

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Dick Pinsoneault, on February 18, 1991,  
at 10:00 a.m.

**ROLL CALL**

**Members Present:**

Dick Pinsoneault, Chairman (D)  
Bill Yellowtail, Vice Chairman (D)  
Robert Brown (R)  
Bruce Crippen (R)  
Steve Doherty (D)  
Lorents Grosfield (R)  
Mike Halligan (D)  
John Harp (R)  
Joseph Mazurek (D)  
David Rye (R)  
Paul Svrcek (D)  
Thomas Towe (D)

**Members Excused:** none

**Staff Present:** Valencia Lane (Legislative Council).

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

**Announcements/Discussion:**

**HEARING ON SENATE BILL 304**

**Presentation and Opening Statement by Sponsor:**

Senator Larry Stimatz, District 35, said SB 304 was drafted at the request of title and abstract companies, banks and mortgage companies, and extends the validation of conveyances recorded after defective execution.

Proponents' Testimony:

William Gowen, Montana Land Title Association, said the bill would correct any unacknowledged or misacknowledged documents appearing in a chain of title. He commented that the last related bill was introduced in 1983.

Opponents' Testimony:

There were no opponents of SB 304.

Questions From Committee Members:

There were no questions from the Committee.

Closing by Sponsor:

Senator Stimatz advised the Committee that it is important SB 304 be passed.

EXECUTIVE ACTION ON SENATE BILL 304

Motion:

Senator Mazurek made a motion that SB 304 DO PASS.

Discussion:

There was none.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

The motion made by Senator Mazurek carried unanimously.

HEARING ON SENATE BILL 378

Presentation and Opening Statement by Sponsor:

Senator Ethel Harding, District 25, said SB 378 adds to statutes allowing residents of Montana to be exempt from judgment in another state for pension income. She explained that under the source tax a former state of residence can go after pension tax when the recipient moves to another state or country. Senator Harding stated this legislation was introduced in Congress, but was not acted on in 1990. She said several states have adopted the legislation proposed in SB 378.

Proponents' Testimony:

There were no proponents of the bill.

**Opponents' Testimony:**

There were no opponents of the bill.

**Questions From Committee Members:**

Senator Mazurek asked if any background work had been done as to how many states tax pensions. Senator Harding replied she had a list of this information and would make copies available to the Committee.

**Closing by Sponsor:**

Senator Harding advised the Committee she thought SB 378 was a good bill, and urged them to pass it.

**HEARING ON SENATE BILL 374****Presentation and Opening Statement by Sponsor:**

Senator Bob Brown, District 2, said SB 374 is a simple bill amending the gaming advisory council out of 2-15,2021, MCA. He stated that in 1989, the Department of Commerce (DOC) generated legislation to centralize control of gambling in that Department. He said this legislation would also have created a gambling commission, a citizens group, to determine policy which would be carried out by an appointee in DOC. Senator Brown advised the Committee that the 1989 Legislature moved control of gambling to the Department of Justice (DOJ) instead, but the gambling commission concept remained in that legislation as the gaming advisory council. He reported that this nine member council was given fairly broad powers which go beyond simple advisory council authority described in paragraph 8, subsection 80.

Senator Brown told the Committee that DOJ already has statutory authority to appoint advisory councils, and if it wants one it can appoint one. He said he believes the situation, if left as it is, will cause problems down the line, and that it needs to be repealed.

**Proponents' Testimony:**

Joe Roberts, Don't Gamble with the Future, stated his support of SB 374, and said he seconds the reasons provided by Senator Brown during his testimony. Mr. Roberts told the Committee the gaming advisory council is bringing in its own legislation, some of which is a major expansion of gambling in the state. He said it is, therefore, fair to question whether the system is working as it was envisioned, if the council is working at odds with DOJ.

**Opponents' Testimony:**

There were no opponents of SB 374.

