

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 10, 1983

The thirty-ninth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on March 10, 1983, at 10:15 a.m., in Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 272: Representative Nilson submitted written testimony (see attached Exhibit "A") and explained that HB272 is a bill to prevent judges from sentencing 16 to 18 year old offenders directly to Swan River Youth Camp. Representative Nilson feels this bill is important because of the "dorm style" living conditions which exist between youthful offenders and offenders between the ages of 18-25, and because no fence exists at Swan River Youth Camp.

PROPOSERS: Curt Chisholm, Deputy Director of the Montana State Department of Institutions stated that he feels we need to reflect in the law what we are doing at Swan River Youth Camp. Originally, the camp was intended for adult and young adult offenders, but at the present time, it is apparent we cannot house both at the facility. Mr. Chisholm urged the Committee to pass HB272.

There being no further proponents and no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 619: Senator Hannah stated that there are practical problems with the current laws on how landlords may terminate rental agreements of persons damaging rental property. The current law only provides long-term solutions for the landlord when a tenant is damaging his property. HB619 would provide a landlord with the means to terminate a rental agreement within three days. This provides the landlord with a remedy before the tenant has time to do more damage.

PROPOSERS: Ben Havdahl circulated pictures among the Committee members of an apartment house seriously damaged by tenants. He stated that although the majority of tenants are good, there are exceptions. Mr. Havdahl stated that he supports HB619.

Julio Morales, President of the Montana Landlord's Association, submitted written testimony (see attached Exhibit "B") and stated he was in favor of HB619. It is his feeling that a landlord should not have to stand by idly while someone destroys his property. Mr. Morales supports a three-day waiting period.

Dennis Rehberg of the Montana Association of Realtors stated that recently a tenant had built a campfire in a rental unit and situations like this require a swift remedy of law.

Larry A. Witt, representing the Montana Landlord's Association in Bozeman, Montana, submitted written testimony (see attached Exhibit "C") and stated that he supports HB619 because it is necessary to minimize damage. He stated that if a tenant has already caused damage, it is unrealistic to assume he will not do any more damage while a landlord is attempting to get an eviction.

Mr. Ralph Lewis, State Vice President and Lobbyist for the Montana Landlord's Association and Phyllis Hemstad submitted written testimony in favor of HB619 (see attached Exhibits "D" and "E").

There being no more proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 220: Representative Hannah favors this bill because in most cases of disputes between a landlord and a tenant, the dispute is not a valid reason for non-payment of rent. HB220 forces this rent money to be deposited with the court until a settlement is reached and a decision is made as to the disposition of the money. Representative Hannah feels that many tenants presently use a dispute as a means of obtaining a few months free rent. Representative Hannah requested the Committee's support of HB220.

PROPOSERS: Dennis Rehberg of the Montana Association of Realtors stated that HB220 would not work in a few cases of landlord-tenant disputes such as a dispute as to whether the rent is owed at all, but in most cases HB220 would apply.

Julio Morales, President of the Montana Landlord's Association submitted written testimony (see attached Exhibit "F") stating that because of the length of time involved in obtaining an eviction, a "runaway" tenant is afforded the opportunity of taking advantage of someone else's property.

Larry A. Witt, President of the Bozeman Chapter of the Montana Landlord's Association, submitted written testimony (see attached Exhibit "G") in favor of HB220. Mr. Witt feels this bill is necessary to assure the collection of accrued rent.

Written testimony was also submitted from Phyllis Hemstad (see attached Exhibit "H") in favor of HB220.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Turnage asked whether the remedy of unlawful detainer would be available to evict a tenant and Mr. Morales agreed that it would be.

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In closing, Representative Hannah stated that HB220 would eliminate any possibility of a tenant not paying his rent.

There being no further questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 546: Representative Waldron stated that HB546 is a necessary piece of legislation as it provides a pressure relief valve when overcrowded conditions exist at Montana State Prison. He stated that when the population at the prison exceeds 760 violence increases and the possibility of a riot is looming. Under HB546, inmates would be eligible for parole four months early; however, he emphasized the fact that inmates would still have to meet parole requirements set by the Parole Board and these requirements are quite strict. Representative Waldron emphasized the fact that this bill contains a termination date.

