

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BOB CLARK**, on February 6, 1995, at
8:00 AM

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Shiell Anderson, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Bill Carey (D)
Rep. Aubyn A. Curtiss (R)
Rep. Duane Grimes (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Brad Molnar (R)
Rep. Debbie Shea (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)
Rep. Cliff Trexler (R)

Members Excused: NONE

Members Absent: NONE

Staff Present: John MacMaster, Legislative Council
Joanne Gunderson, Committee Secretary

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

Committee Business Summary:

Hearing: HB 64, HB 345, HB 347, SB 143
Executive Action: HB 64 DO PASS AS AMENDED
HB 191 POSTPONE ACTION
HJR 14 DO PASS

{Tape: 1; Side: A}

HEARING ON HB 64

Opening Statement by Sponsor:

REP. DAVID EWER, HD 53, was asked to carry HB 64 by the League of Cities. They are currently experiencing a conflict between state statute and federal statute with regard to what constitutes legal criteria for hiring police officers in Montana. He presented an amendment which he said nearly reverses the original intent of the bill, but the basic intent of the bill remains the same. That intention is to be in compliance with federal law to eliminate the limitation in hiring candidates over 35 years of age. **EXHIBIT 1**

Proponents' Testimony:

Alec Hanson, Montana League of Cities and Towns, Montana Municipal Insurance Authority, said that they are dealing with several law suits because of the difference between state and federal laws. The intent of the bill is to remove that conflict.

Jim Oberhofer, Retired Chief of Police, Missoula, testified as to his experience of being sued and the difficulties in abiding by the state law which made him guilty of the federal law. He said that the physical qualifications and tests will remain unchanged by this bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. BILL TASH asked if Mr. Hanson was in favor of the amendments.

Mr. Hanson said they were acceptable.

REP. DUANE GRIMES asked if there was any need to have the following subparagraphs when the amendment strikes the words, "or more than 35 years of age".

REP. EWER said he agreed. He had been told they needed to amend the bill further.

Closing by Sponsor:

REP. EWER closed.

HEARING ON HB 345Opening Statement by Sponsor:

REP. ROYAL JOHNSON, HD 10, presented HB 345 which he characterized as an attempt to provide some funding for counties, cities and highway patrol for the purpose of installing electronic data machines in their vehicles for establishing a DUI offense. It would add \$15 to all fines for DUI convictions. Amendments were presented to the committee and were explained.

EXHIBIT 2Proponents' Testimony:

Dennis Paxinos, Yellowstone County Attorney, said from his experience as a prosecutor one of the toughest juries to convince is a DUI jury. A reason for that is that most jurors can identify with someone who has driven after drinking. He described a DUI trial and explained why the video camera equipment would facilitate the prosecution of these cases. He expounded on the reasons video taped DUI arrests would save the state money:

1. There has never been a DUI case come to trial where a video tape recorded the arrest because upon seeing the video, the defendant immediately pleads guilty, and
2. It prevents law enforcement officers from being anything other than courteous and professional. Thus it prevents civil rights violation suits and promotes safety for the general public from mistreatment by a rogue officer. It provides automatic training for the officer and alternative supervisory training and disciplinary tools.

These video cameras also can capture on film everything that occurs in a domestic abuse case providing backup for the officers who are called to intervene.

He described the technology of the cameras, the practicality of them and how they would be used in the vehicles and stored during and after the shift. The current conviction rate is about 50%, but states which have gone to video cameras have found that the conviction rates go to 95% and above. This would result in increased revenue through collection of more fines and would serve to get those offenders into treatment sooner, reduce the numbers of jury trials and reduce all related costs.

Col. Craig Reap, Montana Highway Patrol, echoed much of the previous testimony. He said that in some counties these cameras are in service and have proved to be beneficial not only in DUI cases, but in other areas of law enforcement. He said that complaints against officers are more quickly and easily dealt with when video tape recordings are available. They have requested a federal grant to purchase more of these cameras. The

funds collected, should this bill pass, would be spread out over the state rather than being designated to headquarters or to a particular place. Other DUI equipment would be purchased such as intoxilizers (sic) as well as repairs to existing equipment.

W. James Kembel, City of Billings, supported the bill.

Al Goke, Highway Traffic Safety Division, Department of Justice, explained the amendments and said he could support the bill with those amendments.

Opponents' Testimony:

None

{Tape: 1; Side: A; Approx. Counter: 42.4}

Informational Testimony:

Statistical information on DUI convictions was submitted as informational testimony. **EXHIBIT 3**

Questions From Committee Members and Responses:

REP. DANIEL MC GEE asked the sponsor if he would object to incorporating this bill into a committee bill with HB 256 which was comprehensive and would he object to changing some of the potential violations.

REP. JOHNSON said he would not object just so they end up with the funds for the equipment.

REP. BRAD MOLNAR asked if there was any way the bill would serve its purpose if the funds were not specifically earmarked for the purpose of the equipment.

Mr. Paxinos said the previous bill is so specific as to designating funds for jaws of life that it creates a problem, while this bill would allow the sheriff more liberty in purchasing DUI-related equipment as opposed to limiting it to one thing.

REP. MOLNAR said he felt some earmarking is necessary and was wanting to explore other ways to handle it. He referred to the title of the bill and wanted to know how they could prove drugs as the cause of the DUI.

Mr. Paxinos described how he was successful in prosecuting such a case.

REP. JOAN HURDLE asked for more information on using the 8-hour video tapes.

Mr. Paxinos described the procedure as he understood it.

CHAIRMAN BOB CLARK asked the sponsor if he would have any objection if the committee narrowed the distribution down to only the agencies who work traffic and DUIs.

REP. JOHNSON said his basic answer would be no. He said the original thought process was to put it in a state special fund earmarked for alcohol-related detection equipment. The drafting took into consideration the general trend away from specific earmarking as much as possible.

Closing by Sponsor:

REP. JOHNSON asked the committee to look at the fiscal note in closing. He referred to a January 29 issue of the *Independent Record* editorial by Dave Thomas about drunk driving as well as quoting from another article about a family affected by DUI in making his closing argument for HB 345.

HEARING ON HB 347

Opening Statement by Sponsor:

REP. DEB KOTTEL, HD 45, brought before the committee, HB 347 which seeks to address increasing threats against public servants. She gave examples of some of those threats and how they influence people who might otherwise run for public office. **EXHIBIT 4** was submitted as one example. She said there is a statute on the books which makes it a misdemeanor to threaten public officials, public servants or party officials; but this amendment makes it a felony to make those threats with the purpose to influence their discretion. It would become a felony to make threats against the property of a public servant with that same purpose. Current law does not provide for threats against property. It would also be a felony if the person or property of a public servant is actually injured.

Informational Testimony:

The sponsor presented the following informational testimony and urged the committee to study them thoroughly in considering this bill:

1. Letter from Nickolas Murnion, Garfield County Attorney, **EXHIBIT 5**
2. Letters from District Judge Jeffrey Langton and Undersheriff Thomas Killham, **EXHIBIT 6**
3. Letter from JoAnn Stanton, Clerk and Recorder, Garfield County, **EXHIBIT 7**

{Tape: 1; Side: B}

Proponents' Testimony:

John Connor, Department of Justice, spoke on behalf of the department as well as Nick Murnion who was unable to appear. He said this bill is intended to make more definitive and act-specific those types of crimes defined in 45-7-102, MCA, and to increase the penalty for impersonating a public servant. He gave historical background of this type of legislation. He addressed in more detail some of the previously submitted written testimony referred to above. He recounted receiving threats for appearing at a recent hearing before this committee. He believed there is a volatile situation and this bill would give increased jurisdiction over convicted offenders so that they can be monitored and their acts controlled and the threats eliminated.

Blake Wordal presented written testimony. He recounted specific threats made during his tenure in public office. He urged the committee to amend the bill to include protection of families of public officials. **EXHIBIT 8**

Vicki Knudsen, Attorney, Musselshell County, submitted her testimony of personal death threats and other threats which have affected her life and decisions to serve in public office in the future. She also said the county clerk in her county was threatened and followed so that she could not go to work. She told of other public officials and citizens in that county who have received threats and lawsuits. The people who are perpetrating the threats and actions have been charged with misdemeanors and posted bond. They have continued in their threatening acts and have gone so far as to declare war on the county. Some people would not testify in this hearing because of their fear. She gave extensive testimony about why the current law does not work to halt the threatening activities and how the affect is to tie up or close down the court system in the state.

Paul Smith, Musselshell County Sheriff, spoke from his experience with the groups who promote this threatening behavior. He gave a brief history of the Freeman Movement and read from some of their documents. He further described the volatile climate in his area which has caused him to make decisions about how to proceed and when to show restraint in dealing with the situation. He declared his support of HB 347 which would help end some of this action.

{Tape: 1; Side: B; Approx. Counter: 36.4}

W. James Kembel, City of Billings, went on record as supporting HB 347. He recalled threats received while he was serving in public office.

Laurie Ekanger, Governor's Office, said the Governor endorses this bill and urged support of it. She said that the Job Service

Offices are frequently requesting restraining orders because of threats to those employees.

Garth Jacobson, Secretary of State's Office, talked about his personal experience with threats and liens against his property because people disagreed with his personal philosophy on government. He referred to threatening documents which had been received within the past few weeks. He discussed the problems which are arising from people claiming to have official standing such as notaries.

Robert Throssell, Montana Association of Clerks and Recorders, appeared in support of the bill. He said that when the clerks in those offices refuse to file documents which are not allowed by law, they are intimidated and so ask support for this bill.

