

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 15, 1985

The sixth meeting of the Senate Judiciary Committee was called to order at 10:10 a.m. on January 15, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SB 2, SB 3, SB 97, AND SB 98: Chairman Mazurek stated, the hearings on SB 2, SB 3, SB 97, and SB 98 would be held simultaneously since the bills were similar and on the same topic. Senator Shaw, sponsor of SB 2 and SB 3, explained SB 2 will change the statutes of the state of Montana to raise the drinking age from 19 to 21 and SB 3 is the referendum to go before the people in 1986 to change the constitution. He stated he did not introduce the bills because of the threat from Washington, D.C., but because he in fact believes the drinking age should be changed. Senator Crippen, sponsor of SB 97 and SB 98 which are introduced on behalf of the Highway Department, explained, as Senator Shaw stated, they are both carrying two bills, one that presents to the people of the state of Montana an amendment to the constitution and the other which provides enabling authority to the legislature to implement these bills. Senator Crippen noted a difference in the titles of the bills, whereas the title of SB 2 omits the word, possession, and the title of SB 98 refers to both possession and consumption. Senator Crippen stated sections 1 through 6 are essentially the same; they all change the law from 19 to 21. The difference between the bills is in the enacting section, section 7, which sets forth the time they are to become effective. SB 2 becomes effective on the date the bill is enacted, and SB 98 becomes effective January 2, 1987. Senator Crippen explained that up until 1971, the law was 21 years old. On January 1, 1971, it was lowered to 19. When the new constitution went into effect January 1, 1983, it was changed to 18. He believes this was a result of the Vietnam War when people thought if you were old enough to vote and go die for your country, you should be old enough to purchase a drink and consume it. In 1979, the voters returned the drinking age to 19, where it stands today. Senator Crippen stated the constitution refers to both consumption and possession of alcoholic beverages, while state law refers to the possession and not consumption. In July of this year, congress passed a bill, part of which required the Secretary of Transportation to withhold 5% of public highway funding after October 1, 1985, and 10% after October 1, 1986, for any state where the purchase and public possession of alcohol was legal for those under the age of

21. This affects the state of Montana. Senator Crippen stated the Highway Department estimates Montana could lose \$5.7 million the first year and \$11.4 million the second year if we do not raise our drinking age. Senator Crippen feels it is obvious if we do not act now, we will lose 10%, because we do not go back into session until 1987, while in fact, we are losing a partial amount of the \$5.7 million because we cannot act fast enough to bring it before the people. Senator Crippen stated that in terms of the cost to the taxpayers of the state of Montana, the Department of Highways estimates it will require an approximate 2¢ gas tax to replace the federal moneys lost. This is the reason the Department of Highways has requested the bills. Senator Crippen had two arguments for this legislation: The loss of highway funds and the rationale used in congress: the higher minimum drinking age would reduce deaths and accidents. Senator Crippen directed the committee's attention to three exhibits (see attached Exhibits 1, 2, and 3). Senator Crippen stated he felt alcoholism has become a problem of major proportions in our society. It is not limited to people under the age of 21, but applies to all people. His testimony indicated the Montana Highway Patrol reports 50% of all drivers killed have been drinking, and 56% of all drivers had been drinking before the accident. Senator Crippen stated we do have a problem, and the problem can be related to the carnage we have on our highways. Senator Crippen then addressed the second argument of loss of our highway funds. He stated the building of our highways is an integral part of our "Build Montana" project. We are a vast state, and we have little public transportation; therefore, we rely on our highways. Although the highways will be rebuilt, the loss of additional funds will have to come from gas taxes or other taxes. Senator Crippen stated that although you might say this is blackmail, or this is an intrusion into our rights to govern our own affairs, or we have no choice, we do have a choice: we either take that into account and act responsibly, or we don't. However, Senator Crippen stated, either way, we have to act.

PROPONENTS: Gary Wicks, Director of the Montana Department of Highways, appeared in support of all of the bills. He stated the 1983 Montana legislature approved a substantial increase in the highway program, and everyone has seen the benefit of that program. They want to continue the program through 1986 and 1987. He testified Montana gets a substantial amount of funds and federal aid for the Montana highway program; highway funds are 82% federal dollars and 18% state dollars. The current federal highway funds are equal to about \$113 million, so we would lose 5% or \$5.7 million the first year and 10% or \$11.4 million the second year. If we do not have those funds, they will have to modify the program that they presented to the legislature this year. The constitution says the legislature may establish an age not more than 19 for consuming and possessing alcoholic beverages. The second bill of the Highway Department, SB 98, implements the 21 year old drinking age

change in all of the statutes. We have a very good highway program that would be substantially affected. Mr. Wicks thinks it is ironic the federal government is trying to improve safety, and the vehicle it uses to do that is to decrease safety in another. Representative Swift, from Ravalli County, appeared in support of the bills and stated he introduced similar legislation in 1983 and came close to passing it. He has agreed to co-sponsor SB 2 and SB 3 in the House. Representative Swift believes we have severe problems in alcohol and drug or chemical dependency in our youth. He believes we have problems at all ages, not just in our youth, but drinking by our youth causes problems in our school programs from ages 6 to 19. He believes the difference between ages 19 and 21 is not close enough away from the school situation that it pulls it away from the close association and acquaintance of those old enough to drink with those in school. The other matter Representative Swift discussed is the vehicular accident and mortality problems we have. Representative Swift stated 50% of those accidents are the direct result of abuse of alcohol and particularly so for the age group 15-24. Eight states that have raised their drinking age have reduced their accidents due to alcohol 20%. Representative Swift stated there is no question about the federal law change which we are locked into at the present time; however, he will leave that states' rights question to the people in the ballot referendum. On the plus side of this problem situation, he believes the change in drinking age would be a considerable improvement, and we would realize some reduction in mortality rates in this state. (See witness sheet attached as Exhibit 4.) Colonel Robert W. Landon, Chief Administrator of the Montana Highway Patrol Division, appeared in support of these bills stating we are losing some of our best resources, our young people, in accidents that involve alcohol. In 1983, 55% of our teenagers (ages 15-19) that were killed were killed in accidents related to alcohol. Colonel Landon thinks we could save some people by raising the drinking age. Jim Manion, of the Montana Automobile Association, appeared in favor of all four proposals from a traffic safety standpoint (see witness sheet and written testimony attached as Exhibit 5). Ben Havdahl, from the Montana Motor Carriers Association, appeared in support of all of the bills, stating the association had a committed policy of improving highway safety. He believes Montana has a strong commitment for supporting financially an adequate highway system in the state. Truck taxes were recently raised in the state and by congress. His association is concerned about any matter which would withhold highway funds and possibly raise truck taxes further. Dave Lackman, lobbyist for the Montana Public Health Association, appeared in support of the bills (see written testimony attached as Exhibit 6). Mr. Lackman stated he felt SB 97 and SB 98 appeared more technically correct. Chip Erdmann, on behalf of the Montana School Board Association, stated the School Board Association voted to support this type of legislation believing those 19 year olds out of high school still associate with students in high school. He

stated there are the troublesome statistics about alcohol being involved in our traffic accidents which should be considered. (See witness sheet attached as Exhibit 7.) Mr. Erdmann further indicated the Montana Association of County School Superintendents supports the concept of a 21-year-old drinking age. (See witness sheet attached as Exhibit 8.) Mr. Bob Stockton, from the Office of the Superintendent of Public Instruction, appeared and stated they support raising the drinking age. (See witness sheet attached as Exhibit 9.) Jerry Loendorf appeared on behalf of the Montana Medical Association, and stated they support this concept even if we did not have the highway funding problem. They believe the actual drinking age would be raised from 15 to 17 to a more acceptable level. (See witness sheet attached as Exhibit 20.) Jess Long, on behalf of the School Administrators of the State of Montana, stated they are entirely in support of this type of legislation. They believe it is a move which will improve highway safety and will solve a problem that arises in schools by further removing alcoholic beverages from the school system, as 19 and 20 year olds associate with school students. They offered any support they could in passing this referendum when it is proposed to the public.

OPPONENTS: Representative Bob Raney appeared in opposition to these bills. Representative Raney stated he has similar legislation introduced in the House as far as the constitutional amendment. He is in opposition to enacting a statute to raise the drinking age to 21. He feels this will increase death on our highways, as young people will put their bars in their cars. He stated the State of Wyoming turned down the federal mandate, and South Dakota is suing the federal government. His testimony indicated it has been said that by raising the drinking age to 21, we will in effect have less alcoholism. His research indicates states with a drinking age of 21 have a 5.5% alcoholic population, while states with an 18 or 19 year old drinking age have 4.6% alcoholism. He has introduced two bills in the House--one to sue the federal government and one to do an interim study. He believes we have nothing to lose by waiting, as we can retain those highway funds. He believes we are only talking about a few months' difference. Representative Raney stated Mike Males can support any comments he has made before the committee. Richard A. Fyfe, Treasurer of Citizens for Responsible Drinking, appeared in opposition to these bills. Mr. Fyfe is a native of Great Falls presently attending Montana State University (see written testimony attached as Exhibit 11). Mike Males, of Livingston, then testified before the committee (see written testimony attached as Exhibit 12). Mr. Males proposed amendments to SB 97 and SB 3 (see attached Exhibit 13). During his presentation to the committee, Mr. Males introduced Exhibit 14, which presents the results of his analysis of statistics on drinking and driving. In addition, Mr. Males introduced Exhibit 15, which is a copy of Public Law 98-363.

QUESTIONS FROM THE COMMITTEE: Senator Yellowtail asked Mr. Males if he had something in mind as an alternative to solve the challenge to address the problem with 19-year-old adult drinking by designing the best possible law to address the matter. Mr. Males responded his research indicates the issue will take more time and suggested a graduated drinking age approach. He indicated eight states allow youths to buy beer at 18 and alcohol at 21. Senator Pinsoneault asked Mr. Fyfe if when Mr. Fyfe was witnessing all of the criminal activity he referred to in his testimony, did he report it to the authorities. Mr. Fyfe stated the punishment he would have received from his peers would have been atrocious, so he was afraid to. Senator Crippen stated this same matter was argued for a period of time in the halls of congress, and statistics were presented there. He asked if Mr. Males looked at that testimony and why his conclusions differed from those presented to congress. Mr. Males responded that he had reviewed the 60-70 pages of congressional debate on the subject and has a copy if anyone is interested. He believes there were elements that went into Congress's decision other than youthful drinking issues. He stated there were tremendous lobbying efforts and believes MADD did an effective job. He also believes Congress relied heavily on one study. We were the only state in which they found an increase in fatalities after they raised the drinking age. Senator Crippen asked Mr. Males if he said that right now the age group 20-24 is the group that has the greatest incidence of accidents caused by alcohol consumption. Mr. Males responded affirmatively. Senator Crippen asked what point of time did they start drinking, didn't they learn to drink at the time alcohol was available to them. Mr. Males believes the accident rate is higher for that age group because they drive more miles. Senator Crippen stated the age group 21-24 is the worst age group for accidents outside of using alcohol. From the alcohol standpoint, they got started at ages 18-19 when alcohol was legal. Mr. Males stated eighth grade is about the age when most groups experience the use of alcohol. Senator Crippen stated those people that are now classified as the worst group start drinking at the age of 18 or 19. Mr. Males stated that's the first age group that is independent of the family and the parent and they are driving more. Senator Towe asked Mr. Males if he would be satisfied that if they were to adopt the amendments proposed, we would still qualify for federal funds. Mr. Males said no. The amendment would not qualify us for anything. All it would do would be to authorize us to take up the purchase and public possession issue in the 1987 session. He stated all the federal government cares about is public possession. Senator Towe asked if we were jeopardizing federal funds by waiting until the 1987 session. Mr. Males said we will not get October 1986 funds anyway. Senator Towe asked Gary Wicks to respond to the same question: If we were to make the amendments suggested by Mr. Males and made it a prohibition against the purchase or public possession without addressing the question of private possession and consumption, would we lose federal funds. Mr. Wicks

stated the federal law only refers to those two questions, so he doesn't have an answer to that question. He then corrected one misimpression. The month we do come into compliance in November 1986 or January 1987, we can go back and recover those funds if we do come into conformance within the federal fiscal year. Senator Blaylock stated the highway money is blackmail and asked why we as citizens rely so much on these magical ages for what's legal or illegal. Senator Brown asked Bob Durkee, lobbyist for the Montana Tavern Owners' Association, whether it would mean those under 21 cannot work in places that sell alcoholic beverages. Mr. Durkee responded the state law excludes the serving person. Senator Brown asked if possession means if you take it from the back room to the table, you are in possession. Mr. Wicks stated you do not commit the offense if it is in the course of your employment. Senator Mazurek asked if anyone had tried to reconcile the obvious disparity in the statistical studies. Mr. Males stated he has not attempted to do so with the Department of Highways, but has called the authors of the studies he used for the basis of his statistics. He thinks it is because the Department looks at only the affected age group. Mr. Wicks stated keeping of the data and analysis of those statistics is done by the state, and although some of the statistics are the same, they come up with different conclusions. Mr. Wicks stated they are concerned about safety from the point of view of the highway construction program. The fatality rate on interstate highways is almost one-half of what it is on other roads in the state. Candis Compton, of the Highway Traffic Safety Division of the Department of Justice, stated she obtained copies of all of the studies and came to the same conclusions as Mr. Males. The conclusions she would believe the most are the ones that Mr. Males made, but that issue aside, believes you must look at teenagers that drink and drinking behavior as a whole, not how many lives we saved. She believes we should look at the whole issue, as this is only one part.

