



Law and Justice Interim Committee

61st Montana Legislature

SENATE MEMBERS

JOHN ESP
GREG HINKLE
LARRY JENT
CAROL JUNEAU
LYNDA MOSS
JIM SHOCKLEY

HOUSE MEMBERS

SHANNON AUGARE--Chair
RON STOKER--Vice Chair
BOB EBINGER
DAVID HOWARD
MIKE MENAHAN
KEN PETERSON

COMMITTEE STAFF

SHERI HEFFELFINGER, Research Analyst
VALENCIA LANE, Staff Attorney
DAWN FIELD, Secretary

MINUTES

June 30, 2010

Room 137, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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COMMITTEE MEMBERS PRESENT

REP. RON STOKER, Vice Chair

SEN. JOHN ESP
SEN. GREG HINKLE
SEN. LARRY JENT
SEN. LYNDA MOSS
SEN. JIM SHOCKLEY

REP. BOB EBINGER
REP. MIKE MENAHAN
REP. KEN PETERSON

COMMITTEE MEMBERS EXCUSED

REP. SHANNON AUGARE, Chair
REP. DAVID HOWARD
SEN. CAROL JUNEAU

STAFF PRESENT

SHERI HEFFELFINGER, Research Analyst
VALENCIA LANE, Staff Attorney
DAWN FIELD, Secretary

AGENDA & VISITORS' LIST

Agenda, Attachment #1.
Visitors' list, Attachment #2.

COMMITTEE ACTION

The Law and Justice Interim Committee:

- approved for further consideration LClj01, as amended (driver's license sanctions for youthful drug or alcohol offenders);
- approved for further consideration LClj02, as amended (allow game wardens to issue drug or alcohol citations to youth);
- approved for further consideration LClj03, as amended (mandatory alcohol server and sales training);
- approved for further consideration LClj04, as amended (on-call judge for blood alcohol test search warrant);
- approved for further consideration LClj05 (any amount of dangerous drug is impaired driving per se);
- approved for further consideration LC06-A, authorizing DUI courts to grant a probationary driver's license and revising probationary and suspended drivers' licenses for DUI/BAD offenses;
- approved for further consideration LC06-B, allowing DUI courts to suspend all or a portion of imprisonment sentence for DUI/BAC offenses;
- approved for further consideration LClj07 (provide that cities may establish courts of record);
- approved for further consideration LClj08 (strengthen chemical dependency Assessment, Course, and Treatment provisions for DUI/BAC offenders);
- approved for further consideration LCLj10 (one year jurisdiction for misdemeanor DUI/BAC offenses);
- approved for further consideration LClj11 (eliminate the 5-year "look-back" for counting prior DUI/BAC offenses);
- approved for further consideration a new committee bill draft proposed by SEN. JENT to amend aggravated DUI statutes;
- approved for further consideration a new committee bill draft proposed by REP. EBINGER to authorize counties to adopt social host ordinances; and
- approved for further consideration a new committee bill draft proposed by REP. PETERSON to criminalize refusal to submit to a blood or breath test for alcohol or other drugs.

CALL TO ORDER AND ROLL CALL

00:00:01 REP. STOKER called the meeting to order at 8:05 a.m. The Secretary took roll, SEN. JUNEAU and REP. AUGARE were excused (ATTACHMENT 3). **Sheri Heffelfinger, Research Analyst, Legislative Services Division (LSD)**, reviewed the meeting agenda.

SJR 39 - DUI LAWS

00:05:01 **Art Lusse, attorney, Billings**, presented a PowerPoint presentation outlining his proposed amendments to Montana's DUI laws (**EXHIBIT 1**). Mr. Lusse discussed enhanced penalties for DUI first through third offenses, enhanced penalties for

refusal to blow, look back reinstatement fees, and bail considerations. A detailed handout of Mr. Lusse's proposals was also provided (**EXHIBIT 2**).

- 00:25:24 SEN. HINKLE asked Mr. Lusse to comment regarding injuries and fatalities for DUI accidents. Mr. Lusse said that penalties should be very high for a drunk driver who injures or kills someone.
- 00:27:16 REP. HOWARD said that he is amazed by society's acceptance of alcohol abusers and drunk driving. He asked Mr. Lusse to comment on the psychological aspect of an alcohol abuser. Mr. Lusse said that if the person chooses not to take action to control their problem, they should be liable for whatever happens. He said there are two choices for dealing with drunk drivers: either warehouse them or treat them, and that an alcoholic who won't take responsibility for treatment should get warehoused.
- 00:30:03 REP. MENAHAN said he is curious about how such a law would be written and said he didn't think Montana would allow a 5-year probationary period for a misdemeanor. Mr. Lusse said that the law would have to be amended in section 45-4-201, MCA.
- 00:31:34 REP. STOKER noted that a liability insurance law was passed in the 2009 session and that when fully implemented, Highway Patrol officers will be able to do real time checks on insurance and liability concerns.
- 00:32:52 **Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)**, related her credentials and presented a PowerPoint on the dangers of impaired driving while under the influence of drugs (**EXHIBIT 3**).

Youth perspective on prevention of underage drinking

- 01:02:08 SEN. HINKLE and Rep. Gordon Hendrick, HD 14, Superior, introduced high school students from Superior High School who have been active in community efforts to decrease underage drinking. Students from Helena High School were also in attendance.
- 01:05:17 **Denyse Traeder, Superior, Program Officer, Montana Community Change Project and Mineral County Healthy Communities Project, Superior**, discussed a town hall meeting with youth and adults regarding alcohol consumption. She said that the community thinks that the most effective avenue to address underage drinking would be through a county-wide social host ordinance, which is not authorized under current Montana statutes.
- 01:10:10 **Kalyn Ploffe, Superior**, testified that teens have easy access to alcohol from adults and that there should be harsher consequences for adults who provide alcohol to students.
- 01:11:21 **Christian Zigler, Superior**, agreed that it is wrong for parents and adults to supply alcohol to teens, saying that it sets a bad precedent and begins a cycle of alcohol abuse. She said she supports social host laws.