PROPONENTS: Hank Burgess of the Montana Board of Pardons stated that the Board would cooperate if the Legislature passed this bill. Mr. Burgess stated that he personally feels that it is possible to release some inmates from prison early with no difficulty. He also stated that the Board is glad there is a termination date contained in the bill.

Cathy Campbell, representing the Montana Association of Churches, also testified in favor of HB546.

Curt Chisholm, of the Montana Department of Institutions, testified in favor of HB546 in view of the fact that the population of the Montana State Prison is 772 with a forecasted 914 and because of lack of cooperation in opening pre-release centers. He reminded the Committee that HB546 does not automatically release prisoners, but only gives the Board of Pardons the power to do so.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Turnage questioned Mr. Chisholm whether this bill pertained to women's institutions in Montana and Mr. Chisholm replied that it did.

Senator Halligan questioned Mr. Chisholm whether an amendment to release only "non-dangerous" offenders would render the bill unconstitutional under the equal protection clause of the Constitution. Mr. Chisholm replied that it might.

Hank Burgess informed the Committee that there are many prisoners who are classified as "non-dangerous" who are dangerous.

There being no further questions from the Committee, Representative Waldron closed by stating that he was not happy to have to carry this bill, but he is very concerned with the effects of the overcrowded conditions at the prison.

ACTION ON HOUSE BILL 546: The Chairman announced the Committee was ready to consider executive action on this bill. Senator Mazurek moved HB546 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 272: Senator Daniels expressed concern with how the residents near Swan River Youth Camp will feel about this bill. Senator Halligan moved HB272 BE CONCURRED IN. The motion carried with Senators Crippen, Brown and Daniels voting in opposition.

ACTION ON HOUSE BILL 619: Senator Shaw moved that HB619 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 194: All Senators agreed there is a problem with the use of "maximum age." Senator Crippen suggested the term "legal age." Senator Mazurek felt that any change in the term would confuse the electors. Senator Crippen moved that HB194 BE CONCURRED IN. This motion passed unanimously.

ACTION ON HOUSE JOINT RESOLUTION 23: Senator Halligan moved that HJR23 BE ADOPTED. This motion carried with Senator Brown voting in opposition.

ACTION ON HOUSE BILL 642: Counsel for the Committee distributed proposed amendments and reviewed. Senator Mazurek was concerned with privately owned clubs which are not open to the public. Senator Crippen moved that the proposed amendments to HB642 BE ADOPTED. This motion carried unanimously. Senator Galt moved that HB642 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 660: Senator Crippen moved to TABLE HB660. This motion carried with Senator Berg voting in opposition.

ACTION ON HOUSE BILL 575: Senator Mazurek stated he had made an error in tabling this bill and made a motion to reconsider that action. This motion carried unanimously. Senator Mazurek then moved that HB575 BE CONCURRED IN. This motion carried unanimously and it was agreed Senator Mazurek would carry the bill.

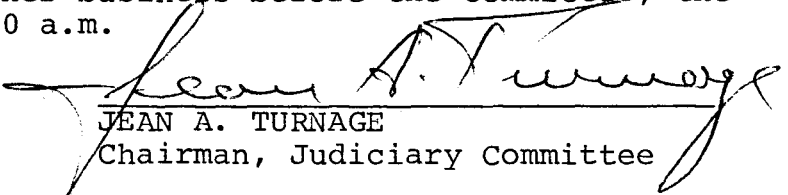
ACTION ON HOUSE BILL 250: Senator Mazurek was concerned that a \$500 to \$1,000 fine would mean that the crime was no longer triable in justice court and would have to go to district court. Senator Shaw stated that he wasn't sure a mandatory sentence would help habitual offenders.