CLOSING STATEMENT: Senator Shaw stated he would like to agree with the opponents of this bill, but he is not going to. He has teenage sons; he can see a change in their bodies from ages 19 to 21. He believes they are more able to consume liquor or their metabolism is more in line to do so when they turn 21. Senator Crippen stated there is obviously a conflict in the statistics. Under the proposed legislation, it provides that the legislature can create a drinking age up to a maximum of 21 years old. The legislature can, therefore, reduce the age back to 19 if the federal government changes its mind, but it really gives the voters the right to make the decision. He believes we are presenting it to the people. The State of Wyoming legislature turned it down in the State of Wyoming. Addressing the comment about the State of South Dakota's filing a lawsuit, he objects that the statement was made we should hitch our star to that lawsuit, because we are losing funds. He believes the real problem is the fact we glorify the ability to drink. We do have a

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problem with alcohol and we have a long way to go before we solve that problem, but Senator Crippen believes maybe this legislation is a stop gap. He further believes moralizing is as strong an argument as loss of highway funds.

There being no further business to come before the meeting, the meeting was adjourned at 12:00 p.m.


Chairman

COMMITTEE ON

Judiciary

DATE _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Candis Compton	Highway Traffic Safety	SB 2-3	X	
Col. R.W. Gordon	MHA	"	X	
Bernie Swift	Dawalli Cr. Dist 64	B 283	X	
Bob Carey	H.D. 82	SB 2+3		amend
Chip Croftmann	MT School Bd Assoc	SB 2+3	X	
Carole Macken	Self	SB 2+3		
Richard D Fite	Citizens for Responsible Drinking	SB 2+3		X
Ben Hovdahl	Montana Motor Carriers Assn	SB 2+3	X	
MIKE MILES	SELF	SB 2 SB 3	X	X
Jessie Long	SAM	SB 2+3	X	
Alan Eck	Montana Farm Bureau	SB 2+3	X	
TODD HUDAK	MONTANA ASS. OF COUNTIES			nil
Rick Day	Dept. of Revenue Invest.			
Jessie Te Goodhart	mt. medical assy	SB 2+3 SB 27.28	X	
Shetcher Hager	aide			

TO: MONTANA LEGISLATORS

Mike Males
Livingston, Montana
18 November 1984

THE DRINKING AGE ISSUE

Many legislators have indicated they want more information on a subject sure to come up during the 1985 session -- whether to raise Montana's drinking age to 21. I recently completed an 8-month study of the issue which I funded myself and which was done completely independently of either the alcohol or tavern industry or the anti-drunk driving lobby (I have, however, contributed to MADD). My interest in the issue stems from my occupation (youth worker) and personal interest in youth/alcohol laws, and an article I'm researching for a legal journal. I hope this proves useful to you.

THE FEDERAL MANDATE

U.S. Public Law 98-363, signed into law on July 17, requires that the U.S. Secretary of Transportation withhold 5% of the federal highway funding after July 1, 1985, and 10% of such funding after July 1, 1986, from any state "in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is legal." For Montana, a 10% cut means a loss of \$11 million per year.

The law also requires that the Secretary "promptly apportion to a state any funds which have been withheld from apportionment" in the past if at any time the state raises its alcohol purchase and public possession age to 21. Thus delay in raising Montana's age limit would result in a temporary, but not a permanent, loss of funding (PL 98-363, 98th Congress).

MONTANA LAW

The Montana Constitution sets the minimum age for "consuming or possessing alcoholic beverages" at "not more than 19 years" (Article II, Section 14). Thus, a constitutional amendment would be required to raise the age limit, which in turn requires 100 affirmative legislative votes and an affirmative vote of the people at the November 1986 general election.

Contrary to popular belief, Montana does not have (and the federal law does not demand that we establish) a drinking age, only a purchase and public possession age. Current Montana law prohibits the sale or gift of alcohol to anyone under 19 (16-3-301, 16-6-305, MCA); prohibits an adult from giving permission to anyone under 19 to drink (16-6-305); prohibits the possession of alcohol by anyone under 19 (45-5-624); prohibits lying or use of false ID by anyone under 19 to obtain alcohol (16-3-301); and specifically permits a parent, guardian, or physician to give persons under 19 booze for "beverage or medicinal purposes" (16-6-305).

As might be expected, this hopeless mishmash of law has proven impossible to enforce or even interpret. As a whole, the law apparently says it is OK for a youth to drink an alcoholic beverage provided by his parents as long as he doesn't possess it. The law conflicts on whether anyone can provide alcohol to a minor and at one point drags in the age 16 (45-5-622). If a youth is going to drink, he runs far less risk if he gets drunk in public (where 53-24-107 says he "commits no criminal offense by being in such condition") than if he is soberly carrying an unopened can of beer (where he is subject to 30 days in jail and a \$100 fine, according to 16-6-314). From our high school survey in Park County, we estimate there were 25,000 instances of teenage drinking in 1984 -- and a total

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DATE 011585
SB 2,3, 97+98

MONTANA'S PURCHASE AGE EXPERIENCE

Montana has changed its purchase age for alcohol three times since 1970. On July 1, 1971, the purchase age was reduced from 21 to 19, then to 18 when the new constitution took effect on July 1, 1973. It went back to 19 on January 1, 1979, after voters overwhelmingly approved the amendment.

Statistics on alcohol-related traffic accidents by age of driver are not available before 1978. However, drivers age 15-19 were involved in 16% of all fatal crashes in the state in 1967-70; in the 1972-78 period, that percentage increased to 19%. While some have blamed the lowered purchase age for the increase in young-driver fatal crashes, such an increase also occurred in North Dakota, Oregon, and Washington (which did not lower their purchase ages), while Idaho and Wyoming (which did decrease their purchase ages) experienced a decline in the percentage of young driver fatalities.

In the 1979-80 period, after Montana's purchase age was raised to 19, fatal crashes involving 15-19 year-old drivers increased to a peak of 21% of all fatal accidents. Alcohol-related fatal accidents involving 18 year-old drivers also increased between 1978 and 1979. It appears that raising the purchase age did not reduce drunk driving accidents by young drivers.

Since the late 1970's, there has been a nationwide decline in drunk driving accidents by teenagers. In 1977, under-21 drivers were involved in 23% of all fatal crashes; by 1983, that percentage had dropped to 18%. Statistics from the Montana Highway Patrol for alcohol-related accidents show this trend has also become apparent in Montana:

<u>Drivers age 19-under</u>		<u>Avg. 1979-81</u>	<u>1982</u>	<u>1983</u>	<u>+/-</u>
Fatal alcohol-	Number	37	31	22	
related crashes	Rate/1,000 driv.	0.55	0.45	0.31	- 44%
All alcohol-	Number	1,231	1,125	1,004	
related crashes	Rate	19.7	16.2	14.3	- 28%

That this decrease is not due to a statewide decline in drunk driving is evidenced by the experience of over-20 young drivers:

<u>Drivers age 20-24</u>		<u>Avg. 1979-81</u>	<u>1982</u>	<u>1983</u>	<u>+/-</u>
Fatal alcohol-	Number	50	50	54	
related crashes	Rate/1,000 driv.	0.70	0.68	0.72	+ 3%
All alcohol-	Number	1,583	1,464	1,528	
related crashes	Rate	22.5	19.8	20.4	- 9%

Apparently education and better family and peer attitudes, not laws, are causing the heartening decline in teenage drunk driving. Montana teenagers are now less likely to be in an alcohol-related crash than any other age group under 30.

THE NATIONAL EXPERIENCE

First, a few myths you will be hearing a lot of during the session:

Myth #1: Under-21 drivers comprise only 10% of all drivers but are

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involved in 23% of all fatal alcohol-related crashes.

FACT: In 1983, according to U.S. Department of Transportation figures, under-21 drivers comprised 12.6% of all drivers and were involved in 17.9% of all fatal accidents. Teenagers, as an age group, are no more likely to drive drunk than drivers as a whole, national figures show. By comparison, drivers age 21-24 comprise 10% of all drivers and were involved in 19% of all fatal drunk-driving crashes. Nationally, 21-24 year-old drivers have a drunk driving fatal crash rate one-third higher than under-21 year-olds; in Montana, 21-24 year-olds are twice as likely to be in an alcohol-related fatal accident than are teenagers.

MYTH #2: States which raised their purchase age experienced a 28% decrease in deaths involving drivers of the age group affected by the law.

FACT: Again using figures through 1983, it can be seen that no such decrease even remotely occurred. The study in question, by the Insurance Institute for Highway Safety, found only that there is a temporary change averaging 28% in the ratio of nighttime to daytime fatal crashes among affected age group drivers compared to drivers just older than the new purchase age. (This same study, by the way, found Montana to be the exception -- more 18 year-olds were in nighttime accidents here after we raised our purchase age in 1979). Figures through 1983 show that the 14 states referenced in the IIHS study did indeed experience a total of 56 fewer crashes per year among affected age group drivers than expected -- but they also experienced 68 more fatal crashes per year than expected among drivers just older than the new purchase age. The effect is slight, and all it shows is that whether the purchase age is set at 12 or 60, people of that age will celebrate their new freedom by going out and getting blasted -- it doesn't take a study to show that.

MYTH #3: Raising all state purchase ages to 21 would save 700, 1,250, or 2,500 lives per year, depending on the source.

FACT: These estimates are wildly exaggerated; the studies that claim them use only scattered statistics, a short time period, faulty calculation methods, and fail to account for the national decrease in young-driver accidents which has occurred in all states. As the following table shows, states which raised their purchase ages between 1976 and 1982 experienced no greater decrease in young-driver fatal crashes than states which did not:

CHANGE IN THE PERCENTAGE OF FATAL CRASHES INVOLVING DRIVERS 18-20 AND DRIVERS 20 AND YOUNGER COMPARED TO DRIVERS AGE 21-24, 1975-1983:

<u>Comparison, 1982-83 to 1975-76</u>	<u>Drivers age:</u>	
	<u>18-20</u>	<u>20-younger</u>
States which raised their purchase ages (14 states)	- 11.1%	- 14.0%
States which did <u>not</u> raise their purchase ages (28 states)	- 11.3%	- 17.9%

(Eight states are not included because they changed their purchase ages either during 1975-76 or 1982-83. Figures are averages of the median and mean values for the entire category of states).

To muddy the already clouded waters further, South Dakota's Attorney General is challenging the federal 21 mandate in court as unconstitutional under the 21st Amendment, which apparently gives states the so-

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RECOMMENDATIONS FOR THE 1985 SESSION

Montana cannot afford to lose \$11 million per year in federal highway funds. On the other hand, it seems unfair to punish Montana youths who are legally adults in all respects because a small proportion drive drunk -- only 1 in 3,200 Montana 15-19 year-olds are in a fatal drunk driving wreck each year, and while that is one too many, it is no reason to castigate the whole age group. Further, Montana teenagers are the fastest improving of any group in terms of reducing drunk driving -- a 44% decrease since 1981.

