

SENATE JOINT RESOLUTION NO. 24

INTRODUCED BY MAZUREK, TURNAGE

IN THE SENATE

March 21, 1983	Introduced and referred to Committee on Judiciary.
March 24, 1983	Committee recommend bill do pass. Report adopted.
March 25, 1983	Bill printed and placed on members' desks.
	Second reading, do pass.
March 26, 1983	Correctly engrossed.
March 28, 1983	Third reading, passed. Ayes, 46; Noes, 0. Transmitted to House.

IN THE HOUSE

March 29, 1983	Introduced and referred to Committee on Judiciary.
April 5, 1983	Committee recommend bill be concurred in. Report adopted.
April 6, 1983	Second reading, concurred in.
April 7, 1983	Third reading, concurred in.

IN THE SENATE

April 8, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

Senate JOINT RESOLUTION NO. *24*

INTRODUCED BY *Maguire Turwage*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE MONTANA SUPREME COURT, IN COOPERATION WITH THE STATE BAR OF MONTANA AND WITH STAFF ASSISTANCE OF THE LEGISLATIVE COUNCIL, TO STUDY AND PREPARE RECOMMENDATIONS FOR THE 49TH LEGISLATURE ON UPDATING AND CLARIFYING THE LAWS ON VENUE AND STATUTES OF LIMITATION.

WHEREAS, the statutory provisions on venue and statutes of limitation were enacted long ago and through the process of court interpretation and changing methods of practice no longer reflect on their face the present state of the law; and

WHEREAS, the present application of law relating to venue and statutes of limitation have evolved to the point that their present use is logical, useful, and consistent, but their statutory basis does not accurately reflect such usage; and

WHEREAS, because rules of venue and statutes of limitation are not clearly reflected in the statutes, they have been the cause of needless litigation requiring the Montana Supreme Court to constantly reiterate their present

usage; and

WHEREAS, provisions relating to statutes of limitation have proven to be particularly archaic because different legal courses of action available today were not contemplated when the statutes were written, thus leading to interpretations that, while consistent over the years, are not apparent from a reading of the applicable statute;

WHEREAS, the Supreme Court Commission on the Rules of Evidence is a body having in its membership many persons with expertise in trial practice who are informed, both academically and practically, with respect to statutory provisions and court decisions on venue and statutes of limitation, and the Commission would be of invaluable service in studying statutory provisions and preparing a recommendation to conform them to present practice and interpretation; and

WHEREAS, the State Bar of Montana has a committee to study the law on statutes of limitation and the expertise of the committee could be of service to the Supreme Court in studying and formulating recommendations on statutes of limitation.

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

That in order to have the statutory provisions on venue

-2- INTRODUCED BILL
STR-24

1 and statutes of limitation in the Montana Code Annotated
2 accurately reflect the current usage and interpretations of
3 those laws, it is requested that the Montana Supreme Court:

4 (1) supervise a study of the provisions in the Montana
5 Code Annotated on venue and statutes of limitation to be
6 conducted by the Montana Supreme Court Commission on the
7 Rules of Evidence, in cooperation with the appropriate
8 committee of the State Bar of Montana, and staffed by staff
9 attorneys of the Legislative Council; and

10 (2) cause draft legislation to be prepared for
11 consideration by the 49th Legislature based upon such study.

12 BE IT FURTHER RESOLVED, that the Secretary of the
13 Senate send a copy of this resolution to the Chief Justice
14 of the Montana Supreme Court.

-End-

Approved by Committee
on Judiciary

1 ~~Senate~~ JOINT RESOLUTION NO. 24
2 INTRODUCED BY Margaret Turvey
3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
6 MONTANA SUPREME COURT, IN COOPERATION WITH THE STATE BAR OF
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8 COUNCIL, TO STUDY AND PREPARE RECOMMENDATIONS FOR THE 49TH
9 LEGISLATURE ON UPDATING AND CLARIFYING THE LAWS ON VENUE AND
10 STATUTES OF LIMITATION.

11
12 WHEREAS, the statutory provisions on venue and statutes
13 of limitation were enacted long ago and through the process
14 of court interpretation and changing methods of practice no
15 longer reflect on their face the present state of the law;
16 and

17 WHEREAS, the present application of law relating to
18 venue and statutes of limitation have evolved to the point
19 that their present use is logical, useful, and consistent,
20 but their statutory basis does not accurately reflect such
21 usage; and

22 WHEREAS, because rules of venue and statutes of
23 limitation are not clearly reflected in the statutes, they
24 have been the cause of needless litigation requiring the
25 Montana Supreme Court to constantly reiterate their present

1 usage; and

2 WHEREAS, provisions relating to statutes of limitation
3 have proven to be particularly archaic because different
4 legal courses of action available today were not
5 contemplated when the statutes were written, thus leading to
6 interpretations that, while consistent over the years, are
7 not apparent from a reading of the applicable statute;

8 WHEREAS, the Supreme Court Commission on the Rules of
9 Evidence is a body having in its membership many persons
10 with expertise in trial practice who are informed, both
11 academically and practically, with respect to statutory
12 provisions and court decisions on venue and statutes of
13 limitation, and the Commission would be of invaluable
14 service in studying statutory provisions and preparing a
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16 interpretation; and

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-2- SECOND READING
 SJR 24

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-End-

REFERENCE BILL

MISSING