

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel Harding, on February 16, 1989, at 1:00 p.m. in Room 405 State Capitol

ROLL CALL

Members Present: Chairman Ethel Harding, Senators R. J. "Dick" Pinsonneault, Tom Beck, Eleanor Vaughn, H.W. "Swede" Hammond, Mike Walker, Gene Thayer, Paul Boylan

Members Excused: Senator Bruce D. Crippen

Members Absent: None

Staff Present: Connie Erickson, Legislative Council;
Dolores Harris, Committee Secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 413

Presentation and Opening Statement by Sponsor: Senator Van Valkenburg, senate district 3, stated SB 413 is introduced at the request of the Montana Sheriff's and Peace Officers Association and is to give county commissioners authority to regulate the activities of pawnbrokers located outside the boundaries of incorporated cities or towns. City governments have this authority and county commissioners do not have the same authority. He stated that Missoula is a city where a large urban population lives outside city limits but in close proximity to the city. A lot of stolen property moves through a pawnshop because this is a method where stolen property can be converted to cash easily. There are many legitimate pawnshop businesses, most of them within the city limits. This would give law enforcement officers opportunity to regulate movement of stolen property. This is a broad authority allowing county commissioners to adopt their own workable regulations, or to adopt nothing if they so choose.

List of Testifying Proponents and What Group they Represent:

Chuck O'Reilly, Mt. Sheriffs & Peace Officers
Willis Simpson, Missoula County Sheriff
Mike Schafer, Yellowstone C.S.O.; M.S.P.O.A.
Pat Walsh, Flathead Co.S.O.; M.S.P.O.A.
John Connor, Mt Co. Attys Assn.
Fred Van Valkenburg, Senate District 30

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Detective Willis Simpson, Missoula Co. Sheriff's Dept. handed committee a letter from Missoula's sheriff in support of SB 413. See exhibit 1. Currently there are 6 pawnshops outside the city of Missoula and at least 6 second hand stores, which are completely unregulated. Their cooperation is voluntary. He passed out exhibits 2,3,4,5. He had a false ID which he obtained in 10 minutes in Missoula. He'll call a pawnshop and say hold this certain property and by the time they get out to the shop it has disappeared with no trace. He suggests a waiting period before property can be sold. He suggests a penalty for failure to comply with the sheriff's office.

Mike Schafer stated he is in support of this bill so that the county can set up some regulations for pawnshops in the county. In Billings all the pawnshops in the city must supply city with a pawn slip on the next business day after they received an item. This is programed into a computer and as a result, all the items go into a centralized system. As a result of that, they have picked up several "burglar rings". He strongly urges support of this bill.

Sheriff Chuck O'Reilly testified that this bill gives counties the same authority that cities already have. A high percentage of burglary and theft crimes are solved through a review of pawn slips. From proper pawn ticket checks they can recognize the description of stolen articles and solve crimes. This will increased their solvability rate for property crimes.

Pat Walsh stated that Flathead County had \$482,000 worth of thefts and they recovered \$86,000 worth of goods. There is a NCIC computer system managed by the FBI and

SENATE COMMITTEE ON LOCAL GOVERNMENT

February 16, 1989

Page 3 of 11

with serial numbers provided on the pawn slips then can match them even with items stolen any where in the United States.

John Connor from the Department of Justice stated that this bill is a victims rights legislation. He stated there is a confounding problem when a victim tries to get property out of pawnshops without the cooperation of the owner. If you find your property in a pawnshop you must get a search warrant and then you must post a bond double the value of the item in order to get the property out of the pawnshop. This is a difficult situation when your are talking about evidence in a criminal case and also frustrating for victims of theft crimes. He strongly urged support of this measure.

Questions From Committee Members: Senator Pinsoneault asked if this is the same law as the cities? Connie Erickson said, no, it is not. Senator Pinsoneault asked what how do you dispose of the property you acquire during a "raid"? Sheriff O'Reilly answered that usually we find the owners and don't have anything to be disposed.

Connie Erickson read the city 7-21-4207 authority to require records for pawn, second hand and junk shops. It says the city or town council has power to require the owners and keepers of pawn, second hand and junk shops to keep a record of all articles purchased or pawned to them. The record and articles purchased or pawned are subject to the inspection of all police officers of that city or town.

Senator Hammond asked if this bill gives the county the authority to pass an ordinance similar to the one your just read? Connie Erickson stated that 7-5-103 and 7-5-107 refers to general statutes regarding local government ordinances. Senator Van Valkenburg requested that it be written broadly so that commissioners could adopt an ordinance that would suit their needs.

Senator Boylan asked if pawnshop owners would have to catalog their entire inventory. Senator Van Valkenburg said this law is not retroactive. Upon the effective date of the ordinance the purchaser would begin requiring seller to complete an information form and show ID. This is regulatory. People who deal as a regular matter in the sale of used property have got to understand that is part of the cost of doing business.

Senator Hammond asked if it included antique shops? Senator Van Valkenburg stated he thought it could. He stated

that antiques are a very popular item to steal and convert to cash.

