MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on February 19, 1991, at 8:09 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 668
REVOCATION OF LICENSE MANDATORY FOR PERSONS UNDER 18 CONVICTED OF POSSESSION

Presentation and Opening Statement by Sponsor:

REP. DARKO, HOUSE DISTRICT 2, stated that this is a bill I tried to get through last session. It extends penalties for minors in possession of those minors under the age of 18 so if they are

driving while they are in possession of an intoxicating substance, their licenses are suspended and confiscated by the court for not more than 90 days or have his driver's license revoked if convicted of multiple offenses under this section. She stated that she has some amendments that John MacMaster will provide to the committee and felt there will be more from other sources. The reason this bill will be so effective, is because one of the most precious things to a teenager is their driver's license.

Proponents' Testimony:

Darrell Beckstrom, Motor Vehicles Division, stated that the department is in support of this house bill, but has some recommendations for amendments. On page 2 of the bill on line 12, it states that the licenses should be revoked for multiple offenses. He proposed an amendment to strike the word revokes and insert suspended. When the state revokes a driver's license, it is the most serious license sanction you can take. It makes the license null and void and if the person wants to get their license reinstated they must file with the division for three years and complete the entire driver examination. Also on page 2, line 13, the term multiple is misleading. He proposed that a you change multiple to read second or subsequent convictions.

Pat Bradly, Montana Magistrates Association, gave written testimony in favor of HB 668. **EXHIBIT 1**

Opponents' Testimony:

Mike Males, Freelance Writer from Bozeman, gave written testimony in opposition of HB 668. **EXHIBIT 2**

Questions From Committee Members: NONE

Closing by Sponsor: NONE

HEARING ON HB 735
INSURANCE POLICIES TO PROVIDE PROMPT PAYMENT OF CERTAIN DAMAGES

Presentation and Opening Statement by Sponsor:

REP. MEASURE, HOUSE DISTRICT 6, stated that this is an act requiring an insurance policy that provides coverage for medical expenses, loss of earnings, or property damage to contain a provision requiring payment of claims when liability is reasonably clear. This is a straight forward bill. It is in response to a recent Montana case against State Farm where the insurance company was required to pay the medical bills for a third party in the accident with the insurer only having liability. Thereby, gaining a substantial amount of leverage in their ability to settle favorably. It is also in response to insurers, agents and an attorney from Kalispell that were proposing that the insurance company was not obligated to pay for these liable claims. Most people, in an accident like this, are unable to make those claims. All they are asking for is the company start paying for those kinds of individuals in that position.

Proponents' Testimony:

Michael Sherwood, Montana Trial Lawyers Association, gave written testimony in favor of HB 735. **EXHIBIT 3**

Opponents' Testimony:

Jacqueline N. Terrell, American Insurance Association, stated "The American Insurance Association opposes HB 735. And the reason that it does so is because the bill is unnecessary and redundant and will not solve the problem to which it is addressed. The lawsuit to which you were referred, Jensen v. State Farm Insurance, did state in the opinion that the language in the statute does not require the prepayment of medical expenses, lost wages and other special damages. That is accurate that the express language of the statute does not do that. However, the language of statute 33-18-201, which is the unfair claim settlement practices act, does require the prompt, fair settlement of claims when liability is reasonably clear. Not absolutely clear, but reasonably clear. That subsection (6) of that statute, that applies to the insured, but it also does apply by the express provisions of another statute to the third-party claimant which you heard about. Section 33-18-242 makes an express reference to that subsection of 33-18-201 and does require the insurance company to make a quick, prompt settlement with the claimant who may be a third-party injured under that statute. We further oppose this legislation, this proposed legislation, because it is not clear in the language whether it is referring to medical expenses and lost wages that have been incurred or whether this is an estimated amount that claimant is proposing in his settlement negotiations. Additionally, I would suggest to you that what this does, does not insure any sort of right for the third-party claimant but requires this language to be included in the policy. And it might be appropriate if you chose to address this subject in this way to address it under the unfair claim settlement practices act. Again, we oppose this measure because it is redundant, it is already addressed by the unfair trade practices act and will not solve the problem to which it is addressed."

Gene Phillips, National Association Independent Insurers and The Alliance American Insurers, stated, "We also oppose this legislation on the same basis that Miss Terrell has recited to you. We feel that it was unnecessary and this act is covered under existing law and there simply is no need for this. I think this will raise more or create more problems than it will solve and urge you to give it a do not pass."

Roger McGlenn, Independent Insurance Agents Association of Montana, stated, "I do not represent insurance companies, I represent independent insurance agents throughout the state of Montana. We reviewed this bill and had an opportunity to talk to Montana Trial Lawyers and I am going to stand in opposition to this as well as the insurance company representatives who have

just gone before on the same grounds that I don't see where this language of HB 735 does anything more than the existing statute. Because that has been presented to you I will not reiterate that. The independent agents are equally concerned about fast, fair and equitable claims settlement especially when liability is reasonably clear. If this in fact, in our perception, and I am not an attorney, but our perception assisted in solving problems where a claim settlement is not drastically questioned, then we would stand in support of this bill. But in doing the kind that gets no additional benefit to the Montana insurance consumer than the existing language under those sections that Miss Terrell pointed out to you earlier. For that reason we would oppose the bill."

Questions From Committee Members:

REP. WHALEN asked **Mr. McGlenn** is Allstate Insurance Company is a member of your organization? **Mr. McGlenn** said, "Yes, some of our members represent Allstate Insurance."

REP. WHALEN asked **Mr. McGlenn** if Allstate is also a member of the American Insurance Association? **Mr. McGlenn** said, "To my knowledge Allstate is not. "I believe they are in the National Association of Independent Insurance which Mr. Phillips represents."

REP. WHALEN asked **Ms. Terrell** if Allstate is a member of her association? **Ms. Terrell** said, "No, Allstate is not a member of our association."

REP. WHALEN asked **Mr. Phillips** if Allstate is a member of his association? **Mr. Phillips** said, "I am not sure, however I have a member ship list in my office and I would have to go back and look."

REP. TOOLE asked **Ms. Terrell** "I understand the testimony you gave and that of Mr. Phillips as well that the bad faith statutes already mandate the advance pay of specials, is that what this bill says to you? Is that correct?" **Miss. Terrell** said, "The express language of the statute does not mandate the advance pay of medicals. What it mandates is the fast, fair and equitable settlement of claims and implicit in that is the advanced pay of medicals if those amounts are undisputed amounts. Just because liability is reasonably clear doesn't mean that the amount of damages is necessarily clear and that that may be disputed."

REP. TOOLE said, "Miss Terrell, that's one hundred per cent the opposite of my experience. I have had occasions to make requests for advance pay for people who, in cases where liability is basically clear, but where the fellow who has to settle, cannot be determined because they don't know the extent of the injuries and how long they will occur. I have asked the insurance companies to pay wages for the person that is off work, or would you pay these medical bills. I had one case in recent experience

where $20,000.00 in medical bills were incurred for surgery after a car accident. Who upon a reasonable request a study was done about those bills and the case took more than a year to settle. But, I am wondering, is it merely your view that insurers act in bad faith under the statute by refusing to pay or not responding to a reasonable request for payment in a case where liability is reasonably clear?" **Ms. Terrell** said "I am not in a position to dispute your experience or your specific claim. I have also been in cases where people were injured and where the defendant is the insured and where there is a question about whether medical expenses should be advanced paid. My experience with the companies that I represent is that if the amount of damages requested is reasonable, if the bill is substantiated, if liability is reasonably clear and sometimes even when liability is disputed, that the company will advance pay the medicals. I think that it is, if not in public policy, to try and nail down consistent with the statute, something that will address the specific difficulties of each individual lawsuit because they are not all identical in their circumstances, in their allegations, in their requests and although you may approach a lawsuit in a particular manner and responsibly, it does not necessarily follow that that happens in every instance or that there will not be a valid reason to dispute allegations or the amount of damages. And I think that that is the reason that the unfair claims settlement practices act was drafted in the way that it was and was extended to third-party claimants. So settlements in lawsuits should be as quickly as possible and not to dwell on specific items of the law.

REP. TOOLE stated to **Miss Terrell** "I guess I concede that some insurers do respond to reasonable requests for advance pay. My concern is that this bill is need to address the insurers, like the one I just referred to, that ignore the reasonable request for advance pay. And, there are some insurers out there. Wouldn't you agree? **Miss Terrell** said, "I would like not to characterize insurers as a group or even companies that specifically. There are instances in which bad faith is committed. That's why we have the statute we are talking about. I don't think that this measure that is being proposed will solve the problem of an individual instance of bad faith and that the statute that we have presently drafted under 33-19-201 is sufficient to address that problem. It allows the claimant, through his or her attorney, to bring a law suit against the insurance company that has not handled the claim properly."

REP. JOHNSON asked **Mr. Sherwood** could you tell me the difference between reasonably clear and clearly? **Mr. Sherwood** said, "The bill uses "reasonably clear" and that's correct. And the current statute does not. I could deny at this stage that the draft of the statute that it seems like that if I can use the term reasonably logical language. The Courts have not imposed in the past a requirement that the liability be perfectly clear or that it be undisputable before the obligation on the Court, or upon

insured's insurance carrier to make payments to insured under 201. I use the term clearly there and perhaps clearly and reasonably clear are not the same. Indeed, there is better language than reasonably clear. I can't think of some. But the test, wheat we want to do is to give the same test - applies to insurance carriers when its dealing with its own insured and when its dealing with a third-party that the client insured injured. And if reasonably clear is not something acceptable to you and frankly I can't say that I've read all those cases which say exactly what the standard is, but I believe that it is typically that one. And Apparently Judge Lovell is saying that he specifically says I'm looking at 242 and I'm looking at 201 and I am not going to say that they apply to the third-party claimant. So this is designed to get the third-party claimant on the same playing field as the insured. If reasonably clear is not acceptable to you, then I suggest that maybe there is other language. I'd be happy to look at the language in the five cases."

REP. BOHARSKI stated to **Ms. Terrell** that this bill is trying to clarify a provision 33-18-201. I am curious to what your feeling is on current statute and if the bill does nothing more than make clear those main requirements to the third party, will it still be a concern? **Ms. Terrell** said "It is my opinion that the statute is effective as written. And working. What that statute prevents is that before a claimant that is a third-party injured through the actions of an insured or the insured to sue the insurance company if in fact damages against the company have not actually been paid. That statute provides fourteen different causes of action for the insured and six for the third-party claimant. Subsection (6) of the statute specifically addresses the problem that HB 735 is directed in reference to in my opinion. As to whether that is effective to third-party claimants, Section 33-18-242, I am going to read to you the introductory language of subsection (1) which says: "An insured or a third-party claimant has an independent cause of action against an insurer for actual damages caused by the insurer's violation of subsection (1), (4), (5), (6), (9), or (13)." That statute specifically applies to third-party claimants and specifically makes reference to subsection (6) of 33-18-201.

REP. BOHARSKI asked **Miss Terrell** if she thought the bill does nothing more than clarify the insurance company's duty, if that would change her opinion of the bill? **Ms. Terrell** said, "The body of case law on this particular statute and this particular cause of action in Montana is extensive and it is my opinion that in one short section it is not possible to clarify and address all of the individual problems that may arise in a particular lawsuit. Just as it would be difficult to draft a statute in one sort or two short sentences that would address all of the individual characteristics of a specific personality of an individual. I think that the broader statute is the more effective one if you are going to allow the claimants - it does not hem the claimant in to a particular set of requirements. It

allows the claimant to demonstrate to the Court the full range of practices that may have been unfair without delineating them in the statute. And likewise it allows the insurer or the insured who may be sued the latitude to appropriately defend and then for the Court to make an appropriate decision."

Closing by Sponsor:

REP. MEASURE stated in response to Rep. Johnson's question earlier, regarding the concepts of reasonability and clarity. Both reasonability and clarity are well explained with in the law and is a statutory standard used in the 33-18-201 sub 6. That should not be a problem in this law. As most of you on the committee know, I was a poor, unsophisticated country lawyer from the northwest part of the state and with that disability, I don't understand the redundancy Ms. Terrell implies might be in the bill. As far as the case law, however, it addresses sections 33-18-201 and 33-18-242. We do need this statute. I urge do pass.

HEARING ON HB 747
PROVIDE ALTERNATIVES TO SENTENCING OFFENDERS TO THE STATE PRISON

Presentation and Opening Statement by Sponsor:

REP. LEE, HOUSE DISTRICT 49, stated that in section one there are some definitions as to what community corrections facility programs mean. Section two changes the correction policy portion of the bill. It is a simple bill to provide alternatives to imprisonment and let the judge sentence directly to those programs.

Proponents' Testimony:

Harley Warner, Montana Association of Churches, stated his Association supports a sentencing system which permits judges to use discretion when dealing with individual offenders.