- 01:14:03 **Drenda Carlson, Director, Youth Connections Coalition, Helena**, said the Helena High students would present their ideas for addressing underage drinking.
- 01:15:22 **Emily Harris, Helena High School, Helena**. said that she has chosen not to participate in unhealthy activities but that many of her friends have, which has challenged her resolve. Ms. Harris discussed the important qualities of leaders and said that leaders must be willing to take a stand and to speak out and encourage others to take the right path because a strong leader not only has the ability to change lives, but to save them as well. She said that teens who choose to be alcohol-free should be rewarded and recognized, which will motivate others to make the same choice.
- 01:18:41 **Lindsey Dowling, Helena High School, Helena**, said that she is not convinced that laws alone will fix the problem and discussed her opinion that it is also the lack of core values being taught and the lack of strong relationships between parents and children. She said she has grown away from many of her friends because of their choice to drink. She discussed the ineffectiveness of school contracts that students sign for participation in sports and other school programs, saying that they should be for the entire year, not just for a portion of the year and that a student should be automatically suspended if they are caught drinking. Ms. Dowling also said that minor in possession (MIP) laws need to be much more strict. She recommended that three areas be targeted to decrease youth drinking: provide more support for youth, strengthen and enforce school contracts, and strengthen penalties for MIP offenses. Ms. Harris referred to the success of the Montana Meth Project and said a similar approach could be used to address youth drinking.
- 01:22:28 **Amy Heldt, Helena High School, Helena**, discussed the importance of school organizations for sober teens and her own participation in Helena High's Mentoring Teens Against Drugs program. She said the group is growing and plans to make themselves seen and heard. She said school groups like this help with prevention. She also recommended community-based programs and awareness through media campaigns.
- 01:24:44 **Denver Pratt, Helena High School, Helena**, said that one of the main reasons that teens drink is because of the perceived status and the acceptance of that attitude by parents and adults. She said she supports harsher penalties for MIPs and allowing game wardens to issue them, as well as county-wide social host ordinances. Ms. Pratt said that parents must say no and set boundaries for their children, and that a teen center would also help divert the focus from drinking.
- 01:27:33 **Patrick Fischer, Helena High School, Helena**, noted that within the past year, five teens were killed in an alcohol-related car crash near Canyon Ferry Reservoir. He referred to the LJIC bill draft, LC1j01, to suspend a minors driver's license until the age of 18 if the teen is convicted of an MIP, DUI, or trying to purchase alcohol. He said the bill would set boundaries for teens and would provide an incentive to stay away from alcohol. He suggested that the LJIC also

consider requiring the offender, upon reaching the age of 18, to attend a class that would focus on the dangers of drinking and driving.

01:29:26 Christian Zigler said that she is currently involved in the Montana Change Project, the DUI Task Force, and Mariah's Challenge; and has participated in compliance checks. She said she has seen first hand how alcohol affects youth and that underage drinking is an epidemic in Montana. She said that more restrictions, such as social host laws and increased penalties, would make it more difficult for underage drinkers to get alcohol and make them less likely to drink.

01:31:47 REP. STOKER asked the youth to forward their testimony in written form to Ms. Heffelfinger so that it could be entered into the meeting record.

Committee questions

01:33:22 SEN. HINKLE asked Ms. Dowling if she thought the requirements in LC1j01 should be extended until a youth is 21 years old. Ms. Dowling said it would depend on if a class was required and that other legal issues may be encountered if the age was extended to 21 years of age. SEN. HINKLE asked Mr. Fischer to comment on extending the age to 21 years. Mr. Fischer said it may be too drastic to take away a youth's license until they're 21 years old.

01:36:18 REP. PETERSON said he likes the idea of requiring a class. He agreed that many youth need a license for work purposes. He said there should be a provisional license to get to and from work. Ms. Dowling said it would be difficult to enforce. Ms. Zigler said that there needs to be a punishment and that suspending a license until the age of 21 would be very effective and would hold the person accountable. She said that most people could take the bus, walk, or ride a bicycle to a job. Ms. Pratt said she did not good think it was a good idea.

01:39:38 SEN. MOSS liked the suggestion for a media campaign on underage drinking similar to the Montana Meth Project and said that various state agencies may be able to work together on such a project. She asked Amy Heldt to share ideas on how students could mentor adults and encourage parents and families to take this issue seriously. Ms. Heldt said that the media could be used to do that because most adults watch television or listen to the radio.

01:41:14 SEN. MOSS asked Ms. Pratt for suggestions for after school activities for youth who live in smaller communities with fewer opportunities. Ms. Pratt said that a teen center, centrally located between several communities would be a possibility, and that transportation could probably be arranged.

01:42:44 REP. EBINGER asked, regarding comments made about the status symbol of drinking, what percentage of students drink. Ms. Harris said she didn't have an exact statistic but estimated that over 50% of students drink. Ms. Zigler estimated that in her small town, over 70% of kids drink regularly. REP. EBINGER asked what a first offense penalty should be. Ms. Harris said it should significantly affect the person, such as not allowing them to participate in sports or other valued activities. She said that parents must also be involved and made to be

accountable and responsible. REP. EBINGER asked them to submit their ideas for penalties to the LJIC.

- 01:45:58 REP. STOKER asked how severe the legislative remedies should be for social hosting. Ms. Harris said that penalties should be severe, for parents and students alike. REP. STOKER asked how most students obtain alcohol. Ms. Harris said that most students use a fake ID to purchase alcohol.
- 01:48:56 Rep. Hendrick thanked the students for their testimony and dedication to educating youth and families. He said he has given two eulogies for students who died due to alcohol-related accidents and that parents need to be strict and impose consequences. He said that part of the punishment should be to require the youth to speak to other students about his or her experience. He said that pressure needs to be put on students and parents alike in order to affect change.
- 01:50:59 Ms. Carlson distributed information on Montana DUIs and underage drinking (**EXHIBIT 4**). She noted that Helena was the first community to pass a social host ordinance and that allowing counties to adopt social host ordinances would help change attitudes about underage drinking. REP. STOKER said that broadening social host penalties could also be considered.

BREAK until 10:15 a.m.

Public Comment

- 02:13:53 **David Carter, Yellowstone Deputy County Attorney**, distributed two proposals addressing aggravated DUI (**EXHIBIT 5**) and criminalization of test refusal (**EXHIBIT 6**) and said that they put Mr. Lusse's concepts into bill draft form. Mr. Carter said the bills target the most serious offenders. He reviewed provisions of both bill draft proposals.
- 02:19:50 **Mark Murphy, Montana County Attorney's Association (MCAA)**, complimented LJIC staff, saying that no group is better served by staff than the LJIC. He said that they are absolutely extraordinary in the depth and breadth of information presented the committee. Mr. Murphy said that progress has been made over the years in reducing the number of fatalities due to drunk driving but that four times as many people die due to drunk driving than to homicide, and that even one preventable death is too many. He said he plans to attend the MCAA convention next week and would present the LJIC's proposals for discussion and feedback from the county attorneys. Mr. Murphy said that Mr. Carter's proposals focus specifically on the worst offenders and on prevention, which is key to future progress. He said the two proposals are necessary steps in the process and would add to the progress being made.
- 02:24:33 **Kris Minard, Youth Connections, Helena**, said that Montana Department of Transportation statistics reveal that drivers under the age of 21 have the second-highest number of alcohol-related crashes in the state, that 33 young drivers died in 2009, and that 41% of those deaths were attributable to alcohol. She said that social host laws focus on the attitude that adults can keep kids safe and control their drinking. She agreed that county-wide ordinances would help and said that

a state-wide law would be even more helpful. She noted that 23 states have already enacted statewide ordinances. She said that a survey indicated that, of teens who drink, 84% said that they did so in a home environment.