Senator Beck asked detective Pense if they recover a large amount of stolen property through pawnshops? Yes, by running serial numbers through the NCIC we recover significant amounts. It's about 10 to 15 pieces per month. After we get those pieces from the pawnshops and track down the individual who sold the item we break up different crime rings. In one instance we found 1 item from a pawnshop and solved 65 burglaries.

Senator Thayer asked if there is a deliberate effort on the part of pawnshops to move outside city jurisdiction to avoid the reporting process? Yes, they do move outside city limits. Senator Hammond asked if taxation had anything to do with their move. Detective Pense thought the lower rents and lack of regulation has more to do with their move than the city taxes.

Senator Vaughn asked if this bill includes all second hand and antique shops and every business that was reselling? Senator Van Valkenburg stated the definition includes an individual engaged in the business of purchasing articles and reselling those and to the extent that an entity is that they would come under this regulation. County commissioners could restrict that so that they didn't include antique shops, or whatever business they so desired. The commissioners couldn't broaden the definition from what's in this statute.

Closing by Sponsor: Senator Van Valkenburg the county commissioners can draft there own legislation that fits the needs of their area. I hope you will give positive consideration of this bill.

DISPOSITION OF SENATE BILL 413

Discussion: Senator Thayer stated if this is just aimed at pawnbrokers, we should have a narrower definition to specifically define pawnbroker. He didn't want to regulate antique dealers, second hand stores and all that. Connie Erickson stated that you could just end the definition on page 2, line 3 with a period after "pledges". Senator Vaughn stated she thought police officers wanted second hand stores in the language, but thought that created a lot of problems.

Amendments and Votes: Senator Thayer made a MOTION to AMEND SENATE BILL 413 on Page 2, line 3 after the word

"pledges" put a period and strike "or engaged in the business of purchasing articles of personal property and reselling or agreeing to resell the articles to the vendors or their assigns at prices agreed on at or before the time of purchase." (through line 7) The VOTE was UNANIMOUS in FAVOR OF PASSING THIS AMENDMENT.

Recommendation and Vote: Senator Beck MOVED SB 413 AS AMENDED. The VOTE was UNANIMOUS in FAVOR of PASSING SB 413 AS AMENDED

HEARING ON HOUSE BILL 183

Presentation and Opening Statement by Sponsor:

Representative Randy Roth, house district 96, Billings brought House Bill 183 at the request of his clerk and recorder. Currently the law says the annual county financial statement must be given 40 days after the close of the fiscal year. That is not enough time to prepare the statement. The clerks asked for 120 days; then we changed it to 90 days thinking that 120 days put it past the date of the general election. We have since learned the 120 days does not go past the general election so he's asking that 120 days be put back in this bill. The cities are under the 120 day regulation so that is another reason to use the 120 days.

List of Testifying Proponents and What Group they Represent:

Cort Harrington, Montana Association of Clerk & Recorders

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Cort Harrington representing the Montana clerk and recorders stated support this bill and especially support the 120 days. There is another state law that requires counties to keep the books open at the end of the fiscal year at least 30 days in order for all the bills incurred before June 30 to be paid. After that financial reports need to be prepared, so the recorders need 120 days.

Questions From Committee Members: Senator Beck asked if any counties ever got their report in within the 40 days? No. Has there been a penalty for not doing it? No.

Senator Walker if they could put in the date of July 1.
Representative Roth stated that would be fine.

Closing by Sponsor: Representative Roth closed the hearing
on HB 183.

DISPOSITION OF HOUSE BILL 183

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 201

Presentation and Opening Statement by Sponsor:

Representative Gary Spaeth, house district 4, stated HB 201 provides that a city judge must be a resident of the county in which the city or town is located. The bill, also, says a city can enter into an agreement with a judge from another city or town. He says in a rural area it makes sense to share a judge or a justice of the peace between communities. The training requirements and other types of book requirement costs can be reduced by 1/2. He mentioned 3 towns that share 1 judge and that gives her a full time position. For these reasons I ask you to pass HB 201.

List of Testifying Proponents and What Group they Represent:

Wally Jewell, MT. Mag. Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Wally Jewell stated the Montana magistrates support this bill

Questions From Committee Members: Senator Pinsoneault asked about the residency requirement. Representative Spaeth stated the only requirement is that they reside in the county in which they serve, and they can be a city judge. This allows J.Ps. to be city judges.

Closing by Sponsor: Representative Spaeth closed the

hearing.

DISPOSITION OF HOUSE BILL 201

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Hammond MOVED that we DO CONCUR in HB 201. The VOTE was UNANIMOUS in FAVOR of this MOTION.

HEARING ON HOUSE BILL 237

Presentation and Opening Statement by Sponsor:

Representative Richard Nelson, house district 6, Flathead Valley, stated HB 237 is brought before this committee at the request of the Montana School Boards Association. It allows school districts to publish notice of the preliminary budget in the newspaper that the trustees of the district determine to have the widest circulation in the district. He called attention to page 1, lines 15 and 16 the words "LOCAL OR COUNTY" and this was to allow them to choose local or weekly paper instead of a daily paper. Presently, school districts must publish notice of preliminary budget in the designated "county paper". This is not without precedence as there are 2 other sections in the statutes that allows for publishing in the local paper with the widest circulation for contracts and for notice of school elections. I ask your favorable consideration.

