

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on January 29, 1991,
at 8:06 a.m.

ROLL CALL

Members Present:

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

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

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

HEARING ON HB #272 MONTANA COMMUNITY CORRECTIONS ACT

Presentation and Opening Statement by Sponsor:

REP. BRADLEY, HOUSE DISTRICT 79, this is a Montana Community Corrections Act. The advisory council has a whole variety of alternatives that are mid-level alternatives. Alternatives that communities and judges can work with that we have not had up until this time. We have put judges in the position of dealing with the two alternatives on both sides of the spectrum and that is either probation or prison. We are talking about something in the middle here that deals with communities, less cost and more responsibility to the offenders. I think it is important to

note, a judge cannot sentence a person to a community facility for more than 1 year. This is not a long term obligation. In drafting the bill we felt you had to give the local board of the community the authority to accept, reject, or reject after acceptance, the placement of an offender. This is the kind of option that many states have already implemented and seems to be working well for them. This would be very good for non-violent offenders. It would offer them a last chance to get out of the prison spiral. It would cost the state less money. Many of our prisons are made up of non-violent offenders.

Proponents' Testimony:

REP. LEE stated he would like to call the attention of the committee to the package of letters he has handed out. EXHIBIT 1. There is a national organization called Justice Fellowship, which is an option of prison work. What Justice Fellowship is concerned with is a correctional reform. It is there desire to promote community corrections and we ask that you do pass this bill.

John Conner, Department of Justice - Montana County Attorney's Association, stated this bill is an appropriate step in the right direction. I have some amendment that do not deal with the substantive aspects of the bill, but may make the other aspects more in line with the criminal procedure. I would ask the committee to look over these amendments and give them consideration to the bill. EXHIBIT 2

Earl Peace, Gallatin County, gave written testimony in favor of HB #272. EXHIBIT 3

Melinda Erickson, self, stated this bill provides a solution that has worked in other areas and support HB #272.

Diane Sands, Montana Women Lobbyists, stated this bill gives an exciting possibility for some community programs as alternatives to a women's correction facility and a chance to be able to keep families together. This will provide a positive experience that will benefit women in the system but will also be cost effective for the state.

John Shontz, Mental Health Association, gave written testimony in favor of HB #272. EXHIBIT 4

Harley Warner, Montana Association of Churches, gave written testimony in favor of HB #272. EXHIBIT 5

The Bozeman Clinic - Bozeman, submitted six letters in support of HB 272. EXHIBIT 6

Opponents' Testimony: none

Questions From Committee Members:

REP. MEASURE asked REP. BRADLEY that page 13 and 14 of the bill in section 10, I am concerned about the schedule for taking care of financial obligations for the offender. It has always been my thought that one of the big problems with incarcerating people are the problems imposed on the family. I feel the family support should be paid first, do you have any problems with an amendment of that nature? REP. BRADLEY said no she does not and the committee should feel free to organize the priorities as you see fit. He then asked her if she envisions these people as being placed for work obligations in any other place than MacDonalds? REP. BRADLEY said the individuals who are running the community correction facilities had a variety of places these people could work. The community was behind this arrangement.

REP. MEASURE asked REP. BRADLEY how, with the cost of mental health, do you feel you can take care of the needs of these people for just \$1500 a month? REP. BRADLEY said some of the buildings for this purpose do not have to be built they are already standing so this will not cost the state anything. If we left some of this innovation at community level we could see it happen. Of course, some facilities will cost more than others.

REP. RUSSELL asked REP. BRADLEY if there is legislation in the bill that would make it possible for Indian Tribes to be a private contract to have one of these facilities and the tribe would recognize these jurisdictions? REP. BRADLEY said if you would like to add some language to make it clear I would support that. The language in section 5 and section 7 has non-governmental agencies in it and this would cover your concern but you are welcome to make it clearer in the bill.

Closing by Sponsor:

REP. BRADLEY stated she would like to thank all the people who came to support this bill and would hope the committee would give it a do pass.

HEARING ON HB #269 & 270INCREASE PENALTY FOR REPEAT INDECENT EXPOSUREINCREASE PENALTY FOR REPEAT VIOLATIONS OF PRIVACY COMMUNICATIONSPresentation and Opening Statement by Sponsor:

REP. COCCHIARELLA, HOUSE DISTRICT 59, stated that people take these kinds of crime and make fun of them when actually the things that go on in relation to obscene phone calls and indecent exposure are acts of terrorism. They strike terror in hearts and souls and have lasting impact on people that are victims of those kinds of crimes. We are asking you to increase the penalties of these crimes in order to try and keep the offender longer in custody to get treatment for them.

Proponents' Testimony:

John Conner, Montana County Attorney Association, stated these bills were recommended by the County Attorney's proposals that they wanted to offer to you this year. The intent behind these bills was never discussed in terms of punishment but rather in terms of what can be done to get court jurisdiction for longer period of time for people who commit these type of offenses. With the given penalty as the law provides now, there isn't enough time to force them into some type of situation where they can be evaluated and treated.

Betty Wing, Deputy County Attorney, stated she brought these bills to the County Attorney's Association for two reasons. The first reason was it was a request of our child protection team. The child protection team is made up of social workers, police officers, school counsellors, psychologist, attorneys, victims, and we are charged with protecting children from sexual and assaultive behavior. It was our concern these people who perform the acts we are talking about, are in the initial stages of a more serious problem. We would like to see people like this in a long term treatment program. In order to do this we need you to pass this bill so we can have a longer penalty. The second reason we support this bill is for our own benefit. In our office we keep getting repeat offenders and they seem to be crying out for help by letting us know their every move. These offenders need our help and we need to save our communities from these people.

Janice Frankino-Doggett, Women's Law Section of the State Bar, we represent the views of men and women who belong to our organization. A person's home and privacy can be invaded by the telephone. It is a very terrifying experience and we ask the committee to pass this bill.

Diane Sands, Montana Women's Lobby, stated have a long agenda that deal with sex crimes and these pieces of legislation are part of that package. These are not victimless crimes. Unfortunately, these are normal everyday experience for women. We ask that you pass this bill to get them off the phone and into treatment.

Star Jameson, Coordinator - Women's Place, gave written testimony in favor of HB #269, 270. EXHIBIT 7

Michael Scolotti, Clinical Psychologist, stated he has worked with sexual offenders and especially seeing nuisance offenders. This bill will allow continuing follow-up of these offenders. There are many type of behaviors of these offenders. They are not usually the type of offenders that do just one certain sexual offense they will do a variety of offenses. These people need counseling and you can give us the opportunity to help these people in counseling.

Ron Silvers, Center for Sexual Health - Mental Health Services, stated he no longer finds these types of crimes humorous. The victims are frequently very young, alone, vulnerable, and female. There is little debate that victims more often than not feel assaulted, confused, frightened, disgusted, pursued and apprehensive about their safety for the future. Perpetrators don't necessarily fit the pathetic image of a frumpy old man in a rain coat, the men I have worked with are young, angry, calculated, predatory, compulsive and sexually obsessed. They all rationalize their behavior in a need for more victims, more danger, more arousal.