Because of the constitutional change needed, Montana cannot possibly raise its purchase age before January 1987. By that time, the South Dakota suit will be resolved, further studies on the drinking issue will be completed, and legislators will have time to review Montana's hodgepodge of drinking laws.

RECOMMENDATION #1: Propose to the voters the following amendment to take the drinking age issue out of Montana's Constitution and to set up a framework in which such matters can be decided, in a balanced manner, by statute:

Section 1. Article II, Section 14, of the Constitution of the State of Montana is amended to read as follows:

"Section 14. Adult rights. A person ~~is~~ 21 years of age or older is an adult for all purposes. A person 18 years of age or older is an adult for the purposes of voting and of exercising all adult rights except those specifically precluded by laws which provide a balanced transition period from youth to adult status except that the legislature or the people by initiative may establish an age of not more than 19 years as the legal age for consuming or possessing alcoholic beverages."

We don't need the Constitution cluttered with an issue as changeable as the alcohol purchase age. This amendment would allow the 1987 Legislature to act without delay and would also set up a needed transition period for youths.

RECOMMENDATION #2: Direct the Attorney General to join South Dakota's suit against the federal 21 mandate. Montana is in a unique position: all studies show that raising the purchase age accompanied an increase in young-driver fatal crashes here, and the federal 21 law creates a dangerous incentive for Montana 19 and 20 year-olds to cross the 500-mile border to Canada to drink -- the purchase age is 19 there. Of all states, the 21 purchase age is likely to do us the least good and may even do harm.

RECOMMENDATION #3: Refer the entire purchase age and youth alcohol law issue to an interim study committee. Nothing less can straighten out the tangle of existing law and contradictory studies. After studying laws in all 50 states, my suggestion is that Montana establish a graduated drinking age which incorporates supervised stages of legal drinking in late adolescence; which makes adults who provide underage persons with alcohol legally and civilly responsible for any harm or law violations which result; which removes the ridiculously harsh and ineffective 30-day jail term for underage possession; and which, if the federal mandate is upheld and Montana decides to comply with it, deals in a consistent and workable manner with the purchase and public possession issue and promotes family responsibility.

* * * * *

I hope this information has proven of use to you on a very thorny issue. Legislators wishing a copy of my study (it will be finalized in late December) or further information on the topic, please contact

-- MIKE MALES, 528 N. F, LIVINGSTON, MT 59047

TEL. 222-27398 --

DATE

011585

SENATE JUDICIARY COMM

Shaky statistics won't stop highway carnage

When Johnny Useton went to bat for our boys in uniform, I wept crocodile tears.

Useton, speaking for the Montana Tavern Owners Association, met with Gov. Ted Schwinden to protest the proposed raising of the drinking age from 18 to 21. Useton, who owns the Horseshoe Club in Billings, said, "If a man is old enough to fight, he's old enough to drink."

Patriotism may have prompted the statement, but I considered it more whine from the boys in the booze business.

No Americans are dying in combat today. And more than 700 teenage lives could be saved annually by raising the drinking age to 21 across the United States, according to the Insurance Institute for Highway Safety (IIHS).

Useton's complaint, contrasted with the IIHS conclusion, seemed grist for a column.

More than grist, I had motivation:

• Useton despises me. I'm not too happy with him, either.

• I am a recovering alcoholic. (That's a clinical term for "reformed drunk." Everyone knows that reformed drunks, having had their fun, are out to spoil everyone else's good times).

• Finally, as father of two sons, I share the cold-

At Large



Roger Clawson

sweat panic all parents feel occasionally — the fear that a machine and a chemical substance could combine to kill one of my babies.

Studying the statistics, I intended to write a stirring defense of the proposed 21-year-old drinking law.

There was only one problem.

The statistics do not support the contention that lives will be saved by raising the drinking age.

The oft-quoted IIHS study compares nighttime fatalities with daytime fatalities on the assumption that more drinking goes on at night. Finding that fewer kids were killed at night after the

law changed, the IIHS concluded that raising the drinking age would reduce alcohol-related deaths of teens on the highways by 28 percent.

That's an impressive number.

Too bad it's meaningless.

Mike Males, a Montana State University graduate student, was bent on making a case for raising the drinking age in Montana when he discovered several problems with the IIHS study and other studies like it.

The highway fatality rate among young drivers declined dramatically during the period when 13 states were lowering their drinking ages.

When this national trend is factored out of the IIHS statistics, the decrease in the death rate among young drivers suddenly barreled from the bars was not 28 percent but only 5 percent, Males found.

This would mean a savings of not 720 lives, but fewer than 70. Would saving 70 lives nationwide be sufficient cause for raising the drinking age?

I think so.

But wait. Males notes that raising the drinking age tends to increase the death rate among young men and women of the new drinking age.

Perhaps it's because young drivers tend to binge when they reach the legal drinking age.

Taking a broader look that included 21-year-olds

Males found there was no net reduction of fatalities in the states that had raised their drinking age.

Nothing that illegally consumed alcohol is as dangerous as booze drunk with the state's blessing.

Males looked at states with high, low and mixed drinking ages.

States with high drinking ages had a lower fatality rates than those with low drinking ages.

But states with "mixed" drinking ages — states that allow 18-year-olds to buy beer and wine but not hard liquor — had the best record of the three groups.

Males said that, if he were as careless with his conclusions as the researchers conducting the IIHS study, he could assert that 2,100 lives could be saved each year if all states would adopt a mixed drinking-age law.

But the data is not strong enough to support that quotable statement either, Males said.

Alcohol does kill young people on the highways. We must do something to check that carnage, but a legislative quick-fix based on shaky statistics is not what is needed.

I started this piece with an ax to grind but the facts wouldn't whet it.

Clawson At Large is published Sunday, Tuesday and Thursday.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 011585

BILL NO. 583 2, 3, 97+98

21 or Else Mandate Angers States

By Elaine S. Knapp, editor

State officials are angry with the congressional ultimatum to raise the drinking age to 21 or lose highway funds. Even supporters of a higher drinking age resent the federal "blackmail." There is talk of opposing the federal mandate and predictions that the heavy federal hand will make it difficult to raise the age in some states.

Still, it is felt that the loss of federal funds will be too great for many states not to act.

The 27 states with lower drinking ages could lose 5 percent of their federal highway funds in fiscal 1986 and 10 percent in fiscal 1987. Withheld funds would be released once a state raised its drinking age, however.

The measure slid quickly through Congress despite protests from state officials over the federal pre-emption of state power. The federal proposal was termed a "drastic pre-emption of state authority" by the chairman of The Council of State Governments (CSG), acting on behalf of CSG's Executive Committee. North Dakota Rep. Roy Hausauer, in a letter to the chief sponsor of the bill in the Senate, wrote that state officials strongly opposed the bill "as a misuse of federal spending power through the grant-in-aid system. In an era in which we expected to see more authority returned to the states, and in which more states are imposing tougher sanctions for drunk driving, federal pre-emption in this area is especially inappropriate."

New York Sen. John J. Marchi, a CSG Executive Committee member, wrote U.S. Senate Majority Leader Howard Baker that although the objective of reducing highway deaths was laudable, the use of "legislative blackmail" was not.

The U.S. Senate, preferring the stick to the carrot, rejected a substitute measure to provide incentives for states that set the drinking age at 21. The majority disregarded the plea of U.S. Sen. Gordon J. Humphrey, R-N.H., who asked, "Where do we stop enlarging the power of the federal government and protect the sovereignty of the states?"

U.S. Sen. Steven D. Symms, R-Idaho, queried, "Do we have the right to force-feed our Washington wisdom down the mouths of our states?" Sen. Symms cited the "contradictory evidence" on the value of raising the drinking age and noted that the worst offenders were age 21 to 24. U.S. Sen. James McClure, R-Idaho, commented that the

Congress believed it was smarter than the 105 state legislators in Idaho who had turned down a higher drinking age in each of the past three years. He warned of the danger in a central government imposing a rule that the "people in my state have said they do not want . . ."

Also speaking against the proposal on federalism grounds were U.S. Senators Max Baucus, D-Mont., Daniel Evans, R-Wash., and Alan Simpson, R-Wyo. Sen. Baucus noted that the people of Montana had voted down a constitutional amendment to raise the drinking age to 21.

State Laws

Laws in 23 states provide for a 21-year-old drinking age for all alcoholic beverages. Another eight states and the District of Columbia have combination drinking ages, generally 21 for distilled spirits and 18 to 19 for beer and wine. The drinking age is 20 in four states, 19 in 12 states and 18 in three others.

Many states lowered the drinking age in the 1970s, influenced by a constitutional amendment giving 18-year-olds the right to vote and by the Vietnam War in which 18-year-olds fought and died.

The trend in recent years, spurred by the movement against drunk driving, has been to raise the drinking age. From 1976 to 1983, 21 states raised their drinking ages (to 19, 20 or 21). Four states—Arizona, Nebraska, Rhode Island and Tennessee—passed minimum 21-year-old drinking ages in 1984 sessions. Rhode Island's and Tennessee's laws took effect this year; the rest take effect in 1985. The drinking age was raised to 21 by 1983 sessions in Alaska, Delaware, New Jersey and Oklahoma. A 1982 Maryland law will gradually raise the drinking age until it reaches 21 on July 1, 1985.

The beer and wine drinking age was raised to 19 in South Carolina and South Dakota in 1984 sessions. In 1983, the drinking age was raised to 19 in West Virginia and Wisconsin, to 20 in Connecticut and to 19 for beer and wine in North Carolina and Virginia. New Hampshire in 1983 passed a measure to raise its drinking age to 21 when Maine and Massachusetts did likewise.

In recent sessions, states have also cracked down on youthful drivers who drink. Wisconsin imposed an automatic 90-day driver's license suspension on drivers under 19 with any alcohol in their blood.

SENATE JUDICIARY COMMITTEE *Cont'd pg. 5*

EXHIBIT NO. 3

DATE 011585

BILL NO. SB 23 97-98

Arizona, Iowa, Kentucky and Maine will revoke the license of underage drivers who drink.

Quick Federal Passage

The quick passage of the federal bill caught even supporters off guard. The measure moved swiftly through Congress after being attached to a \$5 billion highway bill (H.R. 5504) by U.S. Rep. James J. Howard, D-N.J. Rep. Howard, chairman of the House Public Works and Transportation Committee, a decade ago played a key role in legislation that likewise penalized states unless they passed a 55 mph speed limit.

After the amendment sailed through the House on a voice vote June 7, President Reagan reversed his position and supported the bill. Previously, the administration had argued that the law would be more effectively enforced if states acted voluntarily. However, June 13, Secretary of Transportation Elizabeth Hanford Dole announced administration support for the legislation. She said that state "momentum appears to have stalled," noting that efforts to raise the drinking age to 21 failed in many states this year. According to the U.S. DOT, bills were introduced but failed to pass in 17 states to set a minimum age of 21. Bills are still pending in Louisiana and Massachusetts.

