

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 28, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop, Senators Tom Beck, Bob Brown, John Harp, Mike Halligan, Loren Jenkins, Joe Mazurek, R. J. Pinsoneault and Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: There were none.

HEARING ON HOUSE BILL 5

Presentation and Opening Statement by Sponsor:

Representative Eudaily was unable to be present for the hearing. William Mutch, legislative intern for Senator Crippen, opened the hearing reading a prepared statement to the committee (Exhibit 1).

List of Testifying Proponents and What Group they Represent:

Greg Petesch, Legislative Council

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Greg Petesch explained the reason for Section 83. In preparing the bill for this session as code commissioner, he said, he ran across Section I, 11-101-2 (g) ii which said: "Given specific instructions by another bill, the code commissioner may correct

inaccurate or obsolete sections to other code references." The code commissioner bill seemed to be the perfect vehicle for making that correction so that, if any inaccurate or obsolete sections are added by this session of the legislature, they can be corrected without having to go through the code commissioner procedure next session. There are 13 sections in House Bill 5 which do no more than correct inaccurate or obsolete references, he said, so in the future, there should be a shortened code commissioner bill. He called attention to Sec. 82 as an example, which took 5 pages, but was simply a correction of "inaccurate or obsolete references."

Questions From Committee Members: Senator Crippen asked if the bill broadened the authority of the Code Commissioner. Greg Petesch said the authority had existed before but had never been implemented before. No one ever knew of its existence.

Closing by Sponsor: Mr. Mutch, acting in behalf of Senator Crippen co-sponsor, closed the hearing.

#### DISPOSITION OF HOUSE BILL 5

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Mazurek MOVED that HB 5 DO PASS. The MOTION CARRIED UNANIMOUSLY. Senator Yellowtail agreed to carry the bill on the floor of the Senate.

#### HEARING ON HOUSE BILL 122

Presentation and Opening Statement by Sponsor:

Representative Gary Spaeth of Joliet, District 84, opened the hearing. He said the bill was in response to a 1988 U. S. Supreme Court case entitled Tulsa Professional Collection Services versus Pope, an executor of an estate. The Oklahoma Uniform Probate Code is similar to Montana's in giving creditors notice and creditors having 2 months to respond as far as submitting a claim, he said. That is basically a statute of limitations. The decision held that the statute was not a self-executing statute of

limitations, whether it operates in connection with Oklahoma's probate proceeding to adversely affect appellant's property adversely. Thus, if appellants entity as a creditor was known or reasonably ascertainable, then the due process clause of the U. S. Constitution requires that appellant be given notice by mail or other means certain to insure actual notice. It also has publication requirements as in Montana. The best way to turn the Uniform Probate Code into a self-executing statute of limitations is to adopt House Bill 122. The bill simply adopts the language of the Supreme Court.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Testimony: None

Questions from the Committee:

Senator Mazurek said that Senator Bishop has a bill which made a major probate code change. He asked if Rep. Spaeth would compare this bill with the National Conference's recommendations. Rep. Spaeth said the Conference has no problems with this bill. He added, however, that in two years time, he said, the legislature would have additional "cleanup" on the statute.

Senator Halligan asked if there had been discussion regarding specific or certified notice. Rep. Spaeth said that John McMaster from the House staff didn't like the way the bill had been worded so it had been amended. But he wouldn't object to further amendment.

Senator Bishop said he had proposed some changes regarding notice and wondered if this bill would take care of the whole problem. Rep. Spaeth said that the notice provision had been studied, but he would be happy to get together with Senator Bishop for discussion. By giving notice as stated by the supreme court, it basically turned it into a self-executing statute. But, he had no objections in looking at other sections.

Senator Bishop told Senator Mazurek that he hadn't gotten

information from the National Commission until too late to incorporate it in his bill.

Senator Beck asked if there were a list of creditors available. Rep. Spaeth said that the executor is usually a spouse or other family member who usually knows what the bills are. He seldom had a probate close where he had an unknown claim filed.

Senator Beck asked if the bill would forever bar further claims. Rep. Spaeth said that, before the decision came down, a legal ad was run for 3 weeks. Then the creditor had 4 months in which to claim, but would be barred after that period of time. This would be a self-executing statute of limitations. Without that, settling estates may linger on unnecessarily or other statutes of limitation may apply, he said. In Oklahoma, claims were filed against the heirs of the estate. He felt it was unfair to the heirs for the estate not to be finalized within a reasonable time.

Closing by Sponsor: Rep. Spaeth closed the hearing.

#### HEARING ON HOUSE BILL 13

Presentation and Opening Statement by Sponsor:

Representative Joe Quilici of Butte, District 7, opened the hearing. He said the bill was a revision of the Crime Victims Compensation Act. One of the provisions was a definition of criminal injurious conduct, he said. A vehicle might be involved in an accident in which someone was accidentally hurt. That would be different from using a vehicle as a weapon to deliberately injure someone, in which case it would be defined as a weapon. The bill will allow a secondary victim to get counselling; for instance, the mother of a rape victim might be so traumatized that she needs counselling. The bill generally fine-tunes the act, he said.

List of Testifying Proponents and What Group they Represent:

Cheryl Bryant, Crime Victims Compensation

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Cheryl Bryant appeared before the committee as a proponent. She read written testimony to the committee (Exhibit 2). She also presented testimony from Barbara Kocab who had been helped by Crime Victims Compensation (Exhibit 3).

Questions From Committee Members: Senator Halligan asked if the case had to be settled before a victim could receive benefits. Cheryl said no, not for a primary victim. For a secondary victim, someone must be charged with a sexual crime.

Senator Halligan wondered if the dollar limits may have been set too low. Cheryl didn't think so. She thought if problems were encountered in the future, the law could be changed.

Senator Pinsoneault asked about securing insurance payment information. If a victim receives insurance compensation, would Crime Victims' Compensation have access to that information. She said they did need that information and would reimburse the victim for the deductible amount.

Senator Crippen commented on the retroactive applicability. He wondered what the effect would be, and said he couldn't determine that from the fiscal note. Rep. Quilici said he had talked to Cheryl Bryant who felt it should have no affect whatsoever because previous claims have been settled. Rep. Quilici said it was felt that those funds had been collected specifically for victims and should be used for that only.

