

HOUSE BILL NO. 913

INTRODUCED BY F. NAVE

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;
INCREASING THE NUMBER OF DISTRICT COURT JUDGES; PROVIDING FOR A REPORT ON
COMMUNICATIONS AT THE MONTANA STATE PRISON; PROVIDING FOR AN INTERIM STUDY OF
STATE OFFENDER INDIVIDUAL RE-ENTRY SERVICES; PROVIDING FOR AN INTERIM STUDY ON
WAGES AND CONSOLIDATION OF LEGAL SERVICES; PROVIDING A PROCESS FOR CANDIDATES FOR
CHIEF JUSTICE OR ASSOCIATE JUSTICE OF THE SUPREME COURT TO DECLARE PARTY AFFILIATION
AND ENDORSEMENTS; REVISING LEGAL REPRESENTATION AND COSTS ASSOCIATED WITH
CHILDREN IN CHILD ABUSE AND NEGLECT CASES; AMENDING SECTIONS SECTION SECTIONS 3-5-
102, 13-10-202, 13-10-209, 13-10-602, 13-12-203, 13-14-112, 13-14-115, AND 13-14-212 AND 41-3-425,
MCA; AND PROVIDING AN EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE."

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

Section 1. 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~~ 10 judges; and
- (5) in all other districts, one judge each."

NEW SECTION. **Section 2. Reporting on inappropriate or illicit communications within
corrections.** (1) For the interim following the 69th legislative session, the department of corrections shall report
at each meeting of the law and justice interim committee and the judicial branch, law enforcement, and justice

interim budget committee on the details and effectiveness of its methods to reduce inappropriate or illicit communications to or from inmates at the Montana state prison.

(2) Inappropriate or illicit communications include those that discuss or solicit victim information, drug trafficking arrangements, or other illegal and restricted activities.

(3) As a part of its reporting, the department of corrections shall provide quarterly reports on the following:

(a) the number of e-mails, messages, and other electronic communications to and from inmates at the Montana state prison;

(b) the number of e-mails blocked by automatic scanning systems;

(c) the result of the department of correction's audit of both the blocked and unblocked communications to determine the rate of false negatives and false positives;

(d) a description of the process and cost of electronic monitoring of tablets and devices; and

(e) any incidents at the Montana State Prison that involve e-mail communications that were inappropriately filtered by automatic scanning systems.

NEW SECTION. Section 3. Study of offender re-entry services. (1) For the interim following the 69th legislative session, the ~~law and justice interim committee~~ CRIMINAL JUSTICE OVERSIGHT COUNCIL ESTABLISHED IN 53-1-216 shall study issues related to the provision of offender re-entry services provided by the state.

(2) At a minimum, the study must include a consideration of the following:

(a) costs and benefits of offender individual re-entry services;

(b) re-entry programs successful in other states; and

(c) impacts of re-entry services on recidivism in Montana and in other states.

(3) The ~~law and justice interim committee~~ CRIMINAL JUSTICE OVERSIGHT COUNCIL shall complete the study by September 15, 2026, and report its findings and recommendations, including potential legislation, to the 70th legislature and to the judicial branch, law enforcement, and justice interim budget committee.

(4) The ~~law and justice interim committee~~ CRIMINAL JUSTICE OVERSIGHT COUNCIL shall invite the members of the judicial branch, law enforcement, and justice interim budget committee to each of its meetings to participate in the study.

1

2 NEW SECTION. Section 4. Study on consolidation of legal services. (1) For the interim following
3 the 69th legislative session, the general government interim budget committee shall study issues related to the
4 consolidation of legal services across state agencies and discrepancies in the compensation for legal
5 occupations across state agencies.

6 (2) By September 15, 2025, the department of administration shall report to the general
7 government interim budget committee on the following:

8 (a) the distribution of hourly wage rates of lawyers and other legal occupations in state agencies;

9 (b) a comparison of state pay rates and benefits to rates and benefits paid to lawyers and other
10 legal occupations in the private sector;

11 (c) considerations or explanations for differences in the pay rates across state agencies;

12 (d) an explanation on how pay rates for lawyers and other legal occupations are set across state
13 agencies; and

14 (e) the extent to which pay exceptions are made and for what purposes.

15 ~~(3) By June 30, 2026, the department of administration shall provide to the general government~~
16 ~~interim budget committee a proposal to consolidate legal services across state agencies, including a proposed~~
17 ~~organizational structure and an estimate of the costs and benefits of consolidation. The proposal must also~~
18 ~~include a proposed fee structure that would cover the costs of the consolidated legal services unit.~~

19 ~~(4)~~(3) The general government interim budget committee shall complete the study by September 15,
20 2026, and report its findings and recommendations, including potential legislation, to the 70th legislature and to
21 the judicial branch, law enforcement, and justice interim budget committee.

22 ~~(5)~~(4) The general government interim budget committee shall invite the members of the state
23 administration and veterans' affairs interim committee, the general government budget committee, and the
24 judicial branch, law enforcement, and justice interim budget committee to each of its meetings to participate in
25 the study.

