

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN RUSSELL FAGG**, on January 28, 1993, at 8:00 a.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Russ Fagg, Chairman (R)  
Rep. Randy Vogel, Vice Chairman (R)  
Rep. Dave Brown, Vice Chairman (D)  
Rep. Ellen Bergman (R)  
Rep. Jody Bird (D)  
Rep. Vivian Brooke (D)  
Rep. Bob Clark (R)  
Rep. Duane Grimes (R)  
Rep. Scott McCulloch (D)  
Rep. Jim Rice (R)  
Rep. Angela Russell (D)  
Rep. Tim Sayles (R)  
Rep. Liz Smith (R)  
Rep. Bill Tash (R)  
Rep. Howard Toole (D)  
Rep. Tim Whalen (D)  
Rep. Karyl Winslow (R)  
Rep. Diana Wyatt (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Council  
Beth Miksche, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 267, 235, 234, 236  
Executive Action: HB 215, 235, 234, 136

#### **HEARING ON HB 267**

##### **Opening Statement by Sponsor:**

**REP. BOB CLARK, HD 31, Ryegate.** A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING INDIVIDUAL LICENSURE FOR LAWFUL POSSESSION OF A

FIREARM FOR THE PURPOSES OF THE FEDERAL GUN-FREE ZONES ACT OF 1990."

REP. CLARK stated the purpose of the bill was to circumvent the Gun-Free School Zone Act (GFSZ) of 1990. EXHIBIT 1 Sixty-five percent of Montanans hunt and use firearms. Ranchers use guns to protect livestock from predators. This bill is not going to make guns legal in a school zone unless they are used for law-abiding purposes. Drivers carrying guns and coming within 1,000 feet of a school to pick up children, violate the GFSZ Act.

Proponents' Testimony:

Alfred Elwell, National Rifle Association, stated there are many residents that live within 1,000 feet of a school and are not in violation of the bill. They use their guns for hunting purposes and nothing else.

Don Waldron, Montana Rural Education Association, testified in favor of court control for weapons around school property and realized there was a flaw in the bill to protect the people who bring their weapons and keep them in their car.

REP. BILL TASH, HOUSE DISTRICT 73, Dillon, said he solicits support for this bill, because if people are going to carry firearms, it needs to be legal.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. JIM RICE commented to REP. CLARK that an exemption put into federal statute requires that before someone can be considered licensed and not be in violation of the law, the law of the state says that law enforcement authorities verify that individuals qualify to receive a license and he wondered if that particular point has been looked at. REP. RICE said that this bill gives a "blanket license" to give people the right to bear arms, or is this bill exempt? REP. CLARK said he does not see this as a problem. There is a vast majority of law-abiding Montana citizens who carry guns who don't need to be exempt. This legislature protects the law-abiding citizen who chooses to carry a gun.

Closing by Sponsor:

REP. CLARK emphasized that the passage of HB 267 will not allow criminal acts under any circumstances. The current law says that firearms cannot be brought any closer than 1,000 feet from a school yard.

HEARING ON HB 235

Opening Statement by Sponsor:

REP. HOWARD TOOLE, HD 60, Missoula. A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT; PROVIDING FOR THE ENFORCEMENT IN MONTANA OF FOREIGN MONEY-JUDGMENTS; PROVIDING FOR NONRECOGNITION OF CERTAIN JUDGMENTS; AND PROVIDING GUIDELINES FOR THE EXERCISE OF PERSONAL JURISDICTION."

REP. TOOLE stated this bill will help make the legal system more flexible on legal judgments. It is designed to collect out-of-state judgements. Washington and Montana have reciprocal judgements. Register judgements of each perspective states to begin collection. Past reciprocal law was in 1989. Do the same in other countries. Currency changes and foreign judgements; recognition of judgments of other countries. This bill was drafted from the National Conference of Commissioners on State Laws. 21 other states have enacted this law.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

HEARING ON HB 234

Opening Statement by Sponsor:

REP. HOWARD TOOLE, HD 60, Missoula. A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE UNIFORM FOREIGN-MONEY CLAIMS ACT; PROVIDING FOR THE JUDICIAL DETERMINATION OF CLAIMS EXPRESSED OF CLAIMS EXPRESSED IN THE MONEY OF FOREIGN COUNTRIES; ADOPTING THE DATE OF PAYMENT AS THE DATE FOR DETERMINING THE TIME FOR CONVERTING THE FOREIGN MONEY INTO UNITED STATES DOLLARS; PROVIDING A METHOD FOR DETERMINING REVALORIZATION AND INTEREST; AND PROVIDING AN APPLICABILITY DATE."