Senator Crippen wondered how large the fund would get. Rep. Quilici thought it wouldn't build up more than \$200,000, as it hasn't in the past. Cheryl said that in 1988, they collected approximately \$410,000 from the criminal court fines and an additional \$12,000 in restitution from criminal offenders. She said the program cost \$403,000. A cash flow study revealed that they were in the red at times, and had extra funds at other times.

Senator Pinsoneault said he wanted to complement Cheryl Bryant on administering an excellent program in an excellent manner.

Closing by Sponsor: Representative Quilici said he would have no objections to any amendment that would make the program more workable.

DISPOSITION OF HOUSE BILL 13

Discussion: Senator Beck wondered if there shouldn't be a cap on the funds that accrued. Senator Crippen commented that the House appropriation process would have to have studied the bill. But, since no cap was placed on it, he felt there was little concern. Senator Pinsonneault added that it was a pro bono bill. The monies received are small, he said.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Harp MOVED that House Bill 13 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

HEARING ON HOUSE BILL 168

Presentation and Opening Statement by Sponsor:

Representative Tom Lee of Bigfork, District 49, opened the hearing, saying the bill was at the request of District Judge Michael Keating of Kalispell. Current law says, that unless a judge specifically requires consecutive serving of sentences, two or more sentences are to be automatically merged, so they are served at the same time. This bill reverses that procedure so that sentences will be served concurrently only by specific order of the judge. This change makes automatic the concurrent serving of two or more sentences. If there are reasons for merged sentences, the option is provided for on page 2, line 7, he said. He told an example of a man who received a long string of sentences for several convictions. Prior to that, the man had received 20 years each for arson and forgery in Missoula. But, because the judge did nothing, those sentences were merged with the sentences received in Kalispell.

List of Testifying Proponents and What Group they Represent:

John Connor, Department of Justice, appearing for the  
Montana County Attorneys' Association  
Dan Russell, Department of Institutions

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John Connor said the bill makes a lot of good, practical sense from the point of justice and from the prosecuting attorneys view. He said that if a person continues to be picked up and sentenced, that he is simply not getting the message. He noted that there was a complicated fiscal note, but called attention to the fact that crime has a significant effect on the state. So, even if we have to pay now, we will have to pay more in the future if we don't get the message across. The court still has discretion, he said, and could still give concurrent sentences, if it chooses to do so.

Dan Russell said the bill would have an impact on the prison population. He said that over 50% of the inmates are repeat offenders with an average length of stay of 30.5 months. This bill will increase the stay from 1 to 6 months, with 24 to 88 additional inmates by 1995. The prison is currently overcrowded, operating at 140% capacity, with 1060 inmates in 754 cells. The women's correctional facility is operating at 156%. Both are forecast to increase radically in the next few years, he said, without any legislation affecting the populations.

Questions From Committee Members: Senator Pineseault asked how long Mr. Russell had been in prison work. Mr. Russell said 20 years and had been the administrator in corrections for 10 of those years.

Senator Pineseault asked if there ever had been a time when the prison was not overcrowded. Mr. Russell said not that he knew.

Senator Brown asked for a comment on the fiscal note and Mr. Russell said he felt it might be a little low.

Senator Brown asked if a new building would have to be built. Mr. Russell said the impact of the bill would require a new building.

Senator Brown said that it had been mentioned that there would be an increase in the prison population without the bill. Mr. Russell said there is presently a proposal for a new 96-bed security unit. There is also a proposal for a

50-bed intensive supervision program, he said, both of which are currently needed. That proposal doesn't take any bills into consideration that would increase prison population, he added. When the prison was built, it was built for 744 inmates and it was assumed that the capacity could increase to 1250 beds. That can be done by adding housing units one, at a time. The problem is now that the inmates are double bunking, he told the committee. He said they were presently out of beds and were going to have to open a dormitory in the basement of Rothe Hall within the month.

Senator Crippen asked if the district judge didn't already have the authority to do what the bill provided. Mr. Connor said yes, but that it changed the thrust of sentencing.

Senator Pinsoneault asked what might be an alternative to the bill. Mr. Connor said there might be a change in our approach to crime. Many times persons convicted of 4 or 5 crimes walk out of court without serving any sentences on probation.

Senator Crippen said that, in previous sessions, mandatory sentences and length of time were increased. Is that working, he wondered. Mr. Connor said there was a mandatory minimum for drug offenses. But, he knew of a person who received 2 years on probation even in a drug case. Prosecutors have no right to appeal sentencing, he said.

Senator Mazurek asked if the fiscal note was discussed on the floor of the House. Rep. Lee answered yes.

Closing by Sponsor: Rep. Lee said the bill addressed justice, rather than judges mistakes or money per se. Fiscal concerns should be considered separately concerning justice and punishment, otherwise the people in the state are not being properly served, he said. He closed the hearing.

#### DISPOSITION OF HOUSE BILL 168

Discussion: Senator Crippen asked that action on the bill be postponed.

Amendments and Votes: None

Recommendation and Vote: Senator Jenkins MOVED that House Bill 168 DO PASS. After some discussion, he WITHDREW his motion.



EXECUTIVE SESSION

SENATE BILL 431

Amendments and amendment information:

- Ex. 4 - MTA Amendments to SB 431
- Ex. 5.- Memo to Senator Gage from Jon Meredith,  
Investigations & Enforcement Division  
Subj: Concerns re SB 431
- Ex. 6 - Dept. of Justice (Attorney General) Amendments
- Ex. 7 - Amendments to SB 431, requested by Senator Halligan  
(SB043102.avl)
- Ex. 8 - Amendments to SB 431, second reading copy (yellow)  
clerical amendments (SB 043103.avl)

Senate Bill had been rereferred to committee for further amendment. There was a considerable amount of discussion regarding the amendments. Judy Brown of the Attorney General's office said that the substantive amendments were Numbers 4, 9 and 20 of Exhibit 6. She said #4 provided that funds were to be sent to the department, but gave no authority to assist in collection. There would be a subsection added which would give authority for collection and disbursement, she said.

