

# CHAPTER NO. 542

## SENATE BILL NO. 202

INTRODUCED BY VAN VALKENBURG, TURNAGE, SEVERSON,  
WATT, PALMER, McCALLUM, MANLEY

### IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Judiciary.
January 24, 1979	Fiscal note requested.
January 29, 1979	Fiscal note returned.
February 5, 1979	Committee recommend bill do pass as amended. Report adopted.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, do pass as amended.
February 8, 1979	Correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

### IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Judiciary.
March 24, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1979	Second reading, pass consideration.
March 27, 1979	Second reading, concurred in as amended.
	Third reading, concurred in as amended.

IN THE SENATE

March 28, 1979	Returned from second house. Concurred in as amended.
March 30, 1979	Second reading, amendments adopted.
March 31, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

1 *Senate* BILL NO. *202*  
2 INTRODUCED BY *Van Vollenhoven, Turnquist, Stevens*  
3 *Walt Palmer, McCallum, Marly*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A FOURTH  
5 DISTRICT COURT JUDGE IN THE FOURTH JUDICIAL DISTRICT;  
6 AMENDING SECTION 3-5-102, MCA."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 3-5-102, MCA, is amended to read:

10 "3-5-102. Number of judges. In each judicial district  
11 there must be the following number of judges of the district  
12 court:

13 (1) in the 1st, 2nd, 11th, 16th, and 18th districts,  
14 two judges each;

15 (2) in the 4th--and 8th districts district, three  
16 judges each;

17 (3) in the 4th and 13th districts districts, four  
18 judges each;

19 (4) in all other districts, one judge each."

20 NEW SECTION. Section 2. New judge -- how selected.

21 The judgeship created by this act shall be filled initially  
22 at the 1980 general election, and the individual elected  
23 shall take office on the first Monday of January, 1981.

-End-

*SP 2*  
INTRODUCED BILL

## STATE OF MONTANA

REQUEST NO. 94-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 1979, there is hereby submitted a Fiscal Note for SB 202 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 PROPOSED LEGISLATION:

Senate Bill 202 would create an additional judgeship in the 4th Judicial District, for a total of 4 District Court Judges in that district.

ASSUMPTIONS:

- 1) The Judicial Agency will continue to pay only District Judges' salary, travel and training expenses. The counties pick up the judges' office operating expenses.
- 2) The 4th Judicial District in-state travel costs remain at approximately \$2,000/judge per fiscal year, as is projected from the first six months of FY 79.
- 3) The new judge will request to attend the General Jurisdiction Seminar at the National Judicial College approximately 4 to 5 months after he takes office.
- 4) The costs of training remain as they are in FY 79.

FISCAL IMPACT:

	<u>FY 79-80</u>	<u>FY 80-81</u>
Proposed Law		
Personal Services	- 0 -	\$19,250
Operating Expenses	- 0 -	2,200
Capital Outlay	- 0 -	<u>- 0 -</u>
Total expenditure under proposed law	- 0 -	\$21,450
Expenditures under current law	- 0 -	- 0 -
Increased expenditures under proposed law	- 0 -	<u>\$21,450</u>

LOCAL IMPACT:

Proposed Law		
Personal Services	- 0 -	\$11,750
Operating Expenses	- 0 -	2,180
Capital Outlay	- 0 -	<u>14,200</u>
Total expenditure under proposed law	- 0 -	28,130
Expenditures under current law	- 0 -	- 0 -
Increased expenditures under proposed law	- 0 -	<u>\$28,130</u>

LONG-RANGE EFFECTS:

Personal services and operating expenses would be continuing costs for each subsequent FY. All estimates above are based on  $\frac{1}{2}$  of FY 80-81, since the judge *Robert L. Drury Jr.* would take office on January 1, 1981.

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: *1/29/79*

Approved by Committee  
on Judiciary

-End-

SB202  
SECOND READING

1 SENATE BILL NO. 202  
2 INTRODUCED BY VAN VALKENBURG, TURNAGE, SEVERSON,  
3 WATT, PALMER, MCCALLUM, MANLEY  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A FOURTH  
6 DISTRICT COURT JUDGE IN THE FOURTH JUDICIAL DISTRICT;  
7 AMENDING SECTION 3-5-102, MCA"

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 3-5-102, MCA, is amended to read:

11 "3-5-102. Number of judges. In each judicial district

12 there must be the following number of judges of the district

13 court:

14 (1) in the 1st, 2nd, 11th, 16th, and 18th districts,

15 two judges each;

16 (2) in the 4th--end 8th districts district, three

17 judges each;

18 (3) in the 5th and 13th districts districts, four

19 judges each;

20 (4) in all other districts, one judge each."

21            SECTION 2. THERE IS A NEW MCA SECTION THAT READS:  
22    New judge -- how selected. The judgeship created by this act  
23    shall be filled initially at the 1980 general election, and  
24    the individual elected shall take office on the first Monday  
25    of January, 1981.

1 NEW SECTION—Section 3—New judge—how selected  
2 The judgeship created by this act shall be filled initially  
3 at the 1980 general election and the individual elected  
4 shall take office on the first Monday of January 1981.

-End-

1            NEW SECTION--Section-3--New--judge-----how--selected  
2    The judgeship created by this act shall be filled initially  
3    at the 1980 general election and the individual elected  
4    shall take office on the first Monday of January 1981.  
5            SECTION 3. THERE IS A NEW MCA SECTION THAT READS:  
6            Location of principal office. The principal office of  
7    the judgeship created by [this act] shall be in Lake County.  
8            THE CHIEF JUDGE OF THE DISTRICT SHALL HAVE AUTHORITY TO  
9    ASSIGN A JUDGE TO SUCH OFFICE.

-End-

HOUSE OF REPRESENTATIVES

March 23, 1979

Judiciary Committee amendments to SENATE BILL NO. 202, third reading copy, as follows:

1. Page 2.

Following: line 4

Insert: "SECTION 3. THERE IS A NEW MCA SECTION THAT READS:  
Location of principal office. The principal office of the  
judgeship created by [this act] shall be in Lake County."

HOUSE OF REPRESENTATIVES  
March 27, 1979

House Judiciary Committee Amendments dated 3/23/79, to Senate Bill  
No. 202, third reading copy, as follows:

1. Amendment No. 1, insertion paragraph.

Following: line 3 of insertion paragraph

Insert: "The chief judge of the district shall have authority  
to assign a judge to such office."

AND AS AMENDED,  
BE CONCURRED IN