MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 26, 1985

The fifty-ninth meeting of the Senate Judiciary Committee was called to order at 10:08 a.m. on March 26, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Kermit Daniels who was excused.

CONSIDERATION OF HB 760: Representative Dennis Nathe, sponsor of HB 760, testified this bill changes the bifarcation process present in our current state divorce laws. By that he meant any spouse can file for a divorce, and if the other spouse does not contest that filing, the divorce can become final within 21 days. It comes final, but problems such as division of property and child custody are all left hanging. What HB 760 does is on page 2, lines 13-14. This is the only judicial decree that comes off the bench that does not handle the problem in its entirety. If one party happens to get remarried, then you have three or four people involved in this battle. It places a great burden on the court system. The Child Support Bureau of the Department of Revenue had 600+ cases during the last quarter to get warrants of distraint and notices of levy for. Of that 40% involve paternity suits, and 35% involve this problem where the custody and child support was not settled. What this bill attempts to do is clean up a legal process that is on the books and say before a final decree of dissolution is granted, all of these issues will be settled in a final decree. In divorce, those two parties will have to sit down and take a look at what they are doing and what the impact will be on the children and on themselves.

PROPONENTS: Mike Abley, Administrator of the Montana Supreme Court, testified the court had directed him to urge the committee's support for this bill. The supreme court gets involved in cases that would not come before it if this bill were granted. Things don't remain static when you get divorced. The longer you put off the final paperwork in these cases, the more complex it gets. Ultimately these cases go before the supreme court. The children suffer. The property is tied up for years.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on HB 760 was closed.

ACTION ON HB 760: Senator Pinsoneault moved HB 760 be recommended BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 837: Representative Bob Pavlovich, sponsor of the bill, testified this bill provides an offense for harming a police dog and prescribes penalties for that offense.

PROPONENTS: Joe Lee, Undersheriff, Butte-Silver Bow Law Enforcement, presented written testimony in support of the bill (Exhibit 1).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senators Crippen and Mazurek then asked Undersheriff Lee to respond to several questions. The questions and the responses are attached as Exhibit 2.

CLOSING STATEMENT: Representative Pavlovich stated in the state of Washington, the penalty for harming a police dog is $20,000 and seven years imprisonment.

Hearing on HB 837 was closed.

RECONSIDERATION OF HB 329: Representative Tom Hannah, sponsor of HB 329, stated this bill had been heard before this committee before and he was appreciative of the committee's sense of fairness in hearing it again. He stated this bill deals with lien laws in relationship to materials.

Chairman Mazurek commented the committee had heard HB 329 earlier just after the transmittal deadline. He had indicated that prior to the transmittal break, we would not hear this bill right away. He mixed it up with other lien bills and we heard it. When he remembered he had told some of those that wanted to testify that the committee would not hear the bill until later in the month, he rescheduled it for hearing. He apologized to those present for the inconvenience.

RECONSIDERATION OF HB 329: Representative Tom Hannah, sponsor of HB 329, stated this bill had been heard before, and he was appreciative of the committee's sense of fairness in hearing it again. He limited his remarks to stating this bill deals with lien laws in relationship to materials.

PROPONENTS: Representative Gary Spaeth testified this bill is important because it addresses a question of innocent homeowners who get stuck with a blind lien. When any party has a blind lien, he has a responsibility to at least inform the other party they might be affected. This bill allows the homeowner to have knowledge of the relationship between the supplier and the builder. He does not think it is an onerous burden on the supplier to let the homeowner know there is a probability of a lien. Dennis Lopach, representing Mountain Bell, testified they support the bill and feel it is a very reasonable approach to the problem of providing notice. It allows someone such as themselves to administer contract retainage to be sure they have protection against outstanding liens. He assumes the effective date is because pending the interim study, there should be no change in the existing statutes. He thinks the committee might want to change that date until July 1, 1985. This would protect people in the interim while a more thorough study is being conducted.

OPPONENTS: Riley Johnson, representing the Montana Homebuilders Association, testified they believe the bill does not answer the problem for which it was intended. It is incomplete. They have a problem with ownership. In a contract for deed, most homeonwers feel they are the owners. They question this on legal grounds. You could find yourself 90 days down the road with the wrong name on your lien right. We are not opposed to notification. They are opposed to the format of this bill. Their second problem is the matter of notification. Should it be by certified mail, registered mail, verbal? Would verbal notification stand up in court? The standard idea would be to send somebody a letter. Did he receive it? If the supplier said he sent it, would he falsify? The bill is incomplete. It has problems. It has loopholes. This committee tabled SB 128 and supported the study resolution. The homebuilders will study the mechanic's lien laws and seek resolution and compromise and come back in 1987. They have supported SJR 31. They want to resolve the lien laws in the state of Montana with the freedom to negotiate without an unworkable gun in their backs. William McCauley, a building material dealer from Cut Bank and Vice President of Montana Building Material Dealers Association, testified one of his jobs for the 1985-86 and 1986-87 terms when he will be president is study of the Montana lien laws. They realize that as suppliers the notification is a must, but they do not agree with how this bill is written. They also know distribution of funds is a problem and must be solved. Any lost money to a small dealer is just as big a deal as it is to a homeowner. They asked that this bill be tabled. Irv Dellinger, Executive Secretary, Montana Building Material Dealers Association, testified they are not against notification. Some sort of notification is necessary, but HB 329 does not address all of the problems and is quite vague. He seconded most of what Mr. Johnson said. They opposed SB 128 and made a

commitment they would come back in 1987 with a lien bill. They support SJR 31. They made a commitment that if the interim study did not go through, the Montana Building Material Dealers Association would personally speerhead an effort to come back in 1987 with a bill.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek commented they don't seem to have trouble with the notice provision generally. They have the best of both worlds. You don't have to give notice and you have the highest priority. Mr. Johnson replied we are willing to give on notices. They realize that is fair. What they are saying is it should be structured. With the two-year enactment, you are not really going to affect anybody in the next two years anyway. They need language that can address the problem for the homeowner as well. Senator Mazurek questioned why they said they didn't care for this particular notice provision and come in with a proposal as to what they do want. Mr. Johnson replied they feel this is all interlaced with other problems in the lien laws. They feel that rather than address it piecemeal, they will address the entire problem. Senator Pinsoneault stated page 2, line 19, requires a written notice. Mr. Johnson stated the thing that bothered him would be adding a bottom line to a contract saying you got written notice the day you picked the materials up. Senator Shaw stated there wouldn't be a bill here if there weren't a problem. He suggested sunsetting this. Mr. Johnson responded they would rather have the flexibility within the area and not concentrate on one that is hanging over their heads.

CLOSING STATEMENT: Representative Hannah stated it was indicated that this bill doesn't answer the problem. It does solve the problem. It addresses the homeowner that is getting stuck for having to pay twice. Reasonable men who want to protect themselves will do reasonable things. A reasonable man who has an interest to protect will send a registered letter. It apparently works in Oregon where this came from. This bill doesn't go into effect for another two years, so the flexibility they have asked for to come before the legislature with a compromise lien law is there. If they don't do that, this bill would in fact become law. He questioned who would be responsible for drafting the legislation. His intent was to protect the homeowner. He commented $2,700 to the supplier is $5,400 to the homeowner because he has to pay twice. This bill is designed to address that situation.

Rehearing of HB 329 was closed.

CONSIDERATION OF HJR 24: Representative Bob Raney, sponsor of the resolution, stated this is for the express purpose of putting the state of Montana on record as supporting South Dakota's challenge to the consitutionality of the federally mandated drinking age and ordering the Attorney General to render such assistance as needed. It is not designed

to establish a drinking age or state what the drinking age should be. It is not designed to seek or reject highway funds. The 21st amendment of the United States Constitution is the only provision specifically delineating power to the states. What we are looking at in this joint resolution is states' rights. They are pressuring us on seat belts, and they have in the past on speed limits. This goes along with other bills in the legislature. It should be our right to decide what the drinking age should be in the state of Montana.

PROPONENTS: None.

OPPONENTS: David Lackman, Lobbyist, Montana Public Health Association, presented written testimony in opposition to the bill (see witness sheet attached as Exhibit 3). In addition, Mike Males, of Livingston, forwarded written testimony to the committee for inclusion in the record (Exhibit 4).

QUESTIONS FROM THE COMMITTEE: Senator Crippen asked what assistance was it envisioned the Attorney General would render as indicated by page 2, lines 16-18. Representative Raney responded he wouldn't anticipate any. When the bill drafter talked to the Attorney General in South Dakota, his original idea was a bill requiring the Attorney General to join with the Attorney General in South Dakota. South Dakota did not want that. They said basically all they wanted is moral support. Senator Crippen felt this went beyond moral support. If the Attorney General of South Dakota changed his mind and said they would like to have our assistance, the legislature is granting our Attorney General the right to render that assistance he feels is justified to help South Dakota. That could be a fair amount of money. He was concerned about the area of cost. Representative Raney stated he agreed to a point, but we have not made any appropriation with this legislation. Senator Shaw stated if he would choose to do that, wouldn't he come in at the next legislative session and ask for a supplementary budget to cover that cost.? Representative Raney replied he might do that, but it would be up to the legislature next session to decide if they would appropriate those moneys.