Opponents' Testimony:

Dan Russell, Administrator - Division of Corrections, stated, "I am very reluctantly appearing as an opponent to HB 747. Only to those areas of the bill that refer to how the court can sentence people directly to our community based programs. I know the sponsor has every intention of positively impacting prison population for women and men. However, this bill will do exactly the opposite." He felt that the bill will create an new option for the courts in the places where offenders could be placed on probation with deferred or suspended sentences. He said the bill will eliminate the beds in the pre-release centers for the very offenders for whom they were designed. These are beds, over 198 of them, that we have in our corrections capacity that may no longer be available. Deferred sentences do not go to prison today. They are on probation and this would widen the net for

those people and allow them to be placed in these centers. There is no money in this bill for any of our centers for expansion for these people. He said that there are currently only 130 beds in our pre-release centers, but this has been modified legislation already approved by a sub-committee to increase number of pre-release center placements for prison inmates or people who become prison inmates. Twenty-five more placements in Butte, Billings, and Great Falls. A new 25 bed center for men in a place yet to be determined and a new 16 bed center for women in a place yet to be determined.

There are currently, 4300 people on probation in Montana. Non-violent offenders will be placed in our existing programs. The district courts fill every one of those 198 pre-release center beds. Montana's male and female prison populations have been projected to increase dramatically in the next 5 years. The male population is projected to go to 1800 inmates and the female is over 124. The long range plans are to construct more centers for males and females in conjunction with substantial increases in the community programs. He felt that the state cannot exist even through the next biennium without the existing 120 pre-release centers beds for men. All of the beds are projected for use by prison inmates.

Mr. Russell went on to say, "HB 747 may effectively undue years of work which has been accomplished by the correctional committee and create even greater prison crisis. I urge you to either amend HB 747 to eliminate placements to these community facilities or to assure those places can only be filled with the inmates of the expansion program. If those amendments are not accepted, then the only sensible solution is that this bill be given a do not pass recommendation."

Questions From Committee Members:

REP. STICKNEY told **Mr. Russell** that he was confused about the delineation of people covered under this bill and the ones you were saying currently should be going to the pre-release centers. Is it those that are currently in prison and would be released to them as opposed to serving their full term there? **Mr. Russell** said that the people that currently in the pre-release centers are all people coming out of prison who were either discharged or paroled. This bill is for people who are now on probation to be placed in these community facilities in lieu of going on normal probation or in conjunction with normal probation. **REP. STICKNEY** asked if the people on probation now stay at home? **Mr. Russell** stated that they almost always stay at home or with a family member. Never are they in a situation where we are paying for an alternate place for them to live.

REP. BROOKE asked **Mr. Russell** if he was concerned about the language in the bill that refers to "the state prison", if this

bill could be amended would it be appropriate to indicate the two prisons that we now have? **Mr. Russell** stated that it needs to be amended for that purpose. **REP. BROOKE** said that she thought HB 272 was coordinated with the Division of Corrections and the Community Corrections Facility idea. "Are you saying that this bill provides for that connection?" **Mr. Russell** said, "HB 272 did those things and this bill does not. HB 272 provides for that in the future but that is a long ways down the road." **REP. RUSSELL** asked **Mr. Russell** if he felt that in the next 2 years there would be a community that could set up a community corrections facility? **Mr. Russell** stated that if a community chooses to establish a community corrections program during the next 2 years, they would have to do it with the intent that it would be brought to the next legislative session to be funded. They might develop the program but couldn't use it because there is no money to do so.

Closing by Sponsor:

REP. LEE stated that he would consider the probation amendment that Dan Russell made to be a friendly amendment. He stated that his intent wasn't to endanger their current program and asked the committee to look on this favorably.

HEARING ON HB 789
REVISE PROCESS SERVICE AND LEVYING

Presentation and Opening Statement by Sponsor:

REP. MEASURE, HOUSE DISTRICT 6, stated that HB 789 is basically a housekeeping measure. At the beginning of the session of this year, Rep. Cromley brought us HB 36 which was a measure that would resolve problems between the process servers in the state and the paralegals. The process servers were granted the ability to levy process if they would have a bond and complete some other minor hoops they had to go through. The process server has, historically, been available to anyone. This bill revises the law by removing the process serving requirements for registration from the law. There are 18 of them in the state of Montana that pay $100 every two years to the Clerk of the Court. He felt that HB 789 was a good response to a problem and he would appreciate a do pass recommendation.

Proponents' Testimony:

REP. CROMLEY, HOUSE DISTRICT 96, stated that he appreciated Rep. Measure's work to resolve the problem and that the bill solves everyone problems and protects the public. He asked the committee for their favorable consideration of this bill.

Opponents' Testimony:

Gary A.Dupuis, Registered Process Server/Levying Officer, gave

written testimony opposing HB 789. **EXHIBIT 4**

Questions From Committee Members: NONE

Closing by Sponsor:

REP. MEASURE stated that this is a good bill and solves a problem in an area that needs it.

HEARING ON HB 652
REVISE BAD FAITH SUITS AGAINST INSURERS

Presentation and Opening Statement by Sponsor:

REP. WHALEN, HOUSE DISTRICT 93, stated that the bill deals with an area of the law that was the subject of a bill heard earlier this morning referring to bad faith of medical of insurance policies. The area being discussed is the Unfair Claims Practices Act, Title 33, Chapter 18, part 2 of the insurance codes. HB 652 gives light to those provisions. Right now a third party claimant is prohibited from enforcing those provisions against the insurance company. Without having a third party claimant available to enforce those provisions, there is no enforcing those provisions. The insurance company doesn't do it and the insured doesn't do it. Only the third party claimants are able to do it. The second thing this bill does is create judicial economy by allowing a law suit against an insurance company for a violation of the provisions in a law suit for the underlying claim for damages. He stated that, at the present time, the claimant is automatically precluded from bringing the law suit to court.

Proponents' Testimony:

Michael Sherwood, Montana Trial Lawyers Association, stated that his Association supports the bill for the reasons voiced by Rep. Whalen.

Opponents' Testimony:

John Alkie, Montana Defense Trial Lawyers Association, stated that his Association is in opposition to the bill. He stated that on page 4, sub part b has been struck, lines 16 -19 and felt that it was the heart of the bill. He felt that it was important for the committee to understand what "bad-faith" is. He stated that "bad-faith" is when an insurance company, when liability is reasonably clear, fails to make a reasonable attempt to settle. He stated that the plaintiffs are trying to put the cart before the horse with this bill. It takes two parties to reach a reasonable settlement.

Gary Spathe, Liability Coalition, said that the bill goes much farther than the tort battles, it goes to some important

considerations in tort law. He felt that everyone tries to get an advantage in the playing field and the bill is merely an attempt to get an advantage. He stated that the advantage is an injury and an attempt to get a recovery, but the recovery will be enhanced if the insurance company is on the side of the injured. He stated that this bill does not balance the playing field, it focuses the blame on the insurance company because they have a lot money. The people that really end up paying, are the people of Montana, because they will end up paying more for their insurance. He felt that the law, at the present time, is the best way for everyone to recover.

Jacqueline Terrell, American Insurance Association, stated that her Association opposes the bill. She stated that HB 652 will bring the state back in time to a place more punitive than the law was in 1987 because it extends the direct cause of action to third parties for any small violation. She urged the committee not to pass the bill because it will destroy what has been hard fought and worked for in the last 4 years, and the law needs a chance to continue to work so Montana consumers will have insurance coverage available to them at reasonable rates.

Roger Glen, Executive Director - Independent Insurance Agency Association of Montana, stated that back in 1987 his Association strongly supported, often times with the disagreement of the insurance companies, the intent of this bill. He stated that 6 of the 14 articles identified in the "Fair Claims Settlement Practices Act" is important to the Montana Insurance Consumer. He stated that the bill is a major move backwards.

Gene Phillips, National Association of Independent Insurers, stated that his Association opposes the bill.

Questions From Committee Members: NONE

Closing by Sponsor:

REP. WHALEN stated that this bill used to be the law until 1987 when it was changed. He stated that he will discuss the bill more with the committee during executive session.

HEARING ON HB 653
REVISE LEGISLATIVE, JUDICIAL, AND PROSECUTORIAL IMMUNITY

Presentation and Opening Statement by Sponsor:

REP. WHALEN, HOUSE DISTRICT 93, stated that HB 653 reviews a law relating to legislative and judicial immunity and is a good government bill.

Proponents' Testimony:

Michael Sherwood, Montana Trial Lawyers Association, stated that there is a need to pass this bill to address a need that has not

been addressed. He said that immunity has been talked about for the past 6 weeks in many different areas. He stated that one of the reasons it is not sound economic policy to grant immunity is that the injuries to the people that are hurt do not go away. The bills do not go away. The next two proponents are victims of immunity and their lives are both pretty much ruined. They are people who have suffered because this legislature has granted immunity.

Mary Fitzpatrick, Anaconda Resident, gave written testimony in favor of HB 653. **EXHIBIT 5**

Nani Aki Linder, self, stated that in 1983 there were 100 people in Montana that were tested for tuberculosis. Of those people, 30 were placed on medication, and she was one of those people. She stated that within 30 days after taking the medication, she was admitted to St. Pat's Hospital to the emergency room and had to be taken off the drug. She stated that the doctor kept her off the drug for 10 days and then said it was necessary to challenge the drug because she had to be protected from the disease and the public had to be protected from her. She was placed on medication. She stated that it took 3 days for the next severe reaction. Her doctor tells here that most of the damage was done during that severe reaction.

Today she wears a full left leg brace with her knees locked. When her knees buckle, she falls. She has two back braces giving her pain in her back. She stated that as she was speaking to the committee she was in pain. She now carries two syringes full of emergency adrenalin. She told the committee that the last time she had to take the syringe full of adrenalin was just two days ago during a very simple procedure and that is why she is not in very good shape for today. She stated that she has an electric pump at her home that pumps her legs down at night. She sits in hot water for pain because during the bad reaction something else happened so she cannot take her pain pills. Her prognosis is very poor. She has gone to rehabilitation for half of a year and her rehab doctor tells here that she may look forward to a wheel chair, eventually, and will be a permanent condition.

She stated that for her, disability was not an option. "Quitting i not an option and never has been in my entire life. My doctor told me he couldn't fix central nervous system damage. In my case, there were many cases filed. All of them were paid except mine. In July of 1990, in the middle of negotiations, the state filed an immunity petition against my case. I want to know, what about me? As they went down the road, from patient to patient, and then getting to me and saying these people are okay, but I have this law that gives me the right not to take care of your expenses. I have lost a business. I was a thriving successful business owner with 80 people working with me. I lost my car, my life insurance, all of our savings, and in July of 1990 I was pushed into a corner because I was served with a petition became of this legislation granting immunity.

I am also a professional Hawaiian Dancer and I have lost that profession. I am bitter about losing my land in Hawaii. I had to sell may land and I resent, very much, having to do that. Because welfare is not an option for me and honor is everything to me and that is all have left, honor. Because I have chosen to give up the things I love to death to pay my bills. I am here to ask you not to feel sorry for me, because I don't need it and I don't feel sorry for myself. I ask that you re-balance the scale of justice and give me my rights to my day in court and to those people who think the insurance people will pay, I ask you to look at me and tell me who is going to pay. I will be paying for this for the rest of my life. You can't give me back my legs, or everything I have lost, not even the land I had to sell, but you can give me my day in court. That is all that I ask."

Teresa Reardon, MFSE, stated that her association supports HB 653.

Phil Campbell, Montana Employees Association, stated that his association supports HB 653.

Jim Jenson, stated that he is in support of HB 653.

Opponents' Testimony:

Stan Kalectyc, Montana Municipal Insurance Authority, stated that if HB 653 dealt only with legislative immunity he would standing as a proponent to the bill. He stated that he supports SB 154 with some proposed amendments and if the committee decides to go ahead with this bill, he will incorporate the amendments into this bill.

Bill Gianoulias, Acting Chief Defense Counsel - Tort Claims Division, gave written testimony opposing HB 653. **EXHIBIT 6**

Questions From Committee Members: NONE

Closing by Sponsor:

REP. WHALEN stated that HB 653 isn't trying to dissolve all immunity for the legislature. He stated that the laws need to be put back into the state as they were in 1990.

HEARING ON HB 767 & 768
AN ACT TO PROV. TIMELY REFUNDED SEC. DEPOSITS & INTEREST PAY.
AN ACT TO PROV. JUST CAUSE IN TERM. LANDLORD-TENANT AGREEMENTS

Presentation and Opening Statement by Sponsor:

REP. MEASURE, HOUSE DISTRICT 6, stated that the purpose of HB 768 is to generally revise the landlord tenant laws that have not been revised for some time. He stated that the purpose of HB 767 is to amend and revise the laws of the residential tenant securities deposits. The landlord-tenant laws and security

deposit laws have been structured bases on property law, which has made it cumbersome for both landlords and tenants. He said that one of the primary purposes for this series of legislative acts is to streamline and allow better access to knowledge of the landlord-tenant relationship.

Proponents' Testimony:

REP. COCCHIARELLA, HOUSE DISTRICT 59, stated that the landlords of Missoula are in support of the bill but are proposing some amendments.

HB 767: page 2, line 10: first and last months rent needs to be clarified. On line 19, the language of non-refundable fee should be removed. On page 5, line 14, the return of the deposit - needs to be extended by three more days for mailing.

HB 768: page 10, line 6, there was a concern by property management people that reasonable time is not given and the control of the cost of the repair is not given to the landlord. On page 15, line 11, the term "necessity" creates problems for property damages for landlords if they want to update the property, who will determine what is a necessity.

