

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on January 16, 1991,
at 8:05 A.M.

ROLL CALL

Members Present:

Bill Strizich, Chair (D)
Vivian Brooke, Vice-Chair (D)
Arlene Becker (D)
William Boharski (R)
Dave Brown (D)
Robert Clark (R)
Paula Darko (D)
Budd Gould (R)
Royal Johnson (R)
Vernon Keller (R)
Thomas Lee (R)
Bruce Measure (D)
Charlotte Messmore (R)
Linda Nelson (D)
Jim Rice (R)
Angela Russell (D)
Jessica Stickney (D)
Howard Toole (D)
Tim Whalen (D)
Diana Wyatt (D)

Staff Present: John MacMaster Legislative Council Staff Attorney
Jeanne Domme, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON HB #120 CREATE FARM ANIMAL AND RESEARCH FACILITY PROTECTION ACT

Presentation and Opening Statement by Sponsor:

REP. HAYNE, HOUSE DISTRICT 10, stated this bill creates the farm and animal and research facilities protection. There are certain groups of individuals in our society that do participate in criminal acts that include vandalism against livestock operators. Because they are concerned about the cruelty they believe is in

involved in raising animals in confinement. We all agree that animals should not be mistreated but we cannot elevate animals to the save level as human beings. Most of us are aware of the great advances of the medical profession and the veterinary contribution being made in part by using animals for research. The necessity for this bill is because farm and ranch animals that have been raised on research facilities should be covered by both state and federal law.

Proponents' Testimony:

Lorna Frank, representing Montana Farm Bureau, gave written testimony in support of HB #120 and handed out a proposed amendment. EXHIBIT 1 & 2

Clyde Lee, representing McLaughlin Research Institute, gave written testimony in support of HB #120. EXHIBIT 3

David Toppen, Montana University System, stated the University System has numerous animal facilities including livestock research facilities and bio-medical facilities. All the livestock production development projects at these campuses are conducted under the guidelines of the federal government, National Institute of Health, National Science Foundation, and accurate records are kept to insure that our federal funding continues safely under conditions which the animals welfare is protected. Thus far, this large investment of tax payers dollars and federal funds, has not shown itself to be of high risk. We are very concerned that the movements that we have begun to see arising around the country may well arise in Montana. Therefore, we strongly support the passage of HB #120.

Lynn Cornwell, representing The Montana Stock Growers Association, Montana Wool Growers Association, and the Montana Association of State Grazing Districts, gave written testimony in support of HB #120. EXHIBIT 4

Les Graham, Montana Department of Livestock, stated that they have a law enforcement division in the State Department of Livestock that gets involved in any mistreatment activities if a complaint is issued.

Cynthia Miller, Lab Animal Technician Supervisor, McLaughlin Research Institute, gave written testimony in support of HB #120. EXHIBIT 5

Roger Tippy, Montana Veterinary Medicine Association, stated he supports HB #120 for the same reasons as the other proponents. This bill was supplementing the criminal mischief section 456101 in two significant ways. It would add the trouble damage action. If the owner of any animal facility be a victim, the perpetrator of the act would be liable for damages. Criminal mischief relates to the serious felony of theft or killing of commonly domesticated animal.

Carol Mosher, Montana Cattle Women, gave written testimony in support of HB #120. EXHIBIT 6

REP. LARRY GRINDE stated that woman and man are the most important species that we have. To perpetuate our species, research must be done and this is one of the key areas of this bill. It is important for this research to take place. We all have instances in our lives where we may have taken medicines for cures that have been brought to us through research on animals.

Marvin Barber, representing the Agriculture Preservation Association, stated he was in support of HB #120.

Kay Norenberg, representing Women Involved with Farm Economics, stated she was in support of HB #120.

Opponents' Testimony: none

Questions From Committee Members:

REP. BROOKE asked Les Graham how do the inspectors see that violation of animals do not occur or come when called for a complaint? Mr. Graham said they act initially upon a complaint. But, they have a major policy that if they see abuse of animals of any type, they are to notify their office immediately.

REP. MEASURE asked Mr. Graham what reason does he have to believe the provisions presently in the law are not adequate to protect the animals? Mr. Graham said one are that has been lacking in the state law is the ability to take action against people who abuse animals.

REP. MEASURE asked Roger Tippy if the new law is needed for the labs? Mr. Tippy said he would defer the judgement of drafting the bill to the Farm Bureau. For the animals themselves, the law has nothing new. Mona Frank said the Farm Bureau felt this would not be a duplication. We thought this would be a bill that would be uncomprehensive and take care of a particular situation that could come up in Montana and was not currently addressed in the statutes as they are now. The theft and trespass statutes may have been covered but felt it was not covered for research facilities, fairs, farm animals, and different activities. Jim Peterson said it is necessary because the Animal Research Facilities have been singled out relating to the animal welfare issue. The strengthening of the Civil and Criminal Codes is necessary to provide a deterrent from that happening here in Montana.

Closing by Sponsor:

REP. HAYNE stated because of break-ins, destruction of property, and the release of research animals, up to 20% of research dollars must be used for security. Those dollars should be used for more research toward finding the cure of Aids, cancer and

other killer diseases. The misguided animals rights movement must be stopped.

