

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11204 SENATE JUDICIARY

value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under Chapter 7 of this title on such date."<sup>29</sup> Discharges are permitted.<sup>30</sup> Thus, unsecured creditors may experience losses in this chapter as well as in Chapter 7.

A Chapter 13 case may also be converted to a Chapter 7 case under certain conditions.<sup>31</sup> A Chapter 13 case involving a debtor who is a sole proprietor of a small business may also be converted to a Chapter 11 case.<sup>32</sup> In some cases, it may also be possible for a debtor to file a Chapter 7 case followed by a Chapter 13 case, which is referred to as a "Chapter 20".<sup>33</sup> Thus, filings in Chapters 7 and 13 may, in some cases, reflect the same debtor.

Chapter 11. Chapter 11 of the Bankruptcy Code provides another route for reorganization or rehabilitation of a debtor, which is generally somewhat more complex and costly than Chapter 13. Eligible debtors technically include any debtor that is eligible for Chapter 7.<sup>34</sup> Thus, a debtor who does not carry on an active business is technically eligible to file under Chapter 11.<sup>35</sup> However, Chapter 11 is primarily aimed at business debtors, and these are the dominant filers under this chapter.<sup>36</sup> Much like the Chapter 13 debtor, the Chapter 11

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<sup>29</sup> 11 U.S.C. § 1325(a)(4).

<sup>30</sup> See 11 U.S.C. § 1328 (describing terms of discharge).

<sup>31</sup> See 11 U.S.C. § 1307.

<sup>32</sup> See Resnick, *supra* note 22, at § 10.13.

<sup>33</sup> See generally Cohen, *supra* note 19.

<sup>34</sup> See 11 U.S.C. § 109(d) (defining debtor for purposes of Chapter 11).

<sup>35</sup> See *Toibb v. Radloff*, 501 U.S. 157, 162 (1991). See also Resnick, *supra* note 22, at § 9.5, n. 3 (noting that the bankruptcy court has refused to allow individuals to fund a chapter 11 reorganization plan with future wages).

<sup>36</sup> The legislative history supports this approach to Chapter 11. See *Toibb v. Radloff*, *supra*, 501 U.S. at 162 (quoting the legislative history as follows: "Chapter 11, Reorganization, is primarily designed for businesses, although individuals are eligible for relief under the chapter. The procedures of chapter 11, however, are sufficiently complex that they will be used only in a business case and not in the consumer context." S.Rep. No. 95-989, p. 3 (1978), U.S.Code Cong. & Admin.News 1978, p. 5789 (1978).) As the Court also noted, "the greater expense and complexity of filing under Chapter 11 likely will dissuade most consumer debtors from seeking relief under this

debtor may file a plan of reorganization with the court that provides a blueprint for repayment of creditors.<sup>37</sup> Confirmation of this plan provides relief for the debtor by changing the nature and extent of the debtor's financial obligations, which may result in some creditors not being paid, or receiving lower payments at a later time than reflected in their original bargain.<sup>38</sup>

Other Chapters. Other more detailed chapters also exist in the Bankruptcy Code to address special types of debtors. Chapter 9 provides special rules for municipalities.<sup>39</sup> Chapter 12 provides special procedures for family farmers with regular income.<sup>40</sup> Given the limited applicability of Chapter 12 and the extremely limited scope of Chapter 9, those bankruptcy filings are not considered in this study.

Venue Rules-All Chapters. Federal district courts have original and exclusive jurisdiction over bankruptcy cases.<sup>41</sup> Federal district courts are empowered to refer bankruptcy cases to bankruptcy judges,<sup>42</sup> so in this sense the bankruptcy court is a unit of the federal district court.<sup>43</sup> Bankruptcy petitions are subject to venue rules that affect the proper geographical location for filing. The following rule generally prescribes that venue is appropriate, and a petition may be filed, in the district court for the district:

(1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than

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Chapter." *See id.* at 165. *See also* Resnick, *supra* note 22, at § 9.6 (describing typical conditions leading to a Chapter 11 petition).

<sup>37</sup> See 11 U.S.C. § 1123. Plans may also be filed by creditors. See 11 U.S.C. § 1121.

<sup>38</sup> See 11 U.S.C. § 1129. As one commentator explains, "the essence of confirmation is that prior debts and interests are extinguished and replaced by the debts and interests provided for in the plan or confirmation order." See Resnick, *supra* note 22, at § 9.64, p. 1060.

<sup>39</sup> See generally 11 U.S.C. §§ 901 ff.

<sup>40</sup> See generally 11 U.S.C. §§ 1201 ff.

<sup>41</sup> See 28 U.S.C. § 1334(a).

<sup>42</sup> See 28 U.S.C. § 157 (empowering District Court to refer cases arising under Title 11 (*i.e.*, bankruptcy cases) to bankruptcy judges).

<sup>43</sup> See 28 U.S.C. §§ 151 (designating bankruptcy judges as units of Federal District Court).

the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or (2) in which there is pending a case under Title 11 [*i.e.*, the bankruptcy title] concerning such person's affiliate, general partner, or partnership." ....<sup>44</sup>

For purposes of this statute, "domicile" and "residence" may be in different venues. As the Bankruptcy Court has stated,

"Domicile" and "residence" are not used as synonyms in § 1408. The term "domicile" is defined generally as residence in fact along with the intent to remain there or to return when absent. \* \* \*

Once established, a domicile continues until a new one is acquired. Although any United States citizen residing in the United States always has a domicile in some state, a person may only have one domicile at a time. In contrast, a person may have several residences at the same time. A person can change residences at will but a domicile, once established, remains until a new domicile is established. Actual residence is not necessary to preserve a domicile once a domicile has been acquired.

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Residence, when used in a sense other than domicile, is one of the most nebulous terms in the legal dictionary and can have many different meanings depending on the context in which it is used. Residence is less inclusive than domicile, importing merely having an abode at a particular place which may be one of any number of such places at which one is, at least from time to time, physically present.<sup>45</sup>

The venue rules make it possible for a debtor to have a residence in one jurisdiction, but to file a bankruptcy petition in another jurisdiction that the debtor considers his domicile. Alternatively, a debtor might file in still another venue in which the debtor has a "principal place of business." Employment in a particular location is not a sufficient basis for venue under the "principal place of business" category.<sup>46</sup> However, an entrepreneur who owns a business, even

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<sup>44</sup> 28 U.S.C. § 1408(a).

<sup>45</sup> *In re Frame*, 120 B.R. 718 (S.D. N.Y. 1990) (citations omitted). This case also indicated that residence for venue purpose reflected a requirement of permanence. *See id.* While there is agreement that a temporary presence is not sufficient, courts have disagreed on whether this implies a single residence. *See In re Handel*, 242 B.R. 789, 792-93 (1999) (agreeing with *In re Frame* to extent that a "mere stopping place" would not establish residence, but refusing to read venue statute as limiting venue to area of "principal" residence to exclude possibility that debtor might have more than one residence).

<sup>46</sup> *See In re Canavos*, 108 B.R. 55, 57-58 (1989).

one that is presently inactive, may file in the location of that business, even if it differs from his residence or domicile.<sup>47</sup>

These venue rules show that filing may occur in a location that differs from one's residence. Although one might raise that fact as a basis for discounting the validity of any correlation between casinos and bankruptcy filings, the fact remains that the venue for filing will nevertheless be the same as the residence and domicile in the vast majority of cases.<sup>48</sup> Given the stringent requirements for domicile and the inability to use a place of employment to file in lieu of residence, the typical employee debtor is likely to file in the same geographical area in which he lives. Even if the debtor is an entrepreneur with a business located in a venue that might differ from his home, the business is nevertheless subject to the effects of casinos, and the individual may also be personally affected. Thus, the foundation for correlation shown in the data is substantial, though particular cases may well have exceptional facts that limit the actual scope of any effect from casinos in that jurisdiction.

## BANKRUPTCY DATA AND ANALYSIS.

### Data

The bankruptcy data used in this study was obtained from the Administrative Office of the United States Bankruptcy Courts. Report F-5A contains data by county for filings by business and non-business debtors under each bankruptcy chapter. Court administrators use data in this report to evaluate where demand is greatest for bankruptcy court services.<sup>49</sup> The county-by-county presentation of this data is also useful for the purpose of evaluating whether

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<sup>47</sup> See *id.* at 58.

<sup>48</sup> Ms. Sandra Thomas, the program manager for bankruptcy court data, has explained: "Please note that almost all consumer debtors file in the county in which they actually have their residence." E-mail from Sandra Thomas to Edward A. Morse, September 23, 2003 (on file with author).

<sup>49</sup> See *id.* Some counties appear more than once on the report. The program manager for bankruptcy court data has confirmed that the appropriate total for each county requires aggregation of each county appearance. See *id.*

any correlation exists between the availability of casino gambling in that county and the number of bankruptcy petitions filed in that county.

Table 2 compares the bankruptcy experiences of counties with commercial casinos, tribal casinos, and no casinos. When aggregate bankruptcy data are considered, the tribal casino counties experienced the highest growth rate; commercial casino counties had a lower aggregate growth rate than both non-casino and tribal casino counties. However, it should be noted that this aggregate data includes counties with preexisting casino operations. Thus, it is hazardous to generalize about the discrete effects of casino gambling on these figures alone. The rest of Table 2 focuses on median bankruptcy data over this same period. The median individual bankruptcies per thousand of population data show similar, though not identical, changes to the aggregate data over the period. However, median firm bankruptcies per thousand of population decreased over this same period for all three categories.

Table 3 also compares counties with commercial casinos, tribal casinos, and no casinos based on characteristics other than bankruptcy rates. In general, counties with commercial casinos had a larger population, higher density of population, lower poverty rates, higher bankruptcy rates, and higher family income than either counties with no casino or counties with a tribal casino. As presented, tribal casinos were located in counties that began the decade in more financial distress in terms of higher poverty rates, higher unemployment rates and slightly lower average family income.

Table 4 compares statistical results for counties with and without casinos. In this case, each casino county is matched with a non-casino county according to population, population density, census region and family income. As presented, there were no dramatic differences in these factors between casino counties and their non-casino counterparts.

## Analysis

In order to investigate differences in a multi-variate framework, we next apply regression Equations (1) and (2) to the matched data. Equations (1) and (2) estimate individual bankruptcies and business bankruptcies, respectively, against factors hypothesized to affect financial distress. The two dependent variables,  $\Delta\text{IndBnk}$  and  $\Delta\text{BusBnk}$ , represent the change from 1990 to 1999 in the individual and business bankruptcy rates. A description of each variable is contained in Table 5.

$$\Delta\text{IndBnk} = \beta_0 + \beta_1 \text{Mountain} + \beta_2 \text{Southeast} + \beta_3 \text{Southwest} + \beta_4 \text{West} + \beta_5 \text{Westnorthcentral} + \beta_6 \Delta\text{Pop} + \beta_7 \Delta\text{unemprate} + \beta_8 \Delta\text{Povrate} + \beta_9 \Delta\text{FamInc} + \beta_{10} \text{AdCasino} + \varepsilon \quad (1)$$

$$\Delta\text{BusBnk} = \beta_0 + \beta_1 \text{Mountain} + \beta_2 \text{Southeast} + \beta_3 \text{Southwest} + \beta_4 \text{West} + \beta_5 \text{Westnorthcentral} + \beta_6 \Delta\text{Pop} + \beta_7 \Delta\text{unemprate} + \beta_8 \Delta\text{Povrate} + \beta_9 \Delta\text{FamInc} + \beta_{10} \text{AdCasino} + \varepsilon \quad (2)$$

Table 6 lists results from the estimation of Equations (1) and (2). As presented, the addition of casinos in a county during the 1990s had a negative and statistically significant impact on business bankruptcy rates and a positive and statistically significant impact on individual bankruptcy rates. Using parameter estimates from Table 6 provides estimates of the impact of individual and business bankruptcy rates. Adding a casino in the 1990s increased the county personal bankruptcy rate by 100 percent, but reduced business bankruptcy rates by 35.4 percent on average.

