

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
February 12, 1981

The meeting of the House Judiciary Committee was called to order by Vice-Chairman Carl Seifert at 8:00 a.m. in Room 437 of the Capitol. All members were present except Kerry Keyser, who was excused. Jim Lear, Legislative Council, was present.

HOUSE BILL 676 REP. HARPER, chief sponsor, stated this bill is to eliminate earmarked funding for the crime victims compensation program, thus requiring that funding for the program be by legislative appropriation. REP. HARPER stated this is a state program and, therefore, the state should fund it. Cities are really in a pinch for money. The money they appropriate for this fund could be used elsewhere.

RUSS RITTER, City Commissioner in Helena, said in the fiscal year '79 when the fund first started \$4,322 was placed in the fund. In fiscal year '80 the amount was \$9,600. He expects \$10,000 to be placed in the fund during the '81 fiscal year. In budgeting purposes this is a lot of money. If the city was allowed to keep this money, \$10,000 could hire another firefighter.

DENNIS TAYLOR, City of Helena, stated he used to work in the Legislative Council with local government. TAYLOR stated it is interesting to note that not all cities contributed their amount to this fund. Most other states find other ways to fund this type of program. This program has a \$500,000 surplus. He does not oppose the program but feels the state should fund it.

JAN DOLON, City of Great Falls, believes in compensating victims under this program. The state should fund the program. The 6% of the cities should not go into the state program. The money from cities could be used in each city. Great Falls paid \$28,000 into the fund last year. Some cities contribute a lot of money while other cities contribute nothing.

AL THELEN, City of Billings, stated the burden should be taken off the local government and placed on the state. When the mechanism was placed on local government it was a last minute action that the legislature took at that time. In Billings \$27,000 was paid into the fund last year. That money could have been used for park maintenance, etc.

DAN MIZNER, Montana League of Cities and Towns, urges consideration of this bill.

There were no further proponents.

JOHN FRANKENO, Catholic Conference, opposes the bill because if this bill is passed without providing another means of support, the money in the program would cancel all funding and thus kill

the program.

BILL PALMER, DWC, felt if this bill passes an appropriate measure should be attached. In 1980, \$293,000 in fines was collected. In that same year \$170,000 was spent in benefits. There is excess money in the fund currently. This money goes back to the towns. Between fiscal years '78 and '81 the following money was appropriated back to the following cities: Billings - \$97,000, Great Falls - \$40,000, Missoula - \$43,000, Helena - \$21,000, Roberts - \$13,000.

There were no further opponents.

In closing, REP. HARPER stated it is a good idea to attach a request for funding since no one wants the program destroyed. The trend is to make sure local government is covered. Three states have passed constitutional amendments to maintain funding of this type.

REP. CONN asked about the 6% allegation. TAYLOR replied it is not an add-on. In 1965 when this was adopted the state added 20% to go to the fund. In 1968 the supreme court ruled that could not be done.

REP. BROWN asked the projection for 1981. TAYLOR stated in 1979 the amount was \$259,000, in 1980 it was \$293,000. There is no projection for 1981.

REP. DAILY asked about the 6% add-on. PALMER stated it was decided that cities and counties could increase their fines to cover it. REP. DAILY questioned why each city does not pay into the fund. PALMER stated he could not address that. The money goes to the state treasurer and the Department of Administration. His office receives so much of the money but it is not indicated how much came from each city or county.

TAYLOR responded he is one of the few people who has gone through the records. No one in the state treasurer's office goes through the records. Some cities have never paid; some reports are missing. Some cities pay irregularly with gaps of six months or more between payments.

REP. CURTISS asked why the Workman's Compensation Program is involved with the crime victims' program. PALMER replied Workman's Compensation assists because it is similar to injured workers. Medical expenses of the victim are paid. REP. CURTISS asked if compensation goes to medical providers. PALMER replied the money goes directly to the doctor or hospital. All collateral sources have to be taken care of first. Insurance and workman's compensation comes before this program.

REP. EUDAILY asked if there was a fiscal note. REP. HARPER replied no. PALMER stated there was \$293,711 total revenue; \$106,239 was from city fines, \$36,536 county fines, \$2,334 recoveries and \$22,339 interest accrued. PALMER stated he did not bring the annual report.

REP. EUDAILY asked if the fund could continue two more years without additional funding. PALMER replied it would operate until funds were depleted. There is no way of knowing how long it would last.

There were no further questions.

HOUSE BILL 668 REP. CURTISS, chief sponsor, read from EXHIBIT 1.

PAT STEWART, Montana Coal Council, supports this bill. When legal suits delay projects it ends up costing the consumer twice as much as the project would have in the first place.

PETER JACKSON, WETA, supports the bill. In lawsuits the consumer pays for the effects of the length of the suit. The person who is suing should be held responsible for costs if they lose the lawsuit.

WARD SHANAHAN stated the state of Montana must achieve a balance for this.

JOYCE BROOKS, MAU, supports the bill. This bill will help cease suits that are a nuisance.

DON ALLEN, Montana Petroleum Association, felt this was a step in the right direction.

There were no further proponents.

MIKE MELOY, Montana Trial Lawyers Association, opposes the bill. This would require posting of a bond in case a consumer wants to sue a state agency if it causes delays. MELOY feels this bill is unconstitutional.

STEVE DOHERTY, Northern Plains Resource Council, opposed the bill. EXHIBIT 2.

JIM MURRAY, Montana State AFL-CIO, stated this bill is aimed at obstruction. The consumer would fall into that category. If a worker feels he is in unsafe working conditions, perhaps as a result there would be a shut down because of occupational hazards. If that was found to be wrong the union and the union member would be liable. It is not unusual to picket a place because it is not union. The company might tell workers they will pay \$1.00 more an hour if they don't join the union. MURRAY feels this is a dangerous situation.

MIKE MALES, Environment Information Center, stated this bill effects the rights of all citizens. It makes court procedures available only to the rich.

RANDY SEIMERS, Operating Engineer Local 400, stated if a construction project was next door to him and he felt it would harm his family, he should be able to go to court to stop it. If he cannot do this the doors have been closed to the American public.

There were no further opponents.

In closing, REP. CURTISS stated this was a sincere effort on her part on behalf of the 140 people who have signed a request that something be done. Some of the frivolous law suits will end as a result of this bill. Many of the national organizations do not have the best interest of the state of Montana at heart when these projects are started. REP. CURTISS felt this was not totally unconstitutional.

REP. HUENNEKENS asked if there was any possibility that frivolous suits could result. REP. CURTISS answered yes. Many times judges act in a frivolous manner. This would address many problems.

REP. CONN asked MELOY the average cost of legal services for this. MELOY replied on a recent case which involved the state and several companies the attorney fees would be in excess of \$100,000.

