

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on Wednesday, January 7, 1987, at 8:00 a.m. in Room 312-D of the State Capitol Building.

ROLL CALL: All members were present with the exception of Ed Grady and Paul Rapp-Svrcek who were excused by the Chairman.

HOUSE BILL NO. 21: Chairman Lory asked Representative Harry W. Fritz, District #56, the chief sponsor, to testify. He offered a measure which does raise the drinking age to 21 in order to qualify the state of Montana for federal funds. However, the measure would also permit people 19 and 20 years old when the bill goes into effect, and already drinking at the time, to continue to drink legally. The bill does not take away a privilege that is already being exercised by a certain age group. The bill would apply to those who are 18 years or younger. This bill grandfathers 19 and 20 year olds into the drinking age privilege and preserves rather than takes away privileges.

SUPPORTERS: Mike Males of Livingston, representing himself. Mr. Males reviewed the federal regulations with the committee and stated that he supported the bill with amendments. (See Exhibit A). He maintains that the age group 21 - 44 have more DUI arrests than the lower age group. Mr. Males stated persons under the age of 21 handle alcohol as well as, or more responsibly than persons in age group 21 - 44.

Mr. Gary Wicks, representing the Department of Highways, supported the bill so the the state could comply with Federal Law and would be entitled to highway funding. He supported the grandfather clause.

Mr. Jim Manion, American Automobile Association (AAA), wanted to be sure this bill was secured as he feels it reduces fatal statistics. He submitted a pamphlet. (See Exhibit B). In a Montana AAA poll 81% of those polled voted for raising the age to 21.

Mr. Michael Matteson, from the University of Montana, went on record in support of the bill.

Patti Scott, Montana Parent Teacher Association, stated that the association opposes the grandfather clause and supports this bill.

Page Three
Judiciary Committee
January 7, 1987

Representative Dave Brown stated that he opposes this bill.

Representative Fritz commented that the grandfather clause does qualify the state of Montana for Federal highway funding but that amendments pertaining to effective dates must be submitted no later than 10 days after the closing of the session.

Representative Gould directed a question to Mr. Males pertaining to his knowledge of teenagers and Mr. Males stated he works with teenagers frequently in his area.

HOUSE BILL NO. 45: Representative Bernie Swift, sponser stated he does not support the grandfather clause with the effective date of May 1, 1987. He agrees with changing the age because he feels it will reduce alcohol related deaths.

Mr. Wicks supported this bill because of the federal funding for the highway department.

Mr. David Lackman, Montana Public Health Association testified in support of this bill. (See Exhibit C). He reviewed the annual report of the Montana highway patrol, presenting pertinent statistics in percentages. He urged that the law be amended to state that any adult who buys liquor for minors will pay out any expense suffered as a direct result of that minor's drunken behavior.

Mr. Jim Manion, Montana American Automobile Association, supported this bill.

Mr. Jesse Long, Montana School Administrators went on record stating he supports House Bill No. 45.

Ms. Patti Scott, representing the Montana parent teacher association, testified in support of this bill.

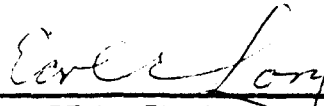
Mr. Mike Males opposes this bill stating that he sees different effects in Montana than in other states. He said that studies have found a decrease in arrests and deaths in Montana within the age group of 19. He feels teenagers are more responsible today and he urges defeat of this bill.

Ms. Julianne Pinter, from the university of Montana, stated she was opposed to this bill and HB No. 21. (See Exhibit D). She believes that they are a restriction of freedoms of a designated segment of the Montana population in favor of monetary gains.

There being no further proponents or opponents Chairman Lory informed the committee members that action on HB 21 and HB 45 would be postponed until further notice.

Page Three
Judiciary Committee
January 7, 1987

ADJOURN: There being no further business, the meeting was adjourned at 11:00 a.m.



