

SENATE JOINT RESOLUTION NO. 25

INTRODUCED BY MARBUT

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

March 23, 1983	Introduced and referred to Committee on Judiciary.
March 31, 1983	Committee recommend bill do pass. Report adopted.
April 1, 1983	Bill printed and placed on members' desks.
April 6, 1983	Second reading, do pass.
April 7, 1983	Correctly engrossed.
	Third reading, passed. Ayes, 35; Noes, 15. Transmitted to House.

IN THE HOUSE

April 8, 1983	Introduced and referred to Committee on Judiciary.
April 12, 1983	Committee recommend bill be concurred in. Report adopted.
April 13, 1983	Second reading, concurred in.
April 14, 1983	Third reading, concurred in.

IN THE SENATE

April 15, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

1 *Senate* JOINT RESOLUTION NO. *25*
2 INTRODUCED BY *Porter*
3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE
4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
7 INTERIM STUDY OF THE CREATION OF A UNIFIED COURT SYSTEM AND
8 THE FINANCING OF SUCH A SYSTEM; REQUIRING A REPORT OF THE
9 FINDINGS OF THE STUDY TO THE 49TH LEGISLATURE.
10
11 WHEREAS, Article VII, section 1, of the Montana
12 Constitution vests judicial power of the State in the court
13 system of the State; and
14 WHEREAS, Title 3 of the Montana Code Annotated
15 prescribes the court system of the State of Montana; and
16 WHEREAS, neither the Montana Constitution nor state
17 statutes establish a central administrative office for the
18 court system of the State; and
19 WHEREAS, the lack of a central administrative office
20 for the state court system results in a lack of formal
21 coordination among the various district courts in such
22 matters as the substitution of one judge for another who has
23 been disqualified from acting; and
24 WHEREAS, differing standards of employment and
25 compensation for court employees exist among the various

1 district courts, leading to inequities between the work of
2 the district courts; and
3 WHEREAS, it is recognized that the district courts act
4 as an arm of the state government in the adjudication of
5 civil and criminal cases; and
6 WHEREAS, approximately 85% of the costs of the
7 operation of the state district court system is financed
8 through the payment of local property taxes, notwithstanding
9 the state nature of the work of those courts; and
10 WHEREAS, financing of the court system by local
11 property taxes creates a disproportionate per capita tax
12 burden for judicial services in the various counties of the
13 State and may result in differing levels of judicial
14 services in those counties; and
15 WHEREAS, the judicial system would benefit from unified
16 budgeting in that such budgeting would eliminate the
17 inequities of financing the system by local property taxes,
18 offer a more uniform level of judicial services to the
19 residents of each county, and relieve judges of the duties
20 of fiscal management; and
21 WHEREAS, a unified court system would facilitate
22 administrative coordination of personnel management, case
23 scheduling, supply procurement, and the gathering and
24 correlation of statistical information; and
25 WHEREAS, the United States Constitution guarantees all

1 citizens the equal protection of the laws without reference
2 to county residence; and

3 WHEREAS, 22 states now either totally or substantially
4 finance trial court operations, and extensive material and
5 experience exist in those states from which Montana could
6 well benefit.

7

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

10 That an appropriate interim committee be assigned to
11 study:

12 (1) the creation of a unified court system under an
13 appropriate judicial office, such as the Montana Supreme
14 Court, to centralize, administer, and coordinate the
15 functions of the district courts and such other courts as
16 the committee considers necessary or advisable;

17 (2) the powers, duties, and responsibilities of such a
18 unified court system, including the powers, duties, and
19 responsibilities of such existing entities as the Montana
20 Supreme Court, the Montana Supreme Court Law Library, the
21 Office of the Supreme Court Administrator, and the clerks of
22 the various district courts; and

23 (3) the alternative methods of financing a state
24 unified court system.

25 RE IT FURTHER RESOLVED, that the committee report the

1 findings of the study to the 49th Legislature and, if
2 necessary, draft legislation to implement its
3 recommendations.

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WHEREAS, Article VII, section 1, of the Montana Constitution vests judicial power of the State in the court system of the State; and

WHEREAS, Title 3 of the Montana Code Annotated prescribes the court system of the State of Montana; and

WHEREAS, neither the Montana Constitution nor state statutes establish a central administrative office for the court system of the State; and

WHEREAS, the lack of a central administrative office for the state court system results in a lack of formal coordination among the various district courts in such matters as the substitution of one judge for another who has been disqualified from acting; and

WHEREAS, differing standards of employment and compensation for court employees exist among the various

district courts, leading to inequities between the work of the district courts; and

WHEREAS, it is recognized that the district courts act as an arm of the state government in the adjudication of civil and criminal cases; and

WHEREAS, approximately 85% of the costs of the operation of the state district court system is financed through the payment of local property taxes, notwithstanding the state nature of the work of those courts; and

WHEREAS, financing of the court system by local property taxes creates a disproportionate per capita tax burden for judicial services in the various counties of the State and may result in differing levels of judicial services in those counties; and

WHEREAS, the judicial system would benefit from unified budgeting in that such budgeting would eliminate the inequities of financing the system by local property taxes, offer a more uniform level of judicial services to the residents of each county, and relieve judges of the duties of fiscal management; and

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