List of Testifying Proponents and What Group they Represent:

Richard Moe, Boulder Public School Superintendent
Bruce W. Moerer, Montana School Board Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bruce Moerer stated this bill gives some consistency with other notification requirements; Section 20-9-204 and Section 20-20-204 on election notices and it also allows trustees to publish in a paper that will be read by the people in their school district.

Richard Moe stated that in order to communicate with residents of his district, they use 3 different newspapers, the Independent Record, the Montana Standard and the Boulder Monitor. However, the requirement of the law is that when we publicize this instrument, we use the Whitehall Ledger, as well, since it is the designated county newspaper. I ask you to approve this legislation.

Questions From Committee Members: Senator Beck asked Mr. Moe if they had a local paper? Yes, the Boulder Monitor. The county commissioners must designate 1 newspaper as being the county newspaper, and that has been the Whitehall Ledger. Senator Hammond stated they have the same situation in Choteau County, also. Mr. Moe stated because of the school district extending near to Helena, they publish in the Helena paper in order to inform their district residents. As far as Boulder's school district is concerned, the Whitehall Ledger has the least circulation in their district. This bill allows flexibility. Presently, we publish in 4 different newspapers, and with this bill we could use 3 newspapers, so we would save a little money.

Closing by Sponsor: Representative Nelson stated he hoped they will pass this legislation.

DISPOSITION OF HOUSE BILL 237

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON SENATE JOINT RESOLUTION 5

NOTE: Senator Harding handed the gavel to Senator Hammond to chair the hearing on SJR 5 as she is the sponsor.

Presentation and Opening Statement by Sponsor: Senator Ethel M. Harding, senate district 25, stated a senior in Polson's High School, who had the opportunity of visiting the State Capitol and taking part in some flag raising ceremonies requested this resolution that residents and state employees pause on June 14, 1989 and recite the pledge of allegiance, and to honor the flag which is our symbol of freedom and democracy. This is a good, patriotic bill that comes out of the

Polson High School and we have some proponents.

List of Testifying Proponents and What Group they Represent:

Stena Schilling, Montana Army National Guard
John Denherder, representing the Montana DAV
Valerie Larson, Farm Bureau of Choteau
Terry Teichrow, Office of Public Instruction

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Stena Schilling was appointed by the Governor to be state coordinator for National Flag Day. I appear today in support of SJR 5 and at the request of Senator Harding. She read her testimony; see exhibit 2.

Terry Teichrow from OPI stands in wholehearted support of SJR 5. The young lady, Allison Hughes, from Polson could not be here, as well as some other students, so I will read Allison's testimony. See exhibit 1. He stated Allison Hughes is an outstanding student and an excellent choice to represent Montana in Boston.

Flag Day has been around for about 8 years and the schools have participated at different levels. For the last 2 years we have sent a student for the State of Montana, all expenses paid by the Boston business community, American Airlines, etc. Students spend 5 days in historic Boston area reliving Francis Scott Keys Revolutionary War days. One from each state goes each year. This is beneficial to students from an educational point of view and a patriotic point of view. I encourage you to pass this resolution.

John Denherder stated he fully endorses SJR 5. He believes the pledge of allegiance should be taught children and we all need to respect our flag.

Valerie Larson representing over 3500 members of the Farm Bureau of the State of Montana. Mrs. Larson gave written testimony, exhibit 3. She wholeheartedly supports SJR 5 and suggested that the pledge should be so routinely done that we shouldn't even need a law like this. I urge you to adopt SJR 5.

Questions From Committee Members: Senator Pinsoneault asked what do teachers have to do with this when school is not even in session? Mr. Teichrow answered SJR 5

doesn't have any direct bearing on schools saying the pledge.

Stena Schillings stated that students are offered the opportunity to write an essay and have it forwarded to the OPI when they compete for the opportunity to participate in the Boston trip.

Senator Hammond asked if this is the only activity that the state is involved in? The essay contest? Mr. Teichrow answered that we are going to conduct a seminar this year which will deal with our centennial, with Montana history, with history of our flag, flag etiquette and opportunity for students to meet the legislators and the governor. One student gets to go to Baltimore and he will be expected to tell their schoolmates what they experienced and learned in Baltimore.

Senator Vaughn asked if all the schools are notified of this activity? Stena Schilling stated yes, all schools are notified, and given a topic. This year the topic was "What I think of the flag of the United States of America and what my family does". Each principal gets the notice, they promote it throughout the school, and they forward to the OPI, one essay that they have selected to represent their school. The OPI has a board selected that chooses the one to go to Helena to a seminar and from those they choose one to go to Baltimore.

Closing by Sponsor: Senator Harding handed out testimony from Casey Mueller. See exhibit 4. She stated it is a great opportunity to go to Baltimore, see the huge flag and participate in flag day there. I urge you to support SJR 5.