EARL LORY, Chairman

DAILY ROLL CALL

JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date January 7, 1987

NAME	PRESENT	ABSENT	EXCUSED
EARL LORY (R)	✓		
JOHN MERCER (R)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
TOM BULGER (D)	✓		
JOHN COBB (R)	✓		
FRITZ DAILY (D)	✓		
PAULA DARKO (D)	✓		
RALPH EUDAILY (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
ED GRADY (R)		✓	✓
TOM HANNAH (R)	✓		
VERNON KELLER (R)	✓		
AL MYERS (R)	✓		
JOAN MILES (D)	✓	✓	✓
PAUL RAPP-SVRCEK (D)			
BILL STRIZICH (D)	✓		
JOHN McMASTER			

EXHIBIT A
DATE 01/07/87
HB 21

WITNESS STATEMENT

Name MICHAEL MALES ^{HOUSE} Committee On JUDICIARY
Address 528 N. F ST. LINCOLN Date 7 JAN 1987
Representing SELF Support HB 21 - AMEND
Bill No. HB 45, HB 21 Oppose HB 45
Amend HB 21

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- 1.
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

by Mike Males, Livingston

PROPOSED AMENDMENT TO HB 21 RELATING TO USE OF ALCOHOL BY MINORS, PENALTIES

Page 5, line 4, after "substance": add "or alcohol".

Page 5, line 5, after "A": delete "person under the age of 18 years," add "minor".

Page 5, lines 8 through 13, after "beverage.": delete entire sentence on lines 8 through 13.

Page 6, after line 1, add:

"(3) A minor commits the offense of underage possession of alcohol if he knowingly has in his possession an alcoholic beverage except as permitted in 16-6-305.

(4)(a) A minor arrested for his first offense of underage possession of alcohol shall be turned over to the custody of his parent or legal guardian and is subject to a fine not to exceed \$5.

(b) A minor who commits a second or subsequent offense of underage possession of alcohol may, in addition to the penalty provided in subsection (a) of this subsection, be ordered by the court to complete and, if financially able, pay all costs of his participation in a community-based substance abuse information course."

Page 6, line 2, delete "(3)", add "(5)".

Page 6, line 3, after "was": delete "under 18 years of age", add "a minor".

Page 6, line 4, after "the": add "jurisdiction of the".

Page 6, line 5, after "(1)": add "or subsection (3)".

Page 6, line 6, after "(2)": add "and subsection (4)".

Page 6, line 7, after "(1)": add ", for violation of subsection (3),".

Page 6, line 12: delete "(4)", add "(6)".

Page 6, line 14, after "his": add "minor".

— MIKE MALES
LIVINGSTON MT

by Mike Males of Livingston

Page 1, lines 20 and 21: after "(a)", delete both lines, add "a minor;"

Page 1, lines 24 and 25, and Page 2, lines 1 through 4; after "(3)": delete all lines.

Page 2, line 13: delete "born after July 1, 1968", add "under 21 years of age".

Page 2, lines 14 through 25, and Page 3, lines 1 through 16: after "Section 2", delete remainder of section, add:

"NEW SECTION. 16-6-305. Age limit for sale, provision, purchase, or possession of an alcoholic beverage. (1) Except in the case of possession of an alcoholic beverage pursuant to legitimate employment or as otherwise permitted by this section, a person under 21 years of age may not purchase or possess in a public place an alcoholic beverage.

(2)(a) An adult who violates subsection (1) of this section is guilty of the offense of adult underage possession of alcohol, shall be fined not to exceed \$5, and shall be subject to no further penalty or liability solely for reasons of such violation.

(b) Except in the case of an alcoholic beverage provided to a minor over 16 years of age in a public place by permission and in the direct company of the parent or legal guardian of the minor, a minor who violates subsection (1) is guilty of the offense of underage possession of alcohol and is subject to the penalty provided in 45-5-624 regarding such offense.