CLOSING STATEMENT: Representative Raney stated you are concerned about Senator Crippen's and Senator Shaw's 21-year-old drinking age bills, and they seem to think his opposition is to the drinking age. His interest in this particular issue is states' rights. This is a states' rights issue. He cautioned the committee not to think of it as a proponent or opponent to the drinking age.

Hearing on HJR 24 was closed.

CONSIDERATION OF HB 643: Representative Bob Thoft, sponsor of HB 643, testified this legislation prohibits local entities from shaping local gun control ordinances. Representative Thoft presented written testimony in support of his position (Exhibit 5).

PROPONENTS: Calvin Burr, of Havre, a Junior Rifle Club Leader, and a member of the Havre and Montana Rifle and Pistol Associations, and a member of the National Rifle Association, testified this bill would prevent the cities and towns from prohibiting them from taking their guns on the roads while they are traveling to the competitions in which their organizations participate. They think this bill will stop some of the control a lot of people want to put on firearms. Glenn Saunders, representing the Montana Pistol and Rifle Association, introduced a news article relating to this situation (Exhibit 6). He commented failure to pass this bill would serve notice to a criminal that here's a house that is unprotected. They have found there have been instances where police have gone on strike. Where this has happened, the homeowner acquired more firearms and crime went down because police cannot be everywhere they need to be. The presence of a firearm might by itself prevent a crime. He does not want Montana to follow in the footstpes of Morton Grove, Illinois. Robert Vandevere, of Helena, testified many counties have three county commissions, and it just takes two of them to pull guns away from us. Jo Brunner, speaking as an individual, testified education and care in the use of guns is essential. She does not want the public penalized because there are others who don't exercise caution and obtain the proper education in the use of guns. Tony Schoonen, representing the Montana Wildlife Federal, presented written testimony in support of the bill (Exhibit 7). Jim McConnell, of Lincoln, testified the gun owners of this state would rather trust the state legislature with those rights they have considered unquestionable rather than leave that decision to the county commissioners. Gun owners are concerned about what they have seen in other states. This will prohibit local governments from piecing a patchwork of inconsistent laws. Tony Schoonen, Sr., of Butte, testified he feels this will just be another tool anti-hunters could use against local hunters. With this bill, they should be protected to own and bear arms at all times. Lenora Houldson, of Missoula, presented written testimony in support of the bill (see witness sheet attached as Exhibit 8). Ralph Knauss, of Clancy, testified he is a competitive rifleman. His use of firearms is completely legitimate. He would hate to be made a criminal by driving into a local area he had no knowledge of. A. M. Elwell, representing the Montana Weapons Collectors Society, testified they travel the state many times during the year displaying weapons for the enjoyment of the public. They do not feel any local authority should shape a restrictive measure that would cause them to unknowingly enter into an area where it would be unlawful to transport these weapons without their knowledge.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Crippen stated he agreed with the intent of the bill; however, he questioned if line 20 indicated a loaded pistol in the glove compartment of your car would be a concealed weapon. Senator Towe replied it would have to be concealed on his person. Senator Crippen stated he received a letter from someone in the office of the City Attorney in Missoula who expressed concern with lines 24 and 25, "intent of causing terror or harm." How would you find out if that person were there for terror or harm? Representative Thoft replied the reason this language is in this bill is because we tried to address the concern of the people. We cannot ban gun shows in schools, etc. He doesn't think you can address it. Under this law, it would give whomever would want to question those individuals the right to do that. He doesn't think there is any real answer to trying to keep people from carrying a weapon. Senator Crippen asked what would happen if someone came into the school with a shotgun; you can't stop him; the person then shoots some people. You will then have a public outcry. There will be a lot of over-reaction. They not only will want to ban that, but they will want to go down the line and ban them in communities. We will then be put in a tough position because of that over-reaction. Representative Thoft responded we have all heard of children in schools having had knives, etc, and they have been pretty seriously dealt with. There is no intent in this bill to make it attractive for a school child to take a gun into the school. He doesn't think we can design a law to satisfy both sides of the issue. Senator Pinsoneault asked how you would respond to the woman in California whose children were slaughtered at McDonalds. He stated he didn't oppose the fact they have a right to carry guns, but he questioned how that mother comes in. Mr. Burr stated that also makes him feel bac whenever he hears a firearm has been used to destroy someone. However, there are people who will still do these things. He doesn't know how you could justify saying it was a firearm that caused these problems, but it is not the firearm--it is the person using it. He doesn't think we condone it, but it wasn't the firearm. Senator Towe pointed out you can't go into any public building in Washington unless you go through a monitor to see if you have any weapons on your person. What if a municipality feels they need this protection. Representative Thoft replied if you want to stop someone from carrying a weapon into a courthouse, that is what you have to do. Senator Towe asked if this bill wouldn't prohibit them from adopting something under this bill. Representative Thoft replied yes. When the person threatened Justice Sheehy, they broke the law. Senator Towe stated there are other laws they will have broken and for which they will be prosecuted. He asked if he thought the local governmental body should have the option if it feels necessary to protect itself by banning the carrying of weapons into local courthouses. Representative Thoft did not think such an ordinance could stop some incident from

happening. He didn't think any law on either side of the issue is going to do it. Senator Towe stated he agreed with collectors and the use of weapons for legitimate display and the transporting through airports, but he questioned how we address the question that may legitimately be raised about public safety. Mr. Elwell questioned whether you could define a weapon. A weapon could be two hatchets or a stick of dynamite, neither of which would be picked up by a metal detector. If he read the bill right, it did say the city could forbid the discharge of a firearm within the city limits. Senator Towe suggested we might allow cities to prevent the carrying of weapons within certain public buildings if they weren't with displays, etc.

CLOSING STATEMENT: Representative Thoft thought he would have a great deal of trouble trying to decide which public buildings are important and which were not. It is a sad situation where someone gets hardmed with a firearm, but he doesn't think the bill will change any of that.

Hearing on HB 643 was closed.

FURTHER CONSIDERATION OF HB 700: Senator Pinsoneault stated the more he has looked into this, if they established a committee to review criminal procedure rules and he thinks Judge Olson would like to try to address this through is committee and through the rules he hopes they would get drafted. His inclination would be to table the bill. Senator Mazurek suggested talking to Representative Mercer about this.

ACTION ON HB 717: Senator Mazurek stated the House has passed Senator Brown's bill in essentially the same form as it was passed through the Senate. Senator Brown's bill, as opposed to page 5, line 5, of this bill, changes the court may with the consent of both parties. That has been changed in Senator Brown's bill so we would not need to make that change here. Senator Mazurek had asked Mr. Petesch to go through Senator Brown's bill and compare it with this bill. This was to make sure the two were consistent. It seemed we did not have reference to child support and a plan for custody. Senator Towe asked why section 2 was stricken. Senator Mazurek replied because that is a completely opposite approach to Senator Brown's bill. Senator Towe pointed out the idea of a plan is in Senator Brown's bill. Senator Mazurek responded no. Senator Shaw moved HB 717 be tabled as it is all new stuff. He felt we should see what happen's in the next two years. Senator Mazurek stated this bill addresses a couple of other things that are probably important. It requires the court to tkae into account child support in child custody situations. Senator Towe asked what Senator Brown thought of this bill. He replied if we amend it like Mr. Petesch has suggested, it seems we can improve some things. Senator Mazurek commented he felt page 2, lines 10-13, page 3, lines 20-23, and page 4, lines 7-12,

improve Senator Brown's bill. Senator Brown moved as a substitute motion that Mr. Petesch's proposed amendments be adopted (see standing committee report for text of amendments). The motion carried unanimously. Senator Brown moved HB 717 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senator Shaw voting in opposition.

FURTHER CONSIDERATION OF HB 911: The committee then discussed the proposed amendments to the bill proposed by Lorents Grosfield at the previous committee meeting. Senator Mazurek felt the first two were probably necessary, but he questioned the third. Senator Shaw stated when you come on his ranch, he has it posted, but before you get to the house, you cross four more cattleguards. He asked if he would have to post each of them. Also, he questioned whether he would have to post all of the cattleguards after his house. Senator Towe stated this bill only applied to those points where your land joins public land. You post it where it comes into this land. He asked that Mr. Petesch work these amendments into the bill. Senator Mazurek stated we had also talked about the department's having to advertise in more than their own publications. He then asked Mr. Petesch to work Mr. Grosfield's suggestions up into amendment form for the next committee meeting. Senator Towe asked about the third proposal. Senator Mazurek again stated he didn't think it was necessary. Senator Towe reiterated we didn't want that one. Senator Towe stated the fence post concerns him, because many if not all are already orange. Senator Galt asked where he ever saw an orange fence post. Mr. Petesch pointed out metal fence posts are not used at gates.