02:28:03 Drenda Carlson said that Youth Connections has identified six strategies to prevent underage drinking, including responsible alcohol and service training and social host ordinances. She recommended that new laws be enforceable, manageable, and sustainable, in order to ensure that they make a difference.

Underage drinking and sales and service training

LCIj01 - DRIVER'S LICENSE SANCTIONS FOR YOUTHFUL DRUG OR ALCOHOL OFFENDERS - EXHIBIT 7 (SEN. HINKLE)

Any new information from sponsors or staff

02:31:24 SEN. HINKLE said he was encouraged by previous testimony heard in support of the bill and had no amendments or changes.

Public comment

Proponents

02:32:17 Rebecca Sturdevant. MADD, said her organization strongly supports LCIj01. She suggested that some type of regular monitoring be required for probationary licenses and that an education component, if added, also include a chemical dependency evaluation, which would provide another opportunity to get young people help.

Opponents

There were no opponents.

Informational witnesses

There were no informational witnesses.

Committee work session

There was no discussion or questions from committee members.

Executive action - LCIj01 - driver's license sanctions for youth

02:35:27 **SEN. HINKLE moved to approve LCLj01 as written. REP. PETERSON moved a conceptual amendment to add an education component to be completed before the license could be reinstated.** SEN. HINKLE considered the motion to be a friendly amendment. Ms. Lane asked for clarification on what the educational course would be used. REP. PETERSON said the component would emphasize the effects of impaired driving. Ms. Heffelfinger asked if the *Alive at 25* program would suffice. Ms. Lane said she would work with the Department of Justice.

02:39:14 REP. MENAHAN said that a course is already required for these types of cases. He asked if REP. PETERSON's amendment would be in place of this or in addition to it.

- 02:41:02 **Major Tom Butler, Montana Highway Patrol (MHP)**, explained how the *Alive at 25* program targets youthful drivers. **REP. PETERSON withdrew his motion.**
- 02:43:05 SEN. JENT said that the bill requires that if a youth gets an MIP or alcohol-related offense, they lose their license until the age of 18, with no exceptions. He said there is a big difference between getting an MIP and a DUI offense and asked if the punishment should be the same for both offenses. SEN. HINKLE said the intent of his bill was for a driver to lose his license until the age of 18. He said that young people look forward to getting their driver's license and the threat of losing it would be a good deterrent to keep them from drinking and driving. He said education is an important component but loss of license puts teeth into the issue. He said the students who testified at the meeting favored more stringent punishments and that the bill, as written, would accomplish that.
- 02:46:44 REP. PETERSON said he has concerns about how it could impact agricultural families but would support the bill.
- 02:47:47 REP. EBINGER said that an interlock device or a secure, continuous remote alcohol monitor (SCRAM) device could be used and would allow the youth to drive to and from work.
- 02:49:44 REP. HOWARD said that driving is a privilege and that people are getting killed by impaired drivers. He said that LC1j01, as written, would give youth and parents even more reason to obey the law.
- 02:50:52 **REP. PETERSON made a substitute motion to change the language to allow for a driver's license to be confiscated by the arresting authority immediately, rather than waiting to go to court.** REP. MENAHAN opposed the motion, saying that a license should not be confiscated until the person is convicted. He said that confiscating it before conviction would wreak havoc with current statutes. **REP. PETERSON withdrew his motion.**
- 02:53:31 REP. EBINGER agreed with SEN. JENT that punishment for an MIP offense and a DUI offense should not be the same and that exceptions should be allowed.
- 02:54:34 REP. MENAHAN said he would vote for the bill but predicted it would not pass in its current form. He said that SEN. JENT and REP. EBINGER made good points and that a provision for exceptions will be needed to pass. He said the bill could be adjusted to allow a provisional license, such as done for adults.
- 02:56:58 SEN. JENT said that he likes certain elements of the bill but is concerned that, as written, all offenders would lose their license until the age of 18. He noted that juvenile blood alcohol levels are much lower than adult levels and that he is hesitant to take licenses away until the age of 18, without exception.
- 02:59:51 SEN. SHOCKLEY agreed that some changes may be needed and discussed several possible revisions. **SEN. SHOCKLEY made a substitute motion to amend to the bill's title to "generally revise penalties for minors who violate**

alcohol-related statutes". SEN. HINKLE considered the motion a friendly amendment.

03:02:00 Ms. Lane asked if the wording "*generally revising penalties for minors who violate alcohol-related statutes*" would suit SEN. SHOCKLEY. SEN. SHOCKLEY agreed.

03:02:47 **SEN. SHOCKLEY's conceptual amendment passed on a unanimous voice vote, SEN. JUNEAU voted yes by proxy (Moss).**

03:03:22 **SEN. SHOCKLEY moved to approve LC1j01, as amended. The motion passed on an 8-3 on roll call vote, with SEN. ESP, SEN. JENT, AND SEN. JUNEAU (by proxy - Moss) voting no (ATTACHMENT 4).**

LC1j02 - ALLOW GAME WARDENS TO ISSUE DRUG OR ALCOHOL CITATIONS TO YOUTH - EXHIBIT 8 (SEN. SHOCKLEY)

Any new information from sponsors or staff

03:05:15 SEN. SHOCKLEY said it is good public policy to allow game wardens to issue tickets on lands under their control but, if given that authority, they must follow through and not burden the local sheriff. **SEN. SHOCKLEY made a substitute motion to orally amend the language in Section 1., subsection (3): strike everything after the word "*shall*", and insert "*complete the investigation and assist the prosecution that arises from the citation*".**

Public comment

Proponents

03:10:01 **Warden Jim Kropp, Law Enforce Chief, Fish, Wildlife, and Parks (FWP), (EXHIBIT 9)** reviewed a summary and synopsis of a memorandum of understanding (MOU) between Lewis and Clark County and the FWP.

