SENATE BILL NO. 308

INTRODUCED BY ECK, J. JOHNSON, GAGE, KEATING BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

IN THE SENATE

FEBRUARY 8, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

FEBRUARY 19, 1991

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

SECOND READING, DO PASS.

PRINTING REPORT.

ENGROSSING REPORT.

- FEBRUARY 20, 1991
- FEBRUARY 21, 1991
- FEBRUARY 22, 1991

THIRD READING, PASSED.

AYES, 48; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991

MARCH 19, 1991

MARCH 21, 1991

MARCH 23, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 98; NOES, 1.

RETURNED TO SENATE.

IN THE SENATE

MARCH 25, 1991

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1205/01

tana Legislative Council

SENTEBILL NO. 308 1 INTRODUCED BY 2 Atmon 3 BY REQUEST OF THE DEPARTMENT 4 OF FAMILY SERVICES 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE ADVANCED 7 AGE FROM THE DEFINITION OF "INCAPACITATED PERSON" FOR 8 PURPOSES OF THE LAW RELATING TO GUARDIANSHIP AND 9 CONSERVATORSHIP; AMENDING SECTION 72-5-101, MCA: AND 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 72-5-101, MCA, is amended to read: "72-5-101. Definitions. Unless otherwise apparent from 14 15 the context, in this code the following definitions apply: 16 (1) "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, 17 18 physical illness or disability, advanced-age; chronic use of drugs, chronic intoxication, or other cause (except 19 minority) to the extent that he lacks sufficient 20 21 understanding or capacity to make or communicate responsible decisions concerning his person or which cause has so 22 impaired the person's judgment that he is incapable of 23 24 realizing and making a rational decision with respect to his 25 need for treatment.

1 (2) "Protective proceeding" means a proceeding under 2 the provisions of 72-5-409 to determine that a person cannot 3 effectively manage or apply his estate to necessary ends, 4 either because he lacks the ability or is otherwise 5 inconvenienced or because he is a minor, and to secure 6 administration of his estate by a conservator or other 7 appropriate relief.

8 (3) "Protected person" means a minor or other person
9 for whom a conservator has been appointed or other
10 protective order has been made.

11 (4) "Ward" means a person for whom a guardian has been 12 appointed. A "minor ward" is a minor for whom a guardian has 13 been appointed solely because of minority."

14 <u>NEW SECTION.</u> Section 2. Effective date. [This act] is

15 effective on passage and approval.

-End-

INTRODUCED BILL

LC 1205/01 APPROVED BY COMMITTEE ON JUDICIARY

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52nd Legislature

LC 1205/01

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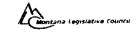
-2-

THIRD READING

52nd Legislature

SB 0308/02

SENATE BILL NC. 308 1 1 2 INTRODUCED BY ECK, J. JOHNSON, GAGE, KEATING 2 BY REQUEST OF THE DEPARTMENT 3 3 OF FAMILY SERVICES 4 4 5 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE ADVANCED 6 6 AGE FROM THE DEFINITION OF "INCAPACITATED PERSON" FOR 7 7 appropriate relief. PURPOSES OF THE LAW RELATING TO GUARDIANSHIP AND 8 8 CONSERVATORSHIP: AMENDING SECTION 72-5-101, MCA: AND 9 2 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 11 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 12 13 Section 1. Section 72-5-101, MCA, is amended to read: 13 "72-5-101. Definitions. Unless otherwise apparent from 14 14 the context, in this code the following definitions apply: 15 15 (1) "Incapacitated person" means any person who is 16 impaired by reason of mental illness, mental deficiency, 17 18 physical illness or disability, advanced-ager chronic use or drugs, chronic intoxication, or other cause (except 19 minority) to the extent that he lacks sufficient 20 21 understanding or capacity to make or communicate responsible 22 decisions concerning his person or which cause has so 23 impaired the person's judgment that he is incapable of realizing and making a rational decision with respect to his 24 25 need for treatment.



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-End-

-2-

SB 308 **REFERENCE BILL**

SB 0308/02