SEN. FRED VAN VALKENBURG, stated it was amazing to hear in the first few days of the session the sort of insensitive comments being made about this particular subject. I think you have heard the importance of this issue and the situation that exists out here and I hope you are not insensitive to this issue. There is a serious problem out there and one that needs addressing in some fashion or another and I hope that this is a very minor step towards dealing with that. We are not talking about first offenders in respect to these bills, we are talking about people who have been previously convicted of these offenses who have been told by judges to stop and have already been sentenced to a county jail and not responded to this sanction. We are not asking, except in most extreme circumstance, that people be sent to the state prison. Rather, we want to get them into programs.

Opponents' Testimony: none

Questions From Committee Members:

REP. WHALEN asked SEN. VAN VALKENBURG why don't we have some type of program that has first offenders go to counseling such as our DUI offenders? SEN. VAN VALKENBURG stated he was an observer in the drafting of the bill and it is coming from a prosecutorial prospective that they are following an existing a law. We have to have something hanging over their heads, such as a sentence, in order to give them an incentive to stay in the treatment program.

REP. LEE asked Mr. Scolotti how long is the treatment for these kinds of people? Mr. Scolotti said it takes between two and a half years to four years but not all offenders stay for that length of time.

REP. LEE asked Mr. Conner if the sentence is shorter than the treatment program, is there any way that can be structured so completion of the treatment is contingent upon not invoking the jail term? Mr. Conner said under the law you can only obtain jurisdiction over that person and therefore only order the kinds if treatment for as long as our legal right to have jurisdiction.

Closing by Sponsor:

REP. COCCHIARELLA stated as the committee has heard from the testimony given there is a great need to increase the penalties for these crimes.

HEARING ON HB #302

CREATE OFF. OF DISORDERLY CONDUCT BY PEERING AT OCCUPANT OF BLDG.

Presentation and Opening Statement by Sponsor:

REP. COCCHIARELLA, HOUSE DISTRICT 69, stated this is the peeping person bill. It has been separated from the other two because this is new language in the law. It was amazing to me to find there was not law against peeping in the state of Montana. It is an offense that should have stiff penalties.

Proponents' Testimony:

John Conner, Montana Attorney's Association, stated this bill was considered important because by the association because there is no where in the law now that effectively deals with people who commit offenses as voyeurs. That is basically what this bill does. There was some consideration to charge these people with criminal trespass. The problem with that is the person is convicted of criminal trespass and you have no idea that this person is a voyeur and has committed a sexual related offense. The next problem is you have to go through all the hoops of proving whether or not the person has a license or was invited to be on the property or if they did not give that person an invitation to come onto his property. This is inappropriate for the crime that is being committed. This bill is appropriate for the crime of voyeurism. We didn't include second offense punishments in this bill because we thought it best to offer it up to you as a new offense.

Betty Wing, Missoula Deputy County Attorney, stated this bill is also a concern of our Child Protection Team. There are three things that concern us in the language. First, it has to be on the property of another. You can't be walking up a public street and happen to look into someone home and see someone inside. You have to be on their property. Secondly, it has to be inside a structure. It doesn't include someone looking over the fence in someone backyard and seeing someone in a bikini. It has to be inside someone's home or a building. Thirdly, with the purpose of arousing or gratifying a sexual desire. We are going to have to prove that to a jury and it won't be easy and we would have to look at the overall circumstances.

Janice Frankino-Doggett, Women's Section of State Bar, stated it is important this offense be included as a specific offense in the law.

Collette Bumgardner, self, stated the peeping bill deals with a very serious offense. She told the committee of an experience that happened to her in regard to a peeping tom. This experience left her frightened, not sleeping at night, and an experience she will never forget. This is a very serious offense and would ask the committee for a do pass on this bill.

Diane Sands, Montana Women's Lobby, stated they support this bill and ask the committee to give it a do pass.

Opponents' Testimony: none

Questions From Committee Members:

REP. TOOLE asked Ms. Wing if the offense is committed by anyone crossing the property line, not just for someone out in the yard? Ms. Wing said yes, as long as they are looking into the building.

REP. TOOLE asked John Conner if we should have this penalties for this crime be the same as the other two bills accompanying this bill? Mr. Conner the reason we did not put any penalty for 2nd and 3rd offense is because we were creating a new offense with this bill.

Closing by Sponsor:

REP. COCCHIARELLA stated she hopes the committee will give a do pass these bills as a package. This will help prevent further continuation of these kinds of violence and terrorism against mostly women and children in our society. A letter from the office of the City Attorney is for the record. EXHIBIT 8

HEARING ON HB #252

ALLOWING 45 DAYS FOR NOTICE OF RIGHT TO CLAIM CONSTRUCTION LIEN

Presentation and Opening Statement by Sponsor:

REP. FORRESTER, HOUSE DISTRICT 98, this bill concerns the construction industry. It deals with the number of days required to enforce the intent to lien. We want to change the number of days from 20 to 45 days.

Proponents' Testimony:

J. Riley Johnson, Western Building Material Association, gave written testimony in favor of HB #252. EXHIBIT 9

Don Chance, Montana Building Industry Association, this bill is extremely important to our industry. I urge the support of this bill.

Gene Phillips, Montana Land Title Association, stated we are providing an amendment to the bill for page 3 line 18. We suggest you insert a sub paragraph e that would read "the notice may be released from the public record by filing a release of notice of right to file a lien with the clerk and recorder". We urge do pass of this bill.

Mark Lindsey, General Contractor, stated he is in support of HB #252. He is very aware of the problem of 20 days and feels 45 days would solve many public relation problems.

William Madison, Johnson-Madison Lumber Company, gave written testimony in favor of HB 252. EXHIBIT 10

Nep A. Lynch Jr., V.P.-Intermountain Lumber, gave written testimony in favor of HB 252. EXHIBIT 11

Tom Simpkins, Lumber Yard Owner - Bozeman, stated he has given out as many notices as anybody. We send around three to four hundred of these a year. The basic cost of sending these out is \$3600 for your basic filing cost and doesn't include the time. Sometimes 20 days becomes a bit tight because it may take us a week or 15 days to process the information and we are dealing with several counties. Another problem I have had is a public relations problem. Contractors refuse to do business with us because we send out pre-lien notices. We are asking to change the deadline to 45 days. EXHIBIT 12

Milo L. Stordahl, President - Triple "S" Building Center, Inc., gave written testimony in favor of HB 252. EXHIBIT 13

Jim Caras, Missoula Homebuilders Association, stated the way the existing lien law works it is very hard to be a supplier. I have time again where the contractors will tell us we do not want to business with you if you file a lien. Filing a lien is our safeguard and we are in support of the 45 days.