Table 7 presents the estimated impact of factors, including the addition of a casino on three types of bankruptcy filings. As shown, the addition of a casino in the county had a positive impact on Chapter 7 and 13 bankruptcy filings. On the other hand, the addition of a casino in the county had a negative impact on Chapter 11 filings. However, there are some constraints

associated with this methodology that should be noted. First, we examined data in two discrete years: 1990 and 1999. Although this methodology may accurately measure the impact of the addition of a casino operation during the interim years, it is possible that such an introduction could have had discrete effects in a given year that were not significant in 1999.

Second, we have omitted some potential variables that could affect bankruptcy. For example, it is theoretically possible that casino counties had populations with higher debt loads than non-casino counties. Our study did not include debt load data. However, we find no evidence that such a disparity did, in fact, exist. Third, adding a casino could also be endogenous, to the extent that a county that legalized casino gambling may have already experienced increased bankruptcy rates before the casino was opened.

The differences in results between these chapters of the Bankruptcy Code may be explainable by reference to the effects of casino gambling in the particular locale. Individuals, who are the primary filers in Chapters 7 and 13, would be particularly susceptible to the impact of problem gambling on their personal financial condition. Adding casino gambling to their county of residence could be viewed as increasing the potential for this behavior to have an impact on their financial wellbeing. On the other hand, businesses in the region of the casino would not necessarily be negatively affected by these compulsive behaviors in the same manner as an individual. Though individual employees may have an impact on their operational effectiveness, the ability to diffuse that impact over a number of employees would tend to prevent the compulsive behavior of one or a few employees from impacting the financial wellbeing of the entire enterprise. Moreover, in many jurisdictions the business community surrounding a casino may well experience beneficial economic impacts from the inputs and services that casino operations require. Those jurisdictions that impose local or statewide buying

requirements may be increasing the positive effects on local businesses, even though the casino operations may have negative effects on the bankruptcy rates of local individual casino customers.

### Summary

Results from applying regression analysis to U.S. bankruptcy data for 1990 and 1999 indicate that counties that legalized casinos during the period suffered individual bankruptcy rates more than 100 percent higher than casinos that remained "casinoless." On the other hand, the casino counties experienced business bankruptcy rates that were 35.4 percent less than their matching counties without casinos. Casino counties were much more likely to experience Chapter 7 and Chapter 13 bankruptcies, but less likely to experience Chapter 11 bankruptcies.

Figure 1: Commercial casino AGR, 1990-2002

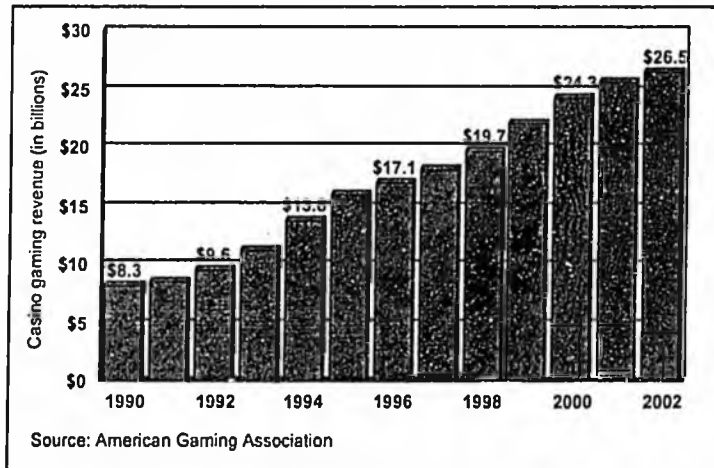
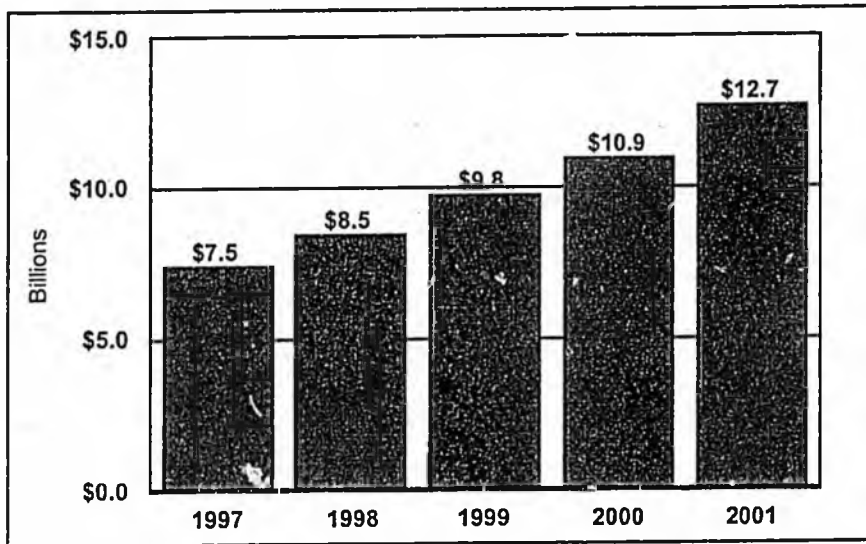


Figure 2: Tribal casino AGR, 1997-2001



Source: National Indian Gaming Commission, Tribal Gaming Revenues (7/2/2002).

Figure 3: Tribal casinos by state

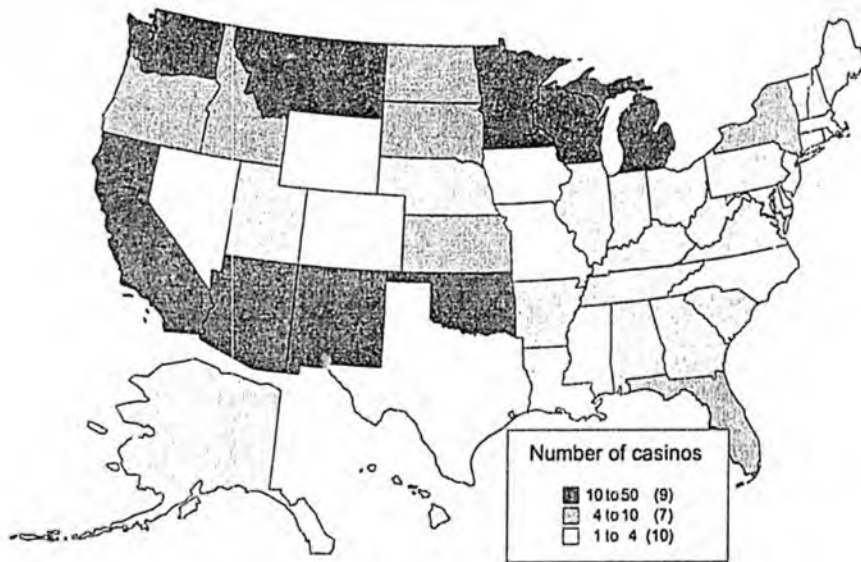


Figure 4: Commercial casinos by state



Table 1: Comparison of commercial and tribal casinos

	Commercial	Tribal
Number of casinos	432	248
Number of counties with casinos	60	192
Total AGR (in millions)	\$26,518.3	\$12,735.4
AGR per casino (in millions)	\$61.4	\$51.4
AGR yearly growth rate 1997-2001 (average)	10.3%	17.7%
Taxes or revenue sharing (in millions)	\$4,038.4	\$781.0
Effective tax or revenue sharing rate	15.2%	6.1%

Table 2: Bankruptcies by County, 1990-1999

	Commercial casinos	Counties with: Tribal casinos	No casino
Growth in individual bankruptcies 1990-99	91.8%	114.3%	100.0%
Median individual bankruptcies 1990 (per 1000 of population)	3.08	1.89	1.83
Median individual bankruptcies 1999 (per 1000 of population)	5.83	4.29	3.82
Median firm bankruptcy 1990 (per 1000 of population)	0.23	0.31	0.20
Median firm bankruptcy 1999 (per 1000 of population)	0.08	0.17	0.10

Table 3: Comparisons of U.S. counties according to casino status

	Counties with:		
	<u>Commercial Casinos</u>	<u>Tribal Casinos</u>	<u>No Casinos</u>
Median Population—1990	43,284	33,828	21,432
Median Population Growth 1990-2000	5.7%	13.9%	8.2%
Median Population per square mile 1990	73.4	27.8	38.1
Median Poverty rate 1990	11.3%	15.2%	13.7%
Median Poverty growth rate 1999	10.3%	13.4%	12.3%
Change in median poverty rate 1990-99	-1.1%	-1.7%	-1.4%
Percent of population over 65-1990	13.0%	14.9%	14.6%
Median growth 65+ population 1990-2000	7.9%	11.5%	7.6%
Median family household income-1989	\$26,721	\$22,570	\$22,637
Median family household income-1999	\$38,472	\$33,867	\$33,505
Median Growth in household income 1989-99	46.8%	48.6%	48.3%
Median unemployment rate-1990	5.7%	6.9%	5.7%
Median unemployment rate-2002	5.4%	6.1%	5.4%

Table 4: Matched counties

	Casino county	Non-casino county
Population Growth, 1990-2000	11.7%	10.6%
Median growth in family income, 1989-99	47.5%	48.2%
Poverty rate-1989	14.4%	13.8%
Poverty Rate-1999	12.8%	12.2%
Unemployment rate-1990	6.5%	5.9%
Unemployment rate-2000	6.0%	5.5%
Increase in individual bankruptcy rate, 1990-99 (median figure per thousand of population)	2.37	2.08
Decrease in firm bankruptcy rate, 1990-99 (median figure per thousand of population)		

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Table 5: Definition of variables used in Equations (1) and (2)

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Mountain	A binary variable equal to 1 if county is located in the Mountain States Region; Equal of zero otherwise.
Southeast	A binary variable equal to 1 if county is located in the Southeast region; Equal of zero otherwise.
Southwest	A binary variable equal to 1 if county is located in the Southwest region; Equal of zero otherwise.
West	A binary variable equal to 1 if county is located in the West region; Equal of zero otherwise.
West north central	A binary variable equal to 1 if county is located in the West North Central region; Equal of zero otherwise.
Change in population	Change in population between 1990 and 2000
Change in unemployment rates	Change in the county unemployment rate between 1990 and 2000
Change in poverty rates	Change in the county poverty rate between 1989 and 1999
Change in family income.	Change in county family income between 1989 and 1999
Added casino	A binary variable equal to one if the county's first casino was constructed in the county between 1990 and 2000

Table 6: Impact of factors on bankruptcy rates

	Individual bankruptcy rates		Business bankruptcy rates	
	<i>Coefficients</i>	<i>t Stat</i>	<i>Coefficient</i>	<i>t-stat</i>
Intercept	9.8850*	2.4246	-0.2574*	-2.1171
Mountain	-3.5014	-0.9699	-0.0289	-0.2685
Southeast	-1.3294	-0.3389	0.0765	0.6541
Southwest	-2.5032	-0.9949	0.0400	0.5331
West	-6.1811*	-2.2470	0.2986*	3.6401
West north central	-0.0026	-0.0010	-0.0896	-1.1639
Change in population	0.0001*	3.6729	0.0402*	-4.2218
Change in unemployment rates	-0.0345	-0.0815	0.0047	0.3754
Change in poverty rates	97.7448*	16.3521	-2.3418*	-13.1370
Change in family income.	-0.0004	-1.3794	0.0001	1.2365
Added casino	3.2506*	1.9347	-0.1266*	-2.5270
Number of observations	482		482	
Rsquared	37.5%		30.3%	

\*indicates that coefficient is statistically significant at 5% level

Table 7: Impact of factors on the change in bankruptcy rates, 1990-99

	Chapter 7		Chapter 11		Chapter 13	
Intercept	5.9036*	2.6375	-0.0968E*	-2.4877	3.8403*	2.1511
Mountain	-1.7851	-0.9007	0.0265	0.7680	-1.6954	-1.0725
Southeast	-1.4100	-0.6546	0.0011	0.0288	0.1557	0.0906
Southwest	-1.5751	-1.1403	0.0205	0.8537	-0.9079	-0.8241
West	-2.8408*	-1.8811	0.0450*	1.7149	-3.0822*	-2.5589
West north central	-0.1662	-0.1173	-0.0036	-0.1460	0.0882	0.0781
Change in population	0.0000*	3.6633	0.0000*	-4.2162	0.0000*	3.5958
Change in unemployment rates	-0.0240	-0.1034	0.0017	0.4140	-0.0084	-0.0456
Change in poverty rates	52.5214*	16.0044	-0.8215*	-14.4050	43.6680*	16.6836
Change in family income.	-0.0002	-1.3731	0.0000	1.4080	-0.0002	-1.3851
Added casino	1.7687*	1.9174	-0.0230	-1.4358	1.3732*	1.8664
Number of observations	482		482		482	
Rsqr	36.5%		32.0%		38.4%	

\*indicates that coefficient is statistically significant at 5% level (one-tail test)

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907- 465- 5241

To the Alaska Senate Judiciary Committee:

I would like to express my support for the Single Casino Proposal, in Anchorage, which is now before the State Senate. I believe that a single casino in Anchorage will be very beneficial to the economy of Alaska and will bring much needed revenues, jobs, and tourists to our city and state which lacks the traditional resources that many other states have.

