

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 6, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Wednesday, March 6, 1985 at 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NOS. 2 and 3: Senator James Shaw, House District #12, chief sponsor of HB 2 and HB 3, appeared and offered testimony in support of these bills. These bills will change the state constitution and state law by raising the legal drinking age from 19 years to 21 years. SB 2 changes the statute, and SB 3 is the referendum which would be placed before the electors of the state of Montana at the general election held in November, 1986. Senator Shaw stated that his sole reason for introducing this legislation was not because the federal government would withhold certain highway funds from states that do not raise their drinking age to 21. He feels that from his observation, there is an obvious increase in physical and mental maturity at the age of 21. He also feels that by raising the age, it would remove access to alcohol from younger teenagers. He pointed out that he objects to the amendment the Senate tacked onto this bill, i.e. Section 7 of the bill. He doesn't feel that this is germane to the state of Montana.

PROPOSERS:

Chip Erdmann, representing the Montana School Board Association, testified in support of these bills in their original versions. He stated that the association supports these bills because the school administrators see problems relating to this issue regarding the 19 year old students. This group seems to run around more often with older people who drink. Mr. Erdmann stated that this legislation would make access to liquor more difficult for teenagers.

Rep. Bernie Swift, House District #64, informed the committee that he was the sponsor of this type of legislation two years ago. He further pointed out that he is one of the co-sponsors of this legislation. He said that in his area (Ravalli County), they are not only having problems with older students but are also experiencing problems with the elementary students as well.

He referred to a study done by the Insurance Institute for Highway Safety which found that states raising the legal drinking age could expect a 28 percent reduction in nighttime fatal crashes among the affected age groups. An excerpt from the study was submitted by Rep. Swift, marked Exhibit A, and attached hereto.

Claudia Steen, representing the Montana Parent/Teacher Association, stated that she supports these bills in their original version.

Jim Manion, representing the Montana Automobile Association, testified as a proponent to these bills. He said there are two compelling reasons for raising the drinking age. One is that the change would save lives among young adults who will have their whole lives in which to drink. The other is that, since victims are not only youthful drivers, the change would save lives of all ages. A copy of his written testimony was marked Exhibit B and attached hereto.

Gary Wicks, director of the Department of Highways, testified in support of this legislation. He said the primary reason the department supports these bills is because they are trying to preserve the highway program that the 1983 legislature approved. If these bills are not passed, the department will have to cut back in its construction program during the 1986-87 biennium. He further said that Montana will lose \$17.1 million during the first two fiscal years the federal law is in effect if Montana does not comply.

Ben Havdahl, representing the Montana Motor Carriers Association, testified as a proponent. He, too, is concerned with the highway funds that may be lost in addition to the concern he has for the safety problem.

Bob Stockton, representing the Superintendent of Public Instruction, stated that he feels there is a constitutional problem with the present 19 year old drinking law.

David Lackman, lobbyist for the Montana Public Health Association, testified as a proponent and submitted a copy of his written testimony. (Exhibit C)

Jerry Loendorf, representing the Montana Medical Association, testified in support of the bills. He feels that by raising the drinking age to 21, it will decrease drinking among youths aged 15, 16, 17 and 18. He feels it would also reduce teenage alcoholism.

Mickey Nelson, Lewis and Clark County Coroner and chairman of the DUI Task Force, testified. He said that anything that can be done to help curb chemical dependency should be done.

Candis Compton, representing the Highway Traffic Safety Division of the Department of Justice, wished to go on record as supporting these bills.

Chairman Hannah wished to go on record as a proponent. He also submitted a letter written by Dale Miller which was marked as Exhibit D and attached hereto.

Rep. O'Hara also wished to be indicated as a proponent.

OPPONENTS:

Paul Sagunsky, president of the Montana Tavern's Association, testified against these bills. He informed the committee that he is also the owner of a pizza parlor and tavern near Western Montana College. He said that he, along with other businesses, will certainly go out of business if this legislation passes. He said he surveyed his clientele at one time, and that survey indicated that none of his clients would stop drinking if the age were raised to 21. He also feels this will have an effect on tax based counties, and it will present some severe economic impacts if the bills pass.