FURTHER CONSIDERATION OF HB 265: Chairman Mazurek stated the subcommittee had finished its work on the bill and would deliver its report to the committee tomorrow. He scheduled an executive session for 7:00 p.m. the next day. That would give the committee the next day to work on the bill if it ran into problems. Senator Blaylock recommended the discussion be confined to the committee. If the spectators get up and continue to testify as they have been in the subcomittee, he did not feel the committee would be able to finish its work. Senator Towe felt they should allow some time to those in attendance. He felt the way the subcommittee had handled its hearings, it may not take as long. He pointed out the subcommittee was able to reach some conclusions, and there were some areas on which it had come to an impasse. In those areas, there is a lot of outside input. He felt we should consider it if someone comes up with a brand new suggestion. Senator Mazurek suggested the word be put out they had better have any suggestions in writing to the committee so it can be part of Senator Yellowtail's report. Senator Shaw stated he would fight any attempt to open the meeting up at the executive session. He felt enough of that had been done. Senator Pinsoneault stated what has been done has been good and

he complimented the subcommittee on its work. However, he felt the committee had reached the point that if there is a bill out and if they want to submit amendments, they should present them in writing. He felt the public debate should be cut off. Senator Mazurek pointed out four members of the subcommittee had heard all of the public's input, and they will be put in a position to relay the comments that were heard. He stated letting people talk will be the exception. The other thing it will mean is it will involve some reading and preparation on the committee's part part to the meeting to make things move along at a reasonable pace.

TABLING OF HJR 24: Senator Brown moved HJR 24 be TABLED. The motion carried with Senators Blaylock, Brown, Towe, and Yellowtail voting in opposition.

FURTHER CONSIDERATION OF HB 329: Senator Yellowtail stated he wondered if a clarification of a mail notice by saying certified mail would satisfy the opposition. Senator Towe commented he was inclined to like the bill. Senator Pinsoneault moved HB 329 be tabled. Senator Blaylock stated he put that effective date on there to put the heat on and say you are going to come to a decision on this or the bill will go into effect. Senator Shaw stated they promised before to come back and didn't, so he would like to see it put back to 1985. Senator Pinsoneault then withdrew his motion. Senator Towe stated if we are not going to make it effective before the interim study, there was no reason to put it in. Senator Blaylock commented it would say in effect this bill will go in unless you get to a decision in that study and come up with some solutions. It is a gun to their heads. Senator Shaw moved to delete the effective date provision changing it from 1987 to a 1985 effective date. Senator Towe suggested striking section 3 in its entirety and letting it to into effect when the books were printed in October. The motion to change the effective date failed with Senators Shaw and Towe voting in favor. Senator Brown moved HB 329 be tabled. The motion failed on a tie vote (see roll call vote attached as Exhibit 9).

There being no further business to come before the committee, the meeting was adjourned at 12:10 p.m.

Committee Chairman

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 032685

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels			X
Chairman Senator Joe Mazurek	X		

DATE March 26, 1985

COMMITTEE ON Judiciary

HB 329, 643, 760, 837 + HJR

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
David LACKMAN	MT Public Health Assn.	HJR24		X
Mike Ables	Supreme Court	HB760	X	
Bob Durkee	MT TAVERN ASSN	HJR 24	X	
Riley Johnson	Mont. Home Builders	HB329		X
William L. McCauley	Cut Bank Bldg Service	HB329		X
[illegible]	Mont Bldg Trades Assn	HB329		X
[illegible]	MT Weapons Collectors	HB643	X	
[illegible]	7789 Hi 12 west	HB643	X	
[illegible]	Self	HB643	X	
Calvin D. Burr	Self	HB643	X	
James McConnell	Self	HB643	X	
Leonard Knudsen	self	HB643	X	
Tony Schoonen	Montana Wildlife Fed.	HB643	X	
Glenn Summers	MR&PA - Self	H643	X	
Rep Pavlovich	HD - 70 Butte	H837	X	
Steve Brown	Anheuser Busch	HJR 24		
Ralph A. Kings		H643	X	
[illegible]	self	HB643	X	
Tony Schoonen	Sportsmen	HB643	X	

(Please leave prepared statement with Secretary)

Sheriff's Office
Butte - Silver Bow
120 S. Idaho
Butte, Mont.
59701

ROBERT BUTOROVICH
Sheriff

JOSEPH E. LEE
Undersheriff

JEAN RILEY
Secretary

RADIO
KNHC 284

406/723-8262

House Bill #837
"An Act Providing For the Offense of Harming a Police Dog and Prescribing Penalties"

Mr. Chairman and Committee Members,

Introduction

Due to budgetary contraints and manpower shortages, many law enforcement departments are turning to the utilization of police dogs. Police dogs provide among their services an added dimension of protection to law enforcement officers. In light of the two (2) recent incidents involving the fatal shootings of two (2) police officers in Missoula and in Anaconda, there is ample reason to believe that law enforcement agencies will be placing more emphasis upon the role of police dogs in law enforcement.

Police dogs are currently being utilized by most of Montana's large departments and by many of the smaller rural departments.

There currently exists no established protection for police dogs or the department they represent when they are injured or killed while being used for law enforcement work.

Approximately six (6) months ago one of our two (2) police canines was shot and rendered disabled while performing his duties in the protection of four (4) of our police officers. We feel that the dog saved the life or lives of the officers responding to a domestic disturbance involving a man with a gun (hig-powered rifle). The dog was shot while attempting to disarm the suspect. The dog has returned to duty but has limited use of his right front leg. Medical expenses incurred by Butte-Silver Bow County respective to the injuries sustained by the dog were in excess of $1,500.00.

The asset of police dogs to a law enforcement agency can not be over-emphasized. Dogs used in law enforcement work represent a substantial investment, not only in monetary terms but also in the number of man hours expended in working with and in training the dogs.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 032685
BILL NO. HB 837

Due to the lack of a uniform control measure for the protection of police dogs, we feel that House Bill #837 will provide the type of protection that is needed commensurate with the service that the canines provide to law enforcement.

Since the introduction of House Bill #837, revisions have been made in order to remove some ambiguous language. The bill is quite simple and definitive in it's present form.

- Police dog means a dog that is used by law enforcement agency as defined in 7-32-201 in the exercise of it's authorities.
- Police dog also means a dog that is specifically trained for law enforcement work.
- Police dog means a dog that is under the control of a law enforcement officer.

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SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 032685
BILL NO. HB 837

QUESTIONS ASKED BY THE SENATE JUDICIARY COMMITTEE RESPECTIVE TO HOUSE BILL # 837

1. What is the initial cost of training a police dog?

   Officer's wages: $4600.00
   Dog's schooling: $1500.00

   TOTAL $6100.00

2. Was the suspect involved in the incident in Butte-Silver Bow/Jefferson County charged with aggravated assault?

   Answer: Yes. The suspect was charged with aggravated assault as a result of his pointing a firearm in the immediate direction of the police officers from Butte-Silver Bow County. The statute of aggravated assault (45-5-202) addresses the issue of serious bodily injury to another or reasonable aprehension of serious bodily injury of another by use of a weapon. This statute would not be applicable to the shooting, wounding, or disabling of a police dog.

3. Have any provisions been made in this Bill respective to "lesser included offenses"?

   Answer: We feel that the present statute of Criminal Mischief (45-6-101) would possibly be a lesser included offense under our proposed statute.

   It should be noted that it would be much easier for a county attorney to prosecute a case of harming a police dog under a specific statute such as the one outlined in House Bill #837 as opposed to prosecuting a case under the Criminal Mischief Statute. Under our proposed statute (House Bill #837) a county attorney would not have to concern himself with the value or cost involved in harming a police dog. Under the Criminal Mischief Statute a value or cost damage would have to be in excess of $300.00 in order for the county attorney to file a felony charge against a suspect.

   Another point of importance is whether or not a county attorney would be able to prosecute an individual on an "attempted criminal mischief" charge (?) If a police dog who was shot and the subsequent injury was that of a minor nature, i.e. shot in the ear or toe which did not require extensive medical treatment, the cost value may not exceed the $300.00 felony limit.

   Under our proposed Act (House Bill #837) if a police dog is disabled or shot it would be a felony offense irregardless of the extent of injury sustained by the police dog.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 032685
BILL NO. HB 837

* Please be advised that in the State of Washington it is a Class C Felony for harming a police dog. (Washington Criminal Code 9A.76.200 "Harming a Police Dog")

I spoke with Mr. John Wassberg, who is with the Attorney General's Office for the State of Washington. He informed me that a Class C Felony carries a maximum sentence of Five (5) years and a maximum fine of $10,000.00. (See enclosure)

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SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 032685
BILL NO. HB 837

(2) Introducing contraband in the second degree is a class C felony. [1975 1st ex.s. c 260 § 9A.76.150.]

9A.76.160 Introducing contraband in the third degree. (1) A person is guilty of introducing contraband in the third degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility.

(2) Introducing contraband in the third degree is a misdemeanor. [1975 1st ex.s. c 260 § 9A.76.160.]

9A.76.170 Bail jumping. (1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, and who knowingly fails to appear as required is guilty of bail jumping.

(2) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor. [1983 1st ex.s. c 4 § 3; 1975 1st ex.s. c 260 § 9A.76.170.]

