

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dick Pinsoneault, on April 25, 1991, at 5:20 p.m.

ROLL CALL

Members Present:

Dick Pinsoneault, Chairman (D)
Bill Yellowtail, Vice Chairman (D)
Robert Brown (R)
Bruce Crippen (R)
Steve Doherty (D)
Lorents Grosfield (R)
Mike Halligan (D)
John Harp (R)
Joseph Mazurek (D)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused: none

Staff Present: John MacMaster for Valencia Lane (Legislative Council).

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

Announcements/Discussion:

HEARING ON HOUSE JOINT RESOLUTION 52

Presentation and Opening Statement by Sponsor:

Representative Dick Simpkins, District 39, said HJR 52 requests an interim study of the operation, administration, judicial districts, and funding of the state's district courts, and requires that the findings of the study be reported to the 53rd Legislature.

Representative Simpkins told the Committee that most counties are at the maximum six mill levy right now, and said page 1, line 21, asks that out-of-state cases be included in the study. He explained that Cascade County has 14 such cases now. Representative Simpkins stated that page 3 addresses financial management practices, tracking of fees distributed, and looks at

whether court staff should be changed from county to state employment.

Representative Simpkins further stated that the House amendment on line 23, page 3, is not supported by the co-sponsors of the bill. He said he believes that a lot of this is already done by the Montana Bar Association, and provided an amendment deleting the language (Exhibit #1). Representative Simpkins advised the Committee that Representative Dave Brown favors the bill without the House amendment.

Proponents' Testimony:

There were none.

Opponents' Testimony:

There were none.

Questions From Committee Members:

Senator Towe asked Representative Simpkins if he is satisfied with the districts as they are, and if he wanted to forget the 21st judicial district for Ravalli County. Representative Simpkins replied he believes this should be done through the Bar Association, the Judges Association, and the Montana Supreme Court.

Senator Towe asked if Jim Oppedahl, Supreme Court Administrator, was consulted in the drafting of this bill. Representative Simpkins replied that he was, and said language on page 4, line 6, makes provision for a retired judge to work with the interim committee.

John MacMaster advised the Committee that the word "exiting" on page 3, line 25, needs to be changed to "existing", if the bill is passed out of committee.

Closing by Sponsor:

Representative Simpkins told the Committee that this is a temporary measure, and is fully optional to county commissioners. He stated that the Legislature does need to address state responsibility of these courts, and whether fees should be standardized and/or increased.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 52

Motion:

Senator Doherty made a motion that HJR 52 BE TABLED.

Discussion:

There was no discussion.

Amendments, Discussion, and Votes:

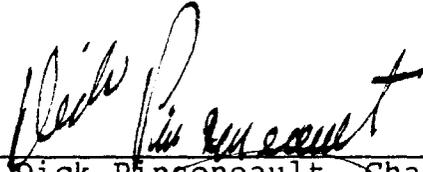
There were none.

Recommendation and Vote:

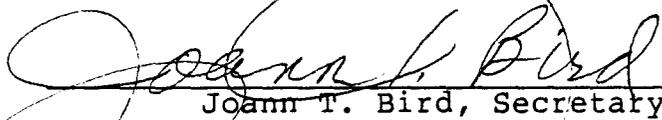
The motion made by Senator Doherty carried 10-2, with all members voting aye except Senators Crippen, Pinsoneault, and Mazurek who voted no.

ADJOURNMENT

Adjournment At: 5:40 p.m.



Senator Dick Pinsoneault, Chairman



Joann T. Bird, Secretary

DP/jtb

25 April
HJR52

Amendments to House Joint Resolution No. 52
Third Reading Copy (Blue)

Requested by Rep. Simpkins
For the Senate Committee on Judiciary

Prepared by Eddy McClure
April 25, 1991

1. Title, lines 6 and 7.
Following: "ADMINISTRATION,"
Strike: "JUDICIAL DISTRICTS,"

2. Page 3, line 22.
Following: "and"
Insert: "and"

3. Page 3, line 23 through page 4, line 1.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

25 April

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 4-25-91 Bill No HJR52 Time 5:20 pm

| NAME | YES | NO |
|-------------------|-----|----|
| Sen. Brown | | |
| Sen. Crippen | | |
| Sen. Doherty | | |
| Sen. Grosfield | ✓ | |
| Sen. Halligan | ✓ | |
| Sen. Harp | | |
| Sen. Mazurek | ✓ | |
| Sen. Rye | ✓ | |
| Sen. Svrcek | ✓ | |
| Sen. Towe | ✓ | |
| Sen. Yellowtail | ✓ | |
| Sen. Pinsonneault | ✓ | |

Jody Bird
Secretary

Sen. Dick Pinsonneault
Chairman

Motion: _____