Mike Males of Livingston, testified at length as to why he opposes this legislation to change the law. Although he is concerned with the drinking problems that youth have, he doesn't feel that raising the age would be the solution. Mr. Males stated that his personal research found unmistakable evidence that night-time highway fatalities among youths has increased since Montana raised its drinking age from 18 to 19. He submitted some statistics supporting his position. (See Exhibit E) Mr. Males argued that not one cent of federal funds will be lost if Montana doesn't comply. He admonished the committee not to act hastily on these measures.

Colleen Conner, a Helena High student, stated that she hopes action on this legislation will not be taken for the money issue alone. But rather, she hopes the committee will look at what the people want. She also feels that enforcement of existing law would be more effective than raising the drinking age.

Todd Hill, a Helena High School student, feels the whole movement to raise the drinking age is unnecessary.

He further feels that other ways can be found to fund Montana's highway program.

Cecelia Kingman, a Helena High School student, feels this legislation will not decrease the number of teens who drink; however, she believes that those 19 and 20 year olds who could no longer drink in bars will drink in cars.

Rep. Dave Brown stated that he is clearly opposed to this legislation and wished to go on record as an opponent.

Kathy Heffernan, another Helena High student, stated that this legislation will do little to prevent fatalities in the state. She stated that she hopes the legislature will not allow themselves be blackmailed by the federal government but rather consider the desires of the residents of this state.

There being no further opponents, Rep. Shaw closed.

The floor was opened to questions.

One of the committee members asked how much the state matches the federal government as to highway monies. Mr. Wicks said that it is a 18% to 82% ratio comparison.

Rep. Rapp-Svrcek asked Mr. Wicks what his position on this legislation would be if no federal monies would be lost. Mr. Wicks stated that he really doesn't have a position. The department's main concern is the loss of federal highway funds that the state could experience if the state doesn't conform to the federal statute.

Rapp-Svrcek asked Senator Shaw if he would support some sort of legislation that would change the present draft law to 21 years of age. Senator Shaw stated that he certainly would.

There were further questions asked regarding some of the statistics that were presented at the hearing today.


Rep. Addy asked Senator Shaw if he thought the age of 21 is more of a rationale age to establish than 25 years. Senator Shaw replied with a "yes."

Rep. Darko asked the question, "How many 19 year olds are presently students in Montana high schools." Mr. Erdmann did not have the information, but he stated that he would try to submit that information to the committee. (He was unable to come up with a figure.)

Rep. Bergene had a question pertaining to the access of alcohol and if it would be more difficult to get if the age were raised to 21. Colleen Conner, a student from Helena High, addressed this question by saying she feels the access will be there whether or not the age changes.

There being no further questions, the hearing closed.

ADJOURN: A motion having been made and seconded, the meeting adjourned at 12:40 p.m.



TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/6/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

safety. We expect NHTSA to actively continue efforts to breakdown the technological, economic, and social barriers to passive restraints, to get drunk drivers off the road, and to pursue other worthy programs aimed at improving highway safety.

We all realize that there can be a big payoff in highway safety if more Americans would use their safety belts. I hope you prove the skeptics wrong and that your program is a major success.