Severability——1983 1st ex.s. c 4: See note following RCW 9A.48.070.

9A.76.180 Intimidating a public servant. (1) A person is guilty of intimidating a public servant if, by use of a threat, he attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.

(2) For purposes of this section "public servant" shall not include jurors.

(3) "Threat" as used in this section means

(a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) threats as defined in RCW 9A.04.110(25).

(4) Intimidating a public servant is a class B felony. [1975 1st ex.s. c 260 § 9A.76.180.]

9A.76.200 Harming a police dog. (1) A person is guilty of harming a police dog if he wilfully injures, disables, shoots, or kills by any means any dog used by a peace officer in discharging or attempting to discharge any legal duty or power of his office.

(2) Harming a police dog is a class C felony. [1982 c 22 § 2.]

Chapter 9A.80
ABUSE OF OFFICE

Sections

9A.80.010 Official misconduct.

9A.80.010 Official misconduct. (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

(a) He intentionally commits an unauthorized act under color of law; or

(b) He intentionally refrains from performing a duty imposed upon him by law.

(2) Official misconduct is a gross misdemeanor. [1975-'76 2nd ex.s. c 38 § 17; 1975 1st ex.s. c 260 § 9A.80.010.]

Effective date——Severability——1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

Failure of duty by public officers: RCW 42.20.100.

Chapter 9A.84
PUBLIC DISTURBANCE

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 032685
BILL NO. HB 837

Sections

9A.84.010 Riot.
9A.84.020 Failure to disperse.
9A.84.030 Disorderly conduct.
9A.84.040 False reporting.

9A.84.010 Riot. (1) A person is guilty of the crime of riot if, acting with three or more other persons, he knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

(2) The crime of riot is:

(a) A class C felony, if the actor is armed with a deadly weapon;

(b) A gross misdemeanor in all other cases. [1975 1st ex.s. c 260 § 9A.84.010.]

9A.84.020 Failure to disperse. (1) A person is guilty of failure to disperse if:

(a) He congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and

(b) He refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

(2) Failure to disperse is a misdemeanor. [1975 1st ex.s. c 260 § 9A.84.020.]

9A.84.030 Disorderly conduct. (1) A person is guilty of disorderly conduct if he:

(a) Uses abusive language and thereby intentionally creates a risk of assault; or

(b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

(2) Disorderly conduct is a misdemeanor. [1975 1st ex.s. c 260 § 9A.84.030.]

9A.84.040 False reporting. (1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or

M. Spencer 5 yrs. sentence
M. Spencer $ 10,000.00 fine

NAME: DAVID LACKMAN DATE: March 26, 1985 (Tuesday)

ADDRESS: 1400 Winne Avenue, Helena, Montana 59601

PHONE: (406) 443-3494

REPRESENTING WHOM? Montana Public Health Association (Lobbyist)

APPEARING ON WHICH PROPOSAL: HJR 24 (Raney) Supporting S.D.'s challenge to the Federally Mandated Legal Drinking Age. (Senate Judiciary Committee : Old Supreme Court Room Tuesday , March 26 10:00 A.M.)

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

COMMENTS: In times of National Emergency, states depend on the Federal Government. Examination of data showing the extent of the carnage on our highways indicates that we are in a crisis situation; which the individual states don't seem able to control. That is the reason for the Federal Highway Safety Administration in the Dept. of Transportation.

In the late sixties, the legislature of the State of Montana enacted an "implied consent " law. This remained dormant until, one day, the Director of the Department of Health & E.S. called me and said we must do something about this law. Federal funds had become available through Al Goke's Highway Safety Div. With Mike Harrington's help, I started a drug & alcohol section in the lab. Without Federal assistance and encouragement, I doubt whether MT would ever have gotten the show on the road. It is still funded with Federal monies in the Crime Laboratory of the Dept. of Justice.

Attached you will find a letter sent by the Executive Director of the American Public Health Ass'n, our parent organization, to all Governors. Quoting from that letter: " Scientific studies show that a state raising the drinking age to 21 years can expect about a 28 percent reduction in nightime fatal crashes involving drivers 18-21. It is certainly not too early to enact SB 2. The Feds have been very kind to MT. I fail to see any justification for HJR 24. Let's not bite the hand That feeds us.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

THANK YOU

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 032685
BILL NO. HJR 24

AMERICAN PUBLIC HEALTH ASSOCIATION
1015 Fifteenth Street, N.W., Washington, D.C. 20005 • (202) 789-5600

WILLIAM H. McBEATH, M.D., M.P.H., *Executive Director*

March 6, 1985

A copy of this letter was addressed to each Governor.

Dear :

At its 112th Annual Meeting, the American Public Health Association, representing a combined national and affiliate membership of more than 50,000 public health professionals and community health leaders adopted a resolution entitled, "Raising of Legal Drinking Age." A copy is enclosed for your information.

APHA urges you and your state legislators to enact and vigorously enforce a law raising the legal drinking age to 21 years. According to scientific research, this action alone will lead to a significant decrease in the numbers of young drivers involved in fatal accidents.

APHA recognizes that traffic fatalities are the leading cause of death among persons 16-24 years old with a greater percentage of death occurring in states where the legal drinking age is below 21 years. Scientific studies show that a state raising the drinking age to 21 years can expect about ~~about~~ a 28 percent reduction in nighttime fatal crashes involving drivers from 18-21.

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

Very truly yours,

William H. McBeath, MD, MPH
Executive Director

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 032685
BILL NO. HJR 24

29 MAR '85

DEAR GREG —

I WOULD LIKE THIS OFFERED AS TESTIMONY ON HJR 22 + MADE PART OF THE HEARING RECORD.

THANKS

— MIKE MALES

222-3398

032685

The Oklahoma Observer (ISSN 0030-17
P.O. Box 53371
Oklahoma City, Oklahoma 73152

MIKE MALES
[redacted]
[redacted], MT 59047

SENATE JUDICIARY COMMITTEE
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BILL NO. HJR 24

INDIVIDUAL STATE STATISTICS ON THE DRINKING AGE 18 March 1985

Mike Males

Proponents of the 21 drinking age have argued that statistics from five states make "a strong case for drinking age increases as a means of improving traffic safety" and have presented traffic toll data for Illinois, Florida, Michigan, Maine, and Massachusetts (see Montana Automobile Association testimony, "21 Year Old Drinking Age").

In fact, the statistics cited in the MAA testimony show in crystal clear fashion exactly what mistakes proponents of "21" have made and how those mistakes have misled the public into believing that raising the drinking age to 21 in Montana would save lives.

These mistakes are two: first, the studies cited by proponents fail to note that the declines in young driver fatalities they attribute to higher drinking ages were actually occurring in all states whether they raised their drinking ages or not; if fact, states which did not raise their drinking ages generally experienced larger declines in young driver fatalities than did states which did change their laws. Second, proponents of "21" have failed without exception to analyze the impact of raising the drinking age on drivers just older than the new drinking age.

Contrary to contentions of "21" advocates, studies which examine only one state in isolation, without accounting for regional and national trends, are not serious evidence of anything. To understand this point, let's examine the five states cited in the MAA testimony in regional contexts.

ILLINOIS. The MAA testimony attributes a 15-17% net decrease in under-21 driver fatalities, shown below, to Illinois' drinking age increase to 21.

ILLINOIS	1977-79 BEFORE	1980-82 AFTER	% REDUCTION
18 & younger drivers	1,130	820	- 27.4%
19 & 20	1,015	714	- 29.7
21 & older	5,244	4,606	- 12.2

Looked at in isolation, that would appear to be impressive evidence that "21" indeed saves lives. The flaw in that logic, however, is clear when corresponding statistics for neighboring Indiana and Minnesota -- which did not raise their drinking ages during the 1977-82 period -- are shown:

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MINNESOTA	1977-79 BEFORE	1980-82 AFTER	% REDUCTION
18 & younger drivers	479	331	- 30.9%
19 & 20	430	304	- 29.3
21 to 24	534	476	- 10.9

INDIANA	BEFORE	AFTER	% REDUCTION
18 & younger drivers	650	442	- 32.0%
19 & 20	461	377	- 18.2
21 to 24	826	723	- 12.5

In other words, Illinois' decrease in fatal accidents was due not to its raised drinking age, but to a general decline in young driver crashes throughout the north central region. In fact, Illinois and Iowa, the two states which raised their drinking ages in the region, experienced somewhat lower decreases than did the states which did not raise their drinking ages (compared to drivers age 21 to 24, 1977-79 and 1980-82 periods):

STATE	DRINKING AGE, 1977-82	CHANGE UNDER-19	CHANGE 19 & 20	CHANGE UNDER-21
Kentucky	21 throughout period	- 14.3%	- 4.1%	- 10.2%
Minnesota	19 throughout period	- 10.2	- 8.1	- 9.2
Indiana	21 throughout period	- 14.6	+ 2.5	- 7.5
Wisconsin	18 throughout period	- 12.5	- 0.8	- 7.5
Illinois	Raised, 19 to 21 for beer, 1/80	- 7.9	- 6.6	- 7.3
Iowa	Raised, 18 to 19, 5/78	- 3.5	- 2.0	- 2.9
Missouri	21 throughout period	- 4.0	+ 0.8	- 2.0
	Average, states which raised drinking ages			- 5.1%
	Average states which did not raise drinking ages			- 7.3%