She continued saying Number 9 amended p. 33 on the yellow bill. It dealt with raffles. It would need rule-making authority, she said. The original idea was that no one would be allowed to hire someone to run a raffle, but this makes sure that the people running it gets none of the profits. Charitable organizations are being exempted from licensure, but full time operations such as the Big Brothers and Sisters have in Missoula are something different, said Senator Mazurek. They are set up like a commercial business he said.

Number 20 applied on p. 54. Rob Smith said he wanted that consistent regardless what figures were settled on. Senator Gage commented that Mark Racicot also wanted it to be consistent. Senator Harp said this could expand gambling. Senator Brown said the main purpose of the bill was to get better control, rather than expand or diminish it. He said he would prefer using \$1 and \$100 for the figures.

Amendments and Votes: Senator Beck MOVED the Department of Justice first 19 amendments presented by the Department of Justice, excluding 9 and 20. The MOTION CARRIED UNANIMOUSLY.

Senator Beck MOVED #20. Senator Yellowtail MOVED a substitute motion on page 54, line 20, strike \$10, and insert \$1. The MOTION CARRIED by a vote of 6 to 4, with Senators Beck, Halligan, Jenkins and Crippen voting NO.

Discussion: Senator Mazurek called attention to the tavern association amendments (Exhibit 4) dealing with establishments with poker and bingo machines where there is no liquor license. He thought that would be opening the door to expansion of more establishments. He wanted the grandfather clause to say the establishment must have been in business on January 1. He said that was the reason for the past tense.

Senator Crippen asked for Valencia's explanation of Section 47, p. 44. She said it recommends striking the capitalized language down to line 19 and inserting who "operated" an establishment "prior to January 1, 1989."

Amendments and Votes: Senator Brown MOVED the MTA Amendment down to line 19 as edited by Valencia changing the language to: "or who operated an establishment prior to January, 1989 for the principle purpose of gaming". The MOTION CARRIED UNANIMOUSLY.

Senator Brown further MOVED to delete the amendment on p. 29, line 11 as identical amendments had already been moved and carried. The MOTION CARRIED UNANIMOUSLY.

Senator Halligan MOVED the amendment to take away local control. The MOTION CARRIED by a vote of 6 to 4 with Senators Brown, Harp, Mazurek and Yellowtail voting NO.

Senator Yellowtail MOVED to amend on p. 54, line 20, to strike "10" and insert "1". The MOTION CARRIED by a vote of 6 to 4 with Senators Beck, Halligan, Jenkins and Crippen voting NO.

Senator Mazurek MOVED the amendment on P. 45, line 10 to delete "20" and insert "10". He WITHDREW the motion.

Senator Brown MOVED a substitute MOTION for 5 poker and 15 keno machines, the same as present law. The MOTION FAILED on a 5 to 5 vote, with Senators Beck, Halligan, Jenkins, Pinsonneault and Crippen voting NO.

Senator Beck MOVED clerical amendments (Ex. 8). The MOTION CARRIED UNANIMOUSLY.

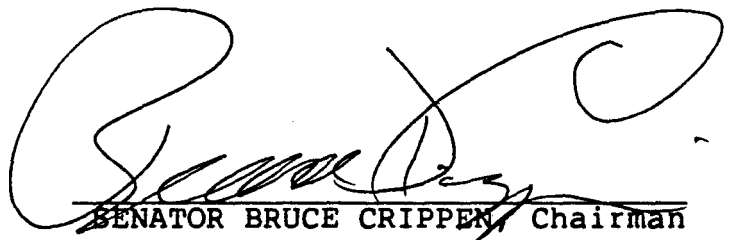
Senator Halligan MOVED the Advisory Committee amendments for 2 - 2- 3. The MOTION CARRIED UNANIMOUSLY.

Valencia commented that the entire 43102.avl amendments had passed.

ANNOUNCEMENTS: Senator Crippen announced that the Judges Confirmation hearings would take place on Friday, followed by a luncheon.

ADJOURNMENT

Adjournment At: 12:25 p.m.



SENATOR BRUCE CRIPPEN, Chairman

BDC/rj

minrj.228

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-28-89

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 28, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 5 (third reading copy -- blue), respectfully report that HB 5 be concurred in.

Sponsor: Budaily (Yellowtail)

BE CONCURRED IN

Signed: \_\_\_\_\_  
Bruce D. Crispin, Chairman

*Handwritten:*  
J.C.  
2/28/89  
9:36  
P.M.

2-28

SENATE STANDING COMMITTEE REPORT

February 28, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 13 (third reading copy -- blue), respectfully report that HB 13 be concurred in.

Sponsor: Quilici (Lynch)

BE CONCURRED IN

Signed: \_\_\_\_\_  
Bruce D. Crippen, Chairman

J.P.  
3/28/89  
2:30 PM

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 2-28-89

BILL NO. HB 5

Mr. Chairman and members of the Judiciary Committee:

For the record, my name is William Mutch, and my address is 2032 N. Sanders. I am here today to introduce House Bill #5. House Bill 5 is the Code Commissioner's bill. A code commissioner's bills purpose, as I'm sure you are aware, is to clarify the Montana Code. This bill basically ends ambiguous and sometimes confusing language and references.

After carefully reading house bill 5, it is the opinion of Valencia Lane, the staff attorney, and I that house bill 5 contains only clarification. No changes included within House Bill five will change the meaning or application of Montana Law.

There are two things about House Bill #5 I wish to draw your attention to. There is a typographical error in section 79 of the green instruction section. The sentence reading: and substitutes license for licenses to reflect that change, actually should be included in section 80. This error is only in the instructions, and does not effect the draft of the bill. For this reason no amendment is necessary to correct this problem.

Section 83 deals with a brand new change in procedure for the code commissioner. It has never been included in a Code Commissioner's bill before. At this time I would like to have Greg Petesch, the Code Commissioner, explain this section in greater detail.

SENATE JUDICIARY  
EXHIBIT NO. 3, p. 2  
DATE 2-28-89  
BILL NO. HB 13

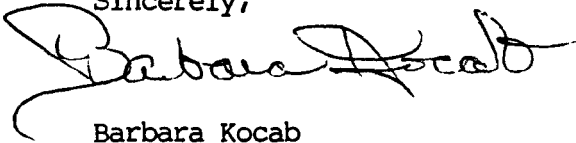
Right now, I am having some difficulty with my insurance company regarding bills for counseling we received last June. They have said they do not pay for out-patient counseling. I believe this has been taken care of, but if the Board of Crime Control had been allowed to speak directly to them, this probably would have been resolved a long time ago.