REP. HANNAH stated it seems the judicial system is only for the wealthy. MELOY replied few lawyers will represent cases as the above.

REP. YARDLEY asked if a state agency would have to put up a security bond if it was involved. REP. CURTISS replied yes. REP. YARDLEY asked if this would apply to the federal government. REP. CURTISS was not sure. REP. YARDLEY asked if the security bond was to cover attorney fees and cost of delay. It was replied yes.

REP. YARDLEY asked if there were any frivolous cases ALLEN knew of. ALLEN replied he could name about 60.

REP. BENNETT asked if there are instances where loss of jobs could result from frivolous actions. MURRAY stated it seems that is why we have the courts to decide if a case is frivolous. All kinds of actions can shut down jobs. REP. BENNETT asked if the union is so impoverished that it cannot obtain money for the bond. MURRAY facetiously stated yes, but this would deal with local unions and the national unions would probably not be involved.

REP. SEIFERT asked if the defendant should be treated any different than the plaintiff or should they be responsible to pay court costs if found irresponsible in actions. DOHERTY replied the point he tried to make is the present system and injunction protects the defendant. The court cost and attorney fees and delay only go in one direction. What if we win and they lose?

There was no further discussion on House Bill 668.

HOUSE BILL 678 REP. BURNETT, chief sponsor, stated this bill's purpose is to revise the provisions relating to city judges for towns. This would allow the appointment of a city judge, who would not have to reside in the city limits. When a town marshal makes an arrest there is no way to prosecute the offender because there is no city judge.

DAN MIZNER, Montana League of Cities & Towns, stated the intent of the present law was small towns appoint a city judge or appoint the Justice of Peace to serve as city judge because of the cost involved. The Attorney General ruled the word "may" means they must appoint the Justice of the Peace. This bill has been drafted by the Attorney General's office. Two years ago, third class cities had a rule that in order to serve as an official the person must be a resident of the town for two years or more. Many times this meant no one who lived outside the city limits could be an official. This creates problems across the state. About 110 third class cities are affected by this.

There were no further proponents.

There were no opponents.

In closing, REP. BURNETT stated the committee should consider the problems the cities and towns have and pass the bill.

REP. HUENNEKENS noted section 2, lines 19-25 a city judge does not have to comply with the requirements as prescribed by law. REP. BURNETT replied there are other laws to make those provisions if you are elected or an appointed official.

REP. KEEDY asked if the city judge would be appointed. REP. BURNETT said yes. REP. KEEDY noted line 4, page 3 states a four year term appointment. REP. BURNETT stated this is based on present statutes now. It could be altered if he is appointed.

REP. KEEDY stated section 4 on page 3 gives authority to appoint the Justice of Peace to serve as city judge. REP. BURNETT stated in Carbon County the Justice of the Peace is in Red Lodge. Joliet

and Bridger are provided services by the Justice of the Peace in Red Lodge. Revenue goes back to the county seat and does not go to the town treasurer. Mileage is not paid for.

REP. HUENNEKENS inquired if this was to force a Justice of the Peace to become city judge. The sponsor replied no. In Townsend they could appoint the Justice of the Peace to be the city judge but he did not want to take the job. REP. HUENNEKENS stated page 3, line 15 "shall" mandates the Justice of the Peace serve. MIZNER replied only if he is appointed. "May" was what the Attorney General said.

HOUSE BILL 658 REP. SHONTZ, chief sponsor, stated this bill is to provide a second district court judge in the seventh judicial district. The caseload in that district is the highest in Montana. With the energy development in that area more and more cases will result. The impact of House Bill 10, if passed, will result in more cases. Richland County has agreed to pay the costs for a new judge. An updated caseload per judge per district was handed out. EXHIBIT 3. EXHIBITS 4 through 8 are letters in support of this bill.

SENATOR LARRY TVEIT, representing Richland and Dawson Counties, supports the bill. The judge in that district has the heaviest caseload and the potential for increase is there.

GARY THOGERSON, Richland County Bar Association, supports this bill. Redistricting the areas would not solve the problem. Adding district 16 to the 7th district would cover 1/4 of Montana. That would be in comparison to the county of Switzerland. The district would be too large. The town of Sidney needs a judge right there.

GALE COX, Glendive Lawyer, supports this bill. The judge in that district is one of the busiest judges. He helps out all over the state when needed. There is a good deal of difficulty trying to schedule cases. If another judge was appointed to the district this problem would be lessened.

RICHARD PHILLIPS, Richland County Bar Association, passed out two graphs, EXHIBIT 9 and EXHIBIT 10. The graphs show Richland County and Dawson County increases in caseloads. The number of criminal cases have increased over 200%. The time factor is also a problem. It is ironic but the state compounds part of the problem. Many times the judge is called into Helena to do cases. He is in constant demand.

H. R. OBERT, Richland County Bar Association, is the Public Defendant in Sidney. OBERT stated there were 61 criminal cases in 1980. That is over a 300% increase. In the 36 days he has been

public defendant there has been 10 cases already filed. If this continues he will have 121 criminal cases this year. Judicial chaos will result if this bill is not passed and House Bill 10 is. The ability to have a speedy case will be impossible.

JOHN RYAN, District 49, favors the bill. The money is a concern to him.

There were no further proponents.

There were no opponents.

In closing, REP. SHONTZ stated the needs of the people in the area are justified. If this bill is passed it will be two years before the judge is elected.

REP. KEEDY asked if OBERT has read House Bill 10. OBERT replied no. REP. KEEDY objected to his testimony concerning the effects of the bill since he did not read the bill.

REP. DAILY asked if more than 6 mills is spent. It was replied a close tab is kept on the counties. REP. DAILY asked if this would cost the state money. The salary for the judge and travel expenses would cost the state \$42,000 a year. REP. DAILY asked if that was normal for all the counties. It was replied the salary and travel is paid by the state for all judges.

REP. HANNAH stated in multiple county districts where would the judge be located. The judge would probably be located in Sidney and travel if necessary.

REP. EUDAILY asked about a fiscal note. REP. SHONTZ stated \$42,000 would be paid in the judge's salary and travel expense.

REP. EUDAILY asked if a judge could refuse to take on cases if his caseload is full. It was answered the chief justice can require any judge to take a case. If another judge requests a judge to take a case he can refuse it.

REP. CURTISS asked what percentage of time is spent as being public defendant. OBERT replied in January 27-29 hours were spent researching. No trials were held.

That ended the discussion on House Bill 658.

HOUSE BILL 656 REP. HANNAH, chief sponsor, stated this bill is to clarify that a supreme court justice or district court judge who files a false affidavit is guilty of false swearing and sub-

ject to censure, suspension, or removal.

