

ALABAMA LEGISLATURE COMMITTEE ON GOVERNMENT 1903-1904

3088

SSA

HB 17

8672

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis

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

Phone: 277-8638

Date: 3/15/83

Approved by Commissioner: Robert D. Heath  
 Department: Revenue

Date: 3/30/83

Distribution:

- Original to Legislative Finance
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Fiscal Note  
CSHB17(Jud)am

The following items are noted for possible further clarification:

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

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

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

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

Vic:

June 23, 1983

Backup for HB 17

Four amendments have been introduced on the floor for HB 17. Amendment #1 is Josephson's wind-in amendment adopted by the Senate June 21, 1983

Amendment #2 is being proposed by Tim Kelly to enable those over the age of 19 to work in alcohol establishments.

Amendment #3 (Fahrenkamp) would allow 19 and 20 year olds to purchase and consume alcohol on premises, but not purchase alcohol from package stores.

Amendment #4 (Fahrenkamp) would enable 19 and 20 year olds to work in licensed premises serving, mixing, delivering, or dispensing alcohol.

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Attached is: An explanation of Fahrenkamp's amendments.

A marked copy of the bill.

A copy of each of the amendments.

AMENDMENT 1 SENATE CS FOR CS FOR HB NO. 17 (JUD)

Offered by  
Senator Fahrenkamp

The amendment<sup>1</sup> will allow 19 and 20 year olds to purchase and consume alcoholic beverages on licensed premises excluding package stores and other take-out types of premises.

The rationale is that the compelling concern with a 19 year old drinking age law is that it places alcohol closer to younger people. The amendment recognizes this very real concern by restricting the taking of alcoholic beverages from licensed premises by 19 and 20 year olds. If you can't take it away, you can't give it to your younger friends.

It would leave in place the criminal affects for furnishing alcohol to minors under the age of 19.

A second logical conforming amendment<sup>2</sup> will allow 19 and 20 year olds to work in licensed premises and enable them to serve, mix, deliver or dispense.

The current Judiciary version does not allow this. However, if Amendment #1 is adopted, it becomes ludicrous to allow 19 and 20 year olds to drink on the licensed premises but not be able to sell drinks.

All references to 21 have been dropped as the drinking age is effectively 19 except for the purpose of purchasing to take-away.

It continues all criminal penalties for furnishing liquor to those under 21 by package store licenses.

1- AMENDMENT # 3

2 AMENDMENT # 4

Offered: 6/9/83  
Referred: Rules

Original sponsors: Martin, M.W. Miller,  
M.M. Miller, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 17 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act authorizing an advisory vote on the drinking  
7 age; raising the drinking age to 21; allowing employ-  
8 ment of certain minors in licensed premises; and  
9 amending other provisions of law relating to the  
10 drinking age."

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

12 \* Section 1. AS 04.11.090(f) is amended to read:

13 (f) The area designated as the licensed premises under a beverage  
14 age dispensary license issued to a bowling alley may include the  
15 concourse or lane areas of the bowling alley. Notwithstanding AS 04.  
16 16.049, the board may, upon application, authorize access by persons  
17 under 21 [19] years of age to the concourse or lane areas designated  
18 part of the bowling alley's licensed premises during hours when no  
19 alcoholic beverages are being sold, served, or consumed.

20 \* Sec. 2. AS 04.11.110(g) is amended to read:

21 (g) Notwithstanding AS 04.16.049, the board may authorize access  
22 by persons under 21 [19] years of age to a club's licensed premises  
23 during hours when no alcoholic beverages are sold, served, or con-  
24 sumed.

25 \* Sec. 3. AS 04.11.460(c) is amended to read:

26 (c) For the purposes of this section, "permanent resident" means  
27 a person 21 [19] years of age or older who has established a permanent  
28 place of abode.

29 \* SEC. 1.

~~Sec. 4~~ AS 04.16.049(a) is repealed and reenacted to read:

- ~~—~~ = AMENDMENT # 3 (FAHRENKAMP)
- ~~—~~ = AMENDMENT # 4 - (FAHRENKAMP)
- ~~—~~ = AMENDMENT # 2 - (TIM KELLY)

AMENDMENT # 1 (JOSEPHSON)  
(WIND-IN)  
SC3 CSHB 17(Jud)

1 (a) A person under the age of <sup>19</sup>~~21~~ years may not knowingly enter  
2 or remain in premises licensed under this title unless

3 (1) accompanied by a parent, guardian or spouse who has  
4 attained the age of <sup>19</sup>~~21~~ years;

5 (2) the person is at least 16 years of age, the premises  
6 are designated by the board as a restaurant for the purposes of this  
7 section, and the person enters and remains only for dining; or

8 (3) the person is under the age of 16 years, is accompanied  
9 by a person over the age of <sup>19</sup>~~21~~ years, the parent or guardian of the  
10 underaged person consents, the premises are designated by the board as  
11 a restaurant for the purposes of this section, and the person enters  
12 and remains only for dining.

13 \* Sec. 5. AS 04.16.049(b) is amended to read:

14 (b) Notwithstanding (a) of this section, a licensee or an [,  
15 HIS] agent [,] or ~~an~~ employee of the licensee may refuse entry to a  
16 person under the age of ~~21~~ [19] years to that part of licensed prem-  
17 ises in which alcoholic beverages are sold, served, or consumed, may  
18 refuse service to a person under the age of 21 [19] years, or may  
19 require a person under the age of 21 [19] years to leave the portion  
20 of the licensed premises in which alcoholic beverages are sold, serv-  
21 ed, or consumed.

\* SEC. 2.

\* ~~Sec. 6.~~ AS 04.16.049(c) is amended to read:

23 (c) Notwithstanding any other provision in this section, a  
24 person between 16 and 19 years of age may enter and remain within the  
25 licensed premises of a hotel, restaurant, or eating place in the  
26 course of [HIS] employment if (1) the employment does not involve the  
27 serving, mixing, delivering, or dispensing of alcoholic beverages; (2)  
28 the person has the written consent of a parent or guardian; and (3)  
29 an exemption from the prohibition of AS 23.10.355 is granted by the

1 Department of Labor. The board, with the approval of the governing  
2 body having jurisdiction and at the licensee's request, shall desig-  
3 nate which premises are hotels, restaurants, or eating places for the  
4 purposes of this subsection.

\* SEC. 3

5 \* ~~Sec. 7.~~ AS 04.16.049 is amended by adding a new subsection to read:

6 (d) Notwithstanding any other provision in this section, a  
7 person <sup>0220</sup> 19 years of age or older may be employed within the licensed  
8 premises of a hotel, restaurant or eating place, may enter and remain  
9 within those premises for the purpose of employment. <sup>AND MAY</sup> ~~[but may not]~~ in  
10 the course of employment, sell, serve, deliver or dispense alcoholic  
11 beverages.

12 \* ~~Sec. 8. AS 04.16.050 is amended to read:~~

13 ~~Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE~~  
14 ~~AGE OF 21 [19]. A person under the age of 21 [19] years may not~~  
15 ~~knowingly consume, possess, or control alcoholic beverages except~~  
16 ~~those furnished persons under AS 04.16.051(b).~~

17 \* ~~Sec. 9. AS 04.16.051(a) is amended to read:~~

18 ~~Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS~~  
19 ~~UNDER THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic~~  
20 ~~beverage to a person under the age of 21 [19] years.~~

21 \* ~~Sec. 10. AS 04.16.052 is amended to read:~~

22 ~~Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS~~  
23 ~~UNDER THE AGE OF 21 [19] BY LICENSEES. A licensee or an [, HIS] agent~~  
24 ~~[,] or employee of the licensee may not with criminal negligence~~

25 ~~(1) allow another person to sell, barter, or give an alco-~~  
26 ~~holic beverage to a person under the age of 21 [19] years within~~  
27 ~~licensed premises;~~

28 ~~(2) allow a person under the age of 21 [19] years to enter~~  
29 ~~and remain within licensed premises except as provided in~~

1 AS 04.16.049;

2 (3) allow a person under the age of 21 [19] years to con-  
3 sume an alcoholic beverage within licensed premises;

4 (4) allow a person under the age of 21 [19] years to sell  
5 or serve alcoholic beverages.

6 \* Sec. 11. AS 04.16.060 is amended to read:

7 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19]

8 (a) A person under the age of 21 [19] years may not purchase alco-  
9 holic beverages or solicit another to purchase alcoholic beverages for  
10 the person under the age of 21 [ON HIS BEHALF].

11 (b) A person may not influence the sale, gift, or service of an  
12 alcoholic beverage to a person under the age of 21 [19] years, by  
13 misrepresenting the age of that person.

14 (c) A person may not order or receive an alcoholic beverage from  
15 a licensee, an [HIS] agent or [ ] employee of the licensee, or another  
16 person, for the purpose of selling, giving, or serving it to a person  
17 under the age of 21 [19] years.

18 (d) A person under the age of 21 [19] years may not enter li-  
19 censed premises where alcoholic beverages are sold and offer or pre-  
20 sent to a licensee or an [, HIS] agent [,] or employee of the licensee  
21 a birth certificate or other written evidence of age, that [WHICH] is  
22 fraudulent or false or that [WHICH] is not actually the person's [HIS]  
23 own, or otherwise misrepresent the person's [HIS] age, for the purpose  
24 of inducing the licensee or an [, HIS] agent [,] or employee of the  
25 licensee to sell, give, serve, or furnish alcoholic beverages contrary

26 " \*SEC. 4. AS 04.16.060(E) IS AMENDED TO READ: "

27 (e) A person [WHO HAS ATTAINED THE AGE OF 19 YEARS ACCOMPANYING  
28 A PERSON] under the age of <sup>19</sup>~~21~~ [19] who is seeking to enter and remain  
29 in a licensed premises under AS 04.16.049(a)(2) or (3) may not

1 misrepresent the person's age or having obtained the consent of the  
2 parent or guardian required by that section [OF THE PERSON UNDER THE  
3 AGE OF 19 YEARS].

" \* Sec. 5. AS 04.16 is amended by adding new sections to read:

FROM AMEND. # 3.  
Sec. 04.16.065. AGE LIMIT FOR PACKAGE STORE SALES. Notwith-  
standing any other provision of this title, a package store licensee  
licensed under AS 04.11.150 or an agent or employee of the licensee  
may not sell alcoholic beverages to a person under the age of 21 years  
nor may a person under the age of 21 years purchase alcoholic bever-  
ages from a package store.

Sec. 04.16.067. PURCHASE BY PERSONS UNDER THE AGE OF 21. Except  
for a package store licensee licensed under AS 04.11.150, a licensee  
under AS 04.11 not otherwise prohibited from selling alcoholic bever-  
ages to the public, or an agent or employee of that licensee, may sell  
alcoholic beverages to a person 19 or 20 years of age only for con-  
sumption on the licensed premises.

Sec. 04.16.068. ENFORCEMENT OF AGE LIMITS. For purposes of  
enforcement of AS 04.16.065 and AS 04.16.067, in the provisions of  
this title and regulations adopted under them relating to age, proof  
of age, or consent of a parent or guardian, the age of 21 is substi-  
tuted for age 19."

