

SENATE BILL NO. 26

INTRODUCED BY MAZUREK, CURTISS

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

IN THE SENATE

January 3, 1983	Introduced and referred to Committee on Judiciary.
January 4, 1983	Fiscal Note requested.
January 10, 1983	Fiscal Note returned.
February 8, 1983	Committee recommend bill do pass as amended. Report adopted.
February 9, 1983	Bill printed and placed on members' desks.
February 10, 1983	Second reading, do pass as amended.
February 11, 1983	Correctly engrossed.
February 12, 1983	Third reading, passed. Ayes, 43; Noes, 5. Transmitted to House.

IN THE HOUSE

February 14, 1983	Introduced and referred to Committee on Judiciary.
March 11, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 15, 1983	Second reading, pass consideration.
March 18, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in.

IN THE SENATE

March 21, 1983

Returned to Senate with  
amendments.

March 22, 1983

Second reading, amendments  
concurred in.

March 23, 1983

Third reading, amendments  
concurred in. Ayes, 49;  
Noes, 1.

Sent to enrolling.

Reported correctly enrolled.

1                    SENATE    BILL NO.   26  
 2    INTRODUCED BY MAZUREK, CURTISS  
 3                    BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY  
 4  
 5    A BILL FOR AN ACT ENTITLED:    "AN ACT TO ALTER CERTAIN  
 6    JUDICIAL DISTRICT BOUNDARIES AND TO CHANGE THE NUMBER OF  
 7    JUDGES IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE  
 8    ELECTION OF NEW JUDGES; PROVIDING ABBREVIATED TERMS OF  
 9    OFFICE FOR CERTAIN JUDGES; AMENDING SECTIONS 3-5-101,  
 10   3-5-102, AND 3-5-203, MCA; AND PROVIDING A TERMINATION DATE  
 11   AND EFFECTIVE DATES."  
 12  
 13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14        Section 1. Section 3-5-101, MCA, is amended to read:  
 15        "3-5-101. Judicial districts defined. In this state  
 16    there are 19 judicial districts, distributed as follows:  
 17        (1) 1st district: Lewis and Clark and Broadwater  
 18    Counties;  
 19        (2) 2nd district: Silver Bow County;  
 20        (3) 3rd district: Deer Lodge, Granite, and Powell  
 21    Counties;  
 22        (4) 4th district: Missoula, Mineral, Lake, Ravalli,  
 23    and Sanders Counties;  
 24        (5) 5th district: Beaverhead, Jefferson, and Madison  
 25    Counties;

1                    (6) 6th district: Park, ~~Stillwater~~, Carbon, and Sweet  
 2    Grass Counties;  
 3                    (7) 7th district: Dawson, McCone, Richland, ~~Prairie~~,  
 4    ~~Garfield~~, and Wibaux Counties;  
 5                    (8) 8th district: Cascade ~~and~~ ~~Chouteau~~ ~~Counties~~  
 6    ~~County~~;  
 7                    (9) 9th district: Teton, Pondera, Toole, and Glacier  
 8    Counties;  
 9                    (10) 10th district: Fergus, Judith Basin, ~~Meagher~~,  
 10    ~~Wheatland~~, ~~Golden~~, ~~Valley~~, ~~Musselshell~~, and Petroleum  
 11    Counties;  
 12                    (11) 11th district: Flathead County;  
 13                    (12) 12th district: Liberty, Hill, and ~~Belt~~ ~~Chouteau~~  
 14    Counties;  
 15                    (13) 13th district: Yellowstone, and Big Horn, ~~Carbon~~,  
 16    ~~Stillwater~~, and Treasure Counties;  
 17                    (14) 14th district: ~~Meagher~~, ~~Wheatland~~, ~~Golden~~, ~~Valley~~,  
 18    ~~and Musselshell~~ ~~Counties~~ ~~Ravalli~~ ~~County~~;  
 19                    (15) 15th district: Roosevelt, Daniels, and Sheridan  
 20    Counties;  
 21                    (16) 16th district: Custer, Carter, Fallon, ~~Prairie~~,  
 22    Powder River, ~~Garfield~~ ~~Treasure~~, and Rosebud Counties;  
 23                    (17) 17th district: Phillips, ~~Blaine~~, and Valley  
 24    Counties;  
 25                    (18) 18th district: Gallatin County;

INTRODUCED BILL

(19) 19th district: Lincoln County."

