

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 17, 1989 at 2:00 p.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, Vice Chairman Al Bishop, Senators Tom Beck, Mike Halligan, John Harp, Loren Jenkins and Senator Yellowtail.

Members Excused: Senators Joe Mazurek, and Dick Pinsoneault

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

EXECUTIVE SESSION

SENATE BILL 434

Discussion: It was the consensus of the committee that the bill was worthy of a great deal of study and it was recommended that more research be done.

Recommendation and Vote: Senator Halligan MOVED that Senate Bill 434 BE TABLED with the stipulation that a detailed study be made during the interim and a bill be drawn up for the next session of the legislature. The entire committee agreed. Beata Galda, Department of Highways and Marcella Sherfy agreed on the worthiness of the bill's subject matter. Marcella Sherfy, State Historical Society, felt a strong statement must be made to the tribes indicating this action.

The TABLING of the bill CARRIED UNANIMOUSLY. Senator Crippen felt the committee all agreed with the scope and purpose of the bill, but felt it deserved more time, rather than being hurriedly passed out with the possibility of missing important points.

SENATE BILL 373

Recommendation and Vote: Senator Halligan MOVED that Senate Bill 373 BE TABLED. The MOTION CARRIED on a vote of 4 to 3, the YES votes being Senators Bishop, Brown, Halligan and Yellowtail. The NO votes were Senators Jenkins, Harp and Crippen.

After more discussion, Senator Halligan MOVED that Senate Bill 373 BE RECONSIDERED. The MOTION CARRIED UNANIMOUSLY. The committee decided, in deference to committee member Senator Pinsoneault, to act on the bill. He deserved an opportunity to defend the bill on the floor of the Senate, and would be able to if the bill came out with a committee recommendation.

Senator Halligan MOVED that Senate Bill 373 DO NOT PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

SENATE BILL 431

Amendments and Vote: Senator Harp MOVED the RACICOT AMENDMENTS. (Exhibit 1) The MOTION CARRIED UNANIMOUSLY.

Senator Halligan MOVED that Senator Van Valkenburg's proposed amendment defining "gross proceeds" on page 6, line 25 be adopted. The MOTION CARRIED UNANIMOUSLY. For remaining amendments, see Exhibit 2, Valencia Lane's notes.)

Senator Halligan MOVED that Senator Van Valkenburg's suggested amendment on page 11, line 7 be adopted ("or any other person"). The MOTION CARRIED UNANIMOUSLY.

After some discussion, Senator Jenkins MOVED Phil Strobe's suggested amendments regarding hours of operation. The MOTION CARRIED UNANIMOUSLY.

Senator Halligan MOVED an amendment stating, if the principal purpose of an establishment is gaming, they do not have to have a liquor license i.e. a bingo parlor. The MOTION CARRIED UNANIMOUSLY.

Senator Harp MOVED an amendment on page 30, line 24 and on page 35, line 15, to strike "\$300" and insert " \$100". The MOTION CARRIED on a vote of 4 to 3. The YES votes Senators Bishop, Crippen, Brown and Yellowtail. The NO votes were Senators Jenkins, Halligan and Beck.

Senator Harp MOVED an amendment on page 6, line 21, inserting a definition as follows: "used or intended for use in any gambling activity". The MOTION PASSED UNANIMOUSLY.

Senator Harp MOVED an amendment on page 45, line 5, striking "20 or any combination..." and inserting "5 poker and 15 keno machines". The MOTION FAILED by a vote of 3 to 4. The YES votes were Senators Beck, Harp and Crippen. The NO votes were Senators Jenkins, Yellowtail, Halligan and Bishop.

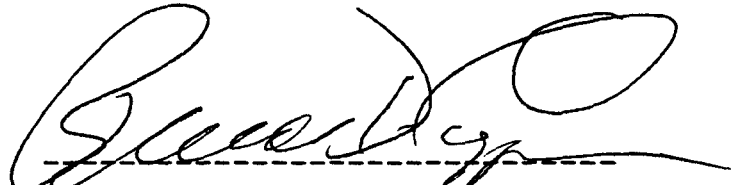
Senator Harp MOVED an amendment on page 34, line 9, striking "3%" and inserting "5%". The MOTION CARRIED by a vote of 4 to 3 with Senators Bishop Beck, Yellowtail and Harp voting YES, and Senators Halligan, Jenkins and Crippen voting NO.