Lift for SECTION 6.  
25 otherwise procuring or attempting to procure alcoholic beverages, has  
26 attained the age of ~~21~~ <sup>19 or 21</sup> years, <sup>AS APPROPRIATE,</sup> or is entering without consent in  
27 violation of AS 04.16.049(a)(3) and has not attained the age of 16  
28 years, that licensee, agent, or employee shall require the person to  
29 furnish proof of age acceptable under (b) of this section or proof of

1 consent in a form determined by the board. If the person questioned  
2 does not furnish proof of age acceptable under (b) of this section, or  
3 if a licensee, agent, or employee questions or has reason to question  
4 the validity of the proof of age furnished, the licensee, employee, or  
5 agent shall require the person to sign a statement that the person  
6 [HE] is over the age of ~~21 or 16~~ <sup>16, 19 or 21</sup> ~~[19]~~ years as appropriate. This  
7 statement shall be made on a form prepared by and furnished to the  
8 licensee by the board.

9 \*~~SEC. 7.~~  
\*~~Sec. 16.~~ AS 04.21.050(c) is amended to read:

10 (c) A licensee, or an agent or employee of the licensee, may not  
11 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed  
12 statement as provided in (a) of this section is secured in good faith,  
13 or a valid driver's license or identification card is presented indi-  
14 cating that the owner and possessor of the presented driver's license  
15 or identification card is ~~21 or 16~~ <sup>16, 19 or 21</sup> ~~[19]~~ years of age or over as appro-  
16 priate.

17 \*~~SEC. 8.~~  
\*~~Sec. 17.~~ AS 23.10.355 is amended to read:

18 Sec. 23.10.355. PERSONS UNDER ~~21~~ <sup>19</sup> ~~[19]~~. No person under ~~21~~ <sup>19</sup> ~~[19]~~

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

"\*Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF  
JANUARY 1, 1984.

Notwithstanding any other provision of this <sup>Chapter</sup> ~~title~~ regarding  
age limitations, any person born on or before December 31, 1964  
may be present upon licensed premises and may possess, consume,  
receive or purchase alcoholic beverages <sup>as</sup> otherwise allowed under  
this title, and a person may serve, deliver, dispense, furnish or  
sell alcoholic beverages to a person born on or before December 31,  
1964 <sup>as</sup> otherwise allowed under this ~~title~~."

Renumber subsequent section accordingly.

THIS IS THE  
WIND-IN AMENDMENT  
ADDED BY SENATE  
6/21/83.

1 ~~delivery of alcoholic beverages.~~ The question shall appear on the ballot  
2 in the following form:

3

QUESTION  
AGE FOR PURCHASING ALCOHOLIC BEVERAGES AT A PACKAGE

4

Shall the <sup>A</sup>drinking age be at age 19 or age 21?

STORE OR FOR  
CONSUMPTION OFF-  
PREMISES

5

Leave at age 21 [ ]

Lower to age 19 [ ]

AMENDMENT <sup>#1</sup> as amended

OFFERED IN THE SENATE:

SENATORS ZIEGLER,  
BY: JOSEPHSON AND PETTYJOHN

To: AMEND SENATE BILL No. Ellison

HOUSE BILL No. SCS CSHB 17 (Jud)

PAGE: 6

LINE: 23

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

"\*Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF  
JANUARY 1, 1984.

Notwithstanding any other provision of this <sup>Chapter</sup> ~~title~~ regarding  
age limitations, any person born on or before December 31, 1964  
may be present upon licensed premises and may possess, consume,  
receive or purchase alcoholic beverages <sup>as</sup> ~~as~~ otherwise allowed under  
this title, and a person may serve, deliver, dispense, furnish or  
sell alcoholic beverages to a person born on or before December 31,  
1964 <sup>is</sup> ~~as~~ otherwise allowed under this title." ~~§~~

Renumber subsequent section accordingly.

*Amnd to amnd.  
Josephson*

*Ziegler moved  
Am#1 as amnd  
LJP 6/21  
12-7-1*

SENATE AMENDMENT # 2

By: Kelly

To: \_\_\_\_\_ SENATE BILL No. SCS CSH1317(JUD)

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 3 LINE: 7

after 19: Add or 20  
Delete or older

Page 4, following line 26:

Insert: "\* Sec. 4. AS 04.16.060(e) is amended to read:"

Page 4, line 28:

Delete "21 [19]" and insert "19"

THE REST OF THIS PAGE  
IS TAPED TO PG. 50F HB7.

3 A

A M E N D M E N T

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill No. 17 (Judiciary)

Page 1, lines 12 through 28:

Delete sections 1 - 3 in their entirety

• Page 1, line 29, delete "\* Sec. 4." and insert "\* Section 1."

Page 2, line 1:

Delete: "21" and insert "19"

Page 2, line 4:

Delete: "21" and insert "19"

Page 2, line 9:

Delete: "21" and insert "19"

Page 2, lines 13 - 21:

Delete section 5 in its entirety

Renumber succeeding sections accordingly

Page 3, line 12 - page 4, line 26:

Delete all material

Page 5, lines 4 - 20:

- Delete all material

Re-number succeeding sections accordingly

Page 5, line 26:

- Delete: "21 [19]"
- Insert: "19 or 21"
- After "years" insert ", as appropriate,"

Page 6, line 6:

- Delete: "21 or 16 [19]"
- insert: "16, 19 or 21"

Page 6, line 15:

- Delete: "21 or 16 [19]"
- Insert: "16, 19 or 21"

Page 6, line 18:

Delete: "21 [19]" and insert "19" in both places

Page 6, line 27, following "age":

Delete: "of majority"

Insert: "For the purchase of alcoholic beverages at a package store or for consumption off-premises"

Page 6, line 27, following "lower":

Delete: "the"

Insert: "that"

Page 6, line 28, following "age":

Delete: "of majority"

Page 6, line 28, following "years":

Delete: remainder of sentence except "."

Page 7, line 4:

Delete: "drinking age"

Insert: "age for purchasing alcoholic beverages at a package store or  
for consumption off-premises"

Y #2

A M E N D M E N T

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill 17 (Judiciary)

Page 3, line 9:

Delete: "but may not"

Insert: "and may"

— ON BILL

<CS FOR HOUSE BILL NO. 17 (JUD) am> by the Judiciary Committee, entitled:

"An Act authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age."

was read the first time and referred to the State Affairs Committee and the Judiciary Committee.

The State Affairs Committee considered <CS FOR HOUSE BILL NO.> <17 (JUD) am> (authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age). Senator Vic Fischer, Chairman, signed "do not pass". Senators Kelly and Sturgulewski signed "do pass".

The committee attached a zero fiscal note.

CS FOR HOUSE BILL NO. 17 (JUD) am was referred to the Judiciary Committee.

The Judiciary Committee considered <CS FOR HOUSE BILL NO. 17> <(JUD) am> (authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age) and recommended it be replaced with

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

with a majority "do pass if amended". Senator Ray, Chairman, signed "do not pass until advisory vote indicates public approval." Senator Ziegler signed "do pass, but only if further amended to 'grandfather' 19- to 21-year olds." Senators Pettyjohn and Eliason signed "do pass if amended."

CS FOR HOUSE BILL NO. 17 (JUD) am was referred to the Rules Committee.

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<CS FOR HOUSE BILL NO. 17 (JUD) am> (authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors on licensed premises; and amending other provisions of law relating to the drinking age) was read the second time.

Senator Ray moved and asked unanimous consent for the adoption of the Judiciary Senate Committee Substitute offered on page 1248. Without objection, <SENATE CS FOR CS FOR HOUSE BILL NO.> <17 (JUD)> was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) was read the second time.

Senators Ziegler, Josephson, Pettyjohn and Eliason offered the following Amendment No. 1:

Page 6, following line 22: insert new section to read:  
"Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1, 1984. Notwithstanding any other provision of this title regarding age limitations, any person born on or before December 31, 1964 may be present upon licensed premises and may possess, consume, receive or purchase alcoholic beverages as otherwise allowed under this title, and a person may serve, deliver, dispense, furnish or sell alcoholic beverages to a person

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born on or before December 31, 1964 as otherwise allowed under this title."

Renumber subsequent section accordingly

Senator Ziegler moved that Amendment No. 1 be adopted.

Senator Fahrenkamp requested a ruling on the title under Rule 41. President Kerttula ruled that the title is broad enough to accept the amendment.

Senator Gilman moved and asked unanimous consent that he be allowed to abstain from voting. Senator Bennett objected.

Senator Josephson offered the following amendment to Amendment No. 1:

Page 6, line 23: Delete "title" and insert "chapter"  
on first line of Amendment No. 1

Delete "as" and insert "if" on line 6 and last line  
of Amendment No. 1.

Senator Josephson moved and asked unanimous consent for the  
adoption of the amendment to Amendment No. 1. Without ob-  
jection, the amendment to Amendment No. 1 was adopted.

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The question now being: "Shall Amendment No. 1 as amended  
be adopted?" The roll was taken with the following result:

SCS CSHB 17 JUD AM 1

Yeas: 12 Eliason, Ferguson, Gilman, Halford,  
Josephson, Kelly, Mulcahy, Pettyjohn,  
Rodey, Sackett, Sturgulewski,  
Ziegler

Nays: 8 Bennett, Fahrenkamp, Faiks,  
Fischer Paul, Fischer Vic, Kerttula,  
Moss, Ray

and so, Amendment No. 1 as amended was adopted.

Senator Ray moved and asked unanimous consent that (SENATE CS)  
(FOR CS FOR HOUSE BILL NO. 17 (JUD) am S) be considered en-  
grossed, advanced to third reading and placed on final pas-  
sage. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S was read  
the third time.

Senator Ray moved and asked unanimous consent that he be  
allowed to abstain from voting. Senators Josephson, Bennett  
and Sackett objected.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL  
NO. 17 (JUD) am S (authorizing an advisory vote on the drink-  
ing age; raising the drinking age to 21; allowing employment  
of certain minors in licensed premises; and amending other  
provisions of law relating to the drinking age) pass the  
Senate?" The roll was taken with the following result:

SCSCSHB 17 JUD AM S 3RD

Yeas: 12 Eliason, Faiks, Ferguson,  
Fischer Paul, Gilman, Halford,

Josephson, Kelly, Pettyjohn, Sackett,  
Sturgulewski, Ziegler

Nays: 8 Bennett, Fahrenkamp, Fischer Vic,  
Keritula, Moss, Mulcahy, Ray, Rodey

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S  
passed the Senate.

Senator Ziegler gave notice of reconsideration on SENATE CS  
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S.

Young adults are politically insignificant and they make an ideal scapegoat for the drunk driving problem.

Possible the worst result of raising the drinking age will be the loss of respect for the law by a majority of Alaskans. Many honest people may not obey laws that they believe are hypocritical and unjust. Ten years ago, the full rights of adult citizenship were extended to 18, 19, and 20 year olds. They were given the right to vote, enter into contracts, marry, die in defense of their country, sit on a jury, be jailed, and in some states, put to death for their own actions.