REP. TOOLE stated this bill is very similar to HB 235 as it involves foreign money. There is a problem with Section 6 because the language concerning the amount of money is not clear because of currency differences, and in Section 7 and Section 9 regarding conversion of currency. The purpose of this bill is to keep the rules flexible and facilitate international transactions.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

HEARING ON HB 236

Opening Statement by Sponsor:

REP. HOWARD TOOLE, HD 60, Missoula. A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR IMMUNITY FROM CIVIL SUIT FOR A HEALTH CARE PROVIDER WHO DISCLOSES HEALTH CARE INFORMATION TO A THIRD PARTY PURSUANT TO A WRITTEN AUTHORIZATION FOR DISCLOSURE; AND SPECIFYING THE FORM OF THE WRITTEN AUTHORIZATION."

REP. TOOLE stated the purpose of this bill is to release medical care records from providers by request from patients via waiver. It protects doctors. Under the law of release of medical information, physicians and care providers feel they should not release medical information. Sometimes it is difficult for the insurance companies to get the files. This bill does not, however, require that a care provider must release information. Lines 20-25 of the bill includes the specific language of release.

Proponents' Testimony:

Tom Hopgood, Insurance Association of America, Helena, explained insurance companies have concerns about getting medical records. Mr. Hopgood suggested the committee insert a confidentiality clause on line 13, and add "health care provider" or "health insurer" or "health service counselor."

Greg Van Horssen, State Farm Insurance Company, said State Farm supports HB 236 as drafted but asked the committee to consider the proposed amendment. They believe in expedient exchange of information.

Dayna Shepherd, Attorney, Department of Health and Environmental Sciences, spoke in support of the bill but would like the committee to consider amendments to the bill because of the Uniform Information Compliance Act. The waiver conflict amendment can be amended to comply with the waiver that exists.

Steve Brown, Blue Cross and Blue Shield, declared he understands that medical providers may have concerns about technical aspects of the bill and BCBS offers their assistance in resolving those concerns. They will offer assistance in processing paperwork and will work with the medical community in releasing information.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. TIM SAYLES asked REP. TOOLE if the health care providers, on passage of this bill, will give information required by law to the emergency medical personnel when they so desire? REP. TOOLE replied this bill will only authorize release of records to the person injured and only after the paperwork is signed by the patient. REP. SAYLES said he thinks the health care providers may be feeling at risk, and asked if this bill will ease their confidence in the health care provider. REP. TOOLE said that there will be concerns over privacy or protection issues, but this is not intended to hide medical evidence. It is a tool to provide information to the person or patient requesting confidential information.

REP. RANDY VOGEL asked Mr. Hopgood what was the wording on the proposed amendment and where was it inserted? Mr. Hopgood said it would be on page 1, line 13, after: "required. A health care provider insert: or health insurers or health service corporation".

REP. LIZ SMITH asked for clarification from REP. TOOLE that this bill is only to relieve authorized health providers from civil suit. Medical information is released only after the patient signs a waiver from the health care provider to release all medical information, and to ensure that the health care provider will not be sued.

REP. ANGELA RUSSELL asked REP. TOOLE, what kind of protection would a consumer get from routine or specialized care? Are there provisions or rules that inform consumers that this is an authorization from consumers to release information? Is it a one-time request on behalf of the patient when they need of all records?

Closing by Sponsor:

REP. TOOLE said this is a concept that is intended to address serious, practical problems in handling insurance claims.

EXECUTIVE ACTION ON HB 215

Motion: REP. VIVIAN BROOKE MOVED HB 215 DO PASS.

Discussion:

REP. BROOKE outlined her opinion why HB 215 should pass. She said her number one priority in the legislature was to remove this barrier. She said HB 215 is a simple bill to repeal, and it has no place in the codes. HIV is increasing all the time; there

are more hospices because AIDS patients can't get adequate medical care. Because of harassment, homosexuals aren't getting tested early and getting started on maintenance. She noted the Governor is not wavering - that he supports the bill. She asked that the committee stop thinking about morality, discrimination and their political careers and face reality.