Section 2. Section 3-5-102, MCA, is amended to read:

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

(1) in the ~~1st, 2nd, 6th, 7th, 10th, 11th, 16th, and 18th~~ districts, two judges each;

(2) in the ~~1st and 8th district districts~~, three judges each;

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

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

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

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

(1) in the ~~1st, 2nd, 6th, 7th, 10th, 11th, 16th, and 18th~~ districts, two judges each;

(2) in the ~~1st and 8th district districts~~, three judges each;

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

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

**NEW SECTION.** Section 4. Selection of new judges. (1) Except as provided in subsection (2), the judgeships created by this act shall be initially filled at the 1984 general election, and the individuals elected shall take office on

the first Monday of January, 1985.

(2) A judgeship created by this act may be initially filled at the 1983 general election if a majority of the county commissioners in each county within the judicial district where the judge will be elected agree to conduct the election. The individual elected shall take office on the first Monday of January, 1984.

**NEW SECTION.** Section 5. Term of office for certain judges. The term of office for any judge elected on or after November 8, 1983, but before November 8, 1988, including those judges elected under [section 4], shall expire January 2, 1989.

Section 6. Section 3-5-203, MCA, is amended to read: "3-5-203. Term of office. ~~The Except as provided in [section 5], the~~ term of office of judges of the district court is 6 years and begins on the first Monday of January next succeeding their election."

**NEW SECTION.** Section 7. 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.

**NEW SECTION.** Section 8. Effective dates. (1) Except as provided in subsection (2):

LC 0135/01

- 1       (a) section 1 is effective January 7, 1985;  
2       (b) section 2 is effective January 7, 1985, and  
3       terminates January 2, 1989.  
4       (2) Sections 1 and 2 or portions thereof are effective  
5       January 2, 1984, as necessary to accommodate early elections  
6       provided in section 4(2).  
7       (3) Section 3 is effective January 2, 1989.  
8       (4) Sections 4 through 7 are effective October 1,  
9       1983.

-End-

## STATE OF MONTANA

REQUEST NO. 008-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 4, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 26 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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 26 is an act to alter certain judicial district boundaries and to change the number of judges in certain judicial districts; providing for the election of new judges; providing abbreviated terms of office for certain judges; amending Sections 3-5-101, 3-5-102, and 3-5-203, MCA; and providing a termination date and effective dates. This bill adds four judges.

ASSUMPTIONS:

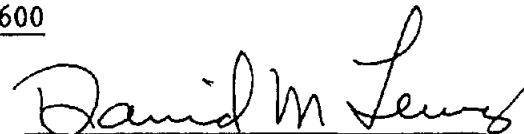
- 1) Each additional judge will be elected in the 1984 general election.
- 2) Each additional judge and staff will take office or begin work on or about January 1, 1985.
- 3) Each additional judge will have a staff consisting of one secretary and court reporter.

FISCAL IMPACT:

(State Expenditures)	<u>FY 83-84</u>	<u>FY 84-85</u>
Proposed Law		
Personal Services	-0-	104,500
Operating Expenses	-0-	6,000
Capital Outlay	-0-	-0-
Additional Expenditures for		
Proposed Law	-0-	<u>\$110,500</u>

LOCAL IMPACT:

(County Expenditures)		
Personal Services	-0-	72,000
Operating Expenses	-0-	6,800
Capital Outlay	-0-	22,800
Additional Expenditures for		
Proposed Law	-0-	<u>\$101,600</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-10-83

Approved by Committee  
on Judiciary

## SENATE BILL NO. 26

INTRODUCED BY MAZUREK, CURTISS

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALTER CERTAIN JUDICIAL DISTRICT BOUNDARIES AND TO CHANGE THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE ELECTION OF NEW JUDGES; PROVIDING ABBREVIATED TERMS OF OFFICE FOR CERTAIN JUDGES; AMENDING SECTIONS 3-5-101, AND 3-5-102, AND 3-5-203, MCA; AND PROVIDING A TERMINATION DATE AND EFFECTIVE DATES."

