimum age for voting in all elections to 18.

Under the Twenty-Sixth Amendment the right of citizens of the United States who are 18 years of age or older to vote shall not be denied or abridged by the United States or by any state on account of age. Colorado Project-Common Cause v. Anderson, 495 P.2d 220 (Colorado 1972); Gaunt v. Brown, 341 F.Supp. 1187 (S.D. Ohio 1972), aff'd., 409 U.S. 809, 34 L.Ed.2d 71 (1972).

TBC:ljb

Enclosure

Article V

Suffrage and Elections

Section 1. Qualified Voters. Every citizen of the United States who is at least eighteen years of age, who meets registration residency requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, a thirty day resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions. [Amendment approved August 23, 1966; amendments approved August 25, 1970; amendment effective October 14, 1972]

Cross reference. — As to voter qualification for presidential election, see AS 15.05.012.

Effect of amendments. — The amendment, approved August 23, 1966 (4th Legislature's SJR 1), substituted "A voter" for "He" at the beginning of the second sentence, inserted the exception in that sentence and substituted "A voter" for "He" at the beginning of a former third sentence, which was deleted by a 1970 amendment.

The first amendment, approved August 25, 1970 (6th Legislature's HJR 7), substituted "eighteen" for "nineteen" in the first sentence.

The second amendment, approved August 25, 1970 (6th Legislature's HJR 51 am S), deleted a former third sentence which read: "A voter shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability."

The amendment approved August 22, 1972 (7th Legislature's HJR 126 am S) inserted "residency" in the first sentence and substituted "thirty day resident" for "for one year a resident of Alaska and for thirty days a resident" in the second sentence.

Legislative committee reports. — For report on House Joint Resolution No. 7, SLA 1969, see 1969 House Journal, p. 443. For report on House Joint Resolution No. 51, SLA 1970 (HJR 51 am S), see 1970 House Journal, p. 130.

Legislative intent. — The legislature must have intended that the point of measurement for qualifications other than those of residence be the same as set out in the constitution; that is, the same as the requirements for residence. 1960 Op. Att'y Gen., No. 21.

Aliens excluded from voting in state elections. — Under express language of this section, aliens are excluded from voting in the State of Alaska. Park v. State, Sup. Ct. Op. No. 1100 (File No. 2307), 528 P.2d 785 (1974).

Since section limits privilege to United States citizens. — The plain meaning of the language of this section limits the voting privilege to citizens of the United States. Park v. State, Sup. Ct. Op. No. 1100 (File No. 2307), 528 P.2d 785 (1974).

Such limitation does not conflict with Alaska Const., art. I, § 1. — Limiting the voting privilege to citizens of the United States does not conflict with the equal protection clause of Alaska Const., art. I, § 1. Park v. State, Sup. Ct. Op. No. 1100 (File No. 2307), 528 P.2d 785 (1974).

It must be assumed that the drafters of our constitution considered that the qualifications for voting stated in this section did not create a classification prohibited by the Declaration of Rights in Alaska Const., art. I, § 1, as the provisions were adopted concurrently. Park v. State, Sup. Ct. Op. No. 1100 (File No. 2307), 528 P.2d 785 (1974).

The federal constitution does not invalidate this section. Park v. State, Sup. Ct. Op. No. 1100 (File No. 2307), 528 P.2d 785 (1974).

The equal protection clause of the 14th Amendment to the United States Constitution does not guarantee state

voting rights for aliens. Park v. State, Sup. Ct. Op. No. 1100 (File No. 2307), 528 P.2d 785 (1974).

It is basic to democratic society that the people be afforded the opportunity of expressing their will on the multitudinous issues which confront them. Boucher v. Bomhoff, Sup. Ct. Op. No. 775 (File No. 1487), 495 P.2d 77 (1972).

Exclusion of nonproperty owners from bond elections. — The provisions of a state constitution and statutes which exclude nonproperty owners from elections for the approval of the issuance of general obligation bonds violate the Equal Protection Clause of the United States Constitution. City of Phoenix v. Kolodziejski, 399 U.S. 204, 90 S. Ct. 1990, 26 L. Ed. 2d 523, 38 U.S.L.W. 4596 (1970).