It is important for the future of Alaska and Anchorage to utilize every possible avenue that could make Alaska a place where people live and prosper for generations to come. The single casino concept in Anchorage has the potential to encourage second generation Alaskans to stay and establish families and homes in Alaska knowing that they have financial security and a future.

This idea will also alleviate the struggle we now face regarding the fiscal gap of the state budget by bringing in new sources of state and municipal tax dollars.

I therefore encourage the State Senate Judiciary Committee to support and approve this bill to legalize the single casino concept in Anchorage.

Richard F. and Victoria J. Seigel

Signature

Richard F. & Victoria J. Seigel

Name

P.O. Box 664 Seward AK 99664 and 816 OPlace Anchorage 99502

Address

907 - 224 3740 Seward 907 274 3740 Anchorage

Phone number (optional)

phone fax

May 5, 2004

To: Senator Ralph Seekins, Chairman  
Senate Judiciary Committee  
Juneau, AK

Re: HB552

Dear Senator Seekins;

Please be advised that I and my whole family support HB552.

It is the leading topic of conversation at my workplace in Anchorage.

This is strong support for HB552.

Please do not deny us the opportunity to vote on this question.

Thank you,

*George Barth + Family*  
George Barth & Family

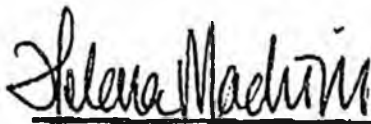
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Signature

Helena Machini

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Name

21 Creek Street, Ketchikan, AK 99901

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Address

907-225-7698

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Phone number (optional)

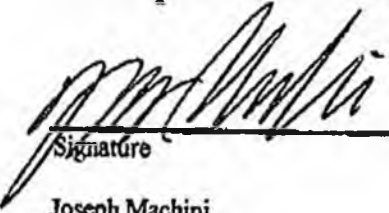
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**I therefore encourage the State Senate Judiciary Committee to support and approve this bill to legalize the single casino concept in Anchorage.**

  
Signature

Joseph Machini

Name

21 Creek Street, Ketchikan, AK 99901

Address

907-225-7698

Phone number (optional)

## MEMBERS OF THE SENATE JUDICIARY

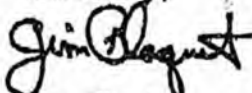
Please pass House bill 552-casino gambling. As a member of organized labor I support this bill. This bill will create high paying jobs so workers can earn and enjoy a livable wage. Paychecks from the casino will fuel the economy that sustains local businesses, schools, hospitals and other essential community services.

This economic engine idea has already been adopted by many other states in the lower 48. Take Las Vegas as an example, one of the fastest growing cities in America and at one time had over 50,000 construction workers gainfully employed.

All we hear from our legislators in Juneau is citizen taxation or using earnings of the permanent fund for State Government. It's time for Alaska to think outside the box and expand its economic base without taxing its citizens.

Please show leadership and let the people of Anchorage decide this issue.

Sincerely,



Jim Plaquet



*file*

**FOR IMMEDIATE RELEASE**

**DATE:** May 4, 2004

**CONTACT:** Brother Charles McBride  
907-297-7721

**Alaska Catholic Bishops' Statement on Casino Gambling**

Late in Alaska's current legislative session, HB 552 was introduced to establish the Alaska Gaming Commission and allow the establishment of a casino in Anchorage. After much consideration, we speak in opposition to HB 552 and urge our fellow citizens to join us in opposing this bill.

Catholic teaching has never held that gambling is an inherently immoral activity. However, we do acknowledge that gambling is fraught with possible dangers to the social fabric of our communities and that gambling can cross the line from recreation to enslavement.

Many are familiar with our history of bingo and other games of chance in Catholic parish halls. However, it is always our desire that better stewardship will lead to a decreased dependency on games of chance.

At issue in HB 552 is the possible creation of a casino in Anchorage, Alaska's largest city. The bill was introduced with only five weeks left in the legislative session, allowing little time for public education, discernment, and testimony. The implications of casino gambling are enormous and deserve far greater study than the time remaining in the current session would allow.

The legislative intent of HB 552 is to benefit the people of Alaska by promoting tourism and economic development. We find both assertions questionable.

First, it is difficult to believe that in Alaska, where the natural beauty surpasses what can even be imagined by newly arriving tourists, we must resort to such a dangerous and potentially harmful attraction for tourists. Indeed, gambling will have little lure for tourists who dream of coming to Alaska. But we fear a casino will attract those people in our own communities who are dreaming of a lucky break or a fast buck, and it is for those people we express our concern today.

Second, the economic benefits of expanded gambling operations may well be offset by the cost of the social ills gambling will bring. We can learn from the experience

of other states. Of particular interest is South Dakota, where a 1996 study found that the "availability and accessibility of video lottery machines appears to be an important component in the onset and maintenance of many individuals' problem gambling patterns."

Further, Professor John Kindt of the University of Illinois asserts that for every one dollar in gambling revenue, a state will spend three dollars to finance the increased costs associated with crime and social problems.

Studies suggest a link between widespread gambling and addiction, domestic violence and suicide. We must ask why we would invite gambling into a state that already suffers inordinately from all three of these ills.

Alaskans' per capita consumption of alcohol and drug use is among the highest in the nation, and our dependence on drugs and alcohol is higher than that of any other state.

In 2000, Alaska suffered the highest suicide rate in the nation when 135 people took their own lives, a rate was about twice the national average. The rate among Alaska Natives was four times the national average, and for Alaska Native men it was more than six times the national average.

Domestic violence too, is rampant in Alaska. We are among the top five states for per capita rates of domestic violence. Alaskan women are killed by a partner at rate 1.5 times the national average.

Finally, the economic benefit to the State of Alaska of expanded gambling should in itself cause serious concern. Once the state becomes dependent on tax revenues from gambling, it will be difficult, if not impossible, to retreat from gambling if experience proves it to be a public nuisance.

At this time we express our urgent opposition of HB 552 and suggest questions that have been asked by our fellow bishops in other states. Before casino gambling is even considered by the state, we ask our elected officials, communities of faith, and all members of our society to consider important questions about the implications of casino gambling.

- Will the presence of a casino entice people to gamble more than they can afford to lose?
- Will the presence of a casino aggravate human weaknesses of greed and materialism?
- Will the community be able to minimize the criminal and immoral behavior that often accompanies casino activities?
- Will HB 552 ultimately open the door for electronic gaming machines throughout Alaska?
- Will the expansion of gambling create an unhealthy dependency by the State on casino gambling revenue?

---

\* Video gambling in South Dakota was legalized for several years, and then held to be unconstitutional by the South Dakota Supreme Court. Subsequently a state referendum reinstated video gambling. A study in the January 1996 *South Dakota Journal of Medicine* looked specifically at the "Video Lottery' and Treatment for Pathological Gambling." During a fourteen week period between the South Dakota Supreme Court decision and the state referendum, the video lottery machines were turned off (although other forms of gambling such as scratch tickets and regional lotteries remained available). Data from South Dakota substance abuse treatment centers indicated that when video lottery machines were turned off, inquiries and treatment for problem gambling diminished abruptly. Fourteen weeks later, when the machines were turned on again, inquiries and treatment for problem gambling immediately increased.

- Will the presence of a casino in Anchorage exacerbate Alaska's already unacceptable levels of suicide and domestic violence?

Until these questions have been thoroughly explored by all of Alaska's people, the Alaska legislature should not open the door to the expansion of gambling in Alaska. While we Catholic bishops express our firm opposition to the increased legalization of gambling in Alaska, we also ask people of faith to form their consciences on this matter through prayer, dialogue and education.

Roger L. Schwietz, OMI  
Archbishop of Anchorage  
Archdiocese of Anchorage

Michael W. Warfel  
Bishop of Juneau  
Diocese of Juneau

Donald J. Kettler  
Bishop of Fairbanks  
Diocese of Fairbanks

My name is Guy Warren. I am the Stated Clerk of the Presbytery of Alaska.

On behalf of the Presbytery, I come before this Committee to express our sincere opposition to the approval of House Bill 552.

The Presbytery of Alaska consists of the 15 member churches of the Presbyterian Church (U.S.A.) from Yakutat in the north, to Metlakatla in the south.

We believe that this bill represents a significant step towards situations which will not be in the best interest of the state government or the citizens which it serves.

While we know that approval of this legislation could provide some new funding to meet the state's financial needs and perhaps new employment, we also believe that the costs the state will incur attempting to repair the social ills that gambling brings with it will more than consume that new funding, and remove any real benefit from any new employment. These social ills include increased domestic violence, various psychological and social problems and an increased incidence of suicide. These are all issues that trouble our state enough, and certainly no additional encouragements for these are needed. One example of an increased rate of suicide is seen in Nevada's Clark County, the home of Las Vegas. During the year 2002, their Coroner's office reported 295 suicides. Similar numbers were seen in previous years. Las Vegas leads the nation in this most depressing statistic.

We understand that our concerns about these costs are only beliefs and that some might disagree. We however, believe it would be prudent and only right for the legislature to seek detailed and independently researched estimates on these costs before taking the steps which would force the state to pay them. This legislation will see serious casino gambling introduced to our state prior to this research.

The presbytery submitted a resolution approved by us last fall, to the members of the legislature earlier in the session expressing our specific opposition to video gambling. Our reasons for doing so are given in that resolution, additional copies of which will be made available to the members of the committee.

While this resolution concerns itself only with video poker, our opposition certainly extends to more extreme forms of gambling which the bill before your body would propose.

The presbytery met again, several weeks ago, in our regular Spring meeting, and while no specific resolution on these matters was considered at that meeting, a discussion with a State Senator who briefly visited us, more than amply demonstrated that our opposition to increased gambling within the state remains.

We would strongly urge the members of the legislature to remember who they represent, namely the people of Alaska. The people of the state have spoken on the matter of gambling and they spoke loudly. A proposal to set up an Alaska Gambling Board was presented to the people in 1990. This measure was defeated by over 40,000 votes, almost a 2-1 margin. We would hope that the legislature would step carefully before turning their back on such a clear mandate from the people. It might be noted that the bill now before this body includes language for a local election before plans for a casino could proceed. While an appropriate addition, it is not adequate. The proposed legislation so roundly defeated in 1990 included a similar local election clause. The people still rejected the proposal. Personally, I voted against that measure because I didn't want to see one area be allowed to take actions which I strongly believe would injure all of the state.

Finally, if the committee has any question as to the possibility of the social ills our group is concerned about, I would simply ask you to consider these facts. The tax revenues that will be paid by this proposed casino, the salaries for those employed by the casino, and all of the other costs incurred by this casino, will be paid by those who visit and lose at this casino. Some of these losses will be from those simply engaged in an expensive recreational pursuit. However, I am certain, and there is no shortage of anecdotal information on this, that a significant amount of these losses will come from people who are destroying their personal finances, their families, and as seen in Las Vegas, sometimes quite literally, themselves.

Our state's situation is not nearly so desperate as to take the significant gamble this bill proposes. We have the largest state savings account in the country; we have scenic beauty that Louisiana, Mississippi and Nevada can only dream of, and we have natural resources in an abundance found nowhere else. We need to find solutions to our problems; we don't need to create new ones. Building this casino and the others that will almost certainly follow, will create problems, and not solve them.