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

Section 1. Section 3-5-101, MCA, is amended to read:

"3-5-101. Judicial districts defined. In this state there are 19 judicial districts, distributed as follows:

(1) 1st district: Lewis and Clark and Broadwater Counties;

(2) 2nd district: Silver Bow County;

(3) 3rd district: Deer Lodge, Granite, and Powell Counties;

(4) 4th district: Missoula, Mineral, Lakey, Ravalli, and Sanders RAVALLI Counties;

(5) 5th district: Beaverhead, Jefferson, and Madison Counties;

(6) 6th district: Park, ~~Stillwater~~, Carbon, and Sweet Grass Counties;

(7) 7th district: Dawson, McCone, Richland, ~~Prairie~~, Garfield, and Wibaux Counties;

(8) 8th district: Cascade and ~~Chouteau~~ Counties;

(9) 9th district: Teton, Pondera, Toole, and Glacier Counties;

(10) 10th district: Fergus, Judith Basin, ~~Meagher~~, Wheatland, ~~Golden~~, Valley, ~~Musselshell~~, and Petroleum Counties;

(11) 11th district: Flathead County;

(12) 12th district: Liberty, Hill, and Blaine Chouteau Counties;

(13) 13th district: Yellowstone, ~~Stillwater~~, Carbon, and Big Horn, Carbon, Stillwater, and Treasure Counties;

(14) 14th district: Meagher, Wheatland, Golden, Valley, and Musselshell Counties ~~Ravalli~~ County MEAGHER, WHEATLAND, GOLDEN VALLEY, AND MUSSELSHELL COUNTIES;

(15) 15th district: Roosevelt, Daniels, and Sheridan Counties;

(16) 16th district: Custer, Carter, Fallon, Prairie, Powder River, Garfield, Treasure, and Rosebud Counties;

(17) 17th district: Phillips, Blaine, and Valley Counties;

(18) 18th district: Gallatin County;

(19) 19th district: Lincoln County;

~~(20) 20TH DISTRICT: LAKE AND SANDERS COUNTIES."~~

Section 2. Section 3-5-102, MCA, is amended to read:

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

(1) in the ~~1st, 2nd, 6th, 7th, 10th, 11th, 16th, and 18th~~ districts, two judges each;

(2) in the ~~1st and 8th district districts~~, three judges each;

(3) in the 4th ~~and 13th districts~~ ~~DISTRICT~~, four judges each;

~~(4) IN THE 13TH DISTRICT, FIVE JUDGES;~~

~~(4)(5) in all other districts, one judge each."~~

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

~~"3-5-102. Number of judges. In each judicial district there must be the following number of judges of the district courts~~

~~(1) in the 1st, 2nd, 6th, 7th, 10th, 11th, 16th, and 18th districts, two judges each;~~

~~(2) in the 1st and 8th district districts, three judges each;~~

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

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

**NEW SECTION.** Section 3. Selection of new judges. (1)

Except as provided in subsection (2), the judgeships created by this act shall be initially filled at the 1984 general election, and the individuals elected shall take office on the first Monday of January, 1985.

(2) A judgeship created by this act may be initially filled at the 1983 general election if a majority of the county commissioners in each county within the judicial district where the judge will be elected agree to conduct the election. The individual elected shall take office on the first Monday of January, 1984.

~~NEW SECTION. Section 5. Term of office for certain judges. The term of office for any judge elected on or after November 8, 1983, but before November 8, 1988, including those judges elected under [section 4], shall expire January 2, 1989.~~

~~Section 6. Section 3-5-203, MCA, is amended to read:~~

~~"3-5-203. Term of office. The except as provided in [section 5] the term of office of judges of the district court is 6 years and begins on the first Monday of January next succeeding their election."~~

**NEW SECTION.** Section 4. 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



1 in effect in all valid applications that are severable from  
2 the invalid applications.

3 NEW\_SECTION. Section 5. Effective dates. (1) Except  
4 as provided in subsection (2)\*1

5 (a) ~~section--1--is~~ SECTIONS 1 AND 2 ARE effective  
6 January 7, 1985\*1

7 (b) ~~section--2--is--effective--January--7,--1985,--and~~  
8 ~~terminates--January--2,--1989.~~

9 (2) Sections 1 and 2 or portions thereof are effective  
10 January 2, 1984, as necessary to accommodate early elections  
11 provided in section 43(2).