The decision in the above case will apply only to authorizations for general obligation bonds which are not final as of June 23, 1970, the date of that decision. In the case of states authorizing challenges to bond elections within a definite period, all elections held prior to the date of that decision will not be affected by the decision unless a challenge on the grounds sustained by the decision has been or is brought within the period specified by state law. City of Phoenix v. Kolodziejski, 399 U.S. 204, 90 S. Ct. 1990, 26 L. Ed. 2d 523, 38 U.S.L.W. 4596 (1970).

Nonresident property owner may not vote. — The second sentence of this section leaves no room for broadening the qualifications to permit a nonresident property owner to vote. Turkington v. City of Kachemak, Sup. Ct. Op. No. 141 (File No. 177), 380 P.2d 593 (1963).

There is no constitutional requirement of precinct residency, and there is clear statutory authorization for persons claiming to be registered voters to vote a questioned ballot if there is no evidence of registration in the precinct in which the voter seeks to vote. Hammond v. Hickel, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4291, 4284, 4285), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1998, 60 L. Ed. 2d 376 (1979).

Cross-precinct voting authorized by statute. — Cross-precinct voting, which occurs when a voter registered in one precinct votes a questioned ballot in a different precinct in the same election district, is authorized by statute. Hammond v. Hickel, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4291, 4284, 4285), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1998, 60 L. Ed. 2d 376 (1979).

Waiver of challenges to cross-district voting. — Challenges to the validity of cross-district voting, which occurs when a voter registered in one district casts a questioned ballot in a different district, are waived if not raised before the ballots are separated and commingled. Hammond v. Hickel, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4291, 4284, 4285), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1998, 60 L. Ed. 2d 376 (1979).

Time for determining residence of voter. — Any attempt to determine the eligibility of a voter as to residence (1) in the state and (2) in the election district, at any time other than the date of the election, would be unconstitutional. 1960 Op. Att'y Gen., No. 21.

Section precludes banning of write-in votes. — This section of the constitution, holding that citizens who meet certain requirements may vote is one of the provisions that would preclude the banning of write-in votes. The other is Alaska Const., art. I, § 2 which states that government originates with the people and is founded on their will. 1963 Op. Att'y Gen., No. 30.

Pre-registration not required for borough election. — Any Alaskan qualified to vote under this section may also vote in a borough election without pre-registering. 1965 Op. Att'y Gen., No. 9.

Stated in Green v. State, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

Cited in Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 2. Disqualifications. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Cross reference. — As to disqualification for felony conviction, see AS 15.05.030.

Quoted in Green v. State, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

Section 3. Methods of Voting; Election Contests. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

Cross reference. — As to election contests, see AS 15.20.540 et seq. and note thereto.

Legislative power to enact method of determining whether act and initiative are substantially same. — This section and Alaska Const., art. XI, § 4, and art. XII, § 11, when read in harmony, give the legislature the power to enact a method of determining whether an act and an initiative are "substantially the same," as used in Alaska Const., art. XI, § 4. Warren v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

No provision for contest of local elections. — The legislature has not fully implemented this provision by providing for the contest of local elections. Turkington v. City of Kachemak, Sup. Ct. Op. No. 141 (File No. 177), 380 P.2d 593 (1963); Dale v. Greater Anchorage Area Borough, Sup. Ct. Op. No. 476 (File No. 965), 439 P.2d 790 (1968).

But this is not of grave consequence. — The fact that the legislature may not have specifically provided for any preliminary administrative determination of local election contests before resort could be had to the courts is not of grave consequence. Turkington v. City of Kachemak, Sup. Ct. Op. No. 141 (File No. 177), 380 P.2d 593 (1963).

As following procedure for contesting state elections is reasonable. — No procedure having been prescribed by the legislature for getting local election contests before the courts, following the procedure for contesting state elections is a reasonable method of getting the matter before the court, and the juridiction of the court to hear the matter is recognized by the constitution. Turkington v. City of Kachemak, Sup. Ct. Op. No. 141 (File No. 177), 380 P.2d 593 (1963).

