

SENATE BILL NO. 284

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DISTRICT COURTS; COMBINING THE 10TH AND 14TH JUDICIAL DISTRICTS; PROVIDING AN ADDITIONAL JUDGE TO THE 13TH JUDICIAL DISTRICT; AMENDING SECTIONS 3-5-101 AND 3-5-102, MCA; PROVIDING A TRANSITION; AND PROVIDING EFFECTIVE DATES."

WHEREAS, the workload in the 10th Judicial District is equal to 0.7 of a fulltime judge, and the workload in the 14th Judicial District is equal to 0.4 of a fulltime judge, and combined they are equal to 1.1 of a fulltime judge -- lower than the workload in almost every other judicial district; and

WHEREAS, Yellowstone County's 13th Judicial District currently has the workload equivalent of 13.9 judges with only 8 full-time judges working today.

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 ~~22~~ 21 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 and Mineral Counties;
- (5) 5th district: Beaverhead, Jefferson, and Madison Counties;
- (6) 6th district: Park and Sweet Grass Counties;
- (7) 7th district: Dawson, McCone, Richland, Prairie, and Wibaux Counties;
- (8) 8th district: Cascade County;
- (9) 9th district: Teton, Pondera, Toole, and Glacier Counties;

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

(11) 11th district: Flathead County;

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

(13) 13th district: Yellowstone County;

~~(14) 14th district: Meagher, Wheatland, Golden Valley, and Musselshell Counties;~~

~~(15)~~~~(14)~~15th 14th district: Roosevelt, Daniels, and Sheridan Counties;

~~(16)~~~~(15)~~16th 15th district: Custer, Carter, Fallon, Powder River, Garfield, Treasure, and Rosebud Counties;

~~(17)~~~~(16)~~17th 16th district: Phillips, Blaine, and Valley Counties;

~~(18)~~~~(17)~~18th 17th district: Gallatin County;

~~(19)~~~~(18)~~19th 18th district: Lincoln County;

~~(20)~~~~(19)~~20th 19th district: Lake and Sanders Counties;

~~(21)~~~~(20)~~21st 20th district: Ravalli County;

~~(22)~~~~(21)~~22nd 21st district: Stillwater, Carbon, and Big Horn 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 2nd, 7th, 16th, 20th, and 21st districts, two judges each;

(2) in the 1st, 8th, and 18th districts, four judges each;

(3) in the 4th and 11th districts, five judges each;

(4) in the 13th district, ~~eight~~ nine judges; and

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

NEW SECTION. **Section 3. Transition.** (1) If a vacancy in the 10th or the 14th judicial district occurs on or after [the effective date of this section], then:

(a) the governor may not appoint a person to fill the vacancy in the 10th or the 14th district and the

1 remaining judge will serve the newly configured 10th district; and

2 (b) the governor shall appoint a person to fill the additional judge position in the 13th district using
3 the process outlined in 3-1-901 through 3-1-905. The appointment must be confirmed by the senate and is
4 subject to the provisions of 3-1-906 for senate confirmation and 3-1-907 for the length of the appointee's initial
5 term.

6 (2) An election for a full 6-year term for the ninth judge in the 13th district must be held at the
7 general election held in November 2030.

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9 **NEW SECTION. Section 4. Effective dates -- contingent effective date.** (1) Except as provided in
10 subsection (2), [this act] is effective on passage and approval.

11 (2) (a) [Sections 1 and 2] are effective January 6, 2031, or on occurrence of the contingency
12 described in subsection (2)(b), whichever occurs first.

13 (b) If a vacancy in the 10th or the 14th judicial district occurs on or after [the effective date of this
14 section], then [sections 1 and 2] are effective on the date the vacancy occurs.

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