12 (3) ~~Section--3--is--effective--January--2,--1989.~~

13 (4) (3) Sections 4 ~~through--7~~ 3 AND 4 are effective  
14 October 1, 1983.

-End-

## SENATE BILL NO. 26

INTRODUCED BY MAZUREK, CURTISS

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALTER CERTAIN JUDICIAL DISTRICT BOUNDARIES AND TO CHANGE THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE ELECTION OF NEW JUDGES; ~~PROVIDING--ABBREVIATED--TERMS--OF--OFFICE--FOR--CERTAIN--JUDGES~~; AMENDING SECTIONS 3-5-101, AND 3-5-102, AND 3-5-203, MCA; AND PROVIDING ~~A--TERMINATION--DATE--AND--EFFECTIVE--DATES--~~."

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

Section 1. Section 3-5-101, MCA, is amended to read:

"3-5-101. Judicial districts defined. In this state there are 19 judicial districts, distributed as follows:

(1) 1st district: Lewis and Clark and Broadwater Counties;

(2) 2nd district: Silver Bow County;

(3) 3rd district: Deer Lodge, Granite, and Powell Counties;

(4) 4th district: Missoula, Mineral, Lake, Ravalli, and Sanders RAVALLI Counties;

(5) 5th district: Beaverhead, Jefferson, and Madison Counties;

(6) 6th district: Park, ~~Stillwater, Carbon~~ and Sweet Grass Counties;

(7) 7th district: Dawson, McCone, Richland, ~~Prairie~~, Garfield, and Wibaux Counties;

(8) 8th district: Cascade ~~and Chouteau~~ Counties;

(9) 9th district: Teton, Pondera, Toole, and Glacier Counties;

(10) 10th district: Fergus, Judith Basin, ~~Meagher~~, Wheatland, ~~Golden~~, ~~Valley~~, ~~Musselshell~~, and Petroleum Counties;

(11) 11th district: Flathead County;

(12) 12th district: Liberty, Hill, and Blaine Chouteau Counties;

(13) 13th district: Yellowstone, ~~STILLWATER, CARBON~~, and Big Horn, Carbon, ~~Stillwater~~, and Treasure Counties;

(14) 14th district: Meagher, Wheatland, Golden, Valley, ~~and Musselshell~~ Counties, ~~Ravalli~~ County, MEAGHER, WHEATLAND, GOLDEN, VALLEY, AND MUSSELSHELL COUNTIES;

(15) 15th district: Roosevelt, Daniels, and Sheridan Counties;

(16) 16th district: Custer, Carter, Fallon, ~~Prairie~~, Powder River, Garfield, Treasure, and Rosebud Counties;

(17) 17th district: Phillips, Blaine, and Valley Counties;

(18) 18th district: Gallatin County;

(19) 19th district: Lincoln County;

~~(20) 20TH DISTRICT: LAKE AND SANDERS COUNTIES."~~

Section 2. Section 3-5-102, MCA, is amended to read:

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

(1) in the 1st, 2nd, ~~6th, 7th, 8th, 9th, 10th, 11th, 16th,~~ and 18th districts, two judges each;

(2) in the 1st and 8th district districts, three judges each;

(3) in the 4th and ~~13th~~ districts DISTRICT, four judges each;

~~(4) IN THE 13TH DISTRICT, FIVE JUDGES;~~

~~(4)(1) in all other districts, one judge each."~~

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

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

~~(1) in the 1st, 2nd, 6th, 7th, 8th, 9th, 10th, 11th, 16th, and 18th districts, two judges each;~~

~~(2) in the 1st and 8th district districts, three judges each;~~

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

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

NEW SECTION. Section 3. Selection of new judges. (1) Except as provided in subsection (2), the judgeships created by this act shall be initially filled at the 1984 general election, and the individuals elected shall take office on the first Monday of January, 1985.

(2) A judgeship created by this act may be initially filled at the 1983 general election if a majority of the county commissioners in each county within the judicial district where the judge will be elected agree to conduct the election. The individual elected shall take office on the first Monday of January, 1984.