DISPOSITION OF SENATE JOINT RESOLUTION 5

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Walker MOVED we DO PASS SJR 5. The VOTE was UNANIMOUS in FAVOR of passage.

DISPOSITION OF SENATE BILL 370

Discussion: Connie Erickson handed out the amendment to include the longevity increases for undersheriffs and deputies. See exhibit 1. In the title on line 7, following "ATTORNEYS" insert ", UNDERSHERIFFS, AND

SENATE COMMITTEE ON LOCAL GOVERNMENT

February 16, 1989

Page 11 of 11

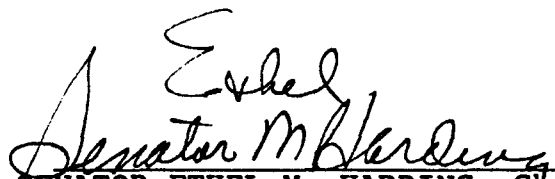
SHERIFFS". Then on page 7, line 2 following: "7-4-2503(3)(d)(i)" insert "and for undersheriffs and deputy sheriffs in 7-4-2510".

Amendments and Votes: Senator Beck MOVED that the AMENDMENT be ADOPTED. The VOTE was UNANIMOUS in FAVOR of ADOPTING this AMENDMENT.

Recommendation and Vote: Senator Walker MOVED to DO PASS SB 370 AS AMENDED. The Vote was 4 in FAVOR and 4 OPPOSED. Those opposed are Senators Harding, Boylan, Beck and Hammond.

ADJOURNMENT

Adjournment At: 2:20 p.m.


SENATOR ETHEL M. HARDING, Chairman

EMH/dh

Minutes.216

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 2-16-89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce D. Crippen			

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 17, 1989

HR. PRESIDENT:

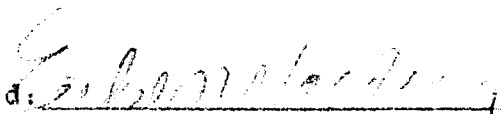
We, your committee on Local Government, having had under consideration SB 413 (first reading copy -- white), respectfully report that SB 413 be amended and as so amended do pass:

1. Page 2, line 3 through line 7.

Following: "pledges" on line 3

Strike: the remainder of line 3 through "purchase" on line 7

AND AS AMENDED DO PASS

Signed: 

Ethel M. Harding, Chairman

41. C.
2/17/89
10:05 am

SENATE STANDING COMMITTEE REPORT

February 17, 1989

HR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 201 (third reading copy -- blue), respectfully report that HB 201 be concurred in.

Sponsor: Spaeth ("Doc McLane")

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

Handwritten notes:
4/16/89
2/25/89
3:16 p.m.

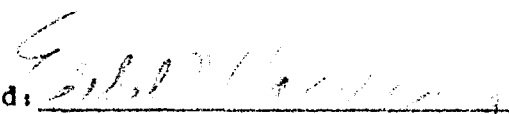
SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration SJR 5 (first reading copy -- white), respectfully report that SJR 5 do pass.

DO PASS

Signed: 
Ethel M. Harding, Chairman

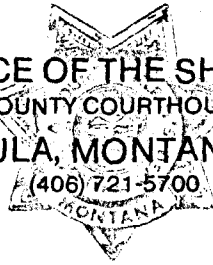
H.C.
2/17/89
10:05 AM

MISSOULA COUNTY

DANIEL L. MAGONE
SHERIFF

OFFICE OF THE SHERIFF
COUNTY COURTHOUSE
MISSOULA, MONTANA 59802

DOUG CHASE
UNDERSHERIFF



SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 2/16/89

BILL NO. 413

February 15, 1989

Dear Senators:

I am writing to request that you give every consideration to the passage of SB 413.

It is a well known fact that criminals dispose of much of their stolen property by selling it to unsuspecting pawn shop operators. While most of the pawn shop operators in our area make a genuine effort to assist us in recovering stolen property and identifying the thieves, others do not. We badly need legislation requiring a uniform identification and reporting system. It seems totally unfair that a pawnee in a municipality is regulated and a fellow pawnee outside the city is not. The revenue shortfalls in county government have resulted in decreasing manpower in law enforcement, and we need to seriously address any and all methods of reducing the workload and streamlining the processes of property recovery. Passage of this legislation would be of great assistance to us.

Sincerely,

DANIEL L. MAGONE
SHERIFF

DLM/ms

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

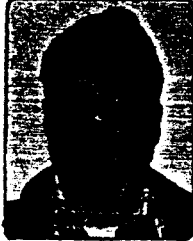
DATE 2/16/89

BILL NO. 413

S.S. # 517-64-1767

CHECK CASHING IDENTIFICATION CARD

V-1767



Fred VanValkenburg
7660 Morman Cr. Rd.
Lolo, Mt. 59847

SEX	DATE OF BIRTH
M	7-20-54
HEIGHT	WEIGHT
6-0	230

Fred VanValkenburg

*different man
than name.*

MISSOULA POLICE DEPARTMENT

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3

PAWNBROKER OR SECOND HAND DEALER TRANSACTION RECORD

NAME OF BUSINESS _____

BILL NO. _____

This report must be filed with the Chief of Police by noon of each day, relating to business of the previous day.
Transaction must be filled out completely and legibly by Dealer. Print firmly and legibly with ball-point pen.

