

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 11, 1977

Meeting of the Judiciary Committee was called to order by Chairman Jean Turnage on the above date in Room 442 of the State Capitol Building.

ROLL CALL: All members of the committee were present.

The following witnesses were present to testify:

Senator Carroll Graham - District 29
Dave Cogley, attorney - Legislative Council
Senator Chet Blaylock - District 35
Pat Hooks, attorney - Townsend, Montana
Margaret S. Davis, Helena - League of Women Voters of Montana
Larry Weinberg, attorney - Legislative Council
John Hanson - Comm. of Campaign Finances and Practices
Mike Pichette - Montana Democratic Party

CONSIDERATION OF SENATE BILL 9:

Senator Graham told the committee that he had been picked by the Legislative Council to carry this recodification bill. He then introduced Dave Cogley, an attorney with the Legislative Council, who went over the bill section by section for the committee and also noted the changes which they had made, their reasons for doing so, and answered questions of the committee.

Chairman Turnage thanked him for having appeared on this bill. He then asked him if he was satisfied that what has been done in the drafting of this bill will not liberalize or enlarge gambling. Dave Cogley said that there is no intent to open the door to enlarge legalized gambling in the drafting of this bill.

The Chairman then asked the Judiciary Committee's attorney, Lon Maxwell, if he felt this bill was satisfactory. He said that Dave Cogley had pretty well covered the ground in this bill and that he does not feel this bill will liberalize the state gambling laws.

CONSIDERATION OF SENATE BILL 33:

Pat Hooks, attorney, appeared as a proponent of this bill, but wished to have it amended on page 21, section 35, line 25, by striking ", or ballot issue". He presented the committee with a copy of Judge Battin's Amended Opinion & Order in the case of C & C Plywood, Corp. et al. v. John N. Hanson, Commissioner of Campaign Finances and Practices of the State of Montana. (Exhibit #1)

Margaret Davis, Helena, representing the League of Women Voters of Montana, appeared as a proponent of the bill with the words "or ballot issue" left in on page 21, section 35, line 25. She presented a written statement to the committee on S.B. 33. (Exhibit #2).

Joan Mayer, attorney for the Legislative Council, told the committee that they are not supposed to make substantive changes in recodifying. In this case, she felt that section 35 does not belong in the recodification bill because it is still in the courts and is only tentatively unconstitutional.

Mike Pichette of the Montana Democratic Party appeared as an opponent of S.B. 33, echoing the opinion of Joan Mayer of the Legislative Council and stating that Judge Battin's decision may be overturned.

John Hanson, Commissioner of Campaign Finances and Practices of the state of Montana, also appeared as an opponent of S.B. 33.

Pat Hooks requested time to rebut and Chairman Turnage granted him this privilege. He then asked the committee to note the attachment to the bill on the last page and stated that, by deleting section 35 entirely and also the repealer in section 50, line 15, "23-4744,", the law would remain as it now stands subject to the appeal currently pending.

At this time, Senator Blaylock closed on S.B. 33, stating that it seems the bill should be left as is for now as it is a recodification bill.

Chairman Turnage asked Joan Mayer, Legislative Council attorney assigned to the Judiciary Committee, to work up something on the repealer. He said he thought it sensible to leave the law as is at this time, and requested a motion.

Senator Towe moved to delete section 35, page 21, and to delete the repealer clause on page 32, section 50, line 15, "23-4744.". The motion carried unanimously.

CONSIDERATION OF SENATE BILL 30:

Joan Mayer, Legislative Council attorney, explained the changes she had made in recodifying. She stated that on page 6 she had struck lines 1 through 5 as they were covered in §95-1105 and felt it to be a minor change and §95-1105 is broader.