Keith Albright, Home Owners Association, stated we are in support of this bill right now. Filing a lien is not a cure all and a lien is a method of last resort.

Mark Meed, Helena Home Builders, stated we strongly support this bill for the reasons presented.

David Steen, Great Falls Homebuilders, stated we are in support of HB #252.

Paul E Thomas, self, I support this bill.

Opponents' Testimony:

Bill Leary, Montana Bankers Association, gave written testimony opposing HB #252. EXHIBIT 14

George Bennett, Montana Bankers Association, stated a lien is a safeguard for the home buyer. He is opposed to changing the 20 days to 45 days.

Jock Anderson, Montana League of Savings and Loan, stated we oppose this bill. It seem the testimony has lost sight of the fact that the purpose of this notice if not just to fulfill a technical requirement. The purpose was to give homeowners the knowledge they might need to protect themselves.

John R. Gordon, attorney, gave written testimony opposing HB #252. EXHIBIT 15

Bob Pyfer, Montana Credit Unions League, stated the lien law is a good law that provides a warning to the consumer that there might be a lien out there they might not be aware of and also provides good clean language, instructions and guidance on how to protect themselves. Primarily through issuing joint checks. We feel 20 days is ample time and if anything is too long. Changing it to 45 days would remove a lot of protection for that consumer.

Mike Varone, Vice President - Norwest Bank, stated he agrees with the testimony of the opponents today. This is an anti-consumer bill that will allow the consumer to pay twice. It is the duty of the contractor to inform perspective homeowner of what he will be receiving in the mail to protect himself. This is a self-serving bill and does not protect the homeowner it protects the contractor and they should be able to be aware of who they are dealing with. Presently, banks are in the credit business. If the contractors and client want to be in the credit business, let them beware and give them notice.

Joe Bower, First Bank, stated he opposes HB #252. This bill is not in the homeowners or consumers interest and there is protection to the contractor and supplier in the existing law. This bill could delay closing on Real Estate Loans. We ask you to do not pass this bill.

Questions From Committee Members:

REP. TOOLE asked **Mr. Johnson** if the additional 25 days will be keeping the homeowner in the dark too long in regard to liens that may be filed against them? **Mr. Johnson** said everyone here has stated they have heard the horror stories of double payments. The fact is the law is working at this time, and we are asking for an additional 25 days before placing the notice. We do not feel we are going to harm the homeowner.

REP. WHALEN asked **Mr. Johnson** when the consumer is dealing with the General Contractor are they somehow bonded? **Mr. Johnson** said he could not answer that.

REP. JOHNSON asked **Mr. Lindsey** would it be possible for you to sit down with whoever you are doing work for, and explain and

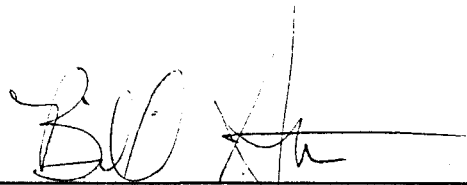
show them copy of the notice of right to file the lien at that particular moment? Mr. Lindsey said he did try to do that and he brought out the form to inform the client what will be coming in the mail. But they seem to forget over the course of 4 or 5 months and then panic when it does come in the mail.

Closing by Sponsor:

REP. FORRESTER stated this bill is a consumer protection bill and that the problem with the banking industry seems to be in terms of property. I do not think the banks are concerned about consumer protection this time. I ask that you do pass this bill.

ADJOURNMENT

Adjournment: 11:47 a.m.



BILL STRIZICH, Chair



JEANNE DOMME, Secretary

BS/jmd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE

Jan. 29, 1991

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

HB272



P.O. Box 17181
Washington, DC 20041-0181
(703) 834-3650

406-444-3036

Mr. Tom Lee
House of Representatives
State of Montana at Helena
Seat 52

EXHIBIT 1
DATE 1-29-91
HB 272

Dear Montana Justice Fellowship task force member:

In regard to House Bill 272, I have reviewed the contents and am pleased to inform you Justice Fellowship is certainly in support of this proposed legislation and will assist you and others in whatever way possible.

It is our desire to promote Community Corrections wherever they would seem to be mandated and this appears to be certain in Montana.

I wish you success in your introduction of this bill and look forward to working with you and other members of the task force.

Very Sincerely,
For Justice Fellowship

A handwritten signature in cursive script, appearing to read 'Forrest Hubers', is written over the typed name.

Forrest Hubers
Regional Director

FH/cf

NORTHWEST DESIGN ASSOCIATES

40 E. Main #1, Bozeman, Montana 59715 (406) 585-2211

25 January 1991

Representative Tom Lee
Capitol Building
Box 79
Helena, MT 59620

Re: House Bill 272

Dear Representative Lee:

In support of the proposed legislation, House Bill 272, I believe that the community corrections programs that this bill proposes are a tangible beginning of an about-face in criminal justice in Montana. From Judge Dennis A. Challeen's book, Making It Right, I offer an excerpt:

"One of the major factors that contribute to our overcrowded jails and prisons are the extremely long term sentences that are routinely handed out by our tougher than the rest of the world judges. Long-term sentences are necessary for violent offenders. Not because it will rehabilitate them, but to protect society. Murderers, rapists, child molesters and brutal people must be locked up, they have forfeited their right to be free, society must be safe from them, but these types of people make up a small part of the criminal population in America. Less than 5% of the criminal population, and a minor portion of the prison population. The problem is our prisons are filled to the brim with life's losers, the left-behinds - people who cannot survive in the normal game of life. Irresponsible people who won't take charge of their lives, own their problems or direct themselves in a positive, constructive way. The problem is when you lock up a lagging behind irresponsible loser for two years, what comes out is a lagging behind irresponsible loser who is now two more years behind."

I believe that our reaction to crime has been one of fear that doesn't correct, but avenges, producing a system that compels criminals to make restitution to the state alone, if at all, leaving victims frustrated and angry.

"We have a correctional system that does not correct...and a criminal justice system that is not just." (Chief Justice Warren Burger)

House Bill 272 is a start!

Sincerely,


Melinda L. Erickson AIA

mle

Representative Tom Lee
Capital Building
P.O. Box 79
Helena, MT 59644

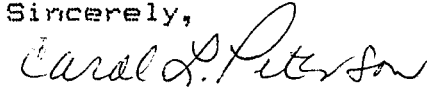
P.O. Box 127
Wilsall, MT 59086
January 25, 1991

Dear Representative Lee:

I am writing in regards to House Bill #272 regarding alternative sentencing for non-violent offenders. I would urge your support as I feel our prison system is in need of reform to effectively combat making hardened criminals out of all who break a law. Also the expense of containing all these people has mushroomed while the percentages of people returning to prison as second offenders has risen. Please vote for a positive alternative and vote for Bill #272.

Thank you.