(3) The possession of an alcoholic beverage in a place other than a public place:

(a) by an adult under 21 years of age is subject to the same provisions and regulations governing possession of an alcoholic beverage in such nonpublic place by a person over 21 years of age;

(b) by a minor, except in the case of an alcoholic beverage provided directly by or with the permission of the parent or legal guardian of the minor, constitutes the offense of underage possession of alcohol and subjects the minor to the penalty provided in 45-5-624 regarding such offense.

(4) A retail licensee or other adult who sells or otherwise provides an alcoholic beverage:

(a) to an adult is subject to no civil, criminal, or other penalty or liability solely for reason of such sale or provision unless in violation of 16-6-301(2)(b);

(b) to a minor is guilty of a misdemeanor and is subject to the penalty provided in 16-6-314 and 45-5-623(2), unless the provision is lawful under this section.

(5) A person who is unqualified to purchase or otherwise receive an alcoholic beverage by reason of age or court order, who misrepresents his qualifications or fails to disclose his lack of qualifications to a dispenser of alcoholic beverages, and who purchases or otherwise obtains an alcoholic beverage knowing that he is not qualified to do so is guilty of the offense of obtaining alcohol by fraud and is subject to a fine not to exceed \$50, loss of his driver's license and driving privileges for a period not to exceed 90 days, and such additional penalty as may be imposed by the court if the violation is also a violation of any terms of probation or parole."

Page 3, line 19: after "--", delete "penalty for violation by underage person".

Page 4, lines 2 through 4: delete entire subsection (3).

Page 4, line 14, after "a", delete "person"

Page 4, line 15: after "age" delete "born after July 1, 1968," add "minor, except as provided in 16-6-305".

Page 5, line 4, after "substance", add "or alcohol"

Page 5, line 5, after "A", delete: "person under the age of 18 years", add "minor".

Page 5, line 7, after "substance", delete "other than", add "including but not limited to".

Page 5, lines 8 through 13, after "beverage.", delete entire sentence on lines 8 through 13.

Page 6, lines 19 through 25; Page 7, Page 8, Page 9, Page 10, and Page 11, lines 1 through 24: delete entire sections 6, 7, 8, 9, and 10.

Page 11, after line 24, add "Section 6. Repealer. Section 16-6-305 is repealed."

Page 11, line 25, after "Section": delete "11", add "7".

Page 11, line 25, after "Effective": delete "dates --", add "date."

Page 12, line 1: delete "termination. (1) Sections 1 through 5 are", add "This act is".

Page 12, line 2, after "1987", delete ", and terminate July 1, 1989".

Page 12, line 3: delete entire line.

Title, Page 1, lines 4 through 8, after "ENTITLED:": delete entire title, add "AN ACT RAISING THE LEGAL AGE FOR PURCHASE OR PUBLIC POSSESSION OF ALCOHOL FROM 19 TO 21 YEARS; ESTABLISHING A FINE NOT TO EXCEED \$5 FOR POSSESSION OF ALCOHOL IN PUBLIC BY AN ADULT; EXEMPTING RETAIL LICENSEES AND ADULTS FROM CRIMINAL OR CIVIL PENALTIES FOR SELLING OR PROVIDING ALCOHOL TO AN ADULT; AMENDING SECTIONS 16-3-301, 16-6-314, 45-5-623, AND 45-5-624, MCA; REPEALING 16-6-305, MCA; AND PROVIDING AN EFFECTIVE DATE."



EXHIBIT B
DATE 1/7/87
HB 21



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.



Twenty-five thousand Americans die each year in alcohol-related traffic accidents. Five thousand victims are teenagers; over eight thousand victims are between the ages of 16 and 24, although the latter group comprises only 18 percent of the general population.

The severity of this problem was highlighted in a recent Surgeon General's report which noted that life expectancy in this country has increased for every age group with the exception of the 15- to 24-year-olds. Unfortunately, inexperience in driving and in coping with the effects of alcoholic beverages too often combine to bring about tragic consequences.