Klaus Sitte, Montana Low-Income Coalition, stated that he is an attorney practicing in landlord-tenant cases for 20 years. He stated that both bills help both the landlord and the tenant and felt the bills were good public policy.

Greg Amsden-Gaegeoe, MontPirg, stated that he agrees with the previous testimony. He felt that both bill are very good and represent a good compromise.

Tootie Welker, MAPP, stated that she is in support of HB 767 and HB 768.

Tim Lovely, Missoula Resident and Landlord, stated that he found no problems with the two bills as proposed. He stated that the "just cause" is reasonable and that interest payments to tenants is also reasonable. He stated that he has done this in the past and will do so in the future. He urged the committee to support both house bills.

George Marble, Local Housing Authority - Helena, stated that the Housing Authority supports both HB 767 and 768 and submitted four endorsements. **EXHIBIT 7**

Marsha Dias, Montana Low-Income Coalition, stated that she is a home owner and a landlord. She stated that affordable housing has become a terrible problem for low-income people. She stated that most landlords are good landlords and try to provide low-income people with the good landlords. The effort is not trying

to tie the hands of the landlords to be unable to evict their tenants, the sponsors are trying to protect innocent victims of unjust eviction. She asked the committee to support HB 767 and HB 768. She asked that signed petitions from supporters of HB 767 and HB 768 be entered into the record. **EXHIBIT 8**

Marcia Schreder, Montana Low-Income Coalition, stated that HB 767 and HB 768 will improve relations between landlords and their tenants. She asked the committee for a favorable consideration to both bills.

Chester Kinney, Montana State Coalition Association, stated that his association supports HB 767 and HB 768.

Mary Smith, Montanans for Social Justice, stated that she is in support of HB 767 and HB 768.

Kellie Patrick, self, supports HB 767 and HB 768.

Mark Good, self, stated that he is in support of HB 767 and HB 768.

Opponents' Testimony:

Jim Mackay, Montana Landlords Association - Great Falls Chapter, stated that he was on the negotiating team for the landlords for the past 4 years. He stated that in 1988 when the landlords broke off negotiations with the tenants, they asked them to start negotiations in 1989 so we had sufficient time to hammer out all the problems. He stated that the objection the Great Falls chapter has is the amount of time that has to be spent filling out the papers for the IRS. He submitted letters of opposition to be submitted into the minutes. **EXHIBIT 9**

Martin S. Behner, President - Western Montana Landlord Association, gave written testimony opposing HB 767 and an amendment for HB 768. **EXHIBIT 10 & 11**

Rhonda Carpenter, Income Property Owners & Managers, gave written testimony opposing HB 767 and HB 768. **EXHIBIT 12**

Jerry Hamlin, self, gave written testimony opposing HB 767 and HB 768. **EXHIBIT 13**

Ken Chilcote, property owner, stated that he opposes HB 767 and HB 768.

Bernard Bissell, Hi-Land Properties - Bozeman, stated that he opposes HB 767 and HB 768.

Martin Heller, Montana Association of Realtors, gave written testimony opposing HB 768. **EXHIBIT 14**

Montana Watts, Mobile and RV Park Owners Association of Montana, gave written testimony opposing HB 767 and HB 768. **EXHIBIT 15**

Brendan Beatty, Montana Association of Realtors, stated that he is opposed to HB 767 and HB 768.

Judy Peterson, Buchanan Enterprises, gave written testimony opposing HB 767 and HB 768. **EXHIBIT 16**

Betty Mathison, Pines Apartments - Great Falls, gave written testimony opposing HB 767 and HB 768. **EXHIBIT 17**

Questions From Committee Members: NONE

Closing by Sponsor: NONE

HEARING ON HB 825
REVISE CONCEALED WEAPON PERMIT LAW

Presentation and Opening Statement by Sponsor:

REP. DAVE BROWN, HOUSE DISTRICT 72, stated that a bill in the last Legislature allowed for permits for carrying a concealed weapon didn't get off the house floor. He stated that the HB 825 is a decent piece of legislation, but he felt it wouldn't make everyone happy. He stated that many people spent a lot of time during the interim to put this bill together based on statutes that seem to be working well. The County Sheriff's Department is where an application is received, the Sheriff will then issue the permit if applicable. The permit is valid for 2 years. The applicant must be 18 years of age or older, a U.S. Citizens, have a valid Montana Driver's License and identification as to whose picture is on the Driver's License, and be a resident of the state of Montana for the last 6 months. Rep. Brown said that the privilege of carrying a concealed weapon will not be denied unless the applicant falls into one of the categories listed in the bill.

Proponents' Testimony:

Clyde G. Byerly, Montana Rifle and Pistol Association, gave written testimony in favor of HB 825. **EXHIBIT 18**

Barry Michelotti, Sheriff - Cascade County, gave written testimony in favor of HB 825. **EXHIBIT 19**

Charles Hughes, Montana Rifle and Pistol Association, gave written testimony in favor of HB 825 along with some proposed amendments. **EXHIBIT 20**

Bill Bigelow, National Rifle Association, stated that his association is in support of HB 825.

Mary Sneddon, Property Owner, stated that she represents a number of women that live alone. She felt that this bill was important to all women that live alone and need to protect themselves with a handgun. She asked the committee for their support of HB 825. **EXHIBIT 21**

Max Maddox, Chinook Gun Club, stated that he is in support of HB 825.

Tom Harrison, Montana Police Officers Association, stated that his association has some amendments to offer to the committee for HB 825. He stated that his association is concerned about handgun language that is it clear it is the only accepted concealed weapon. He suggested that on page 3, line 3, change the word "probable cause" to "reasonable cause". He suggested that in section 8, page 11, subsection c, language which is an attempt to allow concealed weapons in a restaurant that has a liquor license but not in a regular establishment which doesn't serve "full meals", should be changed to "in any licensed premises where" instead of line 11. He asked the committee for their favorable consideration to the bill and his association's proposed amendments.

Opponents' Testimony: NONE

Questions From Committee Members: NONE

Closing by Sponsor:

REP. BROWN stated that he was in agreement with some of the amendments offered but not others and would discuss them further in executive session.

ADJOURNMENT

Adjournment: 12:15 p.m.

BILL STRIZICH, Chair

JEANNE DOMME, Secretary

BS/jmd

JU021991.HM2

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL **DATE** 2-19-91

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

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Mr. Speaker: We, the committee on Judiciary report that House Bill 346 (first reading copy -- white) do pass as amended .

Signed: _____
Bill Strizich, Chairman

And, that such amendments read:

1. Title, lines 4 through 6.
Strike: "REVISING" on line 4 through "ACTIONS;" on line 6

2. Title, lines 8 and 9.
Strike: lines 8 and 9 in their entirety

3. Page 1, line 24.
Page 3, line 17.
Strike: "10%"
Insert: "30%"

4. Page 2, line 21.
Following: "~~claimant.~~"
Insert: "For purposes of determining the percentage of liability attributable to each party whose action contributed to the injury complained of, the trier of fact shall consider the negligence of the claimant, injured person, defendants, third-party defendants, persons released from liability by the claimant, persons immune from liability to the claimant, and any other persons who have a defense against the claimant."
Strike: "may"
Insert: "shall"

5. Page 2, lines 22 through 24.
Strike: "only" on line 22 through "complained" on line 24
Following: "~~persons~~" on line 24
Strike: "."

6. Page 3, line 6.
Following: "~~government.~~"
Insert: "all such persons. However, in attributing negligence among persons, the trier of fact may not consider or determine any amount of negligence on the part of any injured person's employer or coemployee to the extent that such employer or coemployee has tort immunity under the Workers' Compensation Act or the Occupational Disease Act of this state, of any other state, or of the federal government."

EXHIBIT 1
DATE 2-19-91
HB 668

Montana Magistrates Association

February 19, 1991

HB 668, an act making mandatory revocation of DL for minor

Testimony by Pat Bradley, Lobbyist for MMA

Mr. Chairman and Committee members:

The judges of the courts of limited jurisdiction, who deal with so many of these offenses, will appreciate the proposed sentencing options which will enable rehabilitative measures, in working with young people.

As a point of information, SB 398 introduced by Sen. Towe, calls for on page 3, after line 4, in this same statute, the option of ordering performance of community service.

The MMA suports HB 668.

Pat Bradley

P.S. We support the amendments as proposed.

TO: HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE
FROM: MIKE MALES
RE: TESTIMONY IN OPPOSITION TO HB 668

19 February 1991

EXHIBIT 2
DATE 2-19-91
HB 668

Perhaps surprisingly, I would like to begin my testimony in opposition to HB 668 with a study on the horrors of teenage drinking. This respected, professional survey of 1,000 junior and senior high school students age 13 to 18 found that 92% drank alcoholic beverages, half drank every week, 34% began drinking before age 12, 79% were drinking by age 14, one-third drank at or after school events, one-third served alcohol at weekend parties, half of the boys drank on dates, and one in six youths reported severe problems after drinking such as fights, property damage, drunken driving, accidents, sickness, crime, and sexual activity.

I am referring, of course, to the teen drinking survey taken in 1952 and published in *Better Homes and Gardens* in March 1954. Youthful drinking, at levels similar to today's, has always been with us and always will be. The drinking age was 21 in 1954. The penalty then for underage possession of alcohol in Montana and most states was a $100 fine and 30 days in jail -- harsher than anything contemplated today. And yet the grandparents of today's youths drank underage during the postwar years, just as their parents drank illegally during Prohibition in the 1920s when penalties for demon rum were stricter still. At each juncture in history, advocates of forced abstinence have declared this or that "get-tough" approach will make teetotalers out of teenagers, and they have always been wrong. Laws and punishment can be effective in reducing alcohol <u>abuse</u> among all age groups, but they cannot be effective in enforcing <u>prohibition</u>.

That pattern has continued in Montana during the 1980s, clearly visible if we divide up the last 12 years into three four-year periods:

-- From 1978-81, minors (age 15-17) accounted for 8.3% of all alcohol-related traffic accidents in Montana, according to the Highway Patrol. During this period, Montana anti-DUI laws and awareness were weak.

-- In 1981 and 1983, the Montana Legislature strengthened anti-DUI laws aimed at <u>all age groups</u>, and campaigns against DUI increased. **During 1982-85, minors age 15-17 accounted for only 6.4% of all alcohol-related traffic accidents in Montana — a 23% decrease from the previous four years and a 6% drop relative to older drivers.** From 1983 to 1985, minors had <u>lower</u> rates of alcohol-related accidents than older drivers.

-- Beginning around 1985, the Legislature and communities adopted a "get tough" attitude toward teenage drinking. Stronger penalties for alcohol possession were enacted in 1985, 1987, and 1989, the drinking age was raised to 21 in 1987, schools and communities initiated more punitive policies, and law enforcement stepped up kegger arrests and "stings". Yet, **during 1986-89, minors age 15-17 accounted for 7.0% of all alcohol-related traffic accidents -- an 9% increase over the previous four years and a 22% increase compared to older drivers in Montana.** This net increase in crashes occurred despite the net decline in Montana's teen population, as the following table of single key years shows:

Minors age 15-17:	% of DUI accidents	% of pop. 15+	Net rate	Change
1978	8.66 %	8.48 %	1.022	
1980	8.33 %	7.46 %	1.184	+15.8%
1985	6.36 %	6.56 %	0.970	-18.1%
1989	6.03 %	5.91 %	1.020	+ 5.2%

I realize measures such as HB 668 that punish youths are easy to legislate since teenagers are not popular or seen as having any rights in this area. But years of evidence overwhelmingly shows that these types of laws do not work and may have effects opposite those intended. Why? Because punitive measures aimed at alcohol use cannot be enforced, whether in 1925, 1954, or 1991, and have the singular effect of forcing drinking by the target group underground. Clandestine drinking, whatever the age group, is characterized by heavier use of alcohol with peers in more hazardous settings. The harsher the penalty, the more this effect occurs. Despite the popular image that teens only need drivers' licenses to cruise Main or go to the mall, the fact is that youths form Montana's lowest-income group; 40% hold down steady jobs, many requiring driving. Revoking a driver's license for a status offense is excessive.

We may remember promises that raising Montana's drinking age from 18 to 19 in 1979 would reduce high school-age DUI accidents. As the table on the previous page shows, the opposite occurred. A similar net increase is evident from 1985 to 1989, when measures punishing youths for drinking proliferated. In 1989, the net rate of teen DUI accidents was the same as in 1978, despite raised drinking ages, more arrests, more programs, and ever-more punitive laws and penalties. This strategy just does not work.

What does? Montana youth, and adults, have shown responsible attitudes in responding to anti-DUI campaigns and laws by reducing drunken driving beginning in 1981, and they continue to do so today. From 1980 to 1985, Montana experienced the largest decrease in DUI fatalities in the nation. DUI crashes today among Montana teens and adults are half what they were in 1980. Teenagers have always been less likely than adults to drive drunk and less likely to have alcohol involved in an accident. There is no evidence that punishments directed at teenage drinking have reduced alcohol abuse, since the biggest DUI decline pre-dated them.

