

MINUTES OF THE MEETING OF
HOUSE APPROPRIATIONS SUBCOMMITTEE ON ELECTED OFFICIALS
MONTANA HOUSE OF REPRESENTATIVES

February 3, 1977
8:10 a.m.
Room 428A; Law Library
State Capitol Building

The meeting was called to order by Vice-Chairman Regan, with Senator Lockrem excused, Chairman Lynch absent, all others present. The subject of the hearing: Judiciary Branch.

The hearing began with a brief discussion of the judges' travel expenses. They receive 19 cents per mile for traveling when using their own car; compared to 15 cents per mile for state employees. The judges travel an average of 9,500 miles per year and are entitled to collect for "actual and necessary expenses" under the constitution, Mr. Ray Stewart, Court Administrator, explained. Senator Regan felt very strongly that this should be changed.

Former Chief Justice James T. Harrison presented the committee with a request for \$5,000 for the Commission on Uniform State Laws, about \$2,700 of the request is for dues and the rest for travel. Judge Harrison explained that while most of their business is done by mail, the funds are requested to enable the three members to attend national conference once a year. The members are gubernatorial appointments for a 3 year term; all three were appointed in 1957 and have been re-appointed by the governor. All three terms are due to expire this year and will, therefore, be up for reappointment. This request was included in the Governor's budget, but was not submitted to the LFA office for inclusion in the budget.

Ray Stewart briefly gave an overview of the budget request for the department, relating that they feel it is essential that they receive the funding requested, which is significantly higher than in the past. They are attempting to broaden the relationship of the judiciary as it relates to the legislature as far as power and responsibilities lie. The biggest problem facing the judicial branch is the rapidly increasing case load. It hasn't yet reached the proportions that the western and eastern states have, but they can see the situation coming because of the issues over water law, coal, and the mental recommitment.

Since 1960, Mr. Stewart reported, the district court cases filed have increased about 40%. They are developing a system of accounting for the cases disposed of by the court. In the past they have only used the cases filed as a workload indicator, which does not give a valid report. Senator Regan commented that the complexity of a case is not taken into consideration when counting the cases disposed of by the

court; but Mr. Stewart felt that it would be better than the system they have had in the past.

The Supreme Court has grown from 160 cases a year to over 400 a year since 1960. North Dakota and Idaho, state that are similar to Montana in most significant respects on the court level, each have about 150 cases per year before their Supreme Courts. The U.S. Supreme Court with nine justices, each one having several law clerks and access to one of the best law libraries in the country, feel that the maximum number of cases they can handle adequately in a year is 150.

The Judiciary feels that Montana can afford a better judicial system and the people of the state are entitled to a better system; this requires funding sufficient to do the job.

Law Librarian Claire Engel gave the committee members a tour of the state law library explaining the authority different types of legal materials hold in the courts of law. The library itself, while a beautiful facility being recently repainted (for the second time since 1911), is very crowded with very little room for expansion for shelving or books. Mr. Stewart explained the remodeling they are hoping to get approved by the Architecture and Engineering Department. Another proposal to aid the problem of space and improve the materials would be to put in a microfiche system(s). As it is now, there books on top of shelves and piled on the floor in all areas of the library. The total package of the microfiche, Ms. Engel explained, is about \$14,500. The books that would be microfiched would first be offered to the Law School library to fulfill needs they have, then they would be offered back to the states they came from. The possibility of selling them back and/or getting a discount should be explored, it was suggested by committee members.

Ms. Engel gave numerous examples of deficiencies in the materials they have in the library. Many have not been maintained and kept current since the 1950's, which makes them almost unusable for attorneys or legislators. She gave one example of a person in need of current information on the treatise on equity who found the best the library had was 1943 British law and 1905 for American law.

Many of the funds requested would be to get things in order or to do the microfiching of materials; these would not be on-going expenses. But the funding that would be needed on a continuing basis would be about \$100,000 per year. Ms. Engel presented a list of books and materials that are incomplete and need to be updated. There are many periodicals that they need to get the back issues to make them more helpful. Periodicals run about \$5.00 per volume; while books cost about \$20 a volume or more at the present time.

Judge John C. Harrison said that this is the first time the state has had a professional law librarian and that they are thoroughly delighted with her and the work she is doing for the library. The only law library in the state that is adequate is the university law school

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library. Ms. Engel has been working with the counties and their needs in terms of a state law library. Judge Harrison said that when they hired a professional librarian they wanted the services to work on the needs of the entire state, the entire bar and the public.

Senator Regan asked if they would be getting any federal money other than LEAA funds. Ms. Engel said they probably would not. LEAA are making their grants more crime specific and what federal money they do get will be directed for the law school at the universtiy.

In conclusion Senator Regan stated that there is no question but the committee must address the question of the library's needs.

There being no further questions or discussion, the meeting was adjourned at 9:30 a.m.



J.D. Lynch, Chairman

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