Questions From Committee Members:

Senator Doherty asked Senator Brown why there should not be a hybrid organization to deal with gambling since it is such a sensitive issue. Senator Brown replied that if two governmental entities are determining policy and only one is responsible for carrying out that responsibility, there will be controversy. He added that he believes the gaming advisory council was originally conceived as a gambling commission, and said the issue does not need more problems, but to seek to avoid them.

Closing by Sponsor:

Senator Brown made no closing comments.

HEARING ON SENATE BILL 293Presentation and Opening Statement by Sponsor:

Senator Steve Doherty, District 20, said SB 392 would increase jurisdiction of justices' courts and municipal courts. He stated these are important courts who have demonstrated the ability to deal with lives in an efficient manner as the peoples' courts. He said the bill deals with information on felonies for crimes inside city limits, and raises the limits for damages from \$3,500 to \$10,000.

Senator Doherty said the bill applies to small fact-bound cases, which would be less costly in justice courts because fact-finding would not have to be conducted.

Proponents' Testimony:

Leslie Halligan, Deputy City Attorney, Missoula, advised the Committee that the last time the legislature looked at municipal court jurisdiction provisions was 1935. She explained that she ran into a problem when helping the Missoula Housing Authority, in having to go to justice court to evict someone from the Housing Authority (Exhibits #1 and #2).

Mrs. Halligan explained that language is needed to provide justice court jurisdiction over the Residential Landlord and Tenant Act, Residential Tenants Security Deposits, and Landlord and Tenant Supplementary Provisions (Title 70, Chapter 24-26). She stated it also needs to apply to Unlawful Detainer in 3-6-103, MCA.

George Fleming, Co-Chairman International Consumer Credit Association and Accounts Management Corporation, commented that if the plaintiff is unsuccessful in justice court he or she can still go to district court.

John Cameron, Legislative Chairman, American Collection Association of Montana, said he believes the jurisdiction of justice courts should be increased.

Patricia Bradley, Montana Magistrates Association, said she supported the provisions in the bill, but opposed the \$10,000 limit as it would impact courts of limited jurisdiction. She stated she would support Senator Towe's limit of \$5,000 in SB 214.

**Opponents' Testimony:**

There were no opponents of SB 293.

**Questions From Committee Members:**

Chairman Pinsoneault asked if were not mandatory to file in justice court. Senator Doherty replied it is.

Senator Towe asked why chapters 24-27 were not included in the original bill. Leslie Halligan replied that Greg Petesch added in chapter 26, and that the bill might as well refer to everything in chapters 24-27. She explained that the only current specifications are forcible entry and unlawful detainer.

**Closing by Sponsor:**

Senator Doherty advised the Committee he was flexible on the \$10,000 limit for damages.

Chairman Pinsoneault asked Senator Doherty if he had any input from the County Attorneys. Senator Doherty replied he did not, but he could ask them.

**HEARING ON SENATE BILL 315**

**Presentation and Opening Statement by Sponsor:**

Senator Steve Doherty, District 20, said SB 315 would allow execution of a justice court judgment to be obtained outside the county without filing an abstract. He commented that filing abstracts takes time and costs money, and that the bill would make execution easier to handle as well as keep the paper flow out of the district courts.

**Proponents' Testimony:**

George Fleming, Co-chairman International Consumer Credit Association and Accounts Management Corporation, said he favored the bill as right now a form must be signed by the justice of the peace for an abstract and this uses much time.

Tom England, President, Montana Collectors Association, said he believes the bill will save time and reduce paperwork.

John Cameron, Legislative Chairman, American Collection Association of Montana, stated his support of the bill.

Patricia Bradley, Montana Magistrates Association, stated her support of the bill (Exhibit #3).

Opponents' Testimony:

There were no opponents of SB 315.

Questions From Committee Members:

Chairman Pinsoneault said statute specifically excludes real property from jurisdiction of justice courts. He asked Senator Doherty if the bill would give them this jurisdiction. Senator Doherty replied it would be only once a judgement has been entered and rendered to allow a filing of a lien.