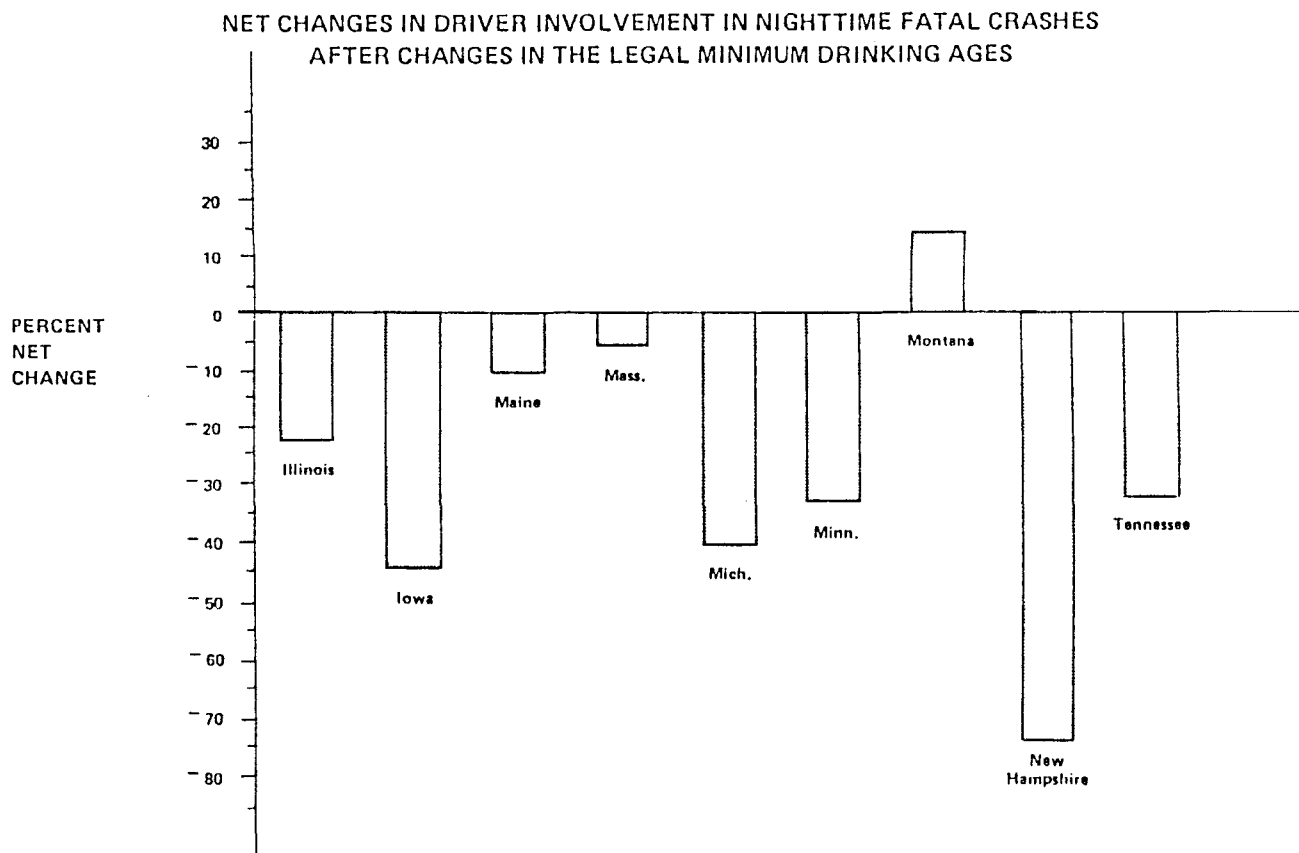
Sincerely,

Adam Benjamin, Jr.
Chairman
Subcommittee on Transportation
Appropriations

(A letter from the House Appropriations Subcommittee chairman to the NHTSA administrator, Feb. 22, 1982)

Maryland Raises Legal Drinking Age (Cont'd from page 1)

Governor Hughes had pushed for adoption of the higher drinking age following the recommendation of a state task force on drunk driving. (See *Status Report*, Vol. 16, No. 20, Dec. 21, 1981.) William T. S. Bricker, head of the state motor vehicle administration and chairman of the state task force, has said that the recommendation was based on results of studies by the Insurance Institute for Highway Safety which found that states raising the legal drinking age could expect a 28 percent reduction in nighttime fatal crashes among the affected age groups. (See *Status Report*, Vol. 16, No. 10, July 15, 1981.)



From Insurance Institute for Highway Safety 4/1/82

R. B. Smith

Montana Automobile Association



STATE HEADQUARTERS OFFICES, P. O. BOX 4129
607 N. LAMBORN / HELENA, MONTANA 59604
PHONE 442-5920

TESTIMONY OF
THE MONTANA AUTOMOBILE ASSOCIATION (AAA)
ON S. B. 2 AND 3
INCREASING THE LEGAL DRINKING AGE TO 21
PRESENTED BY
JIM MANION

BRANCH
OFFICES:

BILLINGS
3220 4th AVE NO
P O BOX 2076 (59103)
248 7738

GREAT FALLS
1711 10th AVE. SO (59405)
727 2900

MISSOULA
275 W MAIN (59802)
549-5181

KALISPELL
116 FIRST AVE W (59901)
PLAZA WEST 2
755-5511

199 Oct 1986

Alcohol-related crashes currently account for 55% of the nation's highway death toll. On average, in each year of the past decade, such crashes have taken the lives of 24,000 persons, have injured another 650,000 persons, and have generated \$25 billion in losses and societal costs for property damage, medical expenses, lost work and productivity. Drivers under 21 are involved in almost one quarter of these crashes. Yet drivers under 21 years of age make up only 10% of the nation's licensed drivers and account for only 9% of all vehicle miles driven.