Christine Kaufmann, Director, Montana Human Rights Network, presented her testimony in support of HB 347. **EXHIBIT 9**

Dave Woodgerd, Chief Legal Counsel, Department of Revenue, submitted his testimony in support of HB 347. **EXHIBIT 10**

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. TASH asked **Sheriff Smith** if he had said that he had coordinated activities with agents from the Internal Revenue Service (IRS) to serve warrants.

Sheriff Smith corrected, "Notices."

REP. TASH asked if those were requested by the IRS, and if there had been any problem in working with them.

Sheriff Smith said it was a well-coordinated effort and they had had meetings with FBI and ATF as well as the IRS. When there is an incident they meet together to form a cooperative strategy plan.

REP. AUBYN CURTISS asked if the situation in Montana has anything to do with the introduction of HR 97, January 4, 1995. She said it is an act which provides for a rapid deployment strike force.

Sheriff Smith was not familiar with HR 97.

REP. LINDA MC CULLOCH asked if other states currently have this law or have need of this type of law.

REP. KOTTEL said that she knew some other states have gone farther than this by having "slap" law suits, teaching litigation law suits because of the problems.

REP. LIZ SMITH asked how would this law be enforced.

Sheriff Smith said they were referring to the re-classification of the crime from misdemeanor to felony. From a law enforcement administrator's standpoint, it is a matter of liability and the resources and rules which can be applied in serving warrants pertaining to misdemeanors versus felony classification crimes. He described some of those differences.

REP. SMITH asked if there would be a potential to have the provision to bring in the federal deployment teams to assist in enforcing these as felonies.

Sheriff Smith said that would be correct. He discussed the costs to the county if this help were needed to initiate a large operation.

REP. SMITH wondered if this bill would include threats regarding campaign practices as well.

REP. KOTTEL said that it would.

REP. LOREN SOFT referred to previous testimony about amendments being offered to the committee from Ms. Knudsen and asked her about her reference to mandatory sanctions.

Ms. Knudsen thought those references were to litigation filed for the purpose of trying to hold up situations. She was referring to situations where "they" pull everyone into lawsuits which take a great deal of time even though "they" know "they" are not going to win, yet this ties up the court system. She felt "they" should have to pay for this and felt this would slow "them" down.

REP. BILL CAREY asked the sponsor to share her view on including coverage by the bill for the public servant's family.

REP. KOTTEL said she was open to that.

REP. MOLNAR confirmed with the sponsor that this is not new language but just adding to existing law; and then asked how increasing the penalty would effect a decrease in these activities.

{Tape: 2; Side: A}

REP. KOTTEL said that the amendment on lines 22 and 23 made a significant modification by speaking to the affect on a public servant's willingness to seek public office and that this bill also includes threats to a person's property resulting in a felony charge. The old statute allowed a wide range of charges and the usual charge was a misdemeanor which does not deter the activity.

REP. MOLNAR had a problem with the provision for incarceration being limited to the state prison because of the overcrowded

conditions. He said that would have the affect of turning the offenders loose.

REP. KOTTEL said they are not serving time now, they are posting bond and defaulting on that bond and walking away. By moving it up to a felony charge, the intent is to make them accountable. She checked with Mr. Connor to see if they could serve the time in the county jail. He said they could not. Felony by definition requires serving one year of time. The exception would be if they have a longer term for which they have been given suspended time.

REP. HURDLE asked if the wording which sentences them to prison meant they would be sentenced to the Department of Corrections and Human Services (DCHS) where they would be placed in a release program to receive counseling.

Mr. Connor said the sentencing statute is 46-18-201, MCA, which was amended last session to allow an option to the court to sentence someone either to the state prison or to DCHS. If the latter occurs, the department has more latitude with respect to where the person will be placed.

REP. TASH asked why it was necessary to compromise in setting the fine at \$5,000.

REP. KOTTEL said she agreed and would accept an amendment to increase it.

REP. TASH asked what she would deem acceptable.

REP. KOTTEL said they could go back to \$50,000 or double that.

{Tape: 2; Side: A; Approx. Counter: 9.0}

Closing by Sponsor:

REP. KOTTEL said this piece of legislation is not about Freeman but about anyone who thinks they can use the tyranny of violence to shut down the government. Because she believes in Second Amendment rights, she said she demands that people be accountable for their actions. She did not want to slight the right for people to bear arms because others are afraid of what they will do with them. Though she respects that right, she believes they must be responsible with that right. She felt it was up to the committee to send a message that violence will not be tolerated in a democratic society where the free expression of ideas is essential.

HEARING ON SB 143Opening Statement by Sponsor:

SEN. LARRY BAER, SD 38, presented SB 143 to the committee with background on the Tenth Amendment. He felt the burgeoning and ever more powerful centralizing federal government has become disparaging of the Tenth Amendment of the Bill of Rights. He said that Montanans have had enough. He said this is costing state and local governments a lot of money as well as derogation of constitutional rights. He outlined the areas where it is evident that this is occurring. He outlined the original placement of power and how the founding fathers intended federal and state governments to work.

This bill endeavors to re-establish state responsibility to protect its citizens from wrongful federal intrusions and invasions of public liberty by the national authority. It seeks to reject federal mandates through gradual phase-out of federal dependency. He said that both House and Senate majority leadership and the Governor have concurred and endorsed the bill.

The language of the bill is such that the Governor and legislature have the duty to reject directives from the federal government which either the Governor or legislature deem to be wrongful under the Tenth Amendment. Therefore, there should be no fear that positive and beneficial federal programs proposed would be rejected because they fall within the enumerated powers. There is no implication in the Tenth Amendment to require state rejection of non-conforming federal mandates or directives. They are rejected if they are deemed wrongful or accepted if they are deemed desirable for the people of Montana. He enjoined the committee to pass this legislation to return power to the people.

{Tape: 2; Side: A; Approx. Counter: 22.4}

Proponents' Testimony:

Leo Giacometto, Governor's Office, appeared in support of the bill. He raised some questions in the language of the bill for the committee's consideration. They believe that the original language was the most appropriate as it gives the right to the state to reject and removes the possibility of someone misconstruing the Governor's duty.

Arlette Randash, Eagle Forum, (also representing Christian Coalition of Montana on behalf of Laurie Koutnik), said she had worked hard in grassroots organizations which encourage the participation of citizens in their government. They encourage people to participate and educate them to do so. She believed that Sen. Baer's bill would help to abate the frustration and extremism which was voiced in the hearing on the previous bill. She felt that Montana citizens would be encouraged if they could

see the Governor and legislature take some real action in stopping the encroachment on personal rights through of unfunded mandates.

REP. AUBYN CURTISS, HD 81, definitely supported this legislation. She felt the actions of the federal government have become so repressive in many instances that all of the states in the United States are taking action to do what is being done here. She cited examples of such other states' actions by executive order.

Informational Testimony:

Beth Baker, Department of Justice, did not take a position on the bill but provided information. She echoed the concern of **Mr. Giacometto** where it makes it the duty of the Governor to reject federal mandates and outlined the problem this presents with regard to the Montana Constitution's allowing a mandamus action against a public official for failure to perform a clear legal duty. They were concerned that by expressing it as a duty, the state might be set up for litigation.

Opponents' Testimony:

Don Judge, AFL-CIO, urged opposition to SB 143. He submitted written testimony. **EXHIBIT 11** He also submitted a copy of a news article from the Kalispell paper to support his opposition. **EXHIBIT 12**

Ann Hedges, Montana Environmental Information Center, appeared to express their concern over SB 143. She quoted from article 1, section 8 of the U. S. Constitution to back up her position. She felt there has been an attack on the environmental laws and they believe that the U. S. Supreme Court has acted and stated that environmental laws stem from article 1, section 8 of the Constitution. They believe Congress has the authority and the duty to help protect resources and in doing so to protect the general welfare of the people of the United States. She asked which specific mandates were being referred to. She suggested there are other ways to address any which may need to be changed.

Questions From Committee Members and Responses:

REP. CAREY asked what mandates are pertinent to this bill.

SEN. BAER said they include unreasonable, unauthorized directions from the federal government which do not fall within the enumerated powers granted to Congress by the Tenth Amendment; i.e., using anything that is not enumerated in the Constitution. He said they were not talking about mandatory rejection of anything that does not fall within those enumerated powers. He repeated that this would be discretionary both with the Governor and legislature because of the separation of powers.

REP. CAREY asked what some of the particular mandates are.

SEN. BAER said the Brady law was an example of an unfunded mandate and has caused quite a stir in the state. It falls outside the enumerated powers of the Constitution and also violates the Second Amendment of the Bill of Rights. The Clinton Health Care Program would have been another example had it passed. The passage of some environmental mandates are in some cases within this category.

REP. KOTTEL asked if he was saying Montana does not presently have the right to protest a particular law coming from the federal government.

SEN. BAER said there is some theory that by not expressing such rejection of such wrongful mandates, that the people have waived the right to do so. He did not believe that to be true, but like other states, Montana is asserting a reaffirmation and a renaissance movement of the Tenth Amendment of the federal Constitution. He said this is not just an upstart activity confined to Montana, but is a nationwide movement to gain cooperation between the national and state governments. He believed that there is a need to have language in the Montana Constitution upon which the people can rely.

REP. KOTTEL asked for a yes or no answer to whether he believed that Montana presently has the right to object and not follow federal law which it believes is unconstitutional.

SEN. BAER answered her question with a question, "As we currently stand, who is going to assert that right--an individual citizen at a cost of hundreds of thousands of dollars in legal fees, or can we rely upon the leadership of this state, our government, to go to bat for us and protect us like they should?"