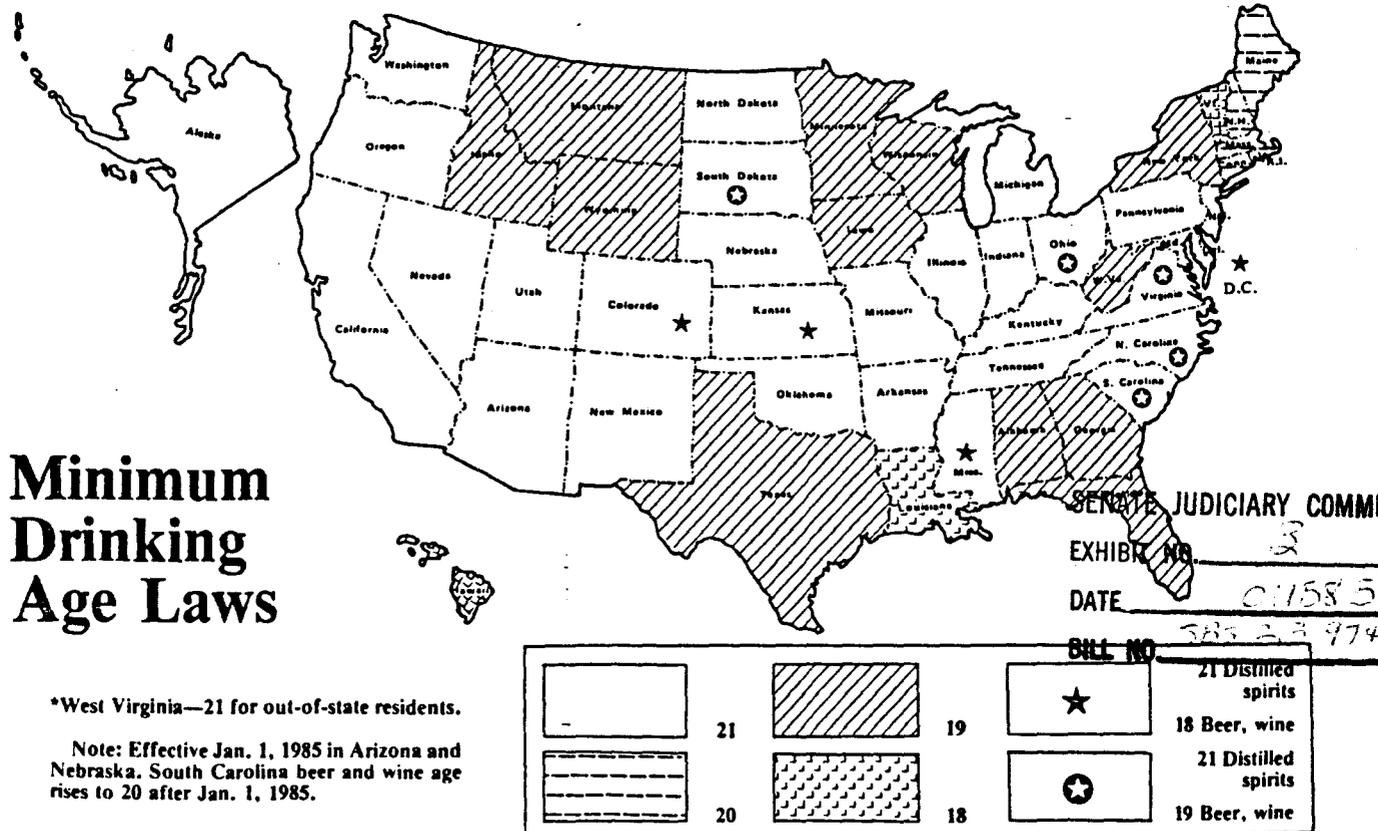
Rather than approve the House-passed highway bill, the Senate passed the drinking age provision as an amendment to a child restraint bill (H.R. 4616).

The measure, sponsored by Sen. Frank R. Lautenberg, D-N.J., passed 81 to 16 on June 26. The Senate added provisions to increase highway safety funds by up to 5 percent for states that enact specified mandatory sentences for drunk drivers. States will be eligible if they mandate a 90-day license suspension and two days in jail or 100 hours of community service on a first offense; a one-year license suspension and 10 days in jail on a second offense; a three-year license suspension and 120 days in jail on third offense, and a 30-day jail sentence for conviction of driving on a suspended, revoked or restricted license. The House gave final congressional approval to the bill June 28.

The criteria for states to qualify for federal incentive grants in the new law is similar to that specified by 1982 legislation ("the Howard-Barnes bill"). H.R. 6170 offered grants totaling \$125 million to states over three years beginning with fiscal 1983. As of July, 15 states qualified for Section 408 grants: Alabama, Alaska, Arizona, Delaware, Indiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Rhode Island and Utah. Five of these have drinking ages of under 21.

Withholding of federal highway funds from states without a 21-year-old drinking age and the mandatory sentencing provisions for drunk drivers were among recommendations made by the Presi-

Cont'd pg. 6



dential Commission on Drunk Driving, chaired by John Volpe, in its final report last November. It also urged a comprehensive approach to curbing drunk driving.

A minimum drinking age of 21 was also recommended by the National Transportation Safety Board in July 1982.

These reports, supported by groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), statistics on teenage drinking-driving accidents, and polls showing public support were cited by House and Senate sponsors of the legislation.

Border Crossings

So-called "blood borders" which teenagers cross to legally buy liquor are a primary target of the federal legislation. Sen. Lautenberg said New Jersey had a problem "known as border-slaughter, because our neighboring state of New York has a lower legal minimum." The presidential commission concluded only a uniform drinking age would solve the problem of teenagers crossing state lines to drink. U.S. Sen. Richard G. Lugar, R-Ind., cited the recent defeat of a "21 bill" by the New York Legislature as evidence "that not all states will act on their own." He declared, "Surely the national interest in protecting the lives of our young people outweighs the states' interest in setting a drinking age lower than 21 years."

The Coalition of Northeast Governors (CONEG) had resolved in December to work for a regional uniform minimum drinking age. The minimum age is 21 in New Jersey, Pennsylvania and Rhode Island, but is 20 in Connecticut, Massachusetts, and New Hampshire, and 19 in New York. A major lobbying effort by New York Gov. Mario Cuomo failed to push through a higher age limit this session, however. A poll of CONEG states in mid-June showed concern with "pre-emption and the withholding of federal monies" under the federal measure.

Crossover Sanctions Drastic Remedy

Both congressional sponsors denied the federal legislation was a mandate to states. Sen. Lautenberg and Rep. Howard called their measures a means "to encourage" states to raise their minimum drinking age to 21. Rep. Howard said his amendment "allows each state to make its own determination on whether to raise the drinking age," and then face the loss of federal funds if it did not. Sen. Lautenberg said it was "the same approach taken to enforce the 55 mph speed limit." Acknowledging the bill was "strong medicine" and that he was reluctant to deny federal aid to states,

Sen. Lautenberg concluded it was necessary to save lives. The parallel with the 55 mph national speed limit was also cited by U.S. Rep. Glenn Anderson, D-Calif., who said the approach was effective because sanctions have not been used yet.

Loss of federal funds in one program for inaction in another area is called a "crossover" sanction. This method was also used to force states to adopt billboard controls as required by the 1965 Highway Beautification Act. However, the DOT did not threaten states with loss of aid until several years after the 1968 deadline for compliance. Only South Dakota lost federal highway funds over the billboard issue.

In contrast, states acted within months after federal legislation passed in 1974 to withhold highway funds from states without 55 mph speed limits. However, enforcement proved a problem and a federal requirement for compliance by 70 percent of drivers was later changed to 50 percent. All states are in compliance and no federal aid has been withheld. However, states resisted the federally mandated speed limit. In 1981, 29 states considered legislation to repeal the limit. Some states responded by imposing fines as low as \$5 for exceeding the 55 mph limit.

Crossover sanctions are viewed as severe remedies and, further, make states angry. Implementation of them can run into political trouble for federal agencies. For instance, Congress took away the power of the National Highway Traffic Safety Administration to withhold aid from states without motorcycle helmet laws.

The possibility of further federal intrusion into state responsibilities was raised by U.S. DOT Secretary Doyle July 11. She said that the choice might be between mandatory state seat belt legislation and a federal requirement for air bags in motor vehicles.

State Reactions

The federal drinking age measure is viewed by state officials as another pre-emption of state authority. However, state officials have mixed feelings. Many agree with the concept of a 21-year-old drinking age or with at least a uniform drinking age. The disagreement is with the federal method to achieve it. The use of federal sanctions is seen as a big federal stick by states. For many, the issue is not the merit of a higher drinking age, but roughshod misuse of federal power.

Estimates prepared by the Department of Transportation show that the 27 states and the District of Columbia with drinking ages below 21 could lose \$203.7 million the first year of sanctions and double that the second year. ~~SENATE JUDICIARY COMMITTEE~~

some was that states "had no choice" and would have to raise the drinking age to keep from losing millions in federal aid. Others, however, called for state resistance to the federal mandate.

Connecticut, which has a 20-year-old drinking age, but which shares a border with New York where the age is 19, came close this year to tying its age to adjacent states, reported Rep. Timothy J. Moynihan. Rep. Moynihan was CSG chairman in 1983. However, New York left its age at 19 and Rhode Island raised its age to 21. Because it is so easy to travel among the Northeastern states, the different drinking ages are a real problem, Rep. Moynihan noted. He added that Connecticut is unlikely to change its law until New York raises its age.

Although he does not think the federal government should be involved in state issues, Rep. Moynihan noted that sometimes states cannot act on an issue and that the minimum age will "keep border crossings to a minimum." He added that Connecticut probably would not be in violation of the 1986 deadline and that the trend was toward a higher drinking age.

Iowa has turned down a 21-year-old drinking age five times since 1972, noted Speaker Don Avenson. However, the vote was close this past session in the House. The 1984 session did pass a tough drunk driving law, including a provision to revoke the license of drivers under age 19 who drink and drive. The pressure to raise the drinking age has been building, Speaker Avenson said, fueled by statistics of alcohol-related deaths among young drivers. However, the feeling was that persons with the responsibility of adulthood at age 18 ought also to have the privileges of adulthood.

As far as the federal law is concerned, Speaker Avenson said that most legislators were relieved that the political decision was taken out of their hands, but were angry at the federal pre-emption of state powers. "Personally, I am very upset," Speaker Avenson said. "I am tired of federal mandates in areas I believe the constitution reserves to the states." Iowa most likely will pass the 21-year-old drinking age within the next two years, he predicted. Likewise, mandatory seat belts will eventually be required by the state, but similar federal pressure would not help passage, he said. "These pre-emptions can only go on so long before there's a backlash," the speaker concluded.

Ohio Sen. Pres. Harry Meshel is opposed to federal sanctions and called for "states with like minds to join together and challenge this." He said it was time that the federal government quit "putting blackmail hooks" on federal funds. Many states in the Midwest and East are already

receiving their share of highway trust funds, Sen. Meshel said. He commented that the issue of teenagers crossing borders to drink was not a problem in every state and not a statewide problem in many. Border crossings alone were not good reason for nationwide legislation, he said. In addition, Ohio voters last year soundly defeated a measure to raise the beer drinking age from 19 to 21. Sen. Meshel said that resentment over the federal mandate had been expressed by the governor and legislators. He noted that it would be difficult to raise the drinking age, and that there was not time to review the merit of a higher age. "How many state prerogatives is the federal government going to erode?" Sen. Meshel asked. He urged unity among the states to oppose the federal mandate.

The mood now in Wyoming is not to raise the minimum age, said Rep. Patrick H. Meenan. Saying he was "appalled" by the federal mandate, Rep. Meenan declared that raising the drinking age was not the issue, but the "federal government sticking its nose in state" affairs was. "I was surprised; it seems contrary to everything Reagan said he would do, as far as states' rights," Rep. Meenan said of the federal sanctions.

Wyoming legislators have defeated bills to raise the drinking age from 19 which is also the age of majority there. Other arguments were that a higher drinking age would deny jobs to youth in restaurants and lounges and that it is better to have youth drink in licensed places "than out on the prairie." Neither did Wyoming legislators feel a higher age would reduce highway deaths, because 21- to 24-year-old drivers are more of a problem. Rep. Meenan noted that there was quite a bit of sentiment to raise the drinking age, due to concern over drunk driving. However, the state did further tighten its drunk driving laws. He noted that the U.S. DOT lobbied hard for a higher age in Wyoming and other states, and speculates that the DOT focused its efforts in Congress after states refused to go along with it.

"Everyone talks bravely" now about not going along, but that could change as the loss of federal funds nears, Rep. Meenan acknowledged. Still, he wonders "what would happen if all states told them to jump in the lake."

Georgia House Speaker Thomas B. Murphy called the federal measure a "form of blackmail." He sees the recent action by DOT Secretary Doyle as another move to "blackmail the states into passing mandatory seat belts." Speaker Murphy said, "If Congress cannot accomplish something, it blackmails the states into doing it." Speaker Murphy predicted that most states, including Georgia,

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SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3

DATE 8-15-85 State Government News, August 1984

Merits of Lower Age Debated

Statistics are cited by both sides in legislative battles over the drinking age. The U.S. DOT estimates that over the last 10 years, 250,000 Americans lost their lives in alcohol-related crashes.