Punitive laws aimed at teenagers alone obscure the fact that Montana young people learn their drinking practices from Montana adults. Sixty years of history have shown us that we cannot forcibly prevent teens from drinking; we can only reduce youth drinking hazard by reducing irresponsible adult drinking. Increasingly, teen-agers I interview for research pursuits, and as friends, point out that they no longer trust or communicate openly with adults on drinking because adults are "hypocritical" and "only interested in punishment." That is a very sad situation. One of the greatest rewards of my acquaintance with many fine adolescents in this state is discovering how many want better communication with adults but remain reticent because most court penalty if they talk openly.

During the last half of the 1980s, Montanans tried all kinds of youth-bashing approaches at all levels of society and have no results except a net increase in youthful DUI crashes to show for it. Perhaps in the 1990s we will finally acknowledge the obvious -- that we have a lot of good kids in this state; that most teens (like most adults) drink alcohol; that most do so carefully even if they (like their parents, grandparents, and great-grandparents) broke laws to do so; that youthful alcohol use is patterned after adult alcohol use; and that those who drink irresponsibly are best deterred through tougher measures aimed at alcohol abuse by all age groups rather than by more punitive, scattershot, do-as-I-say-not-as-I-do laws like HB 668. Thank you.

Mike Males
1104 S. Montana, #F-12
Bozeman, Montana 59715

EXHIBIT 3
DATE 2-19-91
HB 735

Testimony of Michael J. Sherwood
MTLA
Supporting House Bill 735

Section 33-18-201 MCA at subsection (4) provides that an insurance carrier is liable for bad faith if it refuses to pay claims without conducting a reasonable investigation based upon all available information. At subsection (13) it is also liable if it fails to promptly settle claims, if liability has become "reasonably clear" under one portion of the insurance policy coverage in order to influence settlements under other portion of the insurance policy coverage.

This section, however, applies only to an insurance companies duty to its insured and not to third parties. In the recent case of Jensen v. State Farm Mutual Automobile Insurance Co. Judge Lovell held that this duty does not apply to a situation in which we have a third party claimant. In doing so, Judge Lovell confirmed an ongoing practice in the insurance industry: refusal to pay lost wages or medical expenses to those citizens injured by an insurance carrier's clients carelessness prior to judgment or settlement of the entire claim.

This means that if you are hurt in an auto accident which is clearly the other persons fault, that person's insurance carrier can refuse to pay medical expenses or lost wages which you have incurred until judgment. This gives a carrier tremendous leverage in settling suits, even when the extent of future damages cannot be determined or the injury has not yet healed. This is patently unfair.

House Bill 735 is an attempt to remedy this situation. SB 281, submitted by Senator Bob Brown would have attempted to cure the situation by requiring the all insurance policy holders to have a $10,000 medical and health insurance benefits policy, so as to keep the wolf from the door while the other party's insurance carrier denied benefits. This was unworkable and placed the burden on the injured victim rather than the wrongdoer. This bill will do more to solve the problem.

Please vote do pass on House Bill 735.

February 19, 1991

EXHIBIT 4
DATE 2-14-91
HB 789

Rep. Bill Strizich, Chairman
House Judiciary Committee
Capital Station
Helena, MT 59620

RE: HB 789

Dear Rep. Strizich and Members of this Committee:

My name is Gary A. Dupuis, a Registered Process Server/Levying Officer, Certified, Licensed and Bonded to do business in the State of Montana. I am **certified** by the Department of Professional and Occupational Licensing Bureau of the Department of Commerce, **licensed** by the Clerk of District Court of Lewis and Clark County and **bonded** by Western Surety Company, a company, that is also certified, licensed and bonded to do business within the State of Montana.

Several questions have come to view regarding HB 789 that I can see becoming a potential problem within our industry. Under Section 1, "Appointment of levying officer -- bond required.

(1) A city court judge, municipal court judge, justice of the peace, or district court judge may appoint an officer to levy execution under this chapter." **Does this allude to the fact a Judge making an appointment for a levying officer from his/her court, that this will cover all the district court judges and the 124 judges from the courts of limited jurisdiction or would I have to obtain appointments from each judge individually?** Currently under the present statues regarding Registered Process Servers/Levying Officers, once this examination is passed and a surety bond is posted with the local Clerk of District Court, I am licensed to serve process and levy in any county in Montana.

(2) "A levying officer shall file a surety bond of $10,000 for an individual or $100,000 for a firm with the clerk of district court in the county in which the individual resides or has his place of business or in which the firm has its place of business upon appointment as provided in subsection (1)." **Does this allude to the fact that as a levying officer, I would have to post a surety bond in every district court within Montana?** Currently, the bond that I have posted here in Lewis and Clark County, covers any county in which I serve process or levy on executions of judgments. If I were to be required to post a surety bond with each and every Clerk of District Court to serve executions on judgments, this would be almost financially impossible.

Ex. 4
2-19-91
HB 789

QUESTIONS OF CONCERN BY INDUSTRY:

1. What constitutes a firm? ($100,000.00 bond)
2. Are process servers still required to be licensed under current statues, but not required to be "registered" with the courts?
3. Will process servers, under HB 789, be required to maintain a bond, or just the levying officer?
4. Under HB 789, will the courts be required to keep track of who is serving process, since the proposal calls for "unregistered" process servers?
5. If anyone serving process, unlicensed or registered, serves papers, will the affidavit of service be notarized by a notary, as before?
6. RE: Levying Officer; will executed property, under HB 789, be sold by levying officer? (Example: Car)
7. In all appearances, this bill, as introduced, will eliminate any registration by process servers and will eliminate the fees ($100.00) to be paid to the Clerk of District Court. It will however, require a levying officer to be registered with the Clerk of District Court and for that person to post a surety bond.

It is the consensus of the process servers industry that most of us are opposed to this legislation, as this will open the door for the paralegal industry to further their goals within our industry and still not be required to be "certified, licensed or bonded" to conduct business in this field. I agree that this is a "new" field of endeavor and the numbers do not reflect very many of us that are doing this type of work, but the numbers are increasing. The attorneys, in the past, have relied upon their local sheriff's office to serve their necessary civil papers that were needed to get the litigants into court and therefore satisfy their clients needs. Since the passage of HB 639 in 1987, the attorneys are relying, more and more on private process servers and now levying officers to get their civil work done in a more timely manner. Civil process is one of the lowest priorities in any Sheriff's office in the State of Montana and this is why the attorneys of Montana have turned to private industry to get their work accomplished.

STATEMENT OF MARY FITZPATRICK

EXHIBIT 5
DATE 2-19-91
HB 653

Re: House Bill 653

My name is **MARY FITZPATRICK**. On March 4, 1985, I went to the Memorial Gymnasium in Anaconda, Montana, to pick up my son from wrestling. My son was involved in the AAU Wrestling program. When I went to pick up my son, it was dark and it was a typical winter night. It had snowed that morning. One of the conditions for allowing the AAU wrestlers to use the Memorial Gymnasium for practice was that the alley entrance to the gymnasium be used. Parents and participants were directed by school authorities not to use the well lighted and well maintained front or side entrances. The alley entrance to the gymnasium was poorly lighted and maintained. In order to gain access to the gymnasium, I had to walk down a very steep set of concrete stairs. The stairs were cracked, chipped and rounded. The janitor had yet to clean the stairs of accumulated ice and snow despite the passage of several hours of time. I fell down those stairs that night. My injuries were severe. I have had to have surgery for the removal of two of my discs in my low back. I have suffered severe pain, incurred tremendous medical expenses and I have been unable to return to work since my injuries. My condition is permanent. I brought an action against the School District so that

Ex. 5
2-19-91
HB 653

I could pay my medical expenses and receive compensation for some of the losses that I suffered. The School District had a million dollars of insurance coverage. My lawsuit was dismissed because the District Court and the Montana Supreme Court said that the School District was immune from suit. They said that the failure to maintain the stairway, the failure to provide lighting, the failure to clean the stairs and the failure to allow me to use the front entrance was a legislative act. I don't understand. Our schools and gymnasium are for use by the public. The public is invited to activities in these buildings. If someone is injured as a result of negligence, the School District, or its insurance carrier, should be responsible. My husband and I are struggling to pay the enormous medical expenses we have incurred. Without my income, we are barely able to make ends meet. My entire life has changed as a result of my injuries. Yet, an insurance company was able to walk away from its responsibility and laugh all the way to the Bank. Please do not allow this to happen to anyone else.

DATED this 19th day of February, 1991.

Mary Fitzpatrick

MARY FITZPATRICK

EXHIBIT 6
DATE 2-19-91
HB 653

DEPARTMENT OF ADMINISTRATION

TORT CLAIMS DIVISION

STAN STEPHENS, GOVERNOR

CAPITOL STATION

STATE OF MONTANA

(406) 444-2421

HELENA, MONTANA 59620

February 19, 1991

TESTIMONY IN OPPOSITION TO HB 653, by Bill Gianoulias

I am Acting Chief Defense Counsel of the Tort Claims Division of the Department of Administration. The Tort Claims Division opposes Paragraphs 3 and 4 of Section 2, HB 653, because entities called upon to function judicially, to adjudicate matters of controversy, should be immunized in order to facilitate free and independent execution of their duties.

Quasi-judicial immunity is the common law doctrine which provides that administrative agencies which share characteristics of the judicial process should also be immune from suits for damages. Judges have immunity because of the special nature of their responsibilities and when administrative agencies exercise judicial functions, the reasons for immunity are the same. Similarly, agencies performing functions similar to those of a prosecutor should be entitled to immunity for such acts.

Quasi-judicial immunity is important to insure that:

- Decisions are made based on the merits and not on the likelihood of lawsuits.
- Discretion is exercised impartially.
- Discretion to initiate administrative proceedings is not distorted.

Sections 2-15-102 (2) and (10), MCA, define "agency" and "quasi-judicial function." These sections limit the application of the doctrine to an adjudicatory function involving the exercise of judgment and discretion in determinations of controversies. The limited application of this doctrine allows agencies exercising judicial or prosecutorial functions freedom and independence to exercise their duties.

Tort Claims Division recommends that you do not pass Paragraphs 3 and 4 of Section 2, HB 653.

EXHIBIT 1
DATE 2-19-91
HB 767 & 768

Helena Housing Authority
OF
Helena, Montana 59601
812 Abbey St.
Phone 442-7970

February 1, 1991

Mont Pirg
360 Corbin Hall
Missoula, MT. 59812

Dear Sirs:

Please find enclosed four endorsements for the Montana Landlord's Association/Montana Low Income Coalition bill which modifies the Montana Landlord Tenant Act. You will note that three of the endorsements support those modifications made to Chapter 24 only. Since Housing Authorities are exempt from Chapter 25 so they may comply with Federal Regulations regarding security deposits, two of the Authorities felt uncomfortable supporting something they were exempt from. Another Authority felt that the modifications to Chapter 25 were not in the best interests of the tenants since the landlords would raise the rent to cover the interest paid on security deposits.

The Helena Housing Authority supports the bill as a whole. If possible, please keep us informed regarding the status of the bill. Helena Housing Authority Board Members or Staff may be interested in endorsing the bill verbally when it reaches committee hearings.

Sincerely,

George Marble
Administrative Officer
Helena Housing Authority
406-442-7970

Ex. 7
2-19-91
HB 767 & 768

Helena Housing Authority
OF
Helena, Montana 59601
812 Abbey St.
Phone 442-7970

January 24, 1991

The Housing Authority of Helena, Montana, endorses and supports the amendments, clarifications, and modifications to the Montana Residential Landlord and Tenant Act (Chap. 24, Title 70) and the Residential Tenants' Security Deposits Act (Chap. 25, Title 70), as discussed, negotiated, and presented by the Montana Low Income Coalition, Montana Legal Services, Montana Landlord's Association, certain Public Housing Authorities, Senior Citizen's Groups, Tenant Advocate Groups, and others.

Certain modifications proposed for Chapter 24 will allow Public Housing Authorities to fully comply with both Department of Housing and Urban Development Regulations and Montana State Law where to date, compliance with both governing bodies has been impossible due to conflicting regulations and statutes.

S. A. Massman
Executive Director
Helena Housing Authority

Ex. 7
2-19-91
HB 767 & 768

ENDORSEMENT

We, the undersigned, on behalf of our respective groups of landlords and tenants whom we represent, do fully and completely endorse and support the attached amendments, clarification and modification of the Montana Residential Landlord and Tenant Act (Chp. 24, Title 70) and the Residential Tenants' Security Deposits Act (Chp. 25, Title 70). The proposed legislative changes respresent years of discussion, negotiation and compromise. Everyone benefited by the exchange of thoughts, ideas and positions. We firmly believe this package of amendments should be adopted as a whole, without further changes or alterations.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2-19-91

HB 767

Public Housing Authority of Butte, Montana

SILVER BOW HOMES

Curtis and Arizona Streets
BUTTE, MONTANA 59701
Phone 782-6461

SILVER BOW HOMES 3-1
ROSALIE MANOR 3-2
ELM STREET 3-3
LEGGAT APTS. 3-4

ERNEST R. BURBY
Executive Director

JANUARY 18, 1991

TO WHOM IT MAY CONCERN:

THE PUBLIC HOUSING AUTHORITY OF BUTTE SUPPORTS THE AMENDMENTS FOR MODIFICATION OF THE MONTANA RESIDENTIAL LANDLORD AND TENANT ACT CHAPTER 24, TITLE 70 ONLY, NOT CHAPTER 25, TITLE 70.