Sincerely,



Carol L. Peterson

Hon Tom Lee
Montana State Legislature
Helena, Montana

Dear Mr Lee -

Mr Hagstrom + I are in complete
agreement with your House Bill #454
+ will do what we can to help you +
Dorothy Bradley.

Prostitution was an integral part of the
Mosaic Law + certainly should be re-
inserted into our Judicial System.

For some people this is worse than
Jail.

God bless you both
RS Hagstrom

Mr. Tom Lee & Dorothy Bradley

We heartily support your House Bill
272 for Judicial Reform. Please
do your best to see that it leaves the
Committee with a favorable report -
Preferably unanimous.

Evelyn W. Hagstrom
Robert S. Hagstrom

Exhibit # 1
1/29/91 HB 272

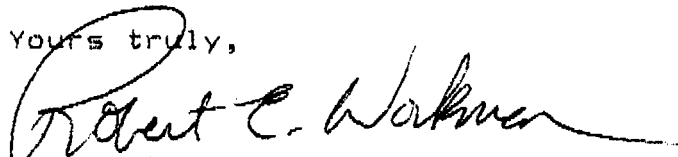
January 28, 1991

Mr. Tom Lee
and
Ms. Dorothy Bradley

Re: H.B. 272 Criminal Justice Reform Bill

This is a letter in support of the proposed legislation embodied in House Bill 272. Your sponsorship of the bill and supervision through the legislative process will be greatly appreciated.

Yours truly,



Robert E. and Corinne L. Workman
2211 Boulder Ave.
Billings, MT 59102

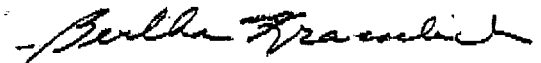
—Exhibit # 1
1/29/91 HB 272

Billings, MT
January 28, 1991

Dear Representatives Lee and Bradley,

I believe HB 272 would be beneficial to Montana, save the state thousands of dollars, decrease recidivism and crime. Please support this bill.

Sincerely,



Bertha A. Kramlich
573 Coliseum Drive
Billings, MT 59102

EXHIBIT 2
DATE 1-29-91
HB 272

Proposed Amendments to HB 272

Page 6, line 7.
Following: "(a)"
Strike: "a crime"
Insert: "an offense"

Page 6, line 9.
Following: "a"
Strike: the remainder of line 9 and all of lines
10 and 11.
Insert: "forcible felony as defined in 45-2-101 (22), MCA."

Page 6, line 12.
Following: "(b)"
Strike: "a crime"
Insert: "an offense, other than an offense in which
negligence is an element,"

Page 6, line 15.
Following: "a crime"
Strike: "a crime"
Insert: "an offense"

Page 6, line 24.
Following: "'Offender'"
Insert: "as used in this act"

Page 11, line 1.
Following: "placement"
Strike: "a nonviolent"

Page 11, line 2.
Strike: "felony"
Insert: "an"
Following: "offender"
Insert: "who has not committed a crime of violence"

John Connor
Department of Justice
444-2026

EXHIBIT 3
DATE 1-29-91
HB 272

January 29, 1991

House Judiciary Committee

Re: H B 272 Committee hearing

Gallatin County has many people involved in voluntary assistance to those in prison, jail or those recently released. I met with a group of these people a few days ago and found much support for H B 272.

I personally believe this bill can open the way for innovative methods of sentencing offenders but still retain control by the Board of Institutions and those currently charged with this responsibility. The bill also provides for bringing the community into the process through the community corrections board. I believe these are positive features.

This process opens the door to implementing some methods such as concern for the victims, restitution, allowing the offender to work, rehabilitation, community service, repaying a debt to society and chemical dependency treatment.

Keeping nonviolent offenders out of prison keeps them in touch with the community and prevents them from becoming institutionalized. After a lengthy stay in prison many of them are actually afraid of getting out. They don't know how to handle making so many decisions for themselves after being told what to do for an extended time.

If you think this type of program might be too easy, let me refer to a statement by Allen Jones, a former probation officer from Jefferson County and now working in Washington State. He stated that some prisoners involved in the CCA say that it would be easier to be in prison.

The program described in H B 272 can be provided at much less cost than through the prison system, and statistics also show that the CCA program has a substantially reduced recidivism rate.

For just a fraction of the money, a better job can be done. However, passing this bill is just the beginning, but passing this bill is necessary to make way for some very important changes.

Yours Truly,



Earl Peace
310 So. 14th
Bozeman, Montana 59715

EX. 3

1-29-91

#B 272-

83

Community Corrections Acts

Thirteen states now have Community Corrections Acts (CCAs). These programs permit local governments to design, develop, and deliver sanctions such as restitution, community service, intensive supervision, and drug or alcohol treatment. Funding for the programs comes from the state, in return for the county's agreement to divert particular nonviolent offenders from prison. It's less expensive—and more beneficial for everyone involved—for states to fund local community corrections than it is for them to warehouse offenders in their prisons.

These acts ensure that offenders are put to work so they can make restitution to their victims. Justice Fellowship Task Forces have helped secure funding for these programs in Indiana and Virginia and have worked for passage of such programs in Arizona, Michigan, and Alabama.

Restitution is usually a key component of the program. In Kansas, for example, CCA offenders paid \$361,302 in restitution in 1987. The programs can also provide for offender drug or alcohol treatment that would not be available in prison. Indiana counties have tailored programs that require completion of high school, job training, and substance abuse treatment. Properly managed, they are very safe for the community. Virginia's program has had a recidivism (repeat offender) rate of only 4 percent.

And CCAs conserve tax dollars. In Kansas the annual cost per offender is only \$1500—compared with that state's nearly \$11,000 per prisoner.

CONVICTED

*New Hope for Ending
America's Crime Crisis*

Charles Colson
Daniel Van Ness

CROSSWAY BOOKS • WESTCHESTER, ILLINOIS
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Montana's
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Mental Health Association of Montana

A Division of the National Mental Health Association

State Headquarters • 555 Fuller Avenue • Helena, Montana 59601

(406) 442-4276 • Toll-Free 1-800-823-MHAM

TESTIMONY SUPPORTING HB 272

HOUSE JUDICIARY COMMITTEE

JANUARY 29, 1991

EXHIBIT 4

DATE 1-29-91

HB 272

Mr. Chairman and Members of the Committee:

My name is John Shontz. I represent the Mental Health Association of Montana.

The Mental Health Association of Montana supports passage of House Bill 272. We appreciate the inclusion of a mental health professional on the community correction board proposed in Section 5 of this legislation.

We ask that the Members of the Committee carefully consider the language in Section three of the bill to assure yourselves that mental health services must be offered by a community correction program under the bill. If you find that the language fails to assure that offenders in programs established under this bill have adequate mental health services available while they are in the program, we encourage the Committee to amend the bill to require such services.

