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### Minutes of the nineteenth meeting of the Judiciary Committee

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# MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

## JUDICIARY COMMITTEE

Place of Meeting: Room 413, Capitol Building , Helena, Montana

Date Meeting Held: February 2, 1972

Hour Meeting Held: 11:00 A.M.

### MINUTES OF THE NINETEENTH MEETING OF JUDICIARY COMMITTEE

#### Roll Call:

David L. Holland, Chairman	- Present
Mrs. Catherine Pemberton, Vice-Chairman	- Present
Cedor B. Aronow	- Present
Ben E. Berg, Jr.	- Present
Mrs. Jean M. Bowman	- Absent
Leslie "Joe" Eskildsen	- Present
Rod Hanson	- Present
J. Mason Melvin	- Present
John M. Schiltz	- Present

#### DISCUSSION:

The meeting was called to order. Committee work was discussed and Chairman David Holland assigned three subcommittees and chairmen thereof:

1. Catherine Pemberton was assigned chairman and only member of the subcommittee to prepare a report on merit selection.
2. The second subcommittee was composed of Delegates Berg, Bowman, Melvin. Ben Berg was appointed chairman. This committee was to report on leaving judicial selection to the legislature.
3. The third subcommittee was composed of Delegates Holland, Aronow, Schiltz, Hanson and Eskildsen. Mr. Aronow was appointed chairman of this committee and their assignment was to prepare a report on election of judges. The final drafts of these reports are due February 8 with comments. The chairman stated that the committee will meet on adjournment every day until otherwise notified. These meetings will be for the purpose of working on a consensus on those sections under the judicial selection. The members discussed the two sections assigned to the committee under Article XIX on Section 4 dealing with homestead and exempt laws and a vote was held. Five members voted to retain Section 4, to-wit: Delegates Holland, Eskildsen, Pemberton, Melvin, and Aronow. Joe Eskildsen was assigned to make the report on Section 4. Two members voted to eliminate Section 4, to-wit: Berg and Schiltz. Mr. Schiltz was assigned to write a report on eliminating Section 4.



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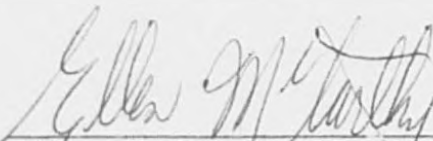
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The Committee then discussed Section 5 of Article XIX. Seven members voted to retain this Section. Mrs. Jean Bowman was absent and Rod Hanson dissented. The research analyst was assigned to write the report.

A short hearing was then held on two delegate proposals. Delegate Carl Davis spoke on Proposal No. 69 which dealt with elected prosecuting attorneys; he felt that these offices should be elective and have constitutional status. Delegate Thomas Ask urged the same proposition as Delegate Davis.

Delegate Ask then spoke concerning Proposal No. 53, regarding justices of the peace. He advocated raising the monetary jurisdictional amount of these courts to \$1,000 and opposed deleting mention of these courts from the judicial article.

There being no further business before the committee members, they adjourned.

  
Ellen McCarthy, Secretary

  
David L. Holland, Chairman