The legislature may provide by law for appeal to the courts to decide election contests involving members of the legislature or Congress. March 29, 1963, Op. Att'y Gen.

But the legislature is the sole judge of the election qualifications of its members. March 29, 1963, Op. Att'y Gen.

Which power is not limited by power to provide for additional grounds of appeal to courts. — The power to provide for additional grounds upon which to base an appeal to the courts in no way limits the legislature's constitutional power to be the sole judge of the election and qualifications of its members. March 29, 1963 Op. Att'y Gen.

Designation of particular seats in house of representatives. — The legislature has no power to designate particular seats in the house of representatives to which candidates must seek nomination and election. Likewise, there is nothing in the constitution to indicate that the advisory reapportionment board or the governor has the power to so designate the seats. 1961 Op. Att'y Gen., No. 20.

Statutory requirement that a candidate's designation of treasurer be filed by a specified due date is not constitutionally unreasonable. Silides v. Thomas, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Section 4. Voting Precincts; Registration. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

There is no constitutional provision which prohibits the requirement of registration prior to exercising the right to vote. United States v. Bowden, 11 Alaska 503, 166 F.2d 701 (9th Cir. 1948).

Section 5. General Elections. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

Revisor's note. — Exercising its authority under this section, the legislature has provided that the date of general elections is the Tuesday after the first Monday in November in every even-numbered year. See AS 15.15.020.

Article VI

Legislative Apportionment

Section 1. Election Districts. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Cross references. — For current (1974-1980) description of election districts, see note following section 3, article XIV of this constitution.

The legislature may not break election districts down into wards or subdistricts. 1961 Op. Att'y Gen., No. 20.

For current election districts, see note following section 1 of Article XIV of this constitution.

Section 2. Senate Districts. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Cross references. — See note to Alaska Const., art. XIV.

For current (1974-1980) description of election districts see note following section 3, Article XIV of this constitution.

See notes on redistricting under section 6, Article VI of this constitution.

Senate must be apportioned according to population. — Since the adoption of the Alaska Constitution in 1956 the United States supreme court has ruled that both houses of a state legislature must be apportioned according to population. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Reapportionment of senate must be similar to reapportionment of house. — Although no provision comparable to this article governs reapportionment of the senate, the supreme court has held that the senate, too, must be reapportioned similarly to the house of representatives in order to conform to constitutional requirements imposed by the United States supreme court. Groh v. Egan, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Intent of constitutional convention as to reapportionment of senate. — See Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The senate was unconstitutionally apportioned. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

An analysis of the Alaska legislature's apportionment indicated that the senate was not then apportioned on a population basis within the meaning of the United States supreme court's reapportionment rulings. 1964 Op. Att'y Gen., No. 4.

And this affected entire legislative apportionment system. — A court can declare Alaska's entire legislative apportionment system unconstitutional on the ground that the senate's apportionment is invalid 1964 Op. Att'y Gen., No. 4.

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declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as acting President.

§ 4. **Declaration of President's disability by Vice President and other officers; determination of issue.** Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as acting President; otherwise, the President shall resume the powers and duties of his office.[33]

ARTICLE XXVI.

§ 1. **Voting by persons eighteen years of age.** The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

§ 2. **Power to enforce article.** The Congress shall have power to enforce this article by appropriate legislation.[34]

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33. Proposed by Congress on July 6, 1965, and declared ratified on February 23, 1967.
34. Proposed by Congress on March 23, 1971, and declared ratified on July 5, 1971.

The Constitutio

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ARTICLE
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II The Legislature
III The Executive
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V Suffrage and El
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VII Health, Educati
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HB

156

CSHB 156 "An Act relating to legislative contracts."

Jan Bomhoff suggests the following amendment:

page 2, lines 10-11: after the word "required", delete the language through the words "prior work".

She believes the language is too loose. It would, therefore, read:

(1) there is a single source of the expertise or knowledge required; however, this exemption from a request for proposals applies only when a legislative committee by vote of the majority of the members of the committee has approved the exemption and a written justification signed by the person responsible for awarding the contract which details the reasons for the exemption is filed with the Legislative Affairs Agency as a public record. Any proposed contract to be awarded under this exemption must also be approved by the committee before it is valid; or

(Jan Bomhoff, Free Committee)

May 22, 1981

(d) Votes required to be conducted under (c) of this section may be conducted by teleconference. (§ 1 ch 170 SLA 1980)

Cross references. — For the 1980 special appropriation to the reserve for emergency operating expenses account, see Chapter 171, SLA 1980, in the Temporary and Special Acts binder.