If we raise the drinking age to 21, a person who is 19 will not be allowed to drink at their own wedding.

Car wrecks produce more new quadriplegics and paraplegics than all other causes together. Two-thirds of the severely injured could have walked away from a crash with minor or no injuries if they had worn a seatbelt.

Florida did the right thing by joining 20 other states that require car restraints for children.

The National safety council estimates that 40,000 lives have been saved since the 55mph speed limit was enacted in 1973. If the state of Alaska lowered its speed limit to 50mph, we could probably save many lives.

Automobiles without alcohol are more dangerous than alcohol without automobiles. We should design our automobile safety policy around trying to make cars safer.

Alaska OMVI booking statistics for FY 81:

by age  
20-24 year olds 322 (21.7%)  
25-29 year olds 302 (20.4%)  
30-34 year olds 231 (15.6%)  
35-39 year olds 159 (10.7%)

By sex  
male 1369 (92.3%)  
female 115 7.7%

A scapegoat has been found by the older generation and a class of separate but unequal citizens created.

Having the drinking age at 19 is already a compromise. The drinking age really should be 18 to comply with the age of majority.

Raising the drinking age is an unprincipled proposal where "The ends justify the means."

Many feel that if just one life is saved than this bill is worth it. Would the reduction of speed limits to a 25 mph maximum be worth the saving of one life? Why don't we raise the drinking age to 31? Why not require that all passengers and drivers wear helmets? All of the above propositions would save many lives. But they are politically unpopular.

So instead we are proposing to punish the innocent, because of their political weakness.

Child safety restraints would prevent 90% of the infant car deaths in our state, yet we are not moving on that bill.

The highway safety research center states the wearing of the safety belt is the single most cost effective remedy for highway deaths. Recent research shows, however, that less than 11 percent of the American driving population regularly use their safety belt.

Mandating these two provisions would save more than just one life.

In 1982, there were 51 alcohol related accidents in Alaska. Seven of these accidents involved persons 19 and 20 years old. Those individuals may not have even been driving, and they may not have caused the accident.

Alcohol related accident involvement by age group  
(State of Alaska DPS)

19-24	17.2%
25-29	17.5%
30-34	16.5%
35-39	12.3%
40-44	8.8%
45-49	6.7%
50-54	5.6%
55-59	4.5%
60-64	3.0%
65-69	1.7%
70+	1.2%

For many years, the United States has known well the price of freedom. The freedoms, rights and privileges we all enjoy cost. But with years passing and well being for many achieved, we are less willing to pay the price. Valuing our system less and less, we increasingly accept the erosion of those freedoms-- often willing to restrict a whole class for the injustices done by a few members of that class.

HB 17 would forbid over 20,000 (check figure) from consuming alcohol because 7 of those 20,000 were involved in alcohol related accidents in 1979.

Are we willing to accept the cost of allowing freedoms, rights and privileges to be subjugated for the greater good-- whatever that may be?

HB 17 would also increase unemployment for persons under the age of 21--especially women.

Women are for all intents and purposes excluded from the construction field-- another first job for many.

The bill states that persons "under age" would still be allowed to serve alcoholic beverages. But in reality, most bar owners would not hire many under age because of the fear that they would serve persons under age (their friends etc...). This possible first job would become harder to get.



SENATE AMENDMENT # *7*

BY

*Kelly*

To:

SENATE BILL No.

*SCS CSHB17 (JUD)*

To:

HOUSE BILL No.

PAGE:

*3*

LINE:

*7*

*after 19: Add or 20*

*Delete "or older"*

#3\*

A M E N D M E N T

#3

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill No. 17 (Judiciary)

Page 1, lines 12 through 28:

Delete sections 1 - 3 in their entirety

Page 1, line 29, delete "\* Sec. 4." and insert "\* Section 1."

Page 2, line 1:

Delete: "21" and insert "19"

Page 2, line 4:

Delete: "21" and insert "19"

Page 2, line 9:

Delete: "21" and insert "19"

Page 2, lines 13 - 21:

Delete section 5 in its entirety

Re-number succeeding sections accordingly

Page 3, line 12 - page 4, line 26:

Delete all material

#3  
pg 2

Page 4, following line 26:

Insert: "\* Sec. 4. AS 04.16.060(e) is amended to read:"

Page 4, line 28:

Delete "21 [19]" and insert "19"

Page 5, following line 3:

Insert a new bill section to read:

" \* Sec. 5. AS 04.16 is amended by adding new sections to read:

Sec. 04.16.065. AGE LIMIT FOR PACKAGE STORE SALES. Notwithstanding any other provision of this title, a package store licensee licensed under AS 04.11.150 or an agent or employee of the licensee may not sell alcoholic beverages to a person under the age of 21 years nor may a person under the age of 21 years purchase alcoholic beverages from a package store.

Sec. 04.16.067. PURCHASE BY PERSONS UNDER THE AGE OF 21. Except for a package store licensee licensed under AS 04.11.150, a licensee under AS 04.11 not otherwise prohibited from selling alcoholic beverages to the public, or an agent or employee of that licensee, may sell alcoholic beverages to a person 19 or 20 years of age only for consumption on the licensed premises.

Sec. 04.16.068. ENFORCEMENT OF AGE LIMITS. For purposes of enforcement of AS 04.16.065 and AS 04.16.067, in the provisions of this title and regulations adopted under them relating to age, proof of age, or consent of a parent or guardian, the age of 21 is substituted for age 19."

#3 3  
88

Page 5, lines 4 - 20:

Delete all material

Renumber succeeding sections accordingly

Page 5, line 26:

Delete: "21 [19]"

Insert: "19 or 21"

After "years" insert ", as appropriate."

Page 6, line 6:

Delete: "21 or 16 [19]"

Insert: "16, 19 or 21"

Page 6, line 15:

Delete: "21 or 16 [19]"

Insert: "16, 19 or 21"

Page 6, line 18:

Delete: "21 [19]" and insert "19" in both places

Page 6, line 27, following "age":

Delete: "of majority"

Insert: "For the purchase of alcoholic beverages at a package store  
or for consumption off-premises"

# 3  
pg 4

Page 6, line 27, following "lower":

Delete: "the"

Insert: "that"

Page 6, line 28, following "age":

Delete: "of majority"

Page 6, line 28, following "years":

Delete: remainder of sentence except "."

Page 7, line 4:

Delete: "drinking age"

Insert: "age for purchasing alcoholic beverages at a package store or  
for consumption off-premises"

AMENDMENT #4

Offered in the Senate

By Fahrenkamp

To: Senate CS for CS for House Bill 17 (Judiciary)

Page 3, line 9:

Delete: "but may not"

Insert: "and may"

Josephson, Kelly, Pettyjohn, Sackett,  
Sturgulewski, Ziegler

Nays: 8 Bennett, Fahrenkamp, Fischer Vic,  
Kerttula, Moss, Mulcahy, Ray, Rodey

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S  
passed the Senate.

Senator Ziegler gave notice of reconsideration on SENATE CS  
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S.

HB 17

SENATE JOURNAL - PAGE 1446- 1 6/22/83

Senator Ray requested that the reconsideration on (SENATE CS)  
(FOR CS FOR HOUSE BILL NO. 17 (JUD) am S) (authorizing an  
advisory vote on the drinking age; raising the drinking age  
to 21; allowing employment of certain minors in licensed  
premises; and amending other provisions of law relating to  
the drinking age) be taken up.

#### HOUSE BILLS IN THIRD READING

SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S was before  
the Senate on reconsideration.

Senator Ray moved and asked unanimous consent that SENATE CS  
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S be held one legisla-  
tive day. Senator Kelly objected, then withdrew his objection.  
There being no further objection, it was so ordered and the  
bill will appear on the June 23 calendar in third reading.

HB 17

SENATE JOURNAL - PAGE 1467- 1 6/23/83

(SENATE CS FOR CS FOR HOUSE BILL NO. 17 (JUD) am S) (authoriz-  
ing an advisory vote on the drinking age; raising the drinking  
age to 21; allowing employment of certain minors in licensed  
premises; and amending other provisions of law relating to the  
drinking age) which was held from June 22 was before the  
Senate on reconsideration.

Senator Ray moved and asked unanimous consent that SENATE CS  
FOR CS FOR HOUSE BILL NO. 17 (JUD) am S be held one legisla-  
tive day. Without objection, it was so ordered and the bill  
will appear on the June 24 calendar in third reading.

AMENDMENT #1

OFFERED IN THE SENATE:

SENATORS ZIEGLER,  
BY: JOSEPHSON AND PETTY JOHN

To: AMEND SENATE BILL No. \_\_\_\_\_

HOUSE BILL No. SCS CSHB 17 (Jud)

PAGE: 6

LINE: 23

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

"\*Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF  
JANUARY 1, 1984.

Notwithstanding any other provision of this <sup>chapter</sup> ~~title~~ regarding  
age limitations, any person born on or before December 31, 1964  
may be present upon licensed premises and may possess, consume,  
receive or purchase alcoholic beverages <sup>if</sup> otherwise allowed under  
this title, and a person may serve, deliver, dispense, furnish or  
sell alcoholic beverages to a person born on or before December 31,  
1964 <sup>if</sup> otherwise allowed under this title."

Renumber subsequent section accordingly.

MEMO

TO: Vic

FROM: Suzanne

DATE: June 21, 1983

RE: HB 17

The amendment introduced by Pettyjohn in Senate Judiciary is exactly the same as section 19 from the CS we had drafted in State Affairs.

I assume the amendment introduced on the floor will be the same.  
(see attached amendment.)

The memo from Legal Services addresses Section 19 from the State Affairs proposed CS. (See paragraph 3 of the attached memo.)

They cannot put on an effective date under any circumstances.

// The amendment without an effective date would actually lower the drinking age to 18 between the time the Governor signed the bill, and January 1, 1984.

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 17, 1983

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

TO: Senator Vic Fischer

FROM: *RJ* Russ Josephson  
Legislative Counsel

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

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

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

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

RJ:ljb  
20/012

# Municipality of Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-6730

TONY KNOWLES,  
MAYOR

JUN 17 1983

COMMISSION ON YOUTH  
825 L Street

June 13, 1983

Senator Vic Fischer  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Fischer:


The Anchorage Commission on Youth after studying House Bill 17 to raise the drinking age from 19 to 21 years old, took the position not to support this legislation.

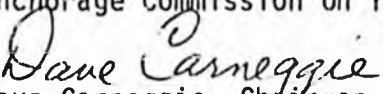
The concensus of the Commission is that this bill unfairly penalizes 19 and 20 years olds for the wide spread alcohol abuse in Alaska and penalizes the majority of 19 and 20 year olds for the alcohol abuse of a few in this age group.

The Anchorage Commission on Youth recognizes the alcohol and other substance abuse problems in Anchorage as well as Alaska, however, other solutions which are directed to the abusers should be found; e.g., penalties for bartenders and bar owner's who serve intoxicated patrons and stiffer penalties for drunk drivers.

We hope you will consider the Commissions position when you are voting on House Bill 17.

