

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
February 20, 1979

The forty-fourth meeting of the Senate Judiciary Committee was called to order by the chairman, Everett R. Lensink in Room 331 of the Capitol Building on the above date at 9:18 a.m.

ROLL CALL:

All members were present.

RECONSIDERATION OF SENATE BILL 420:

Senator Towe moved that we take this bill off the table and further discuss it. Senator Galt stated that he felt it should stay where it is until a resolution is decided.

Senator Towe questioned what kinds of things will this do that the federal law can't do, what can this do that the existing state law can't do and he stated that one bread company is holding 94 to 96 per cent of the bread market in the State of Montana; that one little company, Wonder Bread in Billings, has been struggling away and they report such things as holes being poked in their bread, their products pushed to the back of the racks, etc. He said that the state act has no teeth, it has never been used in all the period of time that it has been there and they are afraid that it would not stand up. He stated that he said he would support bringing it back on the condition we talk about section 6, that section Senator Turnage was concerned about and about the penalty section and make that a misdemeanor.

Senator Healy stated that he did not hear much of the testimony as he was at another meeting and that he was in favor of taking it off the table.

Senator Anderson commented on statistical information and circumstantial evidence and stated that that is the only way you can come up with anything - history of prices, price trends, etc. He said that that is the guts of the bill.

Senator Towe stated that he tended to agree that it is very helpful but he did not think it was crucial to the bill, and that the rule of evidence is going to apply most of the time and that too much emphasis would be placed on statistical and circumstantial evidence.

A vote was taken on the motion and it failed.

RECONSIDERATION OF SENATE BILL 221:

Joan Mayer from the Legislative Council stated that the Department of Revenue was to write new language taking all the

material out on liens and they didn't do it right. Senator Lensink stated that the agency doesn't do a very good job of bill drafting and the experienced people in the Legislative Council are doing a very good job.

Senator Turnage moved that the amendments be adopted. The motion carried unanimously.

Senator Turnage moved that without objection, we have this bill do pass, as amended. There were no objections.

There being no further business, the meeting was adjourned.

*Everett R. Lensink*

---

SENATOR EVERETT R. LENSINK, Chairman  
Senate Judiciary Committee

Date 2/20/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Gall, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

SB 420

1. Page 2, line 18.

Strike: "(1)"

2. Page 2, line 24 through line 1 on page 3.

Strike: line 24 through line 1 on page 3 in their entirety

3. Page 3, lines 2 through 9.

Strike: section 6 in its entirety

Re-number: all subsequent sections

SB 420

~~Amendment to Original Copy S.B. 420 White Copy~~

~~1. Page 3, line 10~~

~~Strike: section 7 in its entirety~~

~~Insert: "Section 7. Exemption. Agricultural cooperatives and labor unions, while carrying out their legitimate objective, public utilities as defined in and regulated under title 69; and persons, professions and businesses, while engaging in activities specifically allowed by statute or Supreme Court rule, are exempt from the provisions of this act."~~

4. Page 3, line 11.

Following: "unions"

Insert: ","

5. Page 3, line 12.

Following: line 11

Strike: "and"

Insert: ";"

6. Page 3, line 13.

Following: "69"

Insert: "; and persons, professional groups, and businesses, while engaging in activities specifically allowed by statute or supreme court rule"

~~7. Page 9, line 6.  
Following: "the"  
Strike: "know"  
Insert: "know"~~

7. Page 6, line 15.

Strike: "less than \$2,000.00"

8. Page 6, line 16.

Following: line 15

Striked: "\$50,000"

Insert: "

9. Page 6, lines 23 through 25.

Following: "is" on line 23

Strike: remainder of line 23 through "both" on line 25

Insert: "guilty of a misdemeanor"

10. Page 7, line 25.

Following: "4"

Strike: ", "

Insert: "or"

Following: "5"

Strike: ", or 6"

11. Page 8, line 3.

Following: line 2

Strike: "12 or 13"

Insert: "11 or 12"

12. Page 8, line 13.

Following: "section"

Strike: "10"

Insert: "9"

13. Page 8, line 16.

Following: "section"

Strike: "12"

Insert: "11"

14. Page 8, lines 19 and 20.

Following: "section" on line 19

Strike: "10 or 12"

Insert: "9 or 11"

15. Page 9, line 3.

Strike: "know"

SENATE COMMITTEE JUDICIARY

Date \_\_\_\_\_ Bill No. 430 Time 9:25

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)		✓
Anderson, Mike (R)		✓
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	
	4	6

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: To take SB-430 off table

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

SENATE COMMITTEE JUDICIARY

Date \_\_\_\_\_ Bill No. 430 Time 9:25

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)		✓
Anderson, Mike (R)		✓
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	
	4	6

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: To take SB-430 off table

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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