Opponents

There were no opponents.

Information witnesses

There were no informational witnesses.

Committee work session

03:14:57 REP. HOWARD asked if additional training would be necessary for game wardens to write citations. Chief Kropp said not for actually writing the citation but perhaps for other issues.

03:16:33 SEN. JENT said that the Peace Officers Standards and Training (POST) certification required for game wardens is the same as for highway patrol officers. He said the authority in LC1j02 is not a general authority, but will be allowed only for specific violations. Chief Kropp agreed with both statements.

03:17:44 REP. EBINGER asked Chief Kropp if he supported SEN. SHOCKLEY's substitute motion to amend the language. Chief Kropp said yes.

Executive action on LC1j02 - allow game wardens to issue drug or alcohol citations

03:18:33 **SEN. SHOCKLEY moved to approve the oral amendment he offered previously.** Ms. Lane said that the language would have to be changed on page 5 of the bill also. **SEN. SHOCKLEY's motion to orally amend LCLj02 passed on a unanimous voice vote, SEN. JUNEAU voted yes by proxy (Moss).**

03:21:17 **SEN. SHOCKLEY moved to approve LC1j02, as orally amended.** SEN. JENT said the bill would solve several problems in Gallatin County and that he supports the bill.

03:22:36 REP. PETERSON asked about what lands LC1j02 would apply to. SEN. SHOCKLEY said it would apply to all FWP lands and that MOU agreements could be reached for Department of Natural Resources and Conservation (DNRC) lands. He said there is no authority to go on private land. SEN. ESP said he likes the MOU approach that Lewis and Clark County is taking because it creates accountability. REP. HOWARD said the bill would enhance a sheriff's abilities, not infringe upon them.

03:25:39 **The motion to approve LC1j02 bill, as amended, passed on a 9-2 roll call vote, SEN. ESP and SEN. JUNEAU (by proxy - Moss) voted no (ATTACHMENT 5).**

LC 1j03 - MANDATORY ALCOHOL SALES AND SERVICE TRAINING - EXHIBIT 10 (SEN. JUNEAU)

Any new information from sponsors or staff

03:26:58 SEN. MOSS said that SEN. JUNEAU feels strongly about training for servers. She asked Ms. Heffelfinger to provide additional explanation regarding LC1j03, as drafted; and the concerns of the Department of Revenue (DOR). Ms. Heffelfinger said that LC1j03, as drafted for SEN. JUNEAU, was sent out with a cover letter **(EXHIBIT 11)** for review by the DOR's Liquor Control Division. She said that Shauna Helfert, Liquor Control Division Administrator, DOR, addressed the DOR's concerns in a June 8, 2010, memorandum **(EXHIBIT 12)**, and suggested two other bill draft options. Ms. Heffelfinger said that Option 1 provides for mandated server/seller training, certification, and enforceability and provides penalties for both the licensee and server/seller **(EXHIBIT 13)**. Option 2 retains the approach in LC1j03 (which requires employers to ensure training and which does not require the employee be responsible for certification) but offers technical amendments to include typical practices and an alternative revenue source to offset administrative costs **(EXHIBIT 14)**.

Public comment

Proponents

03:31:07 Rebecca Sturdevant, MADD, said that many professions require licenses as a measure to keep people safe and that this requirement is simply an extension of

that premise. She said it is a simple and effective measure, that servers should be held accountable for over-serving patrons, and that it would save lives.

- 03:32:49 Major Tom Butler, MHP, said that he conceptually supports LC1j03.
- 03:33:34 **Ronna Alexander, Convenience Store Association**, said that her association also conceptually supports the bill draft but does have certain concerns. She referred to HB 211 (2009 session) and said that the association does not oppose mandatory training but that it must be implemented in a fair and workable manner. She said that training resources must be easily available to all areas of the state and suggested offering online training, which, she said, would be convenient and economical. Ms. Alexander discussed several other concerns, including the burden that another state-run licensing program would create, annual certification requirements, and differences between on-premise and off-premise sales. She also distributed a brochure from Utah that explained that state's responsible sales and service program (**EXHIBIT 15**).
- 03:40:00 **Brad Griffin, Montana Restaurant Association**, said his association supports the concept but does have concerns. He discussed his association's efforts to deal with this issue and several specific concerns about the bill draft.
- 03:48:14 Kris Minard said that she fully supports LC1j03. She said that the teens who testified earlier agreed that underage drinking is a big problem and that fake IDs are frequently used to obtain alcohol. She said LC1j03 would help with the problem.
- 03:50:48 **Mark Staples, Montana Tavern Association**, said he supports the concept but not this particular model. He said he has long been a proponent of server training and that there are many existing models and certified programs that could be adopted. He discussed several concerns, including illegal "bottle clubs", the imbalance between the unlawful behavior of youth, who can go from business to business attempting to get served with little or no consequence, and the business that can be penalized for a single failure. Mr. Staples said that if kids are going to try to break the law, there must be an incentive to stop them from doing so.
- 03:58:21 **McKee Anderson, Montana Food**, said he agreed with Mr. Staples' points. He said that the Utah model referenced by Ms. Alexander is unworkable because of the reasons discussed by Mr. Staples (no incentive discouraging youth from attempting to be served).
- 03:59:33 **Neil Peterson, Gaming Industry Association**, said his association is a strong proponent of mandatory training but that there is a better way to achieve that than the proposals before the LJIC.

Opponents

There were no opponents.

Information witnesses

There were no informational witnesses.

Committee work session

- 04:00:39 REP. PETERSON asked for specific suggestions on what could be done to discourage teens from attempting to be served. Mr. Staples said to make it a misdemeanor crime to attempt service and allow the establishment to hold the person, just as it can if shoplifting is attempted.
- 04:01:56 SEN. JENT thought that an attempt is the same as a substantive crime, but that possessing or presenting a fake ID is not a crime. He said that making it a crime to possess or use a fake ID may help solve the problem.
- 04:02:48 REP. MENAHAN said that under the current MIP statute it is a crime to attempt to purchase alcohol but that punishment is not clear. He asked if more specificity would help. Mr. Staples said it would help. REP. MENAHAN said in his experience as a prosecutor, most of the time it is the employee of the licensee who sells the alcohol. He said the license is put on the line by an either careless or criminal employee. Mr. Staples agreed with REP. MENAHAN and said that no matter how law-abiding the licensee is, an employee can be negligent and cause the licensee a great deal of trouble. He said he has proposed that, if a licensee can show that he has done all that can be reasonably expected to prevent illegal service, then a certain amount of latitude could be shown to the owner.
- 04:08:25 **LUNCH BREAK** - The LJIC recessed for lunch until 1:15 pm.
05:17:39 REP. STOKER reconvened the meeting at 1:11 p.m.

