

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on February 16, 1989, at 8:20 a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

Announcements/Discussion: None.

HEARING ON HOUSE BILL 587

Presentation and Opening Statement by Sponsor:

Representative Addy, House District 94 stated that HB 57 does two things. It increases the penalty for a third conviction or more to five years or \$50,000 which is the maximum penalty. The other thing it does is lowers the threshold of .10 to .08. Presently, if a person has a drug or alcohol content of .10 they are in violation of the law whether they are in control of a vehicle or not.

Testifying Proponents and Who They Represent:

Don Bjertness, City Judge, Billings
Bill Elliott, Training Officer, Highway Traffic Safety

Proponent Testimony:

Don Bjertness expressed that he is concerned about the third offense DUI and supports making it a felony. He stated that he recently convicted a person for his 16th DUI offense in his court. This man had consistently been driving over the years without a driver's license because it had been revoked. He almost killed a woman in a car in an accident that happened as a result from his driving while under the influence. When this man was questioned about the situation, the fact that he had almost killed a young lady, he replied he didn't care. The scientific evidence that has been generated over the years indicates clearly that even though a person may not be intoxicated at .08, it is clear

their driving ability is significantly impaired.

Bill Elliott stated that he was neither an opponent nor a proponent, but was present to offer any information anyone might need and to answer questions concerning the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Addy closed the bill for further discussion to take place the following day, February 17.

HEARING ON HOUSE BILL 594

Presentation and Opening Statement by Sponsor:

Representative Fred Thomas, House District 62 stated that this bill strikes the very simple language that a person "must reside in a county seat," being the seat of the county, district or whatever encompasses a judicial district. To be a judge of that district they would have to move into the city if they were a rural resident.

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Brooke questioned how many District Court Judges there were in Montana, and Rep. Thomas replied 36.

Closing by Sponsor: Rep. Thomas closed.

DISPOSITION OF HOUSE BILL 594

Motion: Rep. Gould made a DO PASS motion. Rep. Stickney seconded the motion.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: Motion CARRIED unanimously HB 594 be recommended DO PASS.

HEARING ON HOUSE BILL 582

Presentation and Opening Statement by Sponsor:

Rep. Ralph Eudaily, House District 60 commented that HB 582 would provide judges with a way to control drivers with DUI offenses. The bill primarily does three things:

1.) Authorize the judge to require a person to install an ignition interlock device when convicted of driving under the influence of alcohol or drugs or operating a motor vehicle while having an alcoholic concentration of .10 or more.

2.) Directs the Dept. of Justice to require installation of an ignition interlock device prior to the issuance of a restricted probationary license to a person who is ordered by the court to install this device.

3.) Directs the Dept. of Justice to adopt rules providing the approval of the ignition interlock system to be used in these cases.

(See EXHIBITS 1 and 2, Guardian Technologies, Inc. and Interlock Technology News).

Testifying Proponents and Who They Represent:

Carl Seifert, Vice President of Sales and Marketing for Solution Technologies in Polson

Wally Jewell, Montana Magistrates Association

Peter Funk, Assistant Attorney General, Dept. of Justice

Proponent Testimony:

Carl Seifert stood in support of SB 582 (EXHIBIT 3).

Wally Jewell submitted testimony expressing his support of the proposed legislation (EXHIBIT 4).

Peter Funk stated that on behalf of the Dept. of Justice he would like to voice support for the general concept of allowing courts to use the interlock devices as a sentencing option and to express the Dept.'s comfort with the rulemaking authority which they are granted in this bill. He also pointed out the discomfort with the figures that are reflected in the fiscal note. HB 582 requires the Dept. of Justice to pay for the installation of these devices for indigent defendants. The problem is, from their point of view, the funds are to be withdrawn from the driver improvement program and that program is a self-funded and self-expending fund within the motor vehicle division. It is built up by a \$50.00 counseling fee which is paid by drivers who get into problems with their licenses and may face suspensions or revocations. All of that money is currently used for expenditures related to the driver improvement program including examination functions, counseling functions, and those types of things that are related to it. They could be looking at a potential expenditure of \$275,000 and all the money that is currently in that fund is already dedicated.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Brown asked Mr. Jewell if he would go along with eliminating the mandatory jail time for a first and second offense, mandating the interlock system and raising the fine to cover the costs? Mr. Jewell stated that he would see no problem with that.

Rep. Brown questioned Mr. Seifert if he could tell the committee what the total costs are on each item of this program. Mr. Seifert stated that there is a one time installation fee between \$50.00 and \$75.00, and payments in advance of \$50.00 per month in 60 day increments, or approximately \$375.00. The unit itself that fits into the car has a retail value of about \$285.00. Rep. Brown asked if the system could be re-used again once it has been used and taken out of a vehicle. Mr. Seifert stated it can be transferred from one automobile to another. If damage is done to the unit the participant is responsible for paying the damage.

Rep. Stickney asked if every community would have a service center and would that be tied in with the government or would it be a private enterprise. Mr. Seifert replied that that is the one worry they have because they do not think there are a lot of areas in the state where a service center could survive. Maybe Billings, Great Falls, Missoula, Kalispell and some of the larger communities. This service

would be done by people who specialize in the electronics field.

Rep. Aafedt asked if this could be adjusted to the alcohol content as the previous bill stated they wanted to change it to .08. Mr. Seifert answered yes, they are calibrated at the factory and that is what the service centers are also responsible for. They re-check the calibration a minimum of every sixty days. Rep. Aafedt asked if this checks for drugs, such as cocaine etc. Mr. Seifert stated no, that is a mis-interpretation. The technology is being developed with the Home Arrest Program and should be able to check for drugs by the end of the year, but not on the interlock system at this point.

Rep. Brooke questioned Mr. Jewell how realistic this program would be, especially with the service checks for non-tampering and the follow-up through that six month period. Mr. Jewell stated it would be a problem in the smaller more rural communities. Right now this whole idea would be a viable option in Missoula, Billings and Great Falls.

Rep. Boharski referred a technology question to Mr. Seifert concerning temperature ranges with circuits. Mr. Seifert stated that has been addressed and 40 below zero is where they would start having trouble.

Closing by Sponsor: Rep. Eudaily referred the committee to the sheet handed out that showed there are ten states that already have the system in place (EXHIBIT 2). It may be a new device, but it is one that should be looked into soon to see if it is useable in the State of Montana. If this bill does nothing more it lets the Dept. of Justice establish rules that can be used in the future for this type of machine and allows judges to use it on an optional basis. Public safety on the highways is imperative.

HEARING ON HOUSE BILL 578

Presentation and Opening Statement by Sponsor:

Rep. Jim Rice, House District 43 explained how the bill worked as it is divided into two sections. The first section is an amendment to the visitation portion of the code and the second section is an amendment of the child custody provision of the code. He referred the committee to the underlined portion at the bottom portion of page 2.

Testifying Proponents and Who They Represent:

Joan Uda, President of State Bar, Family and Children's Law
Section
Joan Rebich, Licensed Professional Counselor
Becky Malensek, Self

Dr. Karen Landers, Pediatrician from Helena, Representing Montana Council for Maternal and Child Health

John Connor, County Prosecutor's Services Bureau, Dept. of Justice

Peter Funk, Assistant Attorney General, Dept. of Justice

John Madsen, Dept. of Family Services

Christie Marron, Montana Council of Mental Health Centers

Proponent Testimony:

Joan Uda commented that this is a good bill in that it is not a bill that will affect a lot of people. There are not that many people convicted of these crimes of felonies, but it does exactly what Rep. Rice says it will do. It shifts the burden where it belongs, on the parent who has created the problem. She stated this is not a common situation, but when it exists, it is a serious situation and urged passage of the bill.

Joan Rebich commented that she works specifically with sexual abuse cases. She has done some work with familial offenders and family therapy in this area. If a person has committed such a crime and wants to prove to the court that he is a fit parent and fit to have unsupervised custody or visitation with his child, then he would have to show evidence that he had treatment for his offender behavior. Ms. Rebich commented that it is extremely unusual, almost unheard of an offender getting better without having treatment. The responsibility will be on him to get treatment if he wants visitation with his child so he can show the court that he is fit to supervise the child. Ms. Rebich stated that she feels this will put the responsibility where it belongs and urged the committee to pass the bill.

Becky Malensek referred to letters from Brenda Nordlund, Montana Womens' Lobbyist Fund (EXHIBIT 5) and Ron Silvers, Program Director of Sexual Assault Treatment Program (EXHIBIT 6). Mrs. Malensek stated that she received a copy of a bill from Colorado, as that state recently passed this into law in March of 1988. There are currently three other states that are working on this piece of legislation; Hawaii, Texas, and Massachusetts.

Mrs. Malensek submitted before the committee written testimony voicing her strong support of HB 578 (See EXHIBIT 7) as well as testimony from Susan Sandwell, President, Montana Committee for Prevention of Child Abuse (EXHIBIT 8).

Dr. Karen Landers stood in favor of the proposed legislation (EXHIBIT 9).

John Connor, representing the Montana County Attorney's Association commented that the Association supports the bill and they encourage the committee's Do Pass recommendation.