HEARING ON HB #114

NOTIFICATION TO SHERIFFS OF ESCAPE OR RELEASE FROM CONFINEMENT

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BROWN, HOUSE DISTRICT 72, stated this bill requests mental health institutions to let the jurisdiction from which an individual is coming from or residing in during the time they were sent to that facility, know if that person escaped from that facility or was released and sent back.

Proponents' Testimony:

Bob Butocovich, Sheriff in Butte Silver Bow, stated it would be a responsible act to support HB #114. The medical history of each case is not of interest to us. We are seeking support because the potential of violence is there and we would like to be made aware to prepare for intervention if we know about the individual's background.

Dan Anderson, Administrator of Department of Health, Department of Institutions, stated the Department supports HB #114 but have several amendments that will help clarify what we believe to be the intent of the bill. EXHIBIT 7

Kelly Morse, Director of the Mental Disabilities Board of Visitors, stated they are in support of this bill and also of the amendments proposed by the Department of Institutions. We feel that Mental Health Facilities need a clear direction in notifying law enforcement officials that only those persons charged with a crime be notified. There are lots of myths about what a mental illness is and we want to protect those people who suffer from a mental illness that have not been charged with a crime.

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: none

HEARING ON HB #134

CLARIFY CIVIL PENALTY DISTRIBUTION FOR GAMBLING VIOLATION

Presentation and Opening Statement by Sponsor:

REP. BROWN, HOUSE DISTRICT 72, stated this bill clarifies Civil Penalties imposed for a violation of state gambling laws. This bill just changes an incorrect cite in the code and council caught it and asked us to make appropriate reference. The

gambling advisory council staff person for division pointed out that we recommend a change different to this in the omnibus bill that is also being heard this section. I would like to hold this until that bill is prepared.

Proponents' Testimony: none

Opponents' Testimony: none

Closing by Sponsor: none

HEARING ON HB #132

CLARIFY PLACE OF TRIAL FOR TORT WHEN DEFENDANT IS A NONRESIDENT

Presentation and Opening Statement by Sponsor:

REP. BROWN, HOUSE DISTRICT 72, stated this bill allows a plaintiff to choose the place of trial for a tort action when none of the defendants are state residents. Any amendment of this bill is beyond the scope of the title.

Proponents' Testimony:

Michael Sherwood, Montana Trial Lawyers Association, stated he was concerned about using this piece of legislation for curing the problem relayed in this bill. I am not sure a Montana Statute can clear up this bill and I also feel the bill should be tabled until further information can be gathered.

Eric Thueson, Attorney, stated he is a proponent of the bill that as it is now. The law in Montana has always been that when the defendant were from outside the State, the plaintiff has the choice to file his lawsuit in any county in the state. There is nothing you can do that will correct the Federal Law to prevent a situation where the railroad would have too much influence over the court system. I suggest the committee pass the bill as is.

Opponents' Testimony:

Leo Berry, Attorney for Burlington Northern Railroad, gave written testimony in opposition of HB #132. EXHIBIT 8. He added that the bill should be tabled for further study.

Questions From Committee Members:

REP. DARKO asked Leo Berry how many cases from the list settled out of court before they came to trial? Mr. Berry said he didn't have that information.

REP. BOHARSKI asked Mr. Berry why most cases are being filed in Great Falls? Mr. Berry said some instances are because of the specialized Doctors in Great Falls.

Closing by Sponsor:

REP. BROWN stated the point of this bill is to correct the status of the law in Montana. I feel we should pass this bill along to the Senate, because if there is no resolution this bill doesn't affect one way or the other what may be done later on.

EXECUTIVE ACTION ON HB #134

Motion/Vote: REP. BROWN MOVED HB 134 BE TABLED. Motion carried.

EXECUTIVE ACTION ON HB #120

Motion: REP. BROWN MOVED HB 120 DO PASS.

Discussion:

REP. MEASURE stated the intent of the bill is good but it also covers other parts of the law. The sponsor took parts of the bill out of a California law. I feel it is an over reaction in Montana. I am not saying these kinds of acts cannot occur, but I am saying the present law we have pertains to the type of penalties they have in this bill. I recommend this bill do not pass.

REP. KELLER stated the problems this bill points out are a very real threat to the livestock industry in the state. I don't think people realize the very real threat it is. This legislation is needed for a special deterrent for this kind of territory.

REP. WYATT stated she was concerned about why we would want to protect possession of property whether it unlawful or not and that the penalty seemed to be extreme for taking a photograph.

John MacMaster stated if a person possess property, unlawful or not, you are an owner. The person who owns the property has a higher right to protection than the person who might be posing a threat to their property.

REP. GOULD stated it is very difficult to put a price tag on an animal. This is a good bill and should be passed.

REP. NELSON stated the section regarding taking photographs would be done in trespassing. The research done by these facilities is necessary and is done in the most humane way possible. This is why that portion is included and I think it should be left where it is.

Motion: REP. BOHARSKI moved to amend HB 120. EXHIBIT 8 Motion carried.

Motion: REP. BOHARSKI MOVED HB 120 DO PASS AS AMENDED.

Discussion:

REP. MEASURE stated this bill is poorly thought out and researched and if they really want to promote this bill they should act within the law we already have. This is a bad piece of legislation and we should get rid of it.

Motion: REP. BROWN moved to amend HB 120 by raising the penalty fine.

Motion/Vote: REP. BOHARSKI made a substitute motion HB 120 be Tabled. Motion failed.