Executive action on LCIj03 - mandatory server training

- 05:18:08 **SEN. SHOCKLEY moved to approve LCIj03. He moved to orally amend LCIj03 by changing the title to read, "A bill for an Act entitled: An Act generally providing for the licensing of persons serving or selling alcoholic beverages.", strike the remainder of the title and all of the WHEREAS clauses, and in Section 5, subsection (1), change the renewal period to five years, rather than annually.** He said the bill is not ideal, even as amended, but would provide a vehicle through which the Legislature and industry could work together to take of this issue.
- 05:22:50 SEN. MOSS said that she appreciated everyone's testimony and that SEN. SHOCKLEY's proposed amendment will allow some of the suggestions and ideas to be included in the bill draft. She considered SEN. SHOCKLEY's proposal to be a friendly amendment.
- 05:23:42 **The motion to amend LCIj03 passed on a unanimous voice vote. REP. HOWARD (Peterson) and SEN. JUNEAU (Moss) voted yes by proxy.**
- 05:24:13 **SEN. SHOCKLEY moved to approve LCIj03, as amended.** SEN. HINKLE asked, under current law, if employees are required to take any sort of training. SEN. SHOCKLEY said no, but that voluntary training is frequently done.
- 05:25:33 SEN. ESP said he opposes LCIj03 because of the authority that would be given to the DOR, including the collection of fees.

- 05:26:08 REP. MENAHAN asked if the committee would have another opportunity to work on the bill in order to work out some of the problems that remain. SEN. SHOCKLEY said his intent was to approve the bill and let the legislature and industry work things out during the session. Ms. Heffelfinger said the LJIC's final meeting in September includes a final review of committee bill drafts.
- 05:29:39 **SEN. ESP moved to amend LC1j03 by removing Section 7 (fees to the DOR).** REP. MENAHAN said that the entire section would not have to be removed in order to address SEN. ESP's concerns and explained how it could be done.
- 05:31:41 **SEN. ESP's motion to remove Section 7 passed on a 9-1 voice vote. REP HOWARD voted yes by proxy (Hinkle). SEN. JUNEAU voted no by proxy (Moss).**
- 05:32:16 **The motion to approve LC1j03, as amended, passed on an 8-3 roll call vote. SEN. HINKLE, REP. HOWARD (by proxy - Peterson), and REP. PETERSON voted no (ATTACHMENT 6).**

LC1j04 - ON-CALL JUDGE FOR BLOOD ALCOHOL TEST SEARCH WARRANT - EXHIBIT 16 (SEN. SHOCKLEY)

Any new information from sponsors or staff

Public comment

Proponents

- 05:34:22 Mark Murphy said the bill does two important things: for smaller counties, it will provide a greatly expanded access to an impartial magistrate through an audio-visual proceeding; and Section 5, subsection (4) on page 5 allows, for the first time, the ability (in DUI) to apply for a search warrant. He said this provision will impact every community in the state and will allow law enforcement to use the search process to aid their DUI investigations. He said that he is concerned about the cost and predicted that establishing the 24/7 would require about 3-4 FTEs to cover the position. Mr. Murphy suggested splitting LC1j04 into two bills, one to deal with the funding sections, and the other with the substantive sections of the bill. He urged approval of LC1j04
- 05:38:07 Rebecca Sturdevant, MADD, said she strongly supports the bill and that it is critical to deal with people under the influence of drugs. She said that cost concerns can be dealt with.
- 05:39:18 David Carter, Yellowstone County Deputy County Attorney, said that he supports the bill because it will allow critical evidence to be collected within hours of an event.
- 05:40:43 Kris Minard, said that she supports LC1j04 and that it brings Montana one step closer to a refusal bill.
- 05:41:22 **Niki Zupanic, American Civil Liberties Union (ACLU) - Montana,** said that she supports LC1j04 and that the bill draft is a great alternative to criminalizing

refusals because it gives law enforcement access to evidence through a constitutional process and doesn't coerce drivers to give up their Fourth Amendment protections. She said she does have a concern about section 7, subsection (6) (page 11, EXHIBIT 16) and would like the last line clarified to specifically reference 46-4-301, MCA.

Opponents

There were no opponents.

Information witness

There were no informational witnesses.

Committee work session

There were no committee questions.

Executive action

- 05:43:57 **SEN. SHOCKLEY moved to approve LC1j04.** He said that he has discussed several changes he would like made with Ms. Lane and that he would propose them as amendments after Ms. Lane has explained them to the Committee. He said the changes would include the request made by Ms. Zupanic from the ACLU to reference 46-4-301, MCA in the bill.
- 05:44:58 Ms. Lane noted that in the revised version of the bill (dated June 23), text appearing in capital letters indicates the changes made since the LJIC's last meeting. Ms. Lane said that she agrees with Mr. Murphy that it may be wise to separate LC1j04 into two bills and discussed several reasons why it would improve the bill.
- 05:50:23 SEN. SHOCKLEY supported the suggestion to split the bill and stated that he is adding that as part of his proposed amendment.
- 05:51:30 REP. STOKER asked about unintended consequences. SEN. SHOCKLEY said there are several positive unintended consequences and that he was not aware of any negative impact of the proposed bill.
- 05:53:05 Ms. Lane made some additional recommendations.
- 05:54:08 **SEN. SHOCKLEY moved to approve LC1j04 as amended by the changes discussed.**
- 05:54:37 REP. PETERSON asked why there must be a particular room available in a court house for the magistrate. He said the procedure would be simple and likely conducted during odd hours, so it seems superfluous to him to set aside a room when much of the work will be done by telephone. He suggested that it would be more efficient to assign this to the judicial branch and rotate between judicial districts, rather than limiting it to the first judicial district. SEN. SHOCKLEY said that rotating around the state probably would decrease costs but would be very difficult to coordinate. He said that the availability of audio visual technology is very important in this case so having an appropriate facility is essential.