Peter Funk voiced the Attorney General's support for the proposed legislation for two reasons: 1.) This bill appropriately addresses the best interests of children. That phrase is used throughout the Montana Code when decisions are made either regarding custody or regarding treatment. 2.) HB 578 will help people who are in the position of the custodial parent accomplish what the bill provides . . . an avenue for them to eliminate visitation if the court would find that the visitation is harmful. He complimented Mrs. Malensek for her efforts and thanked her on behalf of the children.

John Madsen urged a Do Pass recommendation and stated that the Dept. of Family Services strongly supports this legislation.

Christie Marron urged the committee to support HB 578.

Additional testimony was submitted before the committee by Margaret Stuart, Director, Social Work Program at Carroll College (EXHIBIT 10), as well as supporting signatures of those in favor of HB 578 (EXHIBIT 11).

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Hannah asked Rep. Rice to refer to page 2, line 3 of the bill which deletes the word "shall" for "may". Rep. Rice stated that it was a language change that they caught.

Closing by Sponsor: Rep. Rice closed.

DISPOSITION OF HOUSE BILL 578

Motion: Rep. Rice moved HB 578 DO PASS. Rep. Brooke seconded the motion.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Wyatt moved to amend as follows:

Page 4, line 3 and line 22 on page 6

Following: line 2 on page 4 and line 21, page 6

Insert: "(viii) domestic abuse of the type described in

45-5-206 (1) (a);"
Renumber: subsequent subsection

Motion was seconded by Rep. McDonough and the amendment CARRIED with Rep. Knapp voting Nay.

Recommendation and Vote: Rep. Rice moved HB 578 DO PASS AS AMENDED, motion seconded by Rep. Darko and CARRIED unanimously.

HEARING ON HOUSE BILL 544

Presentation and Opening Statement by Sponsor:

Rep. Jim Rice stated that this bill is a technical house cleaning matter. In criminal cases the general rule is that the state cannot appeal, only the defendant can appeal. If he is convicted at the lower level he can appeal his conviction to a higher court and the state does not have the right to appeal unless it is a technical issue that falls under one on the sub categories of paragraph 2, 46-20-103. They are adding a sub category to cover a problem that has come up in the law and there will be other witnesses to explain it.

Testifying Proponents and Who They Represent:

John Connor, County Prosecutor's Services Bureau, Dept. of Justice, Montana County Attorney's Association
Pat Paul, Cascade County Attorney
Robert McCarthy, County Attorney, Butte Silver Bow, Immediate Past President of the Montana County Attorneys Assoc., Chairman, Legislative Committee of the Montana County Attorneys Assoc.
Proponent Testimony:

John Connor stated that this bill was requested by the County Attorneys Assoc. to correct what has become a real confounding problem to the prosecutor as they have adopted more and more statutes dealing with the mandatory minimum sentence. The legislature is responsible for passing the laws, and the courts are responsible for construing and applying those laws. When the legislature determines that something ought to be a law and that it is a mandatory obligation for the court to impose it and that is not done, then the state has no remedy. All this bill asks is the opportunity to allow them to present the issue to a higher court for examination if in fact it is determined that the appropriate mandatory minimum was not imposed or that the court acted inappropriately.

Pat Paul stated that the legislature has recognized the seriousness of certain crimes and has required minimum mandatory sentencing as a guideline to the judges and the courts in recognizing those crimes. Such crimes, for example, are sale of dangerous drugs, weapon enhancement, and persistent felony offenders. Section 46-20-103 of the Montana Codes has limited the rights of appeal to the state in certain instances. HB 544 would allow the state to appeal if they feel the judge does not follow the minimum sentencing guidelines. Without this there is no other remedy.

Robert McCarthy commented that HB 544 received the highest priority on the recommendation of the agenda of bills that the County Attorney's Assoc. is supporting. It is not because it is such a complicated bill, but an essential one. He stated that it is clear that where the legislature has directed particular minimum sentences be imposed, and if they are not, the state should have a right of appeal to insure that these sentences are imposed.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Aafedt asked Mr. Connor why the judges aren't required to do what the law says. He stated that it has bothered him for quite some time that where they have minimum mandatory sentences, those sentences are just not being imposed. Mr. Connor replied that there are various explanations for that, and he doesn't mean to impugn the integrity of the judiciary because they get a fair amount of pressure, in terms of trying to put people in jail, because of the cost and overcrowding problem at the prison. In some cases the judge doesn't feel that prison time is appropriate for whatever reasons. He does not actually have to articulate those reasons beyond just putting down in a judgement that, based upon the defendant's record, this is the sentence he is getting. Rep. Aafedt then asked what makes them think that by spending a lot of money to go to a higher court and do it all over again that they wouldn't have the same feeling. Mr. Connor stated that because judges are human too they are sensitive to the fact that their decisions are going to be reviewed, and that often times courts will make decisions along particular lines based upon whether or not there looks like there is a possibility of it being reversed on an appeal.

Rep. Brooke asked Mr. Connor where the burden of proof lies. Mr. Connor responded that it lies with the state who would have to prove the court acted irregularly. Rep. Brooke referred to the reading in the bill where it says "any may appeal from any court order" and asked Mr. Connor if he would consider municipal courts to be put in the language. Mr. Connor stated the provisions in section 46-18-201 relating to sentencing apply to lower courts as well as the district court and thinks this statute has equal application.

Rep. Brooke continued and questioned if citizens saw that there was a lack of imposition of a mandatory sentence in a court, what would be the process. Mr. Connor stated that he was unclear on the appellate process as it relates to municipal court, but could explain it as it relates to justice court. In terms of the question it would be the responsibility of the prosecutor to bring about the appeal. In criminal cases the individual citizen cannot pursue the appeal. Mr. Connor commented that if it was appealed at the local level it would be the responsibility of the county attorney. If it was from the district court to the state, the attorney general's office would handle the appeal on behalf of the county attorneys.

Closing by Sponsor: Rep. Rice closed.

DISPOSITION OF HOUSE BILL 544

Motion: Rep. Rice made a DO PASS motion. Rep. Gould seconded the motion.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The DO PASS motion CARRIED with Rep.'s Darko, McDonough, Wyatt, Strizich, Brown, and Addy voting against the motion.

HEARING ON HOUSE BILL 668

Presentation and Opening Statement by Sponsor:

Rep. Mary McDonough, House District 89 stated that Montana was the first state in the nation to adopt a prototype confidentiality of health care information statute. This statute was a step forward in guaranteeing non-release of information in health care facilities in a manner that would violate rights of citizens. This bill is being recommended by the Dept. of Health and Environmental Sciences and relates to confidentiality requirements in a public health setting as opposed to a medical facility. HB 668 provides

that information about an individual's suffering a communicable disease cannot be shared in a manner which identifies them to anyone other than public health officials or medical treatment persons requiring that information. This bill would improve the AIDS control efforts in Montana by sharing citizens protection from discrimination that would be caused by disclosure of information and allowing them to come forward to receive treatment.

Testifying Proponents and Who They Represent:

Richard Chiotti, AIDS Control Manager of Dept. of Health
Robert Johnson, President, Montana Public Health Assoc. and
Director, Lewis and Clark County Health Dept.

Proponent Testimony:

Richard Chiotti testified on behalf of the Dept. of Health to provide support of HB 668. In response to state concerns regarding confidentiality protection for persons seeking communicable disease testing and treatment, the Center for Disease Control which is the public health leadership agency in the U.S. Public Health Service provided model legislation and encouraged each state to consider introducing statutes based on the model. Although states have had statutes related to health care information confidentiality, the statutes have not always addressed public health concerns. Most often the statutes addressed what health care providers and facilities can and cannot do with health care information. The Uniform Health Care Information Act of Montana is a result of a national conference of commissioners of uniform state laws model statute and focuses on health care providers rather than home health agencies.

Mr. Chiotti stated that there are areas in public health that need to be specifically addressed. The basis for HB 668 is a prototype confidentiality statute concerning AIDS, HIV infection and it appears to be the answer for public health agencies. The Dept. of Health Communicable Disease Control staff modified the CDC prototype statute using input from local public health departments and citizens and inserted references to existing Montana law and broadened confidentiality coverage to include all communicable diseases rather than just AIDS. This bill primarily has to do with an investigation of communicable diseases, especially sexually transmitted diseases and the information gathered during these investigations. The statute will not call for additional funding for, or work, on the part of public health workers. It clarifies two issues: 1.) Non-release of information unless it is intervention, and 2.) Release of information if the person with the communicable disease requests in writing that the information be released. People need

to know they will not lose their jobs, be evicted from their homes or in some other way be punished for seeking needed health services.

Bob Johnson commented that he is one of the local health officers defined in this bill, and as part of their job deals with highly sensitive information on a daily basis it is always a struggle to determine who that information should be shared with, under what situations and for what purpose. This bill helps them perform that task. HB 668 clarifies some very confusing situations that they are presently confronted with.