ERNEST R. BURBY

Ernest R. Burby

EXECUTIVE DIRECTOR

Ex. 7
2-19-91
HB 747 : 768

ENDORSEMENT

We, the undersigned, on behalf of our respective groups of landlords and tenants whom we represent, do fully and completely endorse and support the attached amendments, clarification and modification of the Montana Residential Landlord and Tenant Act (Chp. 24, Title 70) and the Residential Tenants' Security Deposits Act (Chp. 25, Title 70). The proposed legislative changes respresent years of discussion, negotiation and compromise. Everyone benefited by the exchange of thoughts, ideas and positions. We firmly believe this package of amendments should be adopted as a whole, without further changes or alterations.

Ex. 1
2-19-91
HB 767, 768

ENDORSEMENT

We, the undersigned, on behalf of our respective groups of landlords and tenants whom we represent, do fully and completely endorse and support the attached amendments, clarification and modification of the Montana Residential Landlord and Tenant Act (Chp. 24, Title 70) and the Residential Tenants' Security Deposits Act (Chp. 25, Title 70). The proposed legislative changes respresent years of discussion, negotiation and compromise. Everyone benefited by the exchange of thoughts, ideas and positions. We firmly believe this package of amendments should be adopted as a whole, without further changes or alterations.

The Missoula Housing Authority endorses (Chapter 24, Title 70) but does not endorse (Chapter 25, Title 70) because it feels that the changes to Title 25 would ultimately lead to higher rents which would hurt low-income families.

Ex. 7
2-19-91
HB 767, 768

ENDORSEMENT

We, the undersigned, on behalf of our respective groups of landlords and tenants whom we represent, do fully and completely endorse and support the attached amendments, clarification and modification of the Montana Residential Landlord and Tenant Act (Chp. 24, Title 70) and the Residential Tenants' Security Deposits Act (Chp. 25, Title 70). The proposed legislative changes represent years of discussion, negotiation and compromise. Everyone benefited by the exchange of thoughts, ideas and positions. We firmly believe this package of amendments should be adopted as a whole, without further changes or alterations.

The Housing Authority of Billings endorses Chapter 24 of this bill, and has no comment on Chapter 25
Lucy Brown for the Board of Commissioners 1/23/91

Ex. 7
2-19-91
HB 767, 768

ENDORSEMENT

We, the undersigned, on behalf of our respective groups of landlords and tenants whom we represent, do fully and completely endorse and support the attached amendments, clarification and modification of the Montana Residential Landlord and Tenant Act (Chp. 24, Title 70) and the Residential Tenants' Security Deposits Act (Chp. 25, Title 70). The proposed legislative changes respresent years of discussion, negotiation and compromise. Everyone benefited by the exchange of thoughts, ideas and positions. We firmly believe this package of amendments should be adopted as a whole, without further changes or alterations.

Eldon R. Pipe Montana Landlords Assn by Dick Anderson MLC on condition Section 70-24-108 is included

Stanley R. Thorson

Eugene F. "Gene" Thompson President, Montana Landlords Assn Chapter

Kalispell

ASSISTANT DIRECTOR, MONT FIRE

Marcia Schrader Montana Low Income Coalition

Jessica Dress Montana Low Income Coalition

Exhibit 8 contains 9 pages of signed petitions supporting HB 767 & HB 768 . The original exhibit is stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

Exhibit 9 contains 10 pages of signed petitions and 52 letters opposing HB 767 & HB 768. The original exhibit is stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

Ex. 10
2-19-91
HB 767
768

If a 4% interest rate is put on all deposits. The average deposit rates could drop below 4% + until futher legislation could be enacted the land owner would be stuck with that 4%.

This would increase the book keeping + could cause rent increases plus separate deposits put on utilities. Where at the present time it is included and does not begin to cover all. This will only increase a heavier burden on the resident.

As to the 30 day subsequent notice to be given the resident as to charges and damages and to what it will cost up until they move off of the property you would have no way of knowing what

damages they will do. So how could we give a 30 day notice before they leave and state the charges.

In mobile parks they have hooked fences, electrical lines, sewer + water lines, trees, grass + shrubery tore them all out of the ground on their way out. In an apartment house or house they can do a lot more damage if they get irrate with you.

The 30 day termination notice with no cause given is better for both parties. If you intend to put this on the rental businesses. What do you intend for the residence to give in return?

To pay interest on Security Deposit HB 767

EXHIBIT 10
DATE 2-19-91
HB 767 & 768

The bookkeeping and the disputes arising from this Bill would do what the hidden intent is, NO DEPOSITS.

I would like tax deductions for loss-of-income that this bill will cost me as a landlord.

Everything is geared to the tenant. But who pays the property tax, the state income tax and bond issues?

Also the Federal Government would require forms on interest paid to tenants.

The law today is that deposits be returned in thirty (30) days. This is reasonable for in thirty days, the bills from utility and garbage companies are usually in and the bills and estimates for putting the property back in the shape it was when the tenant took possession can be gathered and prepared.

Martin S. Behner, President
Western Montana Landlords Assoc.

EXHIBIT 11
DATE 2-19-91
HB 767 & 768

The law requires the tenant to give a thirty (30) day notice of intent to move, without cause. The landlord also has to give thirty (30) day notice to vacate without cause. Anything else would cloud the issue.

Martin S. Behner, President
Western Montana Landlords Association

Your honorable chairman, Representative Dinsmore, House Judiciary members.

EXHIBIT 12
DATE 2-19-97
HB 767 & 768

As I've told you ~~I~~ Bonita Carpenter again I am representing Income Property Owners and Managers Inc. Our membership has also voted to oppose HB 768.

~~And our disagreement with~~

Our opposition to this bill is specifically section 10 numbers 4 and 5 which pertain to just cause evictions.

While these changes still allow a landlord to give a 30 day no cause eviction they permit the tenant to go to court and demand the just cause be given.

The attorney we spoke with feels that this ~~legislation~~ puts an unfair burden on the landlord. Many times the small landlords without secretaries have not documented the dates & times problems they have no substantial "proof" in court. In other cases where we suspect criminal activity there just is no way to prove just cause.

~~landlording is a business~~

& the rental industry is a business. I know of no good businessman who would chase away a good customer. Likewise I know of no instance where a landlord has evicted a good tenant. Please leave the law as it is now with a 30 day no-cause option and allow good business sense to regulate evictions.

& this bill also ~~unfairly~~ awards damages very unfairly. If the landlord is found to not have a provable plot could he can be liable for 3 times the rent, plus court costs, plus injunctive relief as well as his own attorney fees. If the landlord is found to be in the right he is awarded nothing, and still must pay his own attorney fees. As many tenants qualify for free legal assistance, which I think is right it puts them in a position of everything to gain and nothing to lose.

This process once it became common knowledge, has the potential to add hundreds of cases per year to the already overburdened ~~public~~ courts.

Although we acknowledge that a lot of work went into the comprimises that make up the remainder of this bill we ask that you ~~kill~~ table house bill 768 in order to prevent the addition of numerous ammendments on the house floor.

If you choose not to ~~kill~~ table this bill a ~~fair burial~~ please amend out sections 4 and 5 to allow good business sense to be used.

Ex. 12

At the very, very least we ask that you amend this bill so that the landlord, if found to be in the right, could recover his costs. This would make the landlord and the tenant on a more

equal grounds and possibly discourage tenants from filing in the courts.

Again I ask, please kill HB 768.

Thank you.

table

Ronda Carpenter
Great Falls

Ex. 12
2-19-91
HB 767 & 768

EXHIBIT 15
DATE 2-19-91
HB 767

HB #767

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME JERRY HAMLIN **BUDGET** _____

ADDRESS 2551 TERRWOOD

WHOM DO YOU REPRESENT? SELF

SUPPORT _____ **OPPOSE** ✓ **AMEND** _____

COMMENTS:

1) interest is a bookkeeping "nightmare" - we are small no computers
2) inspection 1 week prior to termination is meaningless - duplication of effort - time-consuming
3) I urge this committee not to pass HB 767
4) I am a member of the Mt. Landlords association and I know others who are not in favor of this bill. I question the idea that the "Mt. Landlords" are in favor of this bill. I believe we are not!
5) The definition of "Security Deposit" as a "nonrefundable" fee for cleaning makes no sense. It should be deleted from bill by definition.

HR:1991
CS16

EXHIBIT 17
DATE 2-19-91
HB 768

HB 768

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Martin T. Heller **BUDGET** _____

ADDRESS 401 N. Benton

WHOM DO YOU REPRESENT? Property owner — MT Assoc. of R's

SUPPORT _____ **OPPOSE** ✓ **AMEND** _____

COMMENTS: My main concerns with HB 768 are two fold:

(1) Section 10, (4) basically takes what is a month to month lease, with each party having the option of giving the other a 30 day notice to terminate such lease, and it turns this into what can now only be classified as a 30 day-month to month lease for the [redacted] landlord and basically a permanent lease for the tenant. The reasons for "just cause" are so vague and filled with words such as willful, gross, substantial, reasonable, economically feasible, habitual, "close" relatives that it makes the case for a landlord very tenacious to prove just cause. Thus, and in light of the penalties involved, a property owner is restrained in his or her basic right of property ownership.

My 2nd concern is that now because of the difficulty that this new Section would impose upon property owners any knowledgable property owner is going to be very, very selective at the time of renting an Apartment or house. This is going to make it very hard for the 1st time, young renter to find a place. Landlords will demand [redacted] multiple references, higher security deposits and perhaps co-signors before entering into rental agreements because they will know that once they enter into this tenancy it will be very difficult for them to get out of it. This Section needs to be deleted!

HR:1991
CS16

Feb. 19, 1991

EXHIBIT 15
DATE 2-19-91
HB 767 & 765

Bill Strizich.
Chairman.
House Judiciary Committee.

Testimony by Montana M. Watts
Representative for Montana
Mobile & RV Parkowners Assoc.
P. O. Box 114
Billings, Montana

We oppose H.B 767 & 765 as it is too discrimitory against the parkowners & rental businesses.

Our deposits usually cover utilities as well as rent. This singles us out to pay interest on deposits. We know of no other business that is made do this.

EXHIBIT 16
DATE 2-19-91
HB 767 & 768

HB 767

Interest on deposits is just another way to increase the cost of doing business for landlords - not only do we have to pay out this interest but the increase in paperwork for ourselfs or our accountants to type out 1099 Misc + 10.96 transmittal forms. Again the ulterate costs will be passed on to the tenants in higher rents. These costs will, in many cases, be higher than the amt ~~the low income coalition~~ of interest being returned.

This bill was introduced because we are told we landlords are using the tenants money for our properties + therefore they deserve something in return. On the other hand we landlords have mortgages, taxes, repairs, insurance, pay + to be at the beck + call of our tenants 24 hr a day - 7 days a week. "Normal wear + tear" - this includes painting ~~every~~

SPECTRUM

Exhibit # 16
2/19/91 HB 767,768

carpeting, plumbing, roofs, trees, etc. Tester's Parking the list is endless.
It all comes out of the landlords pocket.

I feel that most landlords try hard to provide safe, decent housing for their tenants — Why ~~do~~ increase their cost of doing business even more with this bill ~~tax~~??

Please reject this ~~tax~~ bill or it penalizes yet another Montana Industry. Interest on Deposits or entire

We are also told that other states pay interest on deposits + they have no problem - it doesn't hurt them + whatever increases the cost of business.
It brings to mind the old ~~dog~~ adage - if your brother jumps off the cliff - do you jump too

opposed
Judy Peterson
Buchanan Enterprises
761-0377
Great Falls, Mt.

5 30 units in Mt.

Exhibit # 16
2/19/91 HB 767, 768

HB 768 -

The just cause section on page 13 - item 4 + 5 + a thru f are very unfair + will only hurt many landlords especially the elderly property owners. Landlords do not evict tenants for no reason at all as the low income coalition would have you believe. We can't make a living from vacancies, so ~~are also business people + that would be~~ no landlords will evict a tenant without good ~~reason~~ cause. It would be detrimental to our ~~the~~ businesses. The only people who will benefit from passing this bill would be lawyers (for the property owners), as the low income renters get free legal help. This bill will ~~help~~ tie up the courts with costly legislation + many landlords will sell or cease renting their units for fear they will be sued by a disgruntled

Exhibit # 16
2/19/91 HB 767, 768

Good Tenants will also have to live side by side with ~~bad~~ undesirable tenants as landlords will be afraid to evict the ~~bad~~ undesirable tenants, because of lengthy - costly court proceedings Rents will have to be increased to cover the costs of evicting these undesirable tenants. It puts the burden of proof on the landlords. This law can have no other effect than to tie the hands of yet another montana industry.

I therefor would ask that you kill this entire bill or at least strike the section from this bill.

opposed
Jody Peterson
Buckhorn Ent.
761-0372
Bozeman

630 units in mt.