26

27 **Section 5.** Section 41-3-425, MCA, is amended to read:

28 **"41-3-425. Right to counsel.** (1) Any party involved in a petition filed pursuant to 41-3-422 has the

1 right to counsel in all proceedings held pursuant to the petition.

2 (2) — Except as provided in subsections (3) and (4) through (5), the court shall immediately appoint
3 the office of state public defender to assign counsel for:

4 (a) — any indigent parent, guardian, or other person having legal custody of a child or youth in a
5 removal, placement, or termination proceeding pursuant to 41-3-422, pending a determination of eligibility
6 pursuant to 47-1-111;

7 (b) — any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 WHEN
8 GUARDIAN AD LITEM IS NOT APPOINTED FOR THE CHILD OR YOUTH;

9 (c) — any party entitled to counsel at public expense under the federal Indian Child Welfare Act [or
10 the Montana Indian Child Welfare Act provided for in Title 41, chapter 3, part 13]; and

11 (d) — any child petitioning for reinstatement of parental rights pursuant to 41-3-615.

12 (3) — When appropriate, the court may appoint the office of state public defender to assign counsel
13 for any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 when a guardian ad
14 litem is appointed for the child or youth.

15 (4) — When appropriate and in accordance with judicial branch policy, the court may assign counsel
16 at the court's expense for a guardian ad litem or a court-appointed special advocate involved in a proceeding
17 under a petition filed pursuant to 41-3-422.

18 (4)(5) — Except as provided in the federal Indian Child Welfare Act [or the Montana Indian Child Welfare
19 Act], a court may not appoint a public defender to a putative father, as defined in 42-2-201, of a child or youth in
20 a removal, placement, or termination proceeding pursuant to 41-3-422 until:

21 (a) — the putative father is successfully served notice of a petition filed pursuant to 41-3-422; and

22 (b) — the putative father makes a request to the court in writing to appoint the office of state public
23 defender to assign counsel. (Bracketed language in subsections (2)(c) and (4) (5) terminates June 30, 2025—
24 sec. 55, Ch. 716, L. 2023.)"

25
26 **NEW SECTION. Section 5. Indication of political party affiliation by candidate for chief justice**
27 **of supreme court or justice of supreme court.** A candidate for the office of chief justice of the supreme court
28 or the office of justice of the supreme court may indicate the candidate's political party affiliation on the

1 candidate's declaration for nomination.

2
3 **NEW SECTION. Section 6. Announcement of political party affiliation or endorsement by**
4 **candidate for chief justice of supreme court or justice of supreme court.** A candidate for the office of chief
5 justice of the supreme court or the office of justice of the supreme court may announce the candidate's political
6 party affiliation or a campaign endorsement that the candidate has received.

7
8 **Section 7.** Section 13-10-202, MCA, is amended to read:

9 **"13-10-202. Filing fees.** Filing fees are as follows:

10 (1) for offices having an annual salary of \$2,500 or less and candidates for the legislature, \$15;
11 (2) for county offices having an annual salary of more than \$2,500, 0.5% of the total annual salary;
12 (3) for president, an amount equivalent to the filing fee required for a United States senate
13 candidate;

14 (4) for the office of chief justice of the supreme court or the office of justice of the supreme court,
15 \$1,750;

16 ~~(4)(5)~~ for other offices having an annual salary of more than \$2,500, 1% of the total annual salary;

17 ~~(5)(6)~~ for offices in which compensation is paid in fees, \$10;

18 ~~(6)(7)~~ for officers of political parties, presidential electors, and officers who receive no salary or fees,
19 no filing fee is required."

20
21 **Section 8.** Section 13-10-209, MCA, is amended to read:

22 **"13-10-209. Arrangement and preparing of primary ballots.** (1) (a) Ballots for a primary election
23 must be arranged and prepared in the same manner and number as provided in chapter 12 for general election
24 ballots, except that there must be separate ballots for each political party entitled to participate. The name of
25 the political party must appear at the top of the separate ballot for that party and need not appear with each
26 candidate's name.

27 (b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on
28 the same ballot as partisan offices if:

(i) each section is clearly identified as separate; and

(ii) the nonpartisan offices and ballot issues appear on each party's ballot.

(2) Except as provided in subsection (3), an election administrator does not need to prepare a primary ballot for a political party if:

(a) the party does not have candidates for more than half of the offices to appear on the ballot; and

(b) no more than one candidate files for nomination by that party for any of the offices to appear on the ballot.

(3) Subsection (2) does not apply to elections for precinct committee offices. If more than one candidate files for a precinct committee office from a party that will not have a primary ballot prepared, that party shall select the candidate to fill the office.

(4) If, pursuant to subsection (2), in a primary election held in an even-numbered year a primary ballot for a political party is not prepared, the secretary of state shall certify that a primary election is unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for that party for the general election ballot only.

(5) The separate ballots for each party must have the same appearance. Each set of party ballots must bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different appearance than the party ballots but must be numbered in the same order as the party ballots.

(6) (a) Regardless of whether the election administrator has prepared separate ballots for nonpartisan offices or has listed nonpartisan candidates on the same ballots as partisan candidates, if a candidate for the office of chief justice of the supreme court or the office of justice of the supreme court indicates the candidate's political party affiliation on a declaration for nomination, the candidate's name must appear under the title of the office sought, with the name of the candidate's political party affiliation, if any, in no more than three words appearing opposite or below the candidate's name.