- 06:01:30 **SEN. SHOCKLEY's motion to approve the amendments to LC1j04 passed on a unanimous voice vote, SEN. JUNEAU (Moss) and REP. HOWARD (Peterson) voted yes by proxy.**
- 06:01:51 **SEN. SHOCKLEY moved to approve LC1j 04, as amended.** SEN. ESP asked what the optimum time frame is for taking samples after an arrest and how long it could take to get a warrant. REP. MENAHAN said that tests administered after arrest for a DUI are usually done within the first few hours. He said the Supreme Court has not allowed "back extrapolation" cases and that the more time elapses, the less useful a test becomes. He said that it was likely that telephonic search warrants would be used more frequently under the provisions of LC1j04.
- 06:05:55 SEN. HINKLE referred to Section 7., subsection (2), and asked how the warrant and testing would work in very rural communities where medical facilities are not always available. SEN. SHOCKLEY said that LC1j04 won't work in every case but would most of the time; and noted that the suspect has the right to an independent blood test, rather than blowing.
- 06:08:48 REP. MENAHAN said that law enforcement has an obligation to inform a person being arrested for DUI that he has a right to an independent blood test, at his own expense, and that the officer is obligated to make that happen. He said that the case is almost always dismissed if the test is not obtained.
- 06:10:45 REP. EBINGER asked about law enforcement's obligation to transport a person for a test. REP. MENAHAN said that so long as a person is in custody, the officers have to transport the person for the test.
- 06:12:48 **The motion to approve LC1j04, as amended, passed on a unanimous roll call vote, SEN. JUNEAU by proxy (Moss) and REP. HOWARD by proxy (Peterson) (ATTACHMENT 7).'**

LCLJ05 -- ANY AMOUNT OF DANGEROUS DRUG IS IMPAIRED DRIVING PER SE - EXHIBIT 17 (REP. PETERSON)

Any new information from sponsors or staff

06:14:35 REP. PETERSON reviewed the provisions of LC1j05.

Public comment

Proponents

- 06:16:06 Rebecca Sturdevant, MADD, said she strongly supports the bill but does have one concern. She discussed a loophole on page 2, Section 1., subsection (3), regarding the legal use of prescription drugs. She said that people should not be able to drive while on certain medications and asked the LJIC to consider changing the language to mirror federal language that allows a medical practitioner to specifically advise if the driver can safely operate a vehicle while taking certain medications.
- 06:17:23 David Carter said a person can still be considered under the influence while on prescription medication, which would address Ms. Sturdevant's concerns.

06:18:24 Major Tom Butler, MHP, said that the MHP supports the bill because of the increasing number of drivers who are driving under influence of drugs. He said the language is simple, easy to understand, and would be easy for the MHP to work with.

Opponents

06:18:59 Niki Zupanic, ACLU- Montana, said that the ACLU opposes LC1j05 because it casts too wide a net and doesn't address the nexus between the presence of drugs and impairment. She recommended that the LJIC gather specific information on the relationship between the presence of drugs in someone's system, the presence of metabolites and the presence of active ingredients, and how that impairs a person while driving in order to make a well-informed decision on what levels are appropriate in state statute. Ms. Zupanic said that until that empirical data is available, it is premature to approve LC1j05.

Informational witnesses

There were no informational witnesses.

Committee work session

There were no committee questions or discussion.

Executive action

06:22:04 **REP. PETERSON moved to approve LC1j05.** REP. PETERSON said it does not create new law, but amends existing law to keep drug impaired drivers off the road.

06:23:31 SEN. HINKLE said he supports the bill but does have a concern regarding the potential liability of medical professionals and if they could be considered responsible for misuse of a drug

REP. MENAHAN explained that LC1j05 would not require that it be proven that the driver's ability to drive safely has been diminished, but rather, would have to show that the driver is operating a vehicle with a drug in their system. He said that Ms. Zupanic may be correct that the net may be too wide and that modifications may have to be made, but said he would support the bill.

06:27:01 **REP. PETERSON's motion to approve LC1j05 passed on a unanimous voice vote with SEN. JUNEAU (Moss) and REP. HOWARD (Peterson) voting yes by proxy.**

LCLJ06 - INCENTIVES FOR DUI COURTS - EXHIBIT 18 AND EXHIBIT 19 (REP. MENAHAN)

Any new information from sponsors or staff

06:28:05 REP. MENAHAN said that LC1j06 would provide the framework for supporting DUI courts but would require the defendants to bear the costs.

Ms. Heffelfinger explained that she drafted two separate bills to deal with this issue. She explained the provisions of LC06-A (EXHIBIT 18) and LC06-B (EXHIBIT 19).

Public comment on LC06-A

Proponents

- 06:39:31 David Carter, Yellowstone Deputy County Attorney, said he supports LC06-A and that it is an intelligent way to deal with the DUI issue. He said he hoped that aggravated DUI could be incorporated into DUI courts eventually. He praised LSD staff's drafting efforts because they successfully dealt with the complicated licensing provisions of DUI laws.
- 06:40:39 Rebecca Sturdevant said that she supports LC06-A and is pleased to see the use of technology to force behavior changes in DUI offenders.
- 06:41:03 Kris Minard said that she supports LC06-A because DUI courts work and more are needed.
- 06:41:18 Art Lusse suggested considering how his earlier proposals could be modified to provide a framework for supporting DUI courts.

Opponents

There were no opponents.

Information witnesses

There were no informational witnesses.

Committee work session

06:43:57 REP. MENAHAN said this bill is a healthy incentive to get people into treatment and to remain law abiding.

SEN. HINKLE said he has attended the Mineral County drug court and that it is a good program and is working. He encouraged support of the bill.

Executive action

06:46:05 **REP. MENAHAN moved to approve LC06-A. The motion passed on a unanimous voice vote, SEN. JUNEAU (Moss) and REP. HOWARD (Peterson) voted yes by proxy.**

LC06-B - Any new information from sponsors or staff - EXHIBIT 19

06:47:53 REP. MENAHAN explained that LC06-B would increase court jurisdiction by increasing the mandatory maximum penalty for a DUI to one year but would leave the mandatory minimums in place. He said that there are several loopholes in the current mandatory penalties and explained how LC06-B would fix them.

Public comment

Proponents

06:51:31 Rebecca Sturdevant, MADD, said that she supports LC06-B and thanked REP. MENAHAN for bringing it.

06:51:43 Kris Minard said that she supports the bill because DUI is a serious offense and should be treated as such.

Opponents

There were no opponents.

Informational witnesses

There were no informational witnesses.

Committee work session

There were no committee questions or discussion.

Executive action

06:52:37 **REP. MENAHAN moved to approve LC06-B.** He read subsection (c) on page 6 aloud. He said the bill will encourage courts to establish a DUI court and to suspend the sentence on the condition that the person completes a treatment program.