I imagine all victims, no matter what sort of criminal act they have had to face, feel these same emotions of frustration, anger and stress.

Please look with compassion upon all victims of violent crime, and pass House Bill 13 in it's entirety.

Thank you for listening to my thoughts and concerns.

Sincerely,



Barbara Kocab

RECEIVED

JAN 20 1989

CV



The purpose of the Crime Victims Compensation Act is to compensate and assist innocent victims who are injured or killed as a direct result of the criminal acts of others. The proposed amendments will make it easier to fulfill both of these duties. Innocent victims of crimes suffer a very traumatic experience. Dealing with the aftermath of that crime is not easy. Any method that lessens or eliminates the paperwork that innocent victims have to do on their claims is a benefit to them.

It will be easier and faster to process claims by allowing a statutory release of medical and insurance records and in some cases may be the only way to get the information needed to make payments. The claim form has a release of information on it but this is not acceptable to insurance and medical providers since the enactment of various privacy laws. The change in the law will allow the necessary information to be obtained without exposing the insurer or health care provider to liability.

The restriction on the fund balance benefits innocent victims because there will be money in the fund to pay claims. At the present time, the fund balance can be taken each year for the general fund. This amendment restricts the fund balance so it is not placed in the general fund each year by operation of law. Without this amendment, there will be no money in the fund at the beginning of each fiscal year to pay claims. Claims can't be paid until the criminal fines are collected and sent to the state treasurer. Victims would either have to wait to have the

Ex. 2, p. 2  
2-28-89  
HB 13

claim paid or the Crime Victims Fund would have to borrow money each year which would have to be repaid. This amendment would ensure that there would be enough money in the fund to operate the program at the beginning of the biennium.

The elimination of the time limit on paying benefits to secondary victims will not add to the cost of the program. The restriction on those payments does not help in budgeting for this expense since the amount involved is not that great. The time limit does not aid in processing claims since there is no problem in determining if the treatment is compensable, even if the treatment is provided after the one year limit has expired. The time limit is only confusing to victims and may deprive them of benefits if treatment is provided after the one year limit.

Redefining the definition of criminally injurious conduct is of indirect benefit to innocent victims. The present definition may not be clear enough. The amended definition makes it clear what is covered and what is not. The revenue is sufficient to support the current benefits available but may not be if other types of claims are added.

Thank you.

Cheryl Bryant          Crime Victims Unit

*Cheryl Bryant*

SENATE JUDICIARY  
EXHIBIT NO. 3  
DATE 2-28-89  
BILL NO. HB 13  
**RECEIVED**

JAN 20 1989

To: Members of the Judiciary Subcommittee

CV

Re: House Bill 13

My husband, Sandy Kocab, was murdered February 27, 1988. Everything possible was done to try to save Sandy's life. The final result, however, was my husband was dead, and I was left with medical and funeral expenses resulting from the shooting, funeral arrangements to make, a business to run, legal matters, coping with the justice system, concern for our financial and emotional well-being, and my own personal grief and that of my four children.

I was relieved to know there was financial assistance available from the Board of Crime Control for medical bills and counseling. I believe, however, that the time limitation for counseling should be extended or eliminated. No one can really know the possible future effects a violent act such as this might have. I have been told my young children will feel the effects of this throughout their lives, and as they grow older and reach new levels of understanding, more counseling will probably be needed.

Even for myself, as an adult, the struggle to comprehend and understand the violent and senseless death of a loved one is at times overwhelming. Perhaps there never will be an understanding of what happened, but only the ability to cope and adjust. How will my children and I learn to cope? Maybe it will be through our own strength and the love and compassion of family and friends. If that fails, who do we turn to for help? Possibly more professional counseling will be needed to really come to terms with this.

As I look at myself, my children and other family members, I see the long, slow process of grief being hampered by the anger and bitterness of murder. Five years ago, my cousin and her husband were murdered in California. Some family members were still undergoing therapy three years later. There is no time limit to grief. There is no time limit on dealing with the devastating effects of violent crime. While much time, effort and money is spent on rehabilitating the offender, who will help ensure emotional stability and healing for the victims, the innocent ones.

It is very encouraging to see that victims have a government agency to help them and support them in times of need. The medical bills were paid for by my insurance company and the Board of Crime Control. However, it would have been much easier if the Board of Crime Control were allowed to confer directly with the insurance company and creditors. This agency should be allowed more freedom to help and assist the victims in this process. This was a very stressful time and more bills and more things to do were the last things I wanted, or even felt capable of doing. I remember feeling angry and frustrated that I was left to take care of all this, when I had harmed no one. We were the ones who were wronged, yet everything fell on my shoulders.

431

MTA AMENDMENTS TO SB413

(Second Reading Copy)

1. NEW SECTION. Section 29.  
Page 29, Line 11  
Following: "WHO"  
Strike: "OPERATES"  
Insert: "operated"  
  
Following: "ESTABLISHMENT"  
Insert: "prior to January 1, 1989,"
  
2. Section 47, Page 44, Line 17.  
  
Following: "WHO"  
Strike: "OPERATES"  
Insert: "operated"  
  
Following: "ESTABLISHMENT"  
Insert: "prior to January 1, 1989,"
  
3. Section 47, Page 45, Line 17.  
  
Following: "part."  
Strike: Remainder of subsection (3).
  
4. ~~Section 59, Page 54, Line 22~~  
~~Following: "value of"~~  
~~Strike: "\$100"~~  
~~Insert: "\$1,000"~~

*may not need*

Montana Tavern Association  
900 N. Montana Avenue  
P. O. Box 851  
Helena, MT 59624  
Ph: 442-5040

SENATE JUDICIARY  
EXHIBIT NO. 5 p.1  
DATE 2-28-89  
BILL NO. SB 431

DEPARTMENT OF REVENUE



STAN STEPHENS, GOVERNOR

MITCHELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

February 28, 1989

MEMORANDUM

TO: Senator Delwyn Gage

FROM: Jon A. Meredith, Administrator  
Investigations & Enforcement Division

SUBJECT: SB431

A handwritten signature in cursive script that reads "Jon A. Meredith".

