

1                    HOUSE    BILL NO.    4  
 2    INTRODUCED BY HUENNEKENS, VINCENT, LORY  
 3  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A NEW  
 5    JUDICIAL DISTRICT, ALTER CERTAIN JUDICIAL DISTRICT  
 6    BOUNDARIES, AND CHANGE THE NUMBER OF JUDGES IN CERTAIN  
 7    JUDICIAL DISTRICTS; AMENDING SECTIONS 93-301 AND 93-302,  
 8    R.C.M. 1947; AND PROVIDING EFFECTIVE DATES."  
 9  
 10    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11        Section 1. Section 93-301, R.C.M. 1947, is amended to  
 12    read as follows:  
 13        "93-301. Judicial districts defined. In this state  
 14    there are ~~eighteen~~ 19 judicial districts, distributed as  
 15    follows:  
 16        First district: Lewis and Clark and Broadwater  
 17    counties.  
 18        Second district: Silver Bow ~~county~~ County.  
 19        Third district: Deer Lodge, Granite, and Powell  
 20    counties.  
 21        Fourth district: Missoula, Mineral, Lake, and Ravalli,  
 22    ~~and Sanders~~ counties.  
 23        Fifth district: Beaverhead, Jefferson, and Madison  
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 8            Eleventh district: Flathead ~~and Lincoln~~ counties  
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 10           Twelfth district: Liberty, Hill, and Blaine counties.  
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 12    Stillwater, and Treasure counties.  
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 14    and Musselshell counties.  
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 16    counties.  
 17           Sixteenth district: Custer, Carter, Fallon, Prairie,  
 18    Powder River, Garfield, and Rosebud counties.  
 19           Seventeenth district: Phillips and Valley counties.  
 20           Eighteenth district: Gallatin ~~county~~ County.  
 21           Nineteenth district: Lincoln and Sanders counties."  
 22        Section 2. Section 93-302, R.C.M. 1947, is amended to  
 23    read as follows:  
 24        "93-302. Number of judges. In each judicial district  
 25    there must be the following number of judges of the district

1 court, who must be elected by the qualified voters of the  
 2 district, and whose term of office must be ~~six (6) years, to~~  
 3 ~~wit: In~~ in the first, second, eleventh, and sixteenth, two  
 4 judges each; ~~in the thirteenth, eighth and fourth~~ fourth  
 5 and eighth, three judges; ~~in the thirteenth, four judges;~~  
 6 and, in all other districts, one judge each."

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 14 eighteenth, two judges each; ~~in the thirteenth, eighth and~~  
 15 ~~fourth~~ fourth and eighth, three judges; ~~in the thirteenth,~~  
 16 four judges; and, in all other districts, one judge each."

17 Section 4. New judges -- how selected. The judgeships  
 18 created by this act are to be filled initially in the same  
 19 manner as judicial vacancies are filled.

20 Section 5. Effective dates. Sections 1, 2, and 4 of  
 21 this act are effective July 1, 1977. Section 3 of this act  
 22 is effective July 1, 1980.

-End-

## STATE OF MONTANA

REQUEST NO. 46-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 10, 19 77, there is hereby submitted a Fiscal Note for House Bill 4 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF LEGISLATION:

An act to create a new judicial district, alter certain judicial district boundaries, and change the number of judges in certain judicial districts.

## ASSUMPTIONS:

1. District judges' salaries remain at \$25,000 per year.
2. Fringe benefits remain at 12% each year.
3. Mileage and per diem costs remain at the current rate.

## FISCAL IMPACT:

|  | <u>FY 78</u>    | <u>FY 79</u>    |
|--|-----------------|-----------------|
| One (1) additional judge in 19th Judicial District |                 |                 |
| Salary and benefits                                | \$28,000        | \$28,000        |
| Travel   | <u>4,000</u>    | <u>4,000</u>    |
|  | <u>\$32,000</u> | <u>\$32,000</u> |
| One (1) additional judge in 13th Judicial District |                 |                 |
| Salary and benefits                                | \$28,000        | \$28,000        |
| Travel   | <u>4,000</u>    | <u>4,000</u>    |
|  | <u>\$32,000</u> | <u>\$32,000</u> |
| Total increased cost of proposed legislation       | <u>\$64,000</u> | <u>\$64,000</u> |