Clearly this over-representation of youthful drivers in alcohol-related accidents is a highway safety problem of critical importance. Mortality rates have been decreasing over the past 75 years for every age group, except 15 to 24 year olds. Statistics show this age group to have the highest death rate from motor vehicle accidents, almost twice the average for all age groups, and it is alcohol-related crashes that are the leading cause of these deaths.

Only during the past decade have traffic safety authorities focused on the relationship between a state's legal drinking age and alcohol-related accidents involving younger drivers.

In July, 1971 the 26th Amendment to the U.S. Constitution became effective, extending the right to vote in federal elections to citizens between 18 and 21 years of age. By 1973, all 50 states had extended to this age group the right to vote in state elections. Consistent with this trend, 35 states reduced their minimum legal drinking age and, in most cases, conformed it with the new 18 year age of majority. It was not anticipated that lowering the legal drinking age would lead to a higher incidence of alcohol-related problems.

By the mid-1970's studies had begun to make this optimistic view untenable. Many states found that 18 to 21 year old drivers, an age group already over-represented in accident statistics, were dramatically increasing their involvement in alcohol-related accidents. In an effort to counter this growing disproportion, many states reversed themselves and raised their legal drinking age. (Since 1976 no state has lowered the age.)

In states that raised their minimum legal drinking age, numerous studies began showing a significant decrease in alcohol-related accidents among the affected age group. It was the cumulative effect of these studies that led the National Transportation Safety Board to conclude that a direct correlation existed between a state's minimum drinking age and alcohol-related accidents in the 18 to 21 year old age group. The Board stated further that "a state that raises its drinking age can expect about a 28% reduction in night-time fatal crash involvement among drivers the law change applies to."

As usual in any emotionally charged issue, many myths surface that attempt to cloud or distort the situation. Raising the drinking age to 21 has not escaped many of these myths. Let's take a look at the myths vs. the realities of raising the drinking age.

MYTH: Raising the drinking age will only cause teenagers to put "the bar in the car."

REALITY: Studies in many states have clearly shown that the "bar in the car" effect simply does not occur. States that raised their drinking age from 18 or 19 to 21 found that reported incidents of drinking in cars did not increase. In fact, the percentage of youths

who reported driving after any drinking was reduced by a substantial margin.

MYTH: Raising the drinking age actually causes people to drink more, it causes college age kids to black market booze and other drugs and benefits criminals.

REALITY: Studies that focus on direct indicators of increases or decreases in drinking behavior generally take a positive view of the ability of drinking age laws to curb underage alcohol consumption. For example, a 1980 study by Maisto and Rachal, based on a nationwide survey of 10th, 11th and 12th grade students, found that respondents in states with a drinking age of 21 were more likely to be abstainers.

In addition, surveys in several states have shown that reported drug use by teenagers in these states declined after changes in the statutory drinking age. Criminal penalties for the possession of marijuana and other drugs are still perceived as severe enough to serve as a deterrent for most persons under 21 and it is difficult to see how a change in the drinking age would change that perception.

MYTH: There are increased fatalities in states that raise their drinking age.

REALITY: States With Ample Support Data: In at least five states the data generated on this issue has been more than sufficient and has been evaluated by means of carefully constructed statistical analyses based upon large numbers of case studies over a substantial period of time. What follows is a summary of the experience of the five states.

ILLINOIS: Illinois increased its legal drinking age for beer and wine from 19 to 21 in January 1980; for hard liquor the drinking age was

already 21. A comprehensive study (before 1977 to 1979 and after 1980 to 1982), by the Illinois Traffic Safety Division found the following driver fatality results:

	<u>BEFORE</u>	<u>AFTER</u>	<u>PERCENTAGE OF REDUCTION</u>
18 & younger	1,130	820	27.4
19 & 20	1,015	714	29.7
21 & older	5,244	4,606	12.2

The involvement of 19 and 20 year olds declined substantially not only in terms of fatal accidents, but also in terms of all accidents and single vehicle night-time fatal accidents, involving male drivers. These results led Illinois' Division of Traffic Safety to conclude that "...approximately 55 lives were saved and 2,750 accidents prevented in the three year period following the raising of the drinking age."