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Senator Mazurek moved to adopt the amendments as proposed by Larry Majerus, and to include a semi-colon after the word "hours" on page 1, line 12 of the title. This motion passed unanimously. Senator Mazurek then moved an additional amendment which would replace 90 days with 30 days on page 2, line 12. This motion also carried unanimously. Senator Brown moved that HB250 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

FURTHER CONSIDERATION OF HOUSE BILL 562: The Committee had problems with the issue of consent. Senator Mazurek stated that he had some amendments which he would propose to the Committee at a later date.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 11:40 a.m.


JEAN A. TURNAGE
Chairman, Judiciary Committee

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Taren Mikota	Nat League of Women Voters	272 546		observing
Cathy Campbell	MT. Assn. of Churches	#B 546	✓	
AUSTIN SMOUL	INSTITUTIONS	#B 546	✓	
"	"	"	✓	
Julio E MORALES	Madam Handlow Ass	220	✓	
Julio E. MORALES	" " "	619	✓	
Larry A Witt	" " "	220	✓	
Larry A Witt	" " "	619	✓	
Russ Bingham	Senate Page	272 546		observing
Charles C Meyer	Self.	220 146	"	"
Hank Burgess	Board of Pardon	546	"	

(Please leave prepared statement with Secretary)

Nilson F 75

a request of the Department of institutions.

House Bill 272 is a bill to prevent judges from sentencing 14 to 18 year old offenders directly to Swan River.

The facility is being used for 18 to 25 year old offenders presently, and it is not good for these to mix the more youthful offenders with them.

If a 16 year old was sentenced to Swan River and started a court action, it might be found in court, that these offenders can't be mixed.

This bill was amended in House relating to the evaluation, the Department of institutions, if any other make changes to Swan River. This practice is in place presently, and should be, and present to no

problems that I am aware of. These evaluations are important because of the "down" side of living instead of well and the fact that there is no fence around the facility. I urge you "do concern" on HB 272. Thank you

EXHIBIT "B"

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

NAME: Julio E MORALES DATE: Mar 10/53

ADDRESS: 2019 - 9th Ave Helms Mont 5960

PHONE: 442 - 1692

REPRESENTING WHOM? Maintenance Landlords Assoc. (Helms ch)

APPEARING ON WHICH PROPOSAL: HB 619 (H/2 nr)

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: Reduce to three days notice
to terminate rental when damaged
property -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE - JUDICIARY COMMITTEE

HB 619 (Hanna)

TO THE HONORABLE MEMBERS OF THE COMMITTEE:

(for the record) I, JUAN E. MORALES, President of the MONTANA LANDLORDS ASSOCIATION (Helena Chapter) respectfully ask this Honorable Committee to recommend the passage of HB619 (Hanna), now before you and for your consideration.

This Bill seeks to amend the current statute and allow the Landlord to terminate a tenancy on three(3) days written notice, (instead of fourteen days written notice) if tenant DAMAGES or REMOVES part of the premises.

Statute (70-243210) 70-24-321 obligates tenant to maintain dwelling unit and in (2) to not destroy remove any part of it/-

The aggrieved party may recover damages (70-24-401).-

The Landlord is to tell tenant of the breach and terminate tenancy fourteen days after notice (70-24-422).- It should perhaps be noticed that (2) of this statute states a three day period for non payment of rent (Similar to (2) of 70-27-108 (Unlawful detainer).-

A landlord should not be made to wait patiently after knowing about the destruction of the premises before acting.

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

NAME: LARRY A. WITT DATE: 3/10/83

ADDRESS: 119 So. 15th Ave. ROZEMAN

PHONE: 587-1700

REPRESENTING WHOM? MANTONA LANDLORD ASSOCIATION

APPEARING ON WHICH PROPOSAL: HB 220 & HB 619

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TO THE JUDICIARY COMMITTEE OF THE SENATE
TESTIMONY IN SUPPORT OF HB 619

Mr. Chairman, members of the committee, my name is Larry A. Witt and I reside at 119 South 15th Avenue in Bozeman. I am president of the Bozeman Chapter of the Montana Landlord's Association, and I am testifying in support of HB 619 on behalf of the Montana Landlord's Association, Inc.

