MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Steve Doherty, Vice Chair, on February 18, 1993, at 10:10 a.m.

ROLL CALL

Members Present:

Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	SB 336
	SB 362
	SB 386
	SB 333
Executive Action:	NONE

HEARING ON SENATE BILL 336

Opening Statement by Sponsor:

Senator Yellowtail, Senate District 50, said SB 336 proposed to proceed forward with the attempt to achieve some parity with the rest of the country for Montana's judicial salaries. He said Montana is "dead last" in the country in the amount of money it pays its judges. He stated he found this fact "a matter of

considerable embarrassment" for the state of Montana since both the judicial system and the people responsible for operating it are actually held in the highest of esteem by the state's residents. He said SB 336 did not propose another increase in the salary base, but rather would grant judges an annual incremental increase in salary which would be tied to the increases granted other state employees for the biennium. He noted that judicial salaries would be tied to the cost of living index after the biennium.

Senator Yellowtail stated that such a built-in mechanism for future salary increases is not a new idea, and noted that county attorney salaries are tied into the same mechanism. He stated SB 336 would codify a modest means for judicial salaries to keep up with inflation. He commented that other states continue to grant their judicial bench substantial increases which leave Montana further behind. He stated he regretted that situation, but said SB 336 is the best that can be achieved at present. He added, however, the Legislature would have to consider what to do with the base of judicial salaries.

Proponents' Testimony:

Montana Supreme Court Chief Justice Turnage spoke from prepared testimony in support of SB 336 (Exhibit #1).

Joy Bruck, League of Women Voters of Montana, spoke from prepared testimony in support of SB 336 (Exhibit #2).

Tom Hopgood, Pro-Bono Lobbyist for the Montana State Bar Association, spoke from prepared testimony in support of SB 336 (Exhibit #3).

Russell Hill, Montana Trial Lawyers Association (MTLA), stated SB 336 represented a wise investment in a small but crucial group of people important to the current and future functioning of the state.

Beth Baker, Department of Justice and Montana County Attorneys' Association, registered the support of both the Department of Justice and the Montana County Attorneys' Association for SB 336.

John Alke, Montana Defense Trial Lawyers Association (MDTLA), expressed his organization's support of SB 336.

Jacqueline Lenmark spoke from her personal experience practicing law in Montana. She stated she sympathized with Montana's fiscal woes, but added it was important to remember that the Supreme and District Courts represent one of the most significant and crucial offices in Montana which safeguards the rights and norms of Montana's society. She said she had found the judges to be uniformly fair, gracious and interested when dealing with lawyers and presiding over trails. She stated Montana should see fit to

honor the responsibility and integrity that judicial positions require.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

Senator Blaylock noted it was Chief Justice Turnage's decision which had put the state in such desperate financial straits that it cannot afford to pay salaries commensurate to other states or to what most Montanans see as deserved. He asked Senator Yellowtail where Chief Justice Turnage might suggest to find the money necessary to fund an increase in judicial salaries. Senator Yellowtail replied he would not defend Chief Justice Turnage's former decisions and added Senator Blaylock's points were well taken. He stated, however, Montana should have the means of paying for an increase in judicial salaries. He noted SB 336 would ask only that judicial salaries be considered along with the salaries of other state employees this session. He stated the judges "are throwing themselves on the mercy of the Legislature" in this regard.

Senator Blaylock asked if SB 336 would grant judges a three percent raise on their current salaries if the Legislature saw fit to grant state employees a three percent raise. Senator Yellowtail replied yes.

Senator Blaylock noted SB 336 would mean that the judges would receive by far the biggest pay raise in absolute dollars. Senator Yellowtail stated he had an amendment to offer which would clarify the definition of percentage raise (Exhibit #4). He stated this amendment would clarify that judicial salaries would be raised the average of those wage increases granted to state employees if the percentages varied.

Closing by Sponsor:

Senator Yellowtail said Montana holds the judicial branch in highest esteem, but forces its judges to continually plead for an increase in their salaries. He stated SB 336 would provide some relief for judges and would establish a mechanism by which Montana's judicial salaries can keep up with inflation. He added, however, Montana will remain "dead last" in the country in terms of judicial salaries. Senator Yellowtail recommended SB 336 as a modest approach to addressing this problem.

HEARING ON SENATE BILL 362

Opening Statement by Sponsor:

Senator Bianchi, Senate District 39, said SB 362 would amend the Landlord Rental Tenant Act which currently allows tenants up to 20 days to file a complaint when landlords give them notice of termination. He explained that after the complaint is filed, the justice court places the action on the normal trial docket which means, in some courts, months can pass before the court hears the case. He stated during that entire process, a landlord who is trying to vacate a rental unit cannot collect rent. He said SB 362 would direct the justice court to act within 10 days of the filing date of a landlord's complaint. He stated if the action is appealed to district court, the district court would also be required to act within a 10 day period on that complaint.

Proponents' Testimony:

James Screnar, Bozeman Attorney, said he was representing a landlord in the Bozeman area and stated the current law creates an unfair situation for both landlords and tenants. He said if the tenant does not vacate the rental property after receiving proper notice or if there are extenuating circumstances, the landlord is required to file an action for possession in justice court. He noted that the 20 day period for response under SB 362 give the justice court a fair amount of time to respond and would not place too much of an additional burden on the court. He noted that the Bozeman justice court judges are scheduling such hearings and taking action within 10 days. Mr. Screnar said the problem in Bozeman arises when a tenant appeals the decision of the justice court to district court. He noted that such cases usually "fall into the black hole" of the district court's trial schedule.

Mr. Screnar outlined an example for the Committee in which the current system had caused a major delay in the resolving of landlord tenant issues. He stated a justice court decision of January 1992 had been appealed to district court, which then handed down its decision in January 1993. He noted that the judge found in favor of the landlord, but the tenant had been able to remain in the rental unit for an entire year without paying rent. Mr. Screnar commented that such extended time periods create very volatile situations in which there is an extreme potential for violence on the side of both the landlord and the tenant. He stated landlords currently have no recourse in such a situation; they cannot accept a rent check during the waiting period because that would constitute accepting that person's tenancy and would nullify the entire process. He urged the Committee to support SB 362 both in fairness to landlords and to cut down on the potential for violence.