DESCRIPTION (Print Legibly) WARD WESTERN FIELD	DATE 1/1	DESCRIPTION (Print Legibly) COURT 243292F	DATE 2/1/87
MODEL NUMBER 40 22	MODEL NUMBER	MODEL NUMBER HOTOS H4760 357	MODEL NUMBER
SERIAL NUMBER	SERIAL NUMBER	SERIAL NUMBER 2114	SERIAL NUMBER
NAME NGRAHAM KRITH T	IDENTIFICATION (Check One) <input type="checkbox"/> Driver's License <input type="checkbox"/> State I.D.	NAME ROO MOQUIN	IDENTIFICATION (Check One) <input type="checkbox"/> Driver's License <input type="checkbox"/> State I.D.
ADDRESS 16 MALLARD CT		ADDRESS	
CITY MSLA STATE MT		CITY STATE	
PHONE 545-4521	TYPE (Check One) <input type="checkbox"/> Consignment <input type="checkbox"/> Pawn <input type="checkbox"/> Purchase <input type="checkbox"/> Trade	PHONE	TYPE (Check One) <input type="checkbox"/> Consignment <input type="checkbox"/> Pawn <input type="checkbox"/> Purchase <input type="checkbox"/> Trade
Race Sex Age Height Weight Hair Eyes Birthdate M 37 5'10 150 B H 6-4-51	Driver's License No. Social Security No. 1510604 125-42-8701	Race Sex Age Height Weight Hair Eyes Birthdate	Driver's License No. Social Security No.
SIGNATURE <i>Keith T. Ngraham</i>	AMOUNT \$	SIGNATURE	AMOUNT

DESCRIPTION (Print Legibly) SAUCE	DATE 1/1	DESCRIPTION (Print Legibly) HUSQ	DATE 2/1
MODEL NUMBER 35-30	MODEL NUMBER	MODEL NUMBER 281	MODEL NUMBER
SERIAL NUMBER 8897831	SERIAL NUMBER	SERIAL NUMBER 746628	SERIAL NUMBER
NAME Douglas Bond	IDENTIFICATION (Check One) <input type="checkbox"/> Driver's License <input type="checkbox"/> State I.D.	NAME DAVEN DALE P	IDENTIFICATION (Check One) <input type="checkbox"/> Driver's License <input type="checkbox"/> State I.D.
ADDRESS Box 533		ADDRESS 1861 514W	
CITY St Ignace STATE Montana		CITY STATE	
PHONE	TYPE (Check One) <input type="checkbox"/> Consignment <input type="checkbox"/> Pawn <input type="checkbox"/> Purchase <input type="checkbox"/> Trade	PHONE	TYPE (Check One) <input type="checkbox"/> Consignment <input type="checkbox"/> Pawn <input type="checkbox"/> Purchase <input type="checkbox"/> Trade
Race Sex Age Height Weight Hair Eyes Birthdate M 25 170 BR B 5-4-83	Driver's License No. Social Security No.	Race Sex Age Height Weight Hair Eyes Birthdate	Driver's License No. Social Security No.
SIGNATURE	AMOUNT \$	SIGNATURE	AMOUNT

DESCRIPTION (Print Legibly) TOYS	DATE 1/1	DESCRIPTION (Print Legibly) TRAILER WITH	DATE 1-15-86
MODEL NUMBER	MODEL NUMBER	MODEL NUMBER	MODEL NUMBER
SERIAL NUMBER	SERIAL NUMBER	SERIAL NUMBER	SERIAL NUMBER
NAME Todd Kern	IDENTIFICATION (Check One) <input type="checkbox"/> Driver's License <input type="checkbox"/> State I.D.	NAME DAVEN DALE P	IDENTIFICATION (Check One) <input type="checkbox"/> Driver's License <input type="checkbox"/> State I.D.
ADDRESS 10,000 Muller Rd		ADDRESS 1861 514W	
CITY MSLA STATE MT		CITY STATE MSLA MT	
PHONE 545-3537	TYPE (Check One) <input type="checkbox"/> Consignment <input type="checkbox"/> Pawn <input type="checkbox"/> Purchase <input type="checkbox"/> Trade	PHONE 251 2244	TYPE (Check One) <input type="checkbox"/> Consignment <input type="checkbox"/> Pawn <input type="checkbox"/> Purchase <input type="checkbox"/> Trade
Race Sex Age Height Weight Hair Eyes Birthdate M 23 200 B B 1-15-86	Driver's License No. Social Security No. 17-98-4107	Race Sex Age Height Weight Hair Eyes Birthdate M 25 6'4 200 B B 5-21-81	Driver's License No. Social Security No. 516 70 5603
SIGNATURE	AMOUNT \$	SIGNATURE	AMOUNT