I feel that this bill is necessary to minimize the potential damage that a bad or unreasonable tenant could cause before a tenancy could be terminated. If the tenant has already caused damage, it would be unrealistic to expect the tenant to change his conduct overnight. Therefore, the only realistic expectation would be that a tenant could cause much less damage in 3 days than he could in 14 days.

Thank you, Mr. Chairman.

MONTANA LANDLORD'S ASSOCIATION, INC.

312 MOORE LANE
BILLINGS, MONTANA 59101

Reference House Bill 619

Mr. Chairman----Members of the Judiciary Committee

I am Ralph Lewis, State Vice President and lobbyist for the Montana Landlord's Association.

First, I would like to state that I am not anti tenant; they are our customers. This bill is aimed at the already bad tenant.

We definitely support this bill. Since the law has been rather hazy in this area, it is our sincere desire to see this tightened up to allow the landlord the swiftest possible eviction.

It has been quite a bone of contention with the landlords that while having a tenant under a notice of eviction, he must stand idly by and watch his property destroyed or stolen by his unhappy tenant, who quite possibly has not even paid his rent.



(This sheet to be used by those testifying on a bill.)NAME: Phyllis Lemstad DATE: 3-10-83ADDRESS: 106-6th St. N.W., Great Falls, Mt. 59404PHONE: 452-7074REPRESENTING WHOM? selfAPPEARING ON WHICH PROPOSAL: HB 619DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: I favor this bill because I am presently in a situation where the tenant sold a sofa + chest of drawers from the house, skipped out on \$100⁰⁰ in rent and left town. I could not get her out when she was delinquent because I could not find her at home. It needs to have enough teeth so that a notice by mail would meet the written notice requirement. It doesn't help having to go through the present process to remove troublesome tenants when you can't collect rent. It's too long, too expensive, and the tenant has more rights than the person with property.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT "F"

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

NAME: Julia E. MORALES DATE: Mar 10/83

ADDRESS: 2019- 9th Ave Helena Mt. 59601

PHONE: 442-1692

REPRESENTING WHOM? Montana Landlords Assoc. (Helena Ch)

APPEARING ON WHICH PROPOSAL: HB 220 (Flamm)

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT:

Seeking to make mandatory for the court to order defendant tenant to pay int court accrued rent pending the outcome of the action for non pmt. of Rent (Residential)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AND THE HONORABLE MEMBERS OF THE COMMITTEE :

(For the record) I JUDIC E. ROALES , President of the MONTANA LANDLORDS ASSOCIATION (Helena Chapter) respectfully asks this Honorable Committee to recommend the passage of SB 220 (Hanna), now before you and for your consideration.

To start with, let us say that this matter does not involve any particular economic status of the parties to the LANDLORD-TENANT relationship. Sometimes the landlord is poorer than the tenant and viceversa. Justice based on the strict technicality of the statute is sought.

This Bill deals with court actions. For non payment of RENT. Residence. (Not a commercial one).

The bill seeks to make mandatory for the court to order the defendant tenant to pay into the court all or part of the accrued rent . In other words , to deposit into the court that money.

Now, the statute uses a permissible word, MAY. The court may order the tenant to pay into the court the accrued rent. Usually the courts orders this. Therefore it is not discussed here whether the payment into the court should or should not be done. Since it is a moral and justiciable thing it is to be ordered by the legislature. Substitute the word SHALL (Must) for MAY.

Sometimes the procedure for evicting a tenant for non payment of rent takes more time than necessary. In the meantime the Landlord is deprived of that income.

In our statute there is another instance where the litigating tenant is ordered to pay into court, that is when a continuance is asked by the tenant (70-27-202). Otherwise, no disbursement unless court in 70-24-421 chooses to so order.

But if we change and substitute SHALL for may, then tenant will pay into court the accrued rent (deposit) subject, like in 70-24-202 to the outcome or final decision of the court , taking care of rent due, damages, counterclaims, etc..- Although this in itself does not benefit the LANDLORD immediately it prevents a "runaway tenant from taking advantage of someone elses property for free.