Page 1, lines 16 and 17 indicates how a judge is paid. The justice must file with the state auditor an affidavit that work is completed. Justices might be writing affidavits even though they are not current on their work. Either the law must be changed or the law must be enforced. It is not practical for judges to condone a violation of the law.

There were no proponents.

There were no opponents.

In closing, REP. HANNAH stated there is a need to address the problem and change the law or the law must be enforced. People don't understand it when someone is sent to jail for writing a bad check yet judges are allowed to commit perjury.

REP. CURTISS asked how prevalent is the practice and how practical it would be to enforce it. REP. HANNAH replied the clerk of the court has records of dockets when cases were assigned.

REP. HUENNEKENS asked if any work has been done addressing the problem that the judges are too busy. REP. HANNAH stated if a judge is behind and violates this he cannot be paid. In desperation he uses creative bookkeeping. REP. HANNAH would like to see the law applied to judges who are abusing the law intentionally.

The meeting adjourned at 10:50 a.m.



CARL SEIFERT, VICE-CHAIRMAN

mr

Mr. Chairman, Members of the Committee

For the record, I am Aubyn Curtiss, District 20 Representative.

Mr. Chairman,

House Bill 668 has been introduced at the request of numerous individuals and organizations who feel totally frustrated by what appears to them, a lack of response by agencies responsible for approving energy sites.

We hear a continual outcry about the cost and jeopardy precipitated by our dependency on Arab oil. We see millions of dollars expended to explore alternate sources of energy, and at the same time, we see state agencies fail to act expeditiously on proposals which they oversee. We hear them offer lip service about the need to address the energy crisis and at the same time they seemingly delay taking positive actions which are within their capability.

Reluctance of agencies to move on certain proposals is almost certainly related to their concern that they act in the public interest.

House Bill 668 is designed to discourage what often constitutes nuisance actions by persons who oppose projects for frivolous reasons. More often than not, Montana's public interest could much better be served by completion of a project which, instead, is delayed by legal action brought about by interventions.

It is almost beyond belief that projects can be stopped by

someone with a postage stamp, who files an intervention on behalf of nonexistent eagles or grizzly bears.

Passage of HB 668 should help differentiate between genuine public concern and what has come to be obstructionist tactics which delay or stop construction of much needed energy projects.

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TESTIMONY OF THE NORTHERN PLAINS RESOURCE COUNCIL ON HB 668

HOUSE JUDICIARY COMMITTEE

FEBRUARY 12, 1981

Mr. Chairman, members of the committee, for the record my name is Steve Doherty and I am presenting testimony on behalf of the Northern Plains Resource Council. Northern Plains is an agriculturally based citizen's organization that has long been involved in questions of the industrialization of rural agricultural areas.

We are opposed to HB 668. This bill is a direct attack on our American judicial system. This bill is "anti-law". This bill brings into question some fundamental premises of American justice and the answers it proposes would insure that justice would be found only for those who can pay, and pay, and pay.

The bill also presupposes an incredible lack of faith in "the system". First, at the present time, a plaintiff in an action must show that he has standing to sue. Without standing, there can be no suit. Second, the bringing of a suit, or the filing of a suit does not necessarily mean that anything is stopped or in the language of the bill, delayed. Something can only be stopped when an injunction is asked for and granted. An injunction is a device used to freeze the status quo. A determination to grant an injunction is a serious one. Concurrent with the decision to grant or not grant an injunction is a decision of whether or not to require that a bond be posted. Bonding is optional.

HB 668 would upset this system. It would require that a bond be posted before the suit were even filed and then, it would award court costs and fees and other costs only in one direction. A two way street this bill is not.

Why is this a bad idea? There are two examples that come to mind. Currently Sanders, Jefferson, and Missoula Counties are contemplating suing a federal agency, the Bonneville Power Administration, over the siting issues associated with the presence of two 500 kilovolt transmission lines. This bill would require the posting of a bond by the plaintiffs before a suit could be brought. There are serious issues that the BPA has neglected that need to be resolved.

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Testimony on HB 668

With the passage of this bill those issues would not be resolved to Montanans advantage. Secondly, the Senate has overwhelmingly approved SB 89 introduced by Senator Manley. It directs the Attorney General of Montana to sue in those instances where there are questions of federal pre-emption of the Major Facility Siting Act. Under this proposal there would likely be no suit that would be brought.

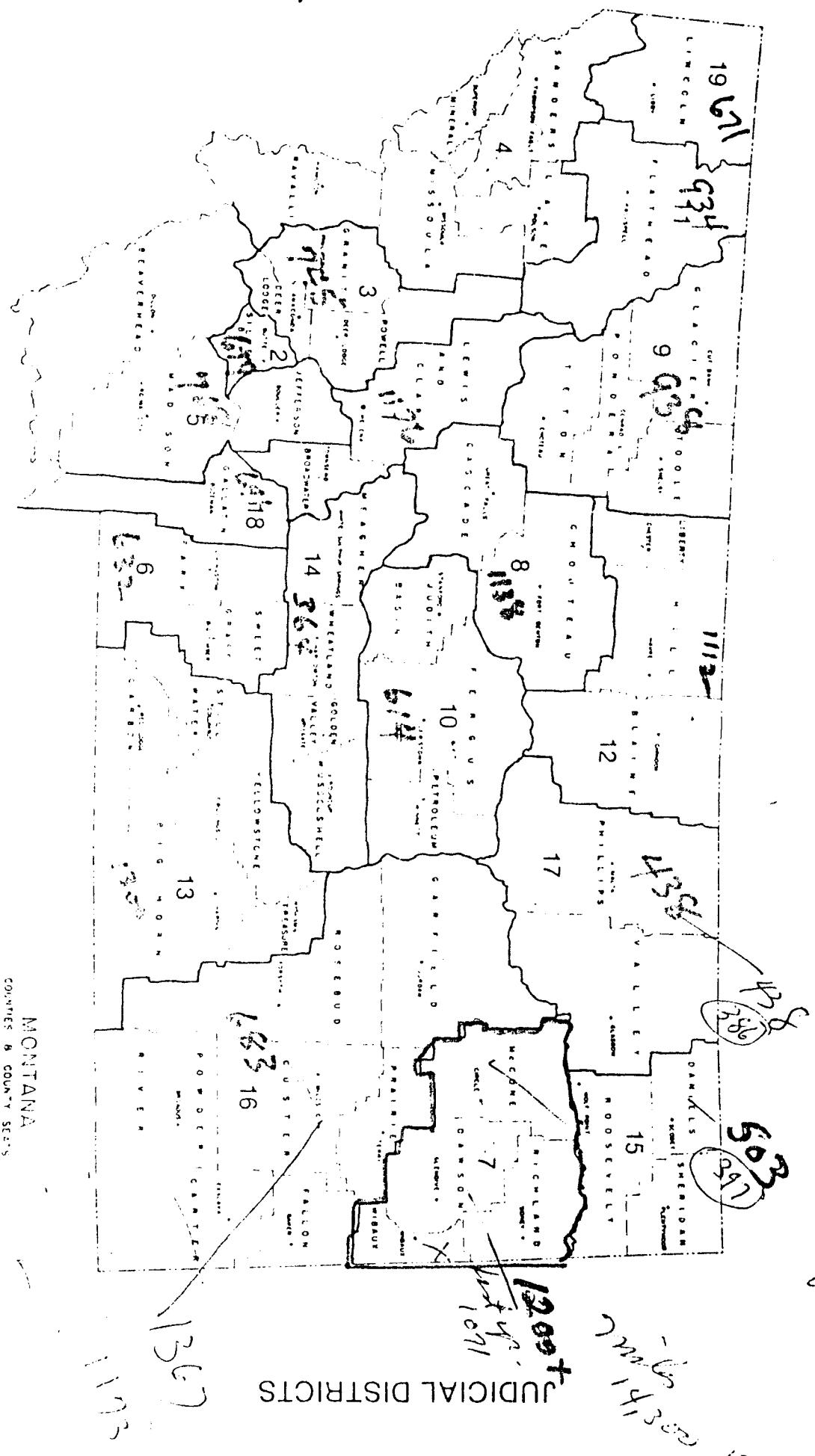
The bottom line to this proposal is that it would insure that suits would only be brought by those who are wealthy enough to first post the bond, is this due process, does this allow access to the courts?