**A Resolution by the Presbytery of Alaska Delegates in Sitka, Alaska, October 2003  
In Opposition to Video Poker in Alaska.**

WHEREAS, as followers of Jesus Christ, we are called to work toward healing of persons afflicted with gambling addictions and to protect vulnerable populations from becoming addicted, and

WHEREAS, gambling addiction is increasing in the United States and over 8.1 million Americans have a gambling problem, and

WHEREAS, 66% of individuals suffering from pathological gambling turn to crime, one out of five attempt suicide, and many face bankruptcy, divorce and other family problems, and

WHEREAS, gambling addiction is more prevalent among the poor, various ethnic groups, and youth, and

WHEREAS, the gambling industry and some members of the Alaska State Legislature are promoting bringing video poker into the State of Alaska as a source of income, and

WHEREAS, video poker has been called "the crack cocaine of gambling" and is the most dangerous and most addictive of all current forms of legalized gambling, and

WHEREAS, since video poker was introduced in Oregon in 1991, the number of Gamblers Anonymous groups has grown from 3 to 30, and

WHEREAS, 81% of the problem gamblers in Oregon's state-subsidized gambling treatment programs gambled primarily on video poker and had an average gambling debt of \$16,000, which was more than half the average annual income of the group, and

WHEREAS, video poker is rejected by communities faster than any other form of gambling;

THEREFORE, LET IT BE RESOLVED that the Presbytery of Alaska declares opposition to the practice of video poker in the State of Alaska, whether it be publicly or privately operated;

FURTHERMORE, BE IT RESOLVED that Governor Frank H. Murkowski and members of the Alaska State Legislature be urged to oppose the establishment of video poker in Alaska.

- The bill interferes with the jurisdiction of the Department of Public Safety and Anchorage Police Department:
  - The bill should clarify that the provision for ejection in AS 05.18.100 is in addition to the power of the police to remove a trespasser
  - The provision for complaint regarding an investigation in AS 05.18.120 appears to subject the investigative power of the state and local police to the Alaska Gaming Commission
  - AS 05.18.220 appears to give the Alaska Gaming Commission the right to issue liquor licenses and security guard licenses, currently the responsibility of the Department of Public Safety.
  - The provision regarding inspection of the gambling facility, AS 05.18.450, does not provide authorization for the Anchorage police to inspect a gambling facility
- The forfeiture provision allows the forfeiture of property belonging to innocent suppliers. This probably violates substantive due process as articulated by the Alaska Supreme Court in *State v. Wilder*, 626 P.2d 104 (Alaska 1981).
- The crimes section of the bill (AS 05.18.540) reduces the level of certain crimes already set forth in the criminal code, such as bribery which is reduced from class B felony to a class C felony, and operating an illegal gambling operation which is reduced from a class C felony to a class A misdemeanor.
- The bill has drafting issues, such as the crimes identified in AS 05.18.540(a)(1) and (a)(6) are identical.

AMENDMENT NO. 1

CSHB 552(FIN) am

Page 12, immediately following line 12, insert the following:

(c) Nothing in this section affects the enforcement by appropriate law enforcement officials of state or municipal laws relating to trespass.

AMENDMENT NO. 2

CSHB 552(FIN) am

Page 13, immediately following line 3, insert the following:

(d) For purposes of this section, "investigative procedure" does not include an investigation undertaken by state or local law enforcement officials.

AMENDMENT NO. 3

CSHB 552(FIN) am

Page 18, lines 15 through 18, delete all material and insert the following:

Sec. 05.18.220. **Other licenses.** In addition to the licenses required under AS 05.18.340, before engaging in an activity in a gambling facility that requires a license under state law or municipal ordinance, a licensed owner must obtain the necessary license.

AMENDMENT NO. 4

CSHB 552(FIN) am

Page 25, line 30, after the word "Safety" insert a semi-colon and add the following:

(3) officers of the police department of the municipality in which the gambling facility is located.

AMENDMENT NO. 5

CSHB 552(FIN) am

Page 20, lines 17 through 19, delete all material and insert the following:

**Sec. 05.18.310. Forfeiture of equipment, devices, or supplies.** If a supplier knowingly supplies equipment, devices or supplies to a person in an unauthorized gambling operation, the equipment, devices or supplies shall be forfeited to the state.

AMENDMENT NO. 6  
CSHB 552(FIN) am

**1. Page 26, line 31 through page 27, line 44, delete all material and insert the following:**

**Sec. 05.18.540. Crimes.** (a) A person commits a class A misdemeanor if the person knowingly makes a false statement on an application submitted to the commission under this chapter.

(b) A person commits a class C felony if the person knowingly

(1) operates a gambling operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter;

(2) permits a person under 21 years of age to make a wager;

(3) aids, induces, or causes a person under 21 years of age who is not an employee of the gambling facility to enter or attempt to enter the gambling facility;

(4) wagers or accepts a wager at a location other than a gambling facility owned by a licensed owner;

(5) enters or attempts to enter a gambling facility and is not an employee of the gambling operation and is under 21 years of age.

**2. Page 27, line 15, delete all material and insert:**

(c) A person commits a class B felony if the person knowingly

**3. Page 28, line 3, delete all material and insert:**

(d) A person commits a class C felony if the person knowingly

(1) uses, or possesses with the intent to use, a device to assist in

Renumber remaining subparagraphs accordingly.

AMENDMENT TO CSHB 522(FIN) am:

Page 17, line 24:

Insert "(a)" after the section title.

Page 17, after line 26:

Insert:

"(b) If at any time during the eighth year of continuous licensed operation by the owner, the municipality in which the gambling facility is located adopts an ordinance, ratified by a majority of the municipal voters voting on the question, rescinding its previous authorization granted under AS 05.18.160(a), the owner's license expires 90 days after the certification by the municipal clerk that a majority of the voters has approved rescinding approval."

HCR

16

# Alaska State Legislature

## House of Representatives



Official Business

**COMMITTEE ON RULES**  
**Representative Norman Rokeberg, Chairman**

State Capitol, Rm. 214  
Juneau, Ak 99801-1182  
(907) 465-3764

**SPONSOR STATEMENT**  
**CSHCR 16 (RULES)**

Proposing amendments to the Uniform Rules of the Alaska State Legislature providing that the 2000 edition of "Mason's Manual of Legislative Procedure" shall implement the rules; relating to meetings of subcommittees and conference committees; and providing for an effective date.

By Representative Norman Rokeberg, Chairman  
House Rules Committee

CSHCR 16 (RLS) amends the Legislature's current Uniform Rules (Rules 4, 26, and 55) in two ways:

**1. Adoption of the 2000 edition of *Mason's Manual of Legislative Procedure*:** Currently, the Alaska State Legislature is using the 1979 edition of *Mason's Manual of Legislative Procedure* and is the only Legislature in the nation still using the 1979 version. *Mason's* was revised in 1989 and again in 2000 and CSHCR 16 (Rules) proposes to adopt the latest version (2000 edition).

The 2000 edition of *Mason's* reflects today's procedures and practices of legislative bodies. Updated information on court cases and other matters are included in the 2000 version. Streamlining the process to promote efficiency and assist legislatures in coping with larger workloads are also goals of the latest edition.

Adoption of the 2000 edition would also make it easier for the Alaska Legislature to provide members copies. Currently, our Print Shop has to make and bind the 1979 edition (with permission of the copyright holder) in order to provide copies.

**2. Relating to Meetings of Subcommittees and Conference Committees:** Our current Rule 23 is silent on the duties of subcommittees and conference committees to provide notice of meetings. Our procedure has been to provide reasonable notice. The change in CSHCR 16 (Rules) sets forth that the "preceding Thursday" and other notice rules set for in 23(a) - (d) do not apply to subcommittees and conference committees. Subcommittee and conference committees are required to provide reasonable notice of meetings.

The effective date for the changes is July 1, 2003, in order for members to have time to learn the changes contained in the 2000 edition of *Mason's*, prior to the beginning of the second session of the 23<sup>rd</sup> Legislature.

I urge your support of this legislation.

ED 1:04/11/03

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHCR 16(RLS)  
(H) Publish Date: 4/11/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
Title: "Proposing amendments to the BRU Legislative Council  
Uniform Rules of the Alaska State Legislature providing that..." Component: Session Expenses  
Sponsor: House Rules Committee  
Requester: House Rules Committee Component No. 782

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HCR 16 amends Rule 4, Rule 26, and Rule 55(a) of the Uniform Rules of the Alaska State Legislature and provides that Mason's Manual of Legislative Procedures, 2000 edition, shall implement the Uniform Rules effective July 1, 2003.

This resolution has zero fiscal impact on the Legislative Affairs Agency as the Agency has sufficient copies of the 2000 edition on hand and available for distribution to Legislative offices.

Prepared by: Karla Schofield, Deputy Director Phone 465-3852  
Division: Administrative Services Date/Time 4/7/03 10:24 AM  
Approved by: Pamela Varni, Executive Director Date 4/7/2003  
Agency: Legislative Affairs Agency

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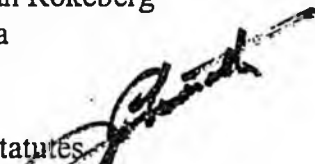
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Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 17, 2003

**SUBJECT:** Comparison of the powers exercisable by legislative presiding officers under the 1979 (currently used) and 2000 editions of Mason's Manual of Legislative Procedure

**TO:** Representative Norman Rokeberg  
Attn: Heather Nobrega

**FROM:** Jack Chenoweth  
Assistant Revisor of Statutes 

This outlines and discusses the powers that may be exercised by legislative presiding officers under the 1979 (currently used) and 2000 editions of Mason's Manual of Legislative Procedure.

### *Explicit duties of the presiding officer:*

Section 575 in both editions explicitly enumerates the duties of the presiding officer. As between the two editions, the enumeration of the duties in part 1 of that section is verbatim, except that

-- in subparagraph 1(j), relating to receipt and handling of communications, the 2000 edition adds the phrase "when applicable," implying that the presiding officer enjoys a measure of discretion in determining when and whether or not a message or communication may be announced to the body; the 1979 edition omits "when applicable," thereby indicating that the presiding officer has a nondiscretionary duty to announce all messages and communications;<sup>1</sup>

---

<sup>1</sup> This change in handling is arguably not material and appears to be consistent with the controlling treatment set out in the Uniform Rules of the Legislature. Under Uniform Rule 4:

**Duties of the Presiding Officer.** The presiding officer of each house has the duties set forth in Section 575, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, when not inconsistent with these Uniform Rules. . . . .

The rule related to the handling of communications, Uniform Rule 7, directs that communications from the other body or from the governor shall be read, and provides

Representative Norman Rokeberg

January 17, 2003

Page 2

-- in paragraph 1(k), relating to "guid[ing] and direct[ing] the proceedings of the body, subject to the control and will of the body," the modifier "generally" that appears in the 1979 edition is deleted in the 2000 edition; the change is arguably substantive though hardly material.

The further provisions of parts 2 - 4 of the rule are verbatim as between the two editions except that the 2000 edition replaces the personal pronouns "he" or "him" with reference to "the presiding officer."

*Limitations on the duties of the presiding officer:*

The companion provision, prescribing limitations on the powers of the presiding officer, may be found in section 579 of the 1979 edition (section 578 of the 2000 edition). Apart from the redesignation of section numbers, these provisions are verbatim of each other with this notable exception. Paragraph 4 of section 579 of the 1979 edition is repeated as paragraph 4 of the 2000 edition with the language shown below in caps and bracketed omitted:

The presiding officer may not prevent the making of any legitimate motions by hurrying through the proceedings or by other means. Members must be reasonably prompt in order to exercise their right to speak or to make motions[, BUT IF THE PRESIDING OFFICER HAS HURRIEDLY ANNOUNCED THE VOTE WHILE A MEMBER IS ARISING TO ADDRESS THE CHAIR, THE VOTE IS NULL AND VOID AND THE MEMBER MUST BE RECOGNIZED].