REP. KOTTEL asked, "Does Montana, in your opinion, have the right presently under the law to object or not follow any federal law it believes to be unconstitutional--not who, or how, doesn't have the right to do that presently, yes or no, in your opinion, Sir."

SEN. BAER said, "Again, Mr. Chairman, it is very hard to give a yes or no answer to the term of Montana. What is Montana, is it the people individually or is it it's government? Do I have to just say yes to her question to defer along to other business?"

REP. KOTTEL asked the sponsor if it would surprise him that there are well over 200 examples where other states have protested what they believe to be unconstitutional law and that other states have that ability.

SEN. BAER answered, "No."

REP. KOTTEL asked if he believed in the affection doctrine under the Constitution.

SEN. BAER asked her to explain.

REP. KOTTEL said the affection doctrine is a well-known doctrine under constitutional law which talks about enumerated powers in terms of the affect that they have on certain issues. An example is the power to regulate interstate commerce.

SEN. BAER answered that as a lawyer and student of the law he had never heard it referred to as the affection doctrine. He said that she was referring to the necessary and proper clause of the Constitution or the sweeping clause. He said that note should be taken that such action must be reasonably proven to be necessary and proper to implement the enumerated powers. The courts have been specifically adamant about disallowing broadening the necessary and proper clause when it affects personal rights. As a known doctrine, it is followed but not without restriction.

REP. KOTTEL requested his opinion whether the federal government had passed legislation which violates state rights between 1989 and 1992.

SEN. BAER said he was sure they had but states had acquiesced because of the cost of bring a lawsuit (by individuals).

REP. KOTTEL asked if he knew that President Bush stood on the steps of this capitol building and swore that he would not sign into law any legislation that had an unfunded mandate, or not within the Constitution. She asked if President Bush was a liar or if he failed to uphold his oath in terms of the Constitution.

SEN. BAER said he would not comment on the integrity and the reliability of a former President because he felt it was extraneous to the matter at hand and highly political.

REP. KOTTEL asked if the attempt was to keep this non-political, "Why don't we all just to our job, protest that which is not constitutional, work out plans of action for mandates we don't want, do the hard work of requesting waivers like we did under the Welfare Reform Act and stop the political rhetoric when we've always had the power to act and we haven't. Why don't we just do our job, why is this necessary?"

SEN. BAER said in essence that is exactly what this bill is directing law makers and government officials to do. He felt there was a need for a stimulus. He said, "It takes away the whining and crying excuses which have been use to date to avoid doing our duty."

REP. MOLNAR asked if this will address federal judges creating laws and passing them down.

SEN. BAER said it would have an indirect affect on that in getting the attention of the Supreme Court to be as prudent as possible in making their decisions which fall into this category.

REP. MOLNAR asked if his answer then was, "no."

SEN. BAER replied, "No."

REP. MC CULLOCH asked about federal mandates which bring money into the state in relation to the bill.

SEN. BAER said there could be a situation where the federal government would wish to provide Montana with a directive which would include money which Montana would feel was beneficial to the state and not infringe upon anyone's right. He emphasized that this bill continues to give the discretion to the Governor and the legislature to make that decision. They wouldn't have to reject them just because they (the directives) don't fall within the enumerated powers.

REP. MC CULLOCH asked if this bill had come before the legislature before.

SEN. BAER said to his knowledge it had never been before the Montana Legislature before.

REP. MC CULLOCH was curious if this bill would have come up before the 54th Legislature if we'd had a President of another party in office since federal mandates had been around for a long time and there had been 12 years to bring a bill of this nature before the legislature.

SEN. BAER said he did not believe that political application of this was appropriate. He said it had nothing to do with politics whatsoever and it was just that "we are saturated with these things and we are to the point where we feel we can't take any more. We have had enough and it is time to assert ourselves as a sovereign state and enforce the language of our Tenth Amendment."

{Tape: 2; Side: B}

REP. MC CULLOCH said she understood his frustration. She noticed in section 2 of the bill that it would come up before the qualified electors of Montana in November 1996 which would be the same time as the presidential election. She thought from that it did have a partisan element and wondered why there was no campaign disclosure on the bill.

SEN. BAER said it was purely coincidental and had no bearing upon the impact of this bill. He said that if they can't leave it up to the people to decide what they want through this process, that would insult their intelligence and would not be giving them the chance to be self-governing as both the federal and state Constitutions grant.

REP. HURDLE requested specific examples of environmental federal mandates which would be addressed by this bill.

SEN. BAER spoke of the California case involving a farmer who killed a kangaroo rat, an endangered species, resulting in his

equipment being confiscated, his incarceration and threats of losing his property.

REP. HURDLE asked if there were any other environmental laws beside endangered species laws over which there was concern.

SEN. BAER personally believed that most environmental laws are reasonable and necessary and that if the Governor and legislature found them to be so, they would not be rejected. On the other hand, if they were found to invade private property rights to the extent they would be offensive, they could be rejected.

REP. HURDLE asked for an example of a federally mandated law which had caused property rights problems in Montana.

SEN. BAER said there were many discussions as to improper impositions placed on the public by environmental issues which lead to zoning issues, which lead to planning issues. In the Flathead Valley, there is a tremendous groundswell of fear and acrimony over what they feel are improper impositions upon their personal lives and rights to use property by unnecessary laws and an overpowering government. Rather than get into specific examples, he thought that general statement should be kept in mind.

REP. DEBBIE SHEA asked if the sponsor thought they were so determined to assert and reaffirm they were turning down more positive legislation in this session.

SEN. BAER said he did not feel that way.

REP. SHEA said she would look forward to his reaction to the "guns-at-school" law.

SEN. BAER said he did not think there should ever be guns at school.

REP. SOFT asked the sponsor if he would be opposed to amending the bill back to its original form due to the Governor's concern about some of the language in the amended form.

SEN. BAER said he would not, that he was content with the original language and just wanted to do what was best for all. He said he believed the amendment was an attempt to include some of the language suggested by Democrat (sic) leadership in the Senate and wanted to offer them the respect and dignity to be a part of this bill which they feel would serve all Montanans.

REP. DIANA WYATT asked if the ownership of slaves would have been private property. As such would the ascertainment (sic) of a slave holder's rights that the federal government was imposing an option to take away private property rights, because they were slave holders, be a similar allegation to what the sponsor was saying.

SEN. BAER said the Constitution protects amply through the Bill of Rights and civil liberties language that slavery itself is definitively intolerable in our society and other than that did not understand the question.

REP. WYATT said that her point was that one man's right impinges on another man's freedom and this was one example for which we fought an ugly war and she did not want this legislature to bring out the ugly part of human nature in terms of merely talking about the economic realities of whether we should pay another \$5 or \$10 for something over which there might be a disagreement.

SEN. BAER saw nothing in the bill that would prohibit someone from asserting their First Amendment rights in expressing personal opinions.

CHAIRMAN CLARK asked **Mr. Judge** to clarify his testimony about the United States government's ability to stop the Canadian government from building a facility which would cause pollution.

Mr. Judge said there had been a dispute at the border regarding construction of a plant which would have sent pollution across this country. He had testified that this bill would not address that, but if this same dispute were to arise in any state in this country over a similar type of facility, it would become a dispute between the states and the federal government would not be able to provide any type of regulation.

CHAIRMAN CLARK asked if he had said the states do not have the power to tell the federal government what to do.

Mr. Judge replied that he had said that according to a Supreme Court decision held in 1819, the power of the United States derived from the people and not from the states independently.

CHAIRMAN CLARK asked who decides whether or not the Constitution is going to be changed.

Mr. Judge said one way is for the Congress to submit an amendment to the states for ratification by the people of those states, the other is for the people of the states to provide a resolution to the Congress to amend the Constitution.

CHAIRMAN CLARK replied, "In other words, the states are the ones who change the Constitution."

Mr. Judge replied, "The states have the right to approve or reject amendments to the Constitution which is a right that has been granted through the Constitution to the states, to the people of those states."

CHAIRMAN CLARK said 38 states are needed to amend the Constitution so it is the states, in effect, which dictate what the federal government tells us to do through the Constitution.

Mr. Judge said the authority to amend the Constitution was granted as a procedure by which the amendments would be taken back to the people through the ratification of the legislative bodies of those 38 states; that does not say that the Constitution itself was formed by those states and that all of its proceedings are from the states up. The Supreme Court decision was that the power of the federal government was derived and established by the people of the country, not by the states.

CHAIRMAN CLARK asked, "Do not the people represent the states, doesn't it start from the bottom, are not the people the state?"

Mr. Judge could not determine what he was saying. **CHAIRMAN CLARK** clarified and **Mr. Judge** agreed with the statement and elaborated on the concept of the government deriving its power from the people through their participation. **CHAIRMAN CLARK** said that was what he was getting at and that the framers of the Constitution provided for the people to be the ones who ultimately change the Constitution.

Mr. Judge did not feel that was pertinent to the legislation before the committee. He said this was addressing the authorization through the Montana Constitution to reject federal legislation and doing it by empowering the legislature in one area that they cannot now have power. The power to adopt a resolution to reject a federal mandate is a new power extended to the legislature avoiding the executive branch if this bill is adopted as submitted. He said the issue is the power of the federal government. The issue here is not ratification of an amendment to the U. S. Constitution.

REP. SHIELL ANDERSON asked **Mr. Judge** if he would find it less objectionable if they would strike the amendment that the Democrat (sic) leadership in the Senate had suggested to be put on.

Mr. Judge answered that they would not find it less objectionable because it doesn't delineate which piece of Montana has that authority. They believe Montana already has the authority to reject unconstitutional mandates through appropriate court procedure. The bill simply enumerates who has the authority.