REP. CLARK asked REP. BROOKE what this bill does from the medical standpoint, and how does it tie into HB 136? REP. BROOKE said it doesn't do anything, it is simply a bill to decriminalize homosexuality. However, once a homosexual releases the fact that he or she is gay, it's harder to get tested and help. It ties into HB 136 by malicious harassment. The bill is a protection to those who have been harassed.

REP. VOGEL asked REP. BROOKE about Dave Herrera, Director of Health Education. Rep. Vogel asked if Mr. Herrera has concern, after he heard testimony, because there are numerous different diseases that are directly associated with homosexual activities, and if his testimony causes concern within himself. Mr. Herrera stated that most of these peoples first homosexual encounters are after use of alcohol, drugs or because of low self-esteem. At that point, REP. VOGEL concluded that to be homosexual is a decision made, and not the argument "they were born with it". REP. BROOKE said she doesn't think the repeal of this bill will increase or decrease a homosexuals' sexual activity. Yes, there has been an increase in medical problems in the homosexual community, and rather than shun it, we have to face it. Decriminalizing people is not going to eliminate the problem. As a follow-up to REP. BROOKE'S comments, REP. VOGEL said, to define them by sexual activity, we would have to monitor sexual activity for the protection of many innocent people. REP. BROOKE said REP. VOGEL is referring to sexual consent, which she is not referring to.

REP. SCOTT MCCULLOCH said testimony called "Project 10" was distributed during the testimony which is a program in which the school districts are teaching strategies for homophobia. REP. MCCULLOCH said he teaches sixth grade and has done his own research on this subject. Some teachers were discussing teaching alternative life-styles in his school. REP. MCCULLOCH is concerned about this because teachers spend very little time as it is teaching about heterosexual sex, how can alternative lifestyles be taught in the schools if they don't understand heterosexual sex? He doesn't want it enforced and believes it's inadequate and inappropriate.

REP. TOOLE said he supports HB 215 and has questions about the prosecution for the offense. He can't understand how someone can be prosecuted for sexual preference? How can law enforcement find the evidence? It would take a lot of police action that totally violates our sense of privacy. We are a civilized society. Dignity is the word that best describes why this bill should be repealed. The very core of this being felonious is a

stigma that can't be escaped.

REP. RICE commented that the news articles given to him from the Missoula Health Department, had made some inferences and statements about religious fundamentalists, i.e. Christian Coalition, that he thought very unfair which only shows how pigheaded people can be. REP. RICE said that no matter what community or affiliation we belong to, we still must be careful about what we say, and that goes for the gay community. He mentioned that Bob Robinson testified very well on the theory that the medical argument on this is not one-sided. There are medical arguments to be made for legalizing this behavior so that testing can go forward, and not legalizing it and he also talked about the difficulty in assessing the best the bill of health to help out citizens. One thing REP. RICE disagrees with is he doesn't have anything to do with it. Every bill, every issue the committee looks at has a sense of morality. He thinks we need to be compassionate towards the gay community and for the people who are dying, and let people live their own lives. But morality is the issue here and REP. MCCULLOCH mentioned the issue of the schools. The fact of the matter is, that schools are already trying to teach alternative lifestyles in the schools right now, and it is a concern to the parents. Schools should not be in a position where they are advocating alternative lifestyles. Other states have moved forward with anti-gay legislation, that's not what this committee is doing, and it's not what is intended in this hearing. REP. RICE would like to leave things the way they are and let people go on with their own lives and lifestyles. He doesn't advocate passing laws against the gay community that restricts their rights, or passing laws that in any way would persecute them, but feels the law should stay in the book as is. For that reason, REP. RICE offered a substitute motion to do not pass.

Motion/Vote: REP. RICE OFFERED A SUBSTITUTE MOTION HB 215 DO NOT PASS.

Discussion:

REP. RUSSELL said she is against the do not pass motion. Although AIDS has hit the Native American and minority community, we are all affected in some way by this (AIDS) dreadful disease. REP. RUSSELL asks that people be tolerant of others and think about out commitment to human beings.

REP. GRIMES said he shares REP. RUSSELL'S sympathy for those who are hurting and holds deep faith in people. But in going beyond that, he mentioned that we must think about two distinct approaches: the nature of a person, and the behavior of a person. REP. GRIMES supports the alternative motion of REP. RICE and the message this bill might send to young people. He supports the bill, but not for personal reasons or political advantages.