FLORIDA: Florida's 19 year old minimum drinking age became effective October 1, 1980. For the 12 month period following the increase, 18 year olds who "had been drinking" were involved in 688 fatal and injury accidents compared with 784 for the previous 12 month period, a 12.2% decrease. This decrease, coupled with comparable decreases in 18 year olds' involvement in both night-time accidents and night-time single vehicle fatal accidents led the Florida Bureau of Highway Safety to conclude that Florida's increase in the legal drinking age was "genuinely and substantially effective" in reducing alcohol-related accidents among young drivers.

MAINE: Maine increased its drinking age from 18 to 20 in October, 1977. In 1981, the Insurance Institute for Highway Safety concluded that the change had produced an 11% net reduction in fatal crash involvement among 18 and 19 year old Maine drivers. Subsequently, a National

Highway Traffic Safety Administration technical report found that night-time male driver accident involvement in Maine after the drinking age was raised had declined by 18.6% for 18 year olds and 13.9% for 19 year olds.

MASSACHUSETTS: Massachusetts raised its drinking age from 18 to 20 in April, 1979. Since then, the number of alcohol-related fatalities involving drivers under 20 has been on the decline. Moreover, there has been a greater degree of reduction for this group than for drivers ages 20-24, as the following statistics indicate:

	<u>15-19</u>	<u>20-24</u>
1979	254	273
1980	198	287
1981	157	241
1982	155	184
1983	138	203

In addition, an authoritative published study compared Massachusetts with New York for the 1979 to 1981 period and it concluded that the Massachusetts' drinking age increase had produced a 31% net decrease in single vehicle night-time fatalities involving the 18 and 19 year old age group.

MICHIGAN: Very consistent results have followed Michigan's December, 1978 increase in the legal drinking age from 18 to 21. (Michigan's drinking age increase resulted from a 1978 ballot referendum on an amendment to the state constitution which was adopted by the voters by a 57% to 43% margin.) The effects of that increase have been exhaustively researched and documented -- and they show a dramatic change, as evidenced by the following Michigan State Police statistics:

MICHIGAN ALCOHOL-RELATED ACCIDENTS
INVOLVING DRIVERS 18 TO 20 YEARS OF AGE

	<u>TOTAL ACCIDENTS</u>	<u>FATAL</u>	<u>INJURY</u>	<u>PROPERTY</u>
1978	12,567	182	5,486	6,899
1979	9,627	161	4,431	5,035
1980	9,056	164	4,062	4,830
1981	7,659	125	3,439	4,095
1982	6,859	122	3,090	3,647

To determine the degree to which the drinking age increase was a factor in reducing alcohol-related crash involvement, Professor Wagenaar compared the experiences of the affected 18 to 20 year old group with those of the unaffected 21 year old and over age group. Over the 1979-1983 period, drivers 21 years old and over experienced a 7 % decrease in the rate of drinking driver involvement in injury producing crashes, while 18 to 20 year old drivers experienced a 9% decrease. This is a net reduction of 16% over a five year period and compares favorably with the results achieved the first year after the drinking age was changed.

In the aggregate, such data makes a strong case for drinking age increases as a means of improving traffic safety, particularly for persons in the affected age group. A strong case is also made for setting the age at 21.

MYTH: No "Border Effect" exists between states with varying drinking ages.

REALITY: For example, opponents of 21 have claimed that no so called "border effect" exists between the state of North Dakota, whose drinking age is 21 and Montana, whose drinking age is 19. However, according to Dan Stewart of the North Dakota Traffic Safety Division, a significant border effect does indeed exist. North Dakota experiences less alcohol-related accidents in the central part of the state and more

alcohol-related accidents as you get closer to the Montana border. Stewart stated "there is definitely a border effect, especially in the Williston area where Highway 2 leads into Montana".

In conclusion, we feel that there are at least two compelling reasons for raising the drinking age. One is that the change would save lives among young adults who will have their whole lives in which to drink. The other is that, since victims are not only youthful drivers, the change would save lives of all ages.

Notwithstanding these projected benefits, Montana must also enact a minimum drinking age of 21 or lose 5% of its much needed highway funds beginning in fiscal year 1987 and 10% if we have not raised the drinking age by fiscal year 1988.

In a recent survey of the Montana Automobile Association's 72,000 members, we asked the question "Do you favor legislation raising the legal drinking age to 21 years old in Montana? A full 83% indicated they would favor such a proposal.

