

Ongoing and Recently Resolved Statutory Challenges

Prepared for the State Administration & Veterans' Affairs Interim Committee by K. Virginia Aldrich

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Retirement Systems

Title	Jurisdiction and Cause No.	Status	Overview
<i>Association of Montana Retired Public Employees v. State</i>	Supreme Court of Montana, DA 15-0140 Montana First Judicial District Court, DDV-2013-788	Appeals dismissed July 23, 2015. Both parties agreed to move the Court to clarify that the order is limited to public employees hired prior to July 1, 2013 (the effective date of HB 454). Both parties bear their own costs and attorney fees.	HB 454 (Ch. 390, L. 2013) altered a fixed Guaranteed Annual Benefit Adjustment (GABA) to a floating GABA contingent on funding of the retirement system's liabilities and the amortization period. Judge Reynolds' order enjoins section 5, Ch. 390, Laws of 2013 (HB 454).
<i>Byrne v. State</i>	Montana First Judicial District Court, ADV-2013-738	Judge Menahan's order permanently enjoins the State from enforcing section 11, Ch. 389 (HB 377), Laws of 2013, for Teachers' Retirement System (TRS) members whose TRS employment began before July 1, 2013. Attorney fees are in briefing stage.	HB 377 altered the TRS GABA, previously fixed at 1.5%, to a floating GABA based on funding of the retirement system's liabilities. Judge Menahan's order permanently enjoins the GABA reduction, restoring it to 1.5% for individuals whose TRS employment began before July 1, 2013.

<i>MEA-MFT v. State</i>	Montana First Judicial District Court, BDV 2014-954	Remains in initial briefing stage (complaint filed) since December 2014.	Challenges HB 454 's GABA, similar to the <i>Association of Montana Retired Public Employees v. State</i> for current employees hired before July 1, 2013. Note: This case will likely be rendered moot because of the clarification stipulated in <i>Association of Montana Retired Public Employees v. State</i> as it pertains to current employees.
<i>Wrzesien v. State</i>	Montana First Judicial District Court, DDV 2012-931	The Court granted the State's motion for summary judgment, finding that the Plan Choice Rate and additional 1% did not violate equal protection or due process rights.	Plaintiffs challenged the Plan Choice Rate and additional 1% contribution that applies to Defined Contribution Plan participants and the Montana University System Retirement Program (previously ORP), claiming that it violated equal protection and due process rights.

Election Law and Commissioner of Political Practices

Title	Jurisdiction and Cause No.	Status	Overview
<i>Montanans for Community Development v. Comm'r of Political Practices</i>	US District Court for the District of Montana, 6:14-cv-00055	Currently in discovery. Bench trial set for February 16, 2016.	Montanans for Community Development are challenging portions of campaign finance statutes including challenges to portions of SB 289 (Ch. 259, L. 2015), specifically sections 13-1-101, MCA (a definition section), 13-37-111, MCA, 13-37-325, MCA, ARM 44.10.307, 44.10.321, 44.10.323, 44.10.327.

<p><i>Lair v. Comm'r of Political Practices</i></p>	<p>9th Circuit, 12-35809, 12-35889 6:12-cv-00012-CCL</p>	<p>A three-judge panel of the Ninth Circuit reversed and remanded a 2012 Federal District Court Order finding Montana's contribution limits as unconstitutional because the District Court applied the wrong legal standard prior to enjoining the enforcement of campaign contributions. The Ninth Circuit is currently weighing a request for a rehearing <i>en banc</i>.</p>	<p><i>Lair</i> challenges the dollar limits on contributions to political candidates under the First Amendment of the U.S. Constitution.</p>
<p><i>Ravalli Co. Republican Central Committee v. McCulloch</i></p>	<p>6:2014cv00058</p>	<p>Currently in discovery. Summary judgment briefs due in September and October. The second cause of action will likely be dismissed due to plaintiffs stating in a status update to the Court that they have no objection to its dismissal (see note under "Overview" column).</p>	<p>Multiple Republican Central Committees and the Montana Republican Party filed as plaintiffs in an action seeking a declaration that Montana's open primary law is unconstitutional as applied to Republican primary elections in Montana. Plaintiffs also filed for injunctive and declaratory relief to end application of the State's open primary law to the selection of Republican precinct committee persons. However, after the enactment of HB 454 (Ch. 420, L. 2015) which authorizes political parties to enact their own rules and procedures for selecting precinct committee persons, plaintiffs stated in a status update to the Court that they have no objection to the Court dismissing the second cause of action.</p>

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