Testifying Opponents and Who They Represent:

Bonnie Tippy, Montana Funeral Directors Association

Opponent Testimony:

Bonnie Tippy pointed out some differences between this bill and the Montana Uniform Health Bill Information Act. Under new section 2, line 25, "an individual, including one who is deceased" and "that individuals health care or status." This bill impacts who can and cannot get birth and death certificates and she gave a scenario of what the funeral directors have gone through in the last six weeks in the Dept. of Health in Montana. On January 3, 1989 the Bureau of Vital Statistics issued instructions, not rules, to the County Clerks and Recorders which substantially change current practices regarding issuance of birth and death certificates. The letter indicated that funeral directors could no longer obtain certified copies of death certificates for their families. The departments instructions were questioned by funeral directors and Clerks and Recorders from all over the state. Therefore, a letter of clarification was sent on January 9 which explicitly stated that funeral directors could no longer receive certified copies of death certificates. Their association contacted the Dept. of Health asking why the department had not gone through rule-making procedures on this instruction. Under the Administrative Procedures Act and in Title 11 of the Montana Code the rules are defined that any agency regulation, standard or statement of general applicability that implements, interprets or prescribes law or policy or describes the organization procedure or practice requirements of an agency. In other words, they have gone through rule making without going through rule making, but simply issued instructions to clerks and recorders. The department reacted to their complaints by issuing another letter on January 30 which somewhat mitigates the effect of the instructions but not completely. Their newest instructions are there must be a special form that is signed by the family. This is very serious in Montana, a rural state, because a lot of people die from out of state and want to be buried in Montana. Funeral directors have

always, in this state, as a service to the families they take care of, gotten the certified copies of death certificates for them. They need them for insurance purposes, probate, etc. A funeral director has a right to know what somebody died of.

Questions From Committee Members: Rep. Strizich asked Mr. Chiotti to respond to the last testimony they heard. Mr. CHIotti stated he was not familiar with Chapter 15 of the State Code, but it is his understanding from the records in the Statistics Bureau that qualified people are able to get copies of death certificates. Rep. Strizich asked Mr. Chiotti if he was aware of a funeral director needing that kind of information in the practice of their business. Mr. Chiotti responded that they may want to take certain precautions, however, the Centers for Disease Control has issued a guideline called Recommended Procedures for Preventing the Transmission of AIDS.

Rep. Gould stated in light of the court decision regarding Rock Hudson, it would appear to him that someone with AIDS is almost going to have to have that branded on his forehead in order to preclude a judgement. Will this bill have any affect on that? Mr. Chiotti stated he was not sure it will as not everyone knows they are infected because not all people are presented for counseling and testing. He did not know if the bill would have any impact on court settlements. Rep. Gould asked Mr. Chiotti if the Health Dept. tries to locate sexual partners of those infected people. Mr. Chiotti stated yes, they do. It is part of the notification or contact tracing process that has been in place for 45 years with other sexually transmitted diseases.

Rep. Rice questioned Bonnie Tippy if she thought any kind of exception could be written in for the funeral directors to take care of the concerns they have. Ms. Tippy stated yes, if the language was removed on line 25, page 1 that says "including one that is deceased" and removed the language "or status" on page 2. That should take care of death certificates.

Rep. Brown questioned how long ago the Health Dept. started drafting this legislation. Mr. Chiotti commented the Dept. started drafting this legislation in June, 1988.

Closing by Sponsor: Rep. McDonough closed.

DISPOSITION OF HOUSE BILL 668

Motion: Rep. McDonough moved HB 668 DO PASS, motion seconded by Rep. Strizich.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Gould moved to amend HB 668 as follows:

Strike: Page 1, line 25 ", including one who is deceased"
Strike: Page 2, line 1 "or status"

Rep. McDonough stated that they must look at the highly sensitive nature of the information that is gathered on these people. Often there are names of contacts and often sexual contacts. These names are all on files and if the person dies of AIDS and these names are released there will be some real problems.

Rep. Strizich stated that he doesn't understand the argument that was made on behalf of the funeral directors. The only purpose that they might have is self-interest, and that if they are doing the things that they are suppose to be doing in terms of testing body fluids, etc. they haven't got a thing to be concerned with.

Rep. Rice commented that he agrees with Rep. McDonough's concern. The amendment is a little too broad for what they need to do. There are a lot of situations in which people are deceased and they do not want their information to be released. If the committee were to adopt the amendment it would open the door much too broadly.

Rep. Darko stated that the question the committee will have to answer is if AIDS is a public health issue or if it is a privacy issue.

Recommendation and Vote: Rep. Brown suggested they hold action taken on HB 668 for further consideration and amendments.

HEARING ON HOUSE BILL 598

Presentation and Opening Statement by Sponsor:

Rep. Bill Strizich, House District 41 stated that HB 598 was drafted on request of the Montana Board of Crime Control and the Peace Officers Standards and Training Council. About a year ago the Sheriffs and Peace Officers Assoc. asked the Board of Crime Control to study the development of minimum employment training standards for jail personnel similar to those that are in place for peace officers. As a result a committee was appointed and a determination was made that it was necessary to initiate such a program. The committee surveyed all the county jails in the state and found that there are 175 full-time and 55 part-time jailers working in 45 county jails. The committee recommended to the Board that this bill be presented to the legislature to authorize the Board to establish minimum standards for these employees. If this bill passes, a committee composed of detention officers and jail administrators will be formed to

bring forward recommendations on the standards for the Board to place into rule. A good training program is already in place which was developed by the Sheriffs Assoc. a couple years ago and is being presented annually at the Law Enforcement Academy.

Testifying Proponents and Who They Represent:

Clayton Bain, Board of Crime Control
Dave Dunn, Undersheriff, Gallatin County, Montana Sheriffs and Peace Officers Association

Proponent Testimony:

Clayton Bain commented that he worked on the committee and stated that it will minimize the liability factor that exists at the present time. Most of the lawsuits that are generated in jails come through a jailer failing to do something or doing something he shouldn't have done. Training is the key to overcome those kinds of actions.

Dave Dunn stated that the Sheriffs and Peace Officers Assoc. strongly support HB 598 and urge the passage of it because they feel that all people who work in a detention center must be adequately trained to perform their duties and that failure to train properly reduces efficiency of the operation, increases the likelihood of problems and mistakes and opens the detention centers and the counties to liability charges. They have set goals to improve the capability of the staff, increase the efficiency of the staff, promote the ability of the staff to identify problems in the jail as they are working, increase their morale and safety for staff.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Eudaily asked if when they are in training and decide they need additional equipment, would they be imposing those costs on the cities and counties. Mr. Bain stated they have no plans to address that issue, but if there is a jail commission formed they will be the ones to address it.

Rep. Eudaily commented that he understood sub 4, page 3 that states up to 72 hours, excluding holidays, and a maximum of 96, and presumed that meant county holidays or Sat. and Sun. Mr. Bain stated that definition was taken out of the jail commission code and was put in by the legislative council.

The standards they are talking about for employment of detention officers applies only to detention centers that have holding facilities longer than 72 hours. Temporary holding centers would not come under this bill.

Closing by Sponsor: Rep. Strizich closed.

DISPOSITION OF HOUSE BILL 598

Motion: A DO PASS motion was made by Rep. Gould, motion seconded by Rep. Wyatt.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the motion and CARRIED unanimously.

HEARING ON HOUSE BILL 642

Presentation and Opening Statement by Sponsor:

Rep. Strizich stated that in 1987 he carried a bill that established what is called the Dangerous Drug Tax Act. In checking how the funds were doing under this act he found that since its passage the tax has resulted almost \$5,000,000 in assessments. Unfortunately, collections are much less than that and compared to that \$5,000,000 there have been approximately \$45,000 collected. On talking with the people at the Dept. of Revenue this raised some issues that it was worth keeping around. There are some technical aspects of tax collections that need to be addressed, however. HB 642 proposes to do a few simple changes that will make the tax more effective and accomplish the purpose they intend it to. First, it allows the Dept. of Revenue to go ahead with the tax assessment and collection as with any other tax without regard to criminal prosecution in a given case. That was the original intent of the bill. They tried to accommodate some concerns by the Dept. of Justice in terms of criminal prosecutions that interfere with the tax man doing his job. Secondly, it suspends a tax lien in a given case during a taxpayer's incarceration. When a taxpayer under the Dangerous Drug Tax Act would be incarcerated as a result of some criminal prosecution the lien would be suspended. Thirdly, it sets a minimum tax on small quantities which coincides with the minimum quantities set forth in the law. That will help law enforcement decide when they should fill out the forms and clarify that. It will actually raise more revenue. Fourthly, there is a redistribution of funds to provide an increase in the funds that are made available to the Dept. of Justice for enforcement activities. In the bill, the redistribution of

funds is done in a manner to keep about two-thirds of it for programs that are pro-active in nature and hopefully preventative. One-third of the funds would go to the drug related laws.

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Strizich closed.

DISPOSITION OF HOUSE BILL 642

Motion: Rep. Brooke moved HB 642 DO PASS, motion seconded by Rep. Gould.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the DO PASS motion and CARRIED unanimously.

HEARING ON HOUSE BILL 673

Presentation and Opening Statement by Sponsor:

Rep. Tim Whalen, House District 93 handed out a copy of a Supreme Court decision, Fode vs. Farmers Insurance Exchange and referred to page 820 (EXHIBIT 12). Earlier in the session he presented to the committee a bill that would provide for direct actions against insurance companies and all cases in which an insurance company would be indemnifying the tort in a cause of action. This particular bill limits itself specifically to insurance companies that write insurance under Montana's mandatory liability insurance law and that means that it only applies to motor vehicles. Rep. Whalen read from page 820, second to last paragraph. He then referred to page 821 (See highlighted

section).