Vote: Motion carried to amend HB 120.

Motion/Vote: REP. BROWN MOVED HB 120 DO PASS AS AMENDED. Motion carried 15 to 5 with Rep's: Toole, Whalen, Russell, Measure and Strizich voting no.

EXECUTIVE ACTION ON HB #132

Motion: REP. BROWN MOVED HB 132 DO PASS.

Discussion:

REP. LEE asked REP. BROWN if there was anything that we could do to change this bill? REP. BROWN said the only way we could change this bill is if we would change the venue statutes as a legislature and if the Governor were to sign it.

REP. TOOLE stated the railroad problem represents a small percentage of cases. This statute is important for a greater majority of other cases.

CHAIRMAN STRIZICH stated if the committee does nothing with this bill the law stands as is. This piece of legislation will not change the law. A new piece of legislation will need to be drafted to cover such things as the Montana Courts paying for all of these out of state suits.

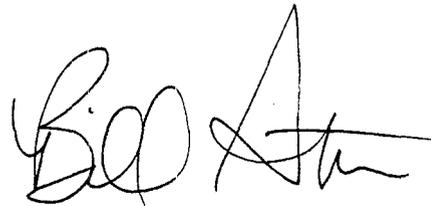
Vote: Motion carried unanimously.

EXECUTIVE ACTION ON HB 36

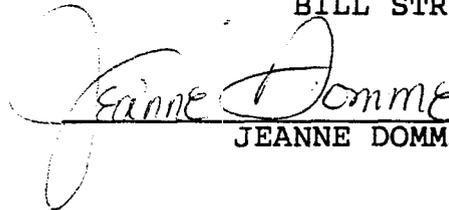
Motion/Vote: REP. BOHARSKI MOVED HB 36 BE RECONSIDERED. Motion failed.

ADJOURNMENT

Adjournment: 10:15 A.M.



BILL STRIZICH, Chair



JEANNE DOMME, Secretary

BS/jmd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE 1-16-91

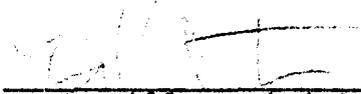
NAME	PRESENT	ABSENT	EXCUSED
REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/		
REP. WILLIAM BOHARSKI	/		
REP. DAVE BROWN	/		
REP. ROBERT CLARK	/		
REP. PAULA DARKO	/		
REP. BUDD GOULD	/		
REP. ROYAL JOHNSON	/		
REP. VERNON KELLER	/		
REP. THOMAS LEE	/		
REP. BRUCE MEASURE	/		
REP. CHARLOTTE MESSMORE	/		
REP. LINDA NELSON	/		
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/		
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/		
REP. TIM WHALEN	/		
REP. DIANA WYATT	/		
REP. BILL STRIZICH, CHAIRMAN	/		

HOUSE STANDING COMMITTEE REPORT

January 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 120 (first reading copy -- white) do pass as amended .

Signed: 

Bill Strizich, Chairman

And, that such amendments read:

1. Page 1, line 15.

Following: "agriculture"

Insert: "and its related activities"

2. Page 5, line 25.

Strike: "5"

Insert: "20"

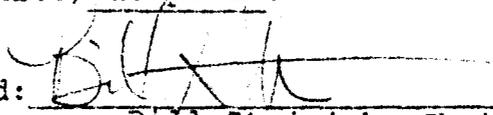
10:55 AM
1-16-91
JDB

HOUSE STANDING COMMITTEE REPORT

January 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 132 (first reading copy -- white) do pass .

Signed: 
Bill Strizich, Chairman



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT 1

DATE 1-16-91

HB 120

BILL # H.B. 120 ; TESTIMONY BY: Lorna Frank

DATE Jan. 16, 1991 ; SUPPORT Yes ; OPPOSE _____

Farm Bureau feels this piece of legislation is needed in Montana in light of the different animal rights groups that are springing up all over the country.

We believe the bill is broad enough to cover fairs, rodeo's, farms, and research facilities, plus veterenarian facilities.

HB-120 would make it a misdemenor for unlawful entry into a facility. However, if an individual caused any damage to the facility or released any animals, the violation would be considered a felony.

The animal rights movement is growing and is well financed. We should take the threat they they pose to animal agriculture, medical research and the fur industry very seriously.

Animal activist groups are opposed to any use of animals or animal products for the health, enjoyment or diet of the American people. They oppose the use of wool and lanolin and to anyone using horses for pleasure or any animal for entertainment.

We must understand that animal welfare is the issue, not animal rights. Montanans have enough common sense to totally reject the goals and methods of radicals in the animal rights movement. We need to protect our heritage and traditions. Mainly, we need to defend our rights and freedom of choice from those who wish to force their values upon us.

Passage of HB-120 would be a step in that direction, we urge this committee to give a do pass recommendation.

SIGNED: Lorna Frank

EXHIBIT 2
DATE 1-10-91
HB 120

PROPOSED AMENDMENT BY LORNA FRANK TO H.B. 120

1. Amend H.B. 120, page 1, line 15, by inserting after the word "agriculture" the words "and its related activities,".

McLaughlin
Research



Institute
for
Biomedical Sciences

EXHIBIT 3
DATE 1-10-91
HB 120

Mr/Madame Chairman and members of the Committee:

My name is Clyde Lee. I represent McLaughlin Research Institute of Biomedical Sciences of Great Falls, Montana. I have been employed for nearly two years as an Assistant Lab Animal Technician. I am one of many responsible for the humane handling and care of over 100 strains of mice. I also help with the record keeping involved with the animal husbandry practices.