Sen. Local Govt,

Exhibit No. 4

2/16/89

SB 413

A00347

A NICKLES WORTH

LAST NAME	FIRST NAME	MIDDLE	PHONE
ROSCHER	STEVEN	KARL	728-4044

STREET ADDRESS	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES	RACE
4009 # 1 RUSSELL	08/18/62	5-10	155	BLK	HAZ	C

CITY	STATE	SOCIAL SECURITY NUMBER	OPERATOR LICENSE NUMBER
MISSOULA	MT	529-19-7874	149948660 UTAH

211/bs

PAWN NUMBER	DATE	TIME
A00347	12/02/88	12:00:38

ARTICLE	SERIAL NUMBER	BRAND NAME OR MAKE	MODEL NUMBER	CALIBER ACT	AMOUNT
1 DRUM COMPUTER	00296	SEQUENTIAL	420		50.00

x *Steven Roscher*

PAWNEE SALES of Missoula
3314 Reserve Street
Missoula, Montana 59801
Phone 721-4327

Name Robbie Anne Powell
Address 2250 Hillside dr.
Missoula MT Zip 59803
Description: Sex F Eyes Bru Wt. 115 Ht. 5'7"
Hair Bru Date of Birth 01/13/1965 Phone _____
Lic. # 517748240 State MT

Description of Property: _____

Winchester Model 70
.264 bolt action
rifle w scope & sling.
S/N: 472557
_____ Location PC

8/11/88

Date: 12-13, 1988

Ticket Number 1288 - 124

PAWNEE SALES of Missoula
3314 Reserve Street
Missoula, Montana 59801
Phone 721-4327

Name Kathy Sue Hambley
Address Box 20067
Missoula MT Zip 59803
Description: Sex F Eyes Bl Wt. 120 Ht. 5'8"
Hair Bru Date of Birth 01/13/1951 Phone _____
Lic. # 516665764 State MT

Description of Property: _____

Sinco leather saddle
3850
_____ Location 6

SENATE LOCAL GOVERNMENT

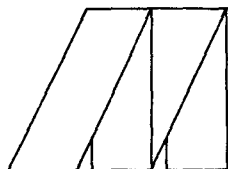
EXHIBIT NO. 55
DATE 2-16-
BILL NO. 413

2/11/89

Date: 1-13, 1989

Ticket Number 189 - 100

SB 413
2/16/89



MISSOULA COUNTY

DANIEL L. MAGONE
SHERIFF

OFFICE OF THE SHERIFF
COUNTY COURTHOUSE
MISSOULA, MONTANA 59802

DOUG CHASE
UNDERSHERIFF



SECOND HAND & PAWN SHOP PROBLEMS

The primary problem that exists between pawn shop operation and law enforcement stems from our recovery of stolen property, after it has been purchased by the individual operator.

This stems from a multifaceted larger set of circumstances which include logging of the sale, verifying identification of the seller, and simply, not always logging or recording the sale. A minor adjunct to this problem is that occasionally the item frequently gets resold prior to law enforcement obtaining information about where (which shop) the suspect had sold the item at. Added to this, a real need exists for law enforcement to know the identity of the purchaser, which has never been recorded, making recovery impossible in some cases.

The primary objection from the businessman's point of view seems to be that he has no privacy in his transactions, with particular objection to purchase price and sale price. Law enforcement has contended that this is of little interest to us with the possible exception of the IRS. Legislation is in place regarding the sale of firearms and, if made freely available, can be of assistance to local law enforcement.

One new additional problem has surfaced in recent months. A Supreme Court case decision indicates that pawn shop dealers have an interest in property they purchase. Implications are that they should somehow be compensated for that interest. The controversy begins when pawn shop dealers and members of law enforcement debate on whom should be the compensating party. Dealers realize that compensation from the courts is slow in coming, or nonexistent, and want police and sheriff personnel to fork over cash before they relinquish the merchandise. This puts law enforcement in a position of subsidizing the thief. This sort of behavior might also foster the attitude on the part of the dealer to purchase merchandise more freely, as he will always be compensated by some entity along the way.

SOLUTIONS AVAILABLE

- 1). All pawns and purchases be recorded on a uniform transaction sheet.
- 2). The printing or writing be legible.
- 3). The sale time be accurate, reflecting the sale and purchase dates, not the recorded date.
- 4). A demand is made for good identification, i.e. photo identification.
- 5). A vehicle and license number be obtained from out of state sellers.
- 6). The dealer or operator record the transaction, not the seller doing the writing.
- 7). A full description be given of the item sold, i.e. model, serial number, color, size, accessories, brand name, etc.
- 8). A signature be obtained from the customer/seller.
- 9). A need for holding merchandise by the dealer to permit investigators time to check with victims and to examine if necessary; 10 days has been suggested.
- 10). That dealer license requiring operation times of business be set out and be reasonable.
- 11). That dealer not purchase items that are not recorded in the guise of buying it for his own use.
- 12). That both second hand and pawn dealers keep records of purchases and sales, whether in the city or in the county.
- 13). That the licensing agency have some method of redress on dealers who fail to comply with the required standards and that legislation be put in place to deal with this on a criminal basis, depending upon the magnitude of the violation.