Senator Harp MOVED an amendment on page 54, line 9, striking "1 and inserting "\$10". The MOTION CARRIED UNANIMOUSLY.

Senator Harp MOVED Senate Bill 431 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment at 3:00 p.m.

  
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SENATOR BRUCE D. CRIPPEN  
Chairman

BDC:RJ

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

*Exec. Sessio*

Date 2-17-89  
2:00 to 3:00  
p.m.

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

Each day attach to minutes.

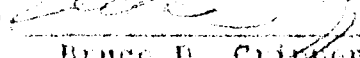
SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 433 (first reading copy -- white), respectfully report that SB 433 do pass.

DO PASS

Signed   
Bruce D. Crisp, Chairman

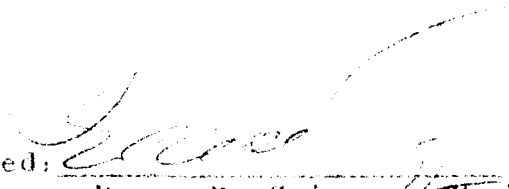
SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 425 (first reading copy -- white), respectfully report that SB 425 do pass.

DO PASS

Signed:   
Bruce D. Crippen, Chairman

scrib425.217

2-15-89  
1989

SENATE STANDING COMMITTEE REPORT

February 17, 1982

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 452 (first reading copy -- white), respectfully report that SB 452 be amended and as so amended do pass:

1. Page 4, line 19.

Following: "order"

Insert: "and with the consent of the sheriff"


2. Page 17, lines 3 and 4.

Following: and the

Strike: remainder of line 3 through "government" on line 4

Insert: "administrator"

AND AS AMENDED DO PASS

Signed: 

Bruce D. Crippen, Chairman

2-17

SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 431 (first reading copy - white), respectfully report that SB 431 be amended and as so amended do pass:

(See attached)

AND AS AMENDED DO PASS

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

2-17-89  
JDC  
3-25



SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 373 (first reading copy -- white), respectfully report that SB 373 be amended and as so amended do not pass:

(See attached)

AND AS AMENDED DO NOT PASS

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

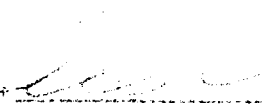
SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 414 (first reading copy -- white), respectfully report that SB 414 do not pass.

DO NOT PASS

Signed:   
Bruce D. Crippen / Chairman

2-15-89  
1:21

EX. 1EXHIBIT NO. 12-17-89, 2:00p.m mtg DATE 2-14-89SB 431BILL NO. SB 431

Amendments by MARC Racicot

1. Page 5, lines 17 and 18.

Following: "square" on line 17

STRIKE: remainder of line 17 through  
"play" on line 18

2. Page 10, line 13.

Following: "chapter"

INSERT: " or assess or charge any fees or taxes"

3. Page 10, lines 16 and 18.

~~Following~~ Following: "resolution"

STRIKE: "defining"

INSERT: "zoning"

4. Page 12, line 11.

Following: ~~the~~ "the"

INSERT: " application or "

5. Page 15, line 20.

Following: "create"

STRIKE: " or enhance the dangers"

INSERT: " a dangers"

6. Page 50, line 22.

Following: "\$100"STRIKE: "a land or \$800"

EX 2.  
2-17-89  
2 p.m. mtg.

SENATE JUDICIARY  
EXHIBIT NO. 2  
DATE 2-17-89  
BILL NO. SB 431

SB 431

~~adopted~~ ① Racicot amendments adopted (see attached)

~~adopted~~ ② P 6, l 25 "gross proceeds" <sup>define</sup> var V.

~~adopted~~ ③ P 11, l 7 var V.

~~adopted~~ ④ STROPE's amend't re: house of op.