In the material deleted in the 2000 edition, I take "hurriedly announced the vote while a member is arising to address the chair" to be a reference to a call for a "snap" vote on the question that is put to the body for a decision (and not a reference to the outcome of a vote already held). The language deletion, then, has the effect of eliminating the stated

---

some measure of discretion as to whether or not other material communicated is spread on the journal, referred to committee, or filed:

**Communications.** Communications received by a house from the other house or the governor are read by the clerk or secretary and spread upon or paraphrased in the journal. All other official communications to a house are referred directly by the clerk or secretary to the presiding officer for referral by the presiding officer to a committee or to file. The presiding officer may direct that the receipt of a communication and the subject to which it relates be noted in the journal.

protection that attends a complete close to debate on a motion before the call for a vote on the question by invalidating the results of the "snap" vote.<sup>2</sup>

*Other provisions relating to the powers and duties of the presiding officer:*

Other provisions in chapter 53 (1979 edition, chapter 52 of the 2000 edition) pertaining to the presiding officer's powers and duties include the following topics:

Section 576 of both editions (refusal of presiding officer to perform duties) -- substitution of "the presiding officer" for personal pronouns, but otherwise no substantive changes.

Section 578 of 1979 edition / 577 of the 2000 edition (emergency power of the presiding officer) -- substitution of "the presiding officer" for personal pronouns, but otherwise no substantive changes.

Section 580 of 1979 edition / 579 of the 2000 edition (selection of the presiding officer) - - substitution of "the presiding officer" for personal pronouns and closely related word changes and a spelling correction, but otherwise no substantive amendments.

Section 581 of 1979 edition / 580 of the 2000 edition (motions affecting the presiding officer) -- substitution of "the presiding officer" for personal pronouns and closely related word changes and a spelling correction, but otherwise no substantive amendments.

Section 582 of 1979 edition / 581 of the 2000 edition (removal of a presiding officer) -- technical additions and deletion of paragraph 3 of the 1979 edition, but otherwise no substantive amendments.

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<sup>2</sup> Generally, a roll call vote should not be interrupted. Members questioning a "snap" vote would have to rely on Mason's sec. 527 (the wording is virtually the same in both editions), by which:

If a mistake has been made or fraud has occurred in taking or announcing a vote and the vote is immediately questioned, it may be treated as irregular and void and the vote may be retaken or it may be corrected. A vote may not be retaken if there has been delay or other business has intervened. . . .

In other words, in the event a presiding officer "hurries" the proceeding to a vote and, in that manner, so prevents a member from having the opportunity to make a proper motion related to the question, a member who wishes to raise objection may contend that the presiding officer has "[made] a mistake" in the "taking" of the vote and would have to promptly object. The relief provided is, under rule 527, discretionary.

Representative Norman Rokeberg  
January 17, 2003  
Page 4

Section 583 of 1979 edition / 582 of the 2000 edition (rights of a presiding officer to debate, vote, and introduce business) -- substitution of "the presiding officer" for personal pronouns and closely language changes, but otherwise no substantive amendments.

In my judgment, these provisions do not warrant closer examination, but we will provide a more extensive discussion if so directed.

JBC:med  
03-035.med

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**MEMORANDUM**

January 18, 2003

**SUBJECT:** Differences in editions of Mason's Manual with respect to powers of committees

**TO:** Representative Norman Rokeberg  
Attn: Heather Nobrega

**FROM:** Tamara Brandt Cook  
Director *TBC*

You ask me to compare the 1979 and 2000 editions of Mason's Manual and identify significant substantive differences between the two that deal with the power of legislative committees. I have reviewed chapter 55 - 62 in the 2000 version, numbered chapters 54 - 67 in the 1979 version, and found few significant changes. Most of the changes in the 2000 version are editorial in nature, involving reorganization, rewording to make provisions gender neutral, simplifying language, and, to some extent, simplifying procedure. Most of the changes that are, arguably, substantive, seem minor and intended to reflect current practices. Below are the more substantive changes I noted:

Sec. 610 - 1979: Chairman may resign as chairman with the consent of the committee and still retain membership in the committee. 2000: Chair may resign as chair with the consent of the appointing authority and still retain membership on the committee.

Sec. 611 - 1979: Chairman may call the committee together at the regular time and place of meetings if a regular time and place are provided, or otherwise at reasonable times and places to properly perform its functions. 2000: Simply permits the chair to call the committee together to properly perform its functions. However, sec. 626(1) still includes the substance of what was in sec. 611 in the 1979 version.

Sec. 612(1) - 1979: Aside from the chairman, the committee may elect other committee officers. 2000: Grants the same authority to the committee but only if the other officers are not designated by the appointing authority.

Sec. 613 - 2000: Adds to the provision that requires a quorum to transact business an explicit exception authorizing the taking of testimony in public hearings with no quorum present.

Sec. 615 - 1979: Permits a committee to make a report concerning a bill in its possession. 2000: Appropriately substitutes broader language to permit a committee to

Representative Norman Rokeberg  
January 18, 2003  
Page 2

report on "matters" in its possession. 1979: Allows a committee to employ "outside help or counsel" if authorized by the legislative body but forbids expenditures unless this is also authorized. 2000: Simply notes a committee may employ staff if authorized by the legislative body.

Sec. 620(5) - 1979: This paragraph is deleted from the 2000 version. "A legislative body has no authority to commit a matter to a committee with instructions to report anything contrary to the facts."

Sec. 626(2) - 2000: This is a new provision obviously designed to address modern open meetings concerns. "When a meeting is called for a specific time but the meeting does not commence until a later time, the delay does not invalidate the meeting. However, when a meeting is called for a specific time and the meeting commences prior to that, business transacted before the scheduled time may be declared void and of no effect."

Sec. 628 - 1979: Paragraphs 2, 4, and 6 are omitted from the 2000 version, but these paragraphs do not change the power of committees.

Sec. 629(1) - 1979: Permits any member of the legislative body to be present at a committee meeting and to express an opinion. 2000: Permits the presence of other legislative members, but they have the right only to request to speak.

Sec. 633(1) - 1979: This is omitted from the 2000 version. "It is customary for a committee to take up business referred to it in the order in which it was referred unless a schedule of hearings has been prepared, but measures may, upon motion or upon general consent, be taken up out of order."

Sec. 634(1) - 1979: Omitted from 2000 version, but does not substantively change committee powers.

Sec. 640(3) - 1979: Omitted from the 2000 version, but does not substantively change committee powers.

Sec. 650(5) - 2000: This is added as an explicit requirement. "The rules governing meetings of committees also apply to subcommittees." Note that the provision might have the effect of requiring subcommittees to comply with meeting notice requirements, such as the "preceding Thursday" rule now normally applied only to full committee meetings. See also paragraph (9) added in the 2000 version, limiting the power of a committee to take up a matter referred to a subcommittee.

Sec. 664 - 1979: Notes that it is the custom for the chairman of the senate committee to act as chairman of a joint committee. Sec. 654 - 2000: Recognizes designation of the chair by the appointing authority.

Representative Norman Rokeberg  
January 18, 2003  
Page 3

Sec. 668 - 1979: In joint committees the members vote individually and not by house.  
Sec. 658 - 2000: Recognizes as a more modern practice that members may vote by house and that the vote may carry only upon favorable vote of the member of each of the houses.

Sec. 664(3) - 2000: This is added. "It is not a prerogative of a committee chair to hold or delay the filing of a report."

Sec. 677(6) - 1979: Deleted from 2000 version. It notes that a minority report has to be substituted for the regular committee report as the only way the report can be brought before the body for consideration.

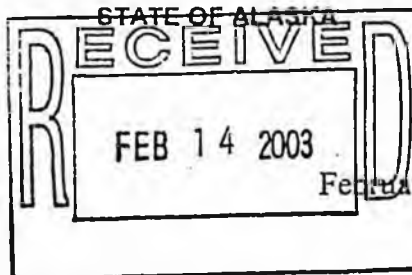
TBC:lmb  
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## MEMORANDUM

**SUBJECT:** Significant Mason's Manual Provisions (Work Order No. 23-LS0409)

**TO:** Representative John Coghill, House Majority Leader  
Attn: Rynniva Moss

**FROM:** Tamara Brandt Cook  
Director *TBC*

You have asked me to identify provisions of Mason's Manual that are especially significant in that they have come up in debate on the floor of the legislature and may have been the subject of point of order rulings by the presiding officers. I have discovered the following sections discussed in the House and Senate Journals. In some cases only the parliamentary principle is identified in the journal, and I have added an appropriate section from Mason's Manual for your reference. When the same section has come up often, I have cited only the more recent entries in the House and Senate Journals.

- (1) Secs. 65 - 67, 143, 179, 398, and 404: These sections deal with the general subject of finality of actions. While a procedural motion may be renewed after intervening business, a main motion may not be renewed, but must be revisited by again considering the original motion either by reconsideration or through a motion to rescind action. An amendment that places a question before the house identical to one previously decided is not in order. (SJ April, 19, 1996)
- (2) Secs. 82, 335: Motion to table is not debatable. Other motions that are not debatable are listed. (HJ May 7, 1991)
- (3) Sec. 90: Right to debate a question. (HJ May 7, 1991)
- (4) Sec. 100: Debate is permitted only if there is a question before the house. (HJ May 27, 1985)
- (5) Sec. 101: Debate is limited to the question before the house. (HJ May, 9, 1998, April 1, 1998, April 19, 1995, February 10, 1995, SJ March 29, 1988, April 17, 1985)
- (6) Sec. 102: A member has a right to speak once on a question. (HJ April 30, 2001; May 8, 1997; March 17, 1997; February 29, 1996; SJ May 28, 1998)

- (7) Sec. 103: A question sponsor closes debate. (HJ April 24, 1990)
- (8) Sec. 111: Reference to executive, to other house, or questions before the courts. (HJ February 29, 1996; February 26, 1992; February 19, 1988; April 6, 1984)
- (9) Sec. 112: Right to read papers is limited. (HJ February 29, 1996; February 10, 1993; March 6, 1992; March 21, 1989; SJ April 18, 1998)
- (10) Sec. 121: Breaches of order in debate. (HJ May, 11, 2002; April 3, 1997; March 17, 1993; March 12, 1993)
- (11) Sec. 124: Personalities not permitted in debate. (HJ May 11, 2002; May 2, 1995; April 6, 1995; February 9, 1990)
- (12) Sec. 127: Limitation on referring to other body. (HJ March 27, 2002; March 17, 1993; May 14, 1987)
- (13) Secs. 161 and 241: When a point of order may be raised. (HJ January 27, 1994)
- (14) Sec. 180: Dilatory motion not in order. (HJ April 6, 1995; May 10, 1993, May 2, 1991; April 27, 1988; SJ April 20, 1993)
- (15) Sec. 197: Terminating a call. (SJ April 16, 1993)
- (16) Secs. 200 - 204: A motion to adjourn takes precedence and may be made even after the previous question is before the body, but before a vote has commenced. (HJ January 11, 1990)
- (17) Sec. 241: When a point of order may be raised. (HJ January 24, 1994)
- (18) Sec. 275: A motion to withdraw is treated as a request and is not subject to debate, but is voted on by the members. (HJR March 9, 1988)
- (19) Sec. 293: Objection to consideration, a motion to discharge a bill from committee ruled out of order under Sec. 293. (HJR May 20, 1991; HJ May 17, 1987)
- (20) Sec. 298: Objection to consideration of a question may not be debated. (HJ March 4, 1988)
- (21) Sec. 331: Procedural motions may not be tabled. (HJR March 11, 1988)
- (22) Sec. 358: Motions to close, limit, or extend limits on debate. (SJ May 19, 1999; HJ February 15, 1995)

Representative John Coghill, House Majority Leader  
February 6, 2003  
Page 3

- (23) Sec. 369: Limited debate is allowed on a motion to postpone. (HJR March 21, 1989)
- (24) Sec. 388: Motion to refer debatable only as to the propriety of the referral and does not open the main question to debate. (HJ March 14, 1994)
- (25) Sec. 401: Improper amendments. (HJ April 10, 1991; April 5, 1989; April 27, 1988)
- (26) Sec. 402: Amendments must be germane. (HJ May 10, 2002; April 17, 1998; March 18, 1994; January 14, 1994)
- (27) Sec. 469: When a member brings up reconsideration, unless it is the same day notice was given, the item is automatically before the body. (HJ February 22, 1993)
- (28) Sec. 491: It is not in order to discuss the merits of a bill upon a motion to discharge. (HJ April 21, 1993)
- (29) Sec. 560: Each house is the judge of the election and qualification of its members. (HJ January 18, 1989)
- (30) Sec. 617: Committee substitute bills, this provision is superceded by the Uniform Rules. (HJ February 17, 1986)
- (31) Sec. 752: It is improper to refer to the executive in debate for the purpose of influencing votes of members. (HJ March 23, 1983)

TBC:med  
03-113.med

## The Thoroughly Modern Mason's Manual

The latest edition of the legislator's bible on procedures reflects today's pressures and practices.