Thank you,

  
William Wood, Chairman  
Anchorage Commission on Youth

  
Dave Carneggie, Chairman  
Education Standing Committee

WW/DC/ej

cc: Mayor Tony Knowles

"YOUNG PEOPLE HELPING YOUTH"



# Municipality of Anchorage



POUCH 6-650

ANCHORAGE, ALASKA 99502-0650

(907) 264-6730

TONY KNOWLES.  
MAYOR

COMMISSION ON YOUTH  
825 L Street

June 13, 1983

JUN 17 1983

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Alaska State Legislature  
Pouch V (MS 3100)  
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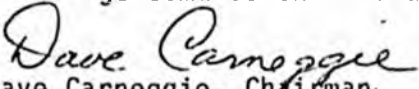
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Thank you,

  
William Wood, Chairman  
Anchorage Commission on Youth

  
Dave Carneggie, Chairman  
Education Standing Committee

WW/DC/ej

cc: Mayor Tony Knowles

"YOUNG PEOPLE HELPING YOUTH"

COMMISSION  
  
ON YOUTH

Car wrecks produce more new quadraplegics and paraplegics than all other causes together. Two-thirds of the severely injured could have walked away from a crash with minor or no injuries if they had worn a seatbelt.

The decline in fatal accidents in Mass. was only 1% when statistics from 3 years before and 2 years after the new legal drinking age was compared. The long term effect of raising the drinking on automobile related traffic fatalities is negligible.

The average daily consumption for those in Mass. between 16 and 19 did not decline after the minimum drinking age was raised.

### 3 EMPLOYMENT DISCRIMINATION 2

Alcohol related accidents are primarily a male driving problem at every age. Young women of Alaska do not deserve to have their rights restricted because of a driving problem overwhelmingly caused by men.

Indeed, if statistics are to set policy, then females should be allowed to drink at 18, and males of all ages should be refused legal booze after dark-- if they are not accompanied by a woman. They statistically cause more alcohol related fatalities than women in any age group.

#### OMVI Booking Statistics for FY 81

By sex  
male 1369 (92.3%)  
female 115 7.7%

Young women are being punished for a problem caused and perpetuated almost totally by men.

HB 17 would also increase unemployment for persons under the age of 21--especially women.

X Many young people are working their way through college and vocational school because of economic necessity. One of the lucrative summer jobs is working in bar or restaurant because of the tips from tourists.

The bill states that persons "under age" would still be allowed to serve alcoholic beverages. But in reality, bar owners would not hire many under age because of they fear that the under age employees would serve persons under age (their friends etc...). This possible first job would become harder to get.

Another serious result of raising the drinking age will be the loss of respect for the law by a majority of Alaskans. Many honest people may not obey laws that they believe are hypocritical and unjust. Ten years ago, the full rights of adult citizenship were extended to 19, and 20 year olds. They were given the right to vote, enter into contracts, marry, die in defense of their country, sit on a jury, be jailed, and in some states, put to death for their own actions.

YEAR	DRIVER AGE	FATAL ACCIDENTS	ALCOHOL RELATED ACCIDENTS FAT.	% ALCOHOL	TOTAL FATALITIES	ALCOHOL RELATED FATALITIES	% ALCOHOL	LICENSED DRIVERS
<u>1979</u>		81	57	70.3%	91	66	72.5%	
	0-18	17	11	64.7	20	13	65%	
	19	2	2	100	2	2	100%	
	20	9	6	66.7	11	8	72.7	
	21+	53	38	71.7	58	43	74.1	
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (34.8%)								
<u>1980</u>		86	58		95	64		
	0-18	10	5	50.0%	11	6	54.5	
	19	2	1	50.0	4	1	25.0	
	20	3	1	33.3	3	1	33.3	
	21+	71	51	71.8	77	56	72.7	
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (12.5%)								
<u>1981</u>		90	66	73.3%	100	76	76	
	0-18	13	11	84.6	18	16	88.9	1.4
	19	4	4	100	4	4	100	1.2
	20	2	2	100	3	3	100	1.1
	21+	71	49	69	75	53	70.7	9.4
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (30.3%)								
<u>1982</u>		98	51	52.0	107	53	49.5	
	0-18		2			2		.8%
	19		5			5		.8%
	20		2			2		1.2%
	21+		42			44		97.1%
TOTAL UNDER 21 ALCOHOL INVOLVEMENT= (17.0%)								

2 ← NOT APPLIED BY HQ. 1

FROM Highway Safety Plan 1983

HP17B Accidents

1.4  
1.2  
1.1  
9.4  
11.6

.8%  
.8%  
1.2%  
97.1%  
2.9%

SEN. Max Baer BILL

If we raise the drinking age to 21, a person who is 19 will not be allowed to drink at their own wedding.

The 19 and 20 year old drivers in Alaska are not involved in the highest percentage of alcohol related accidents. They are simply the weakest politically.

Studies cited by proponents as supposed justification for a law discriminating by age, make no attempt to compare drivers under 21 with their older counterparts.

① → DECREASING AUTOMOBILE FATALITIES

UNFAIR  
WON'T ACCEPT

→ ②

HB 6

Yesterday we passed one of the stiffest pieces of anti-drunk driving legislation in the U.S..

Many <sup>other</sup> ways to decrease automobile fatalities are open to us. Of them all, raising the drinking age is probably the most ineffective.

Only Affect 1.6% of all lic. drivers. At best, achieve

~~proposed by proponents, even if accurate, project~~ only a small safety effect associated with raising the drinking age which must be compared with other measures which would have a tremendous affect on decreasing traffic deaths and injuries, such as mandatory seat belts and automatic child safety restraints.

The most hard reliable data on alcohol related traffic fatalities indicates that 18, 19 and 20 year old drivers are less blameworthy than 21-44 year old drivers. For older drivers to censor young drivers is unjustified.

When Florida's drinking age was raised to 19 in 1980; fatalities of 18 year olds when when they were legal to drink--20, fatalities in 1981 when 18 was illegal--19. One less, not "hundreds" as proponents say.

Many feel that if just one life is saved than raising the drinking age is worth it. Would the reduction of speed limits to a 25 mph maximum be worth the saving of one life? Why don't we raise the drinking age to 31? Why not require that all passangers and drivers wear helmets? All of the above propositions would save many lives. But they are politically unpopular. They are an unjustified suppressir of freedoms.

→ Child safety restraints would prevent 90% of the infant car deaths in our state, yet we are not moving on that bill.

↙ The highway safety research center states the wearing of the safety belt is the single most cost effective remedy for highway deaths. Recent research shows, however, that less than 11 percent of the American driving population regularly use their safety belt.

(2)

PUNISHING A CLASS FOR THE INJUSTICES OF A FEW

For many years, the United States has known well the price of freedom. The freedoms, rights and privileges we all enjoy cost. But with years passing and well being for many achieved, we are less willing to pay the price. Valuing our system less and less, we increasingly accept the erosion of those freedoms-- often willing to restrict a whole class for the injustices done by a few members of that class.

In 1982, there were 53 alcohol related <sup>Catalities</sup> accidents in Alaska. Seven of these accidents involved persons 19 and 20 years old. (Those 19 and 20 year old residents may not have even been driving, and they may not have caused the accident. — could have been victims — statistics)

HB 17 would forbid over 15,000 from consuming alcohol because 7 of those 15,000 were involved in alcohol related accidents in 1982.

Are we willing to accept the cost of allowing freedoms, rights and privileges of over 15,000 Alaskans to be suppressed because of the alleged actions of seven?

Whatever lives are saved by raising the drinking age to 21, more than double that number could be saved by going on and raising it to 25, or 30. The statistical case for that is every bit as strong as for coming down on 18-21 year olds. The main difference is that the latter proposition would be politically riskier.

Alcohol related accident involvment by age group (State of Alaska DPS) 1982

19-24	17.2%*****
25-29	17.5%*****
30-34	16.5%
35-39	12.3%
40-44	8.8%
45-49	6.7%
50-54	5.6%
55-59	4.5%
60-64	3.0%
65-69	1.7%
70+	1.2%

AFFECT ONLY  
1.6% of ALL LICENSED  
DRIVERS

Alaska OMVI booking statistics for FY 81:

by age	
20-24 year olds	322 (21.7%)
25-29 year olds	302 (20.4%)
30-34 year olds	231 (15.6%)
35-39 year olds	159 (10.7%)

A scapegoat has been found by the older generation and a class of seperate but unequal citizens created.

We are proposing to punish the innocent, because of their political weakness.

1

SLAUGHTER  
MATHIEB ON  
THE HIGHWAYS

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-455-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1983

SUBJECT: Drinking age  
(CSHB 17 (Judiciary) am)

TO: Senator Vic Fischer

FROM: *RJ* Russ Josephson  
Legislative Counsel

You have asked for a sectional analysis of CSHB 17 (Judiciary) am, which follows.

Please note, as well, that there were some omissions in the floor amendments to CSHB 17 (Judiciary). Primarily, they were phrases and references that appeared in CSHB 17 (Finance) and should have been included when sections of that bill were substituted into CSHB 17 (Judiciary). A copy of CSHB 17 (Judiciary) am with the necessary changes indicated, has been enclosed.

Section 1. Changes the age reference in AS 04.11.090(f), pertaining to bowling alleys, from 19 to 21.

Section 2. Changes the age reference in AS 04.11.110(g), pertaining to access to clubs during times when no alcoholic beverages are sold, from 19 to 21.

Section 3. Changes the age reference in AS 04.11.460(c), pertaining to prior public approval of new or transferred liquor licenses, from 19 to 21.

Section 4. Repeals and reenacts AS 04.16.049(a), pertaining to access of underaged persons to licensed premises. Paragraph (1) of the existing law, allowing access if accompanied by a parent, guardian or spouse, is changed only in the age reference, from 19 to 21.

Paragraph (2) in this bill will allow a person 16 years of age or older to enter a licensed premise designated as a restaurant for purposes of dining only. The present law, by

March 21, 1983

contrast, specifies no age limiter for the underaged person but requires the underaged person to be accompanied by a person over the age of 19 years and to have the consent of a parent or guardian.

Paragraph (3) provides for access to a restaurant by a person under the age of 16 years, if accompanied by a person over the age of 21 years, if the parent or guardian of the underaged person consents, and if the underaged person enters and remains only for dining. It is similar to existing paragraph (2) except for the specification of the age of 16.

Section 5. Amends AS 04.15.049(b) to clarify that the employee referred to in the provision that allows refusal of entry to underaged persons is the employee of the licensee. Makes the age change as well.

Section 6. Amends AS 04.16.049(c), pertaining to the access of underaged persons to licensed premises, to adjust to the other changes in AS 04.16.049. (The access here is for work not involving serving, mixing, delivering, or dispensing of alcoholic beverages.)

Section 7. Adds a new subsection (d) to AS 04.16.049 to allow a person 19 years of age or older to be employed in a licensed premise and to service, deliver or dispense alcoholic beverages. (Incidentally, both this subsection and subsection (c) ought to include the word "sell", as that word is used specifically in AS 23.10.355, which refers to AS 04.16.049.)

Section 8. Amends AS 04.16.050, pertaining to the possession or consumption of alcoholic beverages by an underaged person, by changing the age reference from age 19 to 21.