McLaughlin Research Institute has many strains of mice that no other research facility has. Many of these strains are sent out to other research facilities across the country where they are used in various research protocols. An extremely large investment in time and money is involved in the development and maintenance of these strains of mice.

Record keeping is a critical part of research. There are many steps involved in even a small portion of an experiment; and these steps must be documented. Therefore, the records kept, as you can imagine, are immense!

There are too many very important records, animals, and equipment that could be damaged, lost or destroyed because of an unlawful entry.

Therefore, we at McLaughlin Research Institute of Biomedical Sciences support this bill that would make it a felony should there be an unlawful entry to any research facility, farm or production facility.

Thank you for your time.

Sincerely,

Clyde Lee

McLaughlin Research Institute of Biomedical Sciences
1625 3rd Ave. North
Great Falls, Montana

EXHIBIT 4
DATE 1-16-91
HB 120

TESTIMONY

HOUSE BILL 120

AN ACT CREATING THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

WEDNESDAY, JANUARY 16, 1991

HOUSE JUDICIARY COMMITTEE

GOOD MORNING MR. CHAIRMAN AND COMMITTEE MEMBERS. FOR THE RECORD, MY NAME IS LYNN CORNWELL. I AM REPRESENTING THE MONTANA STOCKGROWERS ASSOCIATION, MONTANA WOOLGROWERS ASSOCIATION, AND THE MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS. THESE THREE ORGANIZATIONS REPRESENT LIVESTOCK PRODUCERS ACROSS MONTANA.

ANIMAL WELFARE HAS ALWAYS BEEN IMPORTANT TO LIVESTOCK PRODUCERS AND ORGANIZATIONS THAT REPRESENT THEM. HOWEVER, SOME RADICAL ACTIVISTS ACCUSE LIVESTOCK PRODUCERS OF MISTREATING THEIR ANIMALS UPON WHICH THEY DEPEND FOR THEIR LIVELIHOOD. A SURVEY CONDUCTED BY THE WIRTHLIN GROUP, A LEADING ATTITUDE RESEARCH FIRM, OF 1000 AMERICAN ADULTS SHOWED THAT 68% OF AMERICAN CONSUMERS BELIEVE THAT CATTLE ARE TREATED HUMANELY BECAUSE IT IS IN THE LIVESTOCK INDUSTRY'S BEST INTEREST TO HAVE HEALTHY WELL CARED FOR ANIMALS AND BECAUSE THE LIVESTOCK PRODUCERS DEPEND ON THEIR ANIMALS TO MAKE A LIVING.

YET, THERE ARE THE CASES OF VANDALISM AND ILLEGAL ACTIVITIES OCCURRING WHERE RESEARCH FACILITIES AND ANIMALS ARE HARMED OR DESTROYED. THREE CASES I WOULD LIKE TO IDENTIFY ARE:

Ex. 4
1-16-91
HB120

PAGE 2

FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

- 1) THE DEFACING OF THE OFFICE OF THE CALIFORNIA CATTLEMEN'S ASSOCIATION,
- 2) THE BURNING OF THE LIVESTOCK AUCTION MARKET IN CALIFORNIA, AND
- 3) AN ATTACHMENT TO MY TESTIMONY WHICH IS A SPECIAL BULLETIN FROM THE COCONINO COUNTY SHERIFF'S DEPARTMENT IN ARIZONA WARNING CATTLEMEN OF EARTH FIRST'S RECOMMENDATION TO START HUNTING CATTLE AND SHEEP AS A MEANS TO ELIMINATE LIVESTOCK FROM PUBLIC LANDS.

WHILE THESE EXAMPLES ARE FROM STATES OTHER THAN MONTANA, THERE IS NOTHING TO GUARANTEE THIS TYPE OF ACTIVITY COULD NOT HAPPEN HERE.

I WOULD ALSO LIKE TO BRING TO YOUR ATTENTION A BOOK ENTITLED "ECODEFENSE - A FIELD GUIDE TO MONKEY WRENCHING". THIS IS A MANUAL ON HOW TO SPIKE TREES, CUT FENCES, CLOSE ROADS, ETC. ALL DESTRUCTIVE TECHNIQUES WHICH WHEN USED, CAN DESTROY NOT ONLY BUILDINGS, BUT HARM PEOPLE AS WELL.

THE LIVESTOCK INDUSTRY CARES FOR THE WELFARE OF THEIR ANIMALS. WE HAVE TO OR ELSE WE WILL NOT SURVIVE. THERE IS RESEARCH GOING ON USING ANIMALS THAT BENEFITS THE HUMAN RACE. THERE IS RESEARCH

Exhibit 4

1-18-91

Hb 120

PAGE 3

FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

THAT ALSO HELPS THE ANIMALS THEMSELVES. WE DO NOT NEED ONE MORE
ISSUE TO WORRY ABOUT.

HOUSE BILL 120 IS A BILL WHICH MAY GIVE AN INDIVIDUAL SOME
STRONG THOUGHT ABOUT DESTROYING PROPERTY IF THEY KNOW THEY WILL BE
PUNISHED IF CAUGHT.

