

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 25, 1983

The fifty-second meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage, at 10:03 a.m., in Room 325, State Capitol, Helena, Montana.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 714: House Bill 714 was referred back to the Senate Judiciary Committee from the Senate Administration Committee with proposed amendments. There being no proponents, opponents, or questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 714: Senator Berg moved that the language of the Committee Report from the Senate Administration Committee BE ADOPTED. This motion carried unanimously. Senator Berg then moved that HB714 BE CONCURRED IN AS AMENDED. This motion carried with Senators Crippen and Shaw voting in opposition.

FURTHER CONSIDERATION OF HOUSE BILL 677: Senator Turnage stated that he feels the House will reject his proposed amendments to HB677. Senator Turnage stated that he still opposes the bill, but will do everything possible to see that the amendments stay as he intended them. Senator Turnage then allowed Cathy Campbell, representing the Montana Association of Churches, to review the amendments adopted by the Committee. Senator Berg stated that he did not view HB677 as a "slot machine bill." It is Senator Berg's opinion that the amendments adopted by the Committee will defeat the purpose of the bill. There being no further comments from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 677: Senator Halligan moved that HB677 BE CONCURRED IN AS AMENDED. This motion carried by a roll call vote.

FURTHER CONSIDERATION OF HOUSE BILL 191: Senator Turnage stated that he feels subsection (3) of this bill is dangerous. He also felt the word "common" would tend to lead to an idea of common property.

ACTION ON HOUSE BILL 191: Senator Berg moved that HB191 BE RECONSIDERED. This motion carried unanimously. Senator Daniels moved that the proposed amendments to HB191 BE ADOPTED. This motion carried unanimously. Senator Mazurek moved that HB191 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

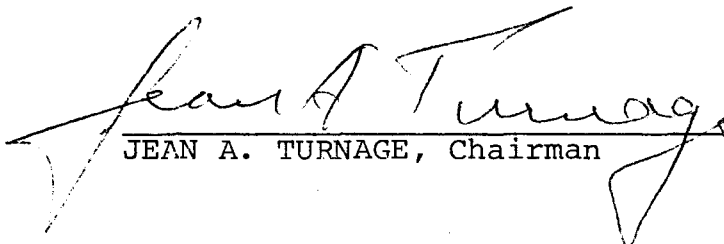
FURTHER CONSIDERATION OF HOUSE BILL 628: Senator Mazurek moved to reconsider HB628. This motion carried unanimously. The Committee

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decided that HB628 should contain two provisions for appeal; one for the person who is incarcerated and one to apply to a person who is not.

ACTION ON HOUSE BILL 628: Senator Mazurek moved that the proposed amendments of the Committee BE ADOPTED. This motion carried unanimously. Senator Mazurek then moved that HB628 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

There being no further business to come before the Committee, the meeting was adjourned at 10:30 a.m.


JEAN A. TURNAGE, Chairman

JUDICIARY COMMITTEE

Date 3/25/83

[illegible]

SENATE COMMITTEE JUDICIARY

Date 032583 House Bill No. 677 Time 9:25

NAME	YES	NO
Berg, Harry K.	✓	
Brown, Bob		✓
Crippen, Bruce D.		✓
Daniels, M.K.	✓	
Galt, Jack E.	✓	
Halligan, Mike	✓	
Hazelbaker, Frank W.		✓
Mazurek, Joseph P.	✓	
Shaw, James N.	✓	
Turnage, Jean A.		✓

Cynthia A. Peterson
Secretary

Turnage
Chairman

Motion: motion that HB677 Be Concurred
in as amended.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

MARCH 23 25 83

19.....

PRESIDENT

MR.

**JUDICIARY
STATE-ADMINISTRATION**

We, your committee on

HOUSE

Bill No. **714**

having had under consideration

Spaeth (-Christiaens) (Mazurek)

Respectfully report as follows: That..... **HOUSE** Bill No. **714**

third reading, be amended as follows:

1. Page 9, lines 7 and 8.
Following: "request of"
Strike: "the complainant"
Insert: "either party"
2. Page 9, line 11.
Following: "[section 9]"
Strike: remainder of lines 11-17 in their entirety
Insert: "and has determined that it will be unable to hold
a contested case hearing within 12 months of the date
the complaint was filed under [section 5]; and
(b) 180 days have elapsed since the complaint was
filed and the efforts of the commission staff to settle
the complaint after informal investigation pursuant to
[section 8] are unsuccessful."

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MARCH ~~23~~ 25 19 83

3. Page 9, line 19.
Following: "subsection (1), "
Strike: "a"
Insert: "the"
Following: "complainant"
Strike: "may"
Insert: "shall"
4. Page 9, line 21.
Following: "appropriate relief."
Insert: "If the claimant fails to petition the district court
within 90 days after receipt of a letter issued by the
commission, the complaint shall be barred."

