

SENATE BILL REPORT

SHB 1082

AS REPORTED BY COMMITTEE ON HIGHER EDUCATION, APRIL 2, 1993

Brief Description: Combating student alcohol abuse in colleges and universities.

SPONSORS: House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Voloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland)

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, and Sheldon.

Staff: Scott Huntley (786-7421)

Hearing Dates: March 31, 1993; April 2, 1993

BACKGROUND:

The Washington liquor code prohibits possession of liquor by persons under 21 years of age. The liquor code also makes it unlawful for any person to supply liquor to a minor or permit a minor to consume liquor on his or her premises or on any premises under his or her control. It is difficult to enforce this law in certain student housing facilities because courts have treated dormitory rooms and fraternity and sorority houses as private residences.

It is unlawful to consume liquor in a public place. Therefore, a person may not consume liquor on a college or university campus except in the privacy of his or her own residence. Washington law does provide for organizations to acquire a banquet permit authorizing them to host an activity on campus at which alcohol may be served. No alcohol may be served to minors at such events. Additionally, the faculty center at the University of Washington has been authorized by law to obtain a liquor license.

The Legislature has declared that any place where liquor is manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of Washington's liquor laws is a common nuisance. The prosecuting attorney of the county in which the nuisance is located is authorized to institute and maintain an action in Superior Court to abate and perpetually enjoin such nuisance.

In 1992, after an incident in which a young woman lost sight in one eye from an injury caused by a beer bottle thrown from a fraternity, University of Washington President William Gerberding convened a task force to review the relationship between the University and the Greek system. The task force recommendations were made public on January 19, 1993.

SUMMARY:

No later than January 1, 1994, each of the state four-year colleges and universities shall submit to the Higher Education Coordinating Board and designated committees of the Legislature a comprehensive plan to combat student alcohol abuse. The comprehensive plan shall include means for assuring to the highest degree possible that there is no underage drinking on campus. The comprehensive plan shall also provide details of services that will be offered to students who are problem drinkers. Additionally, the plan shall include strategies for combating underage drinking in off-campus student residences, such as fraternities and sororities.

The strategies for combating underage drinking shall include, but not be limited to, a program in which the college or university enters into individual recognition agreements with all of the fraternities and sororities at the college or university, setting forth its expectations with respect to the conduct of those groups and their members and the sanctions that will be imposed should the groups fail to satisfy the expectations. The agreements shall contain at least the following provisions: (1) chapters and their individual members will be expected to comply with applicable laws and government officials; (2) chapters will be held accountable for the conduct of members, residents, and guests, and will be expected to take disciplinary actions against members who violate the rules and expectations of their chapters, the college or university, or the community, and to report the actions taken to the appropriate college or university official; (3) each organization shall identify persons who can be contacted by the police and other enforcement agencies 24 hours a day to handle emergency concerns; (4) chapters must conduct uniform education programs covering substance abuse and acquaintance rape; (5) all parties involving a minimum of 25 people where alcohol is consumed shall be registered with the college or university. Banquet permits shall be obtained from the Liquor Control Board for every such party; (6) the agreements shall be reviewed by the college or university for renewal on an annual basis; and (7) sanctions for violations of the agreements shall include, but not be limited to, warnings, reprimands, monetary fines, restitution for property damage, probation, suspension, or withdrawal of recognition. Upon withdrawal of recognition of a fraternity or sorority chapter, the college or university shall immediately notify the national fraternity or sorority that the chapter is no longer in good standing at the college or university.

SUMMARY OF PROPOSED SENATE AMENDMENT:

"Party" is defined as an event including a minimum of 25 guests, the consumption of alcohol and scheduling and/or announcing of the event, or as organized chapter activities when alcohol is present.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill establishes a level of responsibility on the part of the fraternities and sororities. This is an example of community policing. The University of Washington task force recommendations are outstanding. The bill addresses the most dangerous aspects of alcohol abuse on campus.

TESTIMONY AGAINST:

This bill should be changed to reflect the actual agreement between the UW task force and the Greek system. The system is working very hard to solve the problems. Many alcohol education and abuse programs are in place. Fraternities should not be held accountable for the action of third parties. The restrictions placed on parties involving 25 people or more may be unconstitutional.

TESTIFIED: Representative Heavey, original prime sponsor (pro); Captain Douglass Dills, Seattle Police Department (pro); Assistant Chief Steve Bailey, Seattle Fire Department (pro); Chief Michael Shanahan, UW Police (pro); Dan Steele, Washington Student Lobby; Doug Litchen, Sigma Chi Council; Rob Thomasen, President, Alumni Fraternity Council; Leslie Wiggins, Intrafraternity Parents Council; Chris Scherwin, President, Intrafraternity Council, UW