REP. BROOKE addressed her comments to REP. GRIMES and the committee. "People learn from society," she said, "we can only do so much to protect our children and ourselves. If we retain this law, we're giving homosexuals a blank check to leave Montana, and it will leave a black mark on this state." She said she is against the do not pass motion.

Motion/Vote: Question was called on REP. RICE'S substitute motion do not pass.

Vote: HB 215 DO NOT PASS. The motion carried 13-5. Those in favor of the motion are CHAIR FAGG, REPS. VOGEL, BIRD, BERGMAN, BROWN, CLARK, GRIMES, RICE, SAYLES, SMITH, TASH, WHALEN and WINSLOW. Those voting no are REPS. BROOKE, MCCULLOCH, RUSSELL, TOOLE and WYATT.

NOTICE: NO STANDING COMMITTEE REPORT WAS DONE ON HB 215 EXECUTIVE ACTION DUE TO RECONSIDERATION OF THE BILL 2/2/93. THE BILL WAS TABLED 2/2/93. SEE 2/2/93 MINUTES.

EXECUTIVE ACTION ON HB 235

Motion/Vote: REP. CLARK MOVED HB 235 DO PASS. Motion carried unanimously 18-0.

EXECUTIVE ACTION ON HB 234

Motion/Vote: REP. WHALEN MOVED HB 234 DO PASS. Motion carried unanimously 18-0.

EXECUTIVE ACTION ON HB 136

Motion: CHAIRMAN FAGG MOVED HB 136 DO PASS.

Discussion:

REP. CLARK offered a substitute motion to table the bill, and discussed a news article relating to childhood accidents versus gun control, for executive action. EXHIBIT 2 There was five minutes given to debate the motion to table.



Discussion:

REP. CLARK withdrew his motion to table the bill for the sake of discussion.

REP. BIRD asked REP. CLARK why the National Rifle Association opposed this bill? REP. CLARK replied because the 1990 Gun-Free School Zone Act still prohibits guns from being on a school ground.

REP. TOOLE said he will vote against the bill. He said there is only a \$25 fine for firing firearms in the city, and guns are becoming a national problem, especially in the schools. Violence in schools is rampant.

REP. CLARK said this law is not needed, and there are already too many laws on the books concerning gun control. He said if there is concern about minors carrying guns on school campuses, let the federal laws take the responsibility. Right now, a 17-year old can be brought to federal court and convicted under the federal system.

REP. VOGEL referred to page 2, line 3 which says, "This section does not apply to" and moved to strike: law enforcement personnel and insert: "Those exceptions found in 45-8-317." Also on page 2, line 5, "after a school", insert: "or its designated agent." REP. VOGEL moved the amendment.

Further discussion on the amendment.

Motion/Vote: Question was called on REP. VOGEL'S amendment.

Vote: Amendment passed unanimously.

Motion: REP. CLARK MOVED HB 136 BE TABLED.

Discussion:

REP. SAYLES said he needs a good, solid reason why our youth must take firearms to school, regardless of being concealed in a truck 1,000 feet from campus.

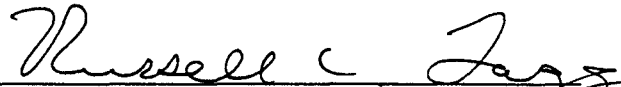
REP. VOGEL said REP. BOHLINGER'S intent was to stop kids from bringing weapons to school.

Motion/Vote: Question was called on the motion to table HB 136.

Vote: HB 136 BE TABLED. Motion carried 10-8. Those voting to table the bill were: REPS. BIRD, BERGMAN, BROOKE, BROWN, CLARK, MCCULLOCH, SAYLES, SMITH, TASH and WINSLOW. Those voting not to table the bill were: CHAIRMAN FAGG, REPS. VOGEL, GRIMES, RICE, RUSSELL, TOOLE, WHALEN, and WYATT.

ADJOURNMENT

Adjournment: 11:00 a.m.