OPPOSE

EXHIBIT 11
DATE 2-14-91
HB

HB 768 & HB 767

Sm Calif., where many of these laws originate, they are having second thoughts on the value of these laws. Many rental units have been converted to condominiums and investors are becoming unwilling to invest their money in rental property because of too much possible litigation. This is creating a shortage of rental units in the areas where they are most needed. Owners of rental property will find it difficult to find a buyer if they want to retire or leave the rental business. One rental property owner in Great Falls has sold his rentals. He stated that he is just tired of the hassle. Passage of HB 767 & 768 would add to that already existing hassle. We need to encourage investment in Mont., not discourage it.

Betty Mathison
Rimco Apartments
Great Falls, MT.

82 Units

EXHIBIT 18
DATE 2-19-91
HB 825

Testimony of Clyde G. Byerly

Subject: House Bill 825 , Concealed handgun carry bill.

I wish to express support for the bill. I represent the Montana Rifle and Pistol Association which is a State membership organization of shooting sports and hunting enthusiasts.

The present method of reviewing and granting handgun carrying permits is not standardized within the State. There are no specific guidelines for use to determine if applicants are eligible for a permit to carry. All to often permits have been denied based on the personal whims and philosophy of judges rather than the applicants qualifications.

We need to codify the requirements which persons must meet to be considered for the issuance of a permit. The restrictions in the bill that spell out under what conditions a permit will be denied are comprehensive and adequate for the issuing agency to make an informed decision on denying a permit.

With the recent advent of big game hunting with handguns, many sportsmen in the field are carrying pistols which are best carried and protected under protective clothing. At present these persons are in technical violation of the laws. We need to exempt sportsmen in the field from the present concealed carry restrictions.

The application for the permit attached to the bill is in many ways much more comprehensive than it needs to be. An ADULT over 21 years old is the only one who can apply for the permit, therefore there is no need to furnish the information on the applicants family. This is an invasion of the privacy of these persons. The requirement to list the applicants employers for the past 5 years in not necessary. Perhaps the last two employers would be sufficient. The requirement to list the applicants addresses for the last 15 years is unnecessary and unreasonable. A time period of 5 years should be sufficient since this is the maximum time listed in any provision in the bill. The requirement for listing five character witnesses is over and above the federal requirement for a security clearance. We recommend that two witnesses be provided and that these can include employers since there is a provision to list employers on the application. The last requirement on the application is for the applicant to give COMPLETE detail on the reasons for the application. It appears that if the applicant does not fill this section out in enough detail to satisfy the sheriff there is a possibility that the background check will be delayed or the issuance of the permit denied. This bill does require any specific reasons for the issuance of the permit. Issuance is based on the character and eligibility of the applicant.

Ex. 18
2-19-91
HB 825

There is no requirement for the notary seal since the applicant must certify that the statement on the application are correct.

In short, the application for the permit should be as simple as possible for the sheriff to make the determination if the INDIVIDUAL does not fall into any of the categories that would result in the denial of a permit. The detail and the information required on it should not be a hindrance to the average person which would discourage them from requesting a permit.

The office of primary responsibility for issuance of the permit should be the one which can best perform background checks on applicants. With the liability limitation in the bill, there should be little cause for opposition from County Sheriffs to performing this service for the public.

This is a revenue generating bill for the County Sheriffs and the actual cost of the initial background check should be covered by the application fee. The application fees should reflect the actual cost of conducting a background investigation. The fees should be set high enough to cover these costs but not so high that they discourage the average person for applying for a permit. We feel that there is no justification for the $50.00 initial application fee. The bill as drafted allows the sheriffs office to charge an additional fee for the background check. This should be included in the initial application fee. A figure of $25.00 for the initial fee plus the addition of $5.00 for the fingerprinting should be sufficient to cover the actual cost of the check. Cooperation between law enforcement agencies makes the background check a routine communication matter.

The restrictions on carrying firearms in public places in the bill have been reviewed and discussed with various law enforcement agencies and officers. We feel that the restrictions should be stated in more general terms so the applicant is not confused by the wording of the restrictions.

This act in no way degrades the current laws which prohibit the ownership and carrying of various firearms which have already been classified as illegal to posses or carry.

In summary, this is a law whose time has come. We must bring organization and reason to the present inconsistent system.

END

EXHIBIT 19
DATE 2-19-91
HB 825

WITNESS STATEMENT

NAME Barry Michelotti BILL NO. HB825

ADDRESS 160 Dune Drive, Great Falls, MT

WHOM DO YOU REPRESENT? Sheriff, Cascade County

SUPPORT x OPPOSE _____ AMEND _____

COMMENTS:

I am in support of House Bill 825. I feel it is a fair proposal to ensure that the sportsman is not affected by restricting his or her ability to carry a firearm while engaging in lawful hunting or fishing and also ensures that all citizens have an equal opportunity, if they so desire, to legally carry a weapon that is concealed.

I support a reasonable fee to be charged by the Sheriff's departments in order to fund the license system. The fee is realistic due to costs associated with the background investigation.

I think this bill will be a benefit for the law abiding citizen and law enforcement.

Barry Michelotti

PLEASE LEAVE PREPARED STATEMENT W H SECRETARY.

Form CS-34
Rev. 1985

To Chairman

EXHIBIT 20
DATE 2-19-91
HB 825

52nd Legislature LC 0188/01

House Bill 825; Amendments

Submitted by: Montana Rifle and Pistol Association

Amendment # 1.

On Page 3, at line 11, amend Section 1., subsection (2) in the following manner:

After the words "firearm by", and before the colon, insert the words, "any one of the following, at the applicant's choice".

Effect and Rationale: This change ensures that the applicant may select the method by which he meets the requirements of this subsection (2).

Amendment # 2.

On page 4, at line 24, and on page 5 at lines 1 and 2, amend Section 2., subsection (1) in the following manner:

On each of the lines 24, 1, and 2, insert the language ", if any" immediately before the colon.

Effect and Rationale: Some applicants may not have this information to offer, and should not be able to be construed as not having completed the application if the information does not exist.

Amendment # 3.

On Page 5, at line 5, amend Section 2., subsection (1) in the following manner:

After the words "Driver's License", insert the words, "or State I.D. Card".

Effect: To allow use of a State-issued I.D. card if a person does not possess a Driver's License.

Rationale: There may well be persons who have need for a permit, but do not drive. Example: someone handicapped.

This page deals with The application not necessary if new application is coincident

Exhibit # 20
2/19/91 HB 825

Amendment # 4.

On Page 5, at line 6, amend Section 2., subsection (1), in the following manner:

Delete the language, "Social Security #:.....".

Effect: To delete the requirement that an applicant provide a SSN.

Rationale: As with application for a Driver's License, it may not be legally allowable to require the applicant's provision of a SSN. SSN can only be required for state and federal tax matters, and for Social Security reporting.

Amendment # 5.

On Page 5, at lines 8, 9, 10, 11, 12, and 13, amend Section 2, subsection (1) in the following manner:

Delete all of lines 8, 9, 10, 11, 12, and 13.

Effect: To remove requirements that applicants submit information about spouse and parents.

Rationale: This information is not necessary, does not bear on the applicant's eligibility to receive a permit, constitutes an invasion of privacy, and may be an illegal requirement because of privacy infringement.

Amendment # 6.

On Page 5, at line 24, amend Section 2, subsection (1) in the following manner:

At the end of line 24, delete the numeral "1" from the number "15".

Effect: To require a list of residences for the previous 5 years, rather than the previous 15 years.

Rationale: Other information requests in the application reach back 5 years; this request should be consistent; further than 5 years is unnecessary.

#7 & #8 not necessary if there is a new application

Exhibit # 20
2/19/91 HB 825

Amendment # 7.

On Page 6, at line 21, amend Section 2., subsection (1) in the following manner:

In the language "LIST FIVE PERSONS", delete the word "FIVE", and replace it with the word "TWO".

Also: On Page 7, delete lines 3, 4, and 5.

Effect: To require the names of only 2 "credible wittnesses" rather than 5.

Rationale: Providing the names of two references is sufficient; requiring five is excessive.

Amendment # 8.

On Page 7, at lines 6, 7, 8, 9, 10, 11, 12, 13, and 14, amend Section 2., subsection (1) in the following manner:

Delete all of lines 6, 7, 8, 9, 10, 11, 12, 13, and 14.

Effect: To remove the requirement that the applicant state a reason for application.

Rationale: HB825 establishes that permits are granted according to merit, not according to need. Either the applicant qualifies for a permit under the requirements of Section 1, or he does not. Reason for the permit has no bearing upon whether or not the permit will be granted, and offends the spirit of HB825.

---

* important
Amendment # 10.

On Page 9, at line 21, amend Section 3., in the following manner.

Delete the words "it was issued" and replace them with the words "the permittee resides".

Effect and Rationale: If the permittee should change county of residence, this change would allow the sheriff of the county of residence to deny renewal of a permit or revoke permit. This is a proper function for the sheriff of the county where the permittee resides, rather than the sheriff of the county where the permit was issued, when these counties are different.

---

* important
Amendment # 11.

On Page 11, at lines 9 and 10, amend Section 8, subsection (1)(b) in the following manner:

Delete all of lines 9 and 10 (all of subsection (1)(b)), and renumber item (c) on line 11 as (b).

Effect: To remove financial institutions from the list of places where exercise of permits is prohibited.

Rationale: Some permittees will obtain permits specifically because they carry large sums of cash or valuables to and from a bank or financial institution. These people will be faced with an impossible situation when they arrive at the door of the bank. It is certain that a person who intends to rob a bank will NOT submit himself to the permit application process as a prelude to commission of his robbery.

Amendment # 12.

On Page 14, at line 4, amend Section 12 in the following manner:

At the end of line 4, after the period, add the following new sentence, "A permit that is valid after October 1, 1991, may be renewed pursuant to (Section 2).

Effect: To allow currently existing permits that are still valid, after HB825 becomes effective, to be renewed, rather than requiring a new application.

Rationale: The renewal provision is specifically for renewal of existing permits, and should be applied to permits already existing, not just permits created under HB825.

Amendment # 13. (Note: Out of sequential order.)

On Page 9, at line 5, amend Section 2., subsection (3) in the following manner:

After the end of the last sentence in subsection (3), at line 5, add a new sentence that reads, "Replacement of a lost permit must be treated as a renewal pursuant to (Section 2)."

Effect: To add a provision for dealing with a lost permit.

Rationale: Some process must be provided for replacement of a lost permit. The simplest solution is to simply treat it as a renewal.

- End of MRPA Amendments to HB825 -

RON SHERMAN/UNIPHOTO

One in eight women you encounter on the street own handguns

EXHIBIT 21
DATE 2-19-91
HB 845

Armed and Female:

Why rapidly increasing numbers of American women are turning to guns for self-protection

One in eight women in the U.S. own firearms. That's a figure Paxton Quigley of Personal Protection Services in Los Angeles, and author of the book "Armed and Female," wants you to remember. It translates into twelve million women who have decided to take self-protection into their own hands—and the number is growing.

By Jeanne A. Harris

"I interviewed hundreds upon hundreds of women who had been raped," says Paxton Quigley, author of the eye-opening book *Armed and Female*. "After listening to their stories, there was no doubt in my mind that women should own guns for self-defense.

"If more women owned guns and it was publicly known," she continues, "the incidence of rape would decline in the United States within the next five years, just because of the publicity. A potential rapist would never know if a woman is carrying a gun."

A feminist and onetime Vietnam protester, Paxton Quigley is a far cry from the stereotypical pro-gun advocate. Yet she stands as one of today's most vocal proponents of gun ownership for women. She sees her task as convincing a conditioned public that, far from being exclusively a symbol of crime and violence, a handgun is the most viable means of self-protection for women in an increasingly dangerous society.

This is a rather surprising stance for a former anti-gun activist who, for over a decade, supported gun control legislation and even helped found a major anti-gun organization. While Quigley admits that she feared and hated guns for most of her life, it was a single, shocking incident in 1968 that pushed her into the arms of the gun control movement:

"I was involved with the Robert F. Kennedy campaign. When he was shot to death, of course, it was very upsetting." The shock of his death left a void in the lives of his staff members, many of whom turned their anger into action.

"Some of us in the Kennedy organization banned together and started a handgun control group," Quigley recalls. "I felt strongly at the time that stricter gun control laws would not only reduce the amount of crime in the country, but they would also prevent the assassinations of some of our great leaders," she says.

Quigley: "It's common sense to know how to defend yourself."

The fact that Kennedy's assassin, Sirhan Sirhan, was captured and brought to justice did not quell the call for gun control. The emotional backlash that surfaced after the death of the energetic, young presidential hopeful left a void that cried out for a kind of justice that no court could sufficiently answer. Would Sirhan Sirhan's execution have been enough justice for Quigley? "No," she flatly states.

"There just became a point in my life where I said 'That's it. Not only am I in favor of women owning guns, I'm also going to advocate it.' "

"Because I didn't want it to happen again. And for me, at that stage of my life, the gun was as important as the person who committed the act."

Although the newly formed anti-gun group was pushing for stricter gun control laws, there was a feeling that completely banning handguns was an achieveable goal. In the wake of a string of assassinations that took the lives of two Kennedys and Martin Luther King, Jr., many in the movement, including Quigley, counted on growing anti-gun sentiment to turn their ideals into legislation.