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

Gene Phillips, National Association of Independent Insurers
Jacqueline Terrell, American Insurance Assoc. and Alliance of
American Insurers
Kathy Anderson, Independent Insurance Agents Association

Opponent Testimony:

Gene Phillips stated that what has to be done is determine the liability of the driver, but this bill eliminates that and goes right to the insured. He feels this is inconsistent.

Jacqueline Terrell commented that the companies she represents oppose this bill for the reasons they provided in their testimony on HB 104, which is now Tabled. The effect of this bill is prejudicial to the defendant, to the insurer and ultimately it will be prejudicial to the plaintiff.

Kathy Anderson stated for the reasons Mr. Phillips and Ms. Terrell gave, the Independent Insurance Agents Assoc. also opposes this bill and urged the committee to give it a Do Not Pass recommendation.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Whalen stated that the insurance industry has told the committee that subsection 2 is internally inconsistent with the bill, and that is not the case. The purpose that subsection 2 is inserted in there is because in the adjustment of the claim under Montana's Insurance Act, they can join the insurance company if, in trying to settle the claim, the insurance company enters into wrongful conduct. Then they can join that action along with the action against the insured. It eliminates a charade that they presently have, where they have the insurance company sitting there with the insured next to them and they paid for a lawyer under the provision in the policy that requires them to defend the insured, but the jury can never know if there is insurance there. Subsection 3 prohibits the statement of insurance for the purpose of determining liability. That does not prevent having insurance available in so far as showing two things: 1.) Who the real party and interest is, 2.) It is admissible under the law right now to show the potential bias toward a

witness and the stake that witness has in the litigation itself.

DISPOSITION OF HOUSE BILL 673

Motion: Rep. Daily moved HB 673 DO PASS, motion seconded by Rep. Brooke.

Discussion: Rep. Aafedt stated that he feels this does just the opposite of what they are trying to accomplish. If an insurance company was named in a lawsuit that establishes who has the coverage, he realized it is the law that they do have coverage, but the fact remains that there are some who don't. If everyone had insurance they would not need this law.

Rep. Mercer stated the testimony is a lot like Rep. Whalen's last bill because he is saying that if the jury knows you have insurance they will deliver a different verdict than if they don't know you have insurance. In Rep. Whalen's viewpoint the jury should not be delivering their verdict based on whether or not the person has insurance. If this law is passed, then there will be those who have insurance and an insurance company will be named, and there be someone who does not have any insurance and yet have vast wealth. But since an insurance company is not named the jury might think they don't have anything and that might result in a different amount.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: Rep. Mercer moved to TABLE HB 673, motion seconded by Rep. Boharski. Motion CARRIED with Rep. Darko voting against the motion.

DISPOSITION OF HOUSE BILL 621

Motion: A DO PASS motion was made by Rep. Knapp, motion seconded by Rep. Aafedt.

Discussion: Rep. Wyatt commented that in the past, before this legislation, even public schools put out a paper listing of all the students and all of their minimum and maximum handicaps and put them in the mail boxes of all the teachers of the entire school. They should just initial that they have accessed their records.

Amendments, Discussion, and Votes: Rep. Wyatt stated that she opposes the amendment striking page 2, lines 18-19, "agent or employee of the health care provider". She moved to reinsert the original language into the bill. Motion seconded by Rep. Strizich.

Recommendation and Vote: Rep. Brown suggested to hold the bill
for further action.

DISPOSITION OF HOUSE BILL 291

Motion: Rep. Hannah moved to take HB 291 off of the TABLE.
Motion was seconded by Rep. McDonough. Motion CARRIED
unanimously.

Rep. Hannah moved HB 291 DO PASS. Rep. McDonough seconded the
motion.

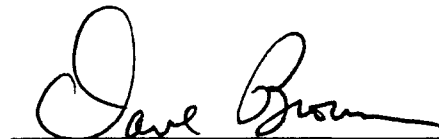
Discussion: None.

Amendments, Discussion, and Votes: Rep. Hannah moved to amend HB
291 (EXHIBITS 13 and 14).

Recommendation and Vote: No further action was taken on SB 291.
Hold for further consideration.

ADJOURNMENT

Adjournment At: 11:30 a.m.



REP. DAVE BROWN, Chairman

DB/je

4008.min

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 16, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

February 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 594 (first reading copy -- white) do pass.

Signed: 
Dave Brown, Chairman

2-16-89
3-15-89
- 10

STANDING COMMITTEE REPORT

February 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 578 (first reading copy -- white) do pass as amended.

Signed: 
Dave Brown, Chairman

And, that such amendments read:

1. Page 4, line 3 and line 22 on page 6.

Following: line 2 on page 4 and line 21 on page 6

Insert: "(viii) domestic abuse of the type described in
45-5-206(1)(a);"

Renumber: subsequent subsection

STANDING COMMITTEE REPORT

February 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 544 (first reading copy -- white) do pass.

Signed: 
Dave Brown, Chairman

STANDING COMMITTEE REPORT

February 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 598 (first reading copy -- white) do pass.

Signed: 
Dave Brown, Chairman

STANDING COMMITTEE REPORT

February 16, 1989

Page 1 of

Mr. Speaker: We, the committee on Judiciary report that House Bill 642 (first reading copy -- white) do pass.

Signed: 
Dave Brown, Chairman



The Big Sky Country

HB 673
2-16-89

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DAVE BROWN

HOUSE DISTRICT 72

HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620

HOME ADDRESS:
3040 OTTAWA
BUTTE, MONTANA 59701
PHONE: (406) 782-3604

COMMITTEES:
JUDICIARY, CHAIRMAN
LOCAL GOVERNMENT
RULES

TO: John Vincent, Speaker of the House
FROM: Dave Brown, Chairman, House Judiciary Committee *of*
DATE: Feb. 16, 1989
SUBJECT: House Bill 673

The House Judiciary Committee has TABLED HB 673 on
February 16, 1989.

DB/je

STANDING COMMITTEE REPORT

February 17, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that HOUSE BILL 621 (first reading copy -- white) do pass as amended.

Signed: 
Dave Brown, Chairman

And, that such amendment read:

1 Page 2, line 19.

Following: "~~provider or~~"

Insert: "including an agent or employee of the health care
provider or"

EXHIBIT 1

DATE 2-16-89

NB 582



**GUARDIAN
TECHNOLOGIES, INC.**



Guardian Technologies, breaking new ground
in science and engineering, offers products
and services that address the critical public
concerns of

reducing repeat drunk driving offenses,

relieving overcrowded prison environments, and

improving offender rehabilitation programs.

Introducing the company and its unique
products and services created to confront

these issues...

On the Forefront of Technology

Guardian Technologies, Inc., a wholly owned subsidiary of Cincinnati Microwave, Inc., shares its parent company's tradition of technological innovations. Guardian's technological developments are recognized as creating a completely new industry.

At Guardian, we are committed to the design and manufacture of electronic products that can solve some of today's most critical social issues. By using technology and service, we have had a significant impact in reducing the number of repeat drunk driving offenses and in relieving the costly effects of prison overcrowding. An essential part of our commitment is the emphasis we place on program development and client support. Recognizing that we don't just build products, we offer a complete system: product, program, and support.

We Create Solutions

As testimony to our commitment, we have assembled a team of engineers, technicians, and production specialists; all experts at designing and manufacturing products that are accurate, simple to install, and easily customized to meet our clients' specific applications. In many instances, our engineering groups work directly with criminal justice agencies and court systems. At Guardian, we place extraordinary value on user feedback, further ensuring that our solutions resolve our clients' concerns.

We Operate a World Class Manufacturing Organization

Our manufacturing facilities mirror our efforts to produce technological innovations. We use advanced tools such as CAD (computer aided design) systems and logic analyzers that facilitate our design efforts. We employ a computer controlled surface mount

manufacturing line, and we have created a work system that taps the best from people in both spirit and knowledge. Our manufacturing group consists of interdependent teams responsible for production output, quality standards, and production improvements.

We Offer Custom Programs and Unparalleled Service

We have developed a variety of monitoring programs that enhance the supervisory efforts of the criminal justice system. We administer customized programs that assure the courts of program compliance and relieve states and counties of costly administrative tasks.

In addition, we offer 7 day a week, 24 hour a day, toll free, product and client support across the United States and Puerto Rico. Any time a client has a question or needs assistance, a trained service representative is available. Our support staff of criminal justice specialists, electronics technicians, and computer technologists is ready to be of service.

Each team, engineering design, manufacturing, and service support, contributes significantly to the quality products the criminal justice system has come to expect from Guardian Technologies. The products and services we provide are summarized on the following pages.



Call or write
Guardian Technologies, Inc.
for copies of the industry's
most recent reports, surveys,
and research findings.

Please let us know when you
will be in the Cincinnati area.
It is our pleasure to invite you
to tour our facilities and meet
the Guardian staff.

Guardian Interlock Systems Impact Society



The Guardian Interlock™ system can do what no human can do, it can consistently and impartially deter a driver from drinking and driving. And, when used as part of our participant paid Guardian Interlock Responsible Driver Program,™ this system dramatically reduces the rate of DUI/DWI* re-arrests. A common reaction from many probationers has been, "I can't lie to this [device]. It makes me stop and realize if I'm going to drink, I'm not going to drive."

