# HOUSE JOINT RESOLUTION NO. 38

INTRODUCED BY WHALEN, GIACOMETTO, DEMARS, HALLIGAN, ADDY, SPAETH, KILPATRICK, MCDONOUGH, MAZUREK

IN THE HOUSE

- APRIL 5, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
- APRIL 6, 1989 FIRST READING.
- APRIL 11, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- APRIL 12, 1989 PRINTING REPORT.
- APRIL 13, 1989 SECOND READING, DO PASS.
- APRIL 14, 1989 ENGROSSING REPORT.
- APRIL 15, 1989 THIRD READING, PASSED. AYES, 93; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 17, 1989

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INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

APRIL 19, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

> ON MOTION, RULES SUSPENDED TO PLACE BILL ON SECOND READING THIS DAY.

SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED TO PLACE BILL ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN. AYES, 24; NOES, 23.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 20, 1989

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RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0985/01

1

HAUSE JOINT RESOLUTION NO. 38 1 INTRODUCED BY Whalen Summette HOUSE A JOINT RESOLUTION OF THE SENATE AND THE REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN 5 6 INTERIM STUDY ON THE ESTABLISHMENT OF LOCAL COURT DISTRICTS: 7 AND REQUIRING A REPORT TO THE 52ND LEGISLATURE. 8

9 WHEREAS, under current law, each city and town in
10 Montana is required to establish a city or municipal court;
11 and

12 WHEREAS, the judicial workload in some city courts is 13 minimal: and

14 WHEREAS, despite the minimal workload, a local 15 governing body is required to pay the salary and annual 16 training costs for a city judge or to contract with a 17 justice of the peace to provide judicial services; and

18 WHEREAS, a restructuring of the city court system in 19 Montana could result in cost savings to cities and towns and 20 could enhance the delivery of judicial services to Montana 21 citizens; and

WHEREAS, one alternative to the current city court
structure is the establishment of local court districts,
which would permit two or more cities or towns within the
same county to be presided over by the same judge or judges.



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

That an appropriate interim committee be assigned to:
(1) examine the current structure and operation of the
city courts in Montana;

7 (2) identify problems associated with the current

8 judicial delivery system at the city court level; and

9 (3) study the feasibility of authorizing cities and 10 towns to establish local court districts, including the 11 method for establishing and terminating the districts; the 12 selection, compensation, qualifications, and jurisdiction of 13 judges within the districts; and the method of funding the 14 districts.

BE IT FURTHER RESOLVED, that the committee report its
findings and options for legislative consideration to the
52nd Legislature.

-End-

-2- INTRODUCED BILL HJR 38

LC 0985/01

#### 51st Legislature

#### HJR 0038/02

## APPROVED BY COMMITTEE on Judiciary

1	HOUSE JOINT RESOLUTION NO. 38
2	INTRODUCED BY WHALEN, GIACOMETTO, DEMARS, HALLIGAN, ADDY,
3	SPAETH, KILPATRICK, MCDONOUGH, MAZUREK
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
7	INTERIM STUDY ON THE ESTABLISHMENT OF LOCAL COURT DISTRICTS;
8	AND REQUIRING A REPORT TO THE 52ND LEGISLATURE.
9	
10	WHEREAS, under current law, each city and town in
11	Montana is required to establish a city or municipal court;
12	and
13	WHEREAS, the judicial workload in some city courts is
14	minimal; and
15	WHEREAS, despite the minimal workload, a local
16	governing body is required to pay the salary and annual
17	training costs for a city judge or to contract with a
18	justice of the peace to provide judicial services; and
19	WHEREAS, a restructuring of the city court system in
20	Montana could result in cost savings to cities and towns and
21	could enhance the delivery of judicial services to Montana
22	citizens; and
23	WHEREAS, one alternative to the current city court

24 structure is the establishment of local court districts, 25 which would permit two or more cities or towns within the



HJR 0038/02

1 same county to be presided over by the same judge or judges.
2

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

5 That an appropriate interim committee be assigned to:
6 (1) examine the current structure and operation of the
7 city AND MUNICIPAL courts in Montana;

8 (2) identify problems associated with the current
9 judicial delivery system at the city <u>AND MUNICIPAL</u> court
10 level; and

11 (3) study the feasibility of authorizing cities and 12 towns to establish local court districts, including the 13 method for establishing and terminating the districts; the 14 selection, compensation, qualifications, and jurisdiction of 15 judges within the districts; and the method of funding the 16 districts.