## LOCAL IMPACT:

|   | <u>FY 78</u>     | <u>FY 79</u>     |
|---|------------------|------------------|
| Counties will have to fund the following: |                  |                  |
| Court Reporter                            | \$ 19,000        | \$ 19,000        |
| Operating Expenses                        | 4,000            | 4,000            |
| Other (Youth Probation)                   | <u>6,500</u>     | <u>6,500</u>     |
|   | <u>\$ 29,500</u> | <u>\$ 29,500</u> |

## LONG RANGE IMPACT:

Increases the number of district judges from 28 to 30 July 1, 1977, and from 30 to 31 July 1, 1980.

*Richard L. Drayton*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-14-77

Approved by Committee  
on Judiciary .

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6   BOUNDARIES, AND CHANGE THE NUMBER OF JUDGES IN CERTAIN  
7   JUDICIAL DISTRICTS; AMENDING SECTIONS 93-301 AND 93-302,  
8   R.C.M. 1947, ~~AND PROVIDING EFFECTIVE DATES.~~"  
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15   follows:  
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17   counties.  
18       Second district: Silver Bow ~~county~~ County.  
19       Third district: Deer Lodge, Granite, and Powell  
20   counties.  
21       Fourth district: Missoula, Mineral, Lake, and Ravalli,  
22   ~~and Sanders~~ counties.  
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6           Tenth district: Fergus, Judith Basin, and Petroleum  
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20 Section 5. ~~Effective dates. Sections 1, 2, and 4 of~~  
 21 ~~this act are effective July 1, 1977. Section 3 of this act~~  
 22 ~~is effective July 1, 1980.~~

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FINAL PRINTING

ADOPTED BY  
 HOUSE OF REPRESENTATIVES  
 AND SENATE

-2-

HB 4

1 there must be the following number of judges of the district  
 2 court, who must be elected by the qualified voters of the  
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 4 wit: in in the first, second, eleventh, and sixteenth, AND  
 5 EIGHTEENTH, two judges each; in the thirteenth, eighth and  
 6 fourth fourth and eighth, three judges; in the thirteenth,  
 7 four judges; and in all other districts, one judge each."

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 17 ~~four judges and in all other districts, one judge each."~~

18 Section 3. New judges -- how selected. The judgeships  
 19 created by this act ~~are to be filled initially in the same~~  
 20 ~~manner as judicial vacancies are filled~~ SHALL BE FILLED  
 21 INITIALLY AT THE 1978 GENERAL ELECTION ARE TO BE FILLED  
 22 INITIALLY IN THE SAME MANNER AS JUDICIAL VACANCIES ARE  
 23 FILLED IN PREVIOUSLY EXISTING DISTRICTS SHALL BE FILLED  
 24 INITIALLY AT THE 1978 GENERAL ELECTION AND SHALL TAKE OFFICE  
 25 ON JANUARY 1, 1979. THE JUDGE IN THE 19TH JUDICIAL DISTRICT

1 SHALL BE APPOINTED BY THE GOVERNOR UNDER THE PROVISIONS OF  
 2 93-705 THROUGH 93-717.

3 ~~Section 5. Effective dates. Sections 1, 2, and 4 of~~  
 4 ~~this act are effective July 1, 1977. Section 3 of this act~~  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 93-301, R.C.M. 1947, is amended to read as follows:

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First district: Lewis and Clark and Broadwater counties.

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Seventeenth district: Phillips and Valley counties.

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Section 2. Section 93-302, R.C.M. 1947, is amended to read as follows:

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March 11, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Judiciary

That House Bill No. 4, third reading, be amended as follows:

1. Amend page 1, section 1, line 21.

Following: "Lake,"

Strike: "and"

Following: "Ravalli"

Insert: ", "

2. Amend page 1, section 1, line 22.

Following: line 21

Insert: "and Sanders"

3. Amend page 2, section 1, line 21.

Following: "Lincoln"

Strike: "and Sanders counties"

Insert: "County"

March 14, 1977

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 4 be amended as follows:

1. Amend page 3, section 3, lines 18 and 19.

Following: "act"

Strike: "are to be filled initially in the same manner as judicial  
vacancies are filled"

Insert: "shall be filled initially at the 1978 general election"

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