During the past seven years the legal drinking age has been raised in 21 states. Nineteen states, comprising 44 percent of the population, now have 21 as their legal minimum drinking age for all alcoholic beverages, with twenty-five states specifying 21 as the legal drinking age for distilled spirits. While effectiveness evaluations have not been made in every state, where studies have been made the findings strongly suggest that raising the legal drinking age has been an effective deterrent to alcohol-related traffic accidents.

- ✱ Michigan raised its drinking age to 21 in 1978. Involvement in alcohol-related traffic accidents of 18- to 20-year-old drivers decreased by 31 percent in 1979.
- ✱ Illinois raised its drinking age to 21 in January 1980. During 1980 it experienced an 8.8 percent reduction in single-vehicle nighttime accidents involving male drivers under 21.
- ✱ Maine's action in raising its drinking age to 20 was followed by a 17 percent drop in non-injury, alcohol-related crashes.
- ✱ A study by the Insurance Institute for Highway Safety found a 28 percent reduction in alcohol-related accidents in eight of nine states where drinking age had been raised.

Historically, young people are involved in a disproportionate number of alcohol-related accidents. For instance, in Florida in 1981, 19- and 20-year-olds killed more people in such accidents than any other age group. That year, 170 people were killed by drunk drivers under the age of 21, which was 25.5 percent of all alcohol-related deaths in Florida, even though drivers under 21 make up only 10 percent of all Florida licensed drivers and drive only nine percent of the vehicle miles driven. Unfortunately, the Florida experience is typical of states with minimum drinking ages less than twenty-one.

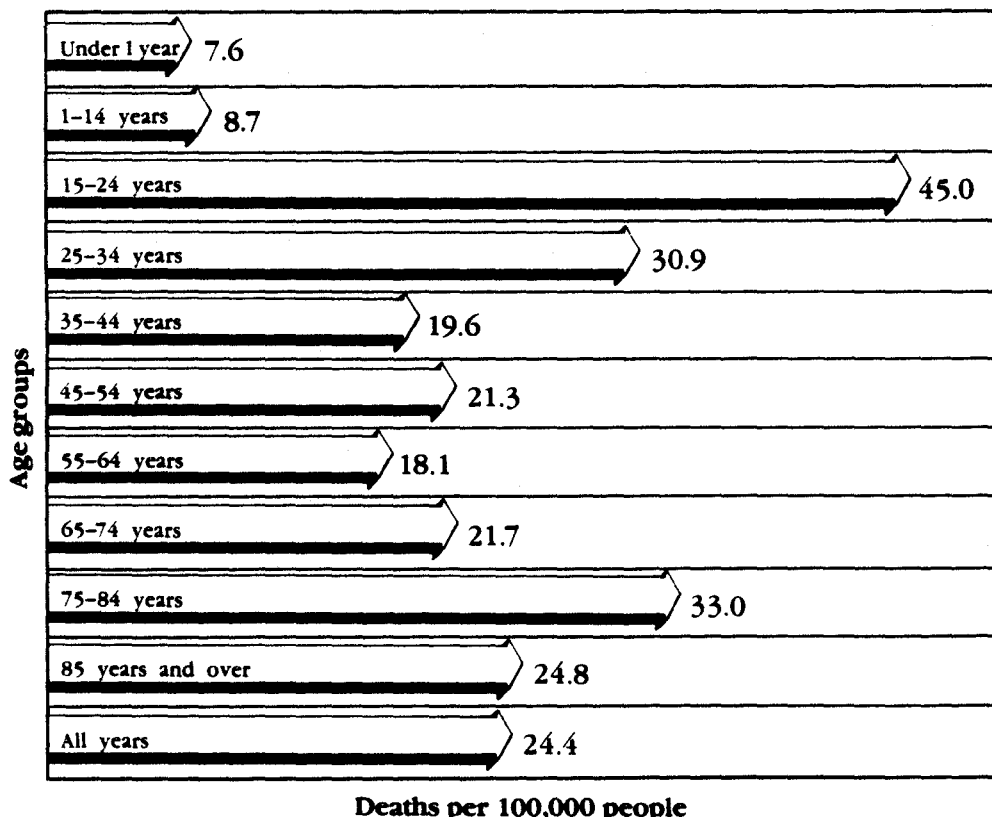


DID YOU KNOW THAT:

- * In 1981, approximately 25,000 died from alcohol-related highway accidents. That amounts to seventy lives a day, one every 23 minutes.
- * In 1981, 4,884 persons died in alcohol-related highway accidents in which the driver was under 21. This represents 23.6 percent of all alcohol-related fatalities.
- * Drivers under 21 represent about 10 percent of the licensed drivers, and drive about 9 percent of the vehicle miles driven.
- * 5,000 teenagers are killed and 130,000 are injured yearly in drunken driving accidents.
- * The results of a January 1983 Gallup Poll indicate that 77 percent of the population favor a uniform drinking age of 21. Even the affected age group (those 18- to 20-years-old) favored 21 in 58 percent of individuals polled.

Source: National Transportation Safety Board

According to a 10 percent national sample of deaths collected by the National Center for Health Statistics in 1980, death rates from motor vehicle accidents distributed by 10-year age groups are as follows:



BACKGROUND INFORMATION

The American Automobile Association has long been concerned and involved with the problem of drinking and driving. AAA Foundation for Traffic Safety began research in 1964 for the *DWI Phoenix* project, a rehabilitative program which was implemented in 1970 to deter convicted survivors from repeating alcohol-related offenses and to encourage them to seek help if their problems with alcohol were pervasive. While conducting the research for the DWI program, investigators noted that habitual offenders had begun to drink during their teenage years. This led to an exploration of the role of beverage alcohol in the lives of young people.

During this investigation, it was discovered that not only were most teenagers drinking, but alcohol consumption was more than incidental for a sizable percentage of them. As the *DWI Countermeasures Course for High School* was being field-tested in 1974, it became apparent that the program for driver education classes might come too late. Drinking patterns were beginning to form as early as 7th and 8th grades. This startling information raised the question as to the magnitude of the problem of alcohol among youth and indicated the need for additional research. In view of this, AAA developed the *AL-CO-HOL* education program for junior high schools.

Convincing evidence was found that the elementary school years are a formative period for future attitudes and decisions concerning alcohol use. AAA concluded that the earlier alcohol and traffic safety education begins, the more effective it is likely to be in later years in combating drunk driving and other symptoms of alcohol misuse and abuse. Consequently, *Starting Early: An Alcohol Awareness Program for Elementary School (K-6)* was developed, field-tested and evaluated in 1982.

All of the AAA alcohol programs available were developed at Teachers College, Columbia University, under the direction of Dr. James L. Malfetti, through funding provided by the AAA Foundation for Traffic Safety. All materials were extensively field-tested with thousands of students from grade levels K-12, and adults representing urban, suburban and rural communities throughout the country, so that the AAA alcohol programs would have nationwide applicability.

AAA of course recognizes that education and rehabilitation are not the total answer to the DWI problem. There are no panaceas for eliminating the drunken driver. AAA also supports reasonable deterrence measures, and for the reasons enumerated in this brochure, supports a minimum drinking age of 21.



Government Affairs Department
Falls Church, Virginia 22047

(This sheet to be used by those testifying on a bill.)

NAME: David B. Lackman DATE: Jan. 7, 1987

ADDRESS: 1400 Winne Avenue , Helena, MT 59601

PHONE: 443-3494

REPRESENTING WHOM? Montana Public Health Association

APPEARING ON WHICH PROPOSAL: HB 45 (Swift) 21 year drinking age
House Judiciary committee Room 312 D Wednesday, Jan. 7, 1987

DO YOU: SUPPORT? XX AMEND? OPPOSE?