Most dangerous is the time between midnight and 4 a.m. when a majority of fatally injured drivers had been drinking. The average blood alcohol concentration (BAC) of arrested drunk drivers is .20 percent, double the legal limit in most states.

“In an era in which we expected to see more authority returned to the states, and in which more states are imposing tougher sanctions for drunk driving, federal pre-emption in this area is especially inappropriate.”

CSG Chairman Rep. Roy Hausauer

The presidential commission, in recommending a drinking age of 21, cited a study indicating that 730 young lives would be saved if all states had a 21-year-old minimum age.

Frequently cited by proponents of raising the legal limit is a 1981 study by the Insurance Institute

21 or Else Cont'd

would raise the drinking age rather than lose millions in highway funds. A bill to raise the drinking age from 19 to 21 in Georgia failed to get out of committee in the 1984 session. “I was opposed to it,” the speaker declared. He noted that 18-year-olds were old enough to fight for their country, inherit and buy property, but “can’t spend 75 cents on a beer.”

In Virginia, where a measure to raise the legal age for beer from 19 failed this session, Gov. Charles S. Robb, a proponent of the higher age, called the federal action coercive. “There are states’ rights issues involved,” Gov. Robb said. An opponent of the higher age, Virginia Sen. Peter K. Babalas, said the state would not “have much choice if we want federal highway funds.”



for Highway Safety. Out of nine states that raised their minimum age, eight showed reductions ranging from 6 to 75 percent in fatal crashes for younger drivers. Only Montana had no net reduction. The study concluded that a state that raises its drinking age can expect a drop of 28 percent in nighttime fatal crashes for the affected age group.

However, those under 21 may not be the worst offenders. Between 40 percent and 55 percent of drivers killed in crashes had BACs of .10 percent or higher in 1981, according to a 1982 report by the National Highway Traffic Safety Administration. The report showed that of fatally injured drivers, 42 percent of those 16 to 19-years-old were legally

“These pre-emptions can only go on so long before there’s a backlash.”

Iowa Speaker Don Avenson

drunk, 54 percent of those 20 to 24-years-old were and 59 percent of those 25 to 34 were drunk.

Vermont Gov. Richard Snelling, who has vetoed efforts to raise the drinking age, cited a study in the *New England Journal of Medicine*. It showed that Massachusetts experienced no declines in fatalities attributed to drinking when it increased the drinking age. Gov. Snelling maintained that while states that raised the drinking age have had lower fatalities for a year or two, other states, such as Ver-

SENATE JUDICIARY COMMITTEE *Cont'd pg. 10*

EXHIBIT NO. 2

DATE 011585

MINIMUM AGE FOR SPECIFIED ACTIVITIES

State or other jurisdiction	Age of majority (a)	Minimum age for marriage with consent(b)		Minimum age for making a will	Minimum age for buying		Minimum age for serving on a jury	Minimum age for leaving school(c)	Potential 1987 losses † for non-21 states (in millions)
		male	female		liquor	beer or wine			
Alabama	19	14(d)	14(d)	19	19	19	19	16	\$11.8
Alaska	18	16(e)	16(e)	18	21	21	18	16	...
Arizona	18	16(e)	16(e)	18	19*	19*	18	16	...
Arkansas	18	17(e)	16(e)	18	21	21	18	15	...
California	18	(f)	(f)	18	21	21	18	18	...
Colorado	18	16(e)	16(e)	18	21	18(g)	18	16	9.1
Connecticut	18	16(e)	16(e)	18	20	20	18	16(h,i)	7.5
Delaware	18	18(e,j)	16(e,j)	18	21	21	18	16	...
Florida	18	16(e)	16(e)	18	19	19	18	16	24.2
Georgia	18	16(e,j)	16(e,j)	18	19	19	18	16	17.1
Hawaii	18	16	16(e)	18	18	18	18	18(i)	5.8
Idaho	18	16(e)	16(e)	18(k)	19	19	18	16	4.3
Illinois	18	16(e)	16(e)	18	21	21	18	16	...
Indiana	18	17(e)	17(e)	18	21	21	18	16	...
Iowa	18	16	16	18	19	19	18	16(h,i)	6.1
Kansas	18	(f)	(f)	18	21	18(g)	18	16	5.5
Kentucky	18	(f)	(f)	18	21	21	18	16	...
Louisiana	18	18(e)	16(e)	16(k)	18	18	18	16	14.3
Maine	18	16(e)	16(e)	18	20	20	18	17(l)	2.9
Maryland	18	16(e)	16(e)	18	21	21	18	16	...
Massachusetts	18	(f)	(f)	18	20	20	18	16	9.8
Michigan	18	16	16	18	21	21	18	16	...
Minnesota	18	16(m)	16(m)	18	19	19	18	16	10.5
Mississippi	18	17(e)	15(e)	18	21	18(g)	21	14(n)	5.4
Missouri	18	15(e)	15(e)	18	21	21	21	16	...
Montana	18	18(e)	18(e)	18	19	19	18	16(o)	5.5
Nebraska	19	17	17	18	20*	20*	19	16	...
Nevada	18	16(e)	16(e)	18	21	21	18	17	...
New Hampshire	18	14(m)	13(m)	18	20	20	18	16	2.6
New Jersey	18	16(p)	16(p)	18	21	21	18	16	...
New Mexico	18	16(e)	16(e)	18	21	21	18	18(q)	...
New York	(r)	16	14(m)	18	19	19	18	17(s)	30.1
North Carolina	18	16	16(e)	18	21	19	18	16	9.9
North Dakota	18	16	16	18	21	21	18	16	...
Ohio	18	18(e)	16(e)	18	21	19	18	18	17.8
Oklahoma	18	16(e)	16(e)	18	21	21	18	16	...
Oregon	18	17	17	18	21	21	18	16(t)	...
Pennsylvania	21	16(e)	16(e)	18	21	21	18	16(t)	...
Rhode Island	18	18(e)	16(e)	18	21	21	18	16	...
South Carolina	18	18(e)	14(e)	18	21	19*	18	16	7.6
South Dakota	18	16(e)	16(e)	18	21	19(g)	18	16	4.1
Tennessee	18	16(e)	16(e)	18	21	21	18	16	...
Texas	18	14(m)	14(m)	18(k)	19	19	18	17	33.2
Utah	18	(f)	(f)	18	21	21	18	18	...
Vermont	18	16(e)	16(e)	18	18	18	18	18	2.6
Virginia	18	16(e)	16(e)	18	21	19	18	17	15.5
Washington	18	17(e)	17(e)	18	21	21	18	18(t)	...
West Virginia	18	(u)	(u)	18	19	19	18	16	6.1
Wisconsin	18	16	16	18	19	19	18	16(t)	7.2
Wyoming	19	16(e)	16(e)	19	19	19	19	16	4.5
Dist. of Col.	18	16	16	18	21	18	18	16(i)	2.4

* Arizona and Nebraska's drinking age rises to 21 effective January 1, 1985; South Carolina to 20 after January 1, 1985.

† Estimates based on 5 percent of funding, U.S. Department of Transportation.

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- (a) Generally, the age at which an individual has legal control over own actions and business (e.g. ability to contract) except as otherwise provided by statute. In many states, age of majority is arrived at upon marriage if minimum legal marrying age is lower than prescribed age of majority.
- (b) With parental consent. Minimum age for marrying without consent is 18 years in all states, except Mississippi (21 years) and Wyoming (19 years).
- (c) Without graduating.
- (d) Bond is required if under 18.
- (e) Legal procedure for younger persons to obtain license.
- (f) Statute provides that any unmarried male or female under 18 may marry with consent (usually with order of court granting permission).
- (g) In Colorado, Kansas, Mississippi and South Dakota, 3.2 beer only.
- (h) Unless parent or guardian is able to show child is receiving equivalent instruction.
- (i) Younger, if lawfully employed. Connecticut, Iowa, District of Columbia, 14 years; Hawaii, 15 years.
- (j) Parental consent not required when female is pregnant or applicants are parents of a living child.

- (k) Age may be lower for a minor who is living apart from parents or legal guardians and managing own financial affairs, or who has contracted a lawful marriage.
- (l) Does not apply to those who have reached age 15 or completed ninth grade, or who otherwise have permission to leave.
- (m) Parental consent and judicial consent required.
- (n) Mississippi's compulsory attendance statute is being implemented in a staggered fashion (began with 1982-83 school year) until every child who is six years old and has not reached the age of 14 years is covered by the mandatory attendance provision.
- (o) Or completion of eighth grade, whichever is earlier.
- (p) Parental consent required for ages 16 to 18; judicial approval for individuals under 16.
- (q) Does not apply to those who have completed 10th grade and have consent of parents and school officials.
- (r) As defined in general obligations (for purposes of contracting) and civil rights codes, 18 years.
- (s) In cities having over 4,500 population and union-free school districts.
- (t) With certain exceptions.
- (u) Under 16, must have parental consent and approval of circuit judge.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 5

DATE 011585

State Government News, August 1984 9

Lower Age Cont'd

mont, have had even greater reductions in fatalities. He said that tougher law enforcement and public education cause highway fatalities to fall. Gov. Snelling opposes the federal mandate for states to raise their drinking age. Vermont is one of three states with an 18-year-old drinking age.

Recent Results

Most recently, the U.S. DOT cited figures from New Jersey, which raised its legal drinking age from 19 to 21 years in January 1983. There was a reduction of 26 percent in nighttime single vehicle driver fatalities for the 19- and 20-year-old age group.

In states where drinking ages have been raised in recent years, declines in accidents are attributed to comprehensive approaches to drunk driving as well as a higher minimum age. Maryland has seen a "dramatic reduction in highway deaths" of some 25 percent, reported Wayne McDaniel, executive aide to Gov. Harry Hughes. A 1982 law which phased-in over two years a drinking age of 21 might be part of the reason, McDaniel said. He added that Maryland had cracked down on drunk driving in many ways. McDaniel said that despite the state's comprehensive, effective campaign against drunk driving, it probably would not qualify for the new federal incentive grants. He suggested that instead of requiring state legislation, federal incen-

"How many state prerogatives is the federal government going to erode?"

Ohio Sen. Pres. Harry Meshel

tives should be based on results, including a reduced fatality rate. He added, "That's not the way the (federal) law's written."

A general crackdown on drunk driving as well as a higher drinking age have contributed to a decline in traffic deaths in Oklahoma, according to Delbert Karnes, program manager for Highway Safety. He cited prevention programs with teenagers which emphasize peer pressure.

An Illinois Department of Transportation report credits the raised drinking age with a decline in accidents for drivers 20 and younger. It estimates that 55 deaths and 2,750 non-fatal accidents have been prevented in the three years since the law took effect in January 1980. The drinking age for beer and wine was 19 from October 1973 through December 1979. While overall driver-accident fatalities fell by nearly 14 percent, the reduction was 1.5 times greater for drivers age 20 and under (21.7 percent).

In addition, the 1980 Illinois law required all local governments to follow the 21-year-old minimum. Previously, minimum ages varied among

"If Congress cannot accomplish something, it blackmails the states into doing it."

Georgia Speaker Thomas B. Murphy

home rule units. The 1980 law also conformed Illinois' drinking age with neighboring Indiana, Kentucky and Missouri. However, the report noted that the law might "have increased the tendency for the 19- and 20-year-olds to drive from Illinois to Iowa or Wisconsin to legally drink."

Pros, Cons

Opponents of a higher drinking age point out that those old enough to vote, enlist in the armed forces, serve on juries, marry and be legally responsible for their own actions as adults, also should be allowed to drink alcohol.

Opponents also maintain that raising the drinking age will not stop youths from drinking. A nationwide survey found that the same proportion of high school students drank in states where the legal age was 21 as in states where it was lower. Critics also maintain that all young people should not be denied alcohol because a few abuse the right to drink. Another argument is that 21- to 24-year-olds are involved in more drunk driving accidents than the younger age group and that denying alcohol to any age group would cause some reduction in accidents.