REP. ANDERSON rephrased the question by asking if he found the amendment that was suggested by the Democrat (sic) leadership in the Senate to be objectionable as well.

Mr. Judge answered, "Yes." He said he was surprised to find it was suggested by Democrat (sic) leadership.

REP. ANDERSON asked why it surprised him and **Mr. Judge** said he had not heard about that before and was surprised.

Closing by Sponsor:

SEN. BAER re-emphasized the discretionary ability placed with the Governor and legislature in enforcing the Tenth Amendment of the U. S. Constitution. He closed by quoting what was said in the Senate during discussion about the citizen's response to this that the people would vote for this and that "they don't know what is best for themselves, we do."

EXECUTIVE ACTION ON HB 64

Motion: REP. TASH MOVED HB 64 DO PASS.

Motion/Vote: REP. MC GEE MOVED TO AMEND HB 64 BY STRIKING LINES 18 - 21. The motion carried unanimously by voice vote.

{Tape: 2; Side: B; Approx. Counter: 17.4; Comments: There was informal discussion regarding amendments which is not specifically recorded in the minutes.}

Motion: REP. SOFT MOVED THE SPONSOR'S AMENDMENTS.

Motion/Vote: REP. WILLIAM BOHARSKI MOVED A SUBSTITUTE AMENDMENT TO INCLUDE "REVISING THE QUALIFICATIONS FOR" AND STRIKING LANGUAGE THAT IS PROPER TO STRIKE IN THE TITLE OF THE BILL AND TO ADOPT THE SPONSOR'S AMENDMENTS. The motion carried unanimously by voice vote.

Motion/Vote: REP. SHEA MOVED HB 64 DO PASS AS AMENDED. The motion carried unanimously by voice vote, including proxy votes for REPS. CAREY and CHRIS AHNER, 17 - 0.

EXECUTIVE ACTION ON HB 191

Motion: REP. KOTTEL MOVED HB 191 DO PASS.

Discussion: REP. HURDLE had a problem with the title including the words, "certain sex offenders to provide DNA samples" and from testimony learned that it included the deviant sexual conduct act which under current Montana law includes homosexual behavior.

REP. CURTISS recalled that Rick Day commented that they may need to refine the rule-making authority being granted and that his department would bring something back to the committee on that.

CHAIRMAN CLARK commented that there were several amendments to be offered on this bill. REP. KOTTEL withdrew her motion and action was postponed.

EXECUTIVE ACTION ON HJR 14

Motion: REP. SOFT MOVED HJR 14 DO PASS.

Discussion: REP. SOFT said he did not have a problem with the defender's project as such but did not think it was appropriate for the department to fund that program and then to work with the prisoners to possibly bring suit against the state. He felt there would be other ways to fund this program and suggested that attorneys around the state could contribute to a law library at the prison.

REP. ANDERSON felt there was more to this bill than meets the eye and that the suggested funding source by REP. SOFT would be inequitable. He felt the bill came about through some incorrect evidence and he noted that the current project director was a former state director for the ACLU and thought there might be some bias in which suits were brought against counties and which ones were deemed good to pursue. He said he might have some personal bias having been a part of the project and cited his personal experience with it. He felt that for the legislature to intervene in the project would be short-sighted. He thought there might be validity in the students helping them to prepare the suits, but did not necessarily agree with them actually filing the suits. He recalled testimony that that doesn't happen. He said that though it was just a suggestion to the Supreme Court, he would vote against it for the reasons stated.

REP. CLIFF TREXLER said since it affects only a few counties, the program is discriminatory. He explained his reasoning and cited testimony. He felt if it was to be administered fairly it should go to all the other counties in the state equally. He urged voting for the resolution since it is asking them to desist from filing law suits and asking them to supply a defender to a county being sued.

REP. ANDERSON said the inequities among the counties did not come from the current program because the students travel to Powell County. The inequities came up when they discussed sending students out to participate in the defense of the counties. The law students would file them in any county though they might not be there to represent the inmate in that county. A broad construction of the language would include participation in filing lawsuits and assisting inmates in developing their legal theories in their complaints.

REP. KOTTEL said she would vote against the resolution and recalled the Chief Justice complimenting the program and that it was helpful to the court. She also recalled that it decreases the numbers of frivolous lawsuits filed. She believed that it was being introduced because Ravalli County had been sued and they felt they had been wronged. She felt it had actually helped the county to deal with the issues effectively. She did not believe it was the legislature's issue.

REP. HURDLE pointed out that no student had filed and only one had participated in a lawsuit against counties and that it was obviously based on a small thing and that this had resulted from an incorrect newspaper article. She also pointed out that the defender project meets real needs in weeding out frivolous suits.

REP. MC GEE said he would vote in favor of the resolution because it was simply saying that "we shouldn't have ourselves suing ourselves." He said he was in favor of the defender's project and for it to work with the inmates, but he was opposed to the fact that the state is paying for law students to sue it. After helping them, then they should refer the inmate to an attorney.

Vote: The motion carried, 9 - 7, REPS. CAREY, WYATT, ANDERSON, HURDLE, SHEA, MC CULLOCH and KOTTEL voting no.

Motion: REP. KOTTEL MOVED TO ADJOURN.

{This set of minutes is complete on two 60-minute tapes.}

ADJOURNMENT

Adjournment: The meeting adjourned at 12 noon.



BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 2/6/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓ late	✓	
Rep. Chris Ahner	✓ late	✓	
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓ late	✓	
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓ late	✓	
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



HOUSE STANDING COMMITTEE REPORT

February 6, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 64** (first reading copy -- white) **do pass as amended.**

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Title, lines 4 and 5.
Following: second "ACT"
Strike: the remainder of line 4 through "OF" on line 5
Insert: "REVISING THE QUALIFICATIONS FOR"
Following: "POLICE"
Strike: "OFFICER"
Insert: "OFFICERS"
2. Page 1, lines 11 through 13.
Following: "officers." on line 11
Strike: the remainder of line 11 through "service." on line 13
3. Page 1, line 15.
Strike: "i:"
4. Page 1, line 16.
Strike: "(1)"
Following: first "age"
Strike: "or more than 35 years of age"
5. Page 1, lines 17 and 18.
Strike: "except:" on line 17 through "1973" on line 18
6. Page 1, lines 18 and 19.
Strike: "i:" on line 18 through "discharged" on line 19

2-7
mm

Committee Vote:
Yes 17, No 0.

311506SC.Hbk

7. Page 1, lines 19 and 20.
Strike: "person who served" on line 19 through "war" on line 20
8. Page 1, lines 20 and 21.
Strike: "i or" on line 20 through "(c)" on line 21
9. Page 1, line 21.
Strike: "an" through "i"
10. Page 1, line 22.
Strike: "(2)"
Strike: "i"
Insert: ", "
11. Page 1, line 23.
Strike: "(3)"

-END-



HOUSE STANDING COMMITTEE REPORT

February 6, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that **House Joint Resolution 14** (first reading copy -- white) **do pass**.

Signed: _____

Bob Clark
Bob Clark, Chair

2-7
mm

Committee Vote:
Yes 9, No 2.

311508SC.Hbk

Vote yes

H/B. 64

as amended -

Chris Ahner

HOUSE OF REPRESENTATIVES

ABSENTEE VOTE

Date 2-6-95

Mr. Chairman/Mr. Speaker:

I, the undersigned member, hereby vote absentee on:

HB Bill No. 104

Representative Brian Canoy voting aye
(aye or no)
"and all amendments pertaining thereto" wife

HOUSE OF REPRESENTATIVES

ABSENTEE VOTE

Date 2-6-95

Mr. Chairman/Mr. Speaker:

I, the undersigned member, hereby vote absentee on:

HR Bill No. 14

Representative Birney voting AY
(aye or no)

"and all amendments pertaining thereto"
Wye

Amendments to House Bill No. 64
First Reading Copy

Requested by Representative Ewer
For the House Judiciary Committee

Prepared by Eddye McClure
January 5, 1995

1. Title, lines 4 and 5.
Following: second "ACT"
Strike: the remainder of line 4 through "POSITION" on line 5
Insert: "REVISING THE QUALIFICATIONS"
Following: "POLICE"
Strike: "OFFICER"
Insert: "OFFICERS TO COMPLY WITH FEDERAL LAW"
2. Page 1, lines 11 through 13.
Following: "officers." on line 11
Strike: the remainder of line 11 through "service." on line 13
3. Page 1, line 16.
Following: first "age"
Strike: "or more than 35 years of age"

Amendments to House Bill 345
First Reading Copy

Prepared by
Beth Baker, Department of Justice

1. Title, line 6.
Strike: "STATE SPECIAL REVENUE"
Insert: "GENERAL"
2. Page 3, line 2.
Strike: "state special"
3. Page 3, line 3.
Strike: "revenue"
Insert: "general"
4. Page 3, line 4.
Following: "equipment"
Insert: "used in the investigation of alcohol-related offenses"
5. Page 3, line 4.
Following: "."
Insert: "At the end of each quarter, the department shall distribute revenues from the charges collected under subsection (1)(c) in the following manner:
(a) Charges collected by a city municipal court or a city or town court must be distributed to the appropriate local government finance officer or treasurer in the city or town in which the conviction occurred. The local government finance officer or treasurer shall distribute all revenue received under this subsection to the city or town law enforcement agency, to be used for the purposes specified in this subsection.
(b) Of the charges collected by a justice's or district court, one-half must be distributed to the county or consolidated city-county finance officer or treasurer in the county where the conviction occurred, and the remaining one-half must be retained by the department. The county or consolidated city-county finance officer or treasurer shall distribute all revenue received under this subsection to the county sheriff or the consolidated city-county law enforcement agency, to be used for the purposes specified in this subsection."