Larry G.J. Shapiro and Edwin J. Maley Jr.

**W**hat can a legislator do if he makes a motion at a committee meeting and no one seconds it? Turn to section 62 of the 1989 edition of *Mason's Manual of Legislative Procedure* and find that seconds to motions are not required. Unlike a member of a private association, a legislator represents a constituency and is entitled to present a matter for consideration of the body without having the support of another legislator.

Since 1935, lawmakers have been turning to *Mason's* to solve procedural problems not addressed by their legislature's rules. Today *Mason's* is used in 63 of the 99 state legislative chambers.

Paul Mason, a parliamentarian and attorney who worked with the California Legislature, compiled the first edition of the manual in 1935, drawing on other procedure manuals and court decisions that affect the rules. He revised his book six times, the last time in 1979.

Mason died in 1985, after turning over the copyright to *Mason's Manual* to the National Conference of State Legislatures. A commission composed of 16 members of the American Society of Legislative Clerks and Secretaries from 14 states continue his work. Starting in the mid-'80s they took a fresh look at the manual and published a new edition in 1989.

How does the 1989 *Mason's* differ from the 1979 edition? Many of the changes reflect the challenges that legislatures have faced in recent years—an increasing workload, the shifting of responsibility for many federal programs to the states, the decline of party control and pressure for open government. Just as the unique nature of legislatures shaped the rule on seconds to motions, so

have the recent forces affecting state legislatures shaped changes in procedure.

### For State Legislatures Only

*Mason's* early editions included rules for both state and local legislative bodies. In 1953, he added administrative bodies and private associations. This has often been confusing because the various bodies have different functions and frequently different rules.

*Mason's* is now clearly for the use of state legislatures only. The new edition deleted almost all provisions applicable to administrative and local legislative bodies and private associations. Several provisions were retained but adapted for legislatures. For example, a rule that "a vacancy on a city council when a member moves out of the city does not exist until ascertained and declared by the council" now applies instead to a legislator moving out of his district.

Further changes incorporated in the 1989 edition document the evolving relationship between the legislature and the executive branch of state government. Provisions are added that describe legislative authority to delegate rule-making power to administrative agencies, to review agency regulations and to oversee the operations of the executive branch. Moreover, the new manual recognizes that many legislatures have become more independent of the governor. The 1979 edition contained language that an interim committee could be created by statute, which would require the governor's signature, but not by concurrent resolution, which generally would not. The new edition provides that interim committees may be created by either method. Similarly, the 1979 edition referred to the governor's "exclusive authority" to call special sessions of the legislature; the new edition indicates that some constitutions or statutes in-

clude provisions for legislatures to call themselves into session.

### Role of Legislative Committees

In many states, legislative committees are used to handle the legislatures' expanded responsibilities and increased workload. The 1989 edition adds language clarifying the authority of committees to conduct public hearings, gather information and work on proposed legislation during the interim between sessions. It adds new provisions on the role of committees in overseeing the executive branch and reviewing regulations. The increasing importance of committees is shown in a new provision that "some states consider days on which committees meet as legislative days, as well as those days when both houses are in session." (*Mason's* does not define the term *legislative day*, but cites cases indicating that the term is used when counting days for scheduling purposes.) And a change in the prohibition on a committee meeting while a house is in session is symbolic of the independence of committees. The old rule required a committee to end its meeting when notified by the sergeant-at-arms; the new rule leaves it to the committee to terminate the meeting when a session is starting.

Although legislative committees have generally grown more powerful and independent, leadership's primary means of reining them in—the appointment process—is strengthened. The 1989 edition provides that it is the usual practice for the appointing authority to designate the vice-chair. And a new provision is added on the removal of members: "It is a general rule of parliamentary procedure that the appointing authority has the right to remove a chair or a committee member."

### Streamlining the Process

The 1989 edition of *Mason's* makes many changes to promote efficiency and help legislatures cope with a larger workload. In some cases, the legislative process can be speeded up, as in a new provision indicating that in some states

Larry Shapiro and Edwin Maley are attorneys in Connecticut's non-partisan Legislative Commissioners' Office.

a member may be interrupted by a motion to move the previous question. In other cases, the process is streamlined. For example, the procedure for friendly amendments is simplified by deleting a paragraph that allowed first the mover of the main motion to accept the amendment and then the body, if there was an objection. Now, under *Mason's*, there is only one step: It is up to the body to decide.

An important change imposes limits on the procedure concerning disagreements between the houses that may lead to a conference committee, a topic addressed for the first time in the 1989 edition. These new provisions indicate that if both houses have approved different versions of a bill they can amend only the amendments of the other house and not portions of the bill already agreed to by both houses; and they allow each chamber to amend the other's amendment only once before the house has to either concur, refuse to concur or request a conference.

To avoid confusion in a faster-paced legislative process, the 1989 edition makes several procedures more formal. For example, amendments to bills "must be" instead of "usually are" submitted in writing; this provision applies for the first time to amendments to resolutions.

#### Role of Presiding Officer

The 1989 edition strengthens the position of the presiding officer. This may reflect an effort to counter diminishing party control of the proceedings and the growing independence of individual legislators. For example, the new edition deletes a provision that the question of germaneness of an amendment is to be decided by the body and not by the presiding officer. The general rule—that all questions of order are decided by the presiding officer, subject to appeal by any member—would apply in such cases. Several changes give the presiding officer additional discretion. For example, a provision suggesting that the presiding officer should put to a vote the question of whether a member called to order during a debate should be allowed to proceed was changed to suggest that the presiding officer may

put such a question to a vote.

A portion of the presiding officer's increased authority in the new *Mason's* comes at the expense of the individual members of the body. Thus, a provision is deleted that provided that when there is a question between two members as to which is entitled to the floor, one member may relinquish the claim in favor of the other member. The presiding officer will now make that decision. This is part of an overall trend in the

*Since 1935, lawmakers have been turning to Mason's to solve procedural problems not addressed by their legislature's rules.*

new edition that reduces the ability of individual members to control the proceedings. For example, the 1979 edition provided that it is the duty of a committee to meet on the call of any two of its members. The 1989 edition provides that a committee meeting may be held on the call of the majority of its members.

The legislative process has become more accessible to the public in recent years, in response to public pressure for open government. The new edition reflects this trend with several procedural changes. For example, the 1979 edition prohibited bills and other measures sent to the clerk's desk from being examined, even by the members, until they were formally presented to the body under the appropriate order of business. The 1989 edition changed the prohibition on examination to a prohibition on removal of the documents at any time.

Technological change has had only a small effect on legislative procedure in the new *Mason's*. The only significant change is in the provision prohibiting a member from reading aloud, or having the clerk read aloud, from any paper or book, without the permission of the body. This prohibition was extended to electronic recordings. This will likely

change in future editions of the manual, as more legislatures put computers on members' desks in the chambers.

The 1989 edition contains other changes made for a variety of reasons:

- A legislature's customs now take precedence over adopted parliamentary authority, e.g., *Mason's Manual*. This is an important change because under the 1979 edition *Mason's* would be applied to a procedural question before a customary practice.

- The duty of the chief legislative officer (formerly called the chief clerk) to supervise house clerical work and employees is no longer subject to the direction of the presiding officer.

- The new edition resolves a conflict about what constitutes a quorum of a joint session. The new rule is that only a majority of the membership of both houses is needed, even if there is less than a majority of one house present.

- It deletes a provision to nullify a vote if the presiding officer hurriedly announces the vote

while a member is rising to address the chair. Another section of *Mason's* prohibits the presiding officer from preventing debate by putting questions to vote prematurely, but there is no other provision for a sanction.

- Sections on privilege of members from arrest were substantially revised in accordance with judicial developments.

There are two revisions in the 1989 *Mason's* that may cause confusion and that should be revisited in the next edition:

- A section that previously stated that a member, when recognized, is entitled to the floor, now also provides "but [that member] may not yield the floor to any other member." However, a different section allows a member to yield to another in certain situations.

- A section was amended to provide that after a question has been put and voting has commenced, it is too late to claim the floor for debate. However, two other provisions of the manual continue to allow debate during a vote.

Overall, however, the commission that prepared the 1989 edition of *Mason's* did an excellent job of updating the manual, eliminating redundant provisions and rephrasing confusing language. The result is a manual that better serves state legislators.



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Changes to the 1989 Edition of *Mason's Manual*  
 (as of 7/15/00)

Shown below are the changes to the 1989 edition that were made by the Mason's Manual Revision Commission during its revision work to write the 2000 edition. Not included in this chart are the corrections in grammar and language consistency that were made by NCSL during its editing process.

Chapter	Section	Paragraph	Changes	
1	1		None	
		2	Removed reference to statutes and charters	
	2	1	None	
		2	None	
		3	None	
		4	Removed reference to statutes	
		5	None	
		6	None	
		7	None	
	3	1	Grammatical change	
		2	None	
		3	None	
		4	None	
		5	None	
		6	None	
		7	None	
	4	new		Added a new paragraph 1 concerning the ability of rules of procedure or statutory provisions governing the legislative process passed by one legislature being binding on subsequent legislatures
			1	Becomes paragraph 2. Moved language from section 2 concerning order of precedence and revised listing of the principal sources of rules of legislative procedure.
			2	Becomes paragraph 3. Removed language concerning order of precedence.
			3	Becomes paragraph 4. Changed ordering of example list. Removed reference to parliamentary law control over local usage.
4			Becomes paragraph 5	
5			Becomes paragraph 6	

2501315, 21132411 2007-02

Chapter	Section	Paragraph	Changes	
2			Change title reference from constitutional rules to constitutional provisions	
	6		None	
	7	1		Removed reference to mandatory provisions. Incorporated paragraphs 4 and 5 as clauses (a) and (b)
		2		None
		3		None
		4		Moved into paragraph 1 and renumbered as clause (a)
5			Moved into paragraph 1 and renumbered as clause (b)	
3			Renumbered to become chapter 4 to follow the order of precedence established in chapter 1 and changed title reference from statutory rules to statutory provisions	
	10		Renumbered to become new section 20. Changed title reference from statutory rules to statutory provisions.	
		1		Changed language so rules are addressed by statute but not controlled by statute
		2		Deleted
		3		Deleted
		4		Becomes new paragraph 2
4			Moved and renumbered to become chapter 3 to follow the order of precedence established in chapter 1	
	19		Renumbered as new section 10.	
		1		None
		2		Removed word special so the reference is to rules of procedure rather than special rules of procedure
		3		None
		4		None
		5		Removed reference to contravene the laws
		6		None
	7		None	
	20			Renumbered as new section 11.
				Added paragraph number so existing language becomes paragraph 1
		new		Added paragraph 2 about the expiration of joint rules
	21			Renumbered as new section 12.
		1		Deleted
		2		Becomes new paragraph 1
3			Becomes new paragraph 2	
		4	Becomes new paragraph 3. Changed wording concerning expiration of rules adopted by a body	

Chapter	Section	Paragraph	Changes
4 (cont)	22		Renumbered as new section 13.
		1	None
		2	None
		3	None
		4	None
		5	Added language concerning statutory provisions governing the legislative process. Deleted reference to operation within same jurisdiction. Deleted footnote, which was a local case.
		6	Removed references to oylaws
	7	None	
	23		Renumbered as new section 14
	24		Renumbered as new section 15
25		Renumbered as new section 16	
5	30	1	Changed the location of reference to statutes
		2	Deleted
		3	Becomes new paragraph 2
	31		None
	32	1	None
		2	None
		3	None
		4	Deleted
5		Becomes new paragraph 4. Removed reference to manual and special	
6	35		None
	36	1	None
		2	None
		3	Deleted last sentence concerning courts
		4	None
		5	Deleted
	37	1	None
		2	None
		3	None
		4	None
		5	Removed reference to bylaws
	38		None
	39	1	None
		2	None
		3	None
		4	None
		5	Minor grammatical change
		6	None