~~NEW SECTION. Section 5. Term of office for certain judges. The term of office for any judge elected on or after November 8, 1983, but before November 8, 1988, including those judges elected under [section 4], shall expire January 2, 1989.~~

~~Section 6. Section 3-5-203, MCA, is amended to read:~~

~~"3-5-203. Term of office. The Except as provided in [section 5], the term of office of judges of the district court is 6 years and begins on the first Monday of January next succeeding their elections."~~

NEW SECTION. Section 4. 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

1 in effect in all valid applications that are severable from  
2 the invalid applications.

3 ~~NEW SECTION.~~ Section 5. Effective dates. (1) Except  
4 as provided in subsection (2),

5 ~~(a) section 1 is~~ SECTIONS 1 AND 2 ARE effective  
6 January 7, 1985.

7 ~~(b) section 2 is effective January 7, 1985, and~~  
8 ~~terminates January 2, 1989.~~

9 (2) Sections 1 and 2 or portions thereof are effective  
10 January 2, 1984, as necessary to accommodate early elections  
11 provided in section 42(2).

12 ~~(3) Section 3 is effective January 2, 1989.~~

13 ~~(4) Sections 4 through 7~~ 1 AND 4 are effective  
14 October 1, 1983.

-End-

HOUSE JUDICIARY COMMITTEE

AMENDMENTS TO SENATE BILL 26

March 11, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

1. Page 2, line 4.

Strike: "Garfield,"

2. Page 2, line 23

Following: "Garfield"

Insert: "Garfield,"

AND AS AMENDED

BE CONCURRED IN

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Section 1. Section 3-5-101, MCA, is amended to read:

"3-5-101. Judicial districts defined. In this state there are 19 judicial districts, distributed as follows:

(1) 1st district: Lewis and Clark and Broadwater Counties;

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(3) 3rd district: Deer Lodge, Granite, and Powell Counties;

(4) 4th district: Missoula, Mineral, Lake, ~~Revel~~, and Sanders ~~RAVALLI~~ Counties;

(5) 5th district: Beaverhead, Jefferson, and Madison Counties;

(6) 6th district: Park, ~~Stillwater~~, ~~Carbon~~, and Sweet Grass Counties;

(7) 7th district: Dawson, McCone, Richland, ~~Prairie~~, ~~Garfield~~, and Wibaux Counties;

(8) 8th district: Cascade and ~~Chouteau~~ Counties;

(9) 9th district: Teton, Pondera, Toole, and Glacier Counties;

(10) 10th district: Fergus, Judith Basin, ~~Meagher~~, ~~Wheatland~~, ~~Golden~~, ~~Valley~~, ~~Musselshell~~, and Petroleum Counties;

(11) 11th district: Flathead County;

(12) 12th district: Liberty, Hill, and ~~Steele~~ ~~Chouteau~~ Counties;

(13) 13th district: Yellowstone, ~~Stillwater~~, ~~Carbon~~, and Big Horn, ~~Carbon~~, ~~Stillwater~~, and Treasure Counties;

(14) 14th district: Meagher, ~~Wheatland~~, ~~Golden~~, ~~Valley~~, and ~~Musselshell~~ Counties ~~Revel~~ County ~~MEAGHER, WHEATLAND, GOLDEN, VALLEY, AND MUSSELSHELL COUNTIES~~;

(15) 15th district: Roosevelt, Daniels, and Sheridan Counties;

(16) 16th district: Custer, Carter, Fallon, ~~Prairie~~, Powder River, ~~Garfield~~ ~~GARFIELD~~, Treasure, and Rosebud Counties;

(17) 17th district: Phillips, ~~Blaine~~, and Valley

1 Counties;

2 (18) 18th district: Gallatin County;

3 (19) 19th district: Lincoln County;

4 ~~(20) 20th district: Lake and Sanders Counties."~~

5 Section 2. Section 3-5-102, MCA, is amended to read:

6 "3-5-102. Number of judges. In each judicial district

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

8 court:

9 (1) in the 1st, 2nd, ~~4th, 7th, 10th, 11th, 16th,~~ and

10 18th districts, two judges each;

11 (2) in the ~~1st and 8th district districts,~~ three

12 judges each;

13 (3) in the 4th and ~~13th districts~~ DISTRICT, four

14 judges each;