MICHIGAN. Michigan is a particularly misleading state to cite in isolation, as the MAA testimony does, because severe unemployment problems in that state during the late 1970's and early 1980's led to a 30% average decline in fatal crashes involving drivers of all age groups. Examined in regional context, it can be seen that Michigan experienced only an average decrease in fatal crashes involving 18 to 20 year-old drivers compared to its neighboring states (Indiana and Ohio) which did not raise their drinking ages:

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ACCIDENTS INVOLVING DRIVERS AGE 18-20 (FATAL)

YEAR	MICHIGAN	OHIO	INDIANA
1978	182	214	124
1979	161	257	128
1980	164	202	108
1981	125	168	83
1982	122	147	86
CHANGE, 1978-82	- 32%	- 31%	- 31%

As noted, most of Michigan's fatality decline was due to its severe unemployment during the 1978-82 period. On a proportional basis, Ohio experienced a significantly larger decline than did Michigan:

STATE	DRINKING AGE, 1978-82	CHANGE, 18-20
Ohio	18 beer, 21 liquor throughout period	- 6.5%
Michigan	Raised, 18 to 21, 12/78	- 4.8%
Indiana	21 throughout period	- 3.5%

MAINE. Maine's experience with its 1977 drinking age increase (18 to 20) has to be put into the opposite context: New England states were experiencing a rapid rise in fatal traffic accidents among drivers of all age groups during the 1975-79 period. Did Maine's drinking age increase help reduce accidents among young drivers? You be the judge:

MAINE	BEFORE	AFTER	CHANGE	NEW YORK, VERMONT, CONNECTICUT BEFORE	AFTER	CHANGE
under 18	49	33	- 32.7%	386	426	+ 10.3%
18 & 19	59	74	+ 25.4	735	837	+ 13.9
20 to 24	127	140	+ 10.2	1,204	1,763	+ 46.4
net change, under 18			- 42.9%			- 36.1%
net change, 18 & 19			+ 15.2%			- 32.3%

In terms of individual state experience, Maine ranked only ahead of Connecticut during this time:

STATE	DRINKING AGE, 1975-79	CHANGE UNDER-18	CHANGE 18 & 19	CHANGE UNDER-20
New York	18 throughout period	- 17.6%	- 14.7%	- 15.6%
Vermont	18 throughout period	+ 4.3	- 27.7	- 14.3
Maine	Raised, 18 to 20, 10/77	- 35.9	+ 19.5	- 5.7
Connecticut	18 throughout period	- 1.9	- 11.1	+ 0.7

Thus Maine's proportional decrease in fatalities during this period (5.7%) was only a little more than half the regional decrease (9.7%) for under-20 drivers for that period. There is no way Maine's drinking age increase can be called a success.

FLORIDA. Florida has the smallest and fastest-declining proportion of teenage drivers of any state due to the rapid influx of retirees into the state. Its neighboring southern states, on the other hand, have among the largest and fastest growing teenage populations, according to U.S. Census data. If Florida's 1980 drinking age increase (18 to 19) is what caused its decline in fatal accidents among 18 and younger drivers, then how do we explain the complete failure of Georgia's identical drinking age increase?

STATE	DRINKING AGE, 1979-81	CHANGE UNDER-18	CHANGE 18	CHANGE UNDER-19
Florida	Raised, 18 to 19, 10/80	- 23.2%	- 32.4%	- 27.2%
S. Carolina	18 beer, 21 liquor throughout period	- 9.7	- 18.0	- 13.0
Alabama	19 throughout period	- 11.5	+ 12.2	- 2.7
N. Carolina	18 beer, 21 liquor throughout period	- 11.0	+ 14.8	- 1.8
Georgia	Raised, 18 to 19, 10/80	+ 7.7	- 3.7	+ 2.8

Even if Florida's drinking age increase is called a success, the experience of the southeastern states with drinking age increases is a tossup: Florida good, Georgia bad. It is far more likely that the experience of both states is due to regional population changes, in which Florida is rapidly becoming an "older" state while the others are becoming "younger."

MASSACHUSETTS. Once again, the MAA testimony cites a single state in isolation. And once again, it is apparent that any decrease in fatal young-driver crashes in Massachusetts was part of a regional decline then taking place in New England from 1979 to 1983, not to its drinking age hike:

MASSACHUSETTS	15-19	20-24	CONNECTICUT	15-19	20-24
1979	254	273		148	164
1980	198	287		137	180
1981	157	241		121	163
1982	155	184		116	154
1983	138	203		91	138
Proportional decrease, 15-19:	- 20%		Proportional decrease, 15-19:		- 23%

Connecticut's drinking age was 18 through December 31, 1983. Similar

decreases were taking place in Vermont, Maine, and Pennsylvania, none of which raised their drinking ages during the 1975-83 period.

STATES NOT CITED. In addition to the 5 states cited in the MAA testimony, 8 additional states raised their drinking ages during the 1976-81 period, yielding at least two years of post-law data. A look at the comparison below, showing the before and after experience of these states compared to the national average, should show clearly why 6 of these 8 states are rarely cited by "21" proponents:

PROPORTION OF FATAL CRASHES INVOLVING DRIVERS AGE 18 TO 20 COMPARED TO DRIVERS AGE 21 TO 24, 2 YEARS BEFORE AND AFTER DRINKING AGE INCREASE ("NET CHANGE" COMPARES STATE WITH U.S. AVERAGE CHANGE DURING PERIOD).

STATE, LAW CHANGE DATE	BEFORE	AFTER	CHANGE	NET CHANGE
New Jersey, 1980	50.7	45.4	- 10.5%	- 5.0%
U.S.	47.4	44.8	- 5.5	
Georgia, 1980	48.3	43.3	- 10.4	- 4.9%
U.S.	47.4	44.8	- 5.5	
Iowa, 1978	48.6	49.1	+ 1.0	+ 1.8%
U.S.	48.3	47.9	- 0.8	
Nebraska, 1980	51.2	50.2	- 2.0	+ 3.5%
U.S.	47.4	44.8	- 5.5	
Minnesota, 1976	51.5	53.5	+ 3.9	+ 3.9%
U.S.	47.9	47.9	0	
New Hampshire, 1979	46.9	48.6	+ 3.6	+ 8.2%
U.S.	47.9	45.7	- 4.6	
Montana, 1979	47.9	54.1	+ 12.9	+ 17.5%
U.S.	47.9	45.7	- 4.6	
Tennessee, 1979	46.1	52.3	+ 13.4	+ 18.0%
U.S.	47.9	45.7	- 4.6	
Median change, 14 states which raised drinking ages				- 3.8%
Median change, U.S. during same time period				- 4.6%

By now the point should be obvious: in four of the five states cited by proponents of "21," a drinking age increase was associated with an average or lower-than-average decrease in fatal crashes involving young drivers; only in Florida was there a larger-than-average decrease. Further, in

6 of the 8 states they don't cite, there was a net increase in fatal accidents despite a national trend toward lower numbers of young-driver fatal crashes. Only by citing a few pre-selected states, and only then out of context, can proponents of "21" make their case.

LIVES LOST DUE TO DRINKING AGE INCREASES. The best illustration of how drinking age increases are associated with higher fatalities among young drivers is shown in the table on the following page. Rather than citing a couple of states in isolation, the table shows the fatal crash experience of under-21 drivers and 21-24 year-old drivers (the latter in parentheses) for all 14 states which raised their drinking ages during the 1979-82 period compared to all 24 states which did not raise their drinking ages during the entire 1975-83 period. The remaining states are excluded because they raised their drinking ages during 1975-78 or 1983 and thus fall outside the study period. The two years, 1978 and 1983, bracket the drinking age increases.

The year 1978 represented a peak in young-driver fatal accidents nationally; the year 1983, a low point. If raising the drinking age reduces fatal accidents among under-21 drivers, we would expect that in the 14 states which raised their drinking ages -- in which, collectively, 1.8 million 18-20 year-olds lost their legal rights to buy alcohol -- there would be a larger reduction in fatal accidents among these drivers than among corresponding drivers in the states which did not raise their drinking ages.

As the table shows, exactly the opposite occurred. The decrease in fatal crashes among under-21 drivers in states which did not raise their drinking ages (in which just as many 18-20 year-olds could buy alcohol in 1983 as in 1978) was so much more pronounced -- 19.3% versus 11.4% -- that raised drinking ages can only be seen as hampering the general decrease in young-driver fatalities which was occurring nationwide. If the 14 states which raised their drinking ages had experienced the same decline in fatal accidents among under-21 drivers that occurred in the 24 states which left their laws the same, 173 fewer young drivers would have been involved in deadly accidents in 1983.