Greg Van Horssen, Income Property Managers Association and Montana Landlords Association, expressed the strong support of both organizations he represented for SB 362. He noted that the organizations together comprise 1,500 members who are administrating 64,000 pieces of rental property state-wide.

Tom Hopgood, Montana Association of Realtors, expressed the support of his organization for SB 362.

Marten Behner, Western Montana Landlord Association, stated his organization strongly supports SB 362.

Ronda Carpenter, Income Property Owners and Managers, said the two associations represented by Greg Van Horssen were members of her organization. She stated tenants are often asked to move because they are damaging the property. She added the current statute does not allow for a quick resolution of such situations and allows those tenants to stay in those rental units and continue to do damage. She said current statute gives landlords no recourse in such situations; they have to pay for repairs as well as suffer the loss of rent during the waiting period. She noted that the potential for violence also increases in such situations.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

Senator Halligan asked James Screnar if the time period SB 362 would impose on the justice and district courts would cause scheduling problems. Mr. Screnar replied that SB 362 would probably cause some scheduling problems, but added that most of the hearings in such cases are fairly short.

Closing by Sponsor:

Senator Bianchi noted that SB 362 was the first piece of legislation he had presented which had not attracted any opponents. He stated SB 362 is a fairness act and a piece of legislation which would make the situation better for the citizens of Montana.

HEARING ON SENATE BILL 386

Opening Statement by Sponsor:

Senator Wilson, Senate District 19, said SB 386 is a simple bill representing an attempt to expedite the proceedings involving actions for possession in the landlord tenant context. He stated that prior to 1991, actions brought for possession in justice court were required to be answered within 10 days under the rules for procedure applicable to those courts. He added that in 1991 changes were adopted which made the Montana Rules of Civil Procedure applicable to proceedings in city and justice courts. He noted that this change effectively doubled the period of time in which a defendant was allowed to answer a complaint in an

action for possession. He added time is of the essence in the context of eviction proceedings; it is important for property managers or landlords to have the ability to remove a holdover tenant from the rental premises as quickly and efficiently as possible. Senator Wilson said SB 386 would reinstate the 10 day answer period for possession actions and would result in expedited possession proceedings.

Proponents' Testimony:

Greg Van Horssen, Income Property Managers Association and Montana Landlords Association, stated that both the organizations he represents stand in support of SB 386. He noted that those organizations represent 1,500 property managers across Montana who administer some 54,000 pieces of rental property state-wide. He added those property managers are dedicated to providing safe and affordable housing to Montana's citizenry, but added they do recognize that situations arise which require the expeditious removal of tenants. He stated the 1991 change in the justice court rules doubled the period of time allowed to answer a possession summons and complaint. He noted that prior to 1991 the answer period was 10 days, a period of time which seemed to be sufficient.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

Senator Bartlett asked Mr. Van Horssen to explain how SB 362 and SB 386 related. Mr. Van Horssen responded that in combination the bills would shorten the period of time in which a hold-over tenant would be allowed to stay in the rental property when that tenant has violated the rental agreement. He explained SB 386 would reduce the amount of time allowed to answer the summons and complaint in a possession issue from 20 days to 10. He said SB 362 would require that the court set a trial date within 10 days.

Closing by Sponsor:

Senator Wilson closed.

HEARING ON SENATE BILL 349

Opening Statement by Sponsor:

Senator Christiaens, Senate District 18, said SB 349 needed to be amended because of problems in drafting. He distributed those amendments (Exhibit #5). He said SB 349 would address a problem which had arisen in the context of the Landlord Tenant Act since the last legislative session. He explained that a law had been

passed in 1991 which changed the period of time in which an unlawful detainer action brought into justice court could be answered from 10 to 20 days. He stated SB 349 would change the amount of time back to 10 days.

Proponents' Testimony:

Greg Van Horssen, Income Property Managers and Owners Association and Montana Landlords Association, said the amendments before the Committee would facilitate the change in the unlawful detainer action and would amend MCA 70-27-115. He said SB 349 would change from 20 days to 10 days the period of time allowed to answer an action for unlawful detainer. He noted the organizations he represented administer close to 54,000 pieces of property across the state, some of which are residential some of which are not. He stated SB 349 is essential to streamline the process which becomes necessary when a tenant has decided s/he will not leave the premises even though the rental agreement has terminated.

Tom Hopgood, Montana Association of Realtors, echoed the testimony of Mr. Van Horssen and "snuck some testimony in on the previous bill to echo Mr. Van Horssen's remarks on SB 349 as well.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

Senator Halligan asked James Screnar to explain the difference between the unlawful detainer action and the action for possession. Mr. Screnar replied the unlawful detainer statute was originally used by landlords in residential situations. He noted, however, that when the Montana Landlord Tenant Act was adopted the use of the unlawful detainer statute became exempt except for applications. He stated those exceptions exist when acts of violence occur and for commercial or non-residential property. He noted SB 362 would not apply to the unlawful detainer statute.

Closing by Sponsor:

Senator Christiaens stated this particular change in law in 1991 had brought about a great amount of difficulty not only for landlords but also for the justice courts. He said both justice courts in Great Falls had informed him that the time span changes were difficult to facilitate and created the potential for damage which could never be recovered by landlords.

HEARING ON SENATE BILL 333

Opening Statement by Sponsor:

Senator Rye, Senate District 47, said SB 333 was a Fully Informed Jury Act and was predicated upon two "shocking" concepts. First, that the people and not the judges or the attorneys are the owners of our court system. Second, that the people represented by juries have the right and the obligation to judge law as well as the facts in a criminal trial. He stated SB 333 contained no new ideas; the most eminent jurists in American history have supported the idea of jury rights and jury nullification. He added, however, that fully informed juries have come into disuse in the past 100 years because "their existence tended to seriously inconvenience the legal establishment". He stated that by adopting SB 333, Montana would not be setting a precedent since the constitutions of four states provide for fully informed juries to some degree. He noted that Arizona's Senate Judiciary Committee had also recently approved such legislation.