COMMENT: A good place to begin when dealing with carnage on the highways of Montana is a study of the latest annual report of the Highway Patrol. Pertinent to our concern this morning is the following: 1 fatality every 39 hrs. / 1 injury every 60 minutes. / 1 accident every 29 minutes. / Loss per day \$368,651. / 46% of all persons killed had been drinking. / When it comes to drivers killed; 54 % had been drinking. In the 15-19 age group there were 25 fatalities; in the 20-24 age group there were 38 fatalities. In the 17-20 age group, accidents in which the driver had been drinking numbered 289. A reason for mentioning the over 21 group is the observation that the behavioural pattern resulting in this calamity is often established before age 21. A good example of that is the accident in which the Chief of the Environmental Bureau in ~~the~~ State Lands (a close friend of mine) ~~was~~ nearly killed. Although the offending driver was over 21, his pattern of alcohol abuse was established before this age. Must we stand idly by in the face of these statistics ? Especially must

penmanship of secretary

we fight to save our young folks. (NEXT PAGE)
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A most eloquent plea for the 21-year drinking law, written by James Martin, a 1986 graduate of Helena High School, was published in the Helena Independent Record; and reprinted in the Montana Motorist for December, 1986. (James is a son of our minister.) ^{Among} His conclusions: Raise the drinking age so that people who are still immersed in their adolescent coolness can no longer purchase alcohol to give to their cool adolescent buddies. Amend the law to state that any adult who buys for minors will pay out any expense suffered as a direct result of that minor's drunken behaviour.

Here is a quote from a letter sent by the American Public Health Association to all State Governors supporting the 21-year drinking age legislation:

"APHA recognizes that traffic fatalities are the leading cause of death among persons 16-24 years old with a greater percentage of death/occurring in states where the legal drinking age is below 21 years. Scientific studies show that a state raising the drinking age to 21 years can expect about a 28 percent reduction in nighttime fatal crashes involving drivers from 12-21."

We urge you to raise the legal drinking age in Montana to 21. This can be an important step in protecting the public health and safety of Montanans.

DBL

EXHIBIT D
DATE 1/7/87
HB 45

WITNESS STATEMENT

NAME Julianne Pinter BILL NO. 45
ADDRESS 5720 Spokane Ranch Rd Helena DATE 1/7/87
WHOM DO YOU REPRESENT? 19-21 year olds
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am opposed to both bills for 2 reasons.

1. As a matter of principle, I do not support the restriction of freedoms of a designated segment of the mt. population ~~to~~ because of monetary gains.

2. I don't believe raising the drinking age will decrease MT 17-21 or younger highway fatalities. Since there are no places for 17-21 year olds to socialize as of now other than langes, they will be forced to go to outdoor keggars, private parties, & the "Drag" to socialize. These places do not offer the option of non-alcoholic beverages, but only peer pressure to drink. Unfortunately, cruising the drag and peer pressure (to drink) will mean increased fatalities.

VISITOR'S REGISTER

JUDICIARY

COMMITTEE

AGENCY(S) _____

DATE January

DEPARTMENT _____

HB 45 21yr drinking age!

PLEASE PRINT.....

NAME	REPRESENTING	SUP- PORT	OP- POSE
DAVID LACKMAN	MT Public Health Assn	X	
Jim Mariani	MENT ASS & MT HIGHWAY USERS	X	
Larry Tobiason	" "	X	
Arlene M. Carlson Sec	Legislative Council		
John W Long	School Admin of MT	X	
MIKE MALES	SELF		X
Deidre Eagle			
Gary Wicks	M DOT	X	
Jeff R. Lynch	Self		X
Patti Scott	Montana PTA	X	
Michael Mathison	self	X	
J. Welch	DOT	X	
John Butler	Student Um		X
Rene Butler	" "		X
Verone T. Hendel	M.M.A.	X	
MATTHEW THIEL	ASUM		
TODD HUDAK	ASMSU		
Jaime Zink	ASMSU		
J. J.			

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.