Amendments to Senate Bill No. 413
First Reading Copy

For the Committee on Senate Local Government

Prepared by Connie Erickson
February 16, 1989

1. Page 2, line 3 through line 7.
Following: "pledges" on line 3
Strike: the remainder of line 3 through "purchase" on line 7

#B 201
2/16/89

Montana Magistrates Association

16 February 1989

Testimony offered in support of HB201, a bill for an act entitled: "An act providing that a city judge must be a resident of the county in which the city or town is located; establishing the requirements for appointment of city judges in a town or third-class city; authorizing the appointment of a justice of the peace or the city judge of another city or town who resides in the same county as city judge."

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

The Montana Magistrates Association urges you to give this legislation a do pass recommendation. There are counties in the state where it is not economically feasible to have a different city judge in each town or in several towns in the county. Under this proposal a justice of the peace or a city judge from another town or city in the county could be appointed to be the city judge. It would save the lesser populated counties money if they opted for this provision.

We also support the amendment made in the House that allows for the governmental entity to contract directly with the judge. We feel this clarifies the possible contractual obligations and makes this better legislation.

We hope you concur with the House and give this bill a do pass recommendation.

Wallace A. Jewell

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 2-16-89

BILL NO. SJR5

February 10, 1989

Senator Ethel Harding
Montana Senate
State Capitol
Helena, MT 59620

Dear Senator Harding and Committee Members:

I apologize for not being in Helena to be before your committee and to personally lend support for the resolution regarding Flag Day and the Pause For The Pledge Program.

I had the opportunity to represent Montana at National Flag Day activities last June in Baltimore, Maryland. This was an extraordinary experience for me and one that I wish each Montana student could enjoy. It was with that thought that this resolution is presented, because it can help make the citizens of Montana more aware of the ceremony that takes place in Baltimore, Maryland, as well as the ceremony which will take place at our State Capitol next June 14th.

It is difficult for me to express in a letter the sense of patriotism that was felt while at Fort McHenry and the sense of pride that I felt in representing Montana. Our flag is the symbol which we all recognize, and, it expresses clearly the freedoms that we enjoy here in the United States.

I think it is important for all of us to take a few minutes of our time on June 14th to stop and contemplate the importance of those freedoms. The Pause For The Pledge Program is the best way that we can all honor the flag and the freedoms that it represents.

The resolution before you is an excellent way for the Montana Legislature to express support for the Pause For The Pledge Program. It gives a positive signal to all our citizens of Montana the significance of the flag and the sacrifices that have been made over our long history to keep the flag of freedom flowing over this nation and the free world.

Again, I would like to express my sincere apology for not being able to appear before your committee. I would hope that you and your committee would support and pass this resolution in the Montana Senate. Thank you very much for your time and consideration.

Sincerely,

Allison Hughes
Allison Hughes
Polson High School Junior
4016 Eli Gap Road
Polson, MT 59860

SENATE LOCAL GOVERNMENT

Schilling

EXHIBIT NO. 2

DATE 2-16-89

BILL NO. SJR5

Madam Chairman and members of the Committee. I am Stena Schilling. I am a Sergeant First Class in the Montana Army National Guard and was appointed by the Governor(s) of Montana in 1988 and 1989 to be State Coordinator for National Flag Day. I appear today in support of Joint Resolution number 5.

We are asking the Governor of Montana and the State of Montana's elected officials to encourage the citizens of the State of Montana to pause for one minute on June 14th, 1989 to recite the Pledge of Allegiance and to honor the flag which is our symbol of freedom and democracy in the United States.

The National Flag Day Foundation was created, chartered, and approved by the United States Congress to develop and promote the Pause for the Pledge Program. All Americans, everywhere, will pause for a moment on June 14 at 7:00 EDT to recite simultaneously the thirty-one words of the Pledge of Allegiance to the Flag. It is our hope, with your support, that the State of Montana will join the rest of this nation in participating in the appropriate local Flag Day community programs held in conjunction with the National PAUSE FOR THE PLEDGE ceremony at Fort McHenry.

We ask that the Montana Legislature support the selection of a high school student to represent Montana during the Pause For the Pledge Program, the week of June 14th in Baltimore, Maryland. The selection is made through the cooperation of the Governor's office, Office of Public Instruction and the Montana Army National Guard. School districts throughout the State will participate by forwarding district winners. A board comprised of representatives of the Governor's Office, OPI, and MT ARNG will select the top fifteen finalists from names forwarded by school districts throughout the State. These fifteen students will come to Helena to participate in a two and a half day patriotic seminar. A distinguished committee will chose the finalist.

We further ask that the Secretary of State send copies of Joint Resolution 5 to publishers of each newspaper in the State of Montana and that the Governor forward copies of this resolution to the Department Heads of State agencies in an effort to encourage the participation of all Montana citizens.