15 ~~(4) in the 13th district, five judges;~~

16 ~~(4)(5) in all other districts, one judge each."~~

17 Section 3. ~~Section 3-5-102, MCA, is amended to read:~~

18 ~~"3-5-102. Number of judges. In each judicial district~~

19 ~~there must be the following number of judges of the district~~

20 ~~court:~~

21 ~~(1) in the 1st, 2nd, 4th, 7th, 10th, 11th, 16th, and~~

22 ~~18th districts, two judges each;~~

23 ~~(2) in the 1st and 8th district districts, three~~

24 ~~judges each;~~

25 ~~(3) in the 4th and 13th districts, four judges each;~~

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

2 NEW SECTION. Section 3. Selection of new judges. (1)

3 Except as provided in subsection (2), the judgeships created

4 by this act shall be initially filled at the 1984 general

5 election, and the individuals elected shall take office on

6 the first Monday of January, 1985.

7 (2) A judgeship created by this act may be initially

8 filled at the 1983 general election if a majority of the

9 county commissioners in each county within the judicial

10 district where the judge will be elected agree to conduct

11 the election. The individual elected shall take office on

12 the first Monday of January, 1984.

13 ~~NEW SECTION. Section 5. Term of office for certain~~

14 ~~judges. The term of office for any judge elected on or~~

15 ~~after November 8, 1983, but before November 8, 1989,~~

16 ~~including those judges elected under [section 4], shall~~

17 ~~expire January 2, 1989.~~

18 ~~Section 6. Section 3-5-203, MCA, is amended to read:~~

19 ~~"3-5-203. Term of office. The Except as provided in~~

20 ~~(section 5), the term of office of judges of the district~~

21 ~~court is 6 years and begins on the first Monday of January~~

22 ~~next succeeding their election."~~

23 NEW SECTION. Section 4. Severability. If a part of

24 this act is invalid, all valid parts that are severable from

25 the invalid part remain in effect. If a part of this act is

1 Invalid in one or more of its applications, the part remains  
2 in effect in all valid applications that are severable from  
3 the Invalid applications.

4 ~~NEW SECTION.~~ Section 5. Effective dates. (1) Except  
5 as provided in subsection (2)\*~~2~~

6 ~~{a}--section--1--is~~ SECTIONS 1 AND 2 ARE effective  
7 January 7, 1985\*~~2~~

8 ~~{b}--section--2--is--effective--January--7--1985--and~~  
9 ~~terminates-January-2--1989.~~

10 (2) Sections 1 and 2 or portions thereof are effective  
11 January 2, 1984, as necessary to accommodate early elections  
12 provided in section 41(2).

13 ~~{3}--Section-3-is-effective-January-2--1989.~~

14 ~~{4}{3}~~ Sections 4--through--7 3 AND 4 are effective  
15 October 1, 1983.

-End-



## SENATE BILL NO. 26

INTRODUCED BY MAZUREK, CURTISS

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALTER CERTAIN JUDICIAL DISTRICT BOUNDARIES AND TO CHANGE THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE ELECTION OF NEW JUDGES; ~~PROVIDING--ABBREVIATED--TERMS-OF~~ ~~OFFICE-FOR-CERTAIN-JUDGES;~~ AMENDING SECTIONS 3-5-101, AND 3-5-102, AND 3-5-203, MCA; AND PROVIDING A ~~TERMINATION-DATE~~ AND EFFECTIVE DATES."

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

Section 1. Section 3-5-101, MCA, is amended to read:

"3-5-101. Judicial districts defined. In this state there are ~~19~~ 20 judicial districts, distributed as follows:

(1) 1st district: Lewis and Clark and Broadwater Counties;

(2) 2nd district: Silver Bow County;

(3) 3rd district: Deer Lodge, Granite, and Powell Counties;

(4) 4th district: Missoula, Mineral, Lake, Ravalli, and Sanders RAVALLI Counties;

(5) 5th district: Beaverhead, Jefferson, and Madison Counties;

(6) 6th district: Park, ~~Stillwater, Carbon~~ and Sweet Grass Counties;

(7) 7th district: Dawson, McCone, Richland, ~~Prairie, Garfield~~ and Wibaux Counties;

(8) 8th district: Cascade and ~~Chouteau~~ Counties;

(9) 9th district: Teton, Pondera, Toole, and Glacier Counties;

(10) 10th district: Fergus, Judith Basin, ~~Meagher, Wheatland, Golden, Valley, Musselshell~~ and Petroleum Counties;

(11) 11th district: Flathead County;