Reports indicate that nearly 80% of drivers with suspended licenses still drive. Because of such reports, and the growing acceptance of interlock technology, judges are recognizing the powerful alternative the Guardian Interlock system offers. Over two hundred judges now use it as a standard sentencing measure for first and multiple drunk driving offenders. Since 1986, over 30 states have introduced or passed laws advocating participation in programs employing interlock technology as a condition of probation (or license restoration). Interlock technology has proven to be the most realistic tool for confronting the problem of driving under the influence of alcohol.

How the Technology Works

The Guardian Interlock system consists of a hand-held breath alcohol analyzer and a microcomputer connected to the car's electrical system. In order to start the car, the driver must first blow into the analyzer which measures blood alcohol concentration (BAC). If the driver's BAC exceeds the BAC setting on the device, the car will not start. The Guardian Interlock's foundation, its ability to consistently and reliably analyze breath alcohol, is maintained at a high level of accuracy. The Guardian Interlock system has successfully met or exceeded all required state certification tests.

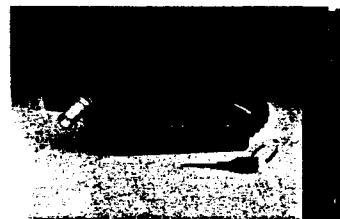
How the Technology Works for You

We designed the Guardian Interlock system for the courts, state agencies, and the persons sentenced to use it. Each system can be selectively programmed to set the BAC limit to match the requirements of its assigned jurisdiction. Patented features of the device deter unintended users from starting the car and the system's electronic memory records attempts of tampering. The operational sequence is easy to learn; the system provides both visual and audio prompts to guide the user. The Guardian Interlock system, when used within the Guardian Interlock Responsible Driver Program, provides the opportunity for persons to learn to make the right decision before driving. In many cases, it has even helped persons to modify their drinking behavior.

A Monitoring Program that Works

The Guardian Interlock Responsible Driver Program monitors individuals sentenced to use our ignition interlock system. It keeps the courts informed of an individual's progress and it provides the opportunity for individuals to retain driving privileges that the courts may not otherwise be inclined to grant. Directed from our network of national service centers, the Program supervises the installation of each system and the training and progress of each participant. Individual participants, not the courts or community tax dollars, pay for the Program. Independent studies show that criminal justice systems that use our Program reduce the number of repeat drunk driving offenses in their jurisdictions by an average 70% more than those that do not.

The Guardian Interlock Responsible Driver Program, through technology and service, can make a significant contribution in YOUR jurisdiction.



***Driving Under the Influence
of Alcohol/Driving While
Intoxicated**

Guardian Technologies Home Arrest Systems Extend Court Effectiveness



The Guardian Technologies Home Arrest products and programs increase your options for providing efficient court supervision. Designed to address the problem of prison overcrowding, our home arrest monitoring products save thousands of tax dollars by incarcerating offenders in their own homes rather than in jail. Communities save additional tax dollars when the offenders themselves assume the costs for participating in the Guardian Home Arrest Monitoring Program. Officials readily agree that some offenders, though sentenced to confinement, would benefit more from community programs. Our home arrest products provide the flexibility for supervising these persons outside a prison environment.

Cost efficient, flexible, AND effective. Reports indicate that a majority of convicted offenders have alcohol related problems. In fact, 65 % of persons currently confined to jail committed crimes while under the influence of alcohol. In an effort to deter further alcohol abuse, Guardian has expanded its home arrest systems to include Guardian's patented breath alcohol sensing technology, a feature offered only by Guardian Technologies.

How the Technology Works

The Guardian systems offer a variety of electronic methods for monitoring the offender. The basic product is a computer in the home connected by telephone lines to a central monitoring center. One or more signalling methods are then added to the system: a radio frequency (RF) continuous signalling feature, a speaker verification signalling feature, Guardian's alcohol breath testing option, or a visual verification signalling feature. No matter which method is selected, when the signal is interrupted or is not acceptable, the monitoring center knows immediately. The center makes both immediate and regularly scheduled reports of offenders' compliance to the designated authorities.

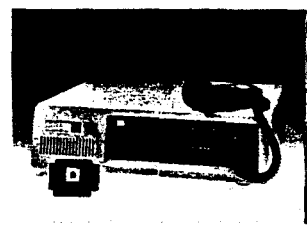
How the Technology Works for You

The Guardian Home Arrest systems give the courts flexibility to specify how stringently and during which hours the offender is to be monitored. The courts can select any combination of signalling methods and monitoring schedules. For example, we can assemble a voice verification system or a system that includes both the voice verification feature and the breath testing feature. In this way, the Guardian Home Arrest products can be customized so that they are compatible with any work release program and can enhance any alcohol treatment program. The systems' accuracy and reliability assure the courts of program compliance.

A Monitoring Program Customized to Your Specifications

We further increase your dollar value by staffing a national monitoring center and leasing our equipment. Guardian Home Arrest Monitoring Program operates 24 hours a day, 7 days a week working with both the program participants and the authorities. We monitor and report on program compliance, and in doing so, we relieve you of the administrative concerns for staffing and equipment maintenance. Also, you benefit from equipment upgrades as we research and develop new technologies. You also have the opportunity to purchase selected systems to establish an independent monitoring program.

The Guardian Home Arrest systems offer a range of options. Our systems can be customized for your current needs and can be modified as your needs change. We are ready to assist you.



The RF system requires the offender to wear a tamper-resistant, water proof ankle bracelet. If the offender moves beyond the bounds of confinement, he or she interrupts the signal between the bracelet and the computer and that violates the sentence.

The speaker verification system requires that the offender speak into a hand-held analyzer at both randomly selected and pre-selected times to verify his or her presence. This technology has an accuracy rating of greater than 99% and can consistently identify the intended speaker from an imposter.

The breath alcohol testing feature requires the offender to take a breathtest at random times to test his or her blood alcohol concentration (BAC). This feature when combined with any of the other features provides a powerful system for both monitoring and rehabilitating the offender.

The visual verification system requires that the offender complete a breathtest in a prescribed fashion that sends facial images of the person taking the breath test and the breath alcohol test results to a monitoring location. (For more on this product, see next page.)

Visual Verification—Guardian Technologies Newest Home Arrest System



Guardian Technologies has identified yet another technology to assist the criminal justice system. Using telecom technology to transmit visual images over telephone lines, Guardian Technologies has developed the Alcohol Reporting Telecom Identification (ARTI) Home Arrest system. The ARTI system provides a monitoring location immediate visual verification of the offender's presence and tests the offender's blood alcohol concentration (BAC). The advanced features of this visual verification system preserve family privacy while maintaining contact with the offender at home.

Guardian designed this visual verification system for those court officers who personally want to monitor individuals sentenced to home incarceration. The ARTI system gives parole and probation officers access to clients with whom they wish to maintain close contact such as juveniles, drunk drivers, or persons on pretrial or early release. The ARTI system gives court officers an economical way of maintaining contact with a widely dispersed caseload such as in a rural community.

How the Technology Works

This visual verification system includes a telecom unit in each offender's home connected by telephone lines to one unit at a monitoring location, the probation officer's office. In this way, the probation officer can effectively monitor more than one offender. When the probation officer calls, the offender blows into the specially mounted breath tester. This causes the system to send an image to the probation officer, who verifies the identity of the person initiating the breath test. Once the breath test is completed, the system sends a

second transmission that includes both the breath test results and a facial image. In this way, the probation officer verifies that the person completing the breath test and the person required to take the test are the same person.

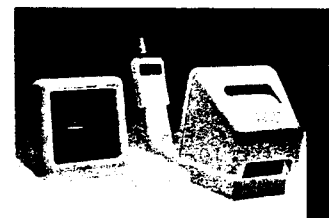
How the Technology Works for You

The ARTI system is easy to administer. It takes less than 20 seconds to complete a visual verification and a breath alcohol test. The test procedure and image transmissions are all system controlled. The offender simply blows into the breath tester for the required five seconds.

The design of the ARTI system guards against attempts to circumvent the system and transmits facial images of only the person taking the breath test. If the offender pauses during the breath test or interrupts it in any way, the system aborts the test and requires a re-test. The breath tester is securely mounted so that the unit always focuses at the correct point. The lights are built-in and timed in sequence with the image transmission. This system design ensures properly focussed and correctly illuminated transmissions every time.

A System Within a System

Visual verification systems—yet another advanced technology—Guardian has developed to assist the criminal justice agencies. Through service and technology, we are ready to assist you.



Alert—A Portable Breath Tester For All Reasons



Our list of clients attests to the diverse applications of Alcohol Countermeasure Systems ALERT J4, our portable, hand-held, breath tester that reliably identifies the presence of breath alcohol. Designed for police officers, probation and parole officers, alcohol rehabilitation counselors, corporate executives, and medical professionals, ALERT's full featured design provides the objective, unbiased information they need and the simple, easy to use operation they want.

New to the United States, the ALERT has been the portable breath tester of choice selected by Canadian police agencies for the past 12 years. They rely on ALERT's certified accuracy of $\pm .005\%$ BAC, the standard for evidentiary testing.