I WOULD ASK FOR A DO PASS ON HOUSE BILL 120.

THANK YOU.



Joe Richards
SHERIFF

Exhibit 7 1-16-71
THE COCONINO COUNTY SHERIFF'S DEPARTMENT

Post Office Box 39 • Flagstaff, Arizona 86002 • (602) 774-4523

HB 120

SPECIAL BULLETIN

Attention Cattlemen:

Recent publications from the Earth First newsletter advocate cattle hunting as a means of eliminating cattle grazing on public lands.

In the August 1, 1990 issue of the Earth First newsletter there were articles published recommending hunting cattle and sheep as a means to eliminate livestock from public lands. They indicated that shooting cows and sheep will bring a controversy bringing public attention to the problem. Secondly its one of those things individuals can do to make the world a better place to live.

They recommend using a bow and arrow mainly because it is silent, shotguns can also be use because it is difficult to determine which gun buckshot is fired from. Their choice of weapons however, is a bolt action 30-06 caliber rifle with telescopic site using 180 grain cartridges. They suggest the weapon be purchased second hand thus eliminating records of the purchase.

It is recommend that hunting season is a good time to cow hunt because there are a lot of hunters in the woods, however one should be careful and not get caught. They further recommend that the cow hunter always have a reason to be out in the field wether during hunting season or other times. They also gave tips on the use of camouflage.

The hunter is told not to worry about the meat going to waste because there are plenty of predators that will care for it. Further the cattle should be thought of as one more exotic game animal introduced into the environment. The cattle are easy to hunt, the success rate should be high, and it is a good animal to get your kids or spouse started on.

If you witness this type of activity, call the Sheriff's Department at 774-4523 or toll free 1-800-338-7888.

McLaughlin
Research



Institute
for
Biomedical Sciences

EXHIBIT 2
DATE 1-16-91
HB 120

Mr/ Madame Chairman and Members of the Committee:

My name is Cynthia Miller. I am the Laboratory Animal Technicians supervisor at the McLaughlin Research Institute for Biomedical Science, located in Great Falls.

I will have been employed by the institute three years in May of this year. During this time, I have been responsible for the breeding, production, and maintenance of our research animals-the mice.

Among the numerous strains of mice produced at our institute, we have several specific strains used in the study of Alzheimer's Disease. Unfortunately, there is no animal model that mimics this human disease. We are trying to develop a model to understand the causes of Alzheimer's Disease and aid in its prevention or treatment. It is , therefore, necessary to maintain these animals for their entire life span-up to three years- in order to gather complete data on this disease. These mice, because they carry a specific gene, could lead the way to a cure for one of the most debilitating human diseases known.

We are , also, one of the few facilities that has been granted permission to produce and maintain the rare strain of SCID (Severe Combined Immune Deficient) animals. Their condition can be compared to the condition of the "boy in the bubble". They are invaluable in research because their bodies cannot produce the usual defensive immune response against any foreign substance which may be introduced. They are used in the study of a variety of diseases.

Through an ACS (American Cancer Society) grant, we are able to maintain forty-five strains that were developed by Dr. Jack Stimpfling, at our institute, over the past twenty-three years. These

HB 120

SUPPORT - *we also support the Farm Bureau's amendment*

Ranchers' Rights

by Bob Kingsbery

JAN. 16, 1991

- I. Ranchers have the right to care for their animals 24 hours a day, seven days a week, 52 weeks a year, for the rest of their lives - without salary, overtime pay, pension plan, two-week vacations, medical insurance, retirement at 65, or any guarantee they will make a living from one year to the next.
- II. Ranchers have the right to spend all their money, including life savings, Christmas and vacation money, to feed their animals during droughts and bad winters. When they run out of money, they have the right to borrow more, regardless of the interest rate.
- III. Ranchers have the right to be kicked, stomped, knocked down, exhausted, frustrated, and impoverished by their animals, without retaliating in any way, except cussing - softly, so they don't upset their animals.
- IV. Ranchers have the right to treat their animals for every minor injury and illness while ignoring their own bruises, sprains, swelling, cuts, scrapes and loose teeth acquired while caring for their animals.
- V. Ranchers have the right to cancel family outings, vacations, anniversaries, and birthday parties, at a moment's notice, in order to solve some last-minute ranch crisis.
- VI. Ranchers have the right to put the health and well-being of their animals above everything else, including their own health, wealth and well-being, while still taking time to worry about the real problems of the world: poverty, hunger, war, crime and fanatics.
- VII. Ranchers have the right to make sure their animals are fed and watered 24 hours a day - no matter how hot, cold, wet or miserable the weather - before they get to eat or sleep themselves.
- IX. Ranchers have the right to the special satisfaction that comes from providing a valuable service to society and devoting their lives to caring for their land and livestock.
- X. Ranchers have the right to ranch. And for every uninformed animal-rights kook, a thousand people would love to have that right.

Carol Mosher
Mt. Cattle Women

EXHIBIT 7
DATE 1-16-91
HB 114

Amendment to House Bill 114
Introduced Bill Copy

Prepared by Department of Institutions, Mental Health Division
January 16, 1991

Page 1, Line 15

Delete: "institution after being charged with, found unfit to be
tried for, or convicted of a criminal offense".