Senator Mazurek said he was surprised the title people were not present, since the purpose is to get all information in one place in the district court. He commented that proceedings are more formal there than in the justice courts. Senator Doherty replied that consolidation and notice would still go to the district courts.

Senator Towe said he did not recall the law in this area well, and asked if the bill would give the justice courts more than district court judgment. Senator Doherty replied that is a good question, and said he would check it out. George Fleming replied he believed that "the bill addresses real property versus trying to execute on something other than real property". He said real property would have to be filed the same as it is in the district courts.

Senator Towe asked if the intent of the bill was to address other than real property. George Fleming replied it was.

Closing by Sponsor:

Senator Doherty advised Senator Towe he would research and answer his questions.

EXECUTIVE ACTION ON KARLA GRAY NOMINATION

Motion:

Discussion:

Valencia Lane advised the Committee that the rules have changed on nominations and that all appointments will go through the bill drafting process this session.

Senator Crippen commented that there would be no transmittal deadline.

Senator Towe stated it would be appropriate to have the Karla Gray nomination resolution drafted prior to the hearing.

Senator Mazurek said that in accordance with Senate rules the Committee needed to investigate the nomination and then make a resolution for a draft.

Amendments, Discussion, and Votes:

Recommendation and Vote:

Senator Crippen made a motion that a resolution be drafted for the confirmation of Karla Gray to the Supreme Court. The motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 374

Motion:

Discussion:

There was none.

Amendments, Discussion, and Votes:

There was none.

Recommendation and Vote:

Senator Crippen made a motion that SB 374 DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 378

Motion:

Discussion:

Senator Mazurek stated it looks like SB 378 should be before the Senate Taxation Committee instead of Senate Judiciary.

Senator Towe stated he has serious concerns about the bill.

Senator Mazurek explained that the bill essentially says that if Idaho imposes a tax on Idaho retirees now living in Montana,

this legislation would prevent Idaho from taxing those retirees in Montana.

Senator Towe commented that there are some compacts on taxes, and said he is not sure if this issue is covered by a compact.

Amendments, Discussion, and Votes:

There was none.

Recommendation and Vote:

Senator Mazurek stated that the Chairman could make a motion on the Senate floor under Rule 6 to give the bill to Senate Taxation. Chairman Pinsoneault replied he would do so this date.

EXECUTIVE ACTION ON SENATE BILL 293

Motion:

Discussion:

Senator Doherty commented that the bill might be better addressed after SB 214 is heard.

Senator Towe advised the Committee that SB 214 also picks up a different figure in small claims court.

Leslie Halligan told the Committee that Missoula has the only municipal court judge in the state, and that she did not believe there would be a problem with regard to municipal courts as much as there might be in justice courts.

Senator Towe commented that section 2 of SB 293 only deals with justice courts and is completely covered in SB 214.

Amendments, Discussion, and Votes:

Senator Towe made a motion to strike section 2 from the bill. The motion carried unanimously.

Senator Doherty made a motion to strike "26" on page 1, line 21 and insert "27", and to strike the remainder of line 19 following "counties" through "and" on line 20. The title is to be changed accordingly. The motion carried unanimously (Exhibit #5).



Recommendation and Vote:

Senator Doherty made a motion that SB 298 DO PASS AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 71

Motion:

Discussion:

Senator Halligan commented that there was not unanimous support for this bill on the interim subcommittee.

Amendments, Discussion, and Votes:

Senator Towe made a motion to strike "shall" and insert "may", and to insert "in the absence of a good reason to the contrary," following "the" on line 20.

Chairman Pinsoneault commented that was a good point.

Senator Mazurek asked Senator Towe what "good reason to the contrary" included. Senator Towe cited an example of feeding a family.

Senator Crippen asked what the bill refers to when it says incarceration costs, how far it goes, and how costs are defined. Senator Towe replied it refers to the total cost of the detention center.