(12) 12th district: Liberty, Hill, and ~~Blaine~~ Chouteau Counties;

(13) 13th district: Yellowstone, ~~STILLWATER, CARBON,~~ and Big Horn, Carbon, Stillwater, and Treasure Counties;

(14) 14th district: Meagher, Wheatland, Golden, Valley, and Musselshell Counties ~~Ravalli~~ County MEAGHER, WHEATLAND, GOLDEN, VALLEY, AND MUSSELSHELL COUNTIES;

(15) 15th district: Roosevelt, Daniels, and Sheridan Counties;

(16) 16th district: Custer, Carter, Fallon, ~~Prairie~~ Powder River, Garfield GAREFIELD, Treasure, and Rosebud Counties;

(17) 17th district: Phillips, ~~Blaine~~, and Valley

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1 Counties;

2 (18) 18th district: Gallatin County;

3 (19) 19th district: Lincoln County;

4 ~~(20) 20TH DISTRICT: LAKE AND SANDERS COUNTIES."~~

5 Section 2. Section 3-5-102, MCA, is amended to read:

6 "3-5-102. Number of judges. In each judicial district  
7 there must be the following number of judges of the district  
8 court:

9 (1) in the 1st, 2nd, ~~6th, 7th, 10th, 11th, 16th, and~~  
10 18th districts, two judges each;

11 (2) in the 1st and 8th district districts, three  
12 judges each;

13 (3) in the 4th and ~~13th districts~~ DISTRICT, four  
14 judges each;

15 ~~(4) IN THE 13TH DISTRICT, FIVE JUDGES;~~

16 ~~(4)(5) In all other districts, one judge each."~~

17 ~~Section 3. Section 3-5-102, MCA, is amended to read:~~

18 ~~"3-5-102. Number of judges. In each judicial district  
19 there must be the following number of judges of the district  
20 courts~~

21 ~~(1) in the 1st, 2nd, 6th, 7th, 10th, 11th, 16th, and  
22 18th districts, two judges each;~~

23 ~~(2) in the 1st and 8th district districts, three  
24 judges each;~~

25 ~~(3) in the 4th and 13th districts, four judges each;~~

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

2 ~~NEW SECTION.~~ Section 3. Selection of new Judges. (1)

3 Except as provided in subsection (2), the judgeships created  
4 by this act shall be initially filled at the 1984 general  
5 election, and the individuals elected shall take office on  
6 the first Monday of January, 1985.

7 (2) A judgeship created by this act may be initially  
8 filled at the 1983 general election if a majority of the  
9 county commissioners in each county within the judicial  
10 district where the judge will be elected agree to conduct  
11 the election. The individual elected shall take office on  
12 the first Monday of January, 1984.

13 ~~NEW SECTION. Section 5. Term of office for certain  
14 judges. The term of office for any judge elected on or  
15 after November 8, 1983, but before November 8, 1989,  
16 including those judges elected under [section 4], shall  
17 expire January 2, 1989.~~

18 ~~Section 6. Section 3-5-203, MCA, is amended to read:~~

19 ~~"3-5-203. Term of office. The Except as provided in  
20 [section 5], the term of office of judges of the district  
21 court is 6 years and begins on the first Monday of January  
22 next succeeding their election."~~

23 ~~NEW SECTION.~~ Section 4. Severability. If a part of  
24 this act is invalid, all valid parts that are severable from  
25 the invalid part remain in effect. If a part of this act is

1 invalid in one or more of its applications, the part remains  
2 in effect in all valid applications that are severable from  
3 the invalid applications.

4 NEW SECTION. Section 5. Effective dates. (1) Except  
5 as provided in subsection (2)\*,a

6 ~~(a)--section--1--is~~ SECTIONS 1 AND 2 ARE effective  
7 January 7, 1985†,a

8 ~~(b)--section--2--is--effective--January--7--1985--and~~  
9 ~~terminates--January--2--1989.~~

10 (2) Sections 1 and 2 or portions thereof are effective  
11 January 2, 1984, as necessary to accommodate early elections  
12 provided in section 43(2).

13 ~~(3)--Section--3--is--effective--January--2--1989.~~

14 ~~††(3)~~ Sections 4--through--7 1 AND 4 are effective  
15 October 1, 1983.

-End-