P 31, l 8-11	§ 32	} STRIKE local lang.
P 38, l 21-23	§ 43	
P 51, l 19-22	§ 56	

~~adopted~~ ⑤ P 44, l 6 + 9  
P 29, l 4 + 5

... or a person who operates an establishment  
for the PP purpose of gaming

~~adopted~~ ⑥ P 30, l 24. S: 300  
~~P 35, l 15~~ I: 100

~~adopted~~ ⑦ P 6, l 21  
"used or intended for use in any gambling activity"

~~⑧ P 45, l 5 S: 20 "play comb" I: 5~~

~~adopted~~ ⑧ P 34, l 9 S: 3%  
I: 5%

~~adopted~~ ⑨ P 54, l 9. Change #1 to #10

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 434 Time \_\_\_\_\_

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

*9 to 1*

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Halligan table UNANI

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 373 Time #1  
p.m. mtg.

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

4 to 3

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Senator Halligan moved to Table  
Carried 4 to 3

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

#2

Date 2-17-89 Senate Bill No. 373 Time \_\_\_\_\_

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	<i>absent</i>	
SEN. PINSONEAULT	<i>absent</i>	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

Rosemary Jacoby \_\_\_\_\_  
Secretary

Sen. Bruce Crippen \_\_\_\_\_  
Chairman

Motion: Halligan moved to reconsider  
Carried

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senex Bill No. 373 Time #3

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	<i>absent</i>	
SEN. PINSONEAULT	<i>absent</i>	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: *Senator's Halligan Moved:*  
*Do Not Pass as Amended -*  
*Motion Carried Unanimously*



ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #1  
*p.m.*

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK <i>a.</i>		
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK <i>a</i>		
SEN. PINSONEAULT <i>a</i>		
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

*Sen. Amend #1*

*am*

Motion: *Harp moved the Recast amendments (see Ex. 1)*  
*Motion carried unanimously.*

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #2  
p.m.

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

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Amend # 2

Motion: Sen. Halligan moved Sen. Van Valkenburg amend-  
ment defining "gross proceeds" - Unanimous  
(See EX. 2)

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #3  
p.m. mtg.

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

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Amend #3  
Motion: Sen. Halligan moved Sen. Van Valkenburg's suggested  
amend. on p. 11, line 7 "or any other person".  
Unanimous.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #4

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

Rosemary Jacoby  
Secretary  
*Amend. # 4*

Sen. Bruce Crippen  
Chairman

Motion: *Sen. Jenkins moved Phil Strapic's suggested amendment regarding "hours of operation"*  
*Unanimous*

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #5  
2 p.m. mtg.

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

Rosemary Jacoby  
Secretary Amend # 5

Sen. Bruce Crippen  
Chairman

Motion: Sen. Halligan moved stating that, if the principal purpose of an establishment is gaming (i.e. bingo or poker), the owner does not have to have a liquor license.

Unanimous

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #6  
2 p.m. mtg.

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

4 . to . 3

Rosemary Jacoby  
Secretary Amend # 6

Sen. Bruce Crippen  
Chairman

Motion: Senator Harp moved:  
page 30, line 24 and page 35, line 15, strike  
\$ 300 and insert \$ 100.  
Motion carried 4-3

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #7  
2 p.m. mtg.

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

Rosemary Jacoby  
Secretary Amend. #7

Sen. Bruce Crippen  
Chairman

Motion: Sen. Harp moved that on p. 6, line 21, insert  
"used or intended for use in any gambling  
activity". Passed Unanimously

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time #8  
2 p.m. mtg.

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

3 . 4

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Amend #:

Motion: Sen. Harp moved p. 45, line 5 striking  
"20 or any combination" and inserting  
"5 poker and 15 keno machines"  
Motion failed 3 to 4



ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time # 9  
2p.m. mtg

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

4 to 3

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Amend. #8

Motion: Senator Harp moved on p. 34, line 9 striking  
"3%" and inserting 5%. Carried with a  
vote of 4 to 3

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 437 Time # 10  
2p.m. mtg

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	<i>a</i>	
SEN. PINSONEAULT	<i>a</i>	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Sen. moved that on p. 54, line 9  
strike \$1 and insert \$10.

Carried unanimously.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 431 Time 2:50 p.m.  
p.m. mtg. #11

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	<i>temp. absent</i>	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	<i>absent</i>	
SEN. PINSONEAULT	<i>absent</i>	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

7.

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Senator Harp moved Do Pass as Amended  
Motion carried unanimous