Thank you for the opportunity to appear here today. I will be available to answer any questions you may have.



NATIONAL FLAG DAY FOUNDATION, INC.

418 South Broadway ★ Baltimore, Maryland 21231 ★ (301) 563-FLAG

Mrs. Nancy Reagan
Honorary Chairman
National Pause for the
Pledge Program



President

Louis V. Koerber
President
Budeke's Paints, Inc.

Vice President

Richard M. Patterson, CLU, ChFC
Massachusetts Mutual Life
Insurance Company

Treasurer

William T. Murray, III
Executive Vice President
First National Bank of MD

Secretary

Herbert E. Witz, Esq.
Attorney at Law

Directors:

George V. McGowan
Chairman of the Board
Baltimore Gas & Electric Co.

James McManus
(Jim McKay)
Sports Commentator / Journalist
ABC Television Network

Jack Moseley
Chairman of the Board
U.S.F&G.

Brooks Robinson
Baseball Hall of Fame

Henry A. Rosenberg, Jr.
Chairman of the Board
Crown Central Petroleum

General John W. Vessey, Jr.,
USA (Ret.)
Former Chairman, Joint Chiefs
of Staff, The Pentagon

Dr. Milton S. Eisenhower
(1899-1985)

CONCEPT PAPER

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

The concept of the annual PAUSE FOR THE PLEDGE on National Flag Day:

All Americans everywhere would pause for a moment on June 14 at 7:00 PM, EDT to say simultaneously the thirty-one words of the Pledge of Allegiance to the Flag. The effect of this simple ceremony each year would be a stimulating patriotic experience at home and a sign of unity abroad. This concept transcends age, race, religion, national origin and geographic differences.

The Ninety-Ninth Congress passed, and President Reagan signed on June 20, 1985, Public Law 99-54 recognizing the PAUSE FOR THE PLEDGE as part of National Flag Day ceremonies. In 1987, Mrs. Nancy Reagan became Honorary Chairman of the National PAUSE FOR THE PLEDGE program.

The idea of the annual PAUSE FOR THE PLEDGE of Allegiance originated in 1980 at The Star-Spangled Banner Flag House in Baltimore, Maryland. Since then, the concept has swept across the country in a grassroots movement supported by a broad spectrum of individuals, organizations and businesses. Appropriate local Flag Day ceremonies of many kinds are held in conjunction with the National PAUSE FOR THE PLEDGE ceremony at Fort McHenry. Governors and Mayors across the country have joined in our National program each year.

The Flag House was the home of Mary Pickersgill, who created the 42 foot by 30 foot Star-Spangled Banner which flew over Fort McHenry during the War of 1812 and inspired Francis Scott Key to write our National Anthem.

The National Flag Day Foundation, Inc. was created in 1982 "to conduct educational programs throughout the United States in promotion of National Flag Day and to encourage National patriotism by promotion of the PAUSE FOR THE PLEDGE of Allegiance."

The progress made nationally by our volunteer group since the origin of the concept in 1980 demonstrates clearly that the American people are indeed ready for the opportunity to join together in honoring Flag and Country. This annual Flag Day program presents a "natural stage" on which all Americans can gather — a united people in the United States.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

exhibit 3
SSR 5
2/16/89

BILL # SJR 5 ; TESTIMONY BY: Valerie Larson

DATE 2/16/89 ; SUPPORT yes ; OPPOSE _____

Mr. Chairman, members of the Committee, for the record, my name is Valerie Larson, representing over 3500 members of Farm Bureau from throughout Montana.

I'm here today to urge adoption of Senate Joint Resolution 5. Farm Bureau encourages a greater effort on the part of adults to set an example which will help instill a sense of pride and patriotism in our young people.

We feel the results of this Resolution will help do this.

Mr. Chairman, Farm Bureau urges adoption of Senate Joint Resolution 5.

Thank you.

SIGNED: _____

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4

DATE 2-16-89

BILL NO. STR 5

Testimony

I Casey Mueller!! am a student at Polson High School in the twelfth grade. I have attended many FFA and 4-H workshops concerning the subject on the national pledge of allegiance. In Washington D.C., Senators and Representatives came to the 4-H convention to explain the significance of the United States flag. On my trip to D.C. the tour stopped at the town of Gettysburg and from there I learned the true struggles of our nations past. You may think that I am just a kid speaking out of a text book and I want to assure you that it is my true feelings about our nation that inspire me to even to testify on a undebateable subject as this one. With that I would like the committee to recommend DO PASS.

Casey Mueller

Sen Harding

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE Feb 16, 1981

BILL NO. 370

**Amendments to Senate Bill No. 370
First Reading Copy**

For the Committee on Senate Local Government

**Prepared by Connie Erickson
February 14, 1989**

1. Title, line 7.

Following: "ATTORNEYS"

Insert: ", UNDERSHERIFFS, AND DEPUTY SHERIFFS"

2. Page 7, line 2.

Following: "7-4-2503(3)(d)(i)"

Insert: "and for undersheriffs and deputy sheriffs in 7-4-2510"