Senator Rye informed the Committee that the precedent for virtually all of the Bills of Rights in the U.S. Constitution had been established by fully informed jury decisions years prior to the adoption of the U.S. Constitution. He mentioned two incidents in colonial America which he felt had established the precedent for the Freedom of the Press and Freedom of Religion. In both instances an informed jury had refused to convict the defendants of any crime, even though it was clear that the defendants had committed the actions of which they were accused. Senator Rye stated that every criminal case today potentially involves mitigating circumstances which the law may not cover, no matter how broadly written. He noted that a bill which would have allowed for the use of deadly force to prevent sexual assault had been introduced during the 1991 Legislature. He said a fully informed jury would acquit a defendant who chose to use deadly force to prevent being sexually assaulted and added such a jury verdict would fit almost everybody's concept of justice. He noted that SB 215, which would have legalized homosexual relationships presented a similar situation. He said a fully informed jury would disapprove of convicting someone for engaging in an act of sodomy if the relationship were deemed to be a truly loving one.

Senator Rye emphasized that SB 333 would not create a right, but simply require that jurors be informed of a right which they already possess. He concluded in an era in which those who are arrested for crimes are routinely read their Miranda Rights, he finds it absurd that law abiding jurors are not also told what rights they have.

Proponents' Testimony:

Larry Dodge, National Field Representative, Fully Informed Jury Association (FIJA), said the primary object of FIJA is to educate Americans in their rights as jurors. He added the goal of FIJA

is "certainly not to create any new rights nor to change the constitution or the meaning of the words of which it is written". He compared the Fully Informed Jury Act with the Miranda ruling which informs defendants as to their rights and powers. He stated FIJA's believes jurors should be informed as to their rights and powers before they undertake to act as jurors in a case. Mr. Dodge explained the jury bears the responsibility for a trial's outcome. He added jurors are currently required to base their verdict upon limited information. He said this situation is not right and can lead to faulty decisions.

Mr. Dodge said every right has an equal and corresponding responsibility and every responsibility has an equal and corresponding right. He stated FIJA has been trying to educate all Americans in their rights as jurors and have been fairly successful in their mission. He outlined some of the ways in which FIJA was educating people and showed four minutes from the movie "Reasonable Doubts" which he said illustrated the argument about "who is in charge of the law, the government or the people". Mr. Dodge said FIJA members believe that the law is the people's. He explained the people are expected to obey it, elect representatives to develop it, and "ultimately the feedback has to include we the people". He added that the film "Reasonable Doubts" also shows that the concept of a fully informed jury is entering into and being accepted by the popular media.

Mr. Dodge said FIJA believes a fully informed jury will have at least five positive influences on Montana's government. He stated individuals would get more justice from the justice system on a regular basis if the jury were informed of its right to judge both law and fact. He stated a true democratic process would evolve when the legislature is exposed to fully informed jury verdicts because ordinary people not special interests would be giving the Legislature feedback. He stated a fully informed jury system will foster an increased respect for the law because the unbiased feedback from juries will make the laws fit the will of the people. He stated he wanted to live in a society where people actually respected the law, identified with it and wanted to obey it. He stated a fully informed jury system would also reduce the cost of government because jury verdicts would provide more satisfaction and fewer appeals would result.

Gary S. Marbut, Gun Owners of America, Western Montana Fish and Game Association, Big Sky Practice Shooting Club, spoke in support of SB 333 and noted that the members of the National Rifle Association (NRA), of which there are 22,000 in Montana, have twice passed resolutions supporting fully informed juries. He emphasized that SB 333 would not establish any new law, but would allow jurors to uphold "what the law of the land is and has been". He noted that the Fugitive Slave Law was nullified in the northern states because juries simply refused to convict people. He said that the federal Gun Free Zones Act of 1990, which had received no debate in the House or Senate, was a good example of how SB 333 could be important to the people of Montana. He

stated "under this very sad and inappropriate federal law probably 80 percent of the people in Montana become federal criminals", and added that a fully informed jury could nullify this law.

Mr. Marbut assured the Committee that SB 333 would not make it impossible to get convictions. He stated the first 100 years of U.S. history as well as the experience those states which currently have fully informed jury system disproves this concern. He added that Montana already allows juries to be the judge of both the facts and the law in matters of libel and slander and said that "hung juries" have not posed a problem in this area.

Roger Koopman introduced himself as a small businessman from Bozeman and submitted written testimony (Exhibit #6). He emphasized that the founders had embraced and insisted upon the concept of a fully informed jury and that the idea was not modern day political theory or a strange or radical idea. He stated the founders understood that the power possessed by the common citizens in the jury box was one of the essential safeguards of the U.S. republic. He added, however, that vested interests are trying to characterize SB 333 as a radical idea because they understand that a jury which is uninformed of its proper role and authority is a jury which is much more easily manipulated. Mr. Koopman noted the fully informed jury issue is not ideological or partisan, but supported by people who "see it as an essential check on the excesses and inappropriate uses and ambitions of government". He stated an informed jury would provide the legislative branch with a barometer of the common citizens acceptance of law and would function as a signal to the Legislature as to when a law needed to be appended or repealed. In summation, Mr. Koopman said SB 333 would probably affect less than one percent of the jury trials in the state of Montana albeit an extremely important one percent. He wondered what public good could possibly come of "keeping juries in the dark and misinformed of their proper role and responsibility".

Prudence Gildroy identified herself as an ordinary citizen who had been "privileged to be called for jury duty for city court". She stated she believed that all citizens have not only the ability but the responsibility to be part of the process and provide part of the system of checks and balances as intended by the nation's founders.

Alfred M. Elwell, Montana Weapons Contest Shooter Society and Northwest Weapons Contest Shooter Society, expressed the full support of his two organizations for SB 333.

Don Doig, FIJA, expressed his agreement with all previous given testimony. He said the Fully Informed Jury Act is not new law but "goes back to Magna Carta and before". He said only a fully informed jury can provide the "trial by jury" stipulated in the U.S. Constitution and Bill of Rights. He stated the jury has an "extremely important political role to play"; it is supposed to

examine the law itself and judge its applicability and constitutionality. He stated the jury's political function has been under attack for 100 years, and added the time has come to "bring it back". He noted that people are coming into conflict with the law in unnecessary ways and, as a result, are losing respect for the justice system. He stated SB 333 would bring people back into contact with the law and make government meaningful for "the people as a whole". According to Mr. Doig, the Fully Informed Jury Act enjoys support from an extremely broad coalition. He noted that representatives from the gun rights community were in attendance and added that the health food industry, the Congress of Racial Equality, the South Carolina National Association for the Advancement of Colored People (NAACP) tax payer rights groups, property owners and ranchers endorse the concept of a fully informed jury. He said these groups are concerned because the government is passing laws which are encroaching on individual rights. He stated SB 333 would install another check and balance in the Montana's state government.

