

SENATE BILL NO. 311

INTRODUCED BY B. USHER, A. REGIER, T. MANZELLA, B. BROWN, J. FULLER, K. REGIER, S. HINEBAUCH, M. NOLAND, G. HERTZ, D. EMRICH

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE NUMBER OF ASSOCIATE JUSTICES ON THE SUPREME COURT; PROVIDING FOR THE ACCOMPLISHMENT OF THE REDUCTION; PROVIDING FOR CONTINGENT VOIDNESS; AMENDING SECTION 3-2-101, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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

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

"3-2-101. Number, election, and term of office. The supreme court consists of a chief justice and six-five associate justices who are elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their election."

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

"3-2-101. Number, election, and term of office. The supreme court consists of a chief justice and six-four associate justices who are elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their election."

NEW SECTION. Section 3. Reduction in number of associate justices -- how accomplished.

The two associate justice positions to be eliminated by [this act] are:

- (1) seat number 3, the term for which runs from January 2017 to January 2025. There will be no election for this position in the general election to be held November 2024.
(2) seat number 4, the term for which runs from January 2019 to January 2027. There will be no

1 election for this position in the general election to be held November 2026.

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3 NEW SECTION. Section 4. Reduction of number of associate justices. The two associate justice
4 positions to be eliminated by [this act] are:

5 (1) seat number 5, the term for which runs from January 2021 to January 2029. There will be no
6 election for this position in the general election to be held November 2028.

7 (2) seat number 6, the term for which runs from January 2021 to January 2029. There will be no
8 election for this position in the general election to be held November 2028.

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10 NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured,
11 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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13 NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are
14 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
15 the part remains in effect in all valid applications that are severable from the invalid applications.

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17 NEW SECTION. Section 7. Contingent voidness -- applicability. (1) If the Montana Supreme Court
18 invalidates or finds unconstitutional the reduction of associate justices from 6 to 5 contained in [section 1], then
19 [sections 1 and 3] are void effective immediately after the effective date of the invalidation or the finding of
20 unconstitutionality, and [section 2] is applicable starting on the first Monday in January 2029.

21 (2) Upon determination of the supreme court clerk that the contingency described in [section 7(1)]
22 has been met, the supreme court clerk shall notify the code commissioner.

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24 NEW SECTION. Section 8. Effective dates. (1) Except as provided in [section 7] and subsections
25 (2) through (4), [this act] is effective on passage and approval.

26 (2) [Section 1] is effective January 6, 2025.

27 (3) [Section 2] is effective January 4, 2027.

28 (4) [Section 4] is effective on the date that the contingency described in [section 7(1)] has

1 occurred. The supreme court clerk shall notify the code commissioner of the occurrence of this contingency.

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3 NEW SECTION. **Section 9. Termination.** [Section 1] terminates January 4, 2027.

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