Thank you

Montana
Association of
Churches

EXHIBIT 5
DATE 1-29-91
HB 272

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 59624

PHONE: (406) 442-5761

WORKING TOGETHER:

Date Submitted: January 29, 1991

American Baptist Churches
of the Northwest

Bill Number: HB 272

Submitted by: Harley E. Warner

Christian Churches
of Montana
(Disciples of Christ)

Mr. Chairman, members of the committee, I am Harley Warner. I am here this morning representing the Montana Association of Churches.

Episcopal Church
Diocese of Montana

The Montana Association of Churches is made of representatives from 8 different denominations which includes about 600 main-stream churches scattered throughout Montana.

Evangelical Lutheran
Church in America
Montana Synod

We feel that no offender should be subjected to more custody and security than he or she needs. We agree that the majority of offenders do not pose a substantial threat to society, and can be effectively dealt with in the community.

Presbyterian Church (U. S. A.)
Glacier Presbytery

Community correction facilities or programs provide a better opportunity to focus on the individual's personal and social needs, thus raising the chances of successful rehabilitation.

Presbyterian Church (U. S. A.)
Yellowstone Presbytery

Roman Catholic Diocese
of Great Falls - Billings

House Bill 272 addresses some of our corrections concerns, therefore we rise in support of House Bill 272.

Roman Catholic Diocese
of Helena

United Church
of Christ
Mt.-N. Wyo. Conf.

United Methodist Church
Yellowstone Conference

The Bozeman Clinic

20 East Olive / Corner Black & Olive
Bozeman, Montana 59715
(406) 587-4242

EXHIBIT 6

DATE 1-29-91

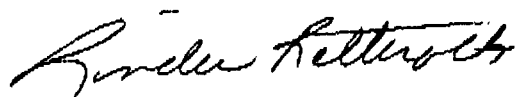
HB 272

B. John Heetderks, M.D.
Timothy G. Novick, M.D.
Gabor Benda, M.D.

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.



N-28-91 MON 18:01

Exhibit # 6
1/29/91 HB 272

The Bozeman Clinic

20 East Olive / Corner Black & Olive
Bozeman, Montana 59715
(406) 587-4242

B. John Heetderks, M.D.
Timothy G. Novick, M.D.
Gabor Benda, M.D.

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

Maisha Balin

The Bozeman Clinic

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

Kris Braach

The Bozeman Clinic

20 East Olive / Corner Black & Olive
Bozeman, Montana 59715
(406) 587-4242

B. John Hectderks, M.D.
Timothy G. Novick, M.D.
Gabor Benda, M.D.

Jan. 28, 1991

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

Annelle Ramirez

Exhibit # 6
1/29/91 HB 272

Exhibit # 6
1/29/91 HB 272

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

G. Benda



WOMEN'S PLACE

Women working together to end domestic and sexual violence

EXHIBIT 7

DATE 1-29-91

HB 270

January 18, 1991

TO: House Judiciary Committee

FROM: Star Jameson, Coordinator

Star Jameson

RE: House Bill 270 - Privacy in Communication

Since February, 1987, three crisis lines in the State of Montana have received obscene phone calls from the same man. To date, he has called 14 times to ask us to keep him from raping his stepdaughter, variously called Jennifer, Tracy or Nancy. He then puts the child, who is hysterical, on the phone to plead with us to talk him out of hurting her. There is some question if he is also the child, or if there is a female cohort in this drama. He asks the crisis line worker to talk him through orgasm (which some have done to keep him on the line long enough to trace the call) and then hangs up. His last call on January 17, 1991, was traced. We are in the process of procuring a subpoena to release that number to the authorities.

The effect these phonecalls have on our crisis workers is devastating, as are the effects of obscene phonecalls on any person, especially children. Most common are feelings of nausea, revulsion, shame and helplessness. While educated and quick thinking persons might scream into the phone, or quickly hang up, others may not take care of themselves as well, being caught by surprise. It is indeed an invasion of one's privacy and sense of well being to be exposed to such illness without warning.

In the past, we assumed men who made obscene calls limited their depravity to that one avenue, as we assumed peeping toms never moved into "more damaging" behaviors. Current research tells us this is not the case. Sexual offenders participate in a wide array of grossly stimulating behaviors, obscene phonecalls being one of the most common.

Lest we assume this is a rare occurrence, Missoula County received 124 reports of obscene phonecalls in 1989, and 130 in 1990. U. S. West Tel-Abuse Office reports in 1987, 420 reports of violations of privacy which warranted traps being put on individual phone lines which resulted in 98 suspects prosecuted in the State of Montana.

Frankly, I am doubtful that increasing penalties for these behaviors will actually dissuade offenders from misusing the phone. If it does, all the better. I do believe it will help law enforcement continue to track and penalize sex offenders who compulsively intrude on the peace and privacy of citizens.



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

January 25, 1991

EXHIBIT 8

DATE 1-29-91 91-032

HB 302

Representative Vicki Cocchiarella
State Legislature
Capitol Station
Helena, Montana 59620

House Judiciary Committee
State Legislature
Capitol Station
Helena, Montana 59620

RE: STRONG SUPPORT FOR HB-302 CREATING THE OFFENSE OF ENTERING OR REMAINING UPON THE PROPERTY OF ANOTHER WITH THE PURPOSE OF AROUSING OR GRATIFYING ONE'S OWN SEXUAL DESIRE BY LOOKING AT AN OCCUPANT OF A STRUCTURE WITHOUT CONSENT

Dear Honorable Representative Cocchiarella and House Judiciary Committee Members:

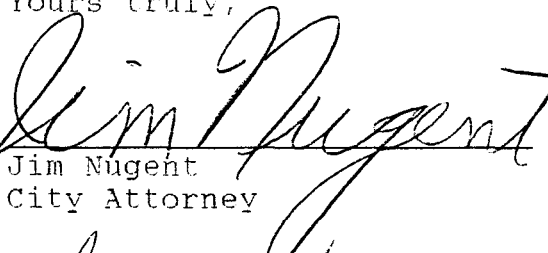
The purpose of this letter is to express strong support for House Bill-302 scheduled for House Judiciary hearing on Tuesday, January 29, 1991 at 8:00 a.m. HB-302 is entitled "An Act to Create the Offense of Entering or Remaining Upon the Property of Another With the Purpose of Arousing or Gratifying One's Own Sexual Desire By Looking at an Occupant of a Structure Without Consent".

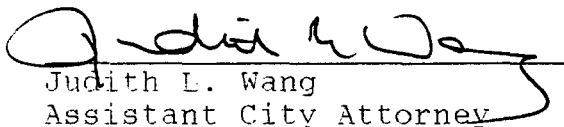
This proposed legislation addresses the peeping person incidents that occur, but which are not currently adequately dealt with pursuant to Montana criminal law.

It is important to be able to deal with peeping persons firmly and effectively when they are detected as peeping persons. Many peeping persons may go on to commit serious felony offenses against persons, ranging from sexual assault to homicides, as they become more comfortable or daring as peeping persons.

Please support HB-302.