M. J. Beckman, FIJA, said SB 333 was "near and dear to his heart". He noted that the proponents who had spoken during the hearing had "done a good job of articulating the situation".

Dorcean Steffesen, State Coordinator FIJA, stated she strongly supports SB 333.

Judith Russell concurred with the remarks of the proponents of SB 333. She encouraged the passage of SB 333.

Honey Lanham Dodge urged the Committee to pass SB 333.

Opponents' Testimony:

John Connor, Montana County Attorneys' Association, stated if SB 333 were adopted, the integrity of the Montana's jury system would be undermined. Speaking from personal experience as a lawyer, Mr. Connor said juries are composed of 12 individuals who have different perspectives of life's experiences, different prejudices, different levels of intelligence, and different attitudes about the legal system. He argued that equal application of the law hinges on the jurors' ability to base their verdict only on the law as given to them by the court. He noted that were the jury to rule on legal principle, the equal application of the law would be replaced by 12 different concepts of the law and 12 different ideas of equality. He stated a "terrible disservice to both the state and defendant would be worked" if equality were construed by the jury.

Mr. Connor said the instruction in SB 333 "speaks of rejecting guilt supported by facts in favor of innocence supported by conscience with a view toward mercy". He noted this concept may appear to support the defendant's position, but argued that SB

333 would actually invite a "free-wheeling opportunity" for the jury to decide contrary to the concept of mercy and to decide guilt as well as innocence based upon motive, circumstance and individual ideas of right and wrong. He emphasized that respect for the U.S. legal system derives from the basic premise that everyone should be treated alike under the law. He stated equal application of the law may not always be achieved, but added justice cannot be attained when 12 people are making relative or subjective determinations about what the law ought to be. He stated the term "justice" is synonymous with impartiality, fairness and equality, characteristics which can only be achieved by laws passed by the Legislature applied universally by the government and by the courts.

Mr. Connor noted a practical effect of SB 333 would be the difficulty of getting the unanimous jury verdict required by the Constitution in criminal cases. He stated a fully informed jury going into deliberations would be "marked by derisive debate" as one juror attempted to impose his or her concept of the law on another. He noted SB 333 would also create enormous retrial costs. Speaking from a prosecutor's perspective, Mr. Connor stated he did not understand the principle of SB 333. He said nothing is hidden from the jury; a jury is informed as to the law of the case and given the best evidence pertaining to the case. He stated the current legal system has worked well for 200 years and added he believed that the current system was "absolutely essential" for the appropriate protection of the defendant's rights in a criminal case.

Beth Baker, Department of Justice, said the Department joins the County Attorneys' Association in opposing SB 333. She stated since the 1895 U.S. Supreme Court decision Sparf v. U.S., the established law of this nation has been that the jury's power to nullify both the law and evidence in a criminal case is not a right. She noted government is premised upon balance of power and respect for the law. She explained the people decide what the law should be through their elected representatives; the executive branch makes sure that the law is carried out; and the courts guarantee citizens the law's protection in consistent application. She stated discarding those laws adopted by an elected body "at the courthouse steps" would be incongruous with not only democratic principles but also the amount of time and energy spent setting the state's public policy and laws. Ms. Baker added SB 333 would grant the right to disregard the law only where government is party to the action, and asked why equal application of the law is less important when the suit involves the interest of the people collectively as opposed to individually. She noted that SB 333 would actually require jury instruction in every case to which the state is party, not just criminal cases and added that, although the intent of SB 333 would appear to be to protect individuals from the government, the measure could also have unintended effects.

Ms. Baker said SB 333 clearly represents a radical departure from established law and sound public policy. She stated sections 2,3, and 4 of SB 333 each create an exception to the general principle which allots issues of fact to the jury and issues of law to the court. Ms. Baker cited Sparf v. U.S.: "The power and corresponding duty of the court authoritatively to declare the law is one of the highest safeguards of the citizen. The sole end of courts of justice is to enforce the laws uniformly and impartially without respect of persons or times or the opinions of men. To enforce popular laws is easy but when an unpopular cause is a just cause, when a law unpopular in some localities is to be enforced, then there comes a strain upon the administration of justice. And few unprejudiced men would hesitate as to where that strain would be most readily borne". She concluded if a system of government based on the safeguard of citizens and respect for the law is to be maintained, SB 333 must be defeated.

Russell Hill, Montana Trial Lawyers Association (MTLA), opposed SB 333 for the reasons that had already been articulated. He said he understood the frustration of citizens who feel their government and the forces in their lives are beyond their control, and added MTLA members have an almost single-minded dedication to juries and empowering those juries. He stated, however, SB 333 is not a fully informed jury bill, but is perversely partial to both civil and criminal defendants. He said SB 333 ignores the fact that much citizen frustration arises from injustices inflicted upon victims by special interest groups. He explained his comment: SB 333 neither informs jurors that they could reject statutes of limitations or limitations on certain types of damages nor addresses the fact that injured people have to pay their own attorney fees in the attempt to recover what is rightfully due to them. He concluded SB 333 is partial to one group at the expense of others.

John Alke, Montana Defense Trial Lawyers Association (MDTLA), noted that SB 333 would actually benefit the position of MDTLA members in the courtroom, since defense lawyers could "argue to the passions and prejudices" of an informed jury and ask jurors to ignore the law. In spite of that advantage, he expressed the opposition of MDTLA to SB 333. He stated the proponents of SB 333 are propagating a profound disrespect for the law under the guise of respect for legal institutions. He explained that passing a measure into law requires the concurrence of the majority of the members of the Legislature and the governor of the state. He added when that law is enacted, all members of the public are expected to obey that law. John Alke said legislators believe they are acting in the best interests of Montana when they enact laws. He stated SB 333 would reserve the right to say the Legislature did not act meritoriously and that jurors should ignore the Legislature's actions. Mr. Alke stated the jury system works precisely because jurors are instructed that they have an obligation higher than personal prejudice and passion. He added the law should not be thrown out and legal rights should

not be destroyed on the basis of passion or prejudice as is the intent of SB 333.