The Director's Office has advised us to make our concerns with SB431 known to you and to the Attorney General. We have therefore enclosed copies of comments on the introduced bill and the amended second reading version. Entirely at your convenience we would like to briefly present our views on this legislation from organizational, cost comparative and enforcement perspectives.

cc: Attorney General Marc Racicot  
Steve Bender, DOR Deputy Director  
Rick Day, DOR Investigations Bureau Chief  
John Willems, DOC Video Gaming Bureau Chief

## SB431 INVESTIGATIVE AND ENFORCEMENT CONCERNS

General concerns

- 1) The legislation would remove all "duly authorized department representative" language which allows the Department of Commerce to contract with the Investigations Bureau for video gaming enforcement services. Video Gaming now provides 36% of bureau funding. Loss of this funding would affect 1/3 of bureau staff (7 of 19 positions) and result in a \$245,000 reduction of the Division's budget. As written the bill provides for a reorganization which would authorize transfer of functions from the Department of Commerce to the Department of Justice but fails to acknowledge any needed transfer from the Department of Revenue (Section 73). Loss of funds without position transfer would translate into present staff losing their jobs.
  
- 2) The legislation would more directly tie gambling to alcoholic beverage licensed premises yet separate liquor and gambling investigative functions between the Departments of Revenue and Justice. The Investigations Bureau already maintains nine field offices throughout Montana. These investigators have the only concentrated gambling, liquor, and public assistance fraud experience in the state. The separation of these functions would:
  - a) Create separate regulatory units for the same businesses. Liquor investigators would essentially follow on the heels of gaming people or vice versa. Duplicate filing would be needed along with multiple record checks and duplicated investigations when applicants apply for gaming and alcohol beverage licenses;
  - b) Trained staff would be lost to one or more of the three areas;

- c) Service or production losses in liquor and public assistance fraud would be inevitable as staffing fell below 1973 levels;
  - d) Employee career ladder and field supervision availability would be reduced;
  - e) Costs of Department of Justice gambling enforcement would be \$200,000 to \$300,000 more for less service than if Revenue continued to supply enforcement services.
- 3) The bill would make the Department of Justice the single unit responsible for policy, licensing, administration, and enforcement of gambling laws in the state of Montana. Such a structure would create a partnership between industry and the regulator. The natural tendency is for the regulating agency to become increasingly sympathetic with the industry and supportive of its success. The more successful the industry the more tax dollars generated. As a result enforcement of the law becomes a secondary concern. The beginnings of such a partnership are most directly evident in this legislation by:
- a) the proposal to eliminate all forms of local licensing;
  - b) the proposal to raise the maximum pot limit to \$300;
  - c) the proposal to increase the bingo prize to \$300.

It is in the state's and public's interest to keep the licensing, taxation, and enforcement agencies independent. A separate gambling enforcement unit is only concerned with the protection of the public, fairness of gambling in Montana, and the enforcement of the state laws. Such enforcement should be accomplished in a courteous and fair manner with the public interest of the foremost concern.

- 4) The law would exempt charitable bingo and keno operations from licensing, taxation and other limitations placed on

profit-taking entities. The legislation as introduced does not appear to recognize the possibility that a professional gambling manager is often employed in charitable situations. This gambling manager becomes a private operator who splits a percentage with the charitable organization. In many jurisdictions charitable organizations run the largest gambling operations. The legislation should provide for full licensing and taxation in the event the charitable operation employs a gambling manager. A separate licensing and background investigation of managers should be required to insure the integrity of the organization.

- 5) Felony and misdemeanor criminal offenses would be created and rely on establishing "purposely or knowingly" as a critical (state of mind) element to charge the offense. This element may be relevant to felony crimes but misdemeanor violations of gambling statutes should be defined as absolute liability violations. The state of mind in a gambling offense is often difficult to prove. Proving state of mind is also not cost effective when related to a misdemeanor (45-2-104, MCA).
- 6) The law would remove all local licensing authority except for the inconsistent requirements' for county commissioners to regulate raffles and for local jurisdictions to issue of temporary keno caller licenses. The need for consistent qualifications, licensing requirements, and regulation is recognized. However, the elimination of the local government's authority to add on license fees would eliminate a source of revenue which often supports local jobs. The proposed legislation would also negate a local governing body's ability to impose additional license fees as they choose to further restrict gambling in their communities.
- 7) The legislation would remove all statutory video gaming machine specifications and entrust the entire process to



Department of Justice rulemaking. The need to remove existing statutory specifications from the law is questionable. From an enforcement standpoint, state law is more readily accepted by the public and by gaming entities than administrative rule. In addition, state law is not as easily changed as a rule and thus provides more consistency for enforcement. If these specifications have been established by the legislature, it seems appropriate that rulemaking is only needed in instances where clarification is necessary. These specifications have been in use, in some cases, for four years and the industry has still seen net profits in the area of \$40 million. In addition, it is in these sections of law that the state is required to inspect each machine.

- 8) It may be best to indicate in the public policy statement that bingo and keno are recognized as two separate and distinct games. The proposed legislation appears to define them as separate games, but in the light of past Supreme Court decisions (defining bingo and keno as the same game) it seems important for the legislature to clearly define bingo and keno as two separate and distinct games.
- 9) The legislation would provide no general right of inspection for gambling enforcement personnel. The statutory authorization to examine premises, books, records, and gambling devices is critical to effective enforcement.

SB431 refers to state inspection three times:

- a) Page 12, Line 8-12 "...provides for a procedure for inspection of records;
- b) Page 34, Line 20-23 "At all times during the business hours of the licensee the records must be available for inspection by the department." (Bingo gross proceeds);

- c) Page 50, Line 1 "...Records must at all times during the business hours of the licensee be subject to inspection by the department." (video gaming tax).

Although the legislation makes (3) references to inspection, no section of law clearly establishes the state's right to immediate access and inspection. Of greatest concern is the proposal's failure to mention any inplay inspection requirements relative to video gaming machines.