We, therefore, urge the legislature to give top priority to assessing the very compelling case that is made for 21. The Association believes such an assessment should lead to prompt enactment of legislation to make 21 the legal drinking age in Montana.

References

Florida Department of Community Affairs, Bureau of Highway Safety. Relation of the Legal Drinking Age to Young Drivers' Involvement in Traffic Accidents. 1982.

Hingson, Ralph et al. "Impact of Legislation Raising the Legal Drinking Age in Massachusetts from 18 to 20". Presented at the American Public Health Association Meeting, November 3, 1981. Revised and published in American Journal of Public Health 73 (February 1983): 163-169.

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Massachusetts Highway Safety Bureau. Alcohol-Related Fatalities, 1979-1983 for 15-19 and 20-24 Year Olds.

Michigan Department of State Police. Michigan Traffic Accident Facts, 1978-1982.

Schroeder, Joyce K. and Meyer E. DeWayne. Influence of Raising The Legal Drinking Age in Illinois. Illinois Department of Transportation, Division of Traffic Safety. December 1983.

Wagenaar, Alexander C. Alcohol, Young Drivers; and Traffic Accidents. Lexington, MA: D.C. Heath and Co., 1983.

Wagenaar, Alexander C. "Effects of Minimum Drinking Age on Alcohol-Related Traffic Crashes: The Michigan Experience Five Years Later." Presented at the conference on Control Issues in Alcohol Prevention: Impacting Communities, Charleston, South Carolina, October 7-10, 1984.



WHY THE LEGAL DRINKING AGE SHOULD BE 21

The American Automobile Association presents this information on alcohol-related traffic accidents in the hope that the compelling data detailed in the brochure will help convince state legislatures to raise the legal drinking age to 21.

(This sheet to be used by those testifying on a bill.) SB 2 & 3NAME: DAVID B. LACKMAN, Lobbyist, MT Public Health Assn. DATE: Mch 6, 1985 Wed.ADDRESS: 1400 Winne Avenue, Helena, Montana 59601PHONE: 443-3494REPRESENTING WHOM? Montana Public Health AssociationAPPEARING ON WHICH PROPOSAL: SB-2; SB-3 (Shaw) Amend drinking age laws to age 21 to conform to constitutional amendment. Amend constitution to raise drinking age to 21.DO YOU: SUPPORT? X YES AMEND? PREVENTION OPPOSE?

We support SB-2 & SB-3 The responsibility for doing tests and providing scientific equipment and information required for implementation of the "implied consent"

COMMENT: law was first assigned to our laboratory. Much of my testimony is based on experience acquired then.

1. There is much data showing that the 18-25 age group takes extra risks on the highway- perhaps due to a lack of judgement. Insurance rates are based on these data. Influence of alcohol increases the tendency to assume such risks. The attitude seems to be: It just can't happen to me. If we can cut three years out of this category, it will help to reduce the carnage on our highways.

2. An argument brought forth by opponents of this legislation is that if youths 18 years of age are old enough to fight; they are old enough to handle alcohol. They aren't sufficiently mature to do either. One of the tragedies of our times is forcing teenagers into battle. One of my more heart-breaking experiences was in Dec., 1944- at the time of the Battle of the Bulge when General McAuliff and his 182nd airborne were cut off. The general staff pushed the panic button. All the 18 & 19 years olds they could lay hands on were rushed to the european theater. Many were at Camp Hood, and my task was to process them through the laboratory. There were plenty of tears. In no way were they sufficiently mature to go into battle. My youngest brother was shipped out. Many were back in the states by Easter '45- some never returned. *(Among them)*

3. A medical officer, formerly stationed in Germany, asked why the problem wasn't present there. This brings up the ~~more~~ question of ~~the~~ differences in metabolism of alcohol. Beer and wine is consumed in moderation at an early age. In the vernacular- they have learned to hold their liquor. There is a difference in metabolism between teenagers and more mature persons in the U.S. Having lived through four teenagers, I can testify to that. In Germany, licenses aren't given until 21 years; and they cost the equivalent of a thousand dollars.

4. Highway accidents affect not only the victim; but represent a tremendous cost to society- both financially and mentally. Our purpose is to try and change behaviour. Don't get bogged down with statistics- they do tricky things. Sure, some will find older persons

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

to buy liquor for them- nothing is completely fool-proof. However, we feel that this legislation points in the right direction. We urge your favorable consideration.