  
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RUSSELL FAGG, Chair

  
\_\_\_\_\_  
BETH MIKSCHKE, Secretary

RF/bcm

## HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL

DATE

1-28-93

| NAME                         | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| Rep. Russ Fagg, Chairman     | ✓       |        |         |
| Rep. Randy Vogel, Vice-Chair | ✓       |        |         |
| Rep. Dave Brown, Vice-Chair  | ✓       |        |         |
| Rep. Jodi Bird               | ✓       |        |         |
| Rep. Ellen Bergman           | ✓       |        |         |
| Rep. Vivian Brooke           | ✓       |        |         |
| Rep. Bob Clark               | ✓       |        |         |
| Rep. Duane Grimes            | ✓       |        |         |
| Rep. Scott McCulloch         | ✓       |        |         |
| Rep. Jim Rice                | ✓       |        |         |
| Rep. Angela Russell          | ✓       |        |         |
| Rep. Tim Savles              | ✓       |        |         |
| Rep. Liz Smith               | ✓       |        |         |
| Rep. Bill Tash               | ✓       |        |         |
| Rep. Howard Toole            | ✓       |        |         |
| Rep. Tim Whalen              | ✓       |        |         |
| Rep. Karyl Winslow           | ✓       |        |         |
| Rep. Diana Wyatt             | ✓       |        |         |
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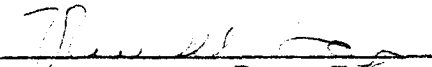
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HOUSE STANDING COMMITTEE REPORT

January 28, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 235 (first reading copy -- white) do pass.

Signed:   
Russ Fagg, Chair

Committee Vote:  
Yes 12, No 8.

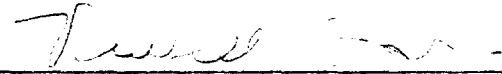
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HOUSE STANDING COMMITTEE REPORT

January 28, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 234 (first reading copy -- white) do pass.

Signed: 

Russ Fagg, Chair

Committee Vote:  
Yes 11, No 8.

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# HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 1-28-93 BILL NO. HB 235 NUMBER 18

MOTION: Motion to pass carried unanimously  
18-0

| NAME                         | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman     | ✓   |    |
| Rep. Randy Vogel, Vice-Chair | ✓   |    |
| Rep. Dave Brown, Vice-Chair  | ✓   |    |
| Rep. Jodi Bird               | ✓   |    |
| Rep. Ellen Bergman           | ✓   |    |
| Rep. Vivian Brooke           | ✓   |    |
| Rep. Bob Clark               | ✓   |    |
| Rep. Duane Grimes            | ✓   |    |
| Rep. Scott McCulloch         | ✓   |    |
| Rep. Jim Rice                | ✓   |    |
| Rep. Angela Russell          | ✓   |    |
| Rep. Tim Sayles              | ✓   |    |
| Rep. Liz Smith               | ✓   |    |
| Rep. Bill Tash               | ✓   |    |
| Rep. Howard Toole            | ✓   |    |
| Rep. Tim Whalen              | ✓   |    |
| Rep. Karyl Winslow           | ✓   |    |
| Rep. Diana Wyatt             | ✓   |    |
|                              | ✓   |    |
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# HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 1-28-93 BILL NO. HB 234 NUMBER 78

MOTION: Motion to do pass carried unanimously 18-0

| NAME                         | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman     | ✓   |    |
| Rep. Randy Vogel, Vice-Chair | ✓   |    |
| Rep. Dave Brown, Vice-Chair  | ✓   |    |
| Rep. Jodi Bird               | ✓   |    |
| Rep. Ellen Bergman           | ✓   |    |
| Rep. Vivian Brooke           | ✓   |    |
| Rep. Bob Clark               | ✓   |    |
| Rep. Duane Grimes            | ✓   |    |
| Rep. Scott McCulloch         | ✓   |    |
| Rep. Jim Rice                | ✓   |    |
| Rep. Angela Russell          | ✓   |    |
| Rep. Tim Sayles              | ✓   |    |
| Rep. Liz Smith               | ✓   |    |
| Rep. Bill Tash               | ✓   |    |
| Rep. Howard Toole            | ✓   |    |
| Rep. Tim Whalen              | ✓   |    |
| Rep. Karyl Winslow           | ✓   |    |
| Rep. Diana Wyatt             | ✓   |    |
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# HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 1-28-93 BILL NO. HB 215 NUMBER 18