Add: "health facility under Title 46, Chapter 14"

Page 1, Line 25

strike: "and"

insert: "or"

Page 2, Line 2

strike: "and"

insert: "or"

Page 2, Line 6

strike: "and"

insert "or"

Page 2, Line 9

Add: (d) the sheriff or other law enforcement officials in the
county in which the hospital or mental health facility is
located.

EXHIBIT 8
DATE 1-16-91
HB 132

January 16, 1991
House Bill #132
Burlington Northern Railroad

House Bill 132 implements the Montana Supreme Court's decision in Haug v. Burlington Northern Railroad. In that case, the court ruled that a plaintiff filing a tort (personal injury) action against a non-resident corporation can pick his/her forum. The plaintiff does not have to file where he/she lives, or where the injury took place or where the corporation has its principle place of business. The plaintiff can file in any county in Montana.

The Federal Employers Liability Act (FELA), a federally mandated form of workers' compensation, allows an injured railroad worker to file an action in state or federal court. Historically the railroad worker could sue his/her employer wherever he/she could find it. That principle has its roots in an era preceding modern forms of transportation. With the advent of expanded and convenient air transportation, plaintiffs' lawyers have developed a system of sophisticated forum shopping.

You have been or will be made aware of the funding crisis in several state district courts, including Great Falls. Montana's venue statutes, and the courts' interpretation of those statutes, compound that fiscal crisis. In most states the statutes are more restrictive or the courts apply the legal principle of forum non-conveniens. That principle allows the court to move a case to a more proper jurisdiction. Montana does not allow actions brought under the FELA to be moved to a more proper jurisdiction. The Haug case not only said that a plaintiff can file suit anywhere in Montana, but also said that forum non-conveniens does not apply to FELA cases.

Attached is a copy of district court actions brought against Burlington Northern Railroad in Montana courts where the accidents occurred outside Montana. As you can see, most of the filings are in state district court ("C"). In the time period reviewed, 1986-1990, 25 cases were filed in Great Falls in which the accident occurred outside Montana and only two involved Montana residents; they were from Glendive and Livingston. You will see similar filings in Billings, Butte and Missoula.

While the state court funding problems are not solely related to these filings, it is without doubt that these cases have contributed to the financial burdens placed on the system. There is not a legal or moral rationale that justifies burdening Montana courts with these cases that have no relationship to Montana or the local jurisdiction.

The venue statutes should be amended to make the legal principle of forum non-conveniens statutorily applicable to FELA cases and to allow the plaintiffs to file suit in their county of resident, the county in which the tort occurs or the county of principle place of business of the corporation.

FOLLOWING IS A LIST OF PLAINTIFFS WHO HAVE BROUGHT SUIT AGAINST BURLINGTON NORTHERN IN THE STATE OF MONTANA WHEREIN THE INCIDENTS OCCURRED IN STATES OTHER THAN MONTANA. THIS LIST IS FOR ALL SUITS PENDING EFFECTIVE 12/4/90, AS WELL AS THOSE CLOSED 1/1/86 THROUGH 12/4/90.

CT = Court Filed In
C = State District Court
E = United States District Court
OP/CLS - Open or Closed
C/86 Closed in 1986, etc...

<u>PLAINTIFF</u>	<u>ATTORNEYS</u>	<u>ACCIDENT LOCATION</u>	<u>SUIT CITY</u>	<u>CT</u>	<u>OP/CLS</u>
William J. Anderson Star Route Hot Springs, SD 57747	Yaeger Firm Minneapolis, MN	Edgemont, SD	Great Falls	C	O
Dennis L. Belden 724 E. Loucks St. Sheridan, WY 82801	Eckman Firm Minneapolis, MN	Bill, WY	Great Falls	C	O
James D. Belden 615 King St. Sheridan, WY 82801	Eckman Firm Minneapolis, MN	Sheridan, WY	Great Falls	C	O
Wayne A. Berumen 711 West 51st St. Casper, WY 82601	Doshan Firm Minneapolis, MN	Nacco Junction, WY	Great Falls	C	O
Lloyd A. Brown 14 Timm Drive Sheridan, WY 82801	Doshan Firm Minneapolis, MN	Sheridan, WY	Great Falls	C	O
Patrick J. Cardinal 6924 N. Jefferson Spokane, WA 99208	Hoyt Firm Great Falls, MT	Kettle Falls, WA	Great Falls	C	C/89
Lloyd F. Comer Box 1075 Glendive, MT 59330	Hoyt Firm Great Falls, MT	Mandan, ND	Great Falls	C	O
Floyd H. Counts P.O. Box 896 Hemingford, NE 69348	Eckman Firm Minneapolis, MN	Alliance, NE	Great Falls	C	O
Ralph & Mary Jane Crisman Williston, ND	Bjella Firm Williston, ND	Fort Buford, ND	Great Falls	E	O
Randall K. Dickerson 547 Morehead St. Chadron, NE 69337	Eckman Firm Minneapolis, MN	Bill, WY	Great Falls	C	O