Section 9. Amends AS 04.16.051, pertaining to furnishing alcoholic beverages to underaged persons, by changing the age reference from age 19 to 21.

Section 10. Amends AS 04.16.052, pertaining to furnishing alcoholic beverages to underaged persons by licensees. Makes the wording sex neutral and changes the age reference from 19 to 21. Paragraph (4) of this section should have the phrase "except as provided in AS 04.16.049(d)" added at the end (page 4, line 4, following "beverages").

March 21, 1983

Section 11. Amends AS 04.16.060, pertaining to the purchase of alcoholic beverages by an underaged person, by making the language sex neutral and changing the age reference from 19 to 21. Note that subsection (e), pertaining to misrepresentation of age or consent of a parent or guardian, needs some amendments to make sense and to reflect the provisions of AS 04.16.049 as they appear in this bill. The changes are noted on page 4, lines 28 and 29, of the bill.

Sections 12 and 13. Amend AS 04.16.200, pertaining to unlicensed persons, by changing the age reference from 19 to 21.

Section 14. Amends AS 04.21.020, pertaining to civil liability of persons providing alcoholic beverages to another, by changing the age reference from 19 to 21.

Sections 15 and 16. Amend AS 04.21.050, pertaining to proof of age, by changing the age reference from 19 to 21, by making references to the new provisions in AS 04.16.049 (secs. 4 through 7 of the bill), and by providing for the Alcoholic Beverage Control Board to determine what form the consent required by AS 04.16.049 should take.

Allows the licensee or the agent or employee of the licensee to request not only proof of age, as at present, but to request proof of consent when required by AS 04.16.049. Note that there are two consents required in that section for two different purposes, one in subsection (a) (3) and one in subsection (c).

Please note that some phrases required in this section by the other amendments to this bill were not amended into this bill. These overlooked phrases are noted on the bill at pages 5 and 6 (page 5, line 25; page 6, lines 3 and 4).

Section 17. Amends AS 23.10.355, pertaining to employment of underaged persons to sell or serve alcoholic beverages or to work on a licensed premise. Changes the age reference from 19 to 21 and simplifies the language referring to licensed premises. Please note that the reference on page 6, line 18, ought to be to AS 04.16.049 rather than to AS 04.16.049(c). This reference change was missed when the bill was amended on the House floor but is necessary because subsection (c) is not the only subsection of AS 04.16.049 with a provision relating to AS 23.10.355. As was mentioned above, because of the wording of this section, the wording of AS 04.16.049 ought to be amended to include the word "sell".

Senator Vic Fischer

Page 4

March 21, 1983

Section 18. Calls for an advisory vote at the next state-wide election to indicate a preference for maintaining the drinking age at 21 or for a return to age 19.

RJ:ljb

Enclosure

10/027

<u>AGE</u>	<u>MALE</u>	<u>% (1)</u>	<u>FEMALE</u>	<u>% (1)</u>	<u>TOTAL</u>	<u>% (2)</u>
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	
<b>TOTAL</b>	<b>153,670</b>	<b>56.4</b>	<b>118,802</b>	<b>43.6</b>	<b>272,472</b>	<b>100.0</b>

(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 FY1983 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.

Overall, by over a 2:1 ratio, Alaskans support raising the legal drinking age to 21...

"Currently, the drinking age in Alaska is 19. Some people feel the drinking age should be lowered to 18, while other people feel it should be raised to 21. What do you think... should the drinking age be lowered to 18, left at 19 or raised to 21?"

Lowered to 18..... 6%  
 Left at 19..... 27%  
 Raised to 21..... 66%

The different constituencies are as follows...

Region	Lower to 18	Leave at 19	Raise to 21
Rural.....	4%	20%	76%
Central.....	8%	33%	58%
Southcentral.....	1%	34%	63%
Anchorage.....	8%	24%	66%
Southeast.....	1%	30%	69%

Age	Lower to 18	Leave at 19	Raise to 21
18-24.....	7%	35%	57%
25-40.....	6%	27%	67%
41-55.....	5%	26%	68%
55+.....	6%	15%	76%

Sex	Lower to 18	Leave at 19	Raise to 21
Male.....	9%	27%	63%
Female.....	3%	26%	70%

Time in Alaska	Lower to 18	Leave at 19	Raise to 21
up to 4 years.....	9%	21%	69%
5-7.....	5%	33%	60%
8-13.....	6%	21%	73%
14-19.....	5%	32%	61%
20+.....	3%	31%	64%

Overall, by over a 2:1 ratio, Alaskans support raising the legal drinking age to 21...

"Currently, the drinking age in Alaska is 19. Some people feel the drinking age should be lowered to 18, while other people feel it should be raised to 21. What do you think... should the drinking age be lowered to 18, left at 19 or raised to 21?"

Lowered to 18.....	6%
Left at 19.....	27%
Raised to 21.....	66%

The different constituencies are as follows...

<u>Region</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
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Southcentral.....	1%	34%	63%
Anchorage.....	8%	24%	66%
Southeast.....	1%	30%	69%

<u>Age</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
18-24.....	7%	35%	57%
25-40.....	6%	27%	67%
41-55.....	5%	26%	68%
55+.....	6%	15%	76%

<u>Sex</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Male.....	9%	27%	63%
Female.....	3%	26%	70%

<u>Time in Alaska</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
up to 4 years.....	9%	21%	69%
5-7.....	5%	33%	60%
8-13.....	6%	21%	73%
14-19.....	5%	32%	61%
20+.....	3%	31%	64%

<u>Work For</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Federal gov't.....	9%	16%	72%
State gov't.....	-	29%	71%
Local gov't.....	4%	32%	64%
Private industry...	7%	29%	64%
Not in workforce...	6%	25%	66%

<u>Income</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
up to \$20,000.....	10%	27%	63%
\$20-45,000.....	6%	30%	63%
\$45-60,000.....	3%	25%	72%
\$60,000+.....	5%	26%	67%

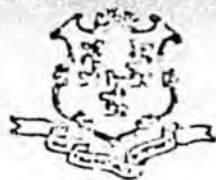
<u>Politics</u>	<u>Lower to 18</u>	<u>Leave at 19</u>	<u>Raise to 21</u>
Democrat.....	6%	27%	67%
Republican.....	4%	23%	72%
Non-partisan.....	6%	27%	65%
Not registered.....	9%	31%	58%

\*\*\*\*\*

DITTMAN RESEARCH CORPORATION

( MULTIQEST XXI  
MARCH - 17 through 28, 1983 )

Amended  
provision  
7



JOINT COMMITTEE ON LEGISLATIVE MANAGEMENT  
OFFICE OF LEGISLATIVE RESEARCH

CARL D. FRANTZ  
DIRECTOR

LEGISLATIVE OFFICE BUILDING  
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HARTFORD, CONNECTICUT 06115  
(203) 566-8400

May 16, 1980

FROM: Office of Legislative Research  
John Kasprak, Research Attorney

RE: Drinking Age - Arguments for and Against Raising the  
Age; Statistical Data ; Impact on Traffic Fatalities

Following is a review of arguments both for and against raising the drinking age, based on the experiences of other states, specifically New Jersey. Additionally, information is provided on studies addressing the issue of the drinking age as related to traffic fatalities.

SUMMARY

Major arguments for raising the drinking age are the prevalence of alcohol in the schools today; the serious problem of drinking and driving by the young; and the lack of maturity by some young citizens in handling alcohol. Opponents of raising the drinking age claim that legislating a higher drinking age does not address the problem of youthful drinking. Rather than raise the age, emphasis should be placed on alcoholism education and counseling in the schools; penalties for selling to minors or possession of alcohol by minors, and better identification programs for the purchase of alcohol it is argued.

Polls taken in New Jersey last year and Connecticut this year favor a raised drinking age. Sixty-three percent of those polled in New Jersey favored raising the state's drinking age to 21 (it was eventually raised to 19) while 47% favored that age in Connecticut.

Studies attempting to identify relationships between the lowering of the drinking age and an increase in traffic fatalities are, at best, inconclusive. A number of studies, particularly the University of Michigan study, have found a connection between a lowered drinking age and more fatalities among the 18-20 year-old driver. Other studies indicate no such connection and in fact, attribute increases (if any) in fatalities to normal year-to-year fluctuations. Being cognizant of the various reporting procedures used in the compilation of data for these studies is important for a satisfactory and meaningful review.

## I. RAISING THE DRINKING AGE - ARGUMENTS FOR AND AGAINST

### A. The New Jersey Experience

The experience in New Jersey with raising the drinking age last year parallels Connecticut's attempts and concerns in this regard. Proponents of raising the drinking age in New Jersey cited the increased use and abuse of alcohol in the schools; problems with mixing drinking and driving; and out of state youth coming into New Jersey to drink. Proponents of raising the drinking age also addressed the need for:

- 1) alcoholism education and counseling in the schools;
- 2) increased penalties for illegal possession or consumption; and
- 3) identification programs (e.g. driver's license photo program).

The New Jersey Poll, taken for the Gannett News Service, was conducted in January 1979 and surveyed 1,001 registered voters on the drinking age. Sixty-three percent of those polled said they wanted the legal drinking age returned to 21. Only 16% favored a legislative proposal to raise the age from 18 to 19 (the proposal that eventually became law). Nineteen percent favored keeping the age at 18; 2% had no opinion. Raising the age to 21 was popular in most parts of New Jersey. Also, 38% of those polled between the ages of 18 and 24 favored raising the age to 21. Among those between 25 and 34, 54% advocated raising the drinking age to 21.

The legislator sponsoring the measure to raise the drinking age was opposed to a 21 year-old age. He felt that an age that high would only encourage more driving into neighboring New York with its 18 year-old drinking age, and result in an increased amount of fatalities. Returning the age to 21 was the least popular alternative with residents of northern New Jersey suburbs. Apparently, Pennsylvania officials (where the drinking age is 21) were happy with a 19 year-old drinking age for New Jersey, believing that it would reduce somewhat the number of Pennsylvania youth driving to and from New Jersey.

Opponents of a raised drinking age in New Jersey were concerned about encouraging more driving to New York and increasing the chances of accidents. Others did not believe that raising the age would have any impact on liquor use and availability in the schools. California was given as an example of a state with a drinking age of 21, but nevertheless having a problem with a high incidence of alcohol use in the schools. School officials

and parents must take responsibility, according to opponents of raising the age, before legislation to raise the age will make any difference.

Some New Jersey officials said that no statistics conclusively showed that a higher drinking age reduces teenage drinking. A Catholic University (Washington, D.C.) study was cited which suggested that alcoholism may be worse in states with 21 as the drinking age, because drinking then becomes the "forbidden fruit." A Rutgers University professor stated that the legal drinking age has little relation to when the young actually begin to drink. But, Dr. Arthur Yaeger (Physicians for Auto Safety) said that since 1972, fatal accidents have decreased markedly for those over 21, but have remained high for those under 21.

Many experts believe that the real need is for education and alcoholism prevention programs rather than a higher drinking age. Some view raising the age as a "futile gesture that will only take attention away from needed education and prevention programs." ("Experts differ on effect of raising the drinking age," Sunday Star-Ledger, February 11, 1979).