TO THE JUDICIARY COMMITTEE OF THE SENATE
TESTIMONY IN SUPPORT OF HB 220

Mr. Chairman, members of the committee, my name is Larry A. Witt and I reside at 119 South 15th Avenue in Bozeman. I am president of the Bozeman Chapter of the Montana Landlord's Association, and I am testifying in support of HB 220 on behalf of the Montana Landlord's Association, Inc.

I feel that this bill is necessary to assure the collection of accrued rent. I would like to cite one example of what has happened in the past without this bill.

An attorney in Billings told the judge that his client (a tenant) was paying his disputed rent into an escrow account. When the case was resolved in the landlord's favor it was discovered by the judge that the tenant had only paid two weeks of rent into the escrow account, far less than the disputed amount. If the accrued rent had been paid into court this problem could have been easily avoided.

Thank you, Mr. Chairman.

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

NAME: Phyllis Hemstad DATE: 3-10-83
 ADDRESS: 106-6th St. N. W., Great Falls
ret 59404
 PHONE: 452-7074

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HB 220

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: This bill is necessary because it is
impossible for a person to keep expenses and
taxes paid if there is a failure of a tenant
to pay rent. It is very difficult to get rid
of a bad tenant and also very expensive. A
landlord should not have to give free rent
to anyone unless the law wishes to compensate
the landlord in some other way. The land-
lord must have rent in order to make payments,
pay taxes, and upkeep.

Thank you

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

March 10 19 33

PRESIDENT

MR.

Judiciary

We, your committee on

having had under consideration **House Joint Resolution** ~~Bill~~ No. **23**

Bergene (Berg)

Respectfully report as follows: That **House Joint Resolution** Bill No. **23**

third reading resolution,

BE ADOPTED

~~BE ADOPTED~~

J. C.

STANDING COMMITTEE REPORT

March 10 19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **House** Bill No. **194**

Swift (Galt)

Respectfully report as follows: That **House** Bill No. **194**

third reading bill,

BE CONCURRED IN

~~**DONPASS**~~

J.C.

STANDING COMMITTEE REPORT

March 10

19 83

PRESIDENT

MR.

Judiciary

We, your committee on

House

Bill No. **250**

having had under consideration

Vincent (Brown)

House

250

Respectfully report as follows: That..... Bill No.....

third reading bill, be amended as follows:

1. Title, line 12.
Following: "DRUGS;"
Insert: "PROVIDING FOR JAIL TERMS OF CONSECUTIVE HOURS;"
2. Page 2, line 5.
Following: "days"
Insert: ", at lease 48 hours of which must be served consecutively,"
3. Page 2, line 12.
Following: "90"
Insert: "30"
Following: "days"
Insert: ", at least 48 hours of which must be served consecutively,"

And, as so amended,

~~DO PASS~~ BE CONCURRED IN

J.C.

STANDING COMMITTEE REPORT

March 10

19 83

PRESIDENT

MR.

Judiciary

We, your committee on

House

Bill No. **272**

having had under consideration

Nilson (Halligan)

House

Bill No. **272**

Respectfully report as follows: That.....

third reading bill,

BE CONCURRED IN

~~DO NOT WRITE~~

J.A.

STANDING COMMITTEE REPORT

March 10 19 33

PRESIDENT

MR.

Judiciary

We, your committee on

House

Bill No. **546**

having had under consideration

Waldron (Mazurek)

House

Bill No. **546**

Respectfully report as follows: That

third reading bill,

BE CONCURRED IN

DOXWASS

J.A.

STANDING COMMITTEE REPORT

March 10

19 83

PRESIDENT

MR.

Judiciary

We, your committee on

having had under consideration House Bill No. 575

Lory (Mazurek)

Respectfully report as follows: That House Bill No. 575

third reading bill, be amended as follows:

1. Title, line 7.
Following: "71-3-1112"
Strike: "AND"
Insert: ", "
2. Title, line 7.
Following: "71-3-1113,"
Insert: "AND 39-71-743,"
3. Page 2.
Following: line 8.
Insert: "SECTION 3. SECTION 39-71-743, MCA, IS AMENDED TO READ:
39-71-743. Assignment or attachment of payments.
(i) No payment under this chapter shall be assignable,
subject to attachment or garnishment or be held liable

(Continued on Page 2)

And, as so amended,

DOXASSY BE CONCURRED IN

410

3. (Continued)

In any way for debts, except as provided in section 71-3-1118, MCA.