How the Technology Works

ALERT uses a patented breath sampling technique that monitors the air flow and ensures an accurate test of deep lung breath samples. Its unique design guards against user interference or false readings. When you instruct the subject to exhale, ALERT gives a continuous visual and audio cue for the five second sampling period. The results are immediate showing either a BAC display or, if the sample was not complete, a request for a re-test. You gain confidence knowing that the readings are accurate, reliable, and repeatable.

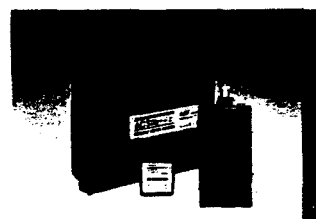
How the Technology Works for You

The ALERT is electronically sophisticated yet very simple to use. You press one button and follow the easy to read prompts. Its microcomputer allows quick turn around for repeated testing and its electronic sensor operates in inclement weather and is economical to maintain.

Designed for the Field

Designed for rigorous, daily use, ALERT runs on re-chargeable NiCad batteries and is encased in a durable, tamper resistant shell. You maintain the unit by keeping it charged and performing routine calibrations. The display format can be customized for your application. You can choose a simple PASS/FAIL read out or you can select from various numerical displays of the BAC measurement. The unit comes complete with its own carrying case, a supply of disposable mouthpieces, and a heavy duty charger.

ALERT is the portable breath tester of choice. It is THE tool to add to your field sobriety procedure or alcohol rehabilitation protocol.



New technology may change drink/drive behavior and reduce rate of repeat drunken driving offenses

Ohio judges initiate study on interlock technology

Ignition interlock technology is quickly emerging as an important force in the nation's battle against drunken driving; as a result, researchers are also quickly finding opportunities for investigating its effectiveness.

Judges with the Hamilton County Municipal Court in Cincinnati, Ohio are selecting certain convicted offenders to participate in a two-year study to determine the effectiveness of ignition interlock systems in deterring repeat drunken driving offenses, and in changing a person's drink/drive behavior for the better. An ignition interlock system is a technological device which, once installed in a vehicle, deters would-be drivers from starting the engine if they fail its breath test because of their blood alcohol level. (See details on the technology, including its features which deter tampering and circumvention, on page three.)

"There's no question this study will be closely watched by the nation's judicial community," says Presiding Judge Deidra Hair, of the Hamilton County Municipal Court, the first court system in the country to initiate its own study on the technology. The Hamilton County study will help

court officials determine if the Guardian Interlock[™] ignition system is more effective than license suspension or revocation in reducing recidivism among

first time offenders arrested for driving with a blood alcohol concentration (BAC) of .20 or more,

repeat offenders convicted of driving drunk more than once within ten years, and

offenders who have refused to have their blood tested for alcohol content at the time of their arrest.

For a minimum of one year, "the Guardian Interlock will remain in a person's vehicle as a condition of probation," says Delbert Elliott, Ph.D., a sociologist with the University of Colorado Institute of Behavioral Science and the director of the study. "But the study will continue after the device has been removed from the vehicle so we can see if there is a lower recidivism rate. If so, this would support the conclusion that the equipment in the car can lend to changes in a person's drinking and driving patterns."

Several Hamilton County judges began ordering selected offenders to use the Guardian Inter-

lock last summer as a condition of probation. The device is manufactured by Guardian Interlock Systems, Inc., a Denver, Colorado-based company. As a service to all courts, the company requires those using its product to participate in the Guardian Interlock Responsible Driver Program.[™] The program provides for the installation of the device, as well as checking it at scheduled intervals for attempted tampering and circumvention. The Guardian Interlock contains technology which can detect such attempts.

"One out of 10 persons driving on a weekend evening are doing so under the influence of alcohol," says Judge Nadine Allen with the Hamilton County court who is ordering some convicted offenders to the Guardian Interlock program. "And, generally speaking, one out of 50 are driving under the influence on any given day."

Allen believes ignition interlock technology teaches people their drinking limit before they attempt to drive, and that it will help keep drunken drivers off the roads. "An interlock device focuses directly on the problem of drinking and driving. It really focuses on immediate public safety."

Payment plan begins

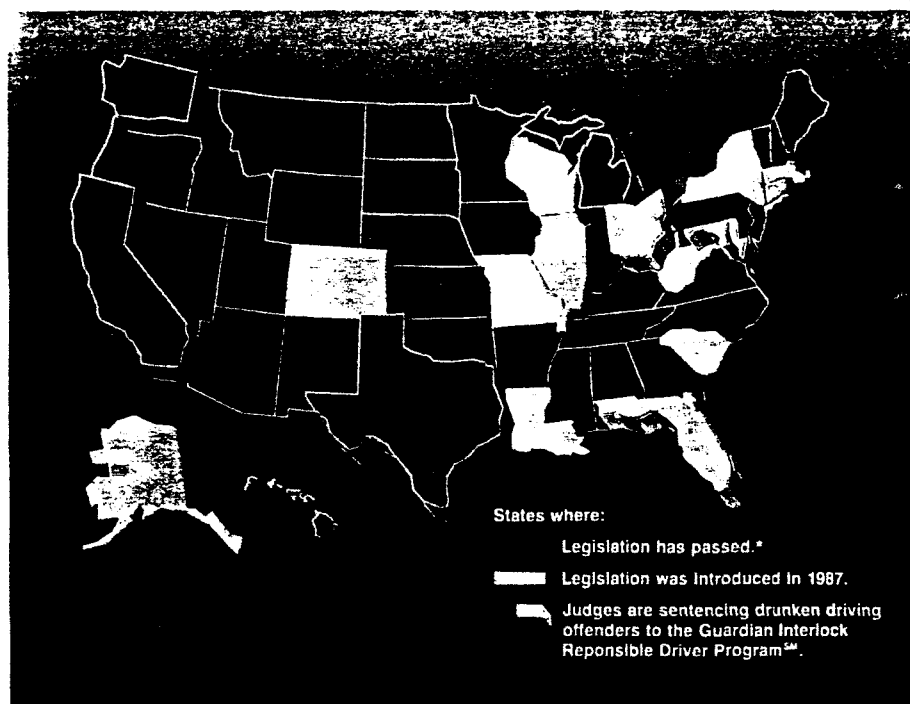
Guardian Interlock Systems has launched a National Payment Plan to give more drunken driving offenders an opportunity to participate in the Guardian Interlock Responsible Driver Program.[™] announced Richard Freund, director of program development.

"We have developed this payment option in response to the courts and in response to the economic realities faced by offenders," said Freund.

The new payment plan reduces by more than half the up-front cost of enrolling in most Guardian Interlock programs. For instance, if an offender is sentenced to the 12-month program, he would initially pay \$195 at the time the device is installed in the car. The offender then makes a payment each time he returns to the service center for his regular appointment, and until his program ends. The payment plan applies to all Guardian Interlock programs, regardless of length.

"The typical DWI (driving-while-intoxicated) offender incurs considerable costs with fines, court costs and attorney fees before the court system has even begun to address education or rehabilitation," said Marita Re, associate chief of

See "Payment"—back page



Many states are considering legislation that would authorize judges, or state agencies, to use ignition interlock systems as optional sanctions in drunken driving cases. Since September, 1986, five states have passed such bills into law, and two states* (Hawaii, Delaware) have passed related resolutions. Although judges in many states may already sentence offenders to use the devices, legislation can help reinforce their pioneering efforts.

EXHIBIT 3
DATE 2-16-89
HB 582

EXHIBIT 3
DATE 2-16-89
582

February 16, 1989

SOLUTION TECHNOLOGIES

incorporated.



State Of Montana
House Judiciary committee

Mr Chairman and Members Of Committee:

For the record I am Carl Seifert, Vice President of sales and marketing for Solution Technologies of Polson, Montana who are the sole representatives for Guardian Technologies. Our Company markets the Guardian Home Arrest systems and the Guardian Interlock system.

I am here today to speak briefly as a proponent to House Bill #582 and to answer any questions I can about the program.

The interlock program as well as Home Arrest is a fairly new concept and has been used very successfully in several other states.

We at Solution Technologies do not recommend the purchase of equipment because the technology is changing so rapidly.

Programs vary in different areas, but some of the procedures are as follows. The program can be handled by Government entities but it is recommended that it be done by a service provider. The service provider does the installation and the periodic checking of equipment. Approximate cost of setting up a service center is \$30,000.00.

Normally the participant is leased the equipment for a minimum of six months. Price of leased equipment varies but a good rule of thumb is that the leased program will be billed at the rate of \$40.00 to \$50.00 per month payable in advance in 60 day increments.

The participant should also pay the installation fee which may vary between \$50.00 and \$75.00 which is a one time charge, however the service provider shall also collect \$20.00 per month payable in advance for checking on possible tamper and making sure the unit is working properly.

In closing, I should mention that I interpret House Bill #582 as written to be permissive rather than mandatory. You might want to take a look at the portion of the legislation as some of the other states have made it mandatory. Guardian has found that unless it is mandatory the programs usually does not get off of the ground, but because of the remoteness of Montana it might not be possible.