Gene Phillips, Montana State Bar Association and National Association of Independent Insurers, opposed SB 333 for the reasons which had already been stated. He emphasized the fact that SB 333 would not only apply to criminal actions, but to any type of litigation involving the state or a subdivision of the state. He stated a fully informed jury would "turn every jury trial into a trap shoot because nobody will ever know what the law is". He concluded SB 333 would permit the jury to ignore totally the work of the Legislature in adopting laws.

Jacqueline Lenmark, American Insurance Association (AIA), asked that the Committee give SB 333 a "do not pass" recommendation for the reasons which all the opponents had articulated.

Craig L. Hoppe, Montana Magistrates Association (MMA), stated his organization also opposed SB 333 and believes it to be a bad bill for those reasons which had already been stated. He added that western Montana, where "more and more radical groups" have established themselves, poses a special concern in this matter. He said members of those radical groups have been elected into positions of authority within their communities and added in such situations a fully informed jury would result in a "law of the clan" instead of a "law of the land". He stated a fully informed jury could also undermine the consistent application of justice across the state of Montana.

Informational Testimony: None.

Questions From Committee Members and Responses:

Senator Towe asked John Connor if he would acknowledge that a jury has the right to ignore the law in a criminal case and, regardless of the factual evidence, to render a decision of "not guilty". John Connor replied he recognized that a jury does occasionally reject the concept of the law and does not bear any repercussion for that action. He added, however, a jury is not so instructed under the law.

Senator Towe noted historical precedent has established that, in fact, the jury does have a right to render a decision contrary to the facts and the law. He referred to the old English case of William Penn versus Captain Mead where the judge instructed the jury to find the defendants guilty of preaching in the street. According to Senator Towe, when the jury decided that the defendants had not violated the law, the judge put the jury foreman in jail. Senator Towe stated the House of Lords later ruled that the judge had acted inappropriately and found that all Englishman have the constitutional right as jurors to decide a case without criminal interference. He asked John Connor if his

interpretation of that case was correct. John Connor replied he thought Senator Towe's version was correct.

Senator Towe asked why juries should not be told they have this right. In reply, John Connor expanded upon his testimony in opposition to SB 333. He said the members of a jury seldom know anything about the law or the facts when they are called to deliberate on a case. He stated jurors are neither trained in the law nor in rendering a verdict on the law their purpose; he said the jury's purpose is to judge the facts and apply the law. He stated informing a jury that they have the right to judge the law would create a dangerous situation since people who know nothing about the law's historical significance or the ramifications of its unequal application would be deciding and judging the law.

Senator Towe noted that SB 333 did not specifically stipulate whether it would address criminal or civil law. He asked what the bill's intent was. Senator Rye replied he had only criminal law in mind.

Senator Towe asked why the same logic and reasoning was not applicable to civil law if the concept of a fully informed jury was valid for criminal law. Senator Rye replied every person has some concept of the law and of right and wrong. He noted that concept is much more important in criminal law than any legal technicality which may ensue. He said civil law, however, requires a knowledge of the law. He then asked that either Larry Dodge or Roger Koopman be given a chance to respond to Senator Towe's question.

Larry Dodge said SB 333 does overlap into some civil contexts. He stated the language in SB 333 was purposely and carefully drafted to apply not only to criminal law, but also to those areas of civil law which are being increasingly applied much as criminal law by state and federal governments. He explained that with its current language, SB 333 would protect individuals who are "pitted against the government" in forfeiture cases or cases in which property is confiscated because it was allegedly involved in some illegal incident.

Senator Brown stated Gene Phillips had presented a "powerful argument against SB 333" in his testimony. He asked, however, why jurors do not have the right to know that they can find the defendant "not guilty" based on their belief that the law is wrong, if in fact they can and that decision would not automatically comprise a mistrial. Beth Baker replied the Supreme Court case to which she had alluded in her testimony had addressed the issue raised by Senator Brown. She explained in 1895 the Supreme Court had clearly ruled that a jury's power to find the defendant "not guilty" does not translate into a right to determine what the law should be. She noted the Supreme Court had also cited the danger in allowing a jury to rule on issues other than the defendant's guilt or innocence; once a jury makes

a ruling on the law itself, neither that law nor the legal system is universally applicable any more.

John Connor commented that he believed the court does have the power to decide a mistrial is occurring when a jury disregards the instructions of the court by finding in favor of the defendant and against the law. He stated in the two such cases in which he had been involved the court had decided it would be inappropriate under the circumstances to declare a mistrial. Mr. Connor reiterated he believed the court had made that decision and had the discretion to decide whether a mistrial was appropriate.

Roger Koopman said the question shows the contrast in the philosophy of the founders and the philosophy of many of the opponents of SB 333. He stated the founders of the United States "who graced this concept, had a deep and abiding faith in the good conscience of the common people"; they preferred to entrust the common people with the protection of individual liberties rather than placing them under the protection of the professionals. Mr. Koopman noted that every outcome would not be perfect, and added jury nullification would only apply to that specific case which was being tried. He emphasized that such jury decisions would not create any kind of precedent or case law.

Closing by Sponsor:

Senator Rye said a fully informed jury would allow the average citizen's frustration with the system to be addressed or partially ameliorated. He noted that the Committee had recently considered SB 310 and SB 202, two issues which exemplify situations in which the law itself is unbending and unyielding. He stated that people, especially in the legal establishment, are so enamored of their work that they cannot see "the forest for the trees". He stressed that an informed jury would bring the forest back into focus and allow the human perspective back into the law and into the courtroom. Senator Rye argued that the arbitrary jurors, of whom Mr. Connor spoke, would be weeded out by any competent lawyer in the jury selection process. He stated the people need to be trusted, and added the U.S. system is actually predicated on the notion of trusting the populace; voting is an expression of the passions and prejudices of the people. In response to the comments of the MDTLA, Senator Rye stated that Montana's courts must err on the side of presumption of innocence if they were going to err, because the basic assumption of American jurisprudence places the burden of proof on the prosecution.

Senator Rye stated the more a person learns about FIJA and the Fully Informed Jury Act, the more attractive the concept becomes. He asked the Committee not to kill SB 333 automatically but send it to the House where it could have a two hour hearing, in which

the complex issues could be fully presented. He noted that the "staunch conservative Republicans" in the House would kill SB 333 if it "was not any good".