January 18, 1985

To the Montana Legislature.

Re: 21 year old Drinking Bill

Last Monday evening at approximately 1:30 a.m., a young man shot another young man in an altercation in a local bar. (See enclosed newspaper clipping). The boy who was shot will live fortunately, the boy who did the shooting is now facing a prison sentence, he is also my son.


While it is too late to help either one of the above victims, it may be possible to prevent this from happening again. You see the young man who did the shooting is only 20 years old and has been an alcoholic for 4 years. For the last two years he has had free access to whatever he wanted to drink. Had there been a 21 year old drinking age this incident possibly could have been avoided.

While the argument is true that some of the drinking will take place in cars and homes, it will cut down on the over all problem.

Perhaps a solution to this is to make it tougher on those that sell to under age drinkers. Revoke a license for 30 days first offense, 6 months second and so on.

Ladies and gentlemen, the value of a 21 year old drinking age is not just the loss of highway tax revenue, but in the avoidance of human tragedy.

Thank you from a concerned father.


DALE R. MILLER
2495 Stephanie Place
Billings, Montana 59102

Billings man shot during scuffle in bar

By JACQUELINE JOHNSON
Of The Gazette Staff

A 21-year-old Billings man remained in satisfactory condition late Tuesday after he was shot while helping a tavern bouncer disarm an angry patron.

The reported gunman — attacked by witnesses in the bar after the shooting early Tuesday — was listed in fair condition Tuesday at St. Vincent Hospital, where he is being treated for cuts and bruises.

According to police reports, Bradley R. Miller, 20, 2495 Stephanie Place, and an unidentified Billings man quarreled Monday night at Gramma's Bar, 145 Regal St.

The men were thrown out of the bar for fighting, but continued the scuffle in the parking lot, lawmen said.

Reports said that after being thrown out of Gram-

ma's a second time, Miller left the bar and returned about 1:15 a.m. Tuesday with a gun. Police said Miller openly displayed the pistol in the bar and approached the man he had quarreled with earlier.

Police said Bradley L. Von Bergen and the bar's bouncer tried to wrestle the gun away from Miller in the poolroom of the popular Billings night spot. Von Bergen, 1672 Nottingham Way, was shot when the pistol discharged, reports said.

Von Bergen underwent surgery at Deaconess Hospital Tuesday to remove a bullet from the left side of his chest, Police Chief Gene Kiser said.

The tavern bouncer retrieved the gun, a .380-caliber semiautomatic pistol, and held it until police arrived, reports said.

Miller was arrested Tuesday for felony assault

RE: LEGISLATION TO RAISE MONTANA'S DRINKING AGE

- Rate of fatal drunk-driving accidents involving Montana teenage drivers, 1983: 31 per 100,000 drivers, or 1 in every 3,200 teenage drivers
 Rate of fatal drunk-driving accidents involving 21-24 year-old Montana drivers, 1983: 72 per 100,000, or 1 in every 1,500 21-24 year-old drivers.

- Number of young Montana drivers involved in fatal traffic accidents:

Age of driver Year	<u>17-</u>	<u>18</u>	<u>19</u>	
1976	29	15	14	
1977	42 avg.	22 avg.	18 avg.	avg. total, 15-19: 63
1978	18 30	13 17	16 16	Drinking age raised from 18 to 19, Jan. 1, 1979
1979	39 avg.	17 avg.	26 avg.	
1980	34 31	14 17	18 21	avg. total, 15-19: 69
1981	20	19	19	
1982	18 avg.	13 avg.	17 avg.	avg. total, 15-19: 45
1983	15 17	7 10	18 18	

- Change in fatal crashes following drinking age increase:

Montana*	Drivers age 18: - 15%	*Compared to drivers age 21-24 in each state, average 3 years before and after drinking age increase.
	Drivers age 19: + 16%	
U.S. (14 states)*	Drivers of old drinking age: - 7%	
	Drivers of new drinking age: + 9%	

- Median alcoholism rates and alcohol-disease death rates:

	<u>Alcoholism rate per 100,000 pop.</u>	<u>Alcohol-disease deaths as pct. of all deaths</u>
States with a long-term drinking age of 21	5,510 (5.5%)	1.21%
States with a long-term drinking age of 18 or 19	4,640 (4.6%)	0.93%

- Lives lost due to uniform drinking ages, 1979-83:

States with uniform drinking ages (that is, a drinking age which permits a youth to buy all forms of alcoholic beverages on his/her 18th, 19th, 20th, or 21st birthday) experienced about 500 more fatal crashes than expected involving 18, 19, 20, or 21 year-old drivers compared to states with graduated drinking ages (that is, drinking ages which incorporate phased alcohol purchasing rights leading to full adult rights).