HB 668 has the following constitutional problems:

- Article II Section 3 of the Montana Constitution deals with the right to a clean and healthful environment. The costs associated with this bill would prevent citizens from protecting those rights.
- Article II Section 8 of the Montana Constitution deals with the rights of citizens to participate in the operation of government agencies. The costs associated with this bill would prevent citizens from participating.
- Article 9 Section 1 of the Montana Constitution deals with the responsibility of the state and each person to maintain and improve a clean and healthful environment in Montana. The costs associated with this bill would prevent the State from exercising its duty.
- And finally, Article II, Section 16 of the Montana Constitution states, in part, "Right and justice shall be administered without sale, denial, or delay. The costs associated with this bill would be nothing more than offering justice to the highest bidder.

In sum, this bill is a very bad idea. It is a fix to a problem that does not exist. It also effectively precludes Montanans from using the Courts to seek redress to their problems. We urge a do not pass.

<u>DISTRICT</u>	<u>TOTAL CASELOAD</u>	<u>NUMBER OF JUDGES</u>	<u>CASELOAD PER JUDGE</u>	<u>MILES TRAVELED</u>	<u>MILES PER JUDGE</u>
1	2,353	2	1,176	7,816	3,908
2	1,239	2	619	4,045	2,022
3	745	1	745	7,897	7,897
4	5,567	(3) 4	1,855	45,859	15,286
5	768	1	768	18,546	18,546
6	632	1	632	13,681	13,681
7	1,191	1	1,191	14,371	14,371
8	3,414	3	1,138	7,987	2,662
9	938	1	938	16,662	16,662
10	614	1	614	12,919	12,919
11	1,868	2	934	4,773	2,386
12	1,112	1	1,112	13,291	13,291
13	5,761	3 4	1,920	10,953	3,651
14	364	1	364	14,880	14,880
15	503	1	503	14,964	14,964
16	1,367	2	683	21,032	10,516
17	438	1	438	13,448	13,448
18	1,383	1	1,383	7,913	7,913
19	671	1	671	14,078	14,078



JUDICIAL DISTRICTS

MONTANA
COUNTIES & COUNTY SEALS

7000000
140
part

1200+
1091

1367
1195

DISTRICT COURT OF RICHLAND
JUDICIAL DISTRICT NUMBER 7
POPULATION (7/1/1978) 10400
AREA IN SQUARE MILES 2079
DENSITY PER SQUARE MILE 5.002

CASELOAD

CASE TYPE	ORIG (1)	FILINGS		DISPOSITIONS CASES AVG TIME (4) DAYS (5)	THRUPUT (4)/(3) X100
		RE-OP (2)	TOTAL (3)		
CRIMINAL CASES (DC)	63	3	66	53 94	80
CIVIL CASES	341	7	348	299 138	86
GENERAL CIVIL (DV)	218	0	218	177 142	81
DOMESTIC REL. (DR)	123	7	130	122 131	94
JUV., PROB., & MISC.	115	2	117	93 235	79
JUVENILE (DJ)	16	2	18	12 79	67
PROBATE (DP)	72	0	72	57 337	79
INSANITY (DI)	2	0	2	3 186	150
ADOPTION (DA)	25	0	25	21 53	84
TOTAL	519	12	531	445 153	84

PENDING CASELOAD

CASE TYPE	TOTAL PENDING CASES	0-90 PCT		91-180 PCT		OVER 180 PCT	
		DAYS OF OLD	UF TOTAL	DAYS OF OLD	UF TOTAL	DAYS OF OLD	UF TOTAL
CRIMINAL CASES (DC)	24	8	33	1	4	15	63
CIVIL CASES	148	41	28	33	22	74	50
GENERAL CIVIL (DV)	112	25	22	27	24	60	54
DOMESTIC REL. (DR)	36	16	44	6	17	14	39
JUV., PROB., & MISC.	100	19	19	21	21	60	60
JUVENILE (DJ)	6	4	67	0	0	2	33
PROBATE (DP)	87	13	15	19	22	55	63
INSANITY (DI)	0	0	0	0	0	0	0
ADOPTION (DA)	7	2	29	2	29	3	43
TOTAL	272	68	25	55	20	149	55

DISTRICT COURT OF DAWSON
JUDICIAL DISTRICT NUMBER 7
POPULATION (7/1/1978) 11200
AREA IN SQUARE MILES 2370
DENSITY PER SQUARE MILE 4.725

CASE LOAD

CASE TYPE	FILINGS			DISPOSITIONS		THRUPUT (4)/(3) X100
	ORIG (1)	RE-OP (2)	TOTAL (3)	CASES (4)	AVG TIME DAYS (5)	
CRIMINAL CASES (DC)	54	9	63	72	61	114
CIVIL CASES	287	10	297	316	431	106
GENERAL CIVIL (DV)	178	0	178	189	473	106
DOMESTIC REL. (DR)	109	10	119	127	369	107
JUV.. PROB.. & MISC.	138	6	144	123	154	85
JUVENILE (DJ)	13	2	15	11	98	73
PROBATE (DP)	64	1	65	49	332	75
INSANITY (DI)	50	3	53	53	22	100
ADOPTION (DA)	11	0	11	10	48	91
TOTAL	479	25	504	511	312	101