Some researchers and others also question the use of accident statistics to make causal connections between drinking and accidents. They maintain that other factors may well account for the crashes.

The major argument raised for a higher minimum drinking age has been that it would reduce highway deaths and accidents. Among other arguments are that it would reduce alcoholism among young people because young legal drinkers obtain alcohol for underage friends and that it would decrease juvenile crime.

Wisconsin raised its drinking age to 19 on July 1. State Superintendent of Public Instruction Herbert J. Grover, in urging the 1983 legislature to act, said that there were "13,000 alcoholics between the ages of 13 and 19 . . . and 67 percent of Wisconsin's 12th grade students will reach the legal drinking age of 18 prior to graduating from high school . . ." He added that while drivers under age 21 comprise 12 percent of the driving population, they account for over 20 percent of the state's drunk driving convictions. Nearly 30 percent of the drivers killed in Wisconsin car crashes, who were legally drunk were under the age of 21.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 8/15/84

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

NAME: Bernie Swift - Rep. Dist 64 DATE: 1/15/85

ADDRESS: 900 Broadway

PHONE: 449-2733

REPRESENTING WHOM? Ravalli Co. Dist. 64

APPEARING ON WHICH PROPOSAL: SB 2 & 3 Senx Show

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT:

Support because of problem with ^{alcohol} drugs & chemicals in schools, in public, and the problem in vehicle accidents w/ alcohol use - especially with youth.

Signed Bernie Swift

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 011585
BILL NO. SB 2 + 3

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

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 011585
BILL NO. SBs 2, 3, 97+98

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

From a traffic safety standpoint, the case for a 21 year old drinking age centers on three propositions:

. The drinking driver crash rate of young adults is a critical traffic safety problem.

. The drinking behavior of young adults is an appropriate focus for remedial measures.

. Increases in the legal drinking age, which affect young adults, produces substantial traffic safety benefits.

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.

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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."

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BILL NO. SB5 2347+48

A variety of objections will be raised against the enactment of 21 as the minimum drinking age.

There are economic objections based upon the potentially adverse impact of such legislation on businesses that sell alcoholic beverages to young persons. However, few would argue that any such adverse impact would not be more than offset by society's overall gains from reducing the risk of death and injury to which alcohol consuming young persons are exposed, and to which they expose others.

A somewhat more serious objection is the fear that drinking age increases would pave the way for a gradual return to the Era of Prohibition and all the ills with which that era is associated. However, the primary objective of proponents of 21 is to curb death and injury on the highways, not to reform society or impose temperance. Indeed, the real basis for the drinking age not being set above 21 is because with age, drivers show a declining involvement characteristic of drivers under 21.

There are, however, several weighty objections that deserve a careful and sympathetic hearing. These include 21's purported ineffectiveness in curbing underage alcohol consumption, its potential for promoting illegal drinking in cars or use of substitute drugs, its unfairness to persons who are not at risk, and its alleged infringement of constitutional rights and privileges. I would like to spend a minute addressing these issues.

The absence of reductions in aggregate sales volumes or liquor tax revenues in states which increased their drinking ages has often been cited as evidence that drinking age increases do not actually reduce drinking. However, reductions in consumption by younger

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drivers would have to be extremely large before any such impact would be discernible in tax revenues or aggregate sales statistics which reflect consumption by drinkers of all ages. Studies which focus on more direct indicators than sales and taxes 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.

It has been argued that, if 21 is enacted, persons under 21 will still be able to obtain alcoholic beverages which they will drink in cars or in other "unsupervised" settings. However, after Massachusetts raised its drinking age from 18 to 21, it 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.

It has been argued that restricting access to alcohol would add a new incentive for persons under 21 to use marijuana or other illicit drugs. Surveys in several states, however, 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.

It has been suggested that whatever traffic safety justifications there are for a drinking age of 21 for male drivers, they are insufficient justifications for a drinking age of 21 for female drivers.

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SBS 23 97 +98

in this age group, and especially for female and non-driver groups believed to be not disproportionately at risk.

Although women under age 21 have fewer alcohol-related accidents than men of the same age group, their involvement in alcohol-related accidents is disproportionate and substantially greater than that of women over 21. An increased drinking age, therefore, is not unfair to women under 21 because they clearly are part of the high risk group whose protection is a primary objective of such legislation.

Is a drinking age of 21 unfair to 19 and 20 year olds who do not have a driver's license? Perhaps it is. However, it should also be evident that a law regulating drinking of alcoholic beverages by persons under 21 cannot succeed if some persons under 21 are exempted from its operation. Therefore, the real question is whether society is prevented from implementing a policy with a proven record of life-saving effectiveness merely because of its unfairness to non-drivers under 21 who wish to continue to drink. In most states, and recently at the federal level as well, the consensus has been that it is not unfair to require all persons under 21, including non-drivers, to delay their consumption of alcoholic beverages for two years at most so that lives may be spared.

It has also been argued that an increase in the drinking age is an infringement of the constitutional rights of individuals within the affected age group. However, the legal precedents take the opposite view. In fact, states have near absolute constitutionally guaranteed rights under the 21st Amendment to regulate

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and even to prohibit the use and distribution of alcoholic beverages within their boundaries.

No provisions of the constitution or laws of any of the states have ever been cited as the basis for a different ruling. Indeed, despite the fact that state minimum drinking ages have been increased on at least two dozen occasions in the past half dozen years, not one of these drinking age increases has been successfully challenged on constitutional grounds.

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.

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BILL NO. SBs 2, 3, 47 + 98



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.

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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.

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.

On July 17, 1984, President Reagan signed Public Law 98-363 requiring any state without a minimum legal drinking age of 21 to enact such legislation by September, 1986 or face a partial loss of its federal highway construction funds. Under this law, a state that fails to comply may lose 5 percent of its highway funding apportionment during fiscal 1987 and 10 percent during fiscal 1988.

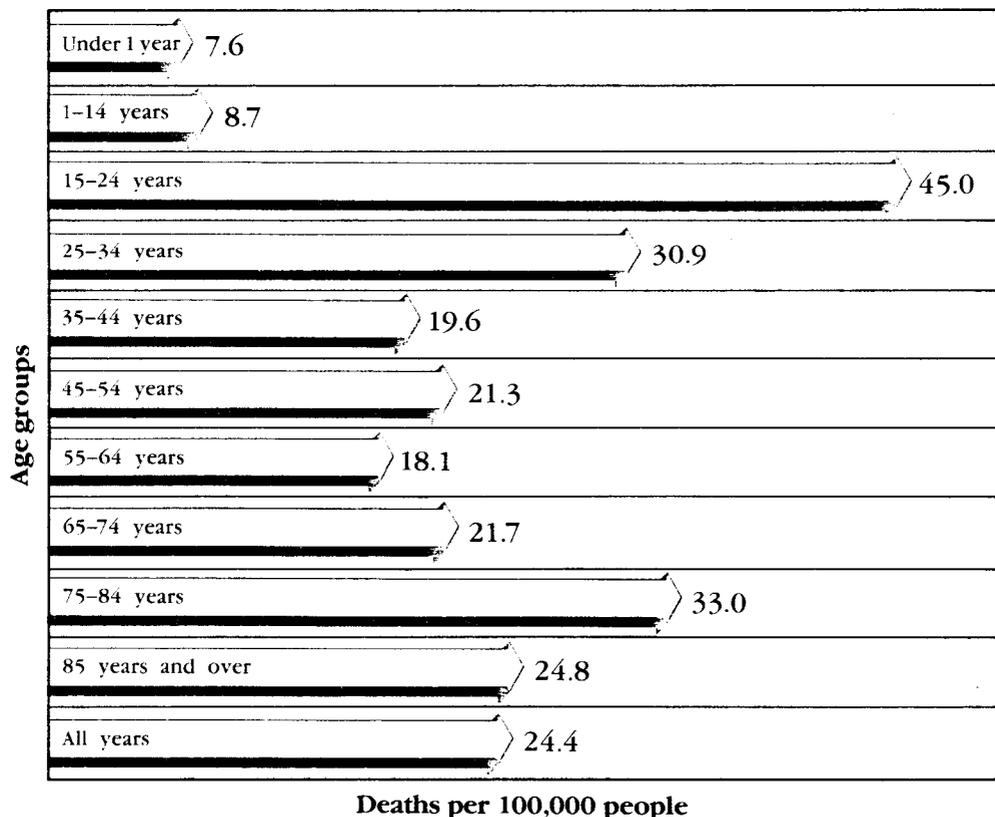


DID YOU KNOW THAT

- ✿ In 1981, approximately 25,000 died from alcohol-related highway accidents. That amounts to seventy lives a day.
- ✿ 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 LACKMAN

DATE: Jan. 15 '85

ADDRESS: 1400 Winne Avenue, Helena, Montana 59601

PHONE: (406) 443-3494

REPRESENTING WHOM? Montana Public Health Association (Lobbyist)

APPEARING ON WHICH PROPOSAL: SB 2, SB 3 Amending drinking age laws to age 21 : amend constitution to raise drinking age to 21

DO YOU: SUPPORT? XXXXXX AMEND? _____ OPPOSE? _____

I am David Lackman, lobbyist for the Montana Public Health Association.

COMMENT: When the implied consent law was implemented, our laboratory in the state health department provided scientific facilities and expertise for blood-alcohol testing. Early in the program, we had a party for some highway patrol officers in Bozeman at the law-enforcement academy. Very few reached the 0.1 % level; even those who reached the .06 level agreed they were in no condition to operate a motor vehicle. On-the-spot physical tests are, therefore, of utmost importance; especially the new eye test.

From our experience in the laboratory, 19 & 20 year olds are frequent abusers of alcohol; and rather susceptible to its effects, moreso than older persons. In many cases they appear to be lacking mature judgement.

in the interests of highway safety.
Therefore, we feel that SB 2 & SB 3 should be enacted.

Thank You

David Lackman

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 6

DATE 011585

BILL NO. SB 2 + SB 3

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

NAME: Chip Eroman DATE: 1/15/84

ADDRESS: Helena

PHONE: 442-2180

REPRESENTING WHOM? MT School Boards Assoc.

APPEARING ON WHICH PROPOSAL: SB, 2, 3, 97, 98

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT:

1) Some 19 year olds are still in high schools - providing access to alcoholic beverages not only to themselves but to underage students

2) In the peer group of 19 year olds, 16, 17 and 18 year olds are included. Therefore provide such access to alcoholic beverages

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 7
DATE 011585
BILL NO. SB5 2, 3, 97 + 98

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

NAME: Chip Edmunds - For Dick Trevise DATE: 1/15/98

ADDRESS: Helena

PHONE: 442-2180

REPRESENTING WHOM? Appearing on behalf of the Montana Association of County School Superintendents

APPEARING ON WHICH PROPOSAL: SB 23, 97, 98

DO YOU: SUPPORT? Y AMEND? _____ OPPOSE? _____

COMMENT: _____

County School Superintendents
support the concept of
a 21 day school year

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 011585
BILL NO. SBs 23, 97 + 98

CITIZENS FOR RESPONSIBLE DRINKING
Richard A. Fyfe, Treasurer

January 15, 1985

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE ON THE MINIMUM LEGAL DRINKING AGE

Chairman, members of the Committee, I thank you for the opportunity to speak to you today. I am Richard Fyfe, a native of Great Falls, presently attending Montana State University in Bozeman. Last year I created the group "Citizens for Responsible Drinking" specifically for the purpose of opposing an increase in Montana's minimum legal drinking age.

Instead of wasting your time repeating old arguments you already know and which some of you probably cited yourself in your younger years, I hope to offer a new perspective. It is the perspective of a person who has had the opportunity to see and assess the effects this type of legislation has on young adults.

I was an 18 year old college student attending Montana State University when the state's legal drinking age was raised to 19 in 1979. I did not drink, and though I opposed that law on the basis of principle, my opposition was tempered by a hope that my college friends would drink less because of the new law. What actually happened convinced me that this type of legislation is a mistake. It was my experience back then, plus my studies in Economics and History which relate to this subject, that causes me to speak out on this issue.