Sources: Montana Highway Patrol traffic accident reports; USDOT Fatal Accident Reporting System reports; National Institute on Alcohol Abuse and Alcoholism.

Mike Males, 528 N. F, Livingston, Montana

WITNESS STATEMENT

NAME Jesse W Long BILL NO. SB 2+3
ADDRESS 501 N Sanders Helena DATE 3/6/85
WHOM DO YOU REPRESENT? School Admin. of Montana
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The School Admin of Montana voted overwhelmingly in favor of raising the legal drinking age in Montana from 19 to 21 during their Oct. 1984 State Convention.

The mood of America is changing in reference to drinking. Awareness of the dangers of alcohol and the problems of alcoholism make it even more important change the drinking age. Communities are outlawing "happy hours", Groups such as MADD are calling for tougher laws, and twenty three other states have raised the minimum drinking age to 21.

WITNESS STATEMENT

NAME Jerome T. Coenlot K BILL NO. 293
ADDRESS Helena, mt. DATE 3-6-85
WHOM DO YOU REPRESENT? mt medical assn
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITORS' REGISTER

HOUSE JUDICIARY

COMMITTEE

SENATE BILL NO. 2 and 3

DATE March 6, 1985

SPONSOR Senator James N. Shaw

NAME (please print)	RESIDENCE REPRESENTING	SUPPORT	OPPOSE
Jim Manion	Montana Triple A	X	
Cecilia Kingman	Helena High		X
David Lackman	lobbyist MT Public H/H-1334	X	
Claudia Steen	Montana P.T.A.	X	
Paul Sagunsky	SWMTA		X
John McKeever	Helena High	Undecided	
Mike Morawski	Helena High		X
Kevin Bartsch	Helena High		X
Jerry Schmauch	Montana's Youth		X
Todd Hill	Helena High		X
Aaron Humphreys	Helena High	X	
Mark Krieffler	Montana's Youth		X
Bernie Swift	Rep. Dist #64	X	
Brian Smith	Helena High		X
Mitch Morey	Helena High		X
Monica Grandy	Helena High		X
Karentha Brauckes	Helena High		X
Laura Pike	Helena High		X
Kellie Goodwin	Helena High	X	

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY

COMMITTEE

SENATE BILL NO. 2 and 3

DATE March 6, 1985

SPONSOR Senator James N. Shaw

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Nalyn Bicks	Helena High		X
Siaci Eaton	Helena High		X
Maria Sarti	Helena High		X
M. F. "Mickey" Nelson, Corvallis	2288 Broadway Helena	X	
Deane T. Anderson	Helena, Mont.	✓	
Susan Almond	Clancy, MT.	✓	
Beverly McCay	Helena, MT.	✓	
Jim H. H. H.	Helena High		X
Danae Jett	Helena High		X
Paula Fisher	Helena High		✓
Garr. Grubel	Helena High		✓
ELLIOT PAWINSKY	CIRCLE		✓
Mike Hunt	GR Falls C.M.R.		✓
Russel Etcity	Helena High		✓
BRIAN WHEELER	HELENA HIGH		X
Chris Burt	Helena High		✓
Aaron Parrott	Forest Falls, Idaho		✓
Maria Maxwell	Great Falls High		✓
Susan Martin	GREAT FALLS HIGH		✓

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VISITORS' REGISTER

HOUSE JUDICIARY

COMMITTEE

BILL NO. SB 2 and 3

DATE March 6, 1985

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
CANDIS COMPTON	Highway Traffic Safety	X	
Todd Hill	Helena		X
Yajko He forman Yajko	Helena		X
Celine Comer	Helena		✓
Bill Anderson	OPT	✓	
MIKE MALES	Lewistown MT	X ^{SB}	X ^{SB}
Steve Browning	Helena (Anheuser Busch)		X

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