MOTION: Motion to do not pass  
Carried 13-5

| NAME                         | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman     | ✓   |    |
| Rep. Randy Vogel, Vice-Chair | ✓   |    |
| Rep. Dave Brown, Vice-Chair  | ✓   |    |
| Rep. Jodi Bird               | ✓   |    |
| Rep. Ellen Bergman           | ✓   |    |
| Rep. Vivian Brooke           | ✓   | ✓  |
| Rep. Bob Clark               | ✓   |    |
| Rep. Duane Grimes            | ✓   |    |
| Rep. Scott McCulloch         |     | ✓  |
| Rep. Jim Rice                | ✓   |    |
| Rep. Angela Russell          |     | ✓  |
| Rep. Tim Sayles              | ✓   |    |
| Rep. Liz Smith               | ✓   |    |
| Rep. Bill Tash               | ✓   |    |
| Rep. Howard Toole            |     | ✓  |
| Rep. Tim Whalen              | ✓   |    |
| Rep. Karyl Winslow           | ✓   |    |
| Rep. Diana Wyatt             |     | ✓  |
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|                              | 13  | 5  |



# HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 1-28-93 BILL NO. HB 136 NUMBER 18

MOTION: Motion to table the bill  
Carried 10-8

| NAME                         | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman     |     | ✓  |
| Rep. Randy Vogel, Vice-Chair |     | ✓  |
| Rep. Dave Brown, Vice-Chair  | ✓   |    |
| Rep. Jodi Bird               | ✓   |    |
| Rep. Ellen Bergman           | ✓   |    |
| Rep. Vivian Brooke           | ✓   |    |
| Rep. Bob Clark               | ✓   |    |
| Rep. Duane Grimes            |     | ✓  |
| Rep. Scott McCulloch         | ✓   |    |
| Rep. Jim Rice                |     | ✓  |
| Rep. Angela Russell          |     | ✓  |
| Rep. Tim Sayles              | ✓   |    |
| Rep. Liz Smith               | ✓   |    |
| Rep. Bill Tash               | ✓   |    |
| Rep. Howard Toole            |     | ✓  |
| Rep. Tim Whalen              |     | ✓  |
| Rep. Karyl Winslow           | ✓   |    |
| Rep. Diana Wyatt             |     | ✓  |
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(iii) as part of a program approved by a school zone, by an individual who is participating in the program;  
(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or  
(iv) by a law enforcement officer acting in his or her official capacity.

(3) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun-free school zones as provided in this subsection.

(2) DEFINITIONS.—Section 921(a) of such title is amended by adding at the end thereof the following new paragraphs:

(25) The term 'school zone' means—  
“(A) in, or on the grounds of, a public, parochial or private school; or  
“(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(26) The term 'school' means a school which provides elementary or secondary education, as determined under State law.

(27) The term 'motor vehicle' has the meaning given such term in section 10102 of title 49, United States Code.”

(3) PENALTY.—Section 924(a) of such title is amended by adding at the end thereof the following new paragraph:

“(4) Whoever violates section 922(q) shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposed under any other provision of law. Except for the authorization of a term of imprisonment of not more than 5 years made in this paragraph, for the purpose of any other law a violation of section 922(q) shall be deemed to be a misdemeanor.”

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct engaged in after the end of the 60-day period beginning on the date of the enactment of this Act.

(5) GUN-FREE ZONE SIGNS.—Federal, State, and local authorities are encouraged to cause signs to be posted around school zones giving warning of prohibition of the possession of firearms in a school zone.

SEC. 1703. REPORT ON MANDATORY MINIMUM SENTENCING PROVISIONS.

(a) REPORT.—Not less than six months after the date of enactment of this Act, the United States Sentencing Commission shall transmit to the respective Judiciary Committees of the Senate and House of Representatives a report on mandatory minimum sentencing provisions in Federal law.

(b) COMPONENTS OF REPORT.—The report mandated by subsection (a) shall include:

- (1) a compilation of all mandatory minimum sentencing provisions in Federal law;
- (2) an assessment of the effect of mandatory minimum sentencing provisions on the goal of eliminating unwarranted sentencing disparity;
- (3) a projection of the impact of mandatory minimum sentencing provisions on the Federal prison population;

18 USC 921 note.

18 USC 922 note.

pursuant to Federal law and funding under subsection (a) of a private security system.