BE IT FURTHER RESOLVED, that the committee report its
findings and options for legislative consideration to the
52nd Legislature.

-End-

-2-

HJR 38

SECOND READING

### 51st Legislature

HJR 0038/02

HJR	00	38	/0	2
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1	HOUSE JOINT RESOLUTION NO. 38	1
2	INTRODUCED BY WHALEN, GIACOMETTO, DEMARS, HALLIGAN, ADDY,	2
3	SPAETH, KILPATRICK, MCDONOUGH, MAZUREK	3
4		4
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF	5
6	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN	6
· 7	INTERIM STUDY ON THE ESTABLISHMENT OF LOCAL COURT DISTRICTS;	7
8	AND REQUIRING A REPORT TO THE 52ND LEGISLATURE.	8
9		9
10	WHEREAS, under current law, each city and town in	10
11	Montana is required to establish a city or municipal court;	11
12	and	12
13	WHEREAS, the judicial workload in some city courts is	13
14	minimal; and	14
15	WHEREAS, despite the minimal workload, a local	15
16	governing body is required to pay the salary and annual	16
17	training costs for a city judge or to contract with a	17
18	justice of the peace to provide judicial services; and	18
19	WHEREAS, a restructuring of the city court system in	19
20	Montana could result in cost savings to cities and towns and	
21	could enhance the delivery of judicial services to Montana	
22	citizens; and	
23	WHEREAS, one alternative to the current city court	
24	structure is the establishment of local court districts,	
25	which would permit two or more cities or towns within the	



3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE 4 HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: 5 That an appropriate interim committee be assigned to: 6 (1) examine the current structure and operation of the city AND MUNICIPAL courts in Montana; 7 8 (2) identify problems associated with the current 9 judicial delivery system at the city AND MUNICIPAL court 0 level; and 1 (3) study the feasibility of authorizing cities and 2 towns to establish local court districts, including the 3 method for establishing and terminating the districts; the

same county to be presided over by the same judge or judges.

14 selection, compensation, qualifications, and jurisdiction of 15 judges within the districts; and the method of funding the 16 districts.

BE IT FURTHER RESOLVED, that the committee report its
findings and options for legislative consideration to the
52nd Legislature.

-End-

HJR 0038/02

1	HOUSE JOINT RESOLUTION NO. 38	1	same county to be presided over by the same judge or judges.
2	INTRODUCED BY WHALEN, GIACOMETTO, DEMARS, HALLIGAN, ADDY,	2	
3	SPAETH, KILPATRICK, MCDONOUGH, MAZUREK	3	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE
4		4	HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF	5	That an appropriate interim committee be assigned to:
6	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN	6	(1) examine the current structure and operation of the
7	INTERIM STUDY ON THE ESTABLISHMENT OF LOCAL COURT DISTRICTS;	7	city AND MUNICIPAL courts in Montana;
8	AND REQUIRING A REPORT TO THE 52ND LEGISLATURE.	8	(2) identify problems associated with the current
9		9	judicial delivery system at the city AND MUNICIPAL court
10	WHEREAS, under current law, each city and town in	10	level; and
11	Nontana is required to establish a city or municipal court;	11	(3) study the feasibility of authorizing cities and
12	and	12	towns to establish local court districts, including the
13	WHEREAS, the judicial workload in some city courts is	13	method for establishing and terminating the districts; the
14	minimal; and	14	selection, compensation, gualifications, and jurisdiction of
15	WHEREAS, despite the minimal workload, a local	15	judges within the districts; and the method of funding the
16	governing body is required to pay the salary and annual	16	districts.
17	training costs for a city judge or to contract with a	17	BE IT FURTHER RESOLVED, that the committee report its
18	justice of the peace to provide judicial services; and	18	findings and options for legislative consideration to the
19	WHEREAS, a restructuring of the city court system in	19	52nd Legislature.
20	Montana could result in cost savings to cities and towns and		-End-
21	could enhance the delivery of judicial services to Montana		
22	citizens; and		
23	WHEREAS, one alternative to the current city court		
24	structure is the establishment of local court districts,		
25	which would permit two or more cities or towns within the		
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Linntana Legislative Council

- 2 -

REFERENCE BILL