06:53:42 REP. PETERSON said that the Billings DUI court program is for 14-months and asked how a court could maintain jurisdiction for that long. REP. MENAHAN said it could be done by running sentences consecutively. He said that for people who don't have more than one offense when arrested, the one-year period would ensure that they get treatment.

06:56:34 **REP. MENAHAN's motion to approve LC06-B passed on a unanimous voice vote, SEN. JUNEAU (Moss) and REP. HOWARD (Peterson) voted yes by proxy.**

LCIj07 - PROVIDE THAT CITIES MAY ESTABLISH COURTS OF RECORD - EXHIBIT 20 (SEN. SHOCKLEY)

Any new information from sponsors or staff

06:57:31 **SEN. SHOCKLEY moved to approve LCIj07.** He briefly reviewed the background issues that prompted the need for LCIj07.

Public comment

Proponents

06:59:07 Rebecca Sturdevant testified on behalf of Darby Chief of Police, Larry Rose. She said that Chief Rose thinks LCIj07 is an important bill and would appreciate the LJIC's support of the bill.

06:59:54 Kris Minard said that she supports LCIj07.

Opponents

There were no opponents.

Informational witness

- 07:00:48 Mark Murphy discussed the fact that the Yellowstone County justice court became a court of record, adopted two years ago. He said that the decision to make it court of record was litigated all the way to the Supreme Court. He said the court intended to deal with domestic violence cases and that experience has proven that if a misdemeanor domestic violence case is tried twice, there is a substantially increased chance that the victim won't participate in the second trial. Mr. Murphy said that appeals have dropped by about 75% and are now handled on a record basis with briefs files by both parties for review by the District Court.
- 07:02:17 REP. STOKER asked if the judge presiding over the Yellowstone County justice court is a licensed attorney. Mr. Murphy said no.

Committee work session

There were no committee questions or discussion.

Executive action

- 07:03:53 **SEN. SHOCKLEY moved to approve LCIj07.** He emphasized that it is optional and does not require the judge to be a licensed attorney.
- 07:04:37 REP. PETERSON said he has concerns about the number of lower courts being established but that he would support the bill.
- 07:05:16 SEN. JENT said that the bill will deal with all cases brought in a city court and that the idea is that there is a trade off because city court, city judges, and justices of the peace don't have to be attorneys but have to appeal to a court of record. He said he likes the fact that the proceeding has to be on the record and that there is some efficacy on both sides for having courts of limited jurisdiction be on the record but he would like to know the magistrate's association's position on the bill. SEN. SHOCKLEY said that historically, they have opposed this and that the feeling is that if everything is made a court of record, the legislature will require that the judge be an attorney.
- 07:08:58 **SEN. SHOCKLEY's motion to approve LCIj07 passed on a 9-2 voice vote, SEN. JENT and SEN. ESP voted no, SEN. JUNEAU (Moss) and REP. HOWARD (Peterson) voted yes by proxy.**

BREAK

LCIj08 - STRENGTHEN CHEMICAL DEPENDENCY ASSESSMENT, COURSE, AND TREATMENT PROVISIONS - EXHIBIT 21 (REP. MENAHAN)

Any new information from sponsors or staff

- 07:24:38 Ms. Heffelfinger said that LCIj08 amends current law in 61-8-731, MCA, containing the Assessment, Course, and Treatment programs (A.C.T.). She reviewed the statutory changes that would occur if LCIj08 is adopted into law.

Public comment

There was no public comment.

Proponents

There were no proponents.

Opponents

There were no opponents.

Informational witnesses

There were no informational witnesses.

Committee work session

There were no committee questions or discussion.

Executive action

07:30:05 **REP. MENAHAN moved to approve LCIj08.** He said that Ms. Heffelfinger paid close attention to the chemical treatment provider concerns when drafting the bill, which originated at the request of former senator and LJIC member, Jesse Laslovich. He said that the bill draft also reflects testimony presented to the LJIC from experts and offenders alike who said that the current A.C.T. program is not effective. REP. MENAHAN discussed a number of provisions in the bill draft.

07:35:14 **REP. MENAHAN's motion to approve LCIj08 passed on a unanimous voice vote. SEN. JUNEAU (Moss) and REP. HOWARD (Peterson) voted yes by proxy.**

LCIj09 - REVISING PENALTIES FOR IMPAIRED DRIVING OFFENSES - EXHIBIT 22 (REP. PETERSON)

Any new information from sponsors or staff

07:35:49 REP. PETERSON said the bill draft still needs work and that he would continue to work with Ms. Heffelfinger to reconcile several conflicts in the bill. He reviewed the provisions of the bill draft, noting the areas of concern.

Public comment

Proponents

07:46:30 Mark Murphy said the MCAA supports the bill. He discussed Section 4., subsection (a) regarding a fourth DUI offense (page 7, EXHIBIT 22) and said it would allow about an additional 20-25 people to go through the Warm Springs Addiction, Treatment, and Change (WATCh) program.

07:49:27 Rebecca Sturdevant said she supports LCIj09 because it sends the message that DUI is a serious crime with serious consequences.

07:49:49 Kris Minard said that she supports LCIj09.

Opponents

There were no opponents.

Informational witnesses

07:50:10 Art Lusse said he would recommend, as a recovering alcoholic, that the LJIC take a hard line approach in dealing with fourth offense DUIs or these people will continue killing others.

Committee work session

There were no committee questions or discussion.

Executive action

- 07:51:45 **REP. PETERSON moved to approve LCJ09 with the understanding that work will continue to reconcile inconsistencies within the bill and with other bills.**
- 07:52:44 SEN. SHOCKLEY said that he could not vote for the bill because of the impossible burden it would place on the system. He said that under LCJ09, as many as 1,500 offenders could be sentenced to the Department of Corrections (DOC), which would completely overwhelm the DOC's capacity and budget.
- 07:56:56 REP. PETERSON and SEN. SHOCKLEY discussed their interpretations of the bill draft and how the DOC may be affected.
- 07:59:57 REP. MENAHAN said he would vote against LCJ08 and discussed his reasons for opposing.
- 08:03:56 SEN. ESP said he also would oppose LCJ09.
- 08:04:18 SEN. JENT opposed the bill but complimented REP. PETERSON for looking at a critical issue. He suggested that an alternative approach could be to use the persistent offender statute to deal with repeat DUI offenders.
- 08:05:45 SEN. HINKLE said he would vote against the bill because it does not go far enough. He said that the people of Montana are tired of multiple DUIs and that these drivers need be stopped. He suggested increasing fines substantially and said that penalties need to be severe in order to get people to change their behavior.
- 08:07:38 REP. PETERSON disagreed with REP. MENAHAN's opinion of LCJ09 and discussed the strengths of the bill. He said that the public does not like reading about multiple DUI offenders and that county attorneys are not putting these offenders away. He said that LCJ09 would ensure these drivers are taken care of.
- 08:10:08 **The motion to approve LCJ09 failed on a 3-8 roll call vote. SEN. SHOCKLEY voted no by proxy (Hinkle). REP. HOWARD (by proxy - Peterson), REP. PETERSON, AND REP. STOKER voted yes (ATTACHMENT 8).**

LCJ10 - ONE YEAR JURISDICTION FOR MISDEMEANOR DUI/BAC offenses - EXHIBIT 23 (REP. MENAHAN)

Any new information from sponsors or staff

07:55:01 REP. MENAHAN explained the provisions of LC1j10.