(A) be located in a district that has been designated as needing additional Federal detention facilities pursuant to paragraph (1);

(B) meet the standards of the American Correctional Association;

(C) comply with all applicable State and local laws and regulations;

(D) have approved fire, security, escape, and riot plans; and

(E) comply with any other regulations that the Marshals Service deems appropriate.

(3) The United States Marshals Service shall provide an opportunity for public comment on a contract under subsection (a)(3).

SEC. 1702. GUN-FREE SCHOOL ZONES ACT OF 1990.

(a) SHORT TITLE.—This section may be cited as the “Gun-Free School Zones Act of 1990”.

(b) PROHIBITIONS AGAINST POSSESSION OR DISCHARGE OF A FIREARM IN A SCHOOL ZONE.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(q)(1)(A) It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) shall not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtain such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) which is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack which is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(2)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

(B) Subparagraph (A) shall not apply to the discharge of a firearm—

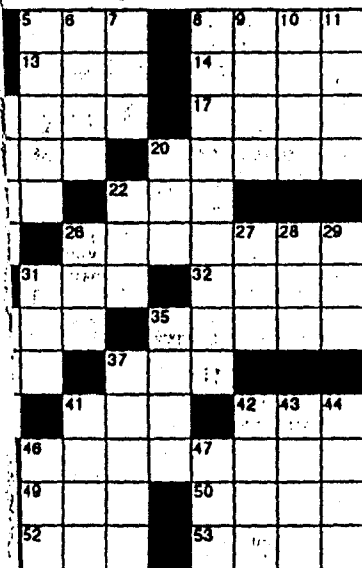
(i) on private property not part of school grounds;

Gun-Free School Zones Act of 1990  
18 USC 921 note.

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## HEALTH/SCIENCE

# Fighting against injuries to kids

## Group: Toughen safety laws

WASHINGTON (AP) — The nation's medical bill could be cut significantly by taking simple steps to prevent injuries that kill 8,000 children a year and disable another 50,000, former Surgeon General C. Everett Koop said Monday.

Koop, who chairs a lobbying coalition of private groups called the National Safe Kids Campaign, said childhood injuries from bicycle and car accidents, fires and household burns are an epidemic that can be prevented.

But most parents do not consider accidental injury so serious a threat to children as violent crime or abduction, according to a poll the group commissioned.

"If a disease were rampaging in society providing as much death and disability, ... I just know there would be an outcry from the public," Koop, who served in the Reagan administration, told reporters.

The group proposed stricter enforcement of laws requiring bicycle helmets, automobile seat belts and smoke detectors to reduce deaths and serious injuries caused by accidents and fires.

In 1985, childhood injury cost the country \$13.8 billion in direct medical charges, long-term care for children left disabled, and lost productivity, according to a report issued by the group.

The group proposes:

■ Changes in state Medicaid regulations to reimburse low-income parents who purchase child-safety seats. Some 640,000 babies who are eligible for Medicaid are born each year.

■ Stronger enforcement of child-seat requirements to reduce injuries to young automobile passengers.

Koop cited government statistics showing that \$200 million is spent to treat children below the age of four who are injured each year while riding in cars.

■ Passage of a federal law that gives states financial incentives to require children to wear bicycle helmets. About 400 children under age 15 die after bicycle accidents each year and another 400,000 require emergency medical treatment.

Such injuries cost \$135 million to treat in 1987, the report said. The average lifetime cost to treat a child who suffers a severe head injury is \$4.5 million, according to the National Head Injury Foundation.

Only five states — California, New York, New Jersey, Massachusetts and Pennsylvania — have such laws, the report said.

■ Passage of laws requiring smoke detectors in buildings in the nine states that have no such law: Idaho, Colorado, South Dakota, Kansas, Oklahoma, Missouri, Mississippi, Pennsylvania and South Carolina.

Enforcement is lax in many places even though the U.S. Fire Administration estimates that 90 percent of child fire deaths occur in buildings where there were no smoke detectors, the report said.

■ Reducing scalding by requiring public housing projects to keep the hot water temperature at no more than 120 F.

Study: Shot

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| Tam Hoggard      | HIAA                   | ✓       |        |
| Greg Van Horssen | State Farm Ins         | ✓       |        |
| Steve Brown      | Blue Cross-Blue Shield | X       |        |
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