ADJOURNMENT

Adjournment: 12:09 p.m.

Steve Doherty

SENATOR STEVE DOHERTY, Vice Chair

BETH SATRE, Secretary

SD/bes

ROLL CALL

SENATE COMMITTEE Judiciary DATE February 18

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

FC8

Attach to each day's minutes

EXHIBIT 1
DATE 2-18-93
SB 336

THE SUPREME COURT OF MONTANA

J. A. TURNAGE
CHIEF JUSTICE

JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-2621

TO: Chairman Yellowtail and Members, Senate Judiciary Committee

FROM: J. A. Turnage, Chief Justice

DATE: February , 1993

Thank you for the opportunity to speak to members of this Committee in support of Senate Bill 336.

I strongly urge your support of this important legislation. It is a vital step that we must take if Montana is to maintain her fine judicial system.

The bill recognizes the tough economic times that face Montana. It ask during this biennium for only the same percentage increase for judges that other state employees are provide.

And, it provides beginning in Fiscal Year 1996, a good faith committment by the Legislature to keep judges from again falling behind other state employees and judges in other states on reasonable compensation for the enormous responsibilities with which judges are entrusted.

The fundamental reasons the Legislature must seriously consider a competitive salary for Montana's Judges are that:

- Montana deserves a first-rate judicial system.
- Inadequate pay undermines the judicial system by deterring the best qualified and experienced attorneys from seeking judicial careers.
- Montana is losing experienced judges. In the past eight years there has been more than a 50% turnover in district court judges. On the Supreme Court, only four justices have more than six years experience and we are losing a Justice this year.
- Judicial salaries in Montana are dead-last in the country, even behind the U.S. Territories.

- In addition, in order to draw judicial retirement they **must be available** to serve as a retired judge when called upon. Even when they do serve in this capacity, their pay for this service is reduced by the amount of their retirement benefit.

I hope that you will join me and other proponents here today in support of Senate Bill 336. We must maintain the good judges we have and assure that we are able to recruit the best candidates when vacancies occur.

Thank you for your time and your attention.

LEAGUE OF WOMEN VOTERS OF MONTANA

SB 336 An act coordinating salary increases for Supreme Court Justices and District Court Judges....

The LWV of Montana rarely participates in the process of salary setting for any elected officials. However, the level of judicial compensation in Montana does concern us. Not only may the court system's ability to attract qualified personnel from among our best and brightest young legal minds be undercut, but we could lose experienced judges as well. We believe that aspiring to a position on the bench is in danger of becoming attractive only to those who can afford to do so.

For many years, the League of Women Voters has supported efforts to attract qualified persons to serve on the bench, to adequately fund the judiciary, and to upgrade the administration of the court system. The salary paid judges must be competitive and appropriate to the responsibility these positions carry. Unless the Legislature is willing to support competitive judicial salaries, it could be difficult for Montana to continue to maintain a first rate judicial system.

Therefore, we ask that you support and pass this bill.

Joy Bruck, LWVMT
1601 Illinois
Helena, MT 59601

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE February 18, 1993
BILL NO. SB 336

A RECOMMENDATION TO THE 1993 MONTANA LEGISLATURE FOR ASSURING FAIR AND REASONABLE SALARIES FOR MONTANA'S SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES

Prepared and funded by
the Judicial Relations Committee
of the State Bar of Montana

The State Bar of Montana is deeply concerned with assuring that the most qualified and competent Montana attorneys serve as Montana's judges and supreme court justices, and that experienced and qualified judges and justices remain on the bench as long as possible. The State Bar recognizes that financial renumeration is not and should not be the primary consideration in seeking or retaining a judicial position. However, the low judicial salaries currently in effect may discourage bright, competent and experienced attorneys from seeking judicial positions, and may also discourage competent and experienced judges and justices from remaining on the bench for long periods of time.

The pay for Montana's Supreme Court and District Court Judges ranks 50th when compared to all other States. Even when United States Territories like Puerto Rico, the Virgin Islands, and American Samoa and Guam are included in the comparison -- Montana Judicial salaries remain in last place.

In comparison to her neighbors, Montana Judicial salaries are lower than comparable salaries in bordering states. Regional comparison of salaries as of January 1, 1993 are:

State	Chief Justice	Associate Justice	District Court Judge
Wyoming	$85,000	$85,000	$77,000
Idaho	$76,276	$74,701	$70,014
North Dakota	$73,595	$71,555	$65,970
Montana	**$65,722**	**$64,452**	**$63,178**

For these reasons, and because it recognizes that Montana's

judiciary continues to be paid at salaries lower than the judiciaries of any other state in the nation, the Judicial Relations Committee of the State Bar of Montana has prepared this position paper to urge the 1993 Montana Legislature to adopt Senate Bill 336, which would provide Montana's judiciary with incremental salary increases commensurate with those provided to other Montana public employees.

This position paper reflects upon and updates a 1991 judicial salary survey produced by the Supreme Court Administrator.[1] Since 1977, Montana judicial salaries have gradually slipped into last place. Montana Supreme Court Justices have fallen from 87% of the national average salary in 1977 to less than 70% of the national average. District Court Judges have gone from 100% of the national average salary in 1977 to 76% of the national average salary in July, 1992.

Inflation has destroyed the buying power of judicial salaries. To buy the same goods and services that $35,000 bought in fiscal year 1977 -- now takes more than $83,000. If 1977 Judicial salaries were adjusted for the intervening years of inflation, they would be as follows:

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[1]1. "A Judicial Salary Study and Recommendations to the Montana Supreme Court," prepared by the Office of the Court Administrator, Montana Supreme Court, January 1, 1991. copies of this study, which was not prepared or distributed at public expense, are available from either the State Bar of Montana, 442-7660, or the Office of the Court Administrator, 444-2621.

EXHIBIT 3
DATE 3-18-93
SB 336

	FY 1977 Actual Salary	FY 1993 Actual Salary	FY 1993 Salary Adjusted for Inflation
Chief Justice	$37,000	$65,722	$88,592
Justice	$36,000	$64,452	$86,198
District Judge	$35,000	$63,198	$83,804

Regardless of the manner in which Montana Judicial salaries are evaluated, all comparisons of the pay for judges in Montana comes back to the fact that Montana's compensation of judges is significantly below the compensation paid similar judges or private attorneys. The salaries of Montana's Supreme Court Justices have fallen far behind the rate of pay increases enjoyed by the rest of Montana's work force.

