

## 1 HOUSE BILL NO. 44

2 INTRODUCED BY J. ESSMANN

3 BY REQUEST OF THE SUPREME COURT

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DISTRICT COURT  
6 JUDGES; ADDING JUDGES TO CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE APPOINTMENT AND  
7 ELECTION OF THE ADDITIONAL JUDGES; AMENDING SECTION 3-5-102, MCA; PROVIDING FOR  
8 CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATES DATE."

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

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

13 **"3-5-102. Number of judges.** In each judicial district, there must be the following number of judges of  
14 the district court:

15 (1) in the 2nd, 7th, 16th, 20th, and 21st districts, two judges each;

16 (2) in the 18th district, three judges;

17 ~~(3) in the 1st district, 8th, and 11th districts, four judges;~~18 ~~(3)(4) in the 1st, 4th, 8th, and 11th districts, four five judges each~~ DISTRICT, FIVE JUDGES;19 ~~(4)(5) in the 13th district, six eight judges;~~20 ~~(5)(6) in all other districts, one judge each."~~

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22 NEW SECTION. **Section 2. Appointment and election of judges.** ~~(1) The additional judge for the 4th~~  
23 ~~judicial district and one of the additional judges for the 13th judicial district must be appointed pursuant to the~~  
24 ~~provisions of Title 3, chapter 1, part 10, to take office January 1, 2018.~~

25 ~~(2) The additional judges for the 8th and 11th judicial districts and one of the additional judges for the~~  
26 ~~13th judicial district~~

27 (1) THE ADDITIONAL JUDGES FOR THE 4TH AND 13TH JUDICIAL DISTRICTS DISTRICT must be elected at the  
28 general election to be held in November 2018 for a 6-year term to begin January 2, 2019.

29 (2) THE ADDITIONAL JUDGE FOR THE 4TH JUDICIAL DISTRICT MUST BE APPOINTED PURSUANT TO THE PROVISIONS  
30 OF TITLE 3, CHAPTER 1, PART 10, TO TAKE OFFICE OCTOBER 1, 2018 FOR A TERM ENDING DECEMBER 31, 2020, AND,

1 IF ELECTED, A SUBSEQUENT 6-YEAR TERM TO BEGIN JANUARY 1, 2021.

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3 NEW SECTION. Section 3. Contingent voidness. If House Bill No. 2 is passed and approved and if  
4 it does not provide funding for personal services and operating expenses to support the additional judges  
5 provided for in [this act], then [this act] is void.

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7 NEW SECTION. Section 4. Effective dates DATE. ~~(1) Except as provided in subsection (2), [this act]~~  
8 ~~is effective January 1, 2018.~~

9 ~~———— (2) [Section 2(1)] and this section are [THIS ACT] IS effective July 1, 2017.~~

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