And, as so amended
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 25

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MR. **PRESIDENT**

We, your committee on **JUDICIARY**

having had under consideration **HOUSE** Bill No. **677**

Nilson

Respectfully report as follows: That **HOUSE** Bill No. **677**

Third reading bill (blue copy) be amended as follows:

1. Page 1, line 17 through line 2 on page 2.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 23-5-412, MCA, is amended to read:

"23-5-412. Bingo prizes. Except as provided in [section 2], bingo prizes must be in tangible personal property only and not in money, cash, stocks, bonds, evidences of indebtedness, or other intangible personal property and must not exceed the value of \$100 for each individual bingo award. The price for an individual bingo card shall not exceed 50 cents. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate value of such award."

"NEW SECTION. Section 2. Cash bingo prizes allowed -- conditions.

(1) The provisions of 23-5-412 prohibiting the payment of bingo prizes in cash or money do not apply if cash or money is awarded as a bingo prize exclusively under the following conditions:

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(Continued)

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(a) The prize may not exceed \$100 for each individual bingo award. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate amount of such prize.

(b) The player of the game may not in any manner operate any device for the selection of the numbers of symbols determining the award of a prize. The player may participate only by recording manually on a card the numbers or symbols used to determine the winner of the game. Such card must be composed of tangible personal property separate from any device used by another to select the numbers or symbols determining the winner, and such card shall have printed thereon the letters "BINGO".

(c) No game of bingo, or any variation thereof by whatever name it may be called, may be conducted or operated under this section:

(i) directly or indirectly in, from, or upon any premises licensed under Title 16, chapter 4, and no person holding a license issued under that title and chapter may receive or in any way participate in the proceeds of the game;

(ii) in any manner by the use of an electronic or mechanical device on which the game is commenced, played, or concluded by the direct or indirect insertion of a coin, token, or other object in the device, or in any manner by the payment of a consideration for the commencement, play, or conclusion of the game other than a consideration paid for the use or purchase of the card required by subsection (b); and

(iii) by any individual, person, corporation, partnership, association or other entity except an organization granted exemption from federal taxation under section 501 (c) (3) of the Internal Revenue Code.

(2) The provisions of subsection (1) do not apply to the game commonly known as "Keno".

"NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 23, chapter 5, part 4, and the provisions of Title 23, chapter 5, part 4 apply to Section 2."

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

..... March 25 19 23

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 191

Ramirez (Daniels)

Respectfully report as follows: That House Bill No. 191

1. Page 3, line 4.
Strike: Subsection (3) in its entirety.
Renumber: Subsequent subsection.

2. Page 3, line 14.
Strike: "common"

~~DO PASS~~

And, as so amended,
BE CONCURRED IN

J/C

STANDING COMMITTEE REPORT

MARCH 25

83

19.....

MR. **PRESIDENT**.....

We, your committee on **JUDICIARY**.....

having had under consideration **HOUSE**..... Bill No. **628**.....

Harper

Respectfully report as follows: That..... **HOUSE**..... Bill No. **628**.....

third reading copy (blue bill) be amended as follows:

1. Title, line 5 through 13.

Strike: lines 5 through 13 in their entirety

Insert: "INVOLUNTARILY DETAINED OR EXAMINED, OR SUBJECT TO AN ORDER FOR SHORT-TERM TREATMENT OR LONG-TERM CARE AND TREATMENT UNDER TITLE 53, CHAPTER 21, MCA, MUST BE GIVEN NOTICE IN WRITING OF HIS RIGHT TO APPEAL; PROVIDING FOR APPEALS TO BE FILED WITHIN 90 DAYS OF SERVICE OF NOTICE; AMENDING SECTIONS 53-21-114 AND 53-21-131, MCA."

2. Pages 1 through 4.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Section 53-21-114, MCA, is amended to read:

"53-21-114. Notice of rights to be given. (1) Whenever a person is involuntarily detained or is examined pursuant to 53-21-121 through 53-21-126, the person shall, within 3 days of such detention or examination, be informed in writing by the county attorney of his constitutional rights and his rights under this part.

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Standing Committee Report
Judiciary Committee
House Bill No. 628

(2) Every respondent subject to an order for short-term treatment or long-term care and treatment shall be advised in writing of his right to appeal the order by the court at the conclusion of any hearing the result of which such an order may be entered."

Section 2. "Section 53-21-131, MCA, is amended to read:

"53-21-131. Appeal procedure. Appellate review of any order of short-term evaluation and treatment or long-term commitment may be had by appeal to the supreme court of Montana in the manner as other civil cases, except that the appeal may be taken at any time within 90 days of the actual service of the written notice of the right to appeal required by 53-21-114 or within 90 days after discharge, whichever is later. The patient shall not be released pending appeal unless ordered by the court. The appeal shall have priority above all other matters before the supreme court."

And, as so amended,
BE CONCURRED IN