She recalls an argument she had back then with a friend who was concerned about her anti-gun stance: "He was very angry that I was working for this gun control organization. He said, 'Do you know what you are doing? Do you have any understanding of what the Second Amendment is all about?' And its significance never really dawned on me, because I was so emotionally adamant about being anti-gun."

More women are learning how to shoot than ever before

Despite her single-minded, emotionally-charged vendetta against firearms, Quigley was forced to confront the issue of gun ownership once more—only this time through a series of crimes that struck frightfully close to home. As a single woman working first in Washington, D.C., and then in Los Angeles, Quigley began to experience a change of heart after her house was burglarized twice, her car was stolen while she looked on from her kitchen window, and two of her friends were raped, one in her own bed. During this time, Quigley became fearful of even walking from her car to her house, afraid of what might be waiting for her when she opened the door.

But when she accompanied a friend to a gun shop, a light went on in her mind. There could be a means, she began thinking, that a woman could defend herself with confidence. The idea shocked her. She had hated guns for a long time. And now she stood thinking of the gun not as an enemy, she says, but as a protective force. She never thought during her gun-control tenure, that the same weapons she had lobbied against had any purpose but to harm another human being.

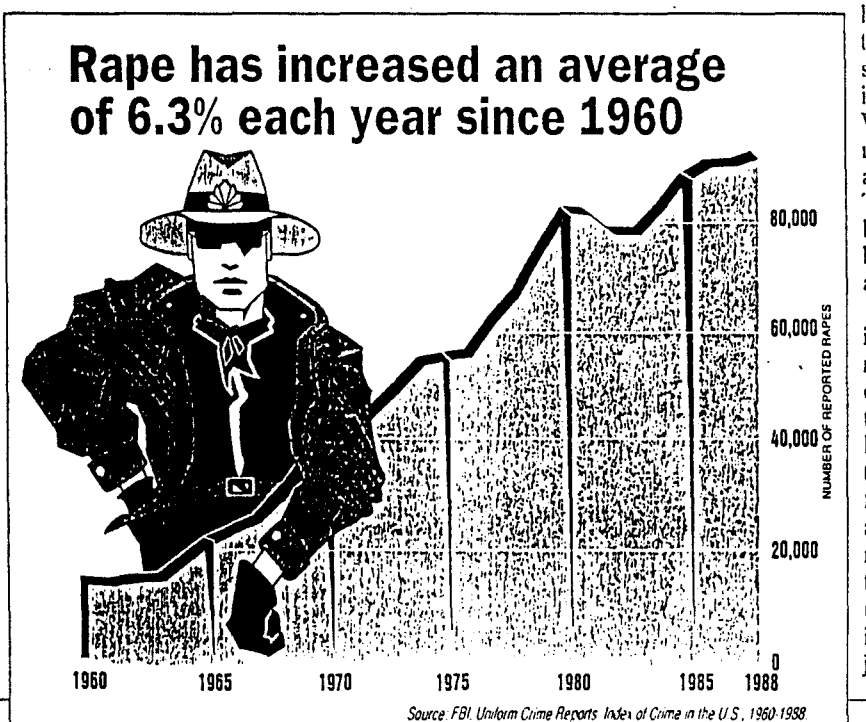
It was then that Quigley began to explore the reasons why people own guns. Her search brought her face- to-face with hundreds of women who had been brutally raped. The stories they told of their experiences shook Quigley to her core. "There just became a point in my life where I said 'That's it. Not only am I in favor of women owning guns, I'm also going to advocate it.' That was my turning point."

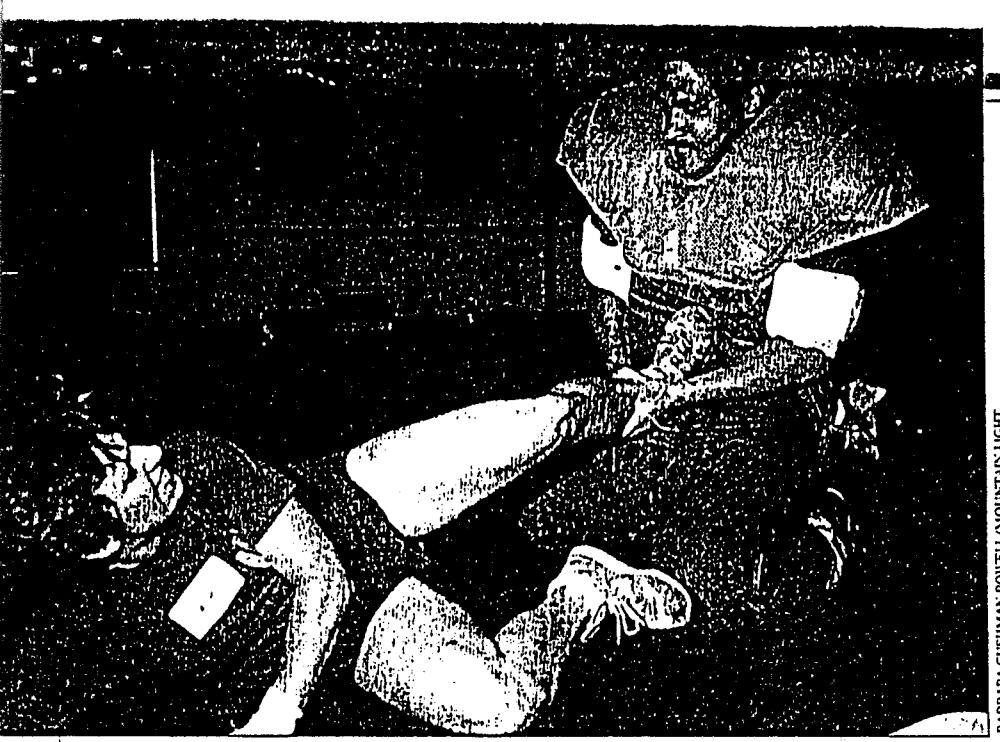
Regaining control

Quigley's exploration of women's need for guns in self-protection led her to write *Armed and Female*, which became an instant success. Now in its second printing, her book has generated nationwide interest and inspired Quigley to start Personal Protection Strategies, a series of courses that teach women and men alike basic self-protection techniques. Although she is winning many converts, her task, she has found over the last year, is an arduous one. Many women simply have a mental block against the idea of self-defense, even though they are acutely aware of the increasing crime problem in modern society.

Her job begins with an explanation of the basic problem of fear and denial. Criminologists have found that, on the whole, women have a greater fear of crime than men. The reasons stretch from the physiological to the psychological. Women are physically more vulnerable than men, and thus easier targets. They do not, as children, learn the aggressive rough-house play that marks boys' activities.

In addition, most Americans have been taught to rely on law enforcement exclusively to aid them in times of crisis. However, law enforcement, stretched to the limits by having to fight an increasingly violent and deadly drug war, cannot be counted on to maintain personal safety like it used to. In fact, in a surprising and perhaps absurd judgment, *Warren v. Dis-*





BARBARA CUSHMAN ROWELL/MOUNTAIN LIGHT

Model Mugging courses teach women to ward off would-be rapists using basic martial arts techniques and street-fighting savvy

trict of Columbia, the D.C. Supreme Court ruled that the police are responsible only for the safety of the general population of the community, not the protection and defense of its individual citizens. Now is the time, Quigley concludes, for people to take more responsibility for their own safety.

One-on-one crimes

Many crimes take place so quickly that there is no chance that the victim will be able to call for help. Obviously a woman who is being raped will not have time to dial "911." Rape and "one minute" crimes like purse snatching and assault, are crimes that women tend to fear the most; they instinctively know there is little chance they will be rescued.

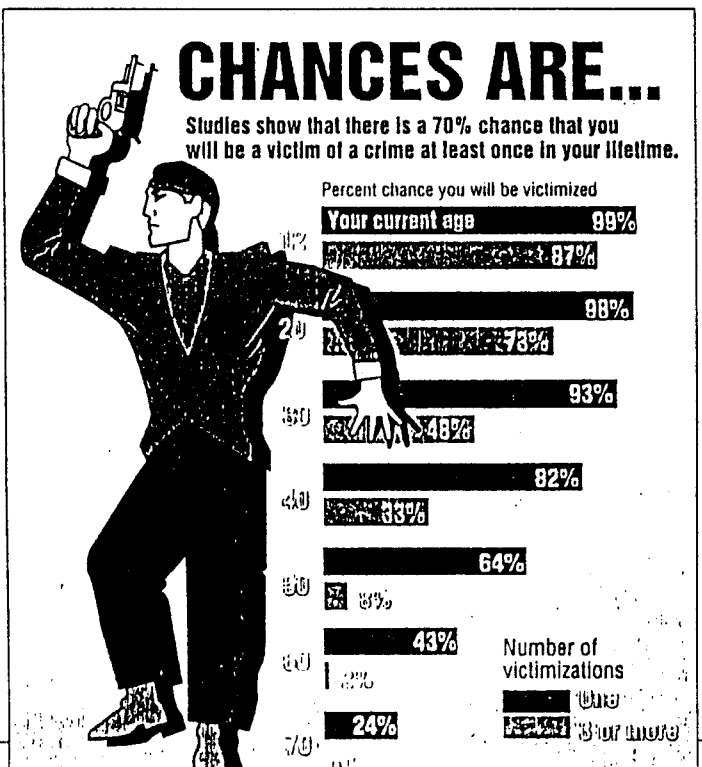
Because law enforcement cannot be everywhere at once, Quigley says it is important for a woman to learn how to protect herself. To accomplish this, a woman must first overcome her fear of being a victim of crime. Overcoming that initial fear, Quigley has found, brings with it many rewards; women who have learned to defend themselves report greater self-confidence and a feeling of em- powerment.

Overcoming fear, more than anything else, means confronting that denial. "First, a woman has to confront her fear, and say, 'Yes I am fearful.' There are, unfortunately, a number of women who were sexually abused when they were young, or else raped. But rather than confront what they've gone through, they often bury it and say, 'I'm not going to think about it.' " Understandable but deadly, says Quigley.

"Once a woman successfully confronts her fear, she can say, 'Okay, I'd like to prepare so that if I am in danger *I have choices.* I have learned a body of information that I will be able to use if the need arises.' "

But many women, strangely, are not actively interested in their personal safety, Quigley has found. "It's a real low priority item for many people. My 3-hour seminar on personal protection costs only $35. But I can see in people's eyes that they'd rather spend the $35 on getting their hair done than on spending time learning how best to protect themselves," she noted.

As an author and lecturer, Quigley spends a lot of her time pointing out victimization risks to the women in her seminars. But statistics cannot take the place of a real incident.



"What often happens is that soon after a woman is assaulted or raped, she wants to learn how to protect herself. She'll say, 'I don't want this to ever happen again.' But later she'll push it out of her head because it brings up a lot of bad memories about being victimized. This is where the denial kicks in."

Quigley adds, "Our society doesn't encourage people to defend themselves. It is unfortunate that self-defense (unarmed) is not taught in the grammar schools. Kids should be learning it early on because it would help them in terms of having better personal lives, too."

Quigley is unequivocal about one point: For a woman a handgun is an equalizing force in a compromising situation. No other weapon, she discovered, can adequately serve this purpose. And no other weapon has the same ability to turn a frightfully dangerous situation in the woman's favor.

In response to the gun control propaganda claiming that women are likely to be shot with their own weapons, Quigley says: "That's simply not true. It is very difficult to get a short-barrelled gun away from a person who's holding that gun and has the intention of shooting." In most cases, she has found, simply displaying the handgun is enough to scare many would-be victimizers away

Interviews murderers and rapists

"I went into San Quentin prison to talk to murderers and rapists about what they thought about women owning guns," Quigley recalls. "They told me that when they are looking for a victim, they're scared because they basically want to do their deed and leave. They don't want to get into a fighting situation *because they may not win.* They're going to look for people who have got their heads in the heavens, not someone who looks capable of defending herself."

As for carrying a handgun: "If you feel you are in jeopardy, if there's a chance that someone's going to attack you, yes, you should carry a gun," Quigley states in no uncertain terms. "Of course, a gun can't be used in all situations. You may not be able to get it in time. You may find yourself in a situation where you could hurt innocent bystanders or accidentally shoot a child. That's why it's so important for women to learn how to fight."

A woman's guide to street fighting

Good self-defense classes, Quigley says, will teach basic martial arts techniques while emphasizing down-and-out street fighting.

"One of the best self-defense

"In a surprising judgment the D.C. Supreme Court ruled that the police are responsible only for the safety of the general population of the community, not the protection and defense of its individual citizens."

ourses in the United States for women is Model Mugging," she states. "In 40 percent of the assaults on women, the victim is knocked to the ground within six seconds and that's where he has to fight. Model Mugging teaches you to fight from the ground, and also to fight full force. For safety reasons, a lot of self- defense classes don't allow you to strike full force, and they don't allow you to kick for the groin or scratch at the face and the eyes."

Model Mugging, which has a series of independent chapters nationwide, teaches basic self-defense moves, and women apply them in full-force fights with a "mugger" dressed from head to foot in protective padding. This innovative concept of self-defense pits a woman against the padded assailant in a number of common victimization situations—in a subterranean parking lot, at an automated-teller machine, walking down a dimly lit street, and even an attack that may occur in the victim's own bed. The attacker continues to assault the woman until she has rendered enough blows to convince the padded assailant he would be knocked out.