Note that the decrease in fatal crashes involving 21-24 year-old drivers, shown here as a control measure to reflect the natural decrease among drivers of all ages, was roughly the same in both categories of states. Note also that in every state except rapidly-growing Florida, there was a drop (and usually a sharp drop) in fatal accidents involving under-21 drivers. That fact is what makes single-state examples such as those cited in the MAA testimony and by proponents of "21" generally so misleading.

DRINKING AGE INCREASES AND FATAL CRASHES AMONG UNDER-21 DRIVERS

STATES WHICH RAISED DRINKING AGES, 1979-82	FATAL CRASHES BEFORE (1978) UNDER-21	(21-24)	FATAL CRASHES AFTER (1983) UNDER-21	(21-24)
Florida	275	(195)	297	(253)
Georgia	167	(114)	147	(102)
Illinois	377	(235)	202	(155)
Maryland	121	(97)	87	(72)
Massachusetts	192	(128)	107	(95)
Michigan	287	(224)	172	(153)
Montana	35	(29)	28	(34)
Nebraska	62	(36)	39	(21)
New Hampshire	37	(24)	26	(20)
New Jersey	172	(142)	104	(95)
New York	317	(223)	202	(180)
Rhode Island	18	(19)	14	(9)
Tennessee	152	(131)	129	(84)
Texas	543	(397)	464	(376)
TOTAL	2,755	(1,994)	2,018	(1,649)
	CHANGE, UNDER-21 DRIVERS		- 26.8%	
	CHANGE, 21-24 DRIVERS		- 17.3%	
	NET CHANGE, UNDER-21		- 11.4%	
STATES WHICH DID NOT RAISE DRINKING AGES, 1975-83				
Alabama	128	(87)	94	(67)
Alaska	22	(11)	19	(10)
Arizona	137	(88)	81	(51)
Arkansas	64	(49)	54	(40)
California	647	(596)	426	(487)
Colorado	84	(75)	75	(78)
Hawaii	26	(29)	20	(31)
Idaho	33	(29)	31	(26)
Indiana	171	(148)	103	(98)
Kansas	89	(52)	53	(35)
Kentucky	114	(61)	88	(68)
Louisiana	119	(94)	98	(99)
Mississippi	114	(69)	71	(51)
Missouri	174	(102)	114	(81)
Nevada	27	(20)	25	(10)
New Mexico	77	(66)	37	(38)
North Dakota	29	(14)	10	(15)
Oregon	102	(61)	44	(57)
Pennsylvania	323	(234)	201	(199)
South Carolina	119	(71)	78	(81)
Utah	42	(32)	34	(16)
Vermont	22	(15)	12	(14)
Washington	147	(120)	67	(73)
Wyoming	28	(14)	15	(9)
TOTAL	2,838	(2,147)	1,850	(1,734)
	CHANGE, UNDER-21 DRIVERS		- 34.8%	
	CHANGE, 21-24 DRIVERS		- 18.9%	
	NET CHANGE, UNDER-21		- 19.3%	

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EFFECT ON DRIVERS JUST OLDER THAN THE NEW DRINKING AGE. Without repeating the mathematics again, a similar analysis of drivers just older than the new drinking age in states which increased their drinking ages shows a 14.3% increase in fatal accidents, compared to corresponding drivers in states which left their drinking ages alone. In Montana, for example, increasing the drinking age from 18 to 19 in 1978 was accompanied by a 17% increase in fatal accidents involving 19 year-old drivers. That effect occurred in similar fashion in a large majority of states which raised their drinking ages. Apparently, a raised drinking age has harmful effects on both younger and just-older drivers.

BORDER EFFECTS. MAA testimony states that studies by the North Dakota Highway Patrol have documented that more fatalities occur near the border of Montana and attributes this phenomenon to Montana's drinking age of 19. Montana Highway Patrol studies have failed to document such an effect. It does not much matter who is right. First, if a border effect does exist and is causing higher fatal accidents among teenagers who drive from one state to an adjoining state with a lower drinking age, then Montana is courting trouble by raising its drinking age to 21. The reason is that Montana shares a 500-mile border with Canada, whose drinking age is 18 and 19, and has a number of larger towns near the Canadian border; if Wyoming remains adamant in keeping its drinking age at 19, there would be a border problem there as well. Second, if North Dakota is truly concerned about the border effect, it should lower its drinking age -- North Dakota has been surrounded by states and provinces with drinking ages of 19 or 18. In no case would raising Montana's drinking age to 21 help.

CONCLUSIONS. The argument that this issue has been "studied to death" and that raising the drinking age to 21 is "a means of improving traffic safety" is demolished by statistics from the states proponents themselves cite -- and much more so by equally relevant states they don't cite. It is clear that Montana should not jeopardize its traffic safety by raising its drinking age and increasing fatalities both among under-21 youths who will increase unsupervised drinking and among 21 year-olds who already have the highest rates of drunk driving. What Montana should do should be determined only after more careful study than has been done on this important issue to date. Of particular interest should be the graduated drinking age concept, which has the potential to reduce unsupervised drinking by teenagers.

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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

March 22, 1985

The Honorable William P. Yellowtail, Jr.
Capitol Station
Helena, MT 59620

Dear Senator Yellowtail:

The most important piece of legislation to effect law-abiding firearms owners in Montana is being considered by the Montana Senate Judiciary Committee.

H.B. 643, the firearms preemption bill, which recently passed the House of Representatives by an overwhelming (100-8), will prevent a hodgepodge effect of firearms laws within Montana. 92

On behalf of our 26,536 NRA members in Montana, the Montana Rifle and Pistol Association, and other sportsmen organizations here in Montana, we urge your support of this critical legislation.

Sincerely,

Louis J. Brune, III
State Liaison

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EXHIBIT NO. 5
DATE 032685
BILL NO. HB 643

Louis J. Brune III
State Liaison
Institute for Legislative Action
National Rifle Association of America
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036
(202) 828-6366

TESTIMONY FOR H.B. 643 PREEMPTION LEGISLATION
SUBMITTED BY LOUIS J. BRUNE, III, NRA NW STATE LIAISON

MARCH 22, 1985

MY NAME IS LOUIS J. BRUNE, III. I AM THE NRA STATE LIAISON FOR THE NORTHWESTERN REGION AS WELL AS A LIFE MEMBER OF THE 3 MILLION MEMBER NATIONAL RIFLE ASSOCIATION.

ON BEHALF OF OUR 26,536 NRA MEMBERS IN MONTANA, I WOULD LIKE TO THANK THE CHAIRMAN AND THE SENATE JUDICIARY COMMITTEE FOR THE OPPORTUNITY TO SPEAK ON BEHALF OF H.B. 643, THE STATE FIREARM PREEMPTION BILL, WHICH PASSED THE HOUSE OF REPRESENTATIVES BY A VOTE OF (100-8).

THIS BILL PROVIDES FOR A STANDARDIZATION OF FIREARM LAWS THROUGHOUT THE STATE OF MONTANA BASED UPON CURRENT AND FUTURE STATUTES ENACTED IN THE LEGISLATURE.

IT MAKES NULL AND VOID ANY LOCAL ORDINANCES THAT ARE MORE OR LESS RESTRICTIVE THAN CURRENT STATE LAW (SUCH AS A MORTON GROVE, ILLINOIS HANDGUN BAN).

A STATE FIREARMS PREEMPTION LAW WILL PREVENT A HODGEPODGE EFFECT OF FIREARMS LAWS WITHIN THE STATE AND CREATE UNIFORMITY OF FIREARMS LAWS WITHIN MONTANA. SUCH A UNIFORM CODE IS NECESSARY TO PROTECT THE LAW-ABIDING CITIZEN FROM UNWITTING VIOLATION

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AND/OR UNDUE HARASSMENT THAT COULD RESULT IF EVERY COUNTY, CITY, TOWN OR CONSOLIDATED LOCAL GOVERNMENT IN MONTANA HAD DIFFERENT FIREARMS LAWS. PASSAGE OF H.B. 643 WILL ALSO ENSURE THE EQUAL PROTECTION CLAUSE FOR ALL GUARANTEED IN THE 14TH AMENDMENT TO THE U.S. CONSTITUTION.

HOWEVER, THIS BILL, H.B. 643, WILL IN NO WAY LESSEN CURRENT FEDERAL LAW, STATE LAW OR LOCAL ORDINANCES WHICH REGULATE THE CARRYING OF CONCEALED WEAPONS, THE CARRYING OF WEAPONS TO A PUBLIC ASSEMBLY OR SCHOOL WITH THE INTENT OF CAUSING TERROR OR ALARM AND THE POSSESSION OF FIREARMS BY CONVICTED FELONS, ADJUDICATED MENTAL INCOMPETENTS, ILLEGAL ALIENS, AND MINORS.

SINCE THE PUSH FOR LOCAL GUN LAWS THAT SUPERSEDE STATE LAW IS A RELATIVELY RECENT PHENOMENON, BEING BACKED IN MOST CASES BY THOSE GROUPS THAT WISH TO BAN AND/OR RESTRICT THE RIGHTS OF LAW-ABIDING CITIZENS TO OWN AND USE FIREARMS FOR LEGITIMATE PURPOSES, THE NEED FOR A STATE FIREARM PREEMPTION LAW IS CLEAR.