- 10) The proposed legislation does not indicate an effective date. Prior experience has demonstrated a need for a preparation period prior to the effective date of the act. For example: the reorganization, rulemaking authority, and temporary funding should be effective upon passage and approval with the effective date of the act October 1, 1989. This allows for time to develop needed rules, forms, hire staff, and organize in preparation for enforcement of the act's provisions. It also allows the industry time to adjust to new requirements and apply for and receive licenses.

Specific language concerns:

- 1) Section 3, Page 5, Line 18 - The definition of "Bingo" does not include language relating to "randomly selected numbers which are matched with similar numbers on a card" (emphasis ours).
- 2) Section 3, Page 9, Line 24 - The definition of a slot machine includes devices solely operated by skill. Some element of chance is necessary in the operation of a device to make it a gambling device. Consequently, this definition may be too broad.

The slot machine definition does not include an exemption for merchandise vending (Pac Man and pop) machines or other video games. Montana law currently exempts merchandise vending machines from the definition of slot machines (23-5-101, MCA).

- 3) Section 4, Page 10, Line 10 - This section removes the local licensing and regulatory authority. The question is why is it necessary to remove local governments' authority and ability to add on license fees or provide enforcement as the community feels is justified.
- 4) Section 5, Page 10 - The Department of Justice is designated a criminal justice agency and agents of the Department of Justice are granted peace office status to regulate gambling. This language removes all authorization needed for the Department of Revenue's current contract and makes no direct reference to other peace officers' authority in gambling enforcement. It would appear to remove all direct gambling enforcement authority except for the Department of Justice.
- 5) Section 8, Injunction and Other Remedies, Page 13, Line 10 - This section allows the state to place a licensee on probation but does not describe what probation is.
  - a) Line 21 requires fines imposed by the District Court be collected by the Department instead of by the District Court. It seems more appropriate for the District Court to collect their own fines and in fact this would be contrary to most court procedures.
  - b) Page 14, Line 7 provides for a person who fails to pay a fine to forfeit his right to license gambling devices in the state. Some additional penalty such as contempt of court or jail time seems necessary in the event the defendant is not a licensee or the state will effectively be left without a method to actually impose sanctions.

- 6) Section 10, Page 16, Line 6 - Wording should be added to require the applicant for a gambling license to make a full financial disclosure.
- 7) Section 11, Page 17, Line 10 - This section restricts the Department from charging any fee for an operator's license. At a minimum, a small processing fee should be charged.
- 8) Section 15, Page 22, Line 3 - The legislation would prohibit all forms of "public" gambling not specifically authorized. The word "public" has been inserted in language that otherwise appears to echo the Montana constitution. Determining/defining "public" may create enforcement problems.

Page 9, Lines 14-21 - The word "public" is defined as a place and is itself used in the definition.

"(a) a place, building, or conveyance to which the public has access..."

"(b) a place of public resort,..."

The purpose of a definition is generally to describe a noun and the word being defined is never used in the definition itself. In SB431 "public" is primarily used as an adjective. Again at Page 22, Line 3, "public" gambling not specifically authorized is prohibited. The constitution does not use the word "public" but makes the same prohibitive statement. It appears the defined term should be revised (for instance "public premises") or the use of "public" eliminated where it is descriptive rather than a place.

- 9) Section 19, Page 23, Line 17 - This section restricts gambling to a cash basis.

- a) it does not state if chips can be substituted for cash;
- b) this section should create a felony offense if credit is extended in excess of \$300.
- 10) Section 20, Page 24, Line 2 - The language should be clarified to insure both the minor and the licensee are accountable.
- 11) Section 21, Page 25, Line 2 - Montana law should require all gambling device shipments to other states to comply with 15 USCS Section 1171, Section 1172, and Section 1173. This insures Montana does not become a haven for those who wish to ship illegal devices into other states.
- 12) Section 23 (and others), Page 26, Line 20 - All misdemeanor gambling violations should be specified as absolute liability sections of the Montana Code and the language "knowingly or purposely" should be removed from misdemeanor violations. For example: establishing a person "knowingly" placed an unlicensed machine may be somewhat difficult.
- 13) Section 28, Page 28, Line 17 - This section provides for a card game dealer's license and requires the licensed dealer to have the license on his person. The dealer should be required to display this license on his person. This would promote public confidence and make it easier for gambling enforcement officers to determine if dealers are, in fact, licensed. It places the burden on the dealer and the house to identify dealers rather than on the enforcement officer or the public.
- 14) Section 31, Page 30, Line 24 - The proposed legislation raises the prize for an individual live card game from the current \$100 limitation to \$300. Part of the justification for this increase is rumored to be the lack of enforcement of the

\$100 pot limitation in many areas of the state. However, in Missoula and to a lesser extent in Flathead County, the \$100 pot limitation is enforced and has been for some time. This essentially rewards gamblers who have openly violated Montana law and expands gambling in Montana.

- 15) Section 32, Page 31, Line 8 and Section 47, Page 45, Line 6 - These sections appear to indicate the state would be enforcing local ordinances relating to live card games and machine hours and machine number limitations.
- 16) Section 33, Page 31, Line 18 - This section concerns the rake and requires the rake be taken in an obvious manner. The law would be better worded if it stated "...in an obvious manner by posting the rake prior to removing the chips or cash from the table". This would allow players to see how much and where the rake is going.
- 17) Section 36, Page 32, Line 16 - This section contains a broad exemption for charitable organizations from licensing and taxation. This is a critical area. The legislation should at least contain an exception in the event a charitable organization obtains a manager to run the gambling operation on a percentage split basis. In these instances it is important state law clearly specify any such arrangement will be subject to licensing, taxation, and required licensing of a gaming manager. Montana and other states have already seen clear examples of managers with questionable backgrounds operating charitable gaming. It is not unusual for charitable operations to develop into some of the largest gaming establishments.
- 18) Section 37, Page 33, Line 11 - Bingo or keno callers should be required to display a license on their person. Line 16 makes it possible for local authorities to temporarily

license bingo/keno callers. This seems inconsistent and confusing. The need to provide interim licenses might better be handled through a delayed effective date.

- 19) Section 40, Page 35, Lines 10-12 seems to prohibit the county from receiving tax distribution from games operated in unincorporated towns. The county should receive monies from unincorporated cities and towns. This should say "incorporated" which is similar to Page 50, Line 20 relating to video gaming machine tax.