(2) After determination that the claim is covered under the workers' compensation or occupational disease acts the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No fee or charge shall be payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer."

And, as so amended,

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 10

19..... 33

PRESIDENT

MR.

Judiciary

We, your committee on

House

619

having had under consideration

Hannah (Mazurek)

House

619

Respectfully report as follows: That

third reading bill,

BE CONCURRED IN

~~DO NOT~~

JEAN A. TURNAGE,

Chairman.

JAC

STANDING COMMITTEE REPORT

March 10,

19 83

MR. PRESIDENT

We, your committee on Judiciary

having had under consideration House

Bill No. 642

Yardley (Keating)

Respectfully report as follows: That House

Bill No. 642

third reading bill, be amended as follows:

1. Title, lines 4 and 5.

Following: "AN ACT"

Strike: "AUTHORIZING THE POSSESSION OF ANTIQUE SLOT MACHINES"

Insert: "AUTHORIZING UNDER CERTAIN CIRCUMSTANCES THE POSSESSION AND OPERATION OF CERTAIN ANTIQUE SLOT MACHINES; LIMITING THEIR OPERATION TO PRIVATE, RESIDENTIAL DWELLINGS; PROHIBITING THEIR POSSESSION, LOCATION AND OPERATION IN ANY PUBLIC PREMISES BUT PERMITTING THEIR LOCATION FOR DISPLAY AND NOT FOR OPERATION IN A MUSEUM OWNED BY THE STATE, COUNTY OR CITY; PROHIBITING THEIR OPERATION FOR ANY COMMERCIAL OR CHARITABLE PURPOSE"

Continued on Page 2

And, as so amended,

~~DO PASS~~ BE CONCURRED IN

Jc

2. Title, line 6.

Following: "AND"

Strike: "23-5-122"

Insert: "23-5-121"

3. Page 1.

Following: line 8.

Insert: "THERE IS A NEW MCA SECTION THAT READS:

"Section 1. Possession and use of antique slot machines authorized -- conditions. (1) The provisions of 23-5-104 and 23-5-121 do not apply to antique slot machines possessed, located, and used in accordance with this section. For the purposes of this section an antique slot machine is a slot machine manufactured prior to 1950, the operation of which is exclusively mechanical in nature and is not aided in whole or in part by any electronic means.

(2) Except as provided in subsection (3), antique slot machines may be possessed, located, and operated only in a private residential dwelling.

(3) Antique slot machines may be possessed or located for purposes of display only and not for operation in any public museum owned and operated by the state of Montana, or a county, or a city.

(4) No antique slot machine may be operated for any commercial or charitable purpose."

Renumber: subsequent sections.

4. Page 1, lines 10 and 11.

Strike: "-- antiques exempt. (1)"

Insert: "."

5. Page 1, lines 11 and 12.

Strike: "subsection (2)"

Insert: "section 1"

6. Page 1, lines 17.

Strike: subsection (2) in its entirety

7. Page 1

Following: Line 21

Strike: Section 2 in its entirety

Insert: "Section 2. Section 23-5-121, MCA, is amended to read:

"23-5-121. Duty of peace officer to seized gambling implements and apparatus -- exception.. (1) It shall be the duty of every officer authorized to make arrests to seize every machine, apparatus, or instrument answering to the description contained in this part or which may be used for the carrying on or conducting of any game or games mentioned in this part and to arrest the person actually or apparently in possession or control thereof or of the premises in which the same may be found, if any

such person be present at the time of the seizure, and to bring the machine, apparatus, or instrument and the prisoner, if there be one, before a committing magistrate.

(2) This section does not apply to antique slot machines, the possession, location or use of which is authorized by [section 1].

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 23, chapter 5, part 1, and the provisions of Title 23, chapter 5 apply to section 1."

appl

And, as so amended,
BE CONCURRED IN