The package of legislation on the drinking age passed in New Jersey does the following:

- 1) requires alcoholism instruction and counseling in public schools;
- 2) requires a minimum fine of \$100 and allows a 30-day driver's license suspension for anyone entering a bar or liquor store to buy alcohol for anyone under age;
- 3) applies the same penalties to anyone under age who possesses or consumes alcohol in a motor vehicle or public place; and
- 4) establishes a driver's license photo program.

Some of the stronger and provoking arguments against raising the drinking age were raised in a commentary in the Atlantic City Press of January 7, 1979. The author considered the drinking age and its implications for adulthood. Raising the age, while continuing to have a lower driving and voting age, has "important effects on the concept of adulthood. Raising the drinking age certifies the importance of alcohol consumption." The commentator continued, "we could interpret these ages as saying that the 'right' to consume alcohol is much more important than the right to vote or the right to drive...the 'right' to drive is so basic and fundamental, one need not wait for adulthood to obtain it." Thus, the state has put itself in "the position of encouraging 18-year olds to drink and drive." The author believes that the 18-year old is in a "no-win" situation -s/he is given the right

to drive and is being encouraged to believe "that a bottle of beer means adulthood."

### B. Connecticut Poll

"The Connecticut Poll," conducted by the Institute for Social Inquiry at the University of Connecticut, recently addressed the issue of the drinking age. Those polled were asked if the drinking age should remain at 18, be raised to 19, be raised to 20, or be raised to 21. The poll was taken between January 31 and February 6 of this year and consisted of a random telephone sample of 500 individuals 18-years of age and older. The sampling covered the entire state and was representative of age, race and sex. The error factor was plus or minus 5%. The results were as follows:

Remain at 18 - 27%

Raise to 19 - 7%

Raise to 20 - 17%

Raise to 21 - 47%

Didn't Know - 2%

Respondents were asked why they favored a raised drinking age in Connecticut. The responses were classified. Thirty percent of the total sample felt that 18-year olds were too young to handle liquor; 11% were concerned about highway safety; 10% were worried about younger children obtaining liquor, particularly in the schools, because of the 18-year old drinking age; 17% were classified as idiosyncratic responses (e.g. disapproving of alcohol altogether); 2% had no response; and 29% weren't asked (these were the 27% who didn't want the age raised plus the 2% who didn't have an answer for the original question).

### II. HAS LOWERING THE DRINKING AGE LED TO AN INCREASE IN TRAFFIC FATALITIES AND ACCIDENTS FOR THOSE UNDER 21-YEARS OF AGE

An "insurance backgrounder"\* report addressed this question and presented arguments and statistics on both sides of the question.

\*Insurance Backgrounder, "Does Lowering the Drinking Age Lead to More Highway Crashes?" Published by the Public Relations Department of the State Farm Insurance Companies.

### A. Yes It Has Led to An Increase

Those who argue that a lowered drinking age has indeed resulted in an increase in traffic fatalities involving 18-to 20-year olds can cite a number of reports in support of their position. Foremost among them is the University of Michigan's Highway Safety Research Institute Study. Their study compared fatal accidents involving 18-to-20 year old drivers in the four year period (1968-71) before Michigan's drinking age was lowered from 21 with those in the five-year period (1972-76 after the law was changed to 18.

In the 1968-71 period, 26.9% of the 18-to-20 year old drivers involved in fatal accidents were reported by police to have been drinking. For the 1972-76 period, the figure was 41.3% - an increase of 53.5%. This increase is further highlighted by the fact that no significant increases were found in other age groups except for the 15 to 17 age group. For that group, the percentage rose from 15% in the 1968-71 period to 22% for the later period, almost a 50% increase.

It should be noted that changes in police reporting procedures had an effect on the data. The changes occurred in Michigan's reporting procedures and at the federal level. In 1971, Michigan reduced from five to two the number of options given police officers for reporting alcohol involvement in a crash. The options were "had been drinking" or "had not been drinking." Eliminated were "unknown" options. The federal change was the "Fatal Accident Recording System," introduced in 1974 by the National Highway Traffic Safety Administration. As with the new Michigan procedure, this system minimized missing data on motor vehicle accidents, including data on drinking.

Statistics from other states are also cited to support the view that the lowering of the drinking age has led to increased traffic fatalities for the under 21 age group. The Medical Director for the Kemper Insurance group noted Iowa and New Jersey. In Iowa, 124 teenagers died in accidents involving alcohol between 1970 and 1973. Between 1974 and 1977, after Iowa lowered its drinking age, the number increased to 194, a 56.5% increase.

New Jersey had a similar experience. The percentage of 18-20 year old drivers either drunk or impaired involved in fatal accidents increased after the lowering of the age of majority in 1973:

YEAR:	1973	1974	1975	1976	1977	1978
Total Fatal Accidents (18-20-year olds):	227	189	216	212	222	230
Drunk Drivers (18-20-year olds):	16	33	29	32	56	54
Impaired Drivers (18-20-year olds):	21	19	34	23	16	--
Drivers Who Had Been Drinking (18-20-year olds):	20	20	21	19	5	29

These observations should be noted:

1. The percentage of 18-20-year old drivers who were either drunk or impaired has increased since the lowering of the age of majority in 1973.

2. Those who were drunk or impaired increased from 8.9% in 1972 to 16.3% in 1973; to 27.5% in 1974; to 29.2% in 1975; decreased to 25.9% in 1976; increased to 32.4% in 1977; decreased to 23.4% in 1978. (Due to a change in law, as of July 1, 1977, all impaired drivers are carried as drunk drivers.)

(SOURCE: "The Age of Majority As It Relates to the Drinking Driver in New Jersey" - From a New Jersey State Police Report: Fatal Motor Vehicle Accident Comparative Data Report 1978.)

The Insurance Institute for Highway Safety (IIHS) compared fatal crash involvement of drivers under 21 in two states and one province where the drinking age was 18, with fatal crashes among under 21-year old drivers in three adjacent states where the age was 21. (Michigan was compared with Indiana, Ontario with Minnesota, and Wisconsin with Illinois.)

IIHS concluded that "there can be little doubt...that reducing the legal minimum drinking age is a social policy that carries a price in increased fatal motor vehicle collisions." But, the study also cautioned that:

"The effect found in the present study is important, but is not nearly as large as reported increases of greater than 50% in alcohol-related fatal crashes involving 18-20-year old drivers in some states that lowered the minimum drinking age, based on at least partially subjective reports. The number of 15-20-year old drivers involved was only about 5% greater

than a properly calculated expected number in states that changed the law. Apparently, the law change affected the perception and/or the reporting of alcohol involvement by the police more than it affected the fatal crash rate."\*

#### B. No Significant Impact on Accidents

Several studies have concluded that lowering the drinking age has no significant impact on accidents involving 18-20-year olds. The Wisconsin Department of Health and Social Services examined alcohol involvement of 18-to 20-year olds killed in accidents before and after the lowering of Wisconsin's drinking age to 18 in 1972. The study was not based on police reports that are utilized in other state studies because Wisconsin requires blood alcohol testing of all drivers killed in accidents. This would seem to remove, it is argued, some of the subjectivity found in those studies based on police reports.

The Wisconsin study found no significant increase in alcohol involved fatalities among youthful drivers during the years of 1968-73 which included two years of legal drinking at age 18. Approximately 60% of all tested driver fatalities aged 18 to 20 had "appreciable blood alcohol concentrations" (0.5% or more). Interestingly, the percentage in 1973 (62.7%), the first year of 18-year old drinking, was exceeded in two earlier years when the legal age was 21 (1969-64.2%; 1970-66.1%). Actually, the percentage of alcohol involvement was higher for the age groups 21-24 and 25-44 than for the 18-20-year old group.

The results of the Wisconsin study are somewhat limited by the fact that prior to 1972, 18-to 20-year olds could purchase beer where local governments in the state allowed it. The change in the drinking age merely made it legal for this age group to also buy wine and hard liquor. Another study apparently showed that beer drinking played a large part in teenage crash fatalities.

The Rutgers University (N.J.) Center of Alcohol Studies examined youth-traffic fatalities related to the drinking ages in Massachusetts and Maine. Their conclusion was that what appeared to be sizeable increases in fatalities in the year or two after the change of law are "actually normal year-to-year fluctuations." The report also concluded that more fatalities should have been expected given the rapid increases in the number of 18-20 licensed drivers.

In Maine, fatal accidents among 18- and 19-year old drivers rose 23% in 1972 (the year of the lowering of the drinking age), and 48% in 1973. However, there were increases of 77% in 1965 and 27% in 1966. A researcher for the Rutgers Center observed that "large-percentage year-to-year changes are common in all age groups."

The National Highway Traffic Safety Administration sponsored a nationwide survey of teenage drinking practices. The legal drinking age apparently made no difference in drinking practices - the same proportion of high school students were found to be drinkers in states where the legal drinking age was 21 as in states where it was 18 or 19.

### III. EFFECTS OF RAISING THE DRINKING AGE - IMPACT ON TRAFFIC FATALITIES

#### Massachusetts Statistics

A number of states have raised their respective drinking ages in recent years. In the Northeast, these include Massachusetts which raised its age from 18 to 20 in April 1979; New Jersey which raised its age of majority from 18 to 19, effective January 1, 1980; and New Hampshire which raised its drinking age from 18 to 20, effective January 1, 1980.

As stated by a New Jersey Transportation Department official, "it is too early to make any realistic estimates concerning raising the drinking age from 18 to 19 and its impact on fatal accidents." The same would seem to apply to New Hampshire which has had a raised drinking age for only a few months.

Massachusetts has had a 20-year old drinking age for approximately one year. Initial data on "Alcohol Related Fatal Accidents, Operators 19 and under" has been compiled. It should be cautioned that the data is inconclusive for a number of reasons including the small number of accidents, the period of time covered, normal year-to-year fluctuations, and possible increase in the number of licensed drivers.

The figures attempt to compare the number of alcohol related accidents for those under 19 from May to December 1978 (when the drinking age was 18) with May through December 1979 (when the drinking age was 20). For those under 18, alcohol related fatalities rose from 19 to 23, an increase of 21.1%. For those 18, the number of fatalities increased from 16 to 31, or 93.8%. For those 19, alcohol related fatalities decreased from 29 to 21, or a 27.6% drop.