Line 14 - This section contains an increase in the maximum bingo or keno prize from \$100 to \$300. This section should be clarified as to apply only to live bingo or keno. In addition the law uses "award" and "card" but restricts only the combining of awards. There have been instances when multiple keno cards or bingo cards are set up on one page. This approach may lead to much larger prizes not contemplated by the law.

- 20) Section 41, Page 36, Line 4 - This section leaves the regulation of raffles with county commissions when the rest of gambling regulation is the state's responsibility. It seems inconsistent to delegate the regulation of raffles, which is a very difficult area, to county commissioners. The commissions may not be prepared or have the staff to regulate this activity.

- 21) Section 47, Page 44, Line 7 - This section appears to restrict machine permits [licenses] to individuals who have both an operator's license and an on-premise alcoholic beverage license. There are a number of establishments now which operate video keno machines that do not possess an on-premise alcoholic beverage license. In addition this requirement increases the tie between video gambling devices and the

alcoholic beverage industry. Still the bill provides for separation of liquor and gaming enforcement by moving gaming enforcement into the Department of Justice.

- 22) Section 55, Page 51, Line 4 - Instead of requiring the Department to prescribe the expected payback, it may be best just to state video gambling machines shall have an expected payback of 80%.
- 23) Section 58, Page 53, Line 21 - The legislation proposes to make tampering with a video gambling machine a felony. It seems tampering which results in obtaining consideration of over \$300 should be a felony but anything under \$300 should be a misdemeanor. Tampering is a form of theft; consequently, the provisions of the proposed legislation and the theft statutes would be consistent.
- 24) Section 64, page 57, Line 20 - This section allows for a reorganization procedure involving the Department of Commerce and Department of Justice but fails to mention the Department of Revenue. The reorganization would have a sizeable impact on Investigations Bureau staff.



Summary of amendments by page

- Page 7, Line 2 - Defines gross proceeds for bingo tax purposes
- Page 10, Line 18 - Deletes fees or taxes by local authorities
- Page 10, Line 22 - Substitutes zoning for defined areas
- Page 10, Line 24 - Substitutes zoning for defined areas
- Page 11, Line 13 - Adds "any other person" involved in gaming regulations to have interest
- Page 12, Line 17 - Includes applications as confidential information
- Page 16, Line 1 - Changes application qualification language from enhance dangers to a danger
- Page 29, Line 11 - Allows premises with the "principal purpose of gaming" to receive live game permits
- Page 31, Line 10 - Reduces pot in live card games from \$300 to \$100
- Page 31, Line 16 - Deletes local authority to set card game hours
- Page 34, Line 17 - Increases bingo tax from 3% to 5%
- Page 35, Line 12 - Deletes bingo tax appropriation to department
- Page 35, Line 23 - Increases live bingo/keno award from \$300 to \$100
- Page 39, Line 3 - Deletes local authority to set bingo/keno hours
- Page 44, Line 17 - Allows "principal purposes of gaming" premise to have video keno, bingo and poker
- Page 51, Line 8 - Eliminates video poker limit of \$800 and limits hand to \$100 per game.
- Page 52, Line 5 - Deletes local authority to set video gaming hours
- Page 54, Line 20 - Increases sports pool per square value from \$1 to \$10
- Page 56, Line 9 - Deletes authority of the Department of Justice to operate without appropriation
- Page 58, Line 3 - Exempts the bill from sunrise provisions

Comments on Legislative  
Amendments to SB431  
(Investigative and Enforcement Concerns)

Page 44, Line 17 - This section would allow establishments other than bars to place video poker machines. Current law restricts poker machines to bars. Video keno is available in many convenience stores and gambling halls. The primary concern from an enforcement view point is the amendment language "...Principle purpose of gaming...". This concept may be difficult in fact to establish. In addition, the change still means numerous convenience stores will lose keno machines (depending on how principal purpose is applied). Finally, the May 27, 1988, M.S.U. public opinion survey recorded 77% of those responding preferred to keep video poker limited to bars and lounges. The "principal purpose" language was also added to the card games section- Page 29, Line 11.

Page 10, Line 18 - deletes fees or taxes by local authorities  
Page 39, Line 3 - deletes local authority to set live license bingo or keno hours  
Page 52, Line 5 - deletes local authority to set video gambling hours

These amendments eliminate the remaining elements of local authority (hours and fees) with the exception of Page 45, Line 19 which allows local governments to restrict the number of video gaming machines.

These amendments recognize the need for consistent gaming laws. They are consistent with public opinion in which 73% of those persons surveyed in May, 1988, did not want local governments to be allowed to expand gambling. However, the amendments do not allow communities to further restrict gambling. Finally, the removal of local authority is not consistent, as machine numbers can still be limited to five by local communities.

Page 51, Line 8-10 - This section changes the maximum video poker award to \$100 a "game". The reference to hand has been deleted. Previous law set the limit at \$100 per hand. Although the use of "game" may be satisfactory, the law defines game relative to live games and it may be more appropriate to use "hand" rather than "game".

Page 31, Line 10 and Page 35, Line 22 - This section returns live game and bingo/keno awards to the \$100 award limitation. This change is noted because the Investigations Bureau made previous comments on the proposed raise of award limits.

Page 54, Line 20 - This section increases the per chance bet on sports pools from \$1 to \$10. This is not a direct concern to enforcement other than it increases the bet allowed beyond existing limits; the maximum award however is not increased.

## PROPOSED AMENDMENTS TO SB431

Department of Justice

A.G.