Yours truly,


Jim Nugent
City Attorney


Judith L. Wang
Assistant City Attorney

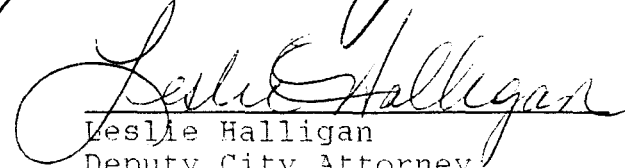

Leslie Halligan
Deputy City Attorney

EXHIBIT 9
DATE 1-29-91
HB 252

**SUBMITTED STATEMENT OF
WESTERN BUILDING MATERIAL ASSOCIATION**

Before: Judiciary Committee, Montana House of Representatives
Rep. Bill Strizich, Chairman

Subject: HB-252

Date: January 29, 1991

Presented By: J. Riley Johnson

Mr. Chairman, members of the committee, I offer the following testimony on behalf of some 90 building material dealers in Montana who belong to the Western Building Material Association. Our members support HB-252.

As I look over the committee this morning, I realize there are many here totally unfamiliar with the construction lien law. To most the lien law is merely 71-3-531 and 71-3-532 MCA. But to me the lien law is a labor of love. Permit me to provide you with a little history on one of the most unusual bills ever passed in the 1980s in the Montana Legislature.

It began in 1985 when several legislators, the banking community and consumer advocates brought before the lawmakers a problem that was called "the hidden lien". Consumers, unaware of the construction lien laws dating back to the 1880s, paid for construction jobs on their homes only to have subcontractors and suppliers file liens against their property for bills unpaid by their contractors. These "hidden liens" could pop up months

after the job was completed and paid off by the consumer. These consumers had no choice...they paid the liens and thereby, in some cases, paid for their jobs twice. To alleviate this "hidden lien" problem, a so-called model construction lien law, drafted by a national uniform code committee, was offered to the legislators. The construction industry found this uniform code unacceptable. The banking community and consumer groups liked the uniform code. Thanks to a very trusting Senate Judiciary Committee, chaired by Sen. Joe Mazurek, the proponents and opponents asked for and were given the charge to "get our industries and special interests together and come up with a better idea that will work". In essence, we asked for the opportunity to solve our own problems and not ask a group of legislators to do our work for us. We had two years. The lawmakers appointed an interim committee chaired by Sen. Mike Halligan to assist the special interest groups in finding an acceptable solution to the "hidden lien" problem.

Two years later, the interim committee, the construction industry, the banking community, and consumer-oriented interests were back before the same Judiciary Committee. We had a plan. Prefaced by accolades on the floor of the Senate for the first time in recent memory that diverse industries and special interests got together and solve their own problems, the construction lien law as you know it today sailed through both houses of the 1987 Legislature almost unanimously.

EX 9
1-29-91
HB 252

And, now, for four years the construction lien law has been at work in Montana. Indeed, it is a political compromise. But it is one political compromise that has worked well. Hidden liens against consumers have all but been eliminated.

Truly, the authors of that very lien law are before you again this morning. We come before you not to overhaul a very workable construction lien law. We come before you to fine-tune a very workable construction lien law. And, we believe, it is a fine-tuning any one of you who have ever paid a bill at the end of the month or issued a monthly statement will understand.

If you think about it, the problem is obvious. The law now states that any contractor or supplier has 20 days in which to file a notice of the right to file a lien, or that contractor or supplier must give up the right to file a lien...forever! Keep in mind, this is merely a notice of the right to file a lien. It is NOT a lien! But you, a good, prompt bill-paying consumer, must get this notice of the right to file a lien against your house before your contractor has even had 30 days to pay his/her bills. What runs through your mind? Something is wrong with your contractor, isn't there? He doesn't pay his or her bills, right? What about the suppliers to contractors who don't want to be viewed as "slip-shod" and "irresponsible"? Contractors won't do business with them.

Okay, we have a problem...but it is a very simple one to correct. Let's allow folks a full billing cycle before they have to file the notice of the right to lien. And, in most businesses today, a full billing cycle is 30 days to billing and 10 days to

pay. If our client has not paid with that 40-day period, we have five (5) days in which to get up to the courthouse and file our right to file a lien and notify the consumer.

That's fair!

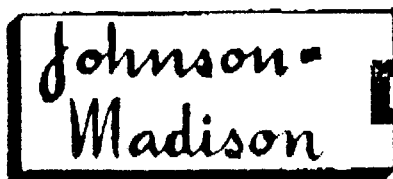
That is why we are asking you merely to amend the present construction lien law to allow 45 days to file a notice, rather than the existing 20 days.

As you know, any major rewrite of law needs time to work out glitches or to have any imperfections rise to the surface. Then, it is customary for lawmakers to fine-tune the law and make it work better for the people of Montana.

That is what we are asking for you to do today.

Speaking for the construction industry, we gave up much with this new construction lien law...but we also gained much. A problem within our state was solved and our industry worked hard and willingly to help craft that solution.

But we suggest that a "do pass" from this committee on HB-252 will help us all to fine-tune that solution...because it is fair!



BUILDING MATERIALS & HARDWARE

LUMBER Company, Inc.

P. O. BOX 2372 • 815 - 9TH STREET NORTH • GREAT FALLS, MONTANA 59403

EXHIBIT 10
DATE 1-29-91
HB 252

Phone 771-0222

Established Since 1923
January 28, 1991

House Judiciary Committee
Bill Strizich, Chairman
Capital Building
Helena, MT 59601

To whom it may concern;

I am one of many retail suppliers that has a great concern about our lien laws. The proposed changes in our lien laws need strong support. The following are examples of why our current lien laws need immediate change:

1. There is not enough time to get through a billing cycle. Almost all suppliers, including my business, set up 30 day accounts for their customers. With the present lien law it is already too late to file a lien when the first statement is mailed, also it is at least 15 days later before I realize there is a delinquency.
2. With the numerous accounts I deal with, it would be a full time job to send "notice of right to claim a lien" to my customers' clients and then to the clerk and recorders, in addition to the recording costs.
3. The "notice of right to claim a lien" is misleading to my customers as well as his clients. The impression is given upon receipt of the notice that my customer is incompetent in handling his accounts with me and that he doesn't pay his bills which also leads to question the integrity of his work. Therefore, the client is leery of doing business with my customer. It has hurt my customers relations to the point where I don't feel comfortable sending the notice at this time. I have lost some good accounts because we were going to file notices of right to claim a lien.

In conclusion, the proposed change to 45 days would be a reasonable amount of time, both for the public and the supplier to evaluate delinquencies. My customer would be able to advise me if he was starting to anticipate a problem with payment from the client and we would be able to work together to solve the problem. It would also eliminate, in most cases, the need to send the "notice of right to claim a lien" thus minimizing the confusion we are presently experiencing with our customer and his client.