Here is a summary in table form:

AGE	MAY-DEC. 1978 (18-year old drinking age)	MAY-DEC 1979 (20-yr old)	Percent of Change
Under 18	19	23	+ 21.1%
18	16	31	+ 93.8%
19	29	21	- 27.6%
TOTAL	64	75	+ 17.2%

JK:ssc



\*\*\*\*\* CROSS TABULATION OF \*\*\*\*\*  
 SEX SEX BY OMVIS TOTAL NUMBER OF OMVI BOOKINGS  
 \*\*\*\*\* PAGE 2 OF 2

		OMVIS				ROW TOTAL
		COUNT				
SEX	1.	4	2		1369	
	MALE	100.0	0.3	0.1	92.3	
	0.3	0.1				
FEMALE	2.	0	0	115		
	0.0	0.0	7.7			
	0.0	0.0				
	0.0	0.0				
COLUMN TOTAL	4	2	1484			
	0.3	0.1	100.0			

CHI SQUARE = 14.06159 WITH 11 DEGREES OF FREEDOM SIGNIFICANCE = 0.2296

\*\*\*\*\* CROSS TABULATION OF \*\*\*\*\*  
 AGEGR AGE IN YEARS GROUPED BY OMVIS TOTAL NUMBER OF OMVI BOOKINGS  
 \*\*\*\*\* PAGE 1 OF 4

		OMVIS											ROW TOTAL
AGEGR	COUNT ROW PCT COL PCT TOT PCT	2.I	3.I	4.I	5.I	6.I	7.I	8.I	9.I	10.I	11.I		
LESS THAN 15	26. 100.0 0.1 0.1	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	1 0.1	
15-19 YRS	27. 85.1 4.6 2.7	6 12.8 2.0 0.4	1 2.1 0.7 0.1	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	47 3.2	
20-24 YRS	28. 62.7 23.4 13.6	66 20.5 22.4 4.4	27 8.4 18.2 1.8	14 4.3 18.2 0.9	7 2.2 20.0 0.5	4 1.2 17.4 0.3	1 0.3 7.1 0.1	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	1 0.3 20.0 0.1	322 21.7	
25-29 YRS	29. 55.6 19.5 11.3	66 21.9 22.4 4.4	29 9.6 19.6 2.0	17 5.6 22.1 1.1	6 2.0 17.1 0.4	5 1.7 21.7 0.3	6 2.0 42.9 0.4	4 1.3 40.0 0.3	1 0.3 12.5 0.1	0 0.0 0.0 0.0	0 0.0 0.0 0.0	302 20.4	
30-34 YRS	30. 54.5 14.6 8.5	40 17.3 13.6 2.7	26 11.3 17.6 1.8	12 5.2 15.6 0.8	8 3.5 22.9 0.5	6 2.6 26.1 0.4	3 1.3 21.4 0.2	3 1.3 30.0 0.2	3 1.3 37.5 0.2	1 0.4 30.0 0.2	2 0.9 40.0 0.1	231 15.6	
35-39 YRS	31. 54.7 10.1 5.9	31 19.5 10.5 2.1	15 9.4 10.1 1.0	13 8.2 16.9 0.9	3 1.9 8.6 0.2	3 1.9 13.0 0.2	2 1.3 14.3 0.1	1 0.6 10.0 0.1	1 0.6 12.5 0.1	1 0.6 20.0 0.1	1 0.6 0.1 0.0	159 10.7	
40-44 YRS	32. 60.8 9.2 5.3	26 20.0 8.8 1.8	11 8.5 7.4 0.7	6 4.6 7.8 0.4	5 3.8 14.3 0.3	1 0.8 4.3 0.1	1 0.8 7.1 0.1	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	0 0.0 0.0 0.0	130 8.8	
COLUMN TOTAL	863 58.2	295 19.9	148 10.0	77 5.2	35 2.4	23 1.5	14 0.9	10 0.7	8 0.5	5 0.3	1484 100.0		

(CONTINUED)

\*\*\*\*\* CROSS TABULATION OF \*\*\*\*\*  
 AGEGR AGE IN YEARS GROUPED BY OMVIS TOTAL NUMBER OF OMVI BOOKINGS  
 \*\*\*\*\* PAGE 2 OF 4

		OMVIS		
AGEGR	COUNT I	12.I	13.I	ROW TOTAL
	ROW PCT I			
	COL PCT I			
	TOT PCT I			
26.	0	0	0	1
LESS THAN 15	0.0	0.0	0.0	0.1
	0.0	0.0	0.0	
27.	0	0	0	47
15-19 YRS	0.0	0.0	0.0	3.2
	0.0	0.0	0.0	
28.	0	0	0	322
20-24 YRS	0.0	0.0	0.0	21.7
	0.0	0.0	0.0	
29.	0	0	0	302
25-29 YRS	0.0	0.0	0.0	20.4
	0.0	0.0	0.0	
30.	1	1	1	231
30-34 YRS	0.4	0.4	0.4	15.6
	25.0	50.0		
	0.1	0.1		
31.	1	1	1	159
35-39 YRS	0.6	0.6	0.6	10.7
	25.0	50.0		
	0.1	0.1		
32.	1	0	0	130
40-44 YRS	0.8	0.0	0.0	8.8
	25.0	0.0	0.0	
	0.1	0.0	0.0	
	COLUMN TOTAL	4	2	1484
	TOTAL	0.3	0.1	100.0

(CONTINUED)

Vic,  
FYI.

110 ~~ALASKANS~~ under 21 died in  
Viet Nam. ~~CE~~

can die in V.N.  
but couldn't have  
a beer in Ausch.

TESTIMONY OF

GERALD L. HOOD  
8500 Pioneer Drive  
Anchorage, AK 99504  
(907) 333-6589

Before The  
SENATE STATE AFFAIRS COMMITTEE

Regarding  
SENATE BILL NO. 61  
"AN ACT RELATING TO DRIVING A MOTOR VEHICLE"  
April 9, 1983

AT LONG LAST IT APPEARS THE LEGISLATURE IS ATTEMPTING  
TO RECTIFY A DREADFUL WRONG WHICH HAS BEEN ALLOWED  
TO EXIST FOR ALL TOO MANY YEARS: LEGALIZED MURDER IN  
THE STATE OF ALASKA - OVER STATED - OVER  
DRAMATIC - TOTAL FALSEHOOD - I THINK NOT.

IF I WISHED TO ELIMINATE ANYONE IN THIS ROOM TODAY  
(WHICH BY THE WAY I DO NOT) ALL I WOULD HAVE TO DO IS  
GO TO THE CORNER BAR - DOWN A COUPLE OF STIFF  
ONES - THEN RUN THEM DOWN IN MY CAR - SEEMINGLY -  
AT WORST THE PROBABLE OUTCOME FOR ME - 72 HOURS IN  
JAIL AND A \$250.00 FINE.

FOR SOME UNKNOWN REASON OUR SOCIETY HAS EXCUSED SUCH HEINOUS CRIMES BECAUSE ALCOHOL IS INVOLVED - GRANTED THE MURDERS I SPEAK OF ARE NOT PREMEDITATED - BUT "ACCIDENTS". THE WEAPON IS NOT A GUN OR KNIFE - BUT A VEHICLE. THE RESULTS ARE THE SAME - THE LOSS OF HUMAN LIFE - AND WHAT PRICE DO WE PLACE ON THAT.

BEFORE I GO ON - LET ME EXPLAIN THE REASON FOR MY PRESENCE HERE TODAY. I AM A VICTIM OF A DRINKING DRIVER. MY FAMILY HAS BEEN A VICTIM THREE TIMES IN THE LAST THIRTEEN YEARS. I AM HERE TO LITERALLY BEG YOU TO STRENGTHEN OUR DRUNK DRIVING LAWS SO THAT THE LIFE OF MY DAUGHTER, WIFE, AND OTHERS MIGHT BE SPARED FROM THIS NEEDLESS SLAUGHTER ON OUR ROADS AND HIGHWAYS.

MY TWENTY YEAR OLD NEPHEW DIED, OR MORE ACCURATELY  
WAS KILLED, AT THE HANDS OF A DRINKING DRIVER IN  
ANCHORAGE RECENTLY. JUST SO YOU'LL KNOW - HE WAS  
DRIVING DOWN THE STREET MINDING HIS OWN BUSINESS -  
OBEYING ALL TRAFFIC LAWS - AND HE HAD NOT BEEN  
DRINKING. HE WAS RUN DOWN BY A CAR DRAG RACING ON  
ONE OF OUR CITIES BUSIEST STREETS. RECORDS INDICATE  
ALCOHOL WAS INVOLVED BUT THAT THE DRIVER WAS NOT  
LEGALLY DRUNK.

MY NEPHEW WAS HIT WITH SUCH FORCE THAT HIS VEHICLE WAS  
DEMOLISHED. HIS NEAR LIFELESS BODY HAD TO BE REMOVED  
FROM THE PASSENGER'S SIDE OF THE WRECKAGE BECAUSE  
ACCESS FROM THE DRIVER'S SIDE WAS IMPOSSIBLE.

FOURTEEN HOURS AFTER THE ACCIDENT HIS PARENTS WERE  
TAKEN INTO THE OPERATING ROOM TO SEE THEIR CHILD WHO  
WAS SO CRITICAL HE COULD NOT BE MOVED. I TRULY HOPE  
NONE OF YOU WILL EVER HAVE TO KNOW THE AGONY OF  
HOLDING YOUR CHILD'S HAND AND BE TOLD THERE IS NO  
BRAIN ACTIVITY AND ABSOLUTELY NO HOPE FOR SURVIVAL AS  
SEAN'S PARENTS DID. THIS BECAUSE OF A DRINKING DRIVER  
WHO WAS DRAG RACING!

WE ARE ANGRY - AND I THINK RIGHTFULLY SO. IT IS NOW  
TWO MONTHS AFTER THE ACCIDENT AND THAT DRINKING  
DRIVER IS STILL FREE AND PROBABLY STILL DRINKING AND  
DRIVING. THE POTENTIAL FOR HIM TO KILL AGAIN ALBEIT  
'UNINTENTIONAL" STAGGERS THE MIND.

MY NEPHEW IS GONE. HE DIED SO VIOLENTLY - SO NEEDLESSLY. WE ARE A CLOSE FAMILY, WE LOVED HIM DEARLY, AND NOTHING WILL FILL THE VOID HIS DEATH HAS CAUSED.

WHEN SUCH THINGS HAPPEN WE ALWAYS ASK - WHY? I THINK I KNOW WHY - THE LACK OF AND ENFORCEMENT OF ADEQUATE DRUNK DRIVING LAWS.

MAY I POINT OUT TO YOU - AS I'M SURE OTHERS HAVE BEFORE ME, AND THOSE WHO FOLLOW WILL ALSO - THAT AS RECENTLY AS LAST WEEKEND A YOUNG LAD OF TWENTY-SIX WAS MURDERED BY A DRUNKEN DRIVER HERE IN ANCHORAGE. IN AND BY ITSELF THAT ISN'T TOO ASTONISHING IF YOU LOOK AT THE STATISTICS - IT HAPPENS ALL THE TIME.

IF YOU LOOK A LITTLE DEEPER YOU SHOULD BE SHOCKED AND  
HORRIFIED - AND YOU SHOULD BE MOTIVATED TO RIGHT  
THIS WRONG.