EXHIBIT 4
DATE 2-16-89
HB 582

EXHIBIT 4
DATE 2-16-89
HB 582

Montana Magistrates Association

16 February 1989

Testimony offered in support of HB582, a bill for an act entitled: "An act authorizing a judge to require a person to install an ignition interlock device when convicted of driving under the influence of alcohol or drugs."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Magistrates Association urges your support of this legislation, mainly because this legislation would give to the courts another sentencing option that we heretofore have not had. The Magistrates Association is of the opinion that technology is ever on the increase in the area of detention and other criminal justice related fields. The ability of the courts to mandate the use of an ignition interlock device is just one example of such increasing technology.

Much has been said before this committee this legislative session about increasing the penalties for DUI offenses. By and large this committee has been extremely hesitant to increase these punitive sanctions. Under the sentencing option provided by HB582, judges would be more inclined to allow a defendant to have a probationary driver's license if they knew that defendant's vehicle was equipped with an interlock device. In this regard HB582 is just the opposite of punitive; it would allow those persons who otherwise might not qualify for a probationary drivers license to have such a license and to have the freedom to move about the community to maintain their families and occupations.

The Magistrates Association was at first hesitant to endorse this legislation on the grounds that if it were passed the expense of the device would prevent it's use by indigent defendants. When it was learned that provisions were made to overcome that problem our group decided to support HB582.

We understand that there are many arguments that might be raised against such a program. The most frequent argument I have heard is "What's to prevent the defendant from borrowing a friends car to drive?" To that I respond that if I was asked to loan my car to a friend and I knew he had such a device on his car, I would think twice about loaning my vehicle to him.

We hope you can see the need for such options by the courts and give HB582 a do pass recommendation.

Wallace A. Jewell

EXHIBIT 5
DATE 2-16-89
HB 578

MONTANA WOMEN'S LOBBY
FUND

EXHIBIT 5
DATE 2-16-89
HB 578

P.O. Box 1099

Helena, MT 59624

406/449-7917

Testimony in support of HB 578
House Judiciary Committee
February 16, 1989

Mr. Chairman and Members of the Committee:

My name is Brenda Nordlund. Due to a conflict, I am unable to appear at the hearing on HB 578.

The Montana Women's Lobby supports the concept of HB 578 and urges a do pass recommendation from your committee.

Thank you.

EXHIBIT 6DATE 2-16-89HB 578

MENTAL HEALTH SERVICES, INC.

EXHIBIT 6
DATE 2-16-89
HB 578STUART KLEIN, MA
EXECUTIVE DIRECTOR

OFFICES

Regional Headquarters Administration

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P.O. Box 978
Anaconda, Montana 59711-0978
(406) 563-3413

Butte

2500 Continental Drive
Butte, Montana 59701
(406) 723-5489

Gilder House

2460 Kossuth
(406) 723-7104

Silver House

8 S. Montana Street
(406) 723-4033

Dillon

114 S. Pacific
Dillon, Montana 59725
(406) 683-2200

Helena

512 Logan
Helena, Montana 59601
(406) 442-0640

Sexual Assault Treatment Program

512 Logan
(406) 442-0649

Montana House

422 N. Last Chance Gulch
(406) 443-0794

Transitional House

1101 Missoula Avenue
(406) 443-4922

Northwest Adolescent Treatment Center

32 South Ewing
(406) 442-9902

Livingston

(Park County Courthouse)
P.O. Box 119
Livingston, Montana 59047
(406) 222-3332

Mountain House

106 N. Second
(406) 222-8202

February 14, 1989

The Honorable Jim Rice
House of Representatives
Capitol Station
Helena, MT 59620Ms. Becky Malensek
House of Representatives
Capitol Station
Helena, MT 59620

Dear Mr. Rice and Ms. Malensek:

Enclosed is the testimony you requested relative to
House Bill 578.I regret that I am unable to testify in person, and
appreciate the opportunity to submit this written
testimony.If I can be of additional assistance, please do not
hesitate to contact me.

Respectfully submitted,

RON J. SILVERS, M.Ed., L.P.C. #124
Program Director
Sexual Assault Treatment ProgramRJS/nn
Enclosure

HOUSE BILL 578

House Bill 578 is entirely compatible with the Sexual Assault Treatment Program of Mental Health Service, Inc., Helena in that we believe at all times the burden of proof regarding responsible behavior in the community lies with the offender client in an out-patient setting. Offender clients must recognize that by their actions they have relinquished "automatic rights" to have visitation with children regardless of the specific nature of their sexual assault behavior.

In any recognized out-patient sex offender treatment program, the rights and safety of both the victim and the community are the first priority in assessing the offender client's treatment amenability. Sex offenders who have been court ordered into out-patient treatment either in lieu of serving their full prison sentence or after serving a portion of their sentence, must actively endorse the rights and safety of their victims, and children. They must strictly adhere to parole and probation rules as well as treatment plans which guard against any possible physical or emotional damage resulting from premature contact with vulnerable persons. An offender who is actively and sincerely engaged in sexual assault treatment will recognize that his or her problem is not curable and that he or she therefore must assume on-going responsibility for increasing awareness and control of destructive behaviors. Further, he/she must take every precaution against not only re-offense, but any behavior which puts anyone at risk or further injury.

A noncustodial father convicted of a serious crime such as sexual assault should bear the burden of proof as to whether his contact with his child is in their best interest. A sex offender client in treatment should be more than sensitive to and willing to abide by protective measures instituted for his/her children. Such an attitude would be indicative of genuine concern for the children and a willingness to work towards the possibility of establishing healthful contact over a gradual period of time.

EXHIBIT 7
DATE 2-16-89
HB 578

February 15, 1989

HB
Dave Brown, Chairman
Judiciary Committee

RE: HBS78

I am a custodial parent, whose ex-husband has been convicted of sexually assaulting an 8 year old girl. If this bill were law, the safety and well-being of my two children, as well as many other children would be established. To force children to submit to unsupervised visits with a parent who has been convicted of sexual assault with a minor is an unwise experiment. Unfortunately, my children and I have had personal experience which makes it important to us that you help.

My worst fear is still unknown, had he molested his own two children? Interviews with welfare, the sheriff's office, counselors and our attorney's were inconclusive. Upon conviction of sexual assault on the 8 year old girl, my ex-husband was sentenced to 40 years as a dangerous offender with 20 years suspended. During the sentencing, the judge said he was still entitled to visitation - even while in prison.

After serving only 5 1/2 years, he is eligible for parole. I have consulted with an attorney and found that he is entitled to all visitation as set forth in our divorce. In spite of his conviction of the heinous crime described above and his refusing to go through the prison sexual offender treatment program.

To change the visitation order, I have to prove that his seeing the children would seriously endanger their physical, mental, moral or emotional health. I have to retain an attorney for myself, an attorney for the children, counselors for the children, all at my own expense. The burden of proof (and it is a heavy burden) is on me, the custodial parent.

I need your help. It has been established that sexual offenders cannot be cured, only treated. It is folly to trust them with children. These children need and deserve the protection of all the resources this society can provide.

This bill can help us all. My children and the many other abused children can be protected. My ex-husband must take responsibility for his actions and be required to prove he has reformed. He must assume the burden of proof to a court of law that his visitation would not be detrimental to our children.

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If this bill becomes a law, I believe it could act to prevent child abuse. It would certainly protect children and it would make it possible for custodial parents to protect their families without choosing desperate measures such as going underground.

Children should not have to live in fear for their lives or losing their innocence because of an abusing parent.

Sincerely,

Rebecca C. Malensek

Rebecca C. Malensek
2655 Valley Drive
East Helena, MT 59635

227-6953 (home)
444-2803 (work)

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DATE 2-16-89
HB 578

**MONTANA COMMITTEE FOR
PREVENTION OF CHILD ABUSE**



P.O. Box 20152
Billings, MT 59104

February 10, 1989

Becky Malensek
2655 Valley Drive
E. Helena, MT 59635

Dear Ms. Malensek, and Members of the Committee:

On behalf of the children of Montana, the Montana Committee for Prevention of Child Abuse urges support for legislation that limits or restricts visitation rights of non-custodial parents who have committed certain crimes, including child abuse, as outlined in the legislation before you.

It is the belief of the Committee that the non-custodial parent should bear the burden of proving at the court hearing that visitation by the non-custodial parent is in the best interest of the child or children. Eliminating any possibility of harm or further abuse to the child by the non-custodial parent is a critical factor to insure before any visitation occurs.

We trust that the necessary legislative changes can be initiated that will best insure the child's safety and well being and not further subject them to unnecessary and preventable risk. Our state agencies, communities, and legislature must work together cooperatively in preventing child abuse for all of Montana's children. Our childrens' future depends on our cooperative efforts.

Please don't hesitate to contact our organization for any additional information.

Yours for Children,

Susan Sandwell, PHN, President
440 Parkway Drive
Kalispell, MT 59901
752-5583, 756-5633

EXHIBIT 9
DATE 2-16-89
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EXHIBIT 9
DATE 2-16-89
HB 578

TESTIMONY FOR THE HOUSE JUDICIARY COMMITTEE

Support HB 578 Visitation Rights of Noncustodial Parents
Convicted of Certain Crimes

Name: Karen Landers, MD, Pediatrician from Helena

Representing: Montana Council for Maternal and Child Health

The Montana Council for Maternal and Child Health represents hundreds of health care professionals serving Montanans statewide. Because their primary concern is the health and well-being of mothers and children, I speak in support of HB 578 which provides for changes in custodial laws when a noncustodial parent has been convicted of specified crimes.