488

520

PENDING CASE LOAD

CASE TYPE	TOTAL PENDING CASES	0-90 DAYS PCT OF OLD TOTAL		91-180 DAYS PCT OF OLD TOTAL		OVER 180 DAYS PCT OF OLD TOTAL	
CRIMINAL CASES (DC)	2	0	0	0	0	2	100
CIVIL CASES	158	51	32	25	16	82	52
GENERAL CIVIL (DV)	109	29	27	15	14	65	60
DOMESTIC REL. (DR)	49	22	45	10	20	17	35
JUV.. PROB.. & MISC.	80	14	18	16	20	50	63
JUVENILE (DJ)	6	0	0	3	50	3	50
PROBATE (DP)	72	13	18	13	18	46	64
INSANITY (DI)	0	0	0	0	0	0	0
ADOPTION (DA)	2	1	50	0	0	1	50
TOTAL	240	65	27	41	17	134	56

DISTRICT COURT OF MCCONE
 JUDICIAL DISTRICT NUMBER 7
 POPULATION (7/1/1978) 2600
 AREA IN SQUARE MILES 2607
 DENSITY PER SQUARE MILE .997

C A S E L O A D

CASE TYPE	FILINGS			DISPOSITIONS		THRUPUT (4)/(3) X100
	ORIG (1)	RE-UP (2)	TOTAL (3)	CASES (4)	AVG TIME DAYS (5)	
CRIMINAL CASES (DC)	4	0	4	5	103	125
CIVIL CASES	34	0	34	33	311	97
GENERAL CIVIL (DV)	29	0	29	25	176	86
DOMESTIC REL. (DR)	5	0	5	8	732	160
JUV., PROB., & MISC.	29	0	29	23	360	79
JUVENILE (DJ)	0	0	0	0	0	0
PROBATE (DP)	27	0	27	21	394	78
INSANITY (DI)	0	0	0	0	0	0
ADOPTION (DA)	2	0	2	2	0	100
TOTAL	67	0	67	61	312	91

P E N D I N G C A S E L O A D

CASE TYPE	TOTAL PENDING CASES	0-90 PCT		91-180 PCT		OVER 180 PCT	
		DAYS OF OLD	TOTAL	DAYS OF OLD	TOTAL	DAYS OF OLD	TOTAL
CRIMINAL CASES (DC)	2	0	0	0	0	2	100
CIVIL CASES	22	5	23	5	23	12	55
GENERAL CIVIL (DV)	19	3	16	4	21	12	63
DOMESTIC REL. (DR)	3	2	67	1	33	0	0
JUV., PROB., & MISC.	34	10	29	8	24	16	47
JUVENILE (DJ)	0	0	0	0	0	0	0
PROBATE (DP)	34	10	29	8	24	16	47
INSANITY (DI)	0	0	0	0	0	0	0
ADOPTION (DA)	0	0	0	0	0	0	0
TOTAL	58	15	26	13	22	30	52

DISTRICT COURT OF WILBAUX
 JUDICIAL DISTRICT NUMBER 7
 POPULATION (7/1/1978) 1500
 AREA IN SQUARE MILES 890
 DENSITY PER SQUARE MILE 1.685

C A S E L O A D

CASE TYPE	ORIG (1)	FILINGS		TOTAL (3)	DISPOSITIONS		THRUPUT (4)/(3) X100
		RE-OP (2)			CASES (4)	AVG TIME DAYS (5)	
CRIMINAL CASES (DC)	4	1		5	5	93	100
CIVIL CASES	45	0		45	37	220	82
GENERAL CIVIL (DV)	40	0		40	35	229	88
DOMESTIC REL. (DR)	5	0		5	2	47	40
JUV., PROB., & MISC.	38	1		39	16	326	41
JUVENILE (DJ)	1	0		1	0	0	0
PROBATE (DP)	33	1		34	13	395	38
INSANITY (DI)	0	0		0	0	0	0
ADOPTION (DA)	4	0		4	3	26	75
TOTAL	87	2		89	58	238	65

P E N D I N G C A S E L O A D

CASE TYPE	TOTAL PENDING CASES	0-90 DAYS ULD	PCT OF TOTAL	91-180 DAYS ULD	PCT OF TOTAL	OVER 180 DAYS ULD	PCT OF TOTAL
CRIMINAL CASES (DC)	2	1	50	0	0	1	50
CIVIL CASES	32	5	16	11	34	16	50
GENERAL CIVIL (DV)	27	5	19	8	30	14	52
DOMESTIC REL. (DR)	5	0	0	3	60	2	40
JUV., PROB., & MISC.	47	7	15	10	21	30	64
JUVENILE (DJ)	1	1	100	0	0	0	0
PROBATE (DP)	45	6	13	10	22	29	64
INSANITY (DI)	0	0	0	0	0	0	0
ADOPTION (DA)	1	0	0	0	0	1	100
TOTAL	81	13	16	21	26	47	58

JUDICIAL DISTRICT NUMBER 7
COUNTIES IN THE DISTRICT 4
POPULATION (7/1/1978) 25700
AREA IN SQUARE MILES 7946
DENSITY PER SQUARE MILE 3.234

C A S E L O A D

CASE TYPE	ORIG (1)	FILINGS		DISPOSITIONS CASES AVG TIME (4) DAYS (5)	THRUPUT (4)/(3) X100
		RE-OP (2)	TOTAL (3)		
CRIMINAL CASES (DC)	4	1	5	8 25	160
CIVIL CASES	49	1	50	46 154	92
GENERAL CIVIL (DV)	34	0	34	36 177	106
DOMESTIC REL. (DR)	15	1	16	10 72	63
JUV., PROB., & MISC.	15	1	16	12 175	75
JUVENILE (DJ)	1	1	2	0 0	0
PROBATE (DP)	13	0	13	8 200	69
INSANITY (DI)	0	0	0	0 0	0
ADOPTION (DA)	1	0	1	3 61	300
TOTAL	68	3	71	66 142	93

P E N D I N G C A S E L O A D

CASE TYPE	TOTAL PENDING CASES	0-90 DAYS OLD	PCT OF TOTAL	91-180 DAYS OLD	PCT OF TOTAL	OVER 180 DAYS OLD	PCT OF TOTAL
CRIMINAL CASES (DC)	31	6	19	5	16	20	65
CIVIL CASES	362	91	25	75	21	196	54
GENERAL CIVIL (DV)	265	49	18	56	21	160	60
DOMESTIC REL. (DR)	97	42	43	19	20	36	37
JUV., PROB., & MISC.	261	48	18	49	19	164	63
JUVENILE (DJ)	14	4	29	3	21	7	50
PROBATE (DP)	237	41	17	44	19	152	64
INSANITY (DI)	0	0	0	0	0	0	0
ADOPTION (DA)	10	3	30	2	20	5	50
TOTAL	654	145	22	129	20	380	58

