

CHAPTER NO. 683

SENATE BILL NO. 286

INTRODUCED BY S. BROWN, TURNAGE

IN THE SENATE

January 29, 1979	Introduced and referred to Committee on State Administration.
January 30, 1979	Fiscal note requested.
January 31, 1979	Fiscal note returned.
February 9, 1979	Rereferred to Committee on Judiciary.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass as amended.
February 21, 1979	Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on State Administration.
March 2, 1979	Rereferred to Committee on Judiciary.
March 15, 1979	Committee recommend bill be concurred in. Report adopted.
March 16, 1979	Second reading, concurred in. On motion bill referred to Committee on Appropriations.
April 7, 1979	Committee recommend bill be not concurred in.

1
 2 INTRODUCED BY *Senate* BILL NO. *286*
 3 *S. Brown Turnage*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER
 5 OF ASSOCIATE JUSTICES ON THE SUPREME COURT; AMENDING
 6 SECTIONS 3-2-101 AND 13-14-101, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 3-2-101, MCA, is amended to read:

10 "3-2-101. Number, election, and term of office. The
 11 supreme court consists of a chief justice and four ~~six~~
 12 associate justices who are elected by the qualified electors
 13 of the state at large at the general state elections next
 14 preceding the expiration of the terms of office of their
 15 predecessors, respectively, and hold their offices for the
 16 term of 8 years from and after the first Monday of January
 17 next succeeding their election."

18 Section 2. Section 13-14-101, MCA, is amended to read:

19 "13-14-101. Judicial offices as separate and
 20 independent offices for election purposes. (1) Each vacancy
 21 for associate justice of the supreme court is a separate and
 22 independent office for election purposes. The chief justice
 23 of the supreme court shall assign an individual number to
 24 the ~~four~~ ~~six~~ associate justices and certify these numbers to
 25 the office of the secretary of state not less than 180 days

1 before a primary nominating election.

2 (2) Each judicial office in a district which has more
 3 than one district judge is a separate and independent office
 4 for election purposes.

5 (3) Different terms of office for the same position
 6 shall be considered separate offices."

-End-

STATE OF MONTANA

REQUEST NO. 181-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 30, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 286 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 286 would create two additional Justices for the Montana Supreme Court.

Assumption:

- 1) New Justices will take office and support personnel will begin work on July 1, 1979.
- 2) Support personnel for the two Justices will include three legal secretaries and four law clerks.

Fiscal Impact:

	<u>FY 79-80</u>	<u>FY 80-81</u>
Proposed Law		
Personal Services	\$177,280	\$177,280
Operating Expenses	15,200	10,270
Capital Outlay	<u>36,900</u>	<u>19,500</u>
Total expenditures under proposed law	\$229,380	\$207,050
Expenditures under current law	<u>- 0 -</u>	<u>- 0 -</u>
Increased expenditures under proposed law	<u>\$229,380</u>	<u>\$207,050</u>

The increased cost must be funded from the State General Fund.

Technical Notes:

Senate Bill 286 does not state when the new Justices will take office.

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/30/79

STATE OF MONTANA

REQUEST NO. 182-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 285 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

This proposed bill ends the special property tax classification and tax rate given to new property tax classification and tax rate given to new industrial property; provides an effective and applicability date.

The values for new industrial property fluctuates markedly from year to year because of the number of new applicants and the value of each company's property for tax purposes. This makes forecasting very difficult. Consequently, the last three years data are used to give a general idea of the impact of this proposal. This proposal repeals the new industrial classification so the impact if it had been in effect in the last three years would be an increase in revenues.

	Taxable Value of New Industrial Property Current Law	Effect If Proposal Had Been In Effect			
		Taxable Value of New Industrial Property	Increase in Taxable Value	Increase to Local Govt's @ 200 mills	Increase to State at 6 Mills
1976	\$2,305,414	\$9,880,344	\$7,574,930	\$1,514,986	\$45,450
1977	1,846,274	7,908,304	6,062,030	1,212,406	36,372
1978	351,262	1,072,730	721,468	144,294	4,329

EFFECT ON LOCAL GOVERNMENTS

Local governments would receive the full value of new industrial property for the first three years rather than a reduced value. This should increase revenues to local governments.

PREPARED BY DEPARTMENT OF REVENUE

Richard L. Drury Jr.
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1/2/79

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 2 INTRODUCED BY *S. Brown Turner*
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 15 predecessors, respectively, and hold their offices for the
 16 term of 8 years from and after the first Monday of January
 17 next succeeding their election."

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 23 of the supreme court shall assign an individual number to
 24 the four ~~six~~ associate justices and certify these numbers to
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1 before a primary nominating election.
 2 (2) Each judicial office in a district which has more
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 4 for election purposes.
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 6 shall be considered separate offices."