Senator Crippen commented that there may be a debt on the jail and it could be construed that an inmate has to pay his or her share of that debt. He said he did not like the idea to being with, and stated that whenever one starts mandating one needs to know exactly what one is doing.

Chairman Pinsoneault asked why say, "the sentencing court may, in its discretion, order dependent upon a defendant's ability to pay".

Senator Towe stated he was concerned with a judge's ability to require restitution, and said that should be a higher priority than paying for incarceration costs. Senator Towe withdrew his motion.

Senator Towe advised the Committee he served on the Alpha House Board in Billings for ten years. He said their first priority is to get that individual a job to pay restitution.

Senator Mazurek commented that current law states that inmates with the ability to pay are liable for costs of confinement.

Senator Doherty said this is rarely done now, and the drafters of the bill wanted it done more often.

**Recommendation and Vote:**

Senator Crippen made a motion that HB 71 be TABLED. The motion carried 6-5 in a roll call vote.

**EXECUTIVE ACTION ON SENATE BILL 246**

**Motion:**

**Discussion:**

Senator Mazurek advised the Committee there is a technical problem with SB 246 which was passed out of Committee on February 16, 1991. He said Greg Petesch has prepared an amendment to correct that problem.

Greg Petesch advised the Committee they struck sections 1 and 2 of the bill, and amended 2-9-101, MCA. He stated that the bill refers to Special Session laws of June 1986 and striking sections 1 and 2 would make section 3 effective July 1, 1991. He explained that the Committee did not want this to happen and that if section 1 is not terminated the Committee would not want section 3 to ever be effective. He stated there is no potential conflict in the definition, but section 3 needs to be repealed along with the reference to the July 1, 1991 effective date.

Greg Petesch told the Committee he wanted them to be aware of the changes he made before the bill is discussed on the Senate floor.

Senator Svrcek asked about amending the effective date. Greg Petesch replied the amendment to extend would be on line 18 for whatever date the Committee wished to insert.

**Amendments, Discussion, and Votes:**

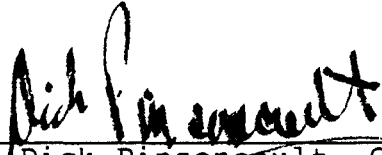
There were none.

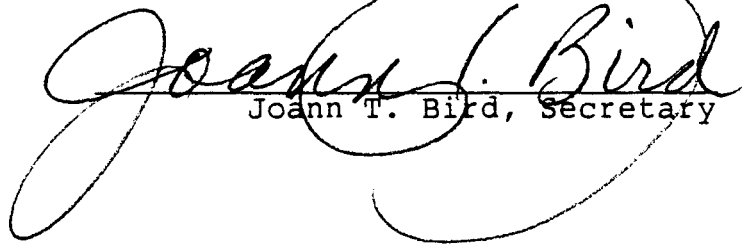
**Recommendation and Vote:**

There was none.

ADJOURNMENT

Adjournment At: 11:30 a.m.

  
Chairman Dick Pinsoneault, Chairman

  
Joann T. Bird, Secretary

DP/jtb

ROLL CALL

SENATE JUDICIARY

COMMITTEE

52<sup>nd</sup> LEGISLATIVE SESSION -- 1999

Date 18 Feb 91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsoneault	/		
Sen. Yellowtail	/		
Sen. Brown	/		
Sen. Crippen	/		
Sen. Doherty	/		
Sen. Grosfield	/		
Sen. Halligan	/		
Sen. Harp	/		
Sen. Mazurek	/		
Sen. Rye	/		
Sen. Svrcek	/		
Sen. Towe	/		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 18, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 304 (first reading copy -- white), respectfully report that Senate Bill No. 304 do pass.

Signed: Richard P. Pinsoneault

Richard Pinsoneault, Chairman

LB 4/12/91  
And. Coord.