MONTANA DUI CONVICTIONS BY ARRESTING AGENCIES

Compiled by the Highway traffic Safety Division from data provided by the Data Processing Division

EXHIBIT 3
DATE 2/6/95
HB 345 12

DUI CONVICTION STATISTICS - POPULATION & VMT

County	TOTAL DUI CONVICTIONS					RATE PER THOUSAND POPULATION					RATE PER MILLION VEHICLE MILES TRAVELED				
	1989	1990	1991	1992	1993	1989	1990	1991	1992	1993	1989	1990	1991	1992	1993
Beaverhead	51	48	54	35	35	6.1	5.7	6.4	4.2	4.2	0.4	0.4	0.4	0.3	0.3
Big Horn	91	122	126	102	113	8.0	10.8	11.1	9.0	10.0	0.4	0.5	0.6	0.5	0.5
Blaine	75	68	79	83	63	11.1	10.1	11.7	12.3	9.4	0.8	0.8	0.9	0.9	0.7
Broadwater	43	69	50	45	59	13.0	20.8	15.1	13.6	17.8	0.5	0.8	0.6	0.5	0.6
Carbon	78	67	80	86	66	9.7	8.3	9.9	10.6	8.2	0.6	0.5	0.6	0.7	0.5
Carter	0	5	2	2	1	0.0	3.3	1.3	1.3	0.7	0.0	0.2	0.1	0.1	0.0
Cascade	597	565	576	592	566	7.7	7.3	7.4	7.6	7.3	1.1	1.1	1.1	1.1	1.1
Choteau	30	47	36	36	27	5.5	8.6	6.6	6.6	5.0	0.4	0.6	0.4	0.4	0.3
Custer	85	151	135	105	84	7.3	12.9	11.5	9.0	7.2	0.7	1.2	1.1	0.8	0.7
Daniels	3	11	4	7	6	1.3	4.9	1.8	3.1	2.6	0.1	0.5	0.2	0.3	0.2
Dawson	111	82	81	59	74	11.7	8.6	8.5	6.2	7.8	1.0	0.7	0.7	0.5	0.6
Deer Lodge	87	115	95	85	79	8.5	11.2	9.2	8.3	7.7	0.9	1.2	1.0	0.9	0.7
Fallon	20	19	23	44	21	6.4	6.1	7.4	14.2	6.8	0.5	0.5	0.6	1.2	0.6
Fergus	48	52	64	111	95	4.0	4.3	5.3	9.2	7.9	0.4	0.4	0.5	0.9	0.7
Flathead	647	724	766	626	699	10.9	12.2	12.9	10.6	11.8	1.1	1.3	1.3	1.1	1.2
Gallatin	345	408	452	350	364	6.8	8.1	9.0	6.9	7.2	0.7	0.8	0.9	0.7	0.7
Garfield	3	3	7	3	1	1.9	1.9	4.4	1.9	0.6	0.1	0.1	0.3	0.1	0.0
Glacier	283	253	230	220	121	23.3	20.9	19.0	18.2	10.0	2.2	1.9	1.8	1.7	0.8
Golden Valley	8	3	1	6	2	8.8	3.3	1.1	6.6	2.2	0.4	0.1	0.0	0.3	0.1
Granite	13	18	28	22	24	5.1	7.1	11.0	8.6	9.4	0.2	0.2	0.3	0.3	0.3
Hill	169	148	109	192	174	9.6	8.4	6.2	10.9	9.9	1.2	1.1	0.8	1.4	1.2
Jefferson	93	93	66	32	51	11.7	11.7	8.3	4.0	6.4	0.5	0.5	0.3	0.2	0.2
Judith Basin	9	11	10	16	9	3.9	4.8	4.4	7.0	3.9	0.2	0.2	0.2	0.3	0.2
Lake	389	361	346	303	243	18.5	17.2	16.4	14.4	11.5	1.4	1.3	1.3	1.1	0.8
Lewis & Clark	533	642	590	451	481	11.2	13.5	12.4	9.5	10.1	1.5	1.8	1.6	1.2	1.3
Liberty	5	3	10	7	6	2.2	1.3	4.4	3.1	2.6	0.2	0.1	0.4	0.3	0.2
Lincoln	170	185	182	122	99	9.7	10.6	10.4	7.0	5.7	0.9	1.0	0.9	0.6	0.5
Madison	61	70	56	55	51	10.2	11.7	9.4	9.2	8.5	0.6	0.7	0.6	0.6	0.5
McCone	5	8	4	6	3	2.2	3.5	1.8	2.6	1.3	0.2	0.2	0.1	0.2	0.1
Meagher	7	14	7	5	6	3.8	7.7	3.8	2.7	3.3	0.3	0.6	0.3	0.2	0.2
Mineral	37	48	40	82	55	11.2	14.5	12.1	24.7	16.6	0.3	0.3	0.3	0.6	0.4
Missoula	723	678	697	578	563	9.2	8.6	8.9	7.3	7.2	1.1	1.1	1.1	0.9	0.9
Musselshell	38	18	28	29	21	9.3	4.4	6.8	7.1	5.1	0.7	0.3	0.5	0.5	0.4
Park	79	105	110	87	82	5.4	7.2	7.6	6.0	5.6	0.5	0.6	0.6	0.5	0.4
Petroleum	0	0	1	2	1	0.0	0.0	1.9	3.9	1.9	0.0	0.0	0.1	0.2	0.1
Phillips	35	31	43	44	35	6.8	6.0	8.3	8.5	6.8	0.5	0.5	0.6	0.6	0.5
Pondera	45	33	27	24	28	7.0	5.1	4.2	3.7	4.4	0.6	0.4	0.3	0.3	0.3
Powder River	12	21	17	26	11	5.7	10.0	8.1	12.4	5.3	0.3	0.5	0.4	0.6	0.3
Powell	47	39	50	52	62	7.1	5.9	7.6	7.9	9.4	0.3	0.3	0.4	0.4	0.4
Prairie	5	6	12	3	4	3.6	4.3	8.7	2.2	2.9	0.1	0.2	0.3	0.1	0.1
Ravalli	201	150	126	149	116	8.0	6.0	5.0	6.0	4.6	0.8	0.6	0.5	0.6	0.4
Richland	56	57	51	41	37	5.2	5.3	4.8	3.8	3.5	0.5	0.5	0.5	0.4	0.4
Roosevelt	42	42	36	42	26	3.8	3.8	3.3	3.8	2.4	0.3	0.3	0.3	0.3	0.2
Rosebud	83	67	75	73	50	7.9	6.4	7.1	6.9	4.8	0.6	0.5	0.5	0.5	0.3
Sanders	87	66	69	61	41	10.0	7.6	8.0	7.0	4.7	0.8	0.6	0.6	0.5	0.3
Sheridan	40	11	23	10	12	8.5	2.3	4.9	2.1	2.5	0.7	0.2	0.4	0.2	0.2
Silver Bow	390	248	249	201	208	11.5	7.3	7.3	5.9	6.1	1.6	1.0	1.0	0.8	0.8
Stillwater	45	48	57	53	36	6.9	7.3	8.7	8.1	5.5	0.3	0.4	0.4	0.4	0.3
Sweet Grass	21	20	35	28	23	6.7	6.3	11.1	8.9	7.3	0.2	0.2	0.3	0.3	0.2
Teton	36	50	63	75	36	5.7	8.0	10.0	12.0	5.7	0.4	0.6	0.8	0.9	0.4
Toole	56	56	40	20	17	11.1	11.1	7.9	4.0	3.4	0.7	0.7	0.5	0.2	0.2
Treasure	7	7	7	6	7	8.0	8.0	8.0	6.9	8.0	0.2	0.2	0.2	0.1	0.2
Valley	20	30	38	31	34	2.4	3.6	4.6	3.8	4.1	0.2	0.3	0.4	0.3	0.4
Wheatland	11	9	25	30	12	4.9	4.0	11.1	13.4	5.3	0.3	0.3	0.7	0.9	0.3
Wibaux	6	6	7	1	4	5.0	5.0	5.9	0.8	3.4	0.2	0.2	0.3	0.0	0.2
Yellowstone	945	1237	1272	1270	1380	8.3	10.9	11.2	11.2	12.2	1.3	1.7	1.7	1.7	1.9
No Designation	363	295	333	296	348										
Total	6746	7489	7743	7122	6872	8.4	9.4	9.7	8.9	8.6	0.8	0.9	0.9	0.9	0.8

Compiled by the highway Traffic Safety Division from data provided by the Data Processing Division



North American Militia

210 South Third Street, P.O. Box 741
Boonville, Indiana 47601
812-897-4346

EXHIBIT 4

DATE 2/3/95

HB 347

COAST TO COAST
BORDER TO BORDER
AMERICA'S LARGEST

December 30, 1994

[REDACTED] Tax Counsel
State Dept. of Revenue
Office of Legal Affairs
P.O. Box 202701
Helena, Montana 59620-2701

RECEIVED

JAN 03 1995

DIRECTOR'S OFFICE
DEPT. OF REVENUE

Re: Press Release

Dear **[REDACTED]**

The purpose of this letter is to introduce you to the North American Volunteer Militia. We are the largest assembled militia that the North American continent has seen since it's beginning. The purpose of the Militia is to assist in civil defense situations and to defend our inhabitants against an out of control government and their hoards of officers that have been sent forth to harass our people.

The reason this letter is being sent to you at this time is to make you aware of what to expect if you continue your aggressive activities against the people of Montana.

