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### Minutes of the twenty-sixth meeting of the Judiciary Committee

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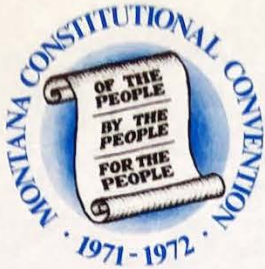
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# MONTANA CONSTITUTIONAL CONVENTION

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

## JUDICIARY COMMITTEE

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

Date Meeting Held: February 8, 1972

Hour Meeting Held: 11:00 A.M.

### MINUTES OF THE TWENTY-SIXTH MEETING OF JUDICIARY COMMITTEE

#### Roll Call:

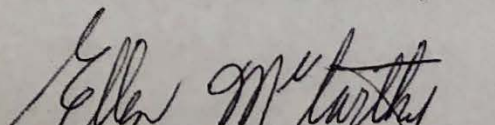
David L. Holland, Chairman	- Present
Mrs. Catherine Pemberton, Vice-Chairman	- Present
Cedor B. Aronow	- Present
Ben E. Berg, Jr.	- Present
Mrs. Jean M. Bowman	- Present
Leslie "Joe" Eskildsen	- Present
Rod Hanson	- Present
J. Mason Melvin	- Present
John M. Schiltz	- Present

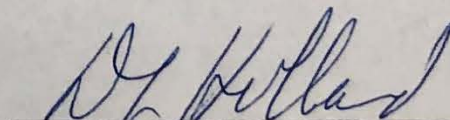
#### DISCUSSION:

The meeting was called to order by Mrs. Catherine Pemberton. Mr. Geoffrey L. Brazier explained the intent of Delegate Proposal No. 90. He had earlier spoken to the committee of this proposal so his comments were not lengthy. Questions and comments followed his testimony.

Mr. Frank Arness then appeared before the committee to testify on Delegate Proposal No. 92. He said he proposed this matter as an alternative to Montana Plan which he felt was a violation of the principle of separation of powers. He said that the purpose of the legislature is to create substantive law wherein the Montana Plan allows the court to create itself. Delegate Berg stated that he felt Proposal No. 92 would give all power to the legislature and this would be a violation of the separation of powers. Mr. Arness mentioned that his proposal called for increase in number of justices and placing the attorney general's office under the judicial article. He was also of the opinion that any modification of justice of peace court system also apply to the district court system. He reiterated that the present system of judiciary is adequate framework of a workable court system. Questions and answers followed his testimony.

The committee then adjourned.

  
Ellen McCarthy, Secretary

  
D.L. HOLLAND, Chairman