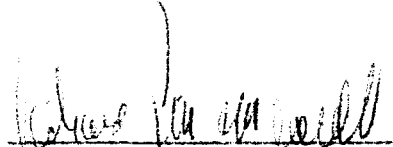
SPB 2-12-91 1-50  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 18, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 374 (first reading copy -- white), respectfully report that Senate Bill No. 374 do pass.

Signed:   
Richard Pinsoneault, Chairman

HB 2/18/91  
Amd. Coord.

SB 2-18-91  
Sec. of Senate

1350

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
February 18, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 293 (first reading copy -- white), respectfully report that Senate Bill No. 293 be amended and as so amended do pass:

1. Title, line 5.

Following: "OF"

Strike: "JUSTICES' COURTS AND"

2. Title, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "3-6-103"

Strike: "AND 3-10-301"

3. Page 1, lines 19 and 20.

Following: "~~countries~~" on line 19

Strike: remainder of line 19 through "and" on line 20

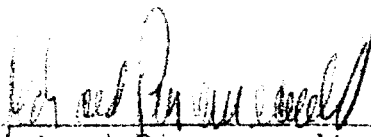
4. Page 1, line 21.

Strike: "26"

Insert: "27"

5. Page 2, line 6 through page 3, line 20.

Strike: section 2 in its entirety

Signed: 

Richard Pinsoneault, Chairman

*for 2-18-91*  
Amd. Coord.

*2-18 2:45*  
Sec. of Senate

(This sheet to be used by those testifying on a bill.)

18 Feb 91  
SB 304

NAME: William F. Gowen DATE: 2-18-91

ADDRESS: POB 853

PHONE: 442-5080

REPRESENTING WHOM? MONTANA LAND TITLE ASSN

APPEARING ON WHICH PROPOSAL: SB #304

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENT: To clear title on documents that  
a filed with expired acknowledgments  
on are unacknowledged.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



13 Feb 91  
SB 293

NAME: Leslie Halligan, Deputy City Atty DATE: 2/18/91

ADDRESS: City of Missoula, 435 Ryman

PHONE: 406-523-4614

REPRESENTING WHOM? City of Missoula, Missoula Housing Authority

APPEARING ON WHICH PROPOSAL: SB 293

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENT: Section 1 clarifies the Municipal Court jurisdiction to include the jurisdiction granted to the City Court (Section 1(3) is 3-11-102(2)) and the justice courts. The impetus in rewriting the Municipal Court jurisdiction statute resulted when the U.S. Dept of Housing & Urban Development questioned the jurisdiction of the Municipal Courts over residential landlord and tenant actions. See attached letter. The changes in Section 1 would grant to the Municipal Court ~~specifically~~ jurisdiction over the Residential Landlord & Tenant Act; the Residential Tenants Security Deposits; the Landlord & Tenant Supplementary Provisions (Chapter 70, Titles 24-26) and the Unlawful Detainer laws, which are currently stated in 3-6-103. Committee could delete on p.1, line 19 "in forcible entry & unlawful detainer."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

and insert on p.1, line 21, "27" rather than "26."



RECEIVED

FEB 28 1990

MISSOULA HOUSING AUTHORITY

U.S. Department of Housing and Urban Development

Denver Regional Office, Region VIII  
Executive Tower  
1405 Curtis Street  
Denver, Colorado 80202-2349

Exhibit #  
18 Feb 91  
SB 293

February 23, 1990

Ms. Myrna Barnier  
Missoula Housing Authority  
1319 E. Broadway  
Missoula, MT 59802

Dear Ms. Barnier:

This is in response to your oral request on January 22, 1990, that this office consider whether the "due process determination" issued by Jack Kemp, Secretary, Department of Housing and Urban Development (HUD), should be broadened to apply to actions to recover possession of residential rental property brought in municipal court. The determination issued by Secretary Kemp on June 29, 1989, applied only to such actions brought pursuant to the Montana Residential Landlord and Tenant Act of 1977, Mont. Code Ann. §§ 70-24-101 to -442 (1987) (herein "Chapter 24"), when such actions were brought in the district court. His letter specifically excluded such actions brought in justice's court. The effect of the Secretary's determination is that a public housing authority operating public housing in the State of Montana may exclude from its administrative grievance procedure any grievance concerning an eviction of the type described in the June 29, 1989, letter.