<u>PLAINTIFF</u>	<u>ATTORNEYS</u>	<u>ACCIDENT LOCATION</u>	<u>SUIT CITY</u>	<u>CT</u>	<u>OP/CLS</u>
Walter F. Dietel S. 1304 Skipworth Spokane, WA 99206	Hoyt Firm Great Falls, MT	Yardley, WA	Great Falls	E	C/86
Thomas S. Douglas 1673 Edwards Sheridan, WY 82801	Doshan Firm Minneapolis, MN	Sheridan, WY	Great Falls	C	O
John A. Ericson 155 E. Joseph Spokane, WA 99207	Hoyt Firm Great Falls, MT	Spokane, WA	Great Falls	C	C/90
Marie A. Hattenburg N. 5321 Chase Road Newman Lake, WA 99025	Hoyt Firm Great Falls, MT	Odessa, WA	Great Falls	C	C/90
James R. Hayes Route 62, Box 3185 Livingston, MT 59047	Regnier Firm Great Falls, MT	Warren, WY	Great Falls	C	C/88
Edgar R. Hernandez P.O. Box 162 Greybull, WY 82426	Doshan Firm Minneapolis, MN	Minnesela, WY	Great Falls	C	O
Vera Hoffman (Pers. Rep. for Ralph) Rt. 4, Box 234 Mont, ND 58701	Yaeger Firm Minneapolis, MN	West Fargo, ND	Great Falls	C	C/90
Shirley Houser (Pers. Rep. for Rex) 11215 West 76th Way Arvada, CO 80005	Yaeger Firm Minneapolis, MN	Broomfield, CO	Great Falls	C	C/88
Robert G. Johnson 324 W. 5th St. Apt. A Alliance, NE 69301	Regnier Firm Great Falls, MT	Alliance, NE	Great Falls	C	C/88
Edward R. Jolley 38 Kelly Drive Sheridan, WY 82801	Doshan Firm Minneapolis, MN	Parkman, WY	Great Falls	C	O
George G. Kobielus Box 66 Warno, WY 82845	Doshan Firm Minneapolis, MN	Sheridan, WY	Great Falls	C	O
Robert S. Meeker Box 228 Ranchester, WY 82839	Doshan Firm Minneapolis, MN	Sheridan, WY	Great Falls	C	O

<u>PLAINTIFF</u>	<u>ATTORNEYS</u>	<u>ACCIDENT LOCATION</u>	<u>SUIT CITY</u>	<u>CT</u>	<u>OP/CLS</u>
Charles M. O'Brien 6822 N. Smith Spokane, WA 99207	Yaeger Firm Minneapolis, MN	Spokane, WA	Great Falls	C	C/8
Walter L. Rieck P.O. Box 372 Basin, WY 82410	Morrisard Firm Aurora, CO	Sage Creek Spur, WY	Great Falls	C	C/9
Phillip R. Stazel 1502 McHenry Drive S. Liberty Lake, WA 99019	Hoyt Firm Great Falls, MT	Newhauser, ID	Great Falls	C	C/88
Richard E. Bennett Box 105 Greybull, WY 82426	Morrisard Firm Aurora, CO	Himes, WY	Billings	C	O
Sebastian Berumen P.O. Box 443 Laurel, MT 59044	Morrisard Firm Aurora, CO	Donkey Creek, WY	Billings	C	C/9
Robert F. Cardona Box 37 Wilsall, MT 59086	Depracq Firm Minneapolis, MN	Alliance, NE	Billings	E	O
Mary D. Cook 717 S. 6th St. Greybull, WY 82426	Morrisard Firm Aurora, CO	Greybull, WY	Billings	E	C/8
Michael H. Deluna 204 Wyoming Ave. Sheridan, WY 82801	Morrisard Firm Aurora, CO	Sully Springs, ND	Billings	C	O
Charles J. Doran P.O. Box 534 Greybull, WY 82426	Sands Firm Chicago, IL	Lovell, WY	Billings	E	O
Vernon L. Edeler P.O. Box 286 Greybull, WY 82426	Morrisard Firm Aurora, CO	Worland, WY	Billings	C	C/8
Gary D. Epple P.O. Box 883 Guernsey, WY 82214	Morrisard Firm Aurora, CO	Gillette, WY	Billings	C	C/8
James R. Erickson P.O. Box 361 Big Horn, WY 82833	Yaeger Firm Minneapolis, MN	Lariat, WY	Billings	C	C/9
Tauna Faxon Box 148 Upton, WY 82730	Morrisard Firm Aurora, CO	Antelope, WY	Billings	C	O

<u>PLAINTIFF</u>	<u>ATTORNEYS</u>	<u>ACCIDENT LOCATION</u>	<u>SUIT CITY</u>	<u>CT</u>	<u>OP/CLS</u>
William D. Ford 338 Adkins Ave. Sheridan, WY 82801	Morrisard Firm Aurora, CO	Sheridan, WY	Billings	C	O
Timothy J. Friend 720 Burton Sheridan, WY 82801	Morrisard Firm Aurora, CO	Sheridan, WY	Billings	E	C/88
Robert L. Galles P.O. Box 1019 Laurel, MT 59044	Bricker Firm Portland, OR	Sheridan, WY	Billings	E	C/87
Edubijen V. Garcia, Jr. 111 W. 8th St. Lewell, WY 82431	Doshan Firm Minneapolis, MN	Bonneville, WY	Billings	E	C/89
Laurence & Gerald Gessner Billingsville, MT	Parker Firm Billings, MT	Fort Buford, ND	Billings	E	O
Ardis J. Harrod 111 W. 11th, Space 1 Sheridan, WY 82801	Morrisard Firm Aurora, CO	Sheridan, WY	Billings	C	O
Gene J. Healy 511 Locust Yankton, SD 57078	Morrisard Firm Aurora, CO	Newcastle, WY	Billings	C	C/89
Rob D. Hitchcock 3347 Stagecoach Casper, WY 82604	Morrisard Firm Aurora, CO	Casper, WY	Billings	C	C/89
Roy J. Hofmeister, Jr. P.O. Box 2513 Gallette, WY 82717	Hubbell Firm Kansas City, MO	Elkhorn, WY Coal Creek Jct.	Billings Billings	C C	C/89 C/89
Donald M. Holzheimer 905 Sixth Ave. Laurel, MT 59044	Doshan Firm Minneapolis, MN	Lyons, ND	Billings	E	C/89
Gerald L. Horton Rte. 1, Box 55A Juliet, MT 59041	Doshan Firm Minneapolis, MN	Parkman, WY	Billings	C	C/89
Thomas L. Johnson 511 Meridian Sheridan, WY 82801	Morrisard Firm Aurora, CO	Sheridan, WY	Billings	C	O
Diane J. Knoll 610 East Clement Glendive, MT 59330	Yaeger Firm Minneapolis, MN	Elmira, ID	Billings	E	C/89