February 28, 1989

1. P. 5, l. 21:  
Before "drawn," insert "randomly"
2. P. 7, l. 24:  
Strike: ", or game"  
Insert: "or" between "Live card game" and "card game"
3. P. 9, l. 14:  
After "public" insert: "gambling";  
After "means" insert: "gambling conducted in"
4. P. 12, l. 19/20:  
Insert: "(7) The department shall assess, collect, and disburse any fees, taxes, or charges authorized under part 1 through 6 of this chapter."
5. P. 23, l. 22:  
Between "activity" and "the" insert: "except raffles as authorized in [section 41]"
6. P. 24, l. 8/9:  
After "age" strike: "may not be permitted";  
Insert after "(1)": "A person shall not purposely or knowingly allow"- - "A" now "a"
7. P. 24, l. 18:  
Between "to" and "have" insert: "purposely or knowingly";  
l. 19:  
Between "to" and "permit" insert: "purposely or knowingly"
8. P. 30, l. 4:  
After "treasury." insert: "A county is not entitled to proceeds from fees assessed on live card game tables located in incorporated cities and towns with the county."
9. P. 33, l. 7:  
After "raffles." insert: "The department may revoke the permit of a qualified organization which it determines is not acting in good faith in the operation of live bingo, keno, or raffles or is

- contracting with a nonqualified organization to operate live bingo, keno, or raffles in a predominantly commercial manner."
10. P. 35, l. 12:  
in "unincorporated" strike: "un"
  11. P. 36, l. 4:  
After "prizes" insert: "--permits--exception"
  12. P. 39, l. 7/8:  
Strike: "(2) A violation of this section is a misdemeanor punishable under [section 23]."
  13. P. 43, l. 13-15:  
Strike: "A person may not make available for public play a video gambling machine unless he has obtained an operator's license."
  14. P. 49, l. 20:  
Strike: "A licensee"  
Insert: "An operator issued a permit under this part"
  15. P. 49, l. 24:  
Strike: "A licensee"  
Insert: "An operator issued a permit under this part"
  16. P. 50, l. 4:  
Strike: "A licensee"  
Insert: "An operator issued a permit under this part"
  17. P. 52, l. 9/10:  
Strike: "(2) A violation of this section is a misdemeanor punishable under [section 23]."
  18. P. 54, l. 1/2:  
After "with" strike: "or manipulating"
  19. P. 54, l. 2/3:  
After (1) strike: "It is a felony to"  
Insert: "A person commits the offense of tampering with a video gambling machine if he "purposely or knowingly"  
l. 3 plurals: "manipulates\_" "attempts\_" "conspires\_"
  20. P. 54, l. 22:  
Strike: "\$100"  
Insert: "\$1,000"

FILE NO. 1  
 DATE 2-28-89  
 BILL NO. SB 431

Amendments to Senate Bill No. 431  
 Second Reading Copy (YELLOW)

Requested by Senator Halligan  
 For the Committee of the Whole

Prepared by Valencia Lane  
 February 17, 1989

*transferred  
 to e:1 senate  
 2/18 3:30pm  
 vj*

1. Title, line 10.

Following: "APPROPRIATION,"

Insert: "PROVIDING FOR A GAMING ADVISORY COUNCIL;"

2. Page 58.

Following: line 5

Insert: "NEW SECTION. Section 64. Gaming advisory council --  
 allocation -- composition -- compensation -- annual report.

(1) There is a gaming advisory council.

(2) The gaming advisory council is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(3) The gaming advisory council consists of nine members. One member must be from the senate, and one member must be from the house of representatives. The senate committee on committees and the speaker of the house of representatives shall appoint the legislative members of the council. The seven remaining members must be appointed by the department, with ~~two~~ representing the public at large, two representing local governments, and ~~two~~ representing the gaming industry.

(4) Each gaming advisory council member is appointed to a 2-year term of office. A member of the council may be removed for good cause by the appointing body provided for in subsection (3).

(5) The gaming advisory council shall appoint a chairman from its members.

(6) Legislative members of the gaming advisory council are entitled to compensation and expenses, as provided in 5-2-302, while the council is meeting. The remaining members are entitled to travel, meals, and lodging expenses as provided for in Title 2, chapter 18, part 5. Expenses of the council must be paid from licensing fees received by the department.

(7) The gaming advisory council shall, within its authorized budget, hold meetings and incur expenses as it considers necessary to study all aspects of gambling in Montana.

(8) (a) The gaming advisory council shall submit an annual report to the department, at a time designated by the department, with recommendations for amendments to the gambling statutes, the need for additional or modified department rules, the clarification of existing rules, and other recommendations on the operation of the department or

any other gambling-related matter.

(b) The annual report required under subsection (8)(a) must be affixed to the annual department report on gambling in Montana.

(c) The council may submit interim reports to the department as the council considers necessary.

(d) The council shall meet with the department upon request of the department.

(e) The department shall meet with the council upon request of the council."

Renumber: subsequent sections

3. Page 60.

Following: line 6

Insert: "(6) [Section 64] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, apply to [section 64]."

Amendments to Senate Bill No. 431  
Second Reading Copy (YELLOW)

## CLERICAL AMENDMENTS

For the Committee on Judiciary

Prepared by Valencia Lane  
February 27, 1989

1. Page 9, line 20.

Following: "religious"Strike: ", fraternal,"

2. Page 13, lines 7 and 8.

Following: "review" on line 7

Strike: remainder of line 7 through "department" on line 8

3. Page 15, line 18.

Following: "(3)"

Strike: "An application for a"

Insert: "A"

4. Page 24, line 16.

Strike: "[section 22]"Insert: "23-5-104"

5. Page 26, line 22.

Following: "must"

Strike: ", "

6. Page 26, line 23.

Following: "conviction"

Strike: ", "

Following: "\$5,000"

Strike: ", "

7. Page 28, line 2.

Following: "may"Strike: "only"

8. Page 28, line 4.

Following: "game"Strike: "that"Insert: "only if it"

9. Page 30, line 1.

(OVER)







ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-28-89 Senate Bill No. 431 Time 1

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN		✓
SEN. HALLIGAN	✓	
SEN. HARP		✓
SEN. JENKINS	✓	
SEN. MAZUREK		✓
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL		✓
SEN. CRIPPEN	✓	

6 to 4

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Senator Halligan moved  
\* an amendment to take away  
local control.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-28-89 Senate Bill No. 431 Time # 2

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓

6 to 4

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Sen. Yellowtail - Strike "10", insert "1"  
on p. 54, line 20

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-28-89 Senate Bill No. 431 Time #3

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT		✓
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓

5 to 5

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Sen. Mazurek p. 45, line 10 - Withdrawn  
Sen. Brown - 5 poker + 15 poker machines  
(present law) - Failed 5 to 5