Article 4. Uniform Purchasing.

Section
230. Competitive bids

Sec. 37.05.230. Competitive bids. In the manner provided in AS 37.05.010 — 37.05.330 and rules and regulations established under it

(1) a contract for construction and repairs, or a purchase of and contract for supplies, materials, equipment, and contractual services must be based on competitive bids; an award shall be made to the lowest responsible bidder after advertising for bids, except that (A) Repealed by § 2 ch 92 SLA 1967; (B) a bid shall be awarded to an Alaska bidder if his bid is not more than five per cent higher than the lowest nonresident bidder's; and (C) competitive bids need not be required (i) for contractual services where no competition exists; (ii) for sales involving fair trade items; (iii) when, in the judgment of the purchasing agent, food, clothing, or medical supplies, or materials for use in laboratory and experimental studies may be purchased otherwise to the best advantage of the state; (iv) where rates are fixed by law or ordinance; (v) for items traded in on like items; or (vi) for professional services;

(2) if the amount of the contractual services, purchase, or sale is estimated to exceed $2,500 sealed bids shall be solicited, when practicable, by publication in a newspaper calculated to reach prospective bidders and by posting notices in public places within the area where the work is to be performed or material furnished and in addition the department may also designate a trade journal for publication; the department shall also solicit bids by sending notices by mail to all active prospective bidders known to it and all bids shall be sealed when received, and shall be opened in public at the hour stated in the notice; the department may negotiate directly if it finds that it is in the best interests of the state;

(3) a contractual service, purchase or sale where the known requirements are estimated to be less than $2,500 may be made either upon competitive bids in accordance with (2) of this section or in the open market, in the discretion of the department; but, so far as practicable, shall be based on at least three competitive bids and recorded as provided in AS 37.05.240; small purchases of less than $300 in the discretion of the department may be made on the open market, and may be by cash payment from petty cash accounts set aside for that purpose;

the department shall determine the amount of the petty cash accounts needed by each state agency, and inspect the petty cash accounts at least once each year to determine that the total plus amounts of receipts for unreplenished disbursements is equal to the fixed sum of cash set aside; shortages in petty cash accounts are a personal liability of the responsible head of the agency to whom the account is set aside; the department shall make all necessary rules and regulations governing use and replenishment of petty cash funds;

(4) the provisions of this section relative to competitive bids do not apply to contracts for the operation of transportation systems for students to and from the schools within the state, as are authorized under AS 14.09.010; and these contracts may be awarded by bid or negotiation and, at the discretion of the Board of Education, may be awarded for periods of three years or less;

(5) an "Alaska bidder," for the purpose of bid awards under (1) (B) of this section, is a person who

(A) holds a current Alaska business license,

(B) submits a bid for goods or services under the name as appearing on his current Alaska business license,

(C) has maintained a place of business within the state for a period of six months immediately preceding the date of his bid.

(6) the competitive bid requirements of this section do not apply to air taxi services used by state employees when no formal contract is executed; the department affected shall pay the air taxi operator the tariff rates as published by him with the Air Transportation Commission for the type of aircraft required; the tariffs need not be uniform throughout the state and may reflect the diverse conditions of various areas of the state; the air taxi service used in each case shall be selected by the state employee who is to fly in the aircraft, or if more than one state employee is flying in the aircraft by the employee in charge; in all cases the air taxi operator shall have complied with AS 02.05.010 — 02.05.260 and other prequalifying regulations established by the department.

(7) the provisions of this section relative to an "Alaska bidder" do not apply to contracts estimated to exceed $5,000, of either the Department of Transportation and Public Facilities, which are authorized under AS 35.15.010 — 35.15.120, or the Department of Highways, which are authorized under AS 19.10.010 — 19.10.280.