Each of you have taken an Oath to uphold the Constitution for the United States. The Oath is your contract with the people. When you violate your Oath of office you become renegade to the Constitution and guilty of treason. I am sure you know what the penalty is for treason.

There is a Judge by the Name of Jeff Langton, of Hamilton, Montana, who hears cases against people while the same people have federal district court action pending at the same time with the judge as defendant. This is clearly a conflict of interest and a violation of the law. That same judge when ask by one of our members about his Oath of Office, stated, and I quote, "THE OATH OF OFFICE IS NOTHING MORE THAN A FORMALITY." This man has no business being a judge. He is a disgrace to the profession and a slap in the face of all those who have given their life and fortunes defending freedom in America.

You have state agents who are threatning to take wildlife from an individual. The individual is not a corporation and has certain unalienable rights. The State of Montana does not own the wildlife. The regulations do not pertain to the human being inhabitants of Montana. BETTER THINK THIS ONE OVER REAL GOOD BEFORE YOU GO AFTER THESE ANIMALS WITHOUT PRODUCING PROOF THAT YOU OWN THEM.

We would prefer that you take a good hard look at what you and your agencies are doing and amend your ways immediately. We are prepared, however, to defend, with our life, our Rights to Life, Liberty, and the Pursuit of Happiness. We number in the thousands in your area and everywhere else. How many of your agents will be sent home in body bags before you hear the pleas of the people?

Proceed at your own peril

Yours very truly,
The North American Volunteer Militia

F. Joe Holland
F. Joe Holland, National Director

cc: Calvin Greenup
Montana State Militia Cordinator

LIVE FREE OR DIE!

EXHIBIT 5
DATE 2/6/95
HB 347

DATE: February 3, 1995

TO: Montana House of Representatives- Judiciary Committee

FROM: Nickolas C. Murnion, Garfield County Attorney, Box 375, Jordan.
Montana: Telephone: 406-557-2480 -- Fax: 406-557-2595

As Garfield County Attorney I offer this written testimony in full support of House Bill 347 . I believe this bill fills a large gap which exists in the Montana criminal code in dealing with a well organized movement that is determined to clog and abuse the system in order to achieve political and personal goals. One of these groups is the so-called "Freemen" group currently involving 9 residents of Garfield County and 6 residents of 4 adjoining counties. The "Freemen" believe that the bible and constitution give them the right to set up their own court system and government. The people involved in these movements have been instructed on how to get even with the government. The advent of technology is bringing this message to the rural areas by means of fax machines, computers, laser printers. E-mail and video tape machines. This allows individuals in remote places to share various forms and information on how to file the forms via networks of like-minded individuals. The computer generated forms produced from laser printers are then used to clog the system. This instruction includes how to file pro se lawsuits, liens and other types of documents. Their goals are two-fold:

1. They can get even with the system without incurring any expense by clogging the system with paperwork and causing that certain government official or financial officer a lot of unnecessary work; and
2. They believe that one of the hundreds of documents demanding millions of dollars that are filed might slip through the cracks and make them a millionaire.

Within the past two years I have received numerous UCC filings against me demanding anywhere from \$1 million to \$500 million in minted silver. I have seen a bounty of \$1 million placed upon anyone who would arrest and convict me in a common law court. I have had allegations of committing numerous crimes including the crime of treason for which the penalty is death. I have received thousands of pages of documents which contain many thinly veiled threats against me and others.

House Bill 347 will change §45-7-102 - Threats and other improper influence in official and political matters in three important ways:

1. It will make it a felony to make threats against a public servant with the purpose to influence his discretion. Under current law, these types of threats are misdemeanors since they are not directly connected with a judicial or administrative proceeding.
2. It will make it a felony to make a threat against the property of a public servant with the purpose to influence his discretion. Current law does not provide for threats against property.

3. It will make it a felony if the person or property of a public servant is actually injured because of the public servant's lawful discharge of his duties. Currently only threats against the person are a criminal offense.

The only change I would suggest to HB 347 would be to leave the penalty the same - a \$50,000 fine or 10 years in state prison. I would trust the District Judges to decide the appropriate punishment.

The criminal statute on impersonating a public servant currently makes it a misdemeanor to commit this offense. I have successfully prosecuted seven individuals for violating this statute in justice court. Two of the seven have appealed their prior jury conviction to District Court. In examining the crime of Impersonating a Public Servant, I found it hard to believe that it was only considered a misdemeanor. Currently a person could be caught impersonating a District Judge, an Attorney General, a Supreme Court Justice, even a Governor of Montana and apparently only be guilty of a misdemeanor under our laws. This is simply absurd.

In conclusion it is my belief that HB 347 will go a long ways towards giving law enforcement a tool to adequately deal with the "paper terrorism" to which we are currently being subjected. By "paper terrorism" I am referring to the thousands of documents that have been filed against County Attorneys, Sheriff's, District Judges, Justices of the Peace, the Attorney General, Governor, Justices of the Supreme Court, banking institutions, and numerous other individuals with the sole purpose of terrorizing those individuals. I have also personally seen the effects that these groups have had on our elected county officials in Garfield County. They have dreaded going to work, lost weight from the stress, their husbands have started packing guns and have considered resigning from office. The threats have involved my family and those of the sheriff. As public officials our oath of office does require us to take a certain amount of harassment from the public since we are public servants. It is clear that the threats and intimidation we have been subjected to by the Freemen is above and beyond anything that any public official should have to take. I urge quick passage of this Bill so that this type of terrorism can be effectively dealt with.

Nickolas C. Murnion
Garfield County Attorney

EXHIBIT

DATE

HB

TWENTY-FIRST JUDICIAL DISTRICT
STATE OF MONTANA
RAVALLI COUNTY

JEFFREY H. LANGTON
DISTRICT JUDGE

RAVALLI COUNTY COURTHOUSE
COURTHOUSE BOX 5012
HAMILTON, MONTANA 59840
(406) 363-3412

February 3, 1995



Chairman, Judiciary Committee
Montana House of Representatives

RE: House Bill 347

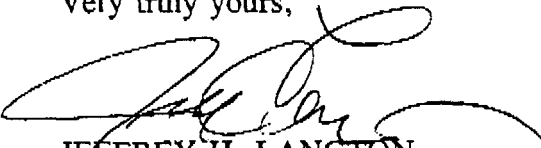
Dear Mr. Chairman and Members of the Committee:

I have just been made aware of House Bill 347 revising the law relating to the crime of threatening public officials.

As a public official who has been recently threatened by an out-of-state extremist organization, I wish to express my qualified endorsement of this legislation which criminalizes threats to an official's property. I would also urge the committee to consider an amendment criminalizing threats to an official's family members or property of family members for the purpose of influencing official actions, and also to upgrade the penalties to the existing felony penalties and not lower the existing felony punishment.

We recently had a case here in which certain individuals have attempted to file multi-million dollar liens against the Sheriff and his spouse because of their anger over the Sheriff's actions in not arresting federal law enforcement agents serving a federal search warrant upon them. If we are to administer the law fairly and without fear of reprisal we must have the backing of the Legislature to be able to appropriately check and sanction offenders who wish to pursue their radical agendas by means of force, intimidation, threats, or violence, instead of accepted legal and political avenues.

Very truly yours,



JEFFREY H. LANGTON
District Judge

JHL/dkg

FERGUS COUNTY SHERIFF'S DEPARTMENT

P.O. BOX 180

PHONE (406) 538-3415

LEWISTOWN MT 59457

FAX (406) 538-3860

February 2, 1995

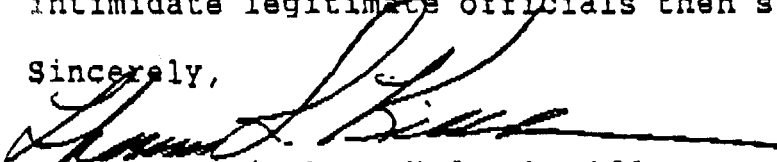
House of Representatives
Judiciary Committee
Helena Montana

Eastern Montana public officials both elected and appointed have endured over the past four years an onslaught of meaningless and frivolous filings within the legal systems of the state. These filings have attacked the public officials, their private property and their families. These documents have been filed by a group of citizens who often refer to themselves as "freemen" and who have decided that more often than not the rules apply to everyone but themselves.

To profile these individuals, find someone that is deliberately not paying his bills. Someone who blames government in general for his failed business, farm, or ranch. Someone who recognizes only the laws that he feels benefit him and to hell with all the rest. Someone who has become so radical in their beliefs that they will publicly claim their individual sovereignty from the United States and Montana. Someone who has become so paranoid of the legal actions against him to collect his debts that he will take up arms and threaten Government Officials.

Legally elected and appointed government officials need protection from these people. HB 347 is an answer to this and your support of this legislation would be greatly appreciated. When citizens feel that they can take the law in their own hands, issue "warrants" from their own "justice courts", appoint their own "marshals" and intimidate legitimate officials then strong actions must be taken.

Sincerely,



Thomas L. Killham, Undersheriff
Fergus County Sheriff's Dept
Lewistown Montana

Office of
Garfield County Clerk and Recorder

Box 7

Garfield County

Jordan, Montana 59337

Phone 557-2760

EXHIBIT 7
DATE 2/6/95
HB 347

DATE: February 5, 1995

TO: House Judiciary Committee

FROM: Jo Ann Stanton; Garfield County Clerk & Recorder

RE: House Bill 347

Ladies & Gentlemen:

Please accept my written testimony in support of House Bill 347. I am the Clerk & Recorder in and for Garfield County, a position I have held for the past 8 years.