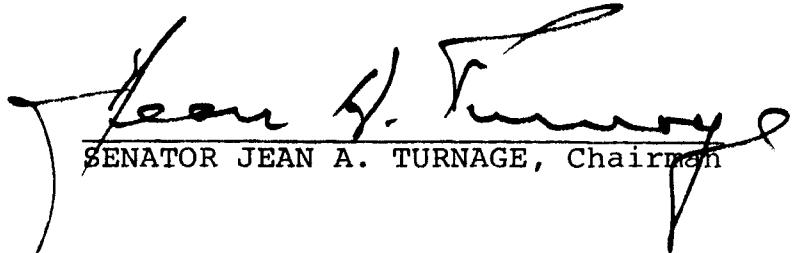
Chairman Turnage said he did not believe it should be struck altogether. It was suggested that "or adjoining county" should be inserted.

CONSIDERATION OF SENATE BILL 27:

This is the recodification bill for general election laws. Larry Weinberg, attorney for the Legislative Council, was present to explain any changes to the committee. He went through the first six sections, but it was necessary to stop at section 7 as many of the committee members had to attend other meetings at 11:00 a.m..

The committee secretary is to notify John Hanson and the Secretary of States office of the date set for the hearing again on S.B. 27 and 33.

There being no further time for this meeting, the committee adjourned at 11:00 a.m. to reconvene at 9:30 a.m. on Wednesday, January 12, 1977.


SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 4/4/77

The League of Women Voters of Montana

SB 33
11 January 77

Anyone having plowed through the election codes as a candidate or interested voter would agree with the Code Commissioner's description of them as "a shambles".

The League of Women Voters of Montana would not ordinarily testify on a recodification, but the new arrangement of campaign no-no's is to be commended.

We would also hope that the committee consider Section 35 regarding corporations and ballot issues in light of recent court decisions.

page 21,
line 25

Margaret Shaw's

Margaret S. Davis
917 Harrison, Helena, Montana
League of Women Voters of Montana

DATE

COMMITTEE ON

BILL NO.

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Winnipeg	League of Women Voters	" " "	SB 33
Winnipeg	Interest for coin machine lobbyist	" "	"
Winnipeg	Code Committee	" "	SB 9
Winnipeg	Manitoba Dakota Indians	" "	SB 3
Pat Hawks	My GOLF	" "	"
Winnipeg	Frank River	" "	"
Winnipeg	ANAGNA Co.	" "	SB 3
Winnipeg	Leg. Council	" "	SB 30, 3
Winnipeg	Leg. Council	" "	37-32

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

HELENA DIVISION

SEP 22 1976

JOHN E. PEDERSON, CLERK
By ccm Deputy Clerk

C & C PLYWOOD CORPORATION, an Oregon corporation, BUTTE CHAMBER OF COMMERCE, a Montana corporation, CONRAD NATIONAL BANK OF KALISPELL, a national bank, F. H. STOLTZ LAND AND LUMBER CO., a Montana corporation, KALISPELL CHAMBER OF COMMERCE, a Montana corporation, MONTANA ASSOCIATED UTILITIES, INC., a Montana corporation, MONTANA CHAMBER OF COMMERCE, a Montana corporation, MONTANA-DAKOTA UTILITIES CO., a Delaware corporation, MONTANA HARDWARE AND IMPLEMENT ASSOCIATION, a Montana corporation, MONTANA MOTOR TRANSPORT ASSOCIATION, a Montana corporation, MONTANA POWER COMPANY, a Montana corporation, MONTANA STOCKGROWERS ASSOCIATION, INCORPORATED, a Montana corporation, MONTANA TAXPAYERS ASSOCIATION, a Montana corporation, MONTANA WOOLGROWERS ASSOCIATION, a Montana corporation, MOUNTAIN STATES TELEPHONE AND TELEGRAPH, a Colorado corporation, PACIFIC POWER & LIGHT, a Maine corporation, SIEBEN RANCH COMPANY, INC., a Montana corporation,

Plaintiffs,

-vs-

JOHN N. HANSON, Commissioner of Campaign Finances and Practices of the State of Montana,

Defendant.

AMENDED
OPINION
AND ORDER

This case involves a request for declaratory relief seeking to have a portion of § 23-4744, Revised Codes of Montana, 1947, declared unconstitutional on the ground that it violates the First and Fourteenth Amendments to the United States Constitution.

I.

BACKGROUND FACTS:

To fully understand the import of this action, it is necessary to set forth in some detail the facts that have resulted in the case being before this Court.