(8) the provisions of this section relative to competitive bids do not apply to the purchase of products or services manufactured or provided by a sheltered workshop. (§ 3 art IV ch 82 SLA 1955; am §§ 8 — 10, 23 ch 186 SLA 1957; am § 1 ch 77 SLA 1959; am § 1 ch 158 SLA 1962; am § 1 ch 82 SLA 1964; am §§ 1, 2 ch 92 SLA 1967; am § 1 ch 61 SLA 1970; am § 1 ch 92 SLA 1975; am §§ 1, 2 ch 194 SLA 1975)

May 22, 1981

Committe discussion of CSHB 156

Senator Parr: Mr. Chairmen, do you know why the ombudsman's office is exempted from this bill?

Patty Moriarity(Deputy Ombudsman): I believe Senator Parr just asked why the Ombudsman's office was exempted from this bill, that essentially provides procedures for legislative agencies when they're contracting. We are a legislative agency, but a concept of an Ombudsman requires a great degree of independence from the legislative as well as executive branch. That's the reason for the exemption, also the provisions for the approval of legislative contracts are outside of the scope of approval of the Ombudsman. Legislative Affairs contracts _______ legislative finance for legislative audit, budget and audit committee. There isn't really any place for the Ombudsman to go for approval of our contracts, so the bill provides that we adopt regulations to establish procedures.

Senator Parr: I guess my question was if the Ombudsman is going to conduct a special investigation, we are going to hire somebody to do it. Whether you shouldn't also solicit the ___. I guess that's the question. Page 2, line 20 I wonder if that isn't the intent of that procedure.

Patty Moriarity: Page 2, line 20 does exempt us from requesting proposals.

Senator Parr: That's my question, why.

Patty Moriarity: There's two things to understand with regard to this section. When we need an investigator to do some kind of a special investigation, chances are there is going to be an employer, employee relationship between that person and the Ombudsman so we wouldn't hire them on a contract, we would hire them as a non-permanent project employee or an emergency employee. I can only think of one case in the last 6 years where we contracted for an investigator. That case the complaint concerned a state employee who was a friend of virtually everyone on staff and it was essential that we have someone else investigate the complaint, and in that case there was no employer, employee relationship. We went out to find a very impartial investigator who could be trusted to do that investigation.

Senator Parr: I presume that the bill is before us because of some complaints that have occurred. One legislator letting his contracts out with no competetive bidding and so forth, I guess with all due respect to Mr. Flavin and his successor, both of whom I have a great deal of respect for, I don't know that any Ombudsman is any more liable, trustworthy, can get by without scrutiny or procedures any better than any single legislator can. It's just that simple. If I, as the chairman of a committee in the Senate, wish to issue a contract, I have to to through and get competitive bids, it appears that the Ombudsman should have to get competitive bids too. It's that simple.

Patty Moriarity: Mr Chairman, I believe that only exempts requesting for proposals for investigators. It doesn't exempt any of our other contracts. It's just that there isn't any other place for us to get them approved. We can't go through the executive branch system and the council on budget and audit committee traditionally

Senator Parr: I didn't suggest about you getting them approved. I assume the Ombudsman will choose ______________________________

Senator Ray: It's obvious. The Ombudsman is not a part of the legislature. This just deals with legislative contracts. I think we should strike all reference to the Ombudsman from any part of it. Although I do agree with you that we should put in some place that if the Ombudsman is going to do that, maybe we should amend the Ombudsman's act to provide them to do certain things.

Senator Rodey: There are a number of agencies, for example the Ombudsman's office, the Code Revision Commission, the Blue Ribbon Commission, agencies which are attached to the legislature financially but may have little practical connection with the legislature.

Senator Ray: The only practical relationship they have is through the appropriation process.

Senator Rodey: Are there any more questions on HB156, if not I would like to lay it on the table and take up HB89.

Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

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Juneau, Alaska 99811

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March 4, 1981 - Wednesday - 3:00   Reel #641-10: 0017-1398

Agenda: Reform Bills:

HCR 3 (Amendment to Uniform Rules)
HB 153 (Leg. Comm. on Govt. Ethics)
HB 154 (Financial Disclosure
HB 155 (Legislative Procedures)
HB 156 (Legislative Contracts)

Testifying: Rep. Jim Duncan, Speaker of the House
Rep. Terry Gardiner
Rep. Hugh Malone
Rep. Freeman
Rep. Miller
Frank Flavin, Ombudsman, State of Alaska
Paula Ziegler, State Board, League of Women Voters

The meeting was called to order by Chairman Miller.