Public comment

Proponents

08:12:55 Kris Minard said that she supports the bill.

08:13:03 Rebecca Sturdevant said MADD supports LC1j10.

Opponents

There were no opponents.

Informational witnesses

There were no informational witnesses.

Committee work session

There were no committee questions or discussion.

Executive action

08:13:36 **REP. MENAHAN moved to approve LC1j10.** SEN. JENT said he supports the bill.

08:14:11 **The motion to approve LC1j10 passed on a unanimous voice vote, SEN. JUNEAU (Moss), SEN. SHOCKLEY (Hinkle), and REP. HOWARD (Peterson) voted yes by proxy.**

LC1j11 - ELIMINATE THE 5-YEAR "LOOK BACK" - EXHIBIT 24 (REP. MENAHAN)

Any new information from sponsors or staff

08:15:02 REP. MENAHAN explained the provisions of the bill draft and said its purpose is to ensure that multiple offenders who need treatment will no longer be able to avoid it. He said that because it will create more second and third offense DUIs, it will put more pressure on county jails.

Public comment

Proponents

08:18:14 Kris Minard said that studies show that people drive hundreds of times before getting a DUI. She urged the LJIC to amend the loopholes in statute that allow people to avoid the consequences of DUI.

08:19:17 Rebecca Sturdevant. MADD, said that she very strongly supports LC1j11. She said there needs to be significant consequences for subsequent DUIs and that people are getting multiple chances to change but are not. She said it is obvious that taking away a driver's license is ineffective, so the authority to force a behavioral change is needed.

Opponents

There were no opponents.

Information witnesses

There were no informational witnesses.

Committee work session

There were no committee questions or discussion.

Executive action

- 08:21:30 **REP. MENAHAN moved to approve LCIj11.**
- 08:21:47 SEN. JENT said that the bill draft would take care of inconsistencies in current statute.
- 08:22:52 REP. STOKER said he supports the bill and that the perception must be created that Montana will no longer tolerate drunk driving.
- 08:24:46 **REP. MENAHAN's motion to approve LCIj11 passed on a unanimous voice vote, SEN. JUNEAU (Moss), SEN. SHOCKLEY (Hinkle), and REP. HOWARD (Peterson) voted yes by proxy.**

ADDITIONAL BILL DRAFTS

- 08:25:30 **SEN. JENT moved to draft a committee bill to address aggravated DUI, as proposed by the MCAA, with understanding that there will be some tweaks and changes.** He said the bill draft would be available for review at the September meeting. **The motion passed on a unanimous voice vote. SEN. JUNEAU, (Moss), SEN. SHOCKLEY (Hinkle), and REP. HOWARD (Peterson) voted yes by proxy.**
- 08:27:15 **SEN. MOSS moved to create a multi-agency coordinating council, consisting of DOC, OPI, DOJ, and DPHHS in order to look at existing programs, how they could be modified to present uniform messages, and how educational programs could be streamlined and coordinated.** She discussed several ways the state could benefit from a unified approach. **The motion failed on a 7-4 roll call vote. SEN. JUNEAU voted yes by proxy (Moss), SEN. MOSS, REP. EBINGER, and REP. MENAHAN also voted yes. (ATTACHMENT 9)**
- 08:30:55 **REP. EBINGER moved to draft a committee bill to authorize counties to voluntarily adopt social host ordinances.** Ms. Lane said that the bill draft would authorize counties to adopt social host laws and that an alternative approach would be to adopt a state statute.
- 08:33:53 REP. PETERSON asked if the motion included cities that are not self-government cities. **REP. EBINGER said he would consider that a friendly amendment. The motion to amend REP. EBINGER's motion passed on a unanimous voice vote, SEN. JUNEAU (Moss), SEN. SHOCKLEY (Hinkle), and REP. HOWARD (Peterson) voted yes by proxy.**
- 08:35:34 REP. MENAHAN said the problem could be solved by adopting a statute in Title 45 (criminal code), which would apply statewide. He explained how the proposal

would work and asked if the 2011 Legislature would be more likely to pass a new statute in Title 45 or to leave it to counties to decide.

- 08:37:32 SEN. ESP said that he would prefer local control instead of a statewide law. He suggested that it be a county ordinance with misdemeanor penalties.
- 08:38:32 REP. PETERSON said his preference would be a local option as well. He said he hoped it would not be restricted to structures and related a story in which a young man froze to death at an outdoor party.
- 08:39:41 **REP. EBINGER's motion to authorize counties to adopt social host ordinances passed on a unanimous voice vote. SEN. JUNEAU (Moss), SEN. SHOCKLEY (Hinkle), and REP. HOWARD (Peterson) voted yes by proxy.**
- 08:40:05 **REP. PETERSON moved to draft a committee bill for an act to increase the consequences for failure to provide a legally requested blood or breath sample, as proposed by the Yellowstone County Attorney's Office (EXHIBIT 6). He said that REP. HOWARD wishes to carry the bill.**
- 08:35:04 SEN. JENT said he would support the bill.
- 08:42:00 **The motion passed on a unanimous voice vote. SEN. JUNEAU (Moss), REP. HOWARD (Peterson), and SEN. SHOCKLEY (Hinkle) voted yes by proxy.**

WRAP UP AND INSTRUCTIONS TO STAFF

- 08:42:41 Ms. Heffelfinger said that the final meeting date is scheduled for September 3 and 4. There were several date conflicts among members. After discussion, it was agreed that the meeting date would be changed to September 1 and 2, pending REP. AUGARE's approval.

ADJOURNMENT

- 08:48:21 With no other business before the LJIC, REP. STOKER adjourned the meeting at 4:54 p.m. The next meeting is scheduled for September 1 and 2, 2010, in Helena.

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