Chapter	Section	Paragraph	Changes
7	42		None
	43	1	None
		2	None
		3	None
		4	None
		5	None
		6	None
		7	None
		8	None
		9	None
		10	None
		new	
	44		None
	45		None
	46	1	None
		2	Deleted last sentence
		3	None
		4	None
		5	None
	47	1	None
		2	None
		3	Minor changes to clauses (d) and (e). Deleted clause (g). Clause (h) renumbered as new clause (g).
	48		None
	49	1	In last sentence, deleted phrase referring to earliest times
		2	None
	50		None
	51	1	In last sentence, clarified that presiding officer may or may not be a member of the body
		2	None
		3	None
		4	None
		5	None
		6	None
	52		None
	53		None
	54		None
	55		None
	56		None
57		None	
58		None	
59		None	
60		None	
61		None	
62	1	None	
	2	In last sentence, deleted reference to "by law" and a minor grammatical change	
	3	None	

Chapter	Section	Paragraph	Changes	
7 (cont)	63		None	
	64		None	
	65		None	
	66		None	
	67		Added a reference to "See also"	
8	71		None	
	72		None	
	73	1		Renumbered as new para 2. Reworded to clarify that courts may only look at legislative acts and actions that are restrained by constitution. Added court case cite to footnote.
		2		Renumbered as new para 1. Reworded to give stronger statement of legislative power.
		3		Renumbered as new para 4
		4		Renumbered as new para 5
		5		Renumbered as new para 6
		6		Renumbered as new para 7
		7		Renumbered as new para 8
		8		Renumbered as new para 3
9			None	
10			None	
9	80		None	
	81		None	
	82	1		None
		2		Clause (a) move period outside (unqualified)
		3		Deleted
	83	1		Deleted last sentence referring to congressional debate
		2		None
		3		None
	84	1		None
		2		Minor grammatical change
85		None		
10	90	1		Added language about members having right to try to persuade the majority, some of which is from paragraph 5
		2		None
		3		Minor changes to streamline wording
		4		Changed reference from house to body
		5		Deleted: some language moved to paragraph 1
		6		Becomes new paragraph 5
	91	1		Removed reference to following section and inserted correct section number
		2		None
		3		Deleted existing clauses b and c, so existing clause d becomes new clause b
		4		None
		5		None

Chapter	Section	Paragraph	Changes
10 (cont)	92	1	None
		2	Deleted existing clauses b, j, k, l, m from this paragraph and moved their concepts to new paragraph 3
		new	Created a new paragraph 3 incorporating language from clauses deleted from existing paragraph 2
		3	Renumbered as new paragraph 4
	93		Changed references to infirm or ill to under certain circumstances
	94	1	Minor grammatical changes
		2	Removed language concerning members right to floor when papers are being read
		3	None
		4	None
	95		None
96		None	
11	100	1	None
		2	None
		3	Language changed slightly to clarify meaning
		4	None
		5	None
	101		None
	102		None
103		None	
12	110	1	None
		2	None
		3	None
		4	None
		5	Deleted
	111		None
	112	1	None
		2	None
		3	None
		4	None
		5	None
		6	None
		7	Minor grammatical change
	113		None
	114	1	None
		2	None
		3	Changed must to should
4		None	
5		None	
6		None	
7		None	

Chapter	Section	Paragraph	Changes
13	120		None
	121		None
	122		None
	123		None
	124		None
	125		None
	126		None
14	130		None
	131	1	None
		2	None
		3	Deleted
		4	Becomes new paragraph 3
		5	Becomes new paragraph 4. Minor grammatical changes
	132		None
133		Changed existing language to cover roll call votes taken by voice. Added similar language to cover roll call votes taken by machine.	
15	140	1	Added reference to p. 122 of Sturgis in footnote
		2	None
	141		None
	142		None
	143		None
	144		None
	145	1	None
		2	None
		3	None
		4	None
		5	None
		6	None
		7	Removed reference to business
	146		None
	147	1	None
2		In last sentence. added reference to a committee bill	
3		None	
148		None	
149		None	
150		None	
16	155		None
	156		None
	157		None
	158		None
	159		None

Chapter	Section	Paragraph	Changes	
16 (cont)	160		Under "See also" added reference to Sec. 436	
		1	None	
		2	None	
		3	None	
		4	None	
		5	None	
		6	None	
		7	None	
	8	Deleted paragraph; moved footnote reference to Sec. 161. #1		
	161			Under "See also" added reference to Sec. 436
		1		Added reference to p. 172 in Demeter to footnote
		2		None
		3		None
		4		None
		162		None
163			None	
164		None		
165		None		
17	175		None	
	176		None	
	177		Deleted "See also"	
	178		None	
	179		None	
	180		None	
	181		None	
	182		None	
	183	1		Deleted last sentence
		2		Deleted first sentence. Minor grammatical change to second.
	184		Deleted entire section	
185		Renumbered as new section 184		
18	187		None	
19	190		None	
	191		None	
	192		None	
	193		None	
	194	1		Deleted last sentence about special rules
		2		None
		3		Deleted
		4		Becomes new paragraph 3
		5		Becomes new paragraph 4
		6		Becomes new paragraph 5
	195	1		To first sentence, added clarifying language about calling the roll of members. Deleted last sentence about the original use of the call
2			None	
3			None	
4			None	
5			None	

Chapter	Section	Paragraph	Changes	
19 (cont)	196		None	
	197		None	
20	200		None	
	201		None	
	202		None	
	203	1		None
		2		None
		3		Deleted last sentence about calling special sessions and incorporated idea into new paragraph 4
		new		Created a new paragraph 4 pertaining to statute or rule provisions for calling special session
	204	1		None
		2		None
		3		None
	205		None	
	206		None	
	207	1		None
		2		None
		3		Minor grammatical change
		4		None
		5		None
	208		None	
	209		None	
210		None		
21	214		None	
	215		None	
	216		None	
22	220	1	None	
		2	None	
		3	None	
		4	Deleted last sentence	
	221		None	
	222		None	
	223	1		Deleted reference to charge in the public newspaper; broadened to language to public accusation
		2		Deleted reference to charge in the public newspaper; broadened to language to accusation
		3		None
	224		None	
225		None		
226		None		

Chapter	Section	Paragraph	Changes	
23	230		None	
	231		None	
	232	1		None
		2		None
		3		None
		4		None
		5		None
		6		After "presiding officer" added "in most states"
	233		None	
	234		None	
235		None		
24	240		None	
	241	1		None
		2		Deleted first sentence.
		3		Rewrote language to clarify when a point of order can be raised upon another.
		4		None
		5		None
		6		None
	242		None	
	243		None	
	244		None	
245		None		
246		None		
25	250		None	
	251		None	
	252		None	
	253		None	
	254		None	
26	257		None	
	258		None	
	259		None	
	260	1		None
		2		Deleted last sentence about special rule vote requirements
		3		None
		4		Changed page reference in footnote
	261		None	
	262		Clarified language of second sentence	
	263	1		None
2			Added Sec. 270, para. 1 as the opening sentences to this paragraph. Also included Sec. 270, para. 1 footnote reference here	
3			None	
4			None	
5			None	

Chapter	Section	Paragraph	Changes	
26 (cont)	264		None	
	265	1	None	
		2	None	
		3	Deleted	
	266	1	Deleted last phrase about earlier hour	
		2	Incorporated main thought of second sentence into the first	
		3	In first sentence, broadened reference from extensions to changes. Ended second sentence after "debatable"	
	267	1	None	
		2	Deleted	
		3	Renumbered as new paragraph 2	
	268		Deleted	
	269		Renumbered as new Sec. 268	
		1	Deleted references to program; made some other minor grammatical changes	
	2		Changed reference from program to special calendar	
	270	1	Moved to become the opening sentences of Sec. 263, paragraph 2	
		2	Deleted	
		3	Deleted	
	271		Renumbered as new Sec. 269	
	27	272		Minor grammatical change
		273		None
274			None	
275		1	Changed language about who may make motion	
		2	None	
276			None	
28	279		None	
	280		None	
	281		None	
	282		None	
	283		None	
	284		None	
	285	1	None	
		2	Changed reference from specific two-thirds to general "extraordinary" vote	
		3	Changed reference from "rules" to "procedures" in constitutions and removed language about controlling statutes	
4		Changed reference from specific two-thirds to general "extraordinary" vote		
	5	Deleted		
286		None		

Chapter	Section	Paragraph	Changes
29	293		None
	294		None
	295		None
	296		None
	297		None
	298		None
	299		None
	300	1	Removed language about the session from first sentence
	2	None	
	3	None	
30	302		None
	303		None
	304		None
31	306		None
	307		None
	308		None
32	310		None
	311		None
	312		None
	313		None
	314		None
	315		None
	316	1	None
	2	None	
	3	Deleted last clause referring to previous question	
	4	None	
	5	None	
33	330		None
	331		None
	332		Removed clause relating to the previous question
	333		None
	334		None
	335	1	Moved last sentence to beginning of paragraph
		2	None
		3	None
	336		None
	337		None
	338	1	None
		2	Added sentence about what happens to a pending amendment when the main motion is taken from the table. Changed language of second sentence to state that a motion to amend can be tabled without carrying the main motion with it. Deleted last sentence
		3	Deleted
4		Renumbered as new Para 3	
5		Renumbered as new Para 4	
6		Renumbered as new Para 5	
7		Renumbered as new Para 6	
8		Renumbered as new Para 7	

Chapter	Section	Paragraph	Changes
33 (cont)	339		None
	340		None
	341		None
	342		None
34	345	1	Deleted last sentence
		2	None
		3	Clarified language by inserting references to "main" motions and "a matter other than main motion"
		4	Reversed order of Paras 4 and 5; becomes new Para 5
		5	Reversed order of Paras 4 and 5; becomes new Para 4
		6	None
	346		None
	347		None
	348		None
	349	1	In fourth sentence, removed clause referring to amendments to motions for previous question. Minor grammatical change in last sentence
		2	None
	350		None
	351	1	Added language about main motion to first sentence.
		2	None
		3	None
352		None	
35	355		None
	356	1	None
		2	Added reference to "confining" debate in last sentence
		3	None
		4	Deleted
		5	Renumbered as new Para 4
		6	Renumbered as new Para 5
	357		None
	358	1	None
		2	Deleted last sentence
		3	None
		4	None
		5	None
	359		None
360		None	
361		None	
36	365		None
	366		None
	367		None
	368		None
	369		None
	370		None
	371		None
	372		None
373		None	
374		None	

Chapter	Section	Paragraph	Changes	
37	378	1	Changed wording of clause (c)	
		2	None	
	379		None	
	380		None	
	381		None	
	382		None	
	383		None	
	384		None	
	385		None	
	386		None	
	387		Deleted entire section	
	388		Renumbered as new section 387; no other changes	
	389		Renumbered as new section 388; no other changes	
	390		Renumbered as new section 389	
		1	Deleted clause referring to renewal of a motion to refer a bill to committee	
		2	None	
	391		Renumbered as new section 390; no other changes	
	38	395		None
		396		None
397			None	
398			None	
399			None	
400			None	
401			None	
402		1		None
		2		Second reference to "question" changed to "amendment"
		3		None
		4		None
		5		None
403		1		None
		2		Minor grammatical change
		3		Changed wording to clarify that the body has control of amendments after formal introduction
		4		None
404			None	
405			Changed title to more clearly reflect content of section	
406			Deleted entire section	
407			Renumbered section as new section 406; deleted second sentence	
408			Renumbered section as new section 407; no other changes	
409		Renumbered section as new section 408; no other changes		
410		Renumbered section as new section 409; no other changes		
411		Renumbered section as new section 410; no other changes		
412		Renumbered section as new section 411; no other changes		
413		Renumbered section as new section 412; no other changes		
414		Renumbered section as new section 413; no other changes		
415		Renumbered section as new section 414; no other changes		

