1   HOUSE BILL NO. 325

2   INTRODUCED BY B. USHER, M. BLASDEL, B. BROWN, G. HERTZ, K. REGIER, C. SMITH, D. BARTEL, B.

3   BEARD, D. BEDEY, S. BERGLEE, M. BINKLEY, L. BREWSTER, J. CARLSON, J. DOOLING, R.

4   FITZGERALD, J. FULLER, W. GALT, J. GILLETTE, S. GREEF, S. GUNDERSON, J. HINKLE, C. HINKLE, K.

5   HOLMLUND, M. HOPKINS, J. KASSMIER, C. KNUDSEN, R. KNUDSEN, D. LENZ, B. LER, D. LOGE, M.

6   MALONE, W. MCKAMEY, M. NOLAND, B. PHALEN, J. READ, A. REGIER, K. SEEKINS-CROWE, L.

7   SHELDON-GALLOWAY, D. SKEES, M. STROMSWOLD, J. TREBAS, B. TSCHIDA, S. VINTON, K. WALSH, T.

8   WELCH, K. WHITMAN, K. ZOLNIKOV

9

10   A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING SUPREME COURT DISTRICTS; PROVIDING

11   FOR THE SELECTION OF THE CHIEF JUSTICE; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED

12   TO THE ELECTORATE AT THE 2022 GENERAL ELECTION; AMENDING SECTION 3-2-101, MCA; AND

13   PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

14

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

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

18   "**3-2-101.   Number, election, and term of office -- selection of chief justice.** (1) The supreme court

19   consists of a chief justice and six associate justices who are elected in separate districts by the qualified

20   electors of the state at large districts provided in [section 2]. Each justice must be elected at the general state

21   elections election next preceding the expiration of the terms term of office of their predecessors, respectively,

22   the justice's predecessor and hold their offices holds office for the term of 8 years from and after the first

23   Monday of January next succeeding their the justice's election.

24   (2)   After the general election in 2024, the chief justice must be selected by the majority vote of the

25   seven justices at the first meeting of the court in each year after a general election."

26

27   NEW SECTION. **Section 2.   Supreme court districts defined -- number of judges.** (1) In this state

28   there are seven supreme court judicial districts, distributed as follows:

1   (a)   First district: Blaine, Cascade, Chouteau, Fergus, Hill, Judith Basin, Liberty, Pondera, Teton, and

2   Toole Counties;

3   (b)   Second district: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden

4   Valley, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt,

5   Rosebud, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wheatland, and Wibaux Counties;

6   (c)   Third district: Yellowstone County;

7   (d)   Fourth district: Beaverhead, Broadwater, Deer Lodge, Granite, Jefferson, Lewis and Clark, Powell,

8   and Ravalli Counties;

9   (e)   Fifth district: Flathead, Glacier, Lincoln, and Sanders Counties;

10   (f)   Sixth district: Gallatin, Madison, and Silver Bow Counties; and

11   (g)   Seventh district: Mineral, Missoula, and Lake Counties.

12   (2)   There must be one supreme court justice selected ~~from~~ FOR each district.

13   (3)   The legislature shall review the districts after each decennial census for purposes of maintaining

14   districts with approximately equal populations while following county lines.

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16   NEW SECTION. **Section 3.   Transition.** (1) [This act] may not remove any justice that is holding

17   office on [the effective date of this act] during the term for which the justice was elected or appointed. After [the

18   effective date of this act], each sitting associate justice must be assigned to the judicial district that corresponds

19   to the associate justice's current seat number and the chief justice must be assigned to the seventh district.

20   (2)   (a) Except as provided in subsection (2)(b), each supreme court justice who chooses to seek

21   reelection at the end of the justice's current term shall run for reelection in the district to which the justice is

22   assigned under subsection (1).

23   (b)   A sitting justice that chooses to seek election in a district other than the district assigned under

24   subsection (1) may run for election in the district if the justice resigns the justice's current seat effective as of

25   the date the justice files for election in the district to which the justice seeks election.

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27   NEW SECTION. **Section 4.   Codification instruction.** [Section 2] is intended to be codified as an

28   integral part of Title 3, chapter 2, part 1, and the provisions of Title 3, chapter 2, part 1, apply to [section 2].

1

2   NEW SECTION. **Section 5.   Severability.** If a part of [this act] is invalid, all valid parts that are

3   severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

4   the part remains in effect in all valid applications that are severable from the invalid applications.

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6   NEW SECTION. **Section 6.   Effective date.** [This act] is effective upon approval by the electorate.

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8   NEW SECTION. **Section 7.   Applicability.** [This act] applies to the election and appointment of

9   supreme court justices to terms that begin on or after [the effective date of this act].

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11   NEW SECTION. **Section 8.   Submission to electorate.** [This act] shall be submitted to the qualified

12   electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of

13   [this act] and the following:

14   []   YES on Legislative Referendum _____.

15   []   NO on Legislative Referendum _____.

16   - END -