We have reviewed the applicable Montana statutes and find no basis on which the municipal court has jurisdiction over actions brought pursuant to Chapter 24. Furthermore, it does not appear that evictions of tenants from Low-Rent Public Housing units may be brought under the other statute pertaining to evictions, Chapter 27 of Title 70, covering actions for unlawful detainer (herein Chapter 27). Consequently, the Authority may not exclude from its administrative grievance procedure evictions to be brought in the municipal court, whether they are brought under Chapter 24 or under Chapter 27.

If, however, your legal counsel disagrees with our conclusions and you wish to pursue the matter further, you may submit for our review a detailed legal opinion on the issue of the municipal court's jurisdiction over such cases. If you should have any questions in this regard, please contact me or Ms. Frances Lively, Attorney-Advisor, at (303) 844-4148.

Very truly yours,

*Michael F. Stover*

(Ms.) Michael F. Stover  
Regional Counsel

# Montana Magistrates Association

CM 1011 =  
18 Feb 91  
SB 293

February 18, 1991

Before the Senate Judiciary Committee

SB 293, an act increasing jurisdiction of justice courts.

Testimony by Pat Bradley, Lobbyist for the MMA

Mr. Chairman and Committee Members:

The Montana Magistrates Association supports the clarifying language of Section 1 of SB 293.

The MMA does not oppose increased jurisdiction for justice courts but they do oppose the amount of \$10,000, as written in this bill.

A threefold increase in jurisdiction from the present \$3500 to \$10,000 would impact the courts of limited jurisdiction severely. Most courts are already carrying maximum caseloads for the hours worked, the personnel available and the funding meted out by the counties.

The MMA will be going on record as supporting SB 214, a bill requested by the Yellowstone County Justice of the Peace, and sponsored by Sen. Towe which will be heard before this committee on February 20. This bill calls for increased jurisdiction for justice courts from \$3500 to \$5000 in civil matters and from \$2500 to \$3000 in small claims matters. Even these increases will impact the courts' time, money and personnel resources, but we are practical enough to understand that jurisdiction for these courts increase at every legislative session.

We offer an amendment to SB 293 to insert \$5000 rather than \$10000 in all subsections of Section 2. Or, alternately we ask that you consider SB 214 in lieu of this bill, SB 293, *Sec. 2.*

Thank you.



18 Feb 91  
SB 374

in a ringbinder. Within 90 days after the close of any regular legislative session in which an act relating to fire protection is adopted, the department shall publish replacement looseleaf pages required to update "Fire Codes of Montana" in accordance with the amendments or additions enacted.

(2) A copy of "Fire Codes of Montana", as amended, shall be mailed to each fire and sheriff department within Montana without charge. The department of justice shall make copies of "Fire Codes of Montana" and subsequent looseleaf replacement pages available to the public.

History: En. 82-425, 82-426 by Secs. 1, 2, Ch. 522, L. 1977; R.C.M. 1947, 82-425, 82-426; amd. Sec. 1, Ch. 68, L. 1985.

**Cross-References**

Fire safety in public buildings, Title 50, ch. 61.

Fire safety in child-care facilities, 52-2-734.

**2-15-2012 through 2-15-2020 reserved.**

**2-15-2021. 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 one representing the public at large, two representing local governments, one being a Native American, and three representing the gaming industry.

(4) Each gaming advisory council member is appointed to a 3-year term of office, except that three of the first-appointed original members shall serve a 1-year term, three (including both legislative members) shall serve a 2-year term, and three shall serve a 3-year term. 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 2-18-501 through 2-18-503. 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 the state.