Approximately 18 months ago, I was confronted by some local people to file and/or record documents in my office that were not "legal documents". These people are now referred to as the "freemen". I couldn't file and/or record some of their documents because of current statutes. Upon my refusal to do so, they commenced sending me threats in the mail. They threatened to attach my body (kidnap), attach my real and personal property and even my husband's personal property. This not only upset me, but my husband, also. My husband is a self-employed truckdriver. His truck is currently equipped with a hunting rifle.

One year ago one of the "freemen", my husband's cousin, came into my office. He invited me to a meeting at his ranch home, which is 30 miles out in the country. At this meeting I would learn about common-law and how to protect myself. Then he made a very disturbing comment, he "guaranteed my personal safety while I was at his house". Prior to that statement, I would not have had any qualms about entering his home.

About 9 months ago I was commanded to appear in their "court". Failure to appear would be contempt of court and I would be guilty of official misconduct, which is punishable by removal from office and possibly even death.

Receiving these kinds of threats has been very stressful to me and my co-workers. Prior to warrants of arrest being issued for several of those involved, the tension in the Courthouse was almost unbearable at times. When the front door opened, we held our breath waiting to see who it was and what they wanted. If we heard a vehicle pull up we ran to the nearest window. In my office we had a plan if any of these people came in with guns. As the elected official I would wait on them. My 2 deputies were instructed to go into the cement vault, close the door and call the Sheriff on the phone in the vault.

Page 2
HB 347

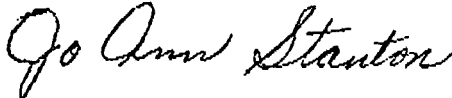
We also had an agreement with the other offices that no one was to be left alone with the "freemen", as there was very seldom less than three of them in, a group.

The terror these threats has caused is tremendous, not just to the public servants, but the community as a whole. The majority of the people in our community do not feel that public servants should have to put up with this kind of harrassment.

The laws need to be revised and more specific. I also feel the punishment for these crimes need to be stiffer.

I thank you for this opportunity to convey my opinion and my feelings.

Sincerely,



Jo Ann Stanton
Clerk & Recorder
Garfield County, MT

jas

ps: The havoc the "freemen" have raised in our community would not have escalated if the laws had been different.

City County Building
P.O. Box 1724
316 North Park
Helena, Montana 59624
Telephone 406/447-8304



LEWIS AND CLARK COUNTY

Board of County Commissioners

House Bill 347

For the record, I am Blake Wordal, a Lewis and Clark County Commissioner and representing Lewis and Clark County here today.

First, I need to explain that I am not comfortable appearing here before you today. I promised some of my constituents that I would testify in favor of this bill and explain to you some of the experiences I have had as an elected official. I must begin by explaining that I am neither afraid for my own safety nor intimidated by those who have attempted to influence my decisions.

For the past eleven years, I have served as an elected public official, and the decisions which I make will not be affected by passage of this bill. However, I do feel that it is important for you to understand the increasing pressures and threats which public officials are now facing.

Specifically, there have been three experiences where I felt that my personal safety, and more importantly, the safety of my family, has been threatened. The first was when a group known as the PACE Amendment Advocates made known their plans to move their "world headquarters" to Helena. The PACE Amendment Advocates are a far right organization dedicated to passage of a Constitutional Amendment which would declare the United States as a homeland for northern European white citizens. They champion shipping those citizens who are not of northern European decent back to where they came from. As a member of the City Commission, I believed that it was important for the city to let these extremists know that they were not welcome here. The City Commission, at my urging, passed a motion to inform the PACE Amendment Advocates that they were not welcome in Helena, Montana.

As a result, this organization sponsored four full page advertisements in our local paper taking exception to our decision. I received hundreds of letter and telephone calls from all over the country which were threatening to say the least.

The second occasion involved a dispute among neighboring landowners over the status of a road which bordered their properties. One of the landowners called me to explain how my future and he future of my family and the other County Commission members would be affected by our decision on the road.

Another warning about my future occurred recently when the County Commission was considering emergency zoning requirements to deal with the rapid growth which Lewis and Clark County has experienced over the past five years. I was told that we should install bullet proof glass in our conference room.

None of these risks would affect my decisions on matters of public policy. However, I do not have children to worry over. If I were concerned about the safety of my children, I would not hold public office today. The families of local and state government officials should not be threatened by those who disagree with our public policy decisions.

Actions by those who seek to intimidate public officials are an affront to our Constitution and to the very beliefs which founded this great nation. Freedom of speech is vital to our continued growth and success. Threats to our families is beyond the bounds of free speech; they are a challenge to our very existence as a democracy.

House Bill 347 is important to remind everyone that our nation is dependent upon the expression of free ideas and will not be governed by threats or intimidation. I urge you to amend this bill to include the very real threats and harm which are directed at the families of public officials. I can take care of myself; I am only fearful for the safety of my family and the children of public officials like myself.

Thank you.

TESTIMONY IN FAVOR OF HB 347

OFFERED BY: CHRISTINE KAUFMANN, MONTANA HUMAN RIGHTS NETWORK

Although I have been before this committee several times in the past month and talked about the Network, it seems that some committee members are confused about who we are. I'd like to take a moment to clarify.

The Montana Human Rights Network is a private non-profit corporation, consisting of a statewide office and 12 local human rights groups. The staff answers to a board of directors from across the state and about 3,500 Montanans who support our mission with their dollars and their activism. We are not a part of the Human Rights Commission, the office of state government charged with enforcement of anti-discrimination laws.

Our mission is to help communities counter bigotry, hatred, and intolerance across Montana, no matter who the targets are. We do this by helping local activists speak out against the intolerance and by celebrating the diversity among us. You may wonder how it is that the Network is promoting a law and order type bill such as HB 347. There are three main reasons.

1. Public officials have become a primary target of hatred and intolerance.
2. White supremacists and other hate activists are effectively using more mainstream anti-government sentiment to create an atmosphere of intolerance in which they can further their agenda.
3. Democratic processes are being threatened by those who do not believe in tolerating different opinions.

The traditional targets of hatred and intolerance for hundreds of years have been minority groups--Indians, Jews, Blacks, Latinos, Homosexuals. While those groups remain targets, there are some new ones in recent years--especially public officials. As you have heard, law enforcement officers, judges, county commissioners, city council members, planning board members, school board members, even the governor, have been harassed and threatened, in some cases with violence and death.

When the Network started about 5 years ago, it was primarily concerned with fringe white supremacist groups such as the Aryan Nation, the KKK, and the Posse Comitatus. While there are few actual members in these hate groups, they are increasingly attaching themselves to groups often referred to as "patriots" or "constitutionalists." In recent years these groups have been emphasizing issues such as tax protest, gun control, abortion, educational reform, private property rights, and state's rights.

Please note that I did not say that everyone, or even most people, with these concerns are members of hate groups. I do not believe that. Most Montanans are concerned about these issues. They are legitimate concerns and should be part of the public debate.

Some patriots, however, do espouse white supremacist and anti-semitic beliefs. Red Beckman, a well-known Montana tax-protester writes that the Holocaust is God's just punishment of the Anti-Christ Church. The name "Freeman" was given to the Constitutionalists in Garfield County by the press. They referred to themselves as "Free White Men." A document filed by one of those "free white men," espouses a racist theology known as Identity, which holds that white men are the true chosen race, that Jews are the offspring of Satan, and that people of color are sub-human. He writes that "14th amendment citizens" (people of color) do not have the same rights as "organic citizens," (white men). He equates state legislators with the Old Testament "prophets of Baal," suggests that to follow their laws is to "worship false gods."

Entering the public debate is one thing, but refusing to play by the rules of democratic process is another. One of the most important tenets of democracy is tolerance of differing opinions. Most Americans believe that each of us has the right to express our own opinions free from intimidation, to participate in democracy, to criticize our leaders in a respectful, constructive manner. Most Americans believe that the free exchange of ideas is essential to democratic process, that diversity is strength, and that change occurs in a legal manner. The incidents you have heard about do not follow those rules. Some people do not want to allow the expression of other points of view, they want to impose their beliefs on others, disrupt the process, and subvert the rules. They rely on threats, personal attacks, and eventually violence.

The Network began working on this piece of legislation when we heard over and over the stories of intimidation and harassment, the stories of those who were leaving public service because they feared for their lives and those of their families, and especially when county attorneys told us that they just didn't have the legal tools to deal with this kind of intimidation. As we circulated this bill recently, we've heard from a number of people that we didn't go far enough. We support the suggested amendments to strengthen this bill. We urge you to protect public servants by approving HB 347.

TESTIMONY IN SUPPORT OF HOUSE BILL 347

Montana Department of Revenue
February 6, 1995

I am here today on behalf of the Montana Department of Revenue and it's employees. Attached is a copy of a letter that an attorney for the Department recently received. Near the bottom of the letter the author has written what we consider to be a clear threat. At the time, the attorney was in the process of filing suit against a member of this group, Calvin Greenup, for failure to file a tax return. Since this letter was written, a District Court Judge has issued a warrant for Mr. Greenup's arrest for failure to file a Montana tax return.

The attorney recently received a telephone call from a person who appeared to be a member of the militia who told the attorney that if he persisted in prosecuting Mr. Greenup "somebody was going to get hurt." The person refused to identify himself. In addition, the Department's attorney received a telephone call at his personal residence from a person who simply asked if he was the attorney prosecuting Calvin Greenup and then hung up.

As a result, the attorney, his wife and his children are concerned about their personal safety. The attorney has done nothing more than attempt to enforce the laws of Montana as duly enacted by the Montana Legislature. Montana public employees should not have their personal security threatened because they are performing their job.