Sincerely,

EXHIBIT

11

DATE

1-29-91

HB

252



INTERMOUNTAIN LUMBER
AND BUILDING SUPPLY

The Lumber People

January 23, 1991

RE/ HB - 252 Construction Lien Law

I support a 45 day waiting period to file a right to claim a construction lien.

Because, we offer a 5% discount if paid by the 10th, accounts are flagged if they do not pay in this time period. A right to file could then be filed.

Most of our customers are offended when we in fact file in the 20 day period. It becomes very time consuming to file on customers you know are good, and hard to explain to our customers clientele that in fact we really trust him. But this is just for insurance.

Sincerely,

Nep A. Lynch Jr.

V.P. Intermountain Lumber

EXHIBIT 12
DATE 1-29-91
HB 252

Simkins-Hallin Lumber Co.
PO Box 939
Bozeman, MT 59715

Dear _____:

We would like to take this opportunity to extend your CONGRATULATIONS to you on the new building project that you are constructing at _____ and let you know that we have begun to furnish materials for use in your project.

This notice is required by the new construction lien law of Montana that became effective October 1, 1987, and is not intended to discredit you or your contractor in any way, but to inform you that if payment is not received according to agreement, a lien may be filed.

We do hope that you will be pleased with the materials we are furnishing and hope that we may be of further service to you in the future.

Should you have any questions regarding this notice, please feel free to contact the undersigned:

Simkins-Hallin Lumber Co.
PO Box 939
Bozeman, MT 59715
406-586-5495

Sincerely,

Tom Simkins

100 E. FRONT STREET
P. O. BOX 3764
BUTTE, MT 59702



The Stordahls

(406) 723-6567 PHONE
(406) 723-7304 FAX
(800) 823-8777 IN STATE WATS

EXHIBIT 13
DATE 1-29-91
HB 252

TRIPLE 'S' BUILDING CENTER, INC.

January 28, 1991

Riley Johnson
(406) 442-2107 FAX

RE: HB252 Amendment to Construction Lien Law

Dear Riley Johnson:

Sorry I cannot be in Helena to personally testify for changing the current twenty (20) day notice on the lien law to forty five (45) days.

The present twenty day law has caused us file many "Intent to File a Lien" notices against consumers whose contractors pay thier bills every thirty (30) days. Changing the law would decrease the paper work involved for both us and the county.

Sincerely,

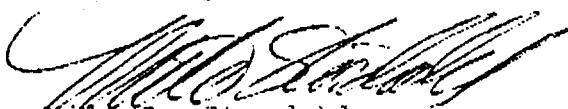

Milo L. Stordahl
President

EXHIBIT 14
DATE 1-29-91
HB 252

HOUSE BILL 252

CONSTRUCTION LIEN LAW

By

Montana Bankers Association

The old mechanics lien law was in a mess and had not been changed for 100 years. A group of local bankers, builders, attorneys, and legislators in Kalispell met in the fall of 1984 and approved the uniform law on construction liens. In the 1985 Legislature, this became SB 128 sponsored by Senators Himsl, Mazurek, Blaylock and Crippen.

The home builders and building material dealers killed the bill because it took away their 90 day secret lien and made many other changes.

The '85 Legislature passed a resolution creating a Joint Interim Subcommittee on Lien Laws, Chaired by Senator Halligan and Vice Chair Rep. Mercer. Other committee members were: Senator Hager, Christiensen, Thayer, and Reps. Ellerd, Bachini, and Krueger.

At the third meeting of the Interim Committee on February 7, 1986, Riley Johnson, lobbying for the home builders, requested the time to give notice of a lien be increased from 10 days to 20 days. It was approved over MBA's objections.

After 7 meetings over 2 years, a modified uniform code was approved. Everyone agreed to the compromise and SB 20 was introduced by Senators Halligan, Thayer, Boylen, Gage and Reps. Poulson, Mercer, Hager, Rasmussen, Wallin, and D. Brown.

The first thing the home builders and building material

dealers sought was an amendment to the bill to extend their filing time by another 5 business days. With weekends, builders and suppliers would then have almost a 30 day secret lien. We supported a 15 day notice to the homeowner and an additional 5 days to file with the county, to no avail. The bill passed in the 1987 Legislature.

This law has worked extremely well since 1987. To our knowledge no homeowner has been forced to pay twice for any home improvements. Prior to 1987, Legislators were coming to the session complaining about their constituents who were forced to pay twice because either the subcontractor did not get paid by the contractor or the building material dealer did not get paid by the contractor, etc. Since then the homeowner has been protected.

There is also protection for the contractors and suppliers because they still have a secret lien. The homeowner can still be forced to pay twice if a notice of lien is given to that homeowner within 20 days. Obviously builders and suppliers do not want to go through the paperwork of providing notices like all banks have to do to protect themselves. If they do not wish to do the paper work, they are putting themselves at risk and justifiably so. They are the ones that are making money off home improvements. Why should the homeowner guarantee the accounts receivable of a building material dealer or the repair costs of a subcontractor?

Rest assured if this time is extended to 45 days, you will be back in 1993 to reduce the time of notice because someone will have had to pay twice for a home improvement job. MBA urges you to kill HB 252.

EXHIBIT 15
DATE 1-29-91
HB 252

WITNESS STATEMENT

NAME JOHN R. GORDON BILL NO. H.B. 252
ADDRESS P.O. Box 728 KALISPELL, MT. DATE 1/29/91
WHOM DO YOU REPRESENT? ATTORNEY INTERESTED.
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: SEE ATTACHED LETTER

Ex. 15^{1.02}
1-29-91
HB 252

LAW OFFICES OF

MURRAY & KAUFMAN, P.C.

MARSHALL MURRAY
LEONARD L. KAUFMAN
JAMES E. VIDAL
JOHN R. GORDON
DANIEL W. HILEMAN
JAMES M. RAMLOW
JEROME S. KNUTSON
DAVID A. HAWKINS

SECOND WEST CENTRE
P.O. BOX 728
KALISPELL, MONTANA 59903-0728

TELEPHONE
406-755-5700
FAX
406-755-5565

January 27, 1991

Chairman
House Judiciary Committee
Montana House of Representatives
State Capitol
Helena, MT 59601

RE: H.B. 252 amending the Construction Lien Law

Dear Mr. Chairman and Members of the Committee:

Thank you for permitting me to testify in this manner. I apologize for my inability to be present in person.

Members of the committee may recall that I was personally and intensively involved with the revision of the Montana mechanic's lien law during the 49th and 50th Legislatures. I also actively participated in the studies of the Joint Interim Subcommittee on Lien Laws created by the 49th Legislature which resulted in the Montana Construction Lien Law passed by the 50th Legislature.

Members of this committee will also recall that a principal reason, if not the sole motivation for revising the century old mechanic's lien law was to eliminate the "secret lien" which had become grossly unfair and unconscionable to Montana's homeowners. Abuse of the mechanic's lien had forced many, many homeowners to pay two and three times for the same work on their property. This was because oftentimes the lien claimants could not be identified until long after the work had been completed; sometimes not until a year afterwards.