<u>PLAINTIFF</u>	<u>ATTORNEYS</u>	<u>ACCIDENT LOCATION</u>	<u>SUIT CITY</u>	<u>CT</u>	<u>OP/CLS</u>
Richard Layman 616 Arrowhead Drive Gillette, WY 82716	Eckman Firm Minneapolis, MN	Gillette, WY	Billings	E	C/8
John M. Luoma 1572 Lane 11 Lovell, WY 82431	Richter Firm Billings, MT	Lovell, WY	Billings	C	C/8
Edwin K. McFall 1625 S. Fenway Casper, WY 82601	Morrisard Firm Aurora, CO	Casper, WY	Billings	C	O
Thomas Mikes North Dakota	Bricker Firm Portland, OR	Hensler, ND	Billings	E	C/87
Albert F. Peccia P.O. Box 268 Dayton, WY 82836	Morrisard Firm Aurora, CO	Bill, WY	Billings	C	C/89
Andrew L. Sams 361 Highway 335 Sheridan, WY 82801	Morrisard Firm Aurora, CO	Gillette, WY	Billings	C	C/89
Francis J. Tomsche 1041 Adair Ave. Sheridan, WY 82801	Morrisard Firm Aurora, CO	Dutch, WY	Billings	E	C/8
John E. Yeager 27 Davis Tee Sheridan, WY 82801	Morrisard Firm Aurora, CO	Sheridan, WY	Billings	E	C/8
Barney R. Averill Box 534 Big Horn, WY 82833	Morrisard Firm Aurora, CO	Arvada, WY	Butte	C	C/8
William H. Jeanneret N. 7309 Country Homes Blvd. Spokane, WA 99208	Bricker Firm Portland, OR	Parkwater, WA	Butte	C	C/86
James C. Scott 11124 E. 28th St. Spokane, WA 99206	Bricker Firm Portland, OR	Spokane, WA	Butte	C	O
Weston J. Wyant Box 995 Anaconda, MT 59711	Bricker Firm Portland, OR	Bonnors Ferry, ID	Butte	E	C/90
Constance S. Courchane P.O. Box 4698 Helena, MT 59604	Doshan Firm Minneapolis, MN	Wenatchee, WA	Missoula	E	C/8

<u>PLAINTIFF</u>	<u>ATTORNEYS</u>	<u>ACCIDENT LOCATION</u>	<u>SUIT CITY</u>	<u>CT</u>	<u>OP/CLS</u>
Wallace J. Rainsberry Jr. P.O. Box 1485 Whitefish, MT 59937	Rerat Firm Minneapolis, MN	Quincy, WA	Missoula	E	C/87
David D. Smith 8570 Indreland Rd. Missoula, MT 59802	Bricker Firm Portland, OR	Athol, ID	Missoula	C	O
Jeffrey Vitamanti (PR for Diane & Anthony) Address Unknown	Hoyt Firm Great Falls, MT	Colburn, ID	Missoula	D	C/87
Martin H. Cheney Box 756 Lancaster, WY 82839	Roberts Firm Bozeman, MT	Parkman, WY	Livingston	C	C/89
Robert P. Wilson Linville, MT	Bjella Firm Williston, ND	Fort Buford, ND	Wolf Point	C	O

VISITORS' REGISTER

House Judiciary

COMMITTEE

BILL NO. HB # 120

DATE 1-16-91

SPONSOR Rep. Hayne

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Les Corsham	mt. Dept. of Livestock Helena	✓	
Kim Enkerud	MT Stockgrowers MT Assn. of MT Wool Growers, Stake Grazing Dist	✓	
David Toppew	MT Univ. System	✓	
Lerna Frank	Farm Bureau	✓	
Carol Mosher	Mt. Cattle Women	✓	
Martin Barber	agricultural pro assoc.	✓	
Clyde Lee	McLaughlin Research Inst.	✓	
Cynthia Miller	McLaughlin Research Institute	✓	
Roger Tippy	Mt. Veterinary Medicine Assn.	✓	
Larry Corsham	Rep. # 30		
Kay Rosenberg	WIFE	✓	
Bill Bepko	Northern River Assn	✓	
Lynn Cornwell	MSGA	✓	
Jim [unclear]	MSGA	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