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SB 286

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2 INTRODUCED BY S. BROWN, TURNAGE

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5 OF ASSOCIATE JUSTICES ON THE SUPREME COURT BY ELECTION;
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14 preceding the expiration of the terms of office of their
15 predecessors, respectively, and hold their offices for the
16 term of 8 years from and after the first Monday of January
17 next succeeding their election."

18 SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

19 New justices -- how selected. The associate justices
20 created by [this act] shall be filled initially at the 1980
21 general election, and the individuals elected shall take
22 office on the first Monday of January, 1981.

23 Section 3. Section 13-14-101, MCA, is amended to read:

24 "13-14-101. Judicial offices as separate and
25 independent offices for election purposes. (1) Each vacancy

1 for associate justice of the supreme court is a separate and
2 independent office for election purposes. The chief justice
3 of the supreme court shall assign an individual number to
4 the four six associate justices and certify these numbers to
5 the office of the secretary of state not less than 180 days
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21 general election, and the individuals elected shall take
22 office on the first Monday of January, 1981.

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25 independent offices for election purposes. (1) Each vacancy

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2 independent office for election purposes. The chief justice
3 of the supreme court shall assign an individual number to
4 the four six associate justices and certify these numbers to
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SENATE BILL NO. 286

INTRODUCED BY S. BROWN, TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE, FOR AN 8-YEAR TERM, THE NUMBER OF ASSOCIATE JUSTICES ON THE SUPREME COURT BY ELECTION; TO CLARIFY THAT A MAJORITY OF ALL THE JUSTICES MUST CONCUR IN ANY DECISION OF THE COURT; AMENDING SECTIONS 3-2-101, 3-2-302, AND 13-14-101, MCA."

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

Section 1. Section 3-2-101, MCA, is amended to read:

"3-2-101. Number, election, and term of office. The supreme court consists of a chief justice and four six associate justices who are elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their election."

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

New justices -- how selected. The associate justices created by [this act] shall be filled initially at the 1980 general election, and the individuals elected shall take office on the first Monday of January, 1981.

Section 3. Section 13-14-101, MCA, is amended to read:

"13-14-101. Judicial offices as separate and independent offices for election purposes. (1) Each vacancy for associate justice of the supreme court is a separate and independent office for election purposes. The chief justice of the supreme court shall assign an individual number to the four six associate justices and certify these numbers to the office of the secretary of state not less than 180 days before a primary nominating election.

(2) Each judicial office in a district which has more than one district judge is a separate and independent office for election purposes.

(3) Different terms of office for the same position shall be considered separate offices."

SECTION 4. SECTION 3-2-302, MCA, IS AMENDED TO READ:

"3-2-302. Quorum. A majority of the justices is necessary to form a quorum or pronounce of the court. Any decision must be concurred in by a majority of the justices of the court, but one or more of the justices may adjourn the court from day to day or to a day certain."

SECTION 5. EFFECTIVE PERIOD. THIS ACT IS EFFECTIVE UNTIL THE FIRST MONDAY OF JANUARY, 1989, AT WHICH TIME THE NUMBER OF ASSOCIATE JUSTICES AUTHORIZED BY THIS ACT SHALL REVERT TO FOUR. THE CODE COMMISSIONER IS DIRECTED TO MAKE APPROPRIATE CHANGES IN THE MONTANA CODE ANNOTATED TO REFLECT THE INTENT OF THIS SECTION.

SB 0286/04

1 ~~SECTION 4. SEVERABILITY. IF A PART OF THIS ACT IS~~
2 ~~INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID~~
3 ~~PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN~~
4 ~~ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT~~
5 ~~IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE~~
6 ~~INVALID APPLICATIONS.~~

-End-

HOUSE OF REPRESENTATIVES

April 16, 1979

Committee of the Whole amendments to SENATE BILL NO. 286, reference printing.

1. Title, line 4.

Following: "INCREASE"

Insert: ", FOR AN 8-YEAR TERM,"

2. Title.

Following: line 5

Insert: "TO CLARIFY THAT A MAJORITY OF ALL THE JUSTICES MUST CONCUR
IN ANY DECISION OF THE COURT;"

3. Title, line 6.

Following: "3-2-101"

Insert: ", 3-2-302,"

4. Page 2.

Following: line 11

Insert: "SECTION 4. SECTION 3-2-302, MCA, IS AMENDED TO READ:

"3-2-302. Quorum. A majority of the justices is necessary to form a quorum of the court. ~~or-pronounce~~ Any decision must be concurred in by a majority of the justices of the court, but one or more of the justices may adjourn the court from day to day or to a day certain."

Section 5. Effective period. This act is effective until the first Monday of January, 1989, at which time the number of associate justices authorized by this act shall revert to four. The code commissioner is directed to make appropriate changes in the Montana Code Annotated to reflect the intent of this section.

Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And as amended
be concurred in.