DISTRICT COURT OF RICHLAND
 JUDICIAL DISTRICT NUMBER 7
 POPULATION (7/1/1978) 10400
 AREA IN SQUARE MILES 2079
 DENSITY PER SQUARE MILE 5.002

C A S E L O A D

CASE TYPE	ORIG (1)	FILINGS		DISPOSITIONAL		THROUGH (4)/(5) x100
		RE-OP (2)	TOTAL (3)	CASES (4)	AVG. TIME DAYS (5)	
CRIMINAL CASES (DC)	2	1	3	5	31	167
CIVIL CASES	22	0	22	21	105	95
GENERAL CIVIL (DV)	17	0	17	18	115	100
DOMESTIC REL. (DR)	5	0	5	3	42	60
JUV., PROB., & MISC.	5	1	6	4	164	67
JUVENILE (DJ)	1	1	2	0	0	0
PROBATE (DP)	3	0	3	2	254	67
INSANITY (DI)	0	0	0	0	0	0
ADOPTION (DA)	1	0	1	2	74	200
TOTAL	29	2	31	30	100	97

P E N D I N G C A S E L O A D

CASE TYPE	TOTAL PENDING CASES	0-90 DAYS OLD	PCT OF TOTAL	91-180 DAYS OLD	PCT OF TOTAL	OVER 180 DAYS OLD	PCT OF TOTAL
CRIMINAL CASES (DC)	25	5	20	5	20	15	60
CIVIL CASES	148	36	24	39	26	73	49
GENERAL CIVIL (DV)	109	18	17	32	29	59	54
DOMESTIC REL. (DR)	39	18	46	7	18	14	36
JUV., PROB., & MISC.	100	17	17	21	21	62	62
JUVENILE (DJ)	7	4	57	1	14	2	29
PROBATE (DP)	86	11	13	18	21	57	66
INSANITY (DI)	0	0	0	0	0	0	0
ADOPTION (DA)	7	2	29	2	29	3	43
TOTAL	273	58	21	65	24	150	55

DISTRICT COURT OF	MCCONE
JUDICIAL DISTRICT NUMBER	7
POPULATION (7/1/1978)	2600
AREA IN SQUARE MILES	2607
DENSITY PER SQUARE MILE	.997

CASE LOAD

CASE TYPE	ORIG (1)	FILINGS		DISPOSITIONS CASES AVG TIME (4) DAYS (5)	THRUPUT (4)/(5) X100
		RE-OP (2)	TOTAL (3)		
CRIMINAL CASES (DC)	0	0	0	0	0
CIVIL CASES	2	0	2	4	50
GENERAL CIVIL (DV)	1	0	1	4	50
DOMESTIC REL. (DR)	1	0	1	0	0
JUV., PROB., & MISC.	3	0	3	4	150
JUVENILE (DJ)	0	0	0	0	0
PROBATE (DP)	3	0	3	4	150
INSANITY (DI)	0	0	0	0	0
ADOPTION (DA)	0	0	0	0	0
TOTAL	5	0	5	8	150

PENDING CASE LOAD

CASE TYPE	TOTAL PENDING CASES	0-90 DAYS OF OLD		PCT OF TOTAL	91-180 DAYS OF OLD		PCT OF TOTAL	OVER 180 DAYS OF OLD		PCT OF TOTAL
CRIMINAL CASES (DC)	2	0	0	0	0	0	0	0	0	100
CIVIL CASES	21	4	19	1	5	15	76			
GENERAL CIVIL (DV)	17	1	6	1	6	15	85			
DOMESTIC REL. (DR)	4	3	75	0	0	1	25			
JUV., PROB., & MISC.	32	6	19	9	23	17	52			
JUVENILE (DJ)	0	0	0	0	0	0	0			
PROBATE (DP)	32	6	19	9	23	17	57			
INSANITY (DI)	0	0	0	0	0	0	0			
ADOPTION (DA)	0	0	0	0	0	0	0			
TOTAL	55	10	18	10	18	35	64			

Exhibit 4

ROBERT T. HOOVER

COUNTY ATTORNEY

McCone County

Circle, Montana 59215

Telephone 406-485-2250

February 9, 1981

Representative John Shontz
Capitol Station
Helena, Montana 59601

Dear Mr. Shontz:

I urge favorable consideration and passage of H. B. 658.

Yours truly,

Robert T. Hoover

RTH/hs

LAW OFFICES
MCDONOUGH, COX & SIMONTON, P. C.

RUSSELL C. MCDONOUGH
DALE COX
RICHARD A. SIMONTON
RANDALL O. SKORHEIM

HAGENSTON BUILDING
GLENDALE, MONTANA 59330

February 10, 1981

TELEPHONE
406-365-5206
P. O. BOX 1250

Mr. John Shontz
State Representative
Capitol Station
Helena, Montana, 59601

Re: Additional Judge in Seventh Judicial District

Dear Representative Shontz:

The undersigned members of the Dawson County Bar Association fully support the legislation which you have introduced to provide for a second District Court Judge in the Seventh Judicial District.

As practitioners in this district, we have become aware of the tremendous strain that has been placed upon the judicial system in this district and particularly upon Judge Gulbrandson who serves as District Court Judge for Dawson, Wibaux, McCone and Richland Counties. All indicators point to an even increasing strain upon this system principally due to the impact from energy development here.

Although Judge Gulbrandson is one of the most able, competent and hardest-working judges in the State, he has been deluged in recent years with an ever increasing case load that is becoming unmanageable even for one of his ability and temperament. As you know, Judge Gulbrandson is required to actually sit as Judge in each of the counties so that they can be properly served. This necessarily requires a great deal of time-consuming travel.

If a continuous high quality judicial system is to be maintained for the people of our district, it is imperative that an additional District Court Judge be secured for our district now.

Your vigorous efforts and support of this legislation is

John Shontz
Page 2
February 10, 1981

appreciated. Please let us know how we can help to further
this important piece of legislation.