In the last two regular sessions the legislature has attempted to address the salary crisis. It has done so with courage and foresight. However, no mechanism was put in place to keep salaries from falling behind. The 1993 session must not waste the efforts of the previous two sessions, a provision needs to be in place to provide for salary increases.

The 1991 Legislature's efforts were greatly appreciated by Montana's judiciary and also by the Montana attorneys who desire a qualified and experienced judiciary. Those efforts, however, failed to alleviate the dire circumstances facing Montana's judiciary. Today, as in 1991, Montana ranks 50th in the salaries that it pays to its judiciary. Today, as in 1991, the rate of

salary increases for the judiciary lags far behind the rate of income growth for other Montanans or other United States citizens.

The 1993 Montana Legislature has the opportunity to finally resolve this salary crisis by adopting Senate Bill 336. The provisions of the Bill that allows indexing the salaries to an independant reflector of cost of living increases, such as the application of the Consumer Price Index currently applied to County Attorney salaries under 7-4-2503(3)(c), M.C.A., will ensure that judicial salaries do not regress.

Because Montana must do everything it can to assure a qualified and experienced judiciary, the State Bar of Montana urges the 1993 Legislature to adopt Senate Bill 336.

3
2-18-93
SB 336

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE February 18, 1993
BILL NO. SB 336

Amendments to Senate Bill No. 336
First Reading Copy

Requested by Senator Yellowtail
For the Committee on Judiciary

Prepared by Valencia Lane
February 18, 1993

1. Page 1, line 21.
   Page 1, line 24.
   Page 2, line 21.
   Page 2, line 24.
   Page 3, line 23.
   Page 4, line 1.
Strike: "percentage"
Insert: "average percent"

2. Page 1, line 22.
   Page 1, line 25.
   Page 2, line 22.
   Page 2, line 25.
   Page 3, line 24.
   Page 4, line 2.
Strike: "other"
Insert: "classified"

Amendments to Senate Bill No. 349
First Reading Copy

Requested by Senator Christiaens
For the Committee on Judiciary

Prepared by Valencia Lane
February 18, 1993

1. Title, lines 4 through 6.
Following: "AN ACT" on line 4
Strike: remainder of line 4 through "AND" on line 6

2. Title, line 8.
Following: "DETAINER"
Insert: "; AND AMENDING SECTION 70-27-115, MCA"

3. Page 1, line 11 through page 2, line 1.
Strike: sections 1 through 3 in their entirety
Insert: "**Section 1.** Section 70-27-115, MCA, is amended to read:

"**70-27-115. Defendant's appearance and answer.** On or before the day fixed for ~~his~~ the defendant's appearance, the defendant may appear and answer or move to dismiss the complaint for failure to state a claim. In any case, the defendant shall answer the complaint and summons within 10 days."

{*Internal References to 70-27-115: None.*}"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 6
DATE February 18, 1993
BILL NO. SB 333

TESTIMONY OF ROGER KOOPMAN
Supporting SB 333
Senate Judiciary Committee
February 18, 1993

MR. CHAIRMAN: "The Jury has the right to judge both the law and the fact in controversy." That statement was penned not by some modern-day political theorist, but by John Jay, first Chief Justice of the United States Supreme Court. It did not reflect some quaint or offbeat ideology, but rather, the vast consensus of opinion at the founding of our nation. For it was understood by our Founding Fathers that the constitutional republic they had crafted was a fragile thing that, without the proper safeguards, could in time fall prey to tyranny masquerading as just law. They recognized that one of the most essential of safeguards was the power vested in the common citizen through the jury box.

If our nation's founders were able to come back today, and witness the instructions that judges lay upon the juries of our day, they would react with shock and horror at the emasculating of our once proud jury system. Indeed, it bears little resemblance to the system they established, precisely because its most essential ingredient -- the individual, independent juror -- has been dis-empowered, and turned into an indoctrinated, pre-programmed robot. The robot is instructed to leave his conscience home and apply no moral judgement to his decisions. To our founders, America's jury system today would appear as nothing more than an empty shell.

They would wonder how we managed to stray so far from the original pattern they set up and why, as a result, America has chosen to place her freedoms in such obvious peril. Our forefathers, it seems, understood far better than we do today, that for a nation to remain free, sovereign power must rest in the people themselves -- in the individual. So they designed a jury system that acted as a constant check on the excesses of government and the abuses of unjust law. Individual jurors acknowledged that they had not only the authority, but the moral responsibility to acquit just men who ran afoul of unjust law.

Throughout the history of our republic, there have been many instances of juries that stood firmly for justice in the face of illegitimate law. They commonly refused, for example, to enforce the British Navigation Acts against the colonists and later, the Fugitive Slave Laws against the abolitionists. Sadly, American history would have been written much differently if the juries of the past functioned like the juries of the present. A modern day jury would hang those abolitionists at the end of a rope, not because we believe any more in slavery, but because juries today are consistently misinformed from the bench about their essential role in securing justice, and are thus rendered impotent in the defense of freedom.

It is ironic that in the face of this radical departure from our original system of justice, proposals like Senate Bill 333 would themselves be characterized as strange and "radical" by uninformed critics and vested interests. I would like to assure the members of this committee, Mr. Chairman, that there is nothing radical about restoring something very precious which we have lost. There is nothing radical about recognizing the wisdom of our Founding Fathers and re-establishing those sound principles of justice which we have allowed, through carelessness and neglect, to slip away. It is for this reason that I enthusiastically support SB 333, the "Fully Informed Jury" bill. Indeed, this is landmark legislation that will not only return Montana's courts to its people, but will doubtless become a model for other progressive states as well.

It is important to recognize that this measure does not create any "new" powers, rights or privileges. Instead, it merely asserts those jury powers and rights that already exist, as evidenced by the historical record and the writings of the founding era. This bill would simply require that juries once again be accurately informed of their inherent right to judge not only the facts of a case, but the law itself as it relates to that case.