Chapter	Section	Paragraph	Changes	
38 (cont)	416		Renumbered section as new section 415; no other changes	
	417		Renumbered section as new section 416; no other changes	
	418		Renumbered section as new section 417; no other changes	
	419		Renumbered section as new section 418; no other changes	
	420		Renumbered section as new section 419; no other changes	
	421		Renumbered section as new section 420; no other changes	
39	430		None	
	431		None	
	432		None	
	433		None	
	434		None	
	435		None	
40	436		None	
	440		None	
	441		None	
	442		None	
	443		None	
	444		None	
41	445	445	None	
		450	1	None
			2	None
			3	Deleted local case cite in footnote
			4	None
		5	Minor grammatical change	
	451		None	
	452	452	1	Deleted last sentence
			2	None
			3	None
	453	453		Added a "See also" reference
			1	None
			2	None
			3	Minor grammatical change
			4	None
			5	Deleted entire paragraph
			6	Renumbered as new paragraph 5
			7	Renumbered as new paragraph 6
			8	Renumbered as new paragraph 7
			9	Renumbered as new paragraph 8
	10	Renumbered as new paragraph 9		
454		None		
455		None		
456		None		
457		None		
458		None		
459		None		

Chapter	Section	Paragraph	Changes	
41 (cont)	460	1	None	
		2	None	
		3	None	
		new	Added new paragraph 4 concerning disposition of motion for reconsideration	
	461		None	
	462		None	
	463	1	None	
		2	None	
		3	Minor grammatical change	
	464		None	
	465		None	
	466		None	
	467	1	Deleted first cite in footnote, which was a local case	
		2	Deleted	
		3	Deleted	
		4	Renumbered as new paragraph 2	
		5	Renumbered as new paragraph 3	
		6	Renumbered as new paragraph 4	
		7	Renumbered as new paragraph 5	
	468		Added a "See also" reference	
		1	None	
		2	Deleted; moved to become new paragraph 3 in Sec. 751	
	469	3	Renumbered as new paragraph 2. Also minor grammatical change	
		1	None	
		2	None	
		3	None	
		4	None	
		5	None	
	470	6	Changed wording from "usual practice" to "practice in some states"	
			Minor grammatical change	
	471	1	Deleted last sentence	
		2	None	
		3	None	
	472	1	Removed paragraph numbering	
		2	Deleted	
	473		None	
	474		Deleted entire section	
	42	480		None
		481		None
		482	1	None
			2	None
			3	None
			4	Deleted footnote
		5	None	
	483		None	

Chapter	Section	Paragraph	Changes
43	488		None
	489		None
	490	1	None
		2	None
		3	Removed reference to "file" in clause c
		4	None
	491		None
	492		None
	493		None
	494		Removed reference to "file" in title
495		None	
44	500		None
	501	1	None
		2	None
		3	None
		4	Deleted paragraph; moved footnote to "But see also" reference in Sec. 501, Para 1
	502	1	None
		2	None
		3	None
		4	None
		5	None
		6	None
		7	Deleted school board case cite in footnote
	503		None
	504	1	None
		2	None
		3	None
		4	Deleted reference to governmental bodies from second sentence
		5	None
		6	None
		7	None
	505		None
	506		None
	45	510	1
2			None
3			Deleted
4			Renumbered as new para 3. Changed reference from "regulation" to "rule or constitutional provision"
5			Renumbered as new para 4
511		1	Minor grammatical change
		2	None
		3	None

Chapter	Section	Paragraph	Changes
45 (cont)	512	1	None
		2	None
		3	None
		4	None
		5	None
		6	None
		7	None
		8	Minor grammatical change
		9	None
		10	None
	513	1	None
		2	None
		3	None
		4	Changed reference from "organization" to "body"
		5	None
	514	1	None
		2	None
		3	None
		4	None
		5	None
		6	Minor grammatical change
	515		None
	516		None
517		None	
518	1	Changed reference from "do any act" to "take final action"	
	2	None	
	3	None	
46	520		None
	521	1	None
		2	Minor grammatical change
		3	None
	522		Changed wording of title slightly
		1	Minor grammatical change in first sentence. Removed reference to charges against a group from last sentence. Added Melland footnote cite from old Para 6 of Sec. 561. Added Robert's and Cushing's cites mentioned in the 1/14/85 journal of the Oregon House.
		2	Deleted
		3	Deleted
		4	Deleted
		5	Renumbered as new paragraph 2
	523	1	None
		2	Deleted second sentence; minor grammatical change to last sentence
		3	Deleted
		4	Renumbered as new paragraph 3
5		Renumbered as new paragraph 4	

Chapter	Section	Paragraph	Changes
46 (cont)	524		None
	525		None
	526		None
	527		None
	528		None
47	530		None
	531	1	None
		2	Removed reference to amending in to last sentence
		3	In first sentence, removed phrase about vote being taken first
		4	None
	532	1	None
		2	None
		3	None
		4	None
		5	Rewritten to clarify meaning
		6	None
		7	None
		8	None
	533	1	Changed first sentence to clarify; deleted second sentence
		2	None
		3	None
		4	Deleted phrase about obviously incorrect announcement
	534		None
	535	1	None
		2	None
		3	None
		4	None
		5	None
		6	None
		7	None
		8	None
		9	None
		10	Changed references from "minutes" to "journal of the body"
	536	1	None
		2	None
		3	Deleted second sentence
	537	1	None
		2	Deleted last sentence
3		None	
4		None	
5		None	
6		None	
538		Minor grammatical change to second sentence; deleted last sentence	

Chapter	Section	Paragraph	Changes
48	545		None
	546		None
	547		None
	548		None
	549		None
	550		None
49	552	1	None
		2	None
		3	Deleted reference to legislative bodies; other minor grammatical changes
		4	Deleted portion of para referring to election of more than one person
		5	None
		6	Deleted reference to "by law"
	553	1	None
		2	Added language "absent specific controlling provision"
		3	None
	554		None
	555		None
	556		None
50			Changed title of Part IV by removing reference to "administrative"
			Changed title of Chapter 50 to incorporate discipline and expulsion of members
			Due to its importance, added "See also" reference to Powell case after chapter title
	560	1	None
		2	None
		new	Inserted new para 3 specifying that a body may not impose or establish a qualification for office not specified in the constitution.
		3	Renumbered as new para 4; added language setting out circumstances under which courts may review legislative action; added footnote cite.
		4	Renumbered as new para 5. Deleted existing language, but added language allowing legislature to look at statutory qualifications enacted pursuant to constitutional authority. Deleted first footnote cite (local case) and added several other cites.
		5	Renumbered as new para 6. Deleted Watson cite in footnote (local case).
		new	Created new para.7 by inserting language from old para 5 of Sec. 563.
		6	Renumbered as new para 8.
		7	Renumbered as new para 9.
		8	Renumbered as new para 10.
	9	Renumbered as new para 11	
	10	Renumbered as new para 12	

Chapter	Section	Paragraph	Changes
50 (cont)	560 (cont)	new	Inserted new para 13
		11	Moved some language to Sec. 562, new para 10. Deleted remainder of paragraph.
		12	Deleted paragraph.
	561	1	None
		New	Inserted new paragraph
		2	Renumbered as new para 3
		3	Added "See also" reference to Sec. 190; renumbered as new para 4
		4	Added "See also" reference to Secs. 190 and 191; renumbered as new para 5
		5	Renumbered as new para 6
		6	Deleted paragraph. Moved footnote cite to Sec. 522, para 1.
	562	1	None
		2	None
		3	None
		new	Added new para 4
		4	Renumbered as new para 5
		new	Added new para 6
		5	Renumbered as new para 7; grammatical change in first sentence
		6	Renumbered as new para 8
		7	Renumbered as new para 9
	563		Changed section title by deleted "No" and adding "Limited"
		1	None
		2	None
		3	Deleted last sentence
4		None	
5		Deleted here; moved to Sec. 560 as new para 7	
564		1	None
	2	None	
	3	None	
	4	Added case cite to footnote	
51	568		None
	569		None
	570		None

Chapter	Section	Paragraph	Changes	
52	575		None	
	576		None	
	577		None	
	578		None	
	579		None	
	580		None	
	581	1		None
		2		Changed reference from "organization" to "body"
582		None		
53	584	1	None	
		2	None	
		3	None	
		4	None	
		5	None	
		6	None	
		7	None	
		8	None	
		9	None	
		10	None	
		11	None	
		12	None	
		13	Minor grammatical changes	
		14	Added references to members in first and third sentence	
		15	Deleted second sentence. Changed reference to "under the direction" to "with" in third sentence	
		16	None	
	585		None	
586		None		
587		None		
54			Changed title of chapter by inserting "Creation and" before "Selection"	
	600		Changed title of section by inserting "Creating and" before "Selecting"	
		new		Inserted new Para 1; moved amended Para 4 to end of new para
		1		Renumbered as new Para 2
		2		Renumbered as new Para 3; other amendments
		3		Deleted
		4		Amended and moved to the end of new Para 1
		5		Deleted
		6		Renumbered as new Para 4; inserted "special" before "committees" in first line
		New		Inserted new Para 5; language moved from Sec. 602, para 2; minor grammatical change
		7		Renumbered as new Para 6; inserted "special" before "committee" in first line
8		Deleted here; language moved to new Sec. 602		

Chapter	Section	Paragraph	Changes
54 (cont)	601		Entire section deleted
	602		Renumbered as new Sec. 601
		1	Deleted first sentence
		2	Deleted here; language moved to Sec. 600, new para 5:
		3	Renumbered as new Para 2; minor grammatical change
	new	Language from Sec. 600, Para 8 moved here; changed "rule" to "principle"	
55	608	1	Deleted. Similar language moved to end of new section.
		2	Deleted paragraph numbering and second sentence. Added language similar to that deleted from paragraph 1.
	609		Existing language was numbered as new paragraph 1
		new	Created new paragraph 2 describing who may preside when chair and vice chair are absent
	610		Amended to use generic term "appointing authority"
	611		Scope broadened from seemingly limited list of duties to list of examples
	612		None
	613	1	Deleted first part of third sentence. Added language stating testimony in public hearings may be taken when quorum is not present.
		2	None
		3	None
	56	615	1
2			None
3			Moved and renumbered as new paragraph 1. For consistency, moved "see also" note below section title
4			Renumbered as new paragraph 3.
5			Renumbered as new paragraph 4. Changed reference to matter in its possession.
6			Renumbered as new paragraph 5. Changed reference to legislative body
616		1	None
		2	None
		3	Minor grammatical changes
		4	None
		5	Minor grammatical change
617			None
618		1	Minor grammatical change
		2	None
619		1	None
		2	None
		3	Minor grammatical change
620		1	None
		2	None
		3	Minor grammatical change
		4	Minor grammatical change
621			None
622			None

Chapter	Section	Paragraph	Changes
57	625	1	None
		2	Minor grammatical change
		3	None
	626	1	Minor grammatical change
		2	None
		3	Added reference to changing the place of a meeting
		4	None
		5	None
		6	None
	627		None
	628	1	None
		2	None
		3	Added language to allow continuance of committees after adjournment
	629	1	Changed language relating to members' right to express opinion; permission may be requested. Moved last sentence to open Section 630
		2	None
new		Added new paragraph 3 stating only members may make motions	
630		Open section with last sentence from Sec. 629, para. 1	
58	632	1	Scope broadened from seemingly limited list of rules not vigorously enforced to list of examples
		2	None
	633	1	Deleted
		2	Renumbered as new paragraph 1
	634	1	Deleted
		2	Renumbered as new paragraph 2 of Sec. 633
	635		Renumbered as new Section 634
		1	Minor grammatical change
	636	2	None
			Renumbered as new Section 635
		1	Deleted first sentence. Some minor grammatical changes to remainder of section
		2	Deleted first sentence
	637	3	None
		Renumbered as new Section 636	
		Changed title to include ad hoc committees	
59	640	1	Added opening sentence to define committee for action
		2	None
		3	Deleted
	641		None
	642		None
	643	1	None
		2	Deleted last sentence
	644		Minor grammatical change