THE DRIVER IN THIS FATAL ACCIDENT WAS CONVICTED IN 1979  
FOR DRUNKEN DRIVING, A MARCH 14 CONVICTION FOR  
LEAVING THE SCENE OF AN ACCIDENT, AND A PENDING  
CHARGE OF DRIVING WHILE DRUNK ON MARCH 10. BY THE  
WAY, THE DRIVER'S BLOOD ALCOHOL CONTENT WAS .34 WHEN  
IT WAS TESTED AT A LOCAL HOSPITAL AFTER THE FATAL  
ACCIDENT. ACCORDING TO PHYSICIANS I'VE TALKED TO THE  
DRIVER SHOULD HAVE BEEN UNCONSCIENCE. THE DRIVER'S  
WIFE HAD CALLED POLICE EARLIER THE DAY OF THE ACCIDENT  
TO HAVE HIM PICKED UP BECAUSE HE WAS OUT DRIVING  
DRUNK. THE POLICE COULDN'T FIND HIM.

IN ADDITION THE POLICE HAD A WARRANT OUT FOR HIS ARREST FOR FAILING TO APPEAR IN COURT ON THE MARCH 10 DRUNK DRIVING CHARGE. YET, TO MY KNOWLEDGE HE WAS NOT ARRESTED AT THE SCENE OF THE ACCIDENT ON THIS WARRANT. HE WAS TREATED AND RELEASED AT A LOCAL HOSPITAL - BASICALLY, GIVEN HIS CAR KEYS - FREE TO GO KILL AGAIN. ONLY UPON THE INSISTANCE OF HIS WIFE WAS HE ARRESTED ON THE OUTSTANDING WARRANT.

HE SPENT THE REMAINDER OF THE NIGHT IN JAIL. HOWEVER, ON SUNDAY AFTER THE ACCIDENT, DUE TO A MONUMENTAL SCREW-UP IN A SYSTEM THAT QUITE LITERALLY STINKS AND IS PRESENTLY GEARED TO PROTECT THE CRIMINAL MORE THAN THE VICTIM, THE DRIVER WAS ARRAIGNED BEFORE A MAGISTRATE AND RELEASED ON HIS OWN RECOGNIZANCE.

HE WAS WARNED NOT TO DRIVE WITHIN EIGHT HOURS OF  
DRINKING - THANK GOD - I FEEL MUCH SAFER KNOWING  
THAT! THREE DAYS AFTER THE FATAL ACCIDENT THE DRIVER  
WAS JAILED WITH A \$10,000 CASH ONLY BAIL WHICH HE COULD  
EASILY RAISE ACCORDING TO HIS WIFE WHO WAS QUOTED IN  
THE NEWSPAPER AS SAYING, "I THINK NOW HE KNOWS HE  
NEEDS HELP. IT'S TOO BAD SOMEONE HAD TO DIE." HOW  
MANY MORE PEOPLE COULD HAVE DIED IN THOSE THREE DAYS  
THIS DRUNK DRIVER WAS FREE?

IT'S TOO BAD SOMEONE HAD TO DIE.

THEREIN LIES THE FALLACY. IT'S NOT THE DRUNKEN DRIVER  
WHO NEEDS HELP - IT'S US - THE VICTIMS - THE  
CITIZENS OF THIS STATE WHO NEED HELP.

WE NEED PROPER AND ADEQUATE PROTECTION FROM THIS  
CARNAGE, AND WE ARE HERE TODAY DEMANDING IT - YES,  
DEMANDING IT - ENOUGH IS ENOUGH - A STIFF SENTENCE  
FOR A THREE TIME OFFENDER WHO JUST HAPPENS TO KILL  
SOMEONE THE FOURTH TIME AROUND IS A TRAVESTY!

I WANT YOU TO KNOW I SUPPORT THE CONCEPTS OF SENATE  
BILL 61.

LET ME JUST SAY THAT THE STRONGER PENALTIES SET FORTH  
IN HOUSE BILL 6 SHOULD BE ADHERED TO. MY REAL FEAR IS  
THAT YOU WILL DEBILITATE THIS LEGISLATION BY WEAKENING  
AMENDMENTS AND THUS RENDER IT MEANINGLESS. THE  
PENALTIES YOU ULTIMATELY SET FORTH IN THE LEGISLATION  
YOU PASS SHOULD NOT BE SUBJECT TO ALTERATION BY THE  
JUDICIAL SYSTEM.

MANDATORY SENTENCING IS A DETERRENT.

THERE ARE TWO OTHER AREAS I STRONGLY URGE YOU TO  
STRENGTHEN IN THIS BILL - AND THOSE ARE THE ABILITY  
FOR ADMINISTRATIVE REVOCATION OF A DRIVER'S LICENSE AT  
THE TIME OF ARREST OR ACCIDENT INVOLVING A DRUNK  
DRIVER - AND MOST IMPORTANTLY THE BLOOD ALCOHOL  
CONTENT DETERMINED TO BE LEGALLY DRUNK SHOULD BE  
REDUCED FROM .10 TO .08.

THERE ARE WILD EYED LIBERALS AMONG US WHO WILL SCREAM  
THAT WE SHOULD REHABILITATE THE DRUNKEN DRIVER -  
THAT THE STATE SHOULD ADDRESS TREATMENT AND  
PREVENTION AS WELL AS IMPRISONMENT.

TO THAT I SAY - YOU REHABILITATE MY NEPHEW, THE  
GERRISH BOYS AND COUNTLESS OTHERS FROM THE DEAD AND  
THE OUTRAGED PUBLIC I'M A PART OF WILL GIVE SERIOUS  
CONSIDERATION AS TO WHETHER DRUNK DRIVERS WHO KILL  
AND MAIM DESERVE REHABILITATION.

ANOTHER RED HERRING BEING RAISED IN AN EFFORT TO  
REDUCE PENALTIES IN YOUR LEGISLATION IS THE PRESENT  
OVER CROWDING OF OUR CORRECTION! SYSTEM AND THE  
BURDEN OF INCREASED COST THE INCARCERATION OF THESE  
CRIMINALS WOULD CAUSE. AGAIN I ASK YOU - WHAT IS  
THE VALUE OF A HUMAN LIFE?

ACCOMPLISH THESE THINGS, INADEQUATE AS I FEEL THEM TO  
BE - AND YOU WILL BE TAKING A STEP IN THE RIGHT  
DIRECTION IN MAKING THE STATE OF ALASKA A SAFER PLACE  
TO LIVE.

I THANK YOU FOR THE TIME ALLOWED ME TO TESTIFY TODAY  
AND FOR YOUR UNDERSTANDING IN WHAT IS AN EMOTIONAL  
ISSUE FOR MY FAMILY AND ME.

REMEMBER THAT ONLY UNTIL YOU RESPONSIBLY ENACT  
ADEQUATE, ENFORCEABLE LEGISLATION - DEATHS LIKE THAT  
OF MY NEPHEW WILL CONTINUE TO OCCUR.

THE LIVES AND SAFETY OF ALL ALASKANS ARE IN YOUR  
HANDS.

SENATE STATE AFFAIRS COMMITTEE  
MEETING SCHEDULE  
(3/31/83)

April 5, Tuesday 3:00pm (Butrovich Room, Capitol Bldg.)

- SB 27 Toll-free telephone calls
- SB 115 Individual rights of peace officers
- SB 153 Citizens who assist peace officers
- SB 218 Disclosure of information
- SJR 13 Urging repeal of the Jones Act

April 7, Thursday 3:00pm (Butrovich Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226)  
Invited testimony only. See attached agenda for details.

TELECONFERENCE (Listening only):  
South Central, Southeast, and Fairbanks.

April 9, Saturday 9:00am - 4:00pm (AST) (Anchorage Municipal Assembly  
Chambers, 3500 E. Tudor)

Drunk driving and related issues (SB 61, HB17, and SB 226)  
See attached agenda for details.

April 11, Monday 7:30pm (PST) (Butrovich Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226).  
See attached agenda for details.

TELCONFERENCE:  
South Central (except Anchorage), Southeast and Interior.

April 12, Tuesday 1:30pm (PST) (Senate Finance Room, Capitol Bldg.)

Drunk driving and related issues (SB 61, HB 17, and SB 226).  
Invited testimony only. See attached agenda for details.

TELECONFERENCE (Listening only):  
South Central, Southeast, and Fairbanks.

SENATE STATE AFFAIRS COMMITTEE

AGENDA FOR DRUNK DRIVING HEARINGS

APRIL 7, 1983 3:00pm Butrovich room

- I. DRIVING UNDER THE INFLUENCE: AN OVERVIEW OF THE PROBLEM IN ALASKA
  - A. a statistical look at the situation
  - B. Legal examination of Title 28, Motor Vehicles
  
- II. THE SYSTEM FROM APPREHENSION TO THE SANCTIONING OF DRUNK DRIVERS IN ALASKA
  - A. current enforcement practices
  - B. court proceedings; conviction rates, and penalties issued in court
  - C. actual penalties served, incarceration and treatment
  
- III. INTRODUCTION OF LEGISLATION BEFORE THE COMMITTEE
  - A. SB 61, An act related to driving a motor vehicle
  - B. CSHB 17 (Jud) am, Raising the Drinking Age
  - C. SB 226, Training and licensing of drivers

APRIL 9, 1983 in ANCHORAGE AT THE MUNICIPAL ASSEMBLY CHAMBERS from 9:00am--12:00, 1:00pm--4:00pm

- I. INTRODUCTION

## II. PREVENTION OF DWI AND AUTO RELATED ACCIDENTS

- A. the importance of public awareness as a deterrent
- B. curfew licenses for drivers under 18 years of age
- C. raising the drinking age
- D. the use of roadblocks as a deterrent
- D. educational programs
- E. licensing procedures as sanctions and deterrents
  - 1. suspensions
  - 2. revocations
  - 3. limited licenses

## III TREATMENT

- A. different kinds of alcohol treatment
- B. success of mandatory treatment as a sanction
- C. the Alaska Alcohol Safety Action Program (AASAP) screening program

## III COURT/DMV RECORD SYSTEMS

- A. problems with state record systems related to DWI
  - B. National Driver's Register as a record system
- Public testimony will be heard

April 11, MONDAY at 7:30pm (PST) Butrovich room

TELECONFERENCE for Southeast, South Central (except Anchorage), and Interior portions of the state on drunk driving, related issues, SB 61, CSHB 17(Jud) am, and SB 226.

April 12, Tuesday 1:30pm Senate Finance room

EXPERT TESTIMONY WILL BE HEARD FROM H.L. ROSS

I. INTRODUCTION

II. PENALTIES

- A. the use of fines as a sanction
- B. automobile impoundments and forfeitures
- C. the effectiveness of incarceration
- D. community service
- E. other

III. ALTERNATIVE APPROACHES FOR DETERRING THE DRINKING/DRIVING BEHAVIOR

- A. limiting the circulation of alcohol
- B. transportation alternatives to and from drinking establishments

IV. ENFORCEMENT

- A. public perception of size of police force as a deterrent
- B. mandatory breathalyzer test for all persons pulled over for a moving violation

V. SPECIFIC PROBLEM AREAS CONCERNING DRUNK DRIVING

- A. the habitual offender
- B. the effect of mandatory penalties when they are too severe

VI. ROAD SAFETY MEASURES TO DECREASE ACCIDENT  
FATALITY RISK

- A. increased amount of street lights to decrease accidents
- B. child restraints
- C. use of road signs designed to mitigate the injuries received from accidents
- D. mandatory seat belt use

VII. CONCLUSIONS