

HOUSE JOINT RESOLUTION 52

Introduced by Simpkins, et al.

4/11	Introduced
4/11	Referred to Judiciary
4/11	First Reading
4/16	Hearing
4/16	Committee Report--Bill Passed as Amended
4/18	2nd Reading Passed
4/25	3rd Reading Passed
	Transmitted to Senate
4/25	First Reading
4/25	Referred to Judiciary
4/25	Hearing
4/25	Tabled in Committee

1 *HOUSE* JOINT RESOLUTION NO. *52*  
 2 INTRODUCED BY *Senators Hoffman Dave Braun*  
 3 *Messmore*  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6 INTERIM STUDY OF THE OPERATION, ADMINISTRATION, AND FUNDING  
 7 OF THE STATE'S DISTRICT COURTS; AND REQUIRING THAT THE  
 8 FINDINGS OF THE STUDY BE REPORTED TO THE 53RD LEGISLATURE.  
 9

10 WHEREAS, the operation of District Courts is a shared  
 11 responsibility of the state and counties; and

12 WHEREAS, Article II, section 16, of the Montana  
 13 Constitution guarantees that courts of justice be open to  
 14 every person and that the courts provide speedy remedy for  
 15 every injury without denial or delay; and

16 WHEREAS, the District Courts of each county are open to  
 17 citizens from all over the state, regardless of their  
 18 residence; and

19 WHEREAS, District Courts often accept petitions from  
 20 out-of-state litigants, which necessarily increases the  
 21 financial burden on the District Courts and therefore the  
 22 taxpayers of the county; and

23 WHEREAS, the Montana Association of Counties estimates  
 24 that the funding shortfall for District Courts is \$3.4  
 25 million annually; and

1 WHEREAS, the funding crisis does not affect all counties  
 2 equally under the current property tax funding system, which  
 3 has created unequal burdens upon local taxpayers and may  
 4 result in civil litigants and taxpayers being denied equal  
 5 protection of the law; and

6 WHEREAS, the state currently reimburses the District  
 7 Courts for all criminal court costs through a statewide  
 8 District Court reimbursement program; and

9 WHEREAS, 36 counties in Montana are having serious  
 10 financial difficulties, which is hindering the operation of  
 11 their courts, while many counties have already met or  
 12 exceeded the maximum mill levy authorized by law; and

13 WHEREAS, independent and inefficient management  
 14 practices can adversely affect the financial solvency of  
 15 District Courts; and

16 WHEREAS, it is in the interest of the people of Montana  
 17 to have adequate and equitable funding for the operation and  
 18 administration of their District Courts; and

19 WHEREAS, an interim subcommittee in 1984 studied court  
 20 unification in Montana and made certain recommendations  
 21 enacted by the Legislature; and

22 WHEREAS, recent studies have not provided conclusive  
 23 findings or adequate remedies; and

24 WHEREAS, the Legislature is hesitant to offer any agency  
 25 unlimited spending authority.

1  
2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 That an appropriate interim committee be assigned to  
5 study:

6 (1) the financial management policies of the District  
7 Courts, including expenditures and sources of revenue;

8 (2) operational requirements for District Courts,  
9 including a review of the equipment, personnel, and  
10 administrative costs necessary to provide timely and  
11 equitable court services;

12 (3) the administrative and supervisory process in the  
13 court system;

14 (4) alternative funding sources to provide adequate and  
15 equitable funding for District Courts, including review of  
16 and supervisory control over District Court budgets;

17 (5) ways to modernize, streamline, and standardize  
18 administrative court procedures to provide effective and  
19 efficient court operations; and

20 (6) the findings of the 1984 Joint Interim Subcommittee  
21 No. 3 regarding unification of the courts in Montana and the  
22 effects of the recommended legislation enacted by the  
23 Legislature.

24 BE IT FURTHER RESOLVED, that the interim committee may  
25 invite the participation in the study process of a retired

1 judge from the Montana Judges Association, a member of the  
2 Montana Bar Association who is not serving as a court  
3 official, and a representative of the Montana Supreme Court.

4 BE IT FURTHER RESOLVED, that the interim committee  
5 report its findings, recommendations, and legislative  
6 options to the 53rd Legislature.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

AS AMENDED

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 2 INTRODUCED BY SIMPKINS, HOFFMAN, D. BROWN, MESSMORE  
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17 WHEREAS, the District Courts of each county are open to  
 18 citizens from all over the state, regardless of their  
 19 residence; and

20 WHEREAS, District Courts often HAVE JURISDICTION TO  
 21 accept petitions from CERTAIN out-of-state litigants, which  
 22 necessarilly-increases MAY HAVE THE POTENTIAL TO INCREASE the  
 23 financial burden on the District Courts and therefore the  
 24 taxpayers of the county; and

25 WHEREAS, the Montana Association of Counties estimates

1 that the funding shortfall for District Courts is \$3.4  
 2 million annually; and

3 WHEREAS, the funding crisis does not affect all counties  
 4 equally under the current property tax funding system, which  
 5 has created unequal burdens upon local taxpayers and may  
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1 WHEREAS, the Legislature ~~is~~ is ~~hesitant~~ FINDS IT  
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20 (5) ways to modernize, streamline, and standardize  
21 administrative court procedures to provide effective and  
22 efficient court operations; and

23 (6) WAYS TO REALIGN JUDICIAL DISTRICTS AFTER THE  
24 COMMITTEE ANALYZES POPULATION DEMOGRAPHICS, POPULATION  
25 TRENDS, EXISTING AND PROJECTED DISTRICT COURT CASELOADS, AND

1 THE TRAVEL DISTANCES WITHIN DISTRICTS; AND

2 ~~(6)~~(7) the findings of the 1984 Joint Interim  
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