SINCE THE PASSAGE OF THE MORTON GROVE HANDGUN BAN, OVER 100 COMMUNITIES HAVE ATTEMPTED TO PASS SIMILAR LEGISLATION NATIONWIDE. SUCH PLACES IN THE NORTHWEST INCLUDE: SEATTLE, WASHINGTON; EUGENE, OREGON; ANCHORAGE, ALASKA; BOULDER, COLORADO; GREEN RIVER AND PINEDALE, WYOMING AND MISSULA, MONTANA.

IN MAY, 1984, THE CITY OF MISSULA CONTEMPLATED AN ORDINANCE WHICH WOULD HAVE PROHIBITED CARRYING A FIREARM INTO ANY

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PUBLICALLY OWNED BUILDING WITHIN THE CITY OF MISSULA. THE PASSAGE OF THIS ORDINANCE WOULD HAVE MEANT THAT ANY LAW-ABIDING FIREARMS OWNER, HUNTER, OR COMPETITIVE SHOOTER WOULD HAVE BEEN IN VIOLATION OF THIS LAW AND SUBJECT TO A FINE OF $500 OR 6 MONTHS IN JAIL FOR TRANSPORTING A FIREARM THROUGH THE MISSULA AIRPORT!

THIS WOULD HAVE SERIOUSLY LIMITED OUT-OF-STATE HUNTERS FROM ENTERING INTO MONTANA, WHICH WOULD RESULT IN A CATOSTROPHIC LOSS OF REVENUE TO THE STATE AND OUTDOOR INDUSTRY.

A STATE FIREARM PREEMPTION LAW WILL CURTAIL THIS MOVEMENT IN MONTANA AND ENSURE THAT STATE FIREARMS LAWS WILL BE ENFORCEABLE THROUGHOUT THE STATE ON AN EQUAL BASIS.

IN CLOSING, I WOULD LIKE TO NOTE THAT WE HAVE RECEIVED NUMEROUS LETTERS AND TELEPHONE CALLS FROM OUR MEMBERS IN MONTANA ASKING THAT WE ASSIST IN SECURING THE PASSAGE OF H.B. 643 THROUGH THE SENATE. FURTHERMORE, AT RECENT ANNUAL MEETINGS OF THE MONTANA RIFLE AND PISTOL ASSOCIATION, THE NORTHWEST MONTANA ARMS COLLECTORS AND OTHER SPORTSMEN ORGANIZATIONS HERE IN MONTANA, THE COLLECTIVE MEMBERSHIP VOTED UNANIMOUSLY IN FAVOR OF THIS TYPE OF LEGISLATION TO PREVENT MORTON GROVE STYLED BANS OR ANY POTENTIAL HARASSMENT OF LAW-ABIDING FIREARMS OWNERS HERE IN THE STATE OF MONTANA.

I WOULD LIKE TO THANK THE COMMITTEE ON BEHALF OF ALL OF US FOR THE OPPORTUNITY TO DISCUSS H.B. 643 WITH YOU TODAY, AND ENCOURAGE YOUR SUPPORT OF THIS LEGISLATION.

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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

SENATE JUDICIARY COMMITTEE
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WHY DOES YOUR STATE NEED A FIREARMS PRE-EMPTION LAW?

The right to keep and bear arms is at the forefront of the various emotional issues that currently confront our society. Legislators, judges and bureaucrats at all levels of government — federal, state and local — are being called upon by citizens who wish to see this right expanded or restricted.

One underlying question is at what level should such legislation occur. The National Rifle Association has traditionally believed that the government most representative of the people is best. The explosion over the past few years of local ordinances that are more restrictive than current state law has, however, created the need for the states to preempt these local actions. Such legislation will prevent a hodgepodge of varying gun laws within a state, and thereby protect the law-abiding citizen not only from unwitting violation of the law, but also from arbitrary infringements of his or her rights. Indeed, in enacting pre-emption legislation, thereby expressly preventing local governments from infringing the rights of citizens and effectively eliminating the need for citizens to undertake costly litigation to protect their rights, state legislators fulfill their constitutional duty to protect the rights of citizens.

A state firearms pre-emption law will guarantee to the citizens of your state their right to own and use firearms for legitimate purposes based on state statutes and federal law.

Federal Law

Many people do not realize the full extent of federal law. Under the Gun Control Act of 1968, anyone convicted of a felony, adjudicated mentally defective, or addicted to drugs is prohibited from owning, purchasing, receiving or transporting any firearms or ammunition. The Gun Control Act also bans mail order sales of firearms and ammunition by other than federally licensed dealers and requires that the purchaser and seller of firearms to residents of the same state, although most states have enacted contiguous-state statutes for long gun purchases from dealers.

Federal law also requires all persons engaged in the business of dealing in firearms to be federally licensed. Dealers must require from all firearms purchasers proof of identity and residence, and buyers must sign, under penalty of perjury, a statement certifying eligibility to purchase. Dealers are required to keep records of all firearms sales and are forbidden from selling handguns to persons under 21 or rifles and shotguns to persons under 18. Additionally, dealers are prohibited from making any sale of firearms or ammunition which would place the buyer in violation of state or local law.

The History of Firearms Pre-emption Legislation

The first pre-emption firearms law was passed in the late 1960s, when, in response to the assassinations and urban rioting of that time, a number of localities passed "gun control" measures. Recognizing that these ordinances were based on emotional response rather than logical efforts to control crime, citizens in California and Pennsylvania led the way in enacting firearms

pre-emption statutes. Today, some 15 states have firearms pre-emption either by statute or by legal precedent including: Alabama, Arizona, California, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Virginia, Washington and West Virginia.

The Problem Behind Local Firearms Laws

The renewed popularity in passing local ordinances effecting gun ownership has triggered a great debate over the benefits of local rule on this issue. Clearly, all legislation — whether federal, state, or local — must be designed to ensure uniform and nondiscriminatory access to the rights and privileges of the citizenry as guaranteed by the U.S. and State Constitutions. Yet, a close look at the passage of the Morton Grove, Illinois, handgun ban, the most infamous of these local ordinances, proves beyond doubt that local firearms legislation does not guarantee this. In passing their ban, the Morton Grove Village Trustees were acting in defiance of a majority of the village citizenry as the opponents of the measure greatly outnumbered supporters at all public hearings on the ban. Morton Grove was acting not to control crime, which was minimal in the village, but rather to gain the attention of national media and to create a situation of harassment for individual firearms owners. Their gimmick worked! Today, Morton Grove is almost a household word and it is estimated that close to a thousand formerly law-abiding citizens are now technically "criminals" for exercising a right guaranteed by both the U.S. and the Illinois Constitutions.

The local intent to harass gun owners and sportsmen, rather than control crime, is even more apparent in the recent actions of the Friendship Heights (Maryland) Township. This tiny community on the outskirts of Washington, D.C., originally attempted to ban possession of all handguns. The Montgomery County Council refused, however, to consider the proposal because it was a clear violation of the Maryland State Firearms Pre-emption Statute. Friendship Heights then attempted to subvert state law by passing a complete ban on possession of all ammunition. Possession of ammunition for self-defense would have been outlawed, and anyone passing through Friendship Heights with a single bullet could have been subject to arrest and conviction — a $500 fine for the first offense and up to six months in jail for the second offense.

The attempted F.H. bullet ban was defeated by the county council; Montgomery County, nonetheless, ultimately passed an ordinance which will prohibit the purchase of ammunition unless a firearm registration certificate is produced, although registration is not required in Maryland. While Councilman David Scull claims it is a symbolic step towards gun control at the state and federal level, in reality, this ordinance "is an abysmal waste of governmental energy and corrodes the respect without which law is a husk." (The Washington Times, June 20, 1983)

In response to this ban and other similar restrictive ordinances, a number of local jurisdictions have gone in the opposite direction and required all individuals or household heads to own a firearm. The NRA does not condone these mandatory ownership ordinances because we believe it is an individual's choice whether or not to possess a firearm.

How Can Pre-emption Help?

Local firearms legislation serves only to create a crazy quilt of laws, resulting in gun owners running the risk of arrest, prosecution and confiscation of personal property for unwitting violation of local law by transporting a gun for sporting or other legitimate purposes across city or county

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The Armed Citizen

Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The accounts below are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.