When Quigley took the four-week course, she faced the assailant 40 times: "Some days when I was getting ready to be so-called mugged, I would be terribly frightened. But when you're fighting, your focus is completely on what you are doing. Some days I would come home and burst out crying because I had gone through such an emotional and physical situation. But other times I would be just absolutely elated because I had just beat the heck out of that guy," Quigley recalls. "Not only does it build confidence, it builds empowerment in a woman and she begins to realize that, yes, she has the ability to fight off an attacker."

Stress-relief through self-defense

Quigley finds that the biggest hangup women have about self-defense is their prejudice against guns. "There are a lot of women in the feminist movement, unfortunately, that still think they don't have the right to defend themselves," Quigley says. "There are also a lot of people who say they are non-violent and could never hurt another human being, even if that person has already raped 17 women." Others, she says, simply have not been exposed to guns properly and view them as the sole domain of men.

Ironically, she has found that many women who are reluctant even to handle a gun turn out to be better marksmen, and to enjoy shooting more, than men. Handgun self-protection for women is a relatively new field, she says, even though approximately 12 million women currently own guns.

A new interest in handguns is being sparked across the country as women realize that self-defense *is* practical and can actually help them live better lives, says Quigley. Learning effective self-defense helps reduce the stress of living in a hostile environment by providing a woman with more choices in the event she has to protect herself.

To meet this growing demand, Quigley notes that more gun ranges are putting together handgun courses especially designed for women. "A public range in Orange County approached me about designing a course by and for women," she says. "Women seem to work better with female instructors when it comes to self-defense as well as gun training. There's a comraderie; the teacher can act as a role model. A man's perspective of women's fears and needs is really quite different."

Most law enforcement agencies, while agreeing with the concept of women's self defense, simply lack the manpower to put together shooting schools for women. Quigley recommends checking with local gun clubs, many of which advertise in the yellow pages, to find a suitable course. There are also local women's gun clubs where a woman can go and practice with other women. If a course designed for women is not available locally, Quigley suggests talking to the gun range about setting up a program.

"Being prepared for the statistical long shot of being a victim of violent crime is really no more extraordinarily prudent that wearing seat belts in a car or having a fire extinguisher in the kitchen."

PAXTON QUIGLEY, *ARMED AND FEMALE*, NEW YORK: E.P. DUTTON, ©1989 PAXTON QUIGLEY PRODUCTIONS, $18.95 SECOND PRINTING, SPRING 1990. PAPERBACK EDITION AVAILABLE IN THIS FALL FROM ST. MARTIN'S PRESS.

On the right track

Presently approximately 100 million households contain at least one gun. Recent polls show that 1 in 8 women are also gun owners. As the reality of crime becomes more apparent, Quigley says, that trend will continue. The vast majority of gun owners are seldom publicly visible; many consider gun ownership a private matter, not a political hot potato.

"I have a number of friends who now own guns, both men and women, who are liberals and would never join the NRA or vocalize their thoughts," says Quigley. "I know some people who actually have lots of guns, and that really surprised me. They only tell because they know my position, and it will come out in conversation."

In the end, the question turns back to teaching women that they have the right and the ability to defend themselves, Quigley states. "We have to get women over their fear and dislike of guns. We have to get them thinking that they have the right to self-defense. Some people think we are absolutely nuts. They will say, 'Oh, I know your book, Armed and "Dangerous." ' That's how they view me and my book. They will laugh when they say it, but that is how they really feel.

SHERROW/UNIPHOTO

38 caliber handgun. Many women carry it because of its small size but adequate stopping power

"But when you come right down to it, it's not a question of being paranoid. It's common sense to know how to protect yourself."■

Jeanne Harris is Assistant Managing Editor of New Dimensions.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB # 668

DATE 2-19-91 SPONSOR(S) Rep. Darko

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
PAT BRADLEY	Int. Magistrate Assn	X	
Darrell Brickstrom	Motor Vehicle Div.	X	
MIKE MALES	SELF		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB # 735

DATE 2-14-91 SPONSOR(S) Rep. Measure

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jacqueline N Terrell	Am. Ins. Assoc.		X
Steve Phillips	Nat. Assn. Ind. Ins. Alliance Amer. Ins.		X
Roger McGlenn	Independent Ins. Agents Assoc of MT		X
Michael Sherwood	MTLA	X	

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB # 747

DATE 2-14-91 SPONSOR(S) Rep. Lee

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
HARLEY WARNER	MONT. ASSOC. OF CHURCHES	X	
Don Russell	Institutions		X

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB # 789

DATE 3-19-91 SPONSOR(S) Rep. Measure

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Gary Dupuis	Self		X

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

House Judiciary COMMITTEE BILL NO. HB #652

DATE 2-19-91 SPONSOR(S) Rep. Whalen

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Jacqueline N Terrell	Am. Ins. Assoc.		X	
Abe E Phillips	Nat. Assoc Ind Ins Alliance Amer. Ins		X	
John Maynard	State Farm Ins.		X	
James Tutwiler	MT Chamber		✓	
~~Bill Gianchetti~~	~~Tort Claims Dept~~		~~X~~	
Roger McGlenn	Independent Ins. Agents Assoc of MT		X	
Cory L Spaeth	Liability Coalition		X	
John Alke	Mont. Defense Trial Lawyers		X	
Michael Sherwood	MTLA			✓

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB #653

DATE 2-19-91 SPONSOR(S) Rep. Whalen

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jacqueline N. Terrell	Am. Ins. Assoc.		X
Ron Martin	MTLA	X	
Mary Fitzpatrick	Self	X	
NANI AKI Linder	Self	X	
RON LINDER		X	
STAN KALECZYC	MT MUNICIPAL INS. AUTH		X
Jim Jensen	MTIC	X	
Teresa Reardon	MFT/MFSE	X	
Michael Sherwood	MTLA	X	
Phil Campbell	MEA	X	
Bill Francovilas	Tort Claims Dept		X

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

1064

House Judiciary COMMITTEE BILL NO. HB# 761

DATE 3-19-91 SPONSOR(S) Rep. Measure

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
BERNARD C. BISSELL	3 Sisters, MN. NI-LAND PROPERTIES.		✓
J J MACRAY	GT Falls Landlords		✓
RICKEY LINAFELTER	~~Black Eagle~~ Self Land Lord		✓
Tom Hapgood	MT. Assoc. Realtors		✓
Montana N. Watts	Montana Mobile Court & RVPark		✓
John Welker	MAA	✓	
Pauline Eggebrecht	Montana Mobile Courts		✓
Edward Eggebrecht	" "		✓
Glen C. Watts	Montana Mobile Court		✓
RONDA CARPENTER	IPM's Income Property Owners/ Mngrs		✓
Brendan Beatty	MT Assoc. of Realtors		✓
Phyllis ~~Carpenter~~ GF Falls	Income Property Owner + Mngr		✓
Marlin Wilke	Property Owner		✓
Ruth Wilke	Property Owner		✓

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB 767

DATE 2-19-91 SPONSOR(S) Rep Measure

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jerry Hamerin Helena, Mt.	Property owner		✓
Nelson Seeley	Property owner		✓
Martin T. Heller	Property Owner		✓
Marlin Wilke	Property Owner		✓
Ruth Wilke	Property Owners		✓
Marcia Schneider	Montanans for Social Justice Montana Low Income Coalition	✓ ✓	
Martin Behner	Property owner		✓
Ken Chilcote	property owner		✓
Elaine Chilcote	" "		✓
Judy Peterson	Property mgt.		✓
Jennifer Ott	IPM		✓
BETTY MATHISON	Income Property Owner		✓
Dan Watson	Property Owner		✓
[illegible]	Income Property Owner	✓	

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3064

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Jud. COMMITTEE BILL NO. HB 767

DATE 2-19-91 SPONSOR(S) Rep. Measure

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
BRAD MARTIN 360 Corbin 59812	MONT PIRG	✓	
GREG AMSDEN-HAEGELE 360 CORBIN MSLI 59812	Mont-PIRG	✓	
TIM LOVELY	Self	✓	
Jim Jensen	Self-Property Owner	X	
Marcia Dies	MAIC	X	
Steve Readerville	Self		X
Klaus Stile	MLIC	X	
Brent Cromley	self	✓	
Kristin Page	Mont PIRG	✓	
Ann Prunske	MAPP	✓	
Shawn Gunshaws	MAPP	✓	
Tamara Blank	MAPP	✓	
Tom Hopgood	MT Assoc Realtors		✓
Forrest Saunders	Battle Comedy Vision	✓	✓

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X Beverly Wipstrom
Kellie Patrick

Richard Olgren Montana L.A.C. ✓
Self
Citizen Coalition ✓

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB 767

DATE 2-19-91 SPONSOR(S) MEASURE

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Carol Brien	Helena Indian Alliance	X	
Marian G. French	M. S. J. of Helena	X	
Chris Chapman	Montanas for Social Justice	X	
Mary Smith	" " "	X	
Paul Coppins	self	X	
Dan Rubick	Butte Community Union	X	
Connie O'Connor	Helena Indian Alliance	X	
Sheila Hunter	self	X	
Chester Kenney	MSC+	X	
Romeo Ranieri	G.F.		X

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

1064

House Judiciary COMMITTEE BILL NO. HB # 768

DATE 3-19-91 SPONSOR(S) Rep. Measure

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
BERNARD C. BISSELL	Bozeman Mt. HI-LAND PROPERTIES		✓
J D MACKAY	G FALLS LANDLORD		✓
RICHEY LINAFELTER	LANDLORD		✓
Tom Hopgood	M. Assoc. Realtors		✓
Tooke Walker	MAPP	✓	
Vi Meade	Income Property Owners & Mgrs		✓
JOHN STINSON	INCOME PROPERTY		✓
VERN L. FISCHER	~~[illegible]~~ IPM's G.F.		✓
George Marble	Housing Authorities	✓	
Montana Mobile Home Park Assn.	Montana Mobile Court & RV Parks		✓
Glen C Kratts	Montana Mobile Court		✓
Pauline Eggebrecht	" " "		✓
Howard Eggebrecht	" " "		✓
Ronda K Carpenter	IPM's Income Property Owners & Mgrs		✓

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

JUDICIARY COMMITTEE BILL NO. HB #768

DATE 2-19-91 SPONSOR(S)

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Phyllis Carpenter 2010 4th Ave SW Gt. Falls	Income Property Owner + Mgr		✓
Brendan Beatty	MT Assoc of Realtors		✓
Nelson Seeley	Property Owner		✓
Martin T. Heller	Property Owner - MAR		✓
Jerry Hamblin - Helena	Property owner		✓
Marcia Schneider Helena	Montanans for Social Justice Montana Low Income Coalition	✓	
Elaine Chilcote	Western Montana L.L. Assn		✓
Ken Chilcote	" " "		✓
Martin Behner	" " "		✓
Betty Mathison	Income Property Owner		✓
Judy Peterson	Property Manager		✓
Jennifer Ott	IPM		✓
Dean Westin	Property Owner		✓
Russell Cater	W.F. Property Owner		✓

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

JUDICIARY COMMITTEE BILL NO. HB 768

DATE 2-19-91 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Greg Amsden-Haegele 360 Corbin MSLA	~~SEE RECORD~~ MontPIRG	✓	
Tim Lovely	Self	✓	
Jim Jensen	~~Self~~ Self	✓	
Steve Masderville	Self		✓
Marcia Dias	MLIC	✓	Neut
Klaus Sitte	MLIC	✓	
Kristin Page	MontPIRG	✓	
Tamara Blank	MAPP	✓	
Ann Prunuske	MAPP	✓	
Shawn Gunshows	MAPP	✓	
~~Tonya Lepenske~~	~~Butte Community Union~~		✓
Kellie Patrick	self	✓	
Dick Lodwell	~~Concerned Citizen~~ GT. Falls	✓	
Val Coleno	Self	✓	

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X Marian G. French M.S.J. Helena

Richard J. Olsen Montana J.D.C.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

JUDICIARY COMMITTEE BILL NO. HB 768

DATE 2-19-91 SPONSOR(S)

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Carol Brian	Helena Indian Alliance	X	
Marian G. French	M. S. J. Helena	X	
Chris Chapman	Montanas for Social Justice	X	
Mary T. Smith	" " "	X	
Dan Rubick	Butte Community Union	X	
Paul Carpenter	self	X	
Charles Kemmer	MSCA	X	

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

House Judiciary COMMITTEE BILL NO. HB #825

DATE 2-19-91 SPONSOR(S) Rep. Brown

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Clyde G. Byerly, Great Falls	mt. Rifle & Pistol Assoc	✓	
Max Maddox	Chinook Gun Club	✓	
Charlie Hughes	MT Rifle & Pistol Assoc	✓	
Vito Culbert	property owner	✓	
Mary Sneddon	" "	✓	
Bill Bigelow	NRA	✓	
Dave Brown	Sponsor HD #72	✓	
Tom Harrison	mt. Sheriffs & Peace Offrs	✓	
A. M. Elwell	WKSM	✓	
Ginger Maddox	self	✓	
Firearm Bounders	Butte community Union		✓
Mickey King	Helena Indian Alliance		
~~Sheila Foster~~	~~self~~	✓	

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