All members were present.

Chairman Miller reviewed the order of testimony from the witnesses.

Speaker Jim Duncan was called to give an overview of the entire legislative reform package. He presented a general support statement for legislative reform, saying that it is a good, responsible response to public legislative concerns and criticism.

HB 154

Rep. Gardiner was called to testify. He stated the reason for the bill as being that of proposing additions to existing rules.

HB 153

Rep. Russ Meekins was called to testify, saying this bill hoped to eliminate improper conduct. He urged the Committee to take a close look at an ethics commission, and presented a copy of amendments. Discussion followed.

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HB 156

Rep. Hugh Malone testified, saying the bill was designed to set out procedures for handling of concracts. ~~Discussion centered around the witness oath which had been tried that evening.~~

HCR 3

Rep. Freeman testified, saying he felt this resolution was the most important in the entire package.

HB 155

Chairman Miller spoke in favor of this bill, saying that it enforces uniformity of taking minutes and testimony. It reviews the guidelines for committees regarding tapes, logs, roll call, summary of testimony, and oath-taking.

HB 153

Frank Flavin, Ombudsman for the State of Alaska, reviewed a report done by his office on ethics commissions in other states--specifically in Hawaii and Wisconsin. Of concern to him was the composition of the proposed commission, as well as its functions.

Paula Ziegler, representing the State Board of League of Women Voters, gave the background of the League's position on legislative reform. She said it is gratifying to see action taken by the legislators themselves and reported the League's views on HCR 3, HB 155, and HB 156.

Chairman Miller adjourned the meeting at 9:30 p.m.

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House of Representatives

Committee on State Affairs

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March 7, 1981 - Saturday - 10:00 Reel #641-13: 0040-1468

Agenda: Reform Bills Markup

Testifying: Rich Lastowski, Chairman, APOC

The meeting was called to order by Chairman Miller.

Members present were Rep. Abood, and Rep. Brown. Absent were Rep. Cuddy, and Rep. Fuller.

Chairman Miller's recommendation was to move the bills out, and ask the Rules Committee to hold additional teleconference hearings, if necessary, for those wishing to testify.

<u>HB 153</u>

Rich Lastowski, Chairman of the APOC, commented that, administratively, it does not have a position on the bill. It does not matter where an ethics commission is placed; they are pleased that the Legislature is looking into this kind of legislation. Their primary concern is that a commission be given an adequate enough budget to do the job, and adequate staff.

<u>HB 156</u>

The bill was reviewed, and several amendments were suggested. Among the changes was one brought up by Frank Flavin--adding a section requiring the Ombudsman's Office to adopt contracting regulations consistent with HB 156. Chairman Miller suggested he work with Admin. Assistant Jeff Petrich on appropriate language, and supply an amendment for the Committee to review.

Rep. Brown moved that a conceptual amendment be put in regarding "responsible committee".

There were no objections, and the motion was approved.

Rep. Brown moved to draft a section regarding piggybacking of contracts that would violate HB 156. It was decided to present the problem to the drafters and let them come up with a language solution.

There were no objections to the motion.

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HB 154

Jeff Petrich referred to the suggestion made by Rep. Gardiner at the Wednesday evening session, to broaden the term lobbyist to include staff, etc., or add contractual relationship.

Rep. Brown moved to add a new section (subsection 12) to cover this concern.

There were no objections, and the motion passed.

Rep. Brown moved to add to subsection A, or let the drafters decide whether to add a new subsection like A, with the language "in excess of $100.00 from a partnership or candidate.

There wer no objections, and the motion passed.

Rep. Brown moved to have subsection C or D amended to include new language--"in excess of $100.00 from a corporation, over 50% of the stock of which is owned by the public official."

There were no objections, and the motion was approved.

Chairman Miller adjourned the meeting at 12:15.