Service station attendant George Morrow of Bellevue, Wash., was behind the cash register when a criminal came up and pointed a .22-cal. pistol at his face. But the would-be robber got more than he bargained for when Morrow whipped out a .38-cal. auto. "I told him to back off," said Morrow. "His eyes went wide and he turned the nicest shade of white. He said 'I'm gone,' and took off running." (*The Post Intelligencer*, Seattle, Wash. 10/11)

Chicago, Ill., electronics worker Paul Pavlik, 62, was on his way home from work when a man ran up and attacked him with a hammer. Pavlik futilely tried to turn over his money, but the attacker continued his assault, anyway. "He just kept hitting me in the head" Pavlik said. "I thought I was dead." But the elderly man finally managed to pull a .25-cal. auto and shoot his assailant fatally. (*The Sun-Times*, Chicago, Ill. 6/28)

Returning home from work, a Chicago, Ill., man heard a disturbance in one of the bedrooms. Investigating, he caught a pair of criminals, one raping his wife and the other holding down his 16-year old daughter. His other daughter, 12, also had been assaulted. Retrieving a gun from another room, the resident fired several times, possibly wounding one man. The rapists fired back as they fled but missed. The family had lived in the apartment less than a week. (*The Sun-Times*, Chicago, Ill. 7/1)

George Brown, 69, and his assistant, Jeanette Billups, did not like the looks of two customers who entered their Philadelphia, Pa., grocery. As the pair approached the cash register to pay for a sandwich, one suddenly pulled a gun and fired four shots, two of which struck Brown. Billups returned fire from the rear of the store. She hit neither man but succeeded in driving them off. One suspect was captured; the other escaped. (*The Daily News*, Philadelphia, Pa. 10/24)

A Fairbanks, Alaska, resident, awakened in the middle of the night by someone moving about in his bedroom, fired two shots after being threatened by the intruder. The man fled, and a suspect with two gunshot wounds in his legs was later arrested and charged. (*The Daily News-Miner*, Fairbanks, Alaska 10/24)

A few moments after an Anchorage, Alaska, cab driver picked up a fare, the rider drew a pistol and ordered him to hand over his cash. The driver pulled his own gun instead, and after a short stand-off the would-be thief broke and fled the cab. (*The Daily News*, Anchorage, Alaska 10/27)

Awakened by noises in her Hernando, Fla., home, Linda Jo Groh took a pistol from her nightstand. She fired when a man suddenly loomed in the bedroom doorway, threatening, "I'm going to get you for Bobby." The shot missed but scared off the intruder. "Bobby" is believed to be a man charged with burglarizing Groh's home in May. (*The Times*, St. Petersburg, Fla. 10/12)

A terrified North Carolina woman struggled to escape when she awoke to find an armed man in bed with her, but the intruder pinned her down and held a knife to her head. Despite being cut on the face, the woman managed to get her hands on a .32-cal. pistol and fired twice. Wounded, the assailant ran from the house. Police suspect a man who was admitted to a local hospital with a gunshot wound. (*The Observer*, Charlotte, N.C. 10/14)

A would-be armed robber ended up "staring down the wrong end of a .45," police reported, when he drew a switchblade on Delano, Calif., police detective George Pultz. Pultz, who was leaving a Halloween party, moved as if to extract his wallet, but pulled the big sidearm instead. He personally clapped the criminal in jail. (*The Californian*, Bakersfield, Calif. 11/2)

"When it's a choice of somebody trying to break into your house with you and your wife and your child there, there's no choice at all," Robert Calt said after he gunned down an intruder. The Denver real estate lawyer blasted the criminal with his 12-ga. shotgun after the housebreaker burst through the front door of the Calt home despite repeated warnings. "I'd do the same thing if it happened again," Calt said. "His rights don't involve going into my house and threatening my family." Calt's wife, who had hidden the couple's three-year-old daughter behind some curtains upstairs, vowed that she would learn to use a gun. "I've never felt so helpless in my life . . . I never believed in guns before. I do now." (*The Post*, Denver, Colo. 10/22)

Investigating a late-night disturbance outside his home, off-duty policeman Martin Hofmann of Hamilton Township, N.J., discovered an armed man who had a woman pinned to the ground. Hofmann identified himself as an officer and ordered the criminal to get up. When the suspect pointed his gun at the officer and threatened to kill him, Hofmann fired his .38-cal. service revolver, fatally wounding him. (*The Trentonian*, Trenton, N.J. 11/7)

Lutillous Smith, 71, was walking near his Chicago, Ill., home when he was accosted by a gun-wielding robber. He forced Smith to hand over his wallet, but the elderly man then drew a .25-cal. pistol and shot the thief fatally. Police ruled the shooting justifiable. (*The Sun-Times*, Chicago, Ill. 10/15)

After being robbed two weeks earlier, 79-year-old Daniel White of Chicago, Ill., began carrying a gun for protection. When the same man attacked White again, pushing him into an alley and clubbing him with a rifle butt, the elderly man pulled his revolver and shot the assailant fatally. (*The Tribune*, Chicago, Ill. 1/5)

EDUCATION - CONSERVATION

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

TESTIMONY ON HB 643
March 26, 1985

My name is Tony Schoonen, here today representing the Montana Wildlife Federation in strong support of Hb 643.

Our organization, which consists of approximately 4600 members and sportsmen involved with 17 local clubs throughout the state, includes a very high percentage of gun owners. We are keenly aware of actions taken by several city governments in other states to ban, register, or otherwise restrict the possession of firearms by members of the general public.

Although we are not aware of any such actions contemplated by any of our local governments, we recognize that there is a possibility that a Montana city or county could be asked to adopt such an ordinance. If that should happen, we would feel much more comfortable if state law clearly prohibited the action in the first place. We suspect the local government would also feel more comfortable if they could cite a clear prohibition in state law.

For these reasons, we urge this committee to recommend passage of HB 643.

Thank you.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 7
DATE 032685
BILL NO. HB643

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

NAME: Lenora V Houldson DATE: 3/26/85

ADDRESS: 2301 S 3rd W Missoula, MT 59801

PHONE: 728-8314

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: HB 643

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

COMMENT: I am a 45 year old competition pistol shooter recently having been selected to train for the national, international & Olympic pistol teams. I am concerned about laws that make it almost impossible to travel legally to competition sites. Local laws can make criminal of ordinary citizens. A Vancouver, British Columbia newspaper said earlier this year that Canada's strict gun laws are virtually useless and do not deter crime. It has been shown that 99% of guns in the U.S. could be elimated & you would not change the crime rate except to raise it. Criminals say the biggest deterrant to crime in the

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 032685
BILL NO. HB 643

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

NAME: Lenora Houldson DATE: 3/26/85

ADDRESS: 2301 S. 3rd W.

PHONE: 728-8314

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HB 643

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

COMMENT:

home is the knowledge that there are guns in the home. Incidentally only about 1 dozen guns have been turned in at Morton Grove. Frequently local gun laws are made without having the research done that is necessary to prevent conflict with the constitutional rights guaranteed us. I urge passage of HB 643 to guarantee a citizen's right to protect his family, home and property. If ~~handguns~~ guns are eliminated, those wishing to do a crimal act would find other instruments to carry out there crime

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 032685
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secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date March 26 House Bill No. 329 Time 12:10 pm

NAME	YES	NO
Senator Chet Blaylock		X
Senator Bob Brown	X	
Senator Bruce D. Crippen	X	
Senator Jack Galt		X
Senator R. J. "Dick" Pinsoneault	X	
Senator James Shaw		X
Senator Thomas E. Towe	X	
Senator William P. Yellowtail, Jr.		X
Vice Chairman Senator M. K. "Kermit" Daniels	X	
Chairman Senator Joe Mazurek	X	X
	(5)	(5)

Cindy Staley
Secretary

Chairman

Motion: Tabled 329

(include enough information on motion—put with yellow copy of committee report.)

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 9
DATE 032685
BILL NO. HB 329

STANDING COMMITTEE REPORT

March 26 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 717

third reading copy (blue color)

(Senator Brown)

AWARD JOINT CUSTODY, ONLY WHEN BOTH PARENTS REQUEST

Respectfully report as follows: That HOUSE BILL No. 717

be amended as follows:

1. Title, lines 5 and 6.
Following: "STATUTES" on line 5
Strike: remainder of line 5 through "PREFERENCE" on line 6

2. Title, line 11.
Following: line 10
Insert: "AUTHORIZING THE COURT TO REQUIRE CONSULTATION WITH PROFESSIONALS IN FORMULATING OR IMPLEMENTING A CUSTODY PLAN OR ORDER;"
Following: "40-4-204"
Strike: "AND 40-4-222 THROUGH"
Insert: ", 40-4-223, AND"

3. Page 2, line 14 through line 9, page 3.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 3, line 13.
Following: "court"
Strike: "may"
Insert: "shall"

XXXXXX

XXXXXXXXXX

CONTINUED

Senator Joe Mazurek Chairman.

March 26 19 83

HOUSE BILL NO. 717

5. Page 3, line 14.
Following: "custody"
Strike: "without order of preference"

6. Page 3, line 21.
Following: "whether"
Strike: "the"
Insert: "a"

7. Page 3, line 5.
Following: "may"
Strike: "with the consent of both parties"

AND AS AMENDED

BE CONCURRED IN

Senator Joe Mazurek, Chairman

STANDING COMMITTEE REPORT

March 26 19 95

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 760

third reading copy (blue color)

(Senator Mazurek)

DISSOLUTION DECREE MAY NOT BE ENTERED UNTIL 90 DAYS AFTER FILING AND SERVICE

Respectfully report as follows: That HOUSE BILL No. 760

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Senator Joe Mazurek Chairman.