There are other examples of Department of Revenue employees being harassed because they are doing their job. I will not recite

these examples to you. Clearly this bill will not solve all the problems of public employees harassment, but it is a step in the right direction and the Department urges the committee to pass this legislation.

Dave Woodgerd
Chief Legal Counsel
Montana Dept. of Revenue



Montana State AFL-CIO

Donald R. Judge
Executive Secretary

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

406-442-1708

EXHIBIT 11
DATE 2/6/95
SB 143

Testimony of Don Judge before the House Committee on the Judiciary
On Senate Bill 143,
February 6, 1995

Mr. Chairman, members of the committee, for the record, I am Don Judge, Executive Secretary of the Montana State AFL-CIO. I am here today to urge your opposition to Senate Bill 143.

Senate Bill 143 is one in a series of bills introduced in this legislative session that purport to give the state of Montana some new "right" to reject unconstitutional federal mandates. In fact, Montana, and every other state, not only has the right, but the duty to reject any action, state, local or federal, that violates the constitution.

Senate Bill 143, however, with its vague language and unsubstantiated attacks against our federal government, asks the legislature to reject more than 200 years of Constitutional interpretation in favor of its own misinterpretation of the 10th Amendment.

Senate Bill 143, p. 2, lines 16-21, read "It is the duty of the Governor and the legislature to take action to protect the sovereign authority of the people of the state of Montana by rejecting federal mandates, orders, directions, or commands derived from powers not enumerated in or specifically granted to the federal government by the United States Constitution...." What are some of the programs not specifically enumerated in the Constitution that the federal government currently provides? Social Security and Medicare are not enumerated in the Constitution. Neither is the National Highway System. The Conservation Reserve Program is not enumerated in the Constitution, nor is the Small Business Administration or the SBA's ability to grant loans to Montana businesses.

Some of the other federal laws that the state of Montana would be required to reject under SB 143 include the following:

- Student Loan Reform
- Food Stamp Program
- National Voter Registration Act
- National Child Protection Act
- United States Grain Standards Act
- Cable Television Consumer Protection Act
- College Work Study Program
- Drug-Free Schools and Community Act
- Education for All Handicapped Children
- Clean Air Act
- Superfund
- Federal Water Pollution Control Act
- Civil Rights Act of 1964
- Americans with Disabilities Act of 1990
- Older Americans Act
- Black Lung Benefits Act

Davis-Bacon Act of 1981
Disabled Veterans Outreach
Fair Labor Standards Act of 1938
Veterans Education Assistance
National School Lunch Act
SSI - Supplemental Security Income for the Aged, Blind and Disabled
Carl D. Perkins Vocational and Applied Technology Education Act
Federal Unemployment Tax Act
Job Training Partnership Act
Contract Work Hours and Safety Standards
Occupational Safety and Health Act of 1970
Federal Mine Safety and Health Act of 1977

Are we ready to reject these and other federal acts not specifically enumerated in the U.S. Constitution? Or are we willing to recognize that, though it may not be easy, the proper place to fix the federal system or change a federal law with which we might not agree, is at the federal level.

The understanding of the U.S. Constitution in SB 143 is also flawed in the bill's statement on p. 1, lines 22 and 23 that "the federal government was created by the people specifically to be an agent of the states." In fact, the federal government is not an agent of the states, but draws its power directly from the people. This proposition was articulated by the Supreme Court as early as 1819 in its opinion in *McCulloch v. Maryland* in which Mr. Chief Justice Marshall wrote:

...The government proceeds directly from the people; is "ordained and established" in the name of the people; and is declared to be ordained, "in order to form a more perfect union, establish justice, ensure domestic tranquility, and secure the blessings of liberty to themselves and their posterity."
...The government of the Union...is emphatically and truly a government of the people. In form and substance it emanates from them, its powers are granted by them, and are to be exercised directly on them, and for their benefit.
[17 U.S. (4 Wheat) 316, 4 L.Ed. 579 (1819)]

Senate Bill 143 does one of two things:

-- At its worst, SB 143 attempts to place the State ahead of the federal government in applying and interpreting both federal law and the U.S. Constitution.

-- At best, it is an ineffective and empty political gesture. The *Montana Standard* editorialized that the amendment proposed by SB 143 would simply be "an uplifted finger directed at Washington, D.C." (*Montana Standard*, 1/22/95, p. A4) Don't Montanans deserve better from our legislative process?

Clearly not every federal regulation or mandate is defensible and they don't all have the same impact across different geographical regions. But the Constitution already provides a mechanism to challenge unfair, ill-advised, and certainly unconstitutional mandates. Keeping that mechanism intact also preserves those vital protections afforded every individual in this nation.

I urge your opposition to Senate Bill 143.

EXHIBIT

DATE

BB

143

THE GREAT LAKES, KALISPELL, MONTANA, WEDNESDAY, JANUARY 28, 1993

OPIN

Inter Lake editorial

Counting change

Almost everyone has a theory about what November's big Republican vote means.

In Helena, you can see some of the more offbeat theories being tested in some really unwise legislation. Presumably, the proposals are intended to be supportive of change. But taken together, they seem more to be an expression of collective ill temper, a rude gesture extended toward Washington in particular and officialdom in general.

One bill, for example, declares that the federal government had no right to retain title to public land back when Montana became a state over a century ago. That land, the bill says, should rightly belong to the state. It asks Congress to give the land back to Montana to be managed by the state.

Another bill, signed by many of the same lawmakers, would put most of Montana's public lands on the auction block, to be sold to the highest bidder. Anyone who is leasing state land now would be allowed to match the highest bid.

These proposals have little chance of passing. Even if the first bill were to win approval in Helena, the proposal is dead on arrival in Washington, where we have just three votes. But think what the impact of the two bills together would be: the best of Montana's scenic grandeur sold to the highest bidder; millions of acres of public lands put off limits to the people who live here. How could anyone

hear that message in November's election results?

Another bill would require federal law enforcement officers to get permission from local sheriffs before making arrests within the state. If they fail to do so, they are subject to arrest.

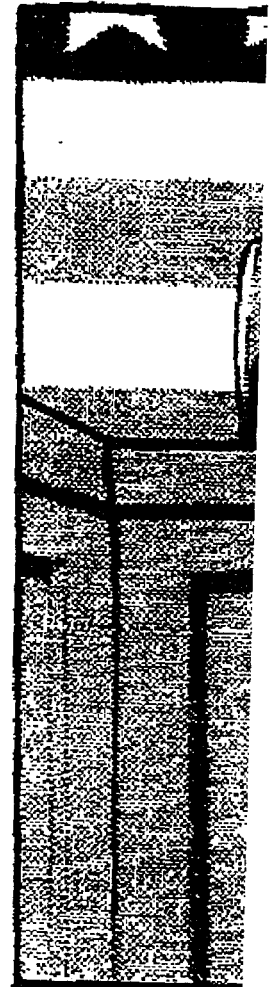
Another would allow Montana to reject any unfunded mandate from Washington, prompting an endless succession of lawsuits to sort out what was adequately funded and what was not. The state already has the option, but rarely exercises it.

One bill not directed at the feds results from its sponsors' fear that Montana's Supreme Court is masterminding a conspiracy to take over the state's economy. It would make lawyers answerable to a panel of non-lawyers instead of to the Supreme Court.

Such proposals may play well to certain people, the ones who see sinister plots at every bend in the road, and who fear and resent authority. But pandering to emotions is not real leadership, and these proposals only masquerade as change.

If lawmakers want to show genuine good will to the people who elected them, they should effect change voters can actually see. They should take care of the state's most important business efficiently and amiably, and then end this 90-day session about two weeks early.

Minimum wage not enough for Clinton's 'volunteers'



How big a raise

I recall my father's home-spun advice recognizing the difference and pigs: "You can fancy clothing with time but it is still a

I am reminded of who voted himself raise recently, which meant cost of living telling the American was opposed to minimum wage of \$4.32 minimum wage has not been in the 1

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/6/95

BILL NO. HB64 SPONSOR(S) Rep Leavelle

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Tim OBEDKOPF	SELF	X	
Tom Schneider	MPA		✓
Paula H. Korman, MHR	Int Human Rts Comm		
W James Kember	City of Billings	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/6/95

BILL NO. HB 345

SPONSOR(S)

Rep. R. Johnson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Beth Baker	Dept of Justice	✓ and amend	
Albert Gote	High Traffic Safety	✓	
Vicki Knudson	Musselshell Co.	✓	
Paul Smith	Musselshell Co.	✓	
Craig Reap	MHP	✓	
Dennis Paxinos	Y C. Atty	✓	
W James Kembel	City of Billings	✓	

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HR:1993

wp:visbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/6/95

BILL NO. HB 347

SPONSOR(S) Rep. Kattell

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Blake Worsdal	Lewis & Clark Co.	✓	
Vicki Knudsen	Musselshell Co.	✓	
John Connor	Dept of Justice MT County Attys Assn	✓	
Laurie Ekanger	Governor's Office	✓	
Dave Woodgerd	Dept. of Revenue	✓	
Paul Smith	Musselshell Co	✓	
Christine Kaufmann	MT Human Rights Network	✓	
W James Kember	City of Billings	✓	
Garth Jacobson	Sec of State's Office	✓	
ROBERT THROSSELL	MH Assoc Clerk & Rec	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

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CS-14

①

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/6/95

BILL NO. SB 143 SPONSOR(S) Sen. Baer

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Laurie Kautski	Christian Coalition of MT	✓	
Leo Giacometto	Gov's Office	—	
Don Judge	MT STATE AFL-CIO		X
Arlette Radash	EAGLE Forum	X	
Pascal Redfern		X	
Anne Hedgys	MEIC		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14