As an example; When that 1979 law went into effect one person I knew on campus immediately set himself up in the business of selling alcohol to underage college students. He was an enterprising student of Business, who saw an opportunity to make a few bucks and took advantage of it. It did not escape his attention that he was basically profiting in the illegal drug market.

Also, the "Floor Party", where students living on the same floor of one of the college dorms throw a party for their fellow students, gained tremendous popularity. 18 year olds, who couldn't get into the bars, could easily find a party to go to instead. In sitting in on a floor meeting where the arrangements for one of these parties was being made, it was openly stated that the purpose of the party is to finance floor activities by providing alcohol to underage students.

Young people go to college to get an education. But one lesson they do not need to be learning is how to profit by criminal activity. I could not help but wonder if some of the drug pushers around today learned their trade by marketing illegal alcohol. My friend pursuing the business degree could have

SENATE JUDICIARY COMMITTEE

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easily expanded illegal alcohol to include other, more profitable drugs, if he had wanted the money bad enough.

It was also made apparent that a person already dealing in illegal drugs could take advantage of the restricted supply of alcohol to these young people to set up their own relationships with 18 year olds. His business of selling illegal alcohol (or giving it away if he felt it would help business sufficiently) would enable him to identify those people who may be interested in other, more profitable drugs. The alcohol trade would have little risk involved, and the punishments expected would be much less severe than he could expect if caught dealing in more restricted chemicals.

By making it illegal for 19 and 20 year olds to legally drink alcohol, one group of people who will certainly benefit is criminals. For one thing, the law will create over 20,000 new criminals in this state. That's the number of young adults who will regularly and knowingly break the law, at least in regard to the possession and consumption of alcohol. It would become nearly impossible to find even one person on campus who does not participate at least to ~~some~~^{some} degree in this violation. And in that type of environment, the philosophy that people ought to obey the law, and the people who hold that philosophy, become increasingly unpopular.

One 18 year old underage drinker I knew I repeatedly tried to convince to travel a straight path. His philosophy about the law was, "It ain't illegal if you don't get caught", and he felt he had a license to do just about anything he wanted, regardless of who may be hurt, so long as he got away with it. A major reason why I could not get him to change his way of thinking was that he did not want to be different from his friends. What the drinking age law was teaching him and his friends was that breaking the law was easy, fun, and that the chance of getting caught was almost zero.

What disturbed me most about the increase in the drinking age was that it brought that very type of juvenile, irresponsible attitude into the college campus. 18 year olds, suddenly declared by popular vote to be too immature to have the full rights of adulthood, took this as an excuse to return to the irresponsible actions and attitudes of their high school days. If the law declared that they were not expected to act like responsible adults, they were determined to do nothing that was not expected of them.

At the same time it was the responsible person, the one who wanted to obey the law, who was made to suffer most. He was forced to make a decision to either

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abandon the principles he believed in, or to abandon his friends. Faced with that kind of a choice there are few people who can walk away from their friends. People willing to act like adults, are forced by the system to at least accept, and often to participate in, the irresponsible behavior of their peers.

Those young people so dedicated in doing what they think is right, instead of what is popular, are faced with a punishment more severe than anything this legislature would impose. They are isolated from, and often become ridiculed by, the people who are their peers.

Speaking in general terms, the goal behind this legislation is to make our society a better place to live. The best way to do this is to take these young people, who are responsible for a substantially large proportion of all crime, not just the crime of drunk driving, and to teach them to become responsible individuals. This can not be done by passing legislation that isolates the responsible young adult from his or her peers, and also gives an excuse to continue the irresponsible and inconsiderate behavior learned in High School to the rest. Nor does a law that ~~punishes~~^{punishes} all people in a group, the good as well as the bad, teach them that there is any reward for good behavior.

I think it is preposterous to believe that we have somehow entered a magical age when a scheme that has never been successful in our nation's history is suddenly going to work. Any time governments have attempted to prohibit some or all of its adult population from consuming alcohol, it has brought down upon the people greater crime and violence.

Somehow it has been forgotten that the drinking age was lowered twelve years ago because young people were engaged in a rebellion that was threatening our entire society. Though, like all rebellions, the ~~reasons~~^{reasons} behind it were many, to a large degree young people simply refused to be governed by an institution that delegated them the status of second-class citizens. They denied the authority to be forced to accept all the responsibilities of adulthood without the full rights and freedoms that went along with it, particularly when one of the responsibilities included getting shot at in a jungle war half way around the world.

I ask this Committee to seriously consider what the effects of this law will be the next time our young people are committed to a prolonged conflict somewhere, asked to risk their lives to defend a government that considers them worthy of only a second rate status.

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BILL NO. SB523, 97+98

Furthermore, I hold that it is wrong for any government to take a segment of the adult population who, by accident of birth only, share a common characteristic such as skin color, race, age, or the like and to deny them the full rights of adulthood on that basis. To punish a person for a crime, not because he or she is guilty, but because statisticians have put that person in a group that is more likely to be guilty, stands in violation of basic principles of justice which decent governments are bound to uphold.

Before you vote on these bills I ask you to take the time to consider one thing. Imagine, if you will, that it was your age group that statisticians have determined to have a high risk of drunk driving, and it was your freedom being denied you, not because of your guilt, but because of circumstances entirely beyond your control. Determine what your reaction to this law would be, and I believe you will begin to grasp its many flaws.

Finally, there is the concern with money, the loss of federal highway funds if this law is not passed.

First, if you believe that this law is fundamentally wrong, that innocent people should not be punished for crimes they did not commit, it would be just as wrong to sacrifice those principles for money. Some things should not be for sale, and the right of people to have fair and equal treatment under the law is one such item.

If money is a concern, There will be monetary matters to take into consideration if the bill is passed. The legislature is going to have to find some way to come up with the resources to handle an extra 20,000 criminals and the problems they are bound to cause. Whether or not this is going to exceed the loss of federal highway funds only time will tell, but history gives us a strong indication that it will.

In conclusion, the Federal government has made a mistake. It has not only violated the sovereignty of this body, it is trying to force you to adopt a piece of legislation that both violates basic principles of fairness and justice, and threatens to be harmful to the rights and welfare of all the people of this state. To take a stand against this imposition is the only way to force the federal government to reconsider its action, and to cause them to hesitate before making further encroachments on the sovereignty of this state.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 11

DATE 011585

BILL NO. SBS 2,3,47+98

- MIKE MALES, LIVINGSTON

APPRECIATE SEN CRIPPLES WELL-THEASSED PRESENTATION
+ MR. MALES' CITATION OF STUDIES

SB 3, 97 - CONST. AMENDMENTS

- WOULD PREFER THAT ANY SUCH AMENDMENT
DEAL W/ OTHER TRANSITIONAL ISSUES RATHER
THAN JUST ALCOHOL - BUT DOES NOT FEEL ^{W/} THAT

- IF WE DO APPROACH IT THIS WAY, AMEND
TO CHANGE "CONSUMING OR POSSESSION" TO
"THE PURCHASE OR PUBLIC POSSESSION OF."

- FLEXIBILITY OF SEN CRIPPLES BILL PREFERABLE
FOR REASONS TO BE DISCUSSED WITH REWARD
TO SBs 2 + 98

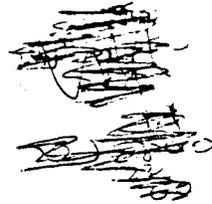
SB 2, 98

- MIKE MALES, LIVINGSTON

- INTEREST IN ISSUE STEMS FROM STUDY OVER LAST 10 MONTHS ON DRINKING AGE EFFECTS IN ALL 50 STATES FROM 1971 TO THE PRESENT, USING FED STATISTICS

- I ORIGINALLY EXPECTED THAT I WOULD FIND THAT ~~RAISING THE DRINKING AGE WOULD SAVE LIVES~~ RAISING THE DRINKING AGE WOULD SAVE LIVES. FOUND INSTEAD AFTER LOOKING AT ALL STATES THAT THERE WAS A SLIGHT INCREASE IN FATAL TRAFFIC ACCIDENTS IN MOST STATES WHICH RAISED DRINKING AGES.

- FIRST OF ALL I'D LIKE TO POINT OUT THAT THIS IS THE SAFEST GENERATION OF TEENAGE DRIVERS SINCE STATISTICS FIRST BEGAN BEING KEPT IN THE 1960's
I was
- SURPRISED TO FIND THAT OUT, SINCE ALL THE PUBLICITY HAS BEEN JUST THE OPPOSITE. WITH SOME EMBARRASSMENT,



I MUST ADMIT THAT MY GENERATION OF TEENAGERS WAS ONE OF THE WORST. WHEN I GRADUATED FROM HIGH SCHOOL IN 1968, ~~4~~ 4,800 TEENAGE DRIVERS WERE INVOLVED IN FATAL, ALCOHOL-RELATED ACCIDENTS. AT THAT TIME THE DRINKING AGE IN ALMOST ALL STATES, INCLUDING MONTANA, WAS 21. IN 1983, 2,800 TEENAGE DRIVERS WERE INVOLVED IN FATAL CRASHES. 4 MILLION MORE TEENAGE DRIVERS IN 1983 THAN IN 1968 BUT 2,000 FEWER DRUNK DRIVING CRASHES — AND MOST STATES NOW HAVE DRINKING AGES LOWER THAN 21.

WHILE 1 DUI DEATH IS TOO MANY, MR CHAIRMAN, IT'S CLEAR THIS GENERATION OF TEENAGE DRIVERS DESERVES CREDIT FOR ITS SAFETY IMPROVEMENT. SINCE 1981, 44% DECREASE IN FATAL DUI WRECKS & 29% DROP IN NON-FATAL ALCOHOL-RELATED ACCIDENTS BY MT TEENAGERS — FAR SURPASSING THE ADULT RECORD.

MANAGER AND LINDA HAS NOT BEEN SUBJECT CHALLENGE.

— NATIONALLY + IN MT, 21-24
YR-OLDS THE WORST, + GETTING
WORSE — REAL OBJECT OF CONCERN
(TABLE 1) NO GOOD STATE-BY-STATE STATISTICS ON ALCOHOL RELATED ACCIDENTS

— RAISING DRINKING AGE DOES NOT SAVE
LIVES. # 2 on sheet shows WHAT
HAPPENED WHEN RAISED IN MT IN
1979. WE HEARD ALL THE SAME
PROMISES TOLD THAT RAISING THE
DRINKING AGE TO 19 WOULD SAVE
LIVES + CUT TEENAGE DRINKING.

INSTEAD, LOOK WHAT HAPPENED —
FATALITIES INCREASED AMONG YOUNG
DRIVERS, ESP 19 YR-OLDS. NOTE
SPECIFIC INCREASE AMONG ALL AGES
BETWEEN 1978 AND 1979. — FATALITIES
ALMOST DOUBLED, FROM 47 TO 82 — NOT
SAYING THIS WAS ALL DUE TO D.A. INCREASE, BUT AT LEAST
WE SHOULD LOOK AT WHY

— # 3 SHOWS WHAT HAPPENED IN THE 14
STATES WHICH RAISED D.A.'S THRU 1981.
I THINK YOU CAN SEE WHY MANY
STUDIES HAVE CONCLUDED THAT RAISING

SAME EFFECT.

— BUT AREN'T 21 YR-OLDS MORE MATURE THAN 18 YR-OLDS? STATISTICS SAY NO — DRUNK DRIVING DEATHS PEAK AT AGE 21 — MORE INDEPENDENT OF MODERATING INFLUENCE OF FAMILY.

— WILL RAISING THE D.A. REDUCE ALCOHOLISM? I DON'T KNOW. # 4 SHOWS ^{THE MOST RECENT} ALCOHOLISM RATES COMPILED ON STATE-BY-STATE BASIS BY NAT'L INSTITUTE OF ALCOHOL ABUSE & ALCOHOLISM. THESE ARE THE BEST FIGURES WE'VE GOT. ON A LONG-TERM BASIS THEY SHOW STATES W/ A D.A. OF 21 MUCH HIGHER — 200% HIGHER ALCOHOLISM RATES, 400% HIGHER ALCOHOL-DISEASE DEATH RATES.