Data from the Department of Family Services indicates that abuse of Montana children is on the increase. In FY 86, there were 1,187 substantiated cases of physical and emotional abuse, and 620 substantiated cases of sexual abuse.¹ While there is no typical child abuser, 80% of violent or negligent parents were themselves abused as children, and studies indicate that most violent criminals were severely abused.

Children need and deserve a nurturing and safe environment in which to grow and develop. It is both reasonable and desirable to provide our children with caretakers who will meet their children's needs with love and responsibility. Persons convicted of violent and sexual crimes should carry the burden of proving their ability to care for their children in this way when it is called in question.

The Montana Council for Maternal and Child Health advocates prevention in its goals for improving the health of mothers and children in Montana. We recognize in HB 578, a

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step towards preventing child abuse and urge your support.

Please give this bill your do pass recommendation.

References

* Department of Family Services, 1987.

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HB 578

carroll of montana
February 15, 1989

Chairman Dave Brown
House Judiciary Committee
Montana State Legislature

Gentlemen:

I am writing you in support of HB 578 - Visitation Rights of Non-custodial parents. I have many years of experience in child protection services, counseling abused children and their parents, and as an expert witness to the First Judicial District courts in child custody and visitation cases.

I believe the proposed change in the law is a necessary step in providing continued protection to children when the non-custodial parent presents a danger to them. At present, the burden of proof that a parent continues to present a danger is on the parent who has not been found guilty of a crime. This is not only unjust, it puts that parent to considerable expense to respond to a petition to change custody and/or visitation, and he/she may not have access to important information. The parent may have to obtain a full evaluation, including interviews with the children. Since I have done those evaluations, I know that they are expensive and traumatic to everyone, and it has been a source of anger to me that the parent whose parenting has not been in question has this burden.

When a parent has been judged harmful to a child it only makes sense that he/she have the burden of proof that there has been sufficient change to warrant greater access to the child. I have seen many good and concerned parents - often single parents already financially marginal - suffer severe stress and be put to great expense in order to protect their children. This should not happen. The person whose actions are in question should have the burden of proof.

I hope the Judicial Committee will recommend passage of HB 578. Thank you for your attention to this letter.

Sincerely,



Margaret Stuart M.S.W.
Director, Social Work Program
Carroll College
Helena, Montana

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DATE 2-16-89
HB 578

EXHIBIT 11
DATE 2-16-89
HB 578

February 16, 1989

Honorable Dave Brown
Chairman
Judiciary Committee
Montana State Legislature
Capitol Station
Helena, MT 59620

Dear Chairman Brown and Committee Members:

Please accept the following as written testimony supporting House Bill 578.

We support House Bill 578 for the following reasons:

1. The burden of proof is placed where it belongs, with the noncustodial parent, and makes that parent responsible for their actions.
2. The safety and protection of children from unnecessary and preventable risks are insured.

Thank you.

Jeanette Roberts
Wanda Craft
Barrie Wright
Lynne Rutter
Kimberly Kuhn Smith
Robert J. Duncan
Maria V. Largent
Myrna Lee Snider
Maureen Hughes
Wendy

Gay W. Adolung
Penny Allen Clark
Janette Sullivan
Diane J. Danichek
Dore M. Jagg
Donna P. Thompson
Jo Courtney

EXHIBIT 1
DATE 2-16-89
HB 673

STATE REPORTER
Box 749
Helena, Montana 59624

VOLUME 43

No. 85-352

EXHIBIT 12

25-10-3032-16-8
HB 673
28-1-201
28-1-203
33-18-201

RONALD V. FODE,
Plaintiff and Appellant,

Submitted: Dec. 9, 1985
Decided: Apr. 25, 1986

v.
FARMERS INSURANCE EXCHANGE,
a Reciprocal or Interinsurance
Exchange, organized and existing
under and by virtue of the laws
of the State of California,

Defendant and Respondent.

INSURANCE, Appeal from summary judgment entered in favor of defendant and request that the Supreme Court recognize the common law duty of good faith and fair dealing without reference to the unfair claim settlement practices statute. The Supreme Court held: (1) Appellant's allegations should be presented to the District Court to determine whether a cause of action has been stated under § 33-18-201, MCA, and (2) All proceedings in a bad faith case, alleging violations of the code which require a showing that liability be reasonably clear, are suspended until the liability issues of the underlying case have been determined either by settlement or judgment.

Appeal from the Thirteenth Judicial District Court, Yellowstone County, Hon. Robert Holmstrom, Judge

For Appellant: Whalen & Whalen, Billings

For Respondent: Crowley Law Firm, Billings

Mr. Timothy J. Whalen argued the case orally for Appellant; Mr. Peter F. Habein for Respondent.

Opinion by Justice Morrison; Chief Justice Turnage and Justices Harrison, Weber and Gulbrandson concur. Justice Sheehy dissents and filed an opinion in which Justice Hunt joins.

Remanded.

Mont. _____

P.2d _____

Amendments to House Bill No. 291
First Reading Copy

Requested by Rep. Hannah
For the Committee on the Judiciary

Prepared by John MacMaster
February 15, 1989

This amendment is put forth here in "concept" form.

Page 2, lines 17 through 24, of the bill would be deleted.

What would be left is a bill stating that the prisoner must pay his medical expenses if he is able to and the county attorney must sue to collect them from the prisoner.

Subsection (2) of 61-3-509 takes 7% of the 2% tax on autos and small trucks and puts it in a state fund to help pay certain expenses of the district courts of the state. The district court expenses this fund helps pay for are set out in 3-5-901.

A similar provision will be amended into HB 291. It will provide that 2% of the 2% tax on autos and small trucks must be placed in the county general fund to be used, to the extent necessary, to pay the medical expenses of prisoners in the county jail to the extent that the prisoners are financially unable to pay the medical expenses under 7-32-2222. The amendment would provide that any surplus would be distributed as the money would otherwise have been distributed had it not been earmarked for prisoner medical expenses.

Amendments to House Bill No. 291
First Reading Copy

Requested by Rep. Hannah
For the Committee on the Judiciary

Prepared by John MacMaster
February 15, 1989

This amendment is put forth here in "concept" form.

Page 2, lines 17 through 24, of the bill would be deleted.

What would be left is a bill stating that the prisoner must pay his medical expenses if he is able to and the county attorney must sue to collect them from the prisoner.

The bill would be amended to state that 10% of all fines and forfeitures collected by a city court or municipal court that the MCA does not earmark for other uses would be deposited in the county general fund to be used to pay the medical expenses of those county jail prisoners who are financially unable to pay their own medical expenses. Preliminary analysis of existing MCA provisions relating to disposition of fines and forfeitures collected by city and municipal courts indicates this could best be done by amending 46-17-303 and 46-17-304 (stating that fines and forfeitures collected in a city court must be paid to the city treasurer) and 46-17-402 (stating that fines and forfeitures collected in a municipal court must be paid to the municipal treasurer) to provide that after the fines and forfeitures are paid into the city or municipal treasurer, 10% must be paid to the county treasurer to be used to pay the medical expenses of county jail prisoners who are unable to pay their expenses.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 582DATE FEB. 16, 1989SPONSOR REP. EUDAILY

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Wally Jewell	MT MAG Assoc	X	
Darrell Beckstrom	DEPT. of Motor Vehicles	X	
Brian M. H.	LAC Co. STOP-DWI T. F. N.	X	
Carl A. Seifert	Solution Tech	X	
Peter Funk	Dept of Justice	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 578DATE FEB. 16, 1989SPONSOR REP. RICE

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Becky Malenset		✓	
Camille Mahanck			
Edward Mahanck		✓	
John Marsen	Family Services	✓	
Joan Ude	Family & Children's Law Section, St Bar	✓	
Brenda Nordlund	MT Women's Lobby	✓	
David Sanders MD	Montana Council for Mental and Child Health	✓	
Joan Reluch	MT-Mental Health Center	✓	
Christie Marron	MT mental Health Center	✓	
Jill Kennedy	Friendship Center - Helena	✓	
Kimberly C. Gardner	Bozeman Self	✓	
John Connor	MT County Attys Assn		
Joan Serquina			
Peter Furr	Dept. of Justice	✓	
Judith Carlson	MT CHP - NA Soc. WORKS	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

JUDICIARY

BILL NO. HOUSE BILL 544

DATE FEB. 16, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 668

DATE FEB. 16, 1989

SPONSOR REP. McDONOUGH

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Robert Johnson	L & L Health Dept	✓	
Judith Gedrose	MDHES	✓	
Richard Chiotti	MDHES	✓	
Bonnie Tippy	MT Funeral Directors		✗

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 598DATE FEB. 16, 1989SPONSOR REP. STRIZICH

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Clayton Bein	Board of Crime Control	X	
DAVE DUNN	Sheriff's - Peace Officers	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 673DATE FEB. 16, 1989SPONSOR REP. WHALEN

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Gene Phillips	NAIL		X
Bonnie Jippy	Alliance of Am. Ins.		X
Jacqueline Perrell	Amer. Ins. Assoc.		X
Robert A. Brown Mike Sherwood	IIAM		X
	NTLA	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.