

1 *House* BILL NO. *493*  
 2 INTRODUCED BY *THOMAS METZGER* *HARP* *By* ~~\_\_\_\_\_~~ *Lebb*  
 3 *Brainard AKLESTAD*

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE JUDICIAL REDISTRICTING COMMISSION;  
 5 PROVIDING FOR APPOINTMENTS TO THE COMMISSION; DIRECTING THE COMMISSION TO CONDUCT  
 6 A COMPREHENSIVE REVIEW AND ASSESSMENT OF THE MONTANA JUDICIAL DISTRICTING SYSTEM;  
 7 APPROPRIATING FUNDS FOR THE OPERATION OF THE COMMISSION; AND PROVIDING AN EFFECTIVE  
 8 DATE AND A TERMINATION DATE."  
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10 WHEREAS, it is apparent that the equitable administration of justice throughout the State of  
 11 Montana is at times thwarted because of the tremendous caseload of certain District Courts; and

12 WHEREAS, the civil and criminal caseload of certain District Courts is so large that unreasonable  
 13 delays in the resolution of conflicts and prosecution of criminal activity often occur; and

14 WHEREAS, the last study of judicial districting in Montana was completed in 1982; and

15 WHEREAS, because caseloads of District Courts have continued to grow since 1982, it is apparent  
 16 that it is time to again study District Court districting and that the piecemeal addition of judges is no longer  
 17 the solution.

18 THEREFORE, the Legislature finds that it is appropriate that an interim commission be established  
 19 and assigned to complete a comprehensive review and assessment of the Montana District Court system  
 20 and to develop a plan to ensure the equitable distribution of caseloads in order to effectuate the equitable  
 21 administration of justice in Montana.

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 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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25 NEW SECTION. **Section 1. Judicial redistricting commission -- composition -- vacancies.** (1) There  
 26 is a judicial redistricting commission.

27 (2) The commission is composed of the following members:

28 (a) two members of the house of representatives, one from each party, appointed by the speaker  
 29 of the house;

30 (b) two members of the senate, one from each party, appointed by the president of the senate; and

1 (c) one person, appointed by the chief justice of the supreme court.

2 (3) The members shall elect a presiding officer from among the members.

3 (4) The appointments required by subsection (2) must be made before July 15, 1997.

4 (5) A vacancy occurring on the commission must be filled in the same manner as the original  
5 appointment.

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7 **NEW SECTION. Section 2. Meetings.** The presiding officer shall schedule meetings of the  
8 commission as considered necessary and shall give notice of the time and place of each meeting to the  
9 members of the commission.

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11 **NEW SECTION. Section 3. Reimbursement of expenses -- compensation.** (1) The nonlegislative  
12 member of the commission, is entitled to reimbursement for expenses as provided in 2-18-501 through  
13 2-18-503.

14 (2) A legislative member appointed under [section 1] is entitled to compensation and expenses as  
15 provided in 5-2-302.

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17 **NEW SECTION. Section 4. Powers and duties -- staff support -- recommendations -- report.** (1)  
18 The commission shall make a thorough study of the judicial districting system in Montana. The study must  
19 include consideration of:

20 (a) the necessity for restructuring Montana's judicial districts, taking into account civil and criminal  
21 caseloads as well as geographical considerations;

22 (b) the loss of judicial time and efficiency spent commuting between district courts within a district;

23 (c) the efficacy of providing state-paid clerical and other support to judges in rural areas that  
24 currently lack sufficient funding for clerical support or legal assistants and that lack legal library access;

25 (d) alternative plans for redistricting the present judicial district system; and

26 (e) the effects of redistricting or not redistricting judicial districts on the administration of justice,  
27 including costs and benefits.

28 (2) The legislative services division shall provide staff support to the commission.

29 (3) On or before December 1, 1998, the commission shall submit to the 56th legislature a report  
30 of its findings and conclusions, including, if applicable, a draft of proposed legislation.

1            **NEW SECTION.** **Section 5. Funding.** There is appropriated from the general fund to the legislative  
2 services division \$13,700 for the activities of the judicial redistricting commission. This is a biennial  
3 appropriation.

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5            **NEW SECTION.** **Section 6. Effective date.** [This act] is effective July 1, 1997.

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7            **NEW SECTION.** **Section 7. Termination.** [This act] terminates June 30, 1999.

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