The 1987 Construction Lien Law was designed to eliminate the secret lien. This was accomplished by requiring a lien claimant to notify the homeowner of his intent to claim a lien within 20 days after he started supplying labor or material to the project. A lien claimant was not denied his lien if he gave the notice later than 20 days, but his lien was limited to labor and materials supplied within 20 days of the notice, whenever given. The 20-day notice mechanism was in fact proposed by the construction and materialmen.

If the Construction Lien Law is amended as proposed by HB 252, we will be back to the old secret lien. A lien claimant will be able to sit in the weeds and not file his lien for 45 days after he furnishes material or labor. There will be no way for the homeowner to discover the lien until then.

Ex. 15

1-29-91

HB 252

House Judiciary Committee

Page 2.

January 27, 1991

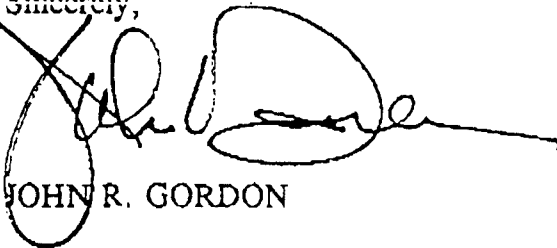
There is no justification for extending the time from 20 days to 45 days (20 days may even be too long.) If a lien claimant cannot decide whether he intends to depend on the credit of the contractor or the homeowner at the time he supplies the goods or labor, he should suffer the consequences not the homeowner.

No other person or entity in our state is given the awesome power of placing a non-consensual lien on peoples' real property except the IRS. A non-consensual lien is one where the property owner does not need to sign anything. Not bankers, not lawyers, not even the state of Montana can get such a lien. Only materialmen and suppliers of labor and goods to real property follow the Construction Lien law are permitted to file a lien against a man's house without his consent in writing. That power should be limited. The time limit should not be extended just because some materialmen or contractors cannot operate their business well enough to know within 20 days whether they need to serve a notice of lien on the homeowner.

I respectfully urge you not to jeopardize the gains achieved in the Construction Lien Law which has worked extremely well in its short life. I ask you not to throw Montana's homeowners back into the 19th century with the old secret lien. I ask you to kill this bill.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Gordon", with a long horizontal flourish extending to the right.

JOHN R. GORDON

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Judiciary

COMMITTEE

BILL NO.

HB#272

DATE

1-29

SPONSOR(S)

Rep. Bradley

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|--|---|---------|--------|
| EARL PEACE | SELF | ✓ | |
| MELINDA ERICKSON | SELF | ✓ | |
| Janice Peace | SELF | ✓ | |
| John Connor | Dept of Justice Mt County Attys Assn | ✓ | |
| Gordon Morris | MA Co | | |
| ^{Box 7415, Helena} HARLEY WARNER | MONTANA Assoc. of Counties | ✓ | |
| Thomas Lee | HD 49, Bigfork | ✓ | |
| John Shontz | Mental Health Assoc of MT | ✓ | |
| Diane Sands | Mt Women's lobby | ✓ | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Judiciary COMMITTEE BILL NO. HB#269
DATE Jan. 29 SPONSOR(S) Rep. Cocchiarella
PLEASE PRINT PLEASE PRINT PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|---------------------|---------------------------|---------|--------|
| BETTY WING | MISSOULA COUNTY ATTORNEY | X | |
| John Connor | MT County Atty Assn | ✓ | |
| Lanica Duggitt | Utah Law Section Stat Bar | X | |
| Deane Sands | MT Women Lobby | X | |
| Fred Van Valkenburg | Senate Dist. 30 | X | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Judiciary

COMMITTEE

BILL NO.

HB#970

DATE

1-29

SPONSOR(S)

Rep. Cocchiarella

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|--------------------------|--|---------|--------|
| BETTY WING | MISSOULA COUNTY ATTORNEY | X | |
| John Connor | MT County Atty Assn | ✓ | |
| Janis Jaggett | Womens In Senate ^{State Bar} | X | |
| Debra Sands | mt Womens Lbth | X | |
| For Silvers | Center for Sexual Health Mental Health Services | X | |
| Keith Albright | IN. Home Bldg. | | |
| Fred Van Valkenburg | Senate Dist 30 | ✓ | |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Judiciary COMMITTEE BILL NO. HB#302
DATE 129 SPONSOR(S) Rep. Cocchiarella

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|---------------------|--|---------|--------|
| BETTY WING | MISSOULA COUNTY ATTORNEY | X | |
| John Connor | MT County Atty Assn | ✓ | |
| Diane Sand | MT Women Lobby | ✓ | |
| For Sibers | Center for Sexual Health Mental Health Services Inc | ✓ | |
| Fred VAN VALKENBURG | Senate Dist. 30 | ✓ | |
| Janice Naggett | Women's Law Section State Bar | ✓ | |
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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

1 of 2

House Judiciary

COMMITTEE

BILL NO.

HB#252

DATE Jan. 29

SPONSOR(S)

Rep. Forrester

PLEASE PRINT

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|-------------------|---|---------|--------|
| Riley Johnson | Western Building Material Assn | X | |
| GEORGE T. BENNETT | MONT. BANKERS ASSN | | X |
| GENE PHILLIPS | MONT. LAND TITLE Assoc. | | Amend |
| Bob Pyfer | MT Credit Unions League | | X |
| Mike Varone | Northern Bank + MBA | | X |
| Bill Leary | MT. Bankers Assoc. | | X |
| FRANKIE BENNETT | SELF | | X |
| James D. Bennett | First Citizens Bank ^{Billings} | | X |
| J. Anderson | 1 ST BK MATA | | X |
| JOCK ANDERSON | MT. League of S & L | | ✓ |
| Joe Bauer | FIRST Bank & MBA | | X |
| PAUL E THOMAS | THOMAS LUMBER YCA | X | |
| DON CHANCE | MT. BUILDING INDUSTRY ASSN | X | |
| Keith Wright | VALLEY GLASS / F.H. Hono Bldg | X | |

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

2 of 2

House Judiciary COMMITTEE BILL NO. HB 252
DATE 1-29 SPONSOR(S) Rep. Felestar

PLEASE PRINT

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PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|---|---------|--------|
| DAVID R. STEEN | STEEN BUILDERS AND GREAT FALLS HOME BUILDERS | X | |
| Mark Meek | Front Street Glass Helena Home Builders | X | |
| Tom Simkins | Simkins - Hall - Lumber Co Boreman, | | |
| Jim Caras | Caras Cabinet Co. Missoula Homebuilders Asso | X | |
| Mark Lindsay | Lindsay Construction Helena Home Builders | X | |
| John Phelan | Helena Sand & Gravel Helena Home Builders & A.C.C. | X | |
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