As a practical matter, passage of SB 333 will probably have no direct effect on 99 percent of the jury trials held in our state each year. But in the one percent or half percent of the cases where juries begin to assert themselves and provide some degree of judgement over the law itself, those citizen-borne judgments will be essential to the securing of justice and the maintenance of a free society. Over time, if Montana juries consistently "nullify" certain statutes by refusing to convict defendants under those statutes, juries will also be sending a powerful message back to you in the legislative branch. The "sovereign" (the people) will have spoken. They will have rendered unjust law unenforceable, thus informing the legislature that such law should be amended or outright repealed.

The exercise of jury nullification in the courtrooms of Montana may also function, some day, as a vital defense against oppressive federal law that makes a crime out of something that is no crime. Should such a circumstance ever exist, Montanans would simply refuse to convict their fellow citizens. Such a scenario may sound far-fetched, but consider, for example, Congress passing a law that makes it illegal to own a firearm. 90 percent of Montanans might become "law-breakers", but all would be innocent of committing a punishable crime. If the juries of this state were informed of their true rights and powers, do you think any of them would convict as a "criminal", another Montanan who is simply exercising his or her Second Amendment Constitutional rights? For that matter, would juries in Idaho, Wyoming or elsewhere in the Rocky Mountain West? Absolutely not, nor should they. But for this kind of check on abusive governmental power to happen, juries must be well informed. Currently, they are misinformed.

It is my firm belief that once "informed juries" start cleansing the system of unpopular and repressive laws, two changes will begin to take place among the people themselves. First, there will be a tremendous rejuvenation of respect for law itself -- something we have lost in recent years, largely because of the mischief which bad law has brought upon us. Second, the moral senses of the people will become sharpened as we begin to recognize our individual responsibility in the maintenance of our fragile liberties. We will become, once again, a vigilant people, more keenly aware of the abuse of government power, more jealous of our liberties, more sensitive to the moral and philosophical prerequisites of freedom.

SB 333 is not a Democrat nor a Republican bill; it is not a liberal nor conservative proposal. The groundswell of supporters come from every walk of like and every part of the political spectrum. They ask the same question that I would pose to you today: what possible public good is served by keeping Montana's juries ignorant of their legal rights and responsibilities? It is time to turn on the light, by passing this vital legislation which is grounded in the principles and traditions of America's past, while focussed on the goals and challenges of Montana's future. Truly, this bill is what good government is all about.

EXHIBIT 6
DATE 2-18-93
SB 333

NAME Judith Russell

ADDRESS 423 N. B. Street Livingston

HOME PHONE (406) 222-0919 WORK PHONE ——

REPRESENTING myself

APPEARING ON WHICH PROPOSAL? 333

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

I feel we should have a fully informed jury that is not restricted to the limitations that may be placed upon the jury by the instructions of the judge and his biases, which often determine his instructions to the jury and also how a case is presented in court by both lawyers. A case can be slanted by the lawyers to emphasize certain facts and to deemphasize or delete other facts depending on the biases of the judge. I have had friends who were lawyers and know that deals can be cut between opposing lawyers and even with the judge before the case comes to court so that the presentation of the case is fairly cut & dried. The informed jury would help to counteract these types of situations so that a more just decision can be made. I wish to see the jurors informed of their rights and jurisdiction in open court. The jury should be able to judge the law, facts and also by conscience.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Fil

DATE 2-18-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: S.B 333 (RYL) SB 336 Yellowtail
S.B. 349 Christiaens SB 362 Bianchi
S.B. 386 Wilson

Name	Representing	Bill No.	Check One: Support	Oppose
Joy BRUCK	LWV OF MONTANA	336	✓	
James Screnar / Jerry Swenson	Jerry Swenson Landlord	362	✓	
Heck	MDT	333		✓
John Connot	MT CTY ATTY ASSN	333		X
PATRICK CHENOVICK	SUPREME COURT	336	✓	
CRAIG L. HOOPE	MT. MAGISTRATE ASSN	333		X
Ed McLean	Dist Judges	~~333~~ 336	✓	✓
RONDA Carpenter	Income Prop Owners & Mngs	349 362 386	X	
[illegible]	Income Property Owners & Mngs	~~349~~ ~~362~~ 386	X	
Russell B Hill	Mont Trial Lawyers	SB 333 SB 336	✓	✓
[illegible]	MYSELF	SB 362 SB 386		
DORCEAN STEFFESEN	Myself	333	✓	
LAVERNE ERDMAN	myself	333	✓	
Judith Russell	myself	333	✓	
Greg Van Horssen	IPMA/MLA	349, 362, 386	✓	
Rick & Prudence Gildroy	ourselves	333	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 2-12-93

SENATE COMMITTEE ON JUDICIARY

BILLS BEING HEARD TODAY: SB 333, 336, 362, 386

Name	Representing	Bill No.	Support	Oppose
Rickey D. Linafelter	[illegible]	349/362 SB 336	✓	
A. M. (Rud) Elwell	WCSM/MWWC	SB 333	✓	
Tom Hopgood	St. Bar of Montana	336	✓	
Tom Hopgood	Mt. Assn. Realtors	349 362 386		
Gene Phillips	NAII-State Bar	SB 333		X
[illegible]	Montana [illegible]	SB 333		✓
Marni Hoppes	Conrad FFA Chapt.	SB 333		
Joani Mink	Conrad FFA Chap.	SB 333		
Beth Baker	Dept of Justice	SB 333		✓
Beth Baker	Dept of Justice / MT County Attorneys	SB 336	✓	
[illegible]	self	SB 333	✓	
Gary S. Marbut	GOA, MSSA, WMFGA, B'SPSC	SB 333	✓	
[illegible]	Self	362	✓	
Jacqueline Lenmark	AIA	333		✓
Jacqueline Lenmark	State Bar of Mt	336	✓	
[illegible]	Chief Justice [illegible]	336	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 2-18-93

SENATE COMMITTEE ON JUDICIARY

BILLS BEING HEARD TODAY: SB 333, 336, 362, 386

Name	Representing	Bill No.	Check One Support	Oppose
Honey Lanham Dodge	FIJA	333	✓	
Don Doig	FIJA	333	✓	
Larry Dodge	FIJA	333	✓	
Lawrence Kaufmik	~~Self~~	333	✓	
MJ Red Beckman	FIJA	333	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10