

The meeting was called to order at 8:00 a.m. by Vice-Chairman O'Connell in the absence of Chairman Brand, who was excused. Roll call was taken, with Rep. Azzara not present due to illness.

SB 119-Sponsored by Senator Goodover - This is a Code Commissioner bill assigned to me, and it revises the laws on aeronautics. The bill sailed through second reading in the Senate with only 3 dissenting votes. If you have any questions, I will direct them to Dave Cogley of the Legislative Council.

JOHNSTON-We won't have to have a rewrite on this next session? COGLEY-No, this hasn't even be looked at since sometime in the '20s.

See Attachment #1 for the Code Commissioner's summary.

SB 112-Sponsored by Senator Graham - This revises the laws relating to elections. We gave this pretty good scrutiny in the Senate. If you have questions, direct them to the recodifier.

LARRY WEINBERG-Legislative Council -- The reason for the change in the definition of "insanity" is to make it consistent with the Constitution. I put in the recount language for consistency. A recount board as well as a canvass board were mentioned, so I made them consistent.

See Attachment #2 for the Code Commissioner's summary.

SB 90-Sponsored by Senator Hazelbaker - This bill revises the laws relative to the legislative branch. We had a recodification in '77 and parts of the bill have to do with the cost of the new codes, parts address themselves to the new session laws. The recodifier is here to answer any questions.

STAIGMILLER-What would happen if we killed one of these bills? COGLEY-If there are sections repealed in here, they would simply stay. Hopefully, there's nothing controversial in these bills that would provoke killing them. These are an attempt to clean up the language and make them all consistent. The law would not even be proposed as obsolete unless it is quite obvious. In one of these bills there's a reference to land and naval forces with no reference to air force because the law was first enacted in 1941, before we had an air force. You decide if the law is obsolete by passing or not passing each one of these; the Commissioner makes the primary decision in drafting the bill. PORTER-I know the difference literarily between "money" and "monies"; but in SB 119, we have changed monies ack to money, could you explain. COGLEY-"Monies" is an antiquated version of "money" -- "funds" refer to accounts as well as money, and legally they are the same.

See Attachment #3 for the Code Commissioner's summary.

SB 130-Sponsored by Senator Blaylock - I will turn this over to the attorney from the Legislative Council.

DAVE COGLEY-Legislative Council -- This is relative to military affairs and disaster services. I think the first important thing we did was change "land and naval forces" to "armed forces" in a few places. Secondly, in Section 5 on page 5, we've

identified the particular subsection of the bill to which a particular reference is made. Page 6, line 2 and line 20 have been dealt with in this way also. This makes it easier for the user to know what's being talked about. Page 7, section 6, we have stricken the reference to the line of succession to the Governorship in time of emergency. It has been superseded by a later law which gives a more general line of succession. In the old language, the County Commission of the most populated county would succeed the Governorship. In the repealer, we are striking sections 11-43-1 through 11-4304 of the RCM's.

INFORMATIONAL INSERT: 11-4301 gives definitions of "disaster", and defines "county disaster committee"

11-4302 states that aforementioned "committee" determines, by majority vote, when a disaster exists and upon such determination submits a resolution to such effect to the local governing body (bodies).

11-43-3 is relative to commission meeting being called upon determination by board of disaster

11-4304 mandates that minutes of such meeting shall include facts constituting the disaster.

Does not repeal local government's ability to levy disaster tax.

COGLEY(continued)-In the last session Chapter 335, Laws of 1977 were drafted, and we overlooked repealing these four sections which 335 superseded. There are two sections that went along with those that deal with counties levying emergency mill levies and they apply equally to both laws in that they will apply to the new statutes as well as the old. One other repealer prohibits employing members of the Communist Party or the German-American band, which was a WW II organization that fashionable during the war. The prohibition against hiring Communists is unconstitutional; and the function of helping veterans get jobs upon return from war (77-605) is now taken care of under the new organization of the Employment Security Division.

SALES-What significance is there that the Vietnam Conflict isn't included?

COGLEY-This section hasn't been amended since before the Vietnam era. That would have been a substantive change and is not for us to make. MAGONE-Page 7, in the stricken section why did you leave the first sentence in? COGLEY-This whole section could have been repealed and we felt that it was not clear to strike the whole thing - it serves as a reference statute to get you to the substantive section.

See Attachment #4 for the Code Commissioner's summary.

SB 131-Sponsored by Senator Blaylock - I will turn this over to Joan Mayer, the Council attorney that worked on this.

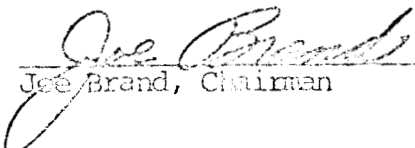
JOAN MAYER-Legislative Council Attorney -- she explained the various changes in the statute - the definition of financial institutions was revised because the old definition included institutions that Montana doesn't have, such as "cooperative bank" and "homestead association". I have added "institution" and "educational institution" in the definitions because it was unclear whether these were included in the definition of "person". Page 10, line 15 deletes "defined by the Montana Codes Annotated" because the MCA's don't define "punitive damages".

Page 11, line 14 adds another "willfully" to make the language clearer. The main thing we have tried to do is make the language consistent, as there were semantic differences and obvious inconsistencies. On page 16 we have deleted the list of common carriers and referenced the section that deals exclusively with common carriers. The definition of public accommodations has been referenced also rather than the list that the original law showed. The repealer deletes a section that contained useless, inaccurate and obsolete definitions of persons "of unsound mind" - we repealed it because of its inaccuracies and because we didn't really know how to recodify it.

McBRIDE-Are credit unions considered financial institutions? MAYER-I'm not sure; there's a definition of banks in one title. PORTER-Investment companies cover credit unions. You cannot ask questions such as race, age, or sex before you grant the loan but you are required to get this information after the loan is granted. See Attachment #5 for the Code Commissioner's summary.

The hearing was closed, and due to the absence of Chairman Brand, no executive action was taken.

Adjourned: 8:45 a.m.


Joe Brand, Chairman


Nita Sierke, Secretary