(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 the state. The department and

council shall submit the two most recent department and council reports to each of the next two regular sessions of the legislature.

(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.

(9) The department shall give each council member notice and a copy of each proposed change in administrative rules relating to gambling. The notice and copy must be given at the time a notice of proposed rules changes is filed with the secretary of state. The council shall review the proposal, may comment on it, and may attend any hearing on the proposal. The department shall consider any comment by any council member or by the council as a whole prior to adopting the proposed change.

History: En. Sec. 64, Ch. 642, L. 1989.

#### Compiler's Comments

*Effective Date:* Section 75, Ch. 642, L. 1989, provided that this section is effective May 5, 1989.

## Part 21

### Department of Health and Environmental Sciences

**2-15-2101. Department of health and environmental sciences — head.** There is a department of health and environmental sciences. The department head is the director of health and environmental sciences appointed by the governor in accordance with 2-15-111.

History: En. 82A-601 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 95, Ch. 349, L. 1974; amd. Sec. 1, Ch. 326, L. 1977; R.C.M. 1947, 82A-601; amd. Sec. 1, Ch. 34, L. 1989.

#### Compiler's Comments

*1989 Amendment:* At end of section deleted "and in addition shall have the qualifications required in 2-15-2102". Amendment effective February 24, 1989.

*Retroactive Applicability:* Section 6, Ch. 34, L. 1989, provided: "[This act] applies retroactively, within the meaning of 1-2-109, to a director of health and environmental sciences appointed on or after January 2, 1989."

#### Cross-References

Health and Safety, Title 50.

Birth certificates and vital statistics, Title 50, ch. 15.

Sanitation in food establishments, Title 50, ch. 50.

Hotels, motels, and roominghouses, Title 50, ch. 51.

Sanitation in tourist camps and trailer courts, Title 50, ch. 52.

Public swimming pools, Title 50, ch. 53.

Occupational health, Title 50, ch. 70.

Health standards for child day-care centers, 52-2-735.

**2-15-2102. Repealed.** Sec. 4, Ch. 34, L. 1989.

History: En. 82A-608 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 100, Ch. 349, L. 1974; amd. Sec. 2, Ch. 326, L. 1977; R.C.M. 1947, 82A-608.

**2-15-2103. Division of environmental sciences — functions.** There is a division of environmental sciences within the department. The department shall assign all functions performed by the department relating to air pollution control, water pollution control, radiation control, pesticides control

Amended  
18 Feb 91  
SB 293

Amendments to Senate Bill No. 293  
First Reading Copy (White)

For the Committee on Judiciary

Prepared by Valencia Lane  
February 18, 1991

1. Title, line 5.

Following: "OF"

Strike: "JUSTICES' COURTS AND"

2. Title, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "3-6-103"

Strike: "AND 3-10-301"

3. Page 1, lines 19 and 20.

Following: "counties" on line 19

Strike: remainder of line 19 through "and" on line 20

4. Page 1, line 21.

Strike: "26"

Insert: "27"

5. Page 2, line 6 through page 3, line 20.

Strike: section 2 in its entirety

ROLL CALL VOTE

SENATE COMMITTEE

JUDICIARY

Date 18 Feb 91 Bill No. HB 71 Time 11:25am

NAME	YES	NO
Sen. Brown	✓	
Sen. Crippen	✓	
Sen. Doherty		✓
Sen. Grosfield	✓	
Sen. Halligan		✓
Sen. Harp <i>Absent</i>		
Sen. Mazurek	✓	
Sen. Rye		✓
Sen. Svrcek	✓	
Sen. Towe	✓	
Sen. Yellowtail		✓
Sen. Pinsoneault		✓

6 . 5

Jody Bird  
Secretary

Sen. Dick Pinsoneault  
Chairman

Motion:

*Crippen - move Table*  
*carried*

DATE 18 Feb 91

COMMITTEE ON

Senate Judiciary

58 293 304, 315, 374, 378

# VISITORS' REGISTER

[illegible]