Sincerely,

Dear Cos
Cheryl Ann Rasmussen
Richard A. Simonson
Maurice L. Howe
Gill Sweeney

John Shontz
John Shontz
John Shontz
John Shontz
John Shontz

cc: Senator Larry Tveit
Senator S. A. Olson
Representative L. Dean Switzer
Representative Marge Hart

COUNTY COMMISSIONERS
BING POFF, Chairman
HAROLD FINK, Vice Chairman
ROBERT L. MULLEN, Member

Exhibit 6
HELEN GIERKE, Clerk

COUNTY OF RICHLAND

OFFICE OF

COUNTY COMMISSIONERS

SIDNEY, MONTANA

February 9, 1981

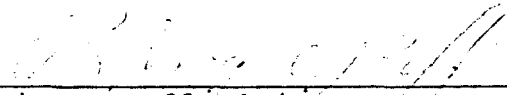
Representative John Shontz
Capitol Station
Helena, Montana 59601

Dear Representative Shontz,

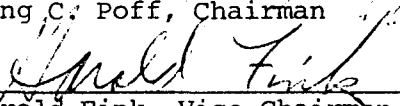
The Board of Commissioners of Richland County are very aware of the excessive caseload and related problems of Judge L. C. Gulbrandson. Therefore, the Board of Commissioners give their whole hearted support to House Bill #658.

Very truly yours,


BOARD OF COUNTY COMMISSIONERS



Bing C. Poff, Chairman

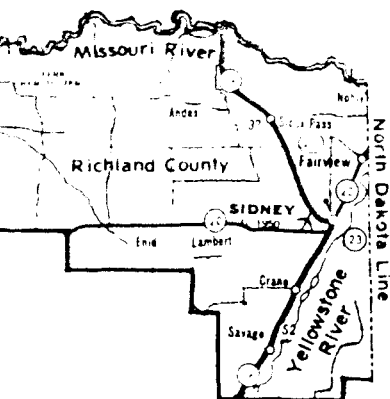


Harold Fink, Vice-Chairman



Robert L. Mullen, Member

BCP:hg



OFFICE OF
THE SHERIFF
SIDNEY, MONTANA

FEB. 10, 1981

Exhibit 7

HAROLD N. GRINOLDS, Sheriff
ARON SCHMIERER, Undersheriff
LEOTA JOHNSON, Deputy Matron
JOHN BRAATEN, Deputy
GARY RAY, Deputy
RICHARD L. BEHNKEN, Deputy
MARVIN R. JOHNSON, Deputy
BRAD BAISCH, Deputy
KEVIN FORRESTER, Deputy

Honorable John Shontz
Representative District 53
429 South Montana St.
Helena, Montana 59601

Dear Sir,

Have been asked to advise you that the Richland County Sheriff's Department supports HB658.

At the present time our District Judge travels here once a week from Glendive. If he gets called to preside in another district and misses his day in Sidney, his work load builds up and when this happens we have to hold the defendants over, this costs the county a good deal in board and room, laundry bills and attorneys fees for the ones that have a court appointed attorney.

Our District Judge has about all he can handle right now and if this oil boom continues to grow as it has in the past couple of years, no way will he be able to handle all of the cases that are sent to district court.

If this bill passes and we get a second district judge and if they see fit to station him in this county, it would really expedite our court cases.

Have been following the work of the legislation that is published in the Billings Gazette and we think you are doing a good job. Keep it up.

Sincerely,

H. N. Grinolds

Richland County Sheriff
Sidney, Mont.

LAW OFFICES
OF
HABEDANK, CUMMING & BEST

February 4, 1981

Mr. John Shontz
State Representative
Capitol Station
Helena, Montana 59601

Re: Additional Judge in Seventh
Judicial District

Dear Representative Shontz:

The undersigned members of the Richland County Bar Association hereby extend their full support to the legislation which you have introduced providing for a second District Court Judge in the Seventh Judicial District.

As practicing members of the Bar in Sidney, we are acutely aware of the tremendous strains that have been placed upon the judicial system in this area because of rapid population growth. Judge L. C. Gulbrandson, who currently serves Dawson, Wibaux, McCone and Richland Counties, is by far one of the most able and hardest working judges in the State of Montana. In spite of this, Judge Gulbrandson's case load has become so heavy that criminal and civil trials are almost impossible to set less than six to eight months in advance. In addition, routine ex-parte matters are time-consuming and difficult to schedule because Judge Gulbrandson's schedule only allows him to be in Sidney one day per week.

We feel that it is imperative that the legislature authorize an additional judge in this judicial district during the present session, since the additional judge will not be elected and take office until January 1, 1983. By that time, the strain on the judicial system in this district will be even more critical than it is at this time. Further, if energy development plans continue as proposed in the Wibaux and Circle areas, it is conceivable that we may very well face a serious breakdown in the judicial system serving the citizens in this part of the state.

Representative John Shontz
February 4, 1981
Page 2

Your continued vigorous support of this legislation is appreciated and encouraged. If there is anything further that we may do in order to impress upon the legislature the importance of this legislation, please advise.

Sincerely,

Thomas R. Hill
Norton B. Anderson

Peter D. Maltson
Oscar T. Habedank

H. R. O'Brien

Gary J. Thayer
James W. B. B. B.
Dick Phillips
Phil & Carter
Mark T. Hall
Wayne K. Cumming

cc: Senator Larry Tveit
Senator Joseph P. Mazurek
Representative L. Dean Switzer
Senator Steve Brown
Representative Hubert J. Abrams
Representative Marjorie Hart
Senator S. A. Olson