MAY NOT BE DUE TO D.A. BUT D.A. OF 21 SURELY DOESN'T DETER

— DETER TEENAGE DRINKING? HIGH SCHOOL SURVEYS SAY NO — ANY 13 YR-OLD IN THIS STATE CAN HAVE A DRINK WITH

HALF AN HOUR OF WAITING W/ SURVEYS
IN MISSOURI, G.F., + LUV SHOW THAT
MOST MT 8TH GRADERS HAVE HAD A
DRINK. D.A. NO DETERAUNT — ONLY
1 IN 1,000 CHANCE OF GETTING CAUGHT.

WIZ
WIZ — THAT IS ALSO TRUE OF STATES W/ D.A. OF 21, AS
NAT'L STUDIES HAVE SHOWN — STATE D.A.'S ARE ATTRACTED TO TEENAGE
STATE VALUES, NOT SHAPERS OF THEM — NAT'L DECLINE IN TEENAGE
DRINK-DRIVING

— BORDER ISSUE — TALKED TO GORDON

HAGE (MT HIGHWAY PATROL ACCIDENT
RECORDS BUREAU) + AL GORF (STATE
HIGHWAY TRAFFIC SAFETY BUREAU) —

NO ~~INCREASE~~ INCREASE IN
TEENAGE ACCIDENTS NEAR N.D. BORDER
DUE TO THEIR YOUTHS DRIVING TO MT
TO DRINK. GORF — DOESN'T EXIST.

IF DID — BORDER PROBLEM W/ CANADA
IF WE GO TO 21, W/ WYOMING TOO
IF THEY STAY AT 19.

SOPH
FOR TALKING
SO MUCH TIME

~~STATE D.A.'S ARE ATTRACTED TO TEENAGE DRINK-DRIVING~~

BRIEFLY

— W/ THAT BACKGROUND, TURN TO SPECIFICS
OF SB 2

MANY OF ITS AMENDMENTS TO SECTIONS
OF THE LAW DESIGNED TO DEAL W/ MINORS
& AS A RESULT, LEAD TO RESULTS
WHICH ARE HIGHLY IMPRODUCTIVE

① FIRST, PAGE 7 & 8 EFFECTIVELY REDEFINE ~~18~~ 19, & 20 YR-OLDS AS "CHILDREN" FOR THE PURPOSE OF THIS LAW & ALLOWS PARENTS TO LEGALLY SUPPLY ALCOHOL TO SUCH CHILDREN. THIS IS FIRST OF ALL DISCRIMINATORY BECAUSE IT WOULD GIVE ONLY THOSE 19 OR 20 YR-OLDS ^{AT OR NEAR THEIR PARENTS'} ~~LIVING NEAR HOME~~ LEGAL DRINKING RIGHTS. SINCE BY LAW WE REQUIRE 18, 19, & 20 YR-OLDS TO BE ADULTS UNDER OF THEIR PARENTS, ECONOMICALLY & BY LIVING ARRANGEMENTS, THIS PROVISION DISCRIMINATES AGAINST ^{19 & 20} YR-OLDS WHO ^{IN FACT} ARE INDEPENDENT ADULTS. CLEARLY THIS ^{PROVISION OF PARENTAL RIGHTS} ~~PROVISION~~ WAS INTENDED TO APPLY TO JUVENILES LIVING AT HOME, NOT TO LEGAL ADULTS

② SECOND, AN EVEN MORE ^{QUESTIONABLE} ~~PROVISION~~ PROVISION IN BOTH SEC. 3 & SEC. 5, "UNLAWFUL TRANSACTIONS WITH CHILDREN" SECTION PROVIDES \$500 FINE & 6 MONTHS FOR ^{AN ADULT TO PROVIDE} ~~PROVIDING~~ ALCOHOL TO CHILDREN, WHICH UNDER THIS BILL IS 19 & 20 YR OLDS. THUS AN 18 YR-OLD WHO HANDS A BEER TO A 20 YR-OLD WOULD BE

GUILTY ~~OF~~ AN UNLAWFUL TRANSACTION
W/ A CHILD + SUBJECT TO A \$500 FINE
+ 6 MONTHS IN JAIL, WHILE THE
20 YR-OLD WOULD GET AT MOST A
\$50 FINE + COUNSELING. IT'S ABSURD
TO PENALIZE YOUNGER PEOPLE MORE
THAN OLDER PEOPLE IN AN EQUAL TRANSACTION

AS YOUTH WORKER

— VERY UNCOMFORTABLE WITH CALLING
19 & 20 YR-OLDS "CHILDREN" — PUTS
UNDER YOUTH COURT UNDER MANUEL'S BILL — CONF. DISTRICT
SB 2

— IT CONTRADIATES CONTRADICTIONS IN EXISTING
LAW. UNDER SEC 3, FOR EXAMPLE,
PARENTS ARE ALLOWED TO PROVIDE, BUT
SEC 6 PROHIBITS THE "CHILD" FROM POSSESSING
FIREARMS THAT WE OUT.

ALLOWS 18 YR-OLDS TO POSSESS DANGEROUS
+ MUCH-ABUSED PRESCRIPTION DRUGS

— FINALLY WOULD TO ARREST + FINE 19, 20 YR-OLDS
WHO PROFIT OF TANGIBLE BENEFIT

— WITH REGARD TO SB 2, WHAT'S THE RUSH?
STATE HAS CHANGED D.A. 3 TIMES SINCE
1970 — THIS IS THE FOURTH.

WHY NOT TAKE OUR TIME THIS TIME
+ DO IT RIGHT?

CAN'T CHANGE D.A. BEFORE LATE 1986 = R

EARLY 1987 AT THE EARLIEST. 1987 LEG -
CAN ACT

- BILLS BEING INTRODUCED IN HOUSE TO
PROPOSE INTERIM STUDY ON ISSUE OF
D.A. & YOUTH-ALCOHOL LAWS — NEEDED
TO RESOLVE THIS MESS & LOOK AT
PRACTICAL ALTERNATIVES TO THE UNIFORM
D.A. WHICH, AS NOTED, CAUSES MORE
DEATHS AMONG THE D.A. GROUP

- PARALLEL SB 2 OR SB 98 WOULD REVERT
ANY MT ACTION TO JURY SOUTH DAKOTA
SUIT AGAINST 21 D.A. MEET & COST US
REVERTER THE RIGHT TO DEFEND THIS
APPARENT STATE'S RIGHT IN COURT.
RESOLUTION TO HAVE MT JURY S.D.'S
SUIT BEING INTRODUCED IN HOUSE

- EVERYONE IN ROOM AGREES THAT WHAT
MT NEEDS IS TO DESIGN THE BEST
POSSIBLE LAW & POLICY RE YOUTH
& DRINKING. NO NEED TO PUSH INTO
A SLAPDASH SOLUTION LIKE THESE BILLS
WHICH WE HAVE TIME TO STUDY THE

ISSUE. I DON'T THINK EITHER
~~ANALOGICAL~~ DEFENSES OF STATES' RIGHTS
ON THE ONE HAND OR GRASPING AT
~~THE~~ FED) HIGHWAY FUNDS ON THE OTHER
SHOULD GET IN THE WAY OF THAT
ULTIMATE GOAL

THANK YOU MR CHAIRMAN & I
THANK THE COMMITTEE FOR THE
INDULGENCE,

SENATE JUDICIARY COMMITTEE
SECRETARY

PROPOSED AMENDMENT TO
SB 97 AND SB 3

SB 97: PAGE 1, LINE 18:

AFTER "FOR", DELETE "CONSUMING",
ADD "THE PURCHASE"

PAGE 1, LINE 19

DELETE, "POSSESSING"

ADD "PUBLIC POSSESSION OF"

SB 3 - SAME AMENDMENTS, BUT TO
LINES 17 AND 18

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 13

DATE 011585

BILL NO. SB 2,3,97498

- 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	<u>17-</u>	<u>18</u>	<u>19</u>	
Year				
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 ~~SENATE JUDICIARY COMMITTEE~~

Mike Males, 528 N. F, Livingston, Montana

EXHIBIT NO. 11
 DATE 011585

Public Law 98-363
98th Congress

An Act

To amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety appropriations for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes.

July 17, 1984
[H.R. 4616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(a)(1) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2138.

"SEC. 203. (a)(1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund (other than the Mass Transit Account), \$126,500,000 for the fiscal year ending September 30, 1985, and \$132,000,000 for the fiscal year ending September 30, 1986."

Appropriation authorization.

(b) Section 203(a) of such Act is amended by adding at the end thereof the following new paragraph:

State and local governments.

"(4)(A) Each State shall expend each fiscal year not less than 8 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for developing and implementing comprehensive programs approved by the Secretary of Transportation concerning the use of child restraint systems in motor vehicles. Upon request of the Governor of any State, the Secretary may reduce the amount required to be expended by the State for any fiscal year under the preceding sentence if the State demonstrates to the satisfaction of the Secretary that the percentage of children under the age of four traveling in motor vehicles in the State who are properly restrained by a child restraint system is greater than 75 per centum.

"(B) No project for developing and implementing a comprehensive program concerning the use of child restraint systems in motor vehicles may be approved by the Secretary of Transportation in the fiscal years ending September 30, 1985, and September 30, 1986, unless the State applying for approval of such project enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all non-Federal sources for such programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this paragraph.

"(C) Subparagraphs (A) and (B) of this paragraph shall not apply to sums authorized to be appropriated for any fiscal year beginning after September 30, 1987."

SEC. 2. Section 203(b) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2138.

"(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed \$126,500,000 for the fiscal year

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 15
DATE 011585
BILL NO. SB923, 97+98

ending September 30, 1985, and \$132,000,000 for the fiscal year ending September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986."

SEC. 3. (a) The sixth sentence of section 402(c) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: " , except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-quarter of 1 per centum of the total apportionment."

(b) Section 401 of title 23, United States Code, is amended by striking out " , except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated." and inserting in lieu thereof a period.

(c) The amendments made by subsections (a) and (b) shall only apply to fiscal years beginning after the date of enactment of this Act.

23 USC 401 note.

Drugs and drug abuse.

SEC. 4. (a) Section 408(a) of title 23, United States Code, is amended by inserting "or a controlled substance" immediately after "alcohol".

(b) Section 408(c)(1) of title 23, United States Code, is amended by inserting "and controlled substance" immediately after "alcohol".

(c) Section 408(f) of title 23, United States Code, is amended—

- (1) by striking the period at the end of paragraph (7) and inserting in lieu thereof " , and " ; and
- (2) by adding at the end thereof the following:
 - "(8) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while under the influence of a controlled substance or for the establishment of research programs to develop effective means of detecting use of controlled substances by drivers."

SEC. 5. Section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

"(k)(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety recordkeeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey."

"(2) No State may receive a grant under this subsection in more than two fiscal years.

"(3) The amount of the grant to any State under this subsection for the first fiscal year such State is eligible for a grant under this section shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a

grant to any State under this subsection for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.

"(4) A State is eligible for a grant under this subsection if—

"(A) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system acceptable to the Secretary; or

"(B) it provides to the Secretary a plan acceptable to the Secretary for establishing and maintaining a computerized traffic safety recordkeeping system.

"(5) The Secretary, after making the deduction authorized by the second sentence of subsection (c) of this section for fiscal years 1985 and 1986, shall set aside 10 per centum of the remaining funds authorized to be appropriated to carry out this section for the purpose of making grants under this subsection. Funds set aside under this subsection shall remain available for the fiscal year authorized and for the succeeding fiscal year and any amounts remaining unexpended at the end of such period shall be apportioned in accordance with the provisions of subsection (c) of this section."

SEC. 6. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. National minimum drinking age

"(a)(1) The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

"(2) The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

"(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.

"(c) As used in this section, the term 'alcoholic beverage' means—

"(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954,

"(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

"(3) distilled spirits as defined in section 5002(a)(8) of such Code."

(b) The table of sections of chapter 1 of such title is amended by adding at the end thereof the following new item:

"158. National minimum drinking age."

23 USC 158. Alcohol and alcoholic beverages. 23 USC 104.

26 USC 5052.

26 USC 5002.

23 USC 402.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 15

DATE

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