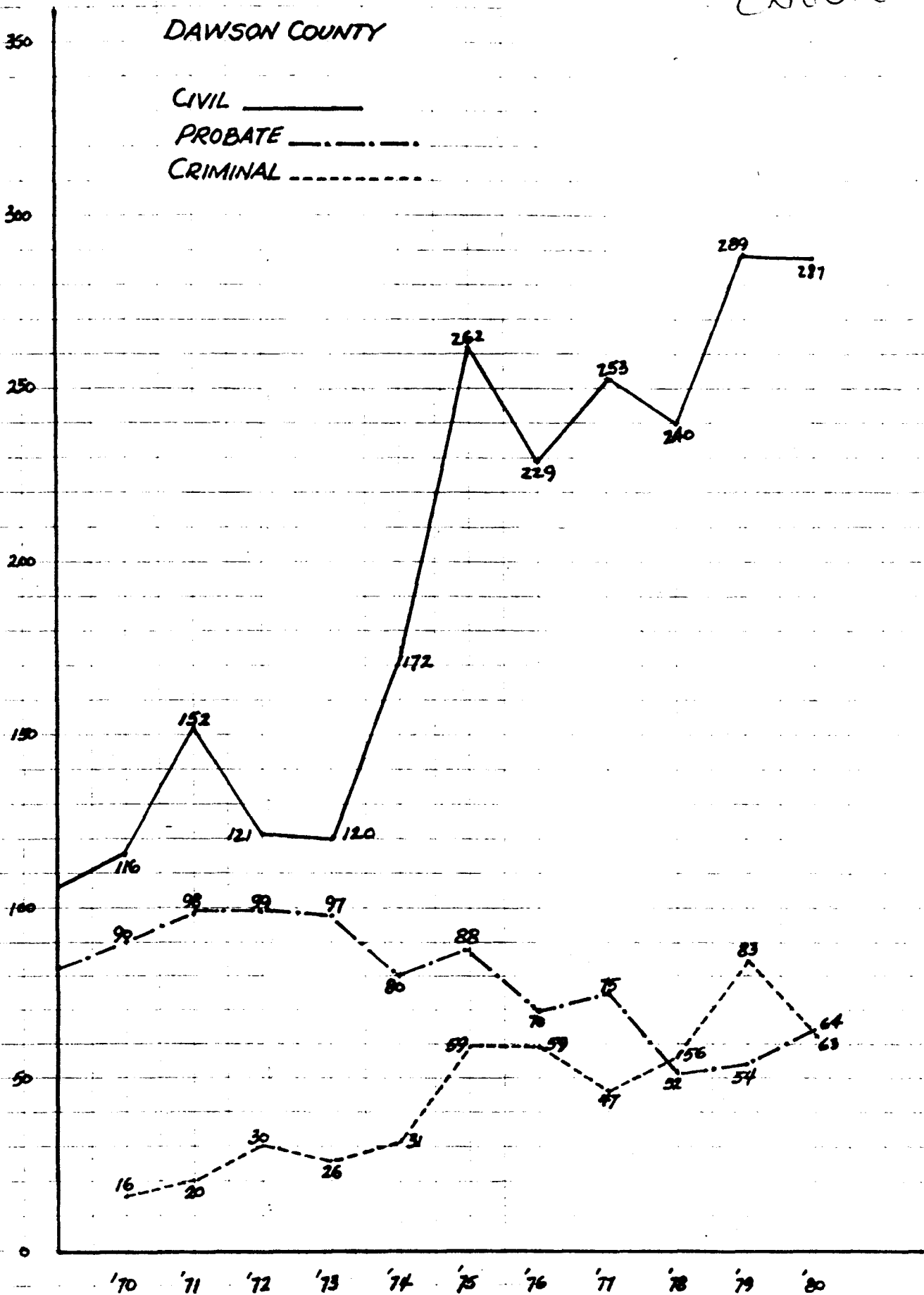
Exhibit 9

DAWSON COUNTY

CIVIL _____

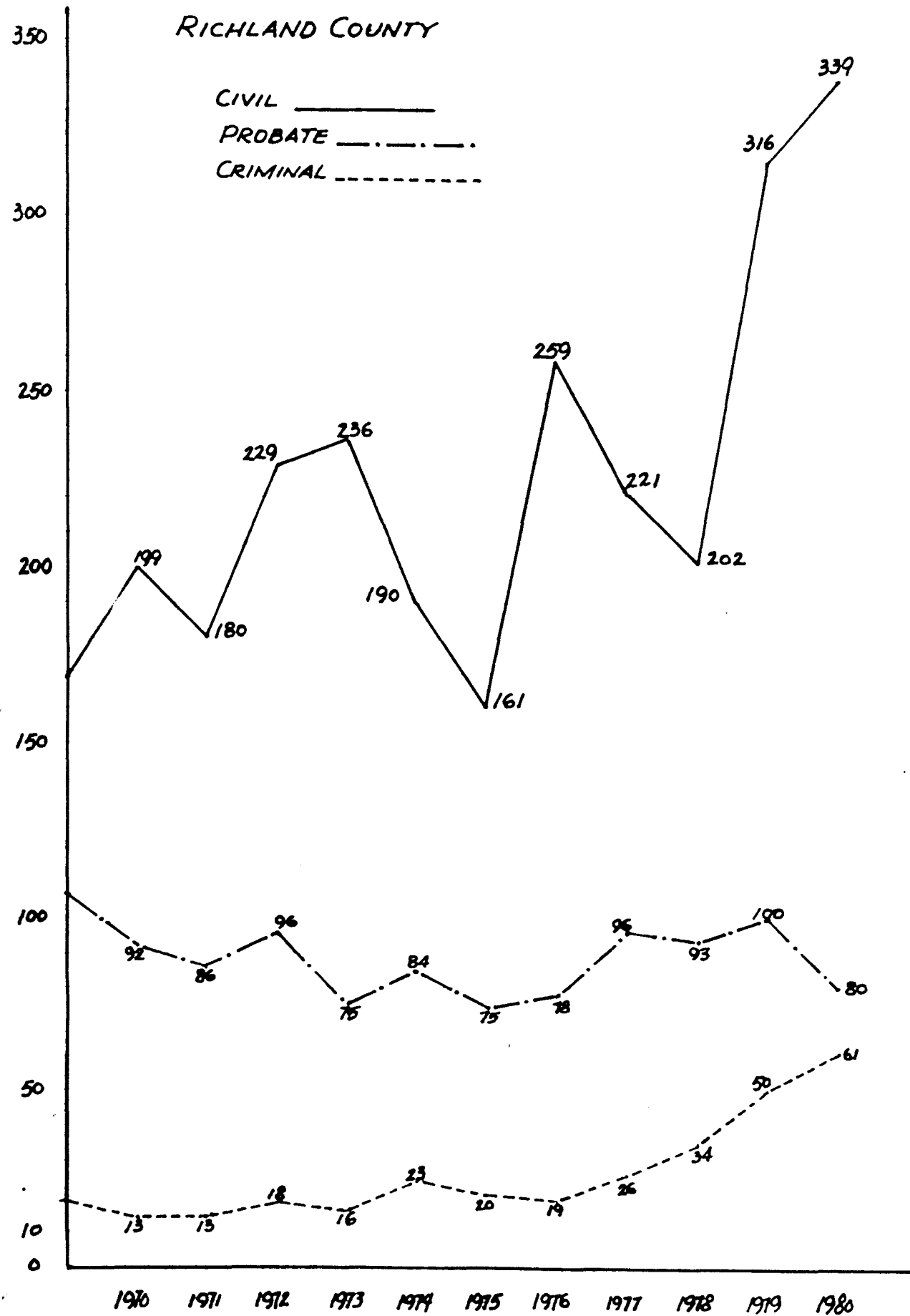
PROBATE
.....

CRIMINAL - - - - -



RICHLAND COUNTY

CIVIL _____
PROBATE
CRIMINAL - - - - -



VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL 658

Date 2/12/81

SPONSOR SHONTZ

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL 678

Date 2/12/81

SPONSOR BURNETT

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL 656

Date 2/12/81

SPONSOR HANNAH

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

JUDICIARY

COMMITTEE

BILL 668

Date 2/12/81

SPONSOR CURTISS

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL 676

Date 2/12/81

SPONSOR HARPER

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.