(b) If a candidate for the office of chief justice of the supreme court or the office of justice of the supreme court does not indicate a political party affiliation, the name of the candidate must appear with the word "Nonpartisan".

~~(6)~~(7) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or a separate ballot. A separate ballot may have a different appearance than the other ballots in the

election but must be numbered in the same order.

~~(7)~~(8) Each elector must receive a set of ballots that includes the party, nonpartisan, and ballot issue choices."

Section 9. Section 13-10-602, MCA, is amended to read:

"13-10-602. Use of party name. (1) Except as provided in subsection (3), a political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. ~~A~~ Except as provided in [section 5], a candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated in a manner that indicates or implies the individual is a candidate of the nonnominating party.

(2) An independent or nonpartisan candidate, except as provided in subsection (3), may not use any word of the name of any existing political party or organization in the candidacy in a manner that indicates or implies that the individual is a candidate of that party or organization.

(3) A candidate for an elective office under an elected county official government provided for in 7-3-111 who is running in an election conducted after electors have approved a change pursuant to 7-3-103(4) in the type of election held from partisan to nonpartisan may use a party name or symbol in the candidate's campaign material."

Section 10. Section 13-12-203, MCA, is amended to read:

"13-12-203. Appearance of candidate's name and party designation on ballot. (1) Subject to 13-12-202 and except as provided in 13-10-209 for nonpartisan offices and 13-10-303 for certain other candidates, in partisan elections, candidates' names must appear under the title of the office sought, with the name of the party in not more than three words appearing opposite or below the name.

(2) ~~(a) Subject. Except as provided in subsection (2)(b) and subject~~ to 13-12-202, in nonpartisan general elections, the candidates' names must appear under the title of the office sought, with no description or designation appearing with the name unless partisan and nonpartisan offices appear on the same ballot. In such a case, the names of nonpartisan candidates must appear with the word "Nonpartisan".

~~(b)~~ In an election for chief justice of the supreme court or justice of the supreme court, the

1 candidate's name must appear under the title of the office sought, with the name of the candidate's political
2 party affiliation, if any, in no more than three words appearing opposite or below the candidate's name. If a
3 candidate for the office of chief justice of the supreme court or the office of justice of the supreme court does
4 not indicate a political party affiliation, the name of the candidate must appear with the word "Nonpartisan".

5 (3) Except as otherwise provided by this section, information about the candidate other than the
6 candidate's name may not appear on the ballot, including a title, accomplishment, award, or degree."

7
8 **Section 11.** Section 13-14-112, MCA, is amended to read:

9 **"13-14-112. Declarations for nomination -- fee -- filing.** (1) Nonpartisan candidates shall file
10 declarations for nomination as required by the primary election laws in a form prescribed by the secretary of
11 state except as provided in 13-14-113. Except for a candidate covered under 7-1-205, a candidate may not file
12 for more than one public office.

13 (2) (a) Declarations Except as provided in subsection (2)(b), a declaration may not indicate political
14 affiliation. ~~The, and the~~ candidate may not state in the declaration any principles or measures that the candidate
15 advocates or any slogans.

16 (b) A candidate for the office of chief justice of the supreme court or the office of justice of the
17 supreme court may indicate the candidate's political party affiliation on the declaration. A candidate who does
18 not indicate a political party affiliation on the declaration may list "Nonpartisan".

19 (3) Each individual filing a declaration shall pay the fee prescribed by law for the office that the
20 individual seeks.

21 (4) Declarations must be filed:

22 (a) in the office of the secretary of state or the appropriate election administrator as provided in 13-
23 10-201; and

24 (b) within the filing period provided in 13-10-201(7) for the office that the individual seeks."

25
26 **Section 12.** Section 13-14-115, MCA, is amended to read:

27 **"13-14-115. Preparation and distribution of nonpartisan primary ballots -- determination on**
28 **conducting primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for

nonpartisan offices, designated "nonpartisan primary ballots". The ballots must be arranged and prepared as provided in 13-10-209 and be without political designation, except as provided in 13-10-209 and 13-12-203 for a candidate for the office of chief justice of the supreme court or the office of justice of the supreme court.

(2) (a) Except as provided in subsection (2)(b), the election administrator of a political subdivision may determine that a local nonpartisan portion of a primary election need not be held if:

(i) the number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and

(ii) the number of candidates in excess of three times the number to be elected is not more than one for any office on the ballot.

(b) The election administrator may determine that a primary election for a nonpartisan county office need not be held if fewer than three candidates have filed for that office.

(c) If the election administrator determines that a primary election must be held pursuant to subsection (2)(a) or (2)(b), the election administrator shall conduct the primary election only for the nonpartisan offices that have a sufficient number of candidates that have filed to be elected to that office.

(d) If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a), (2)(b), or (2)(c) for a nonpartisan office, the administrator shall give notice to the governing body that a primary election will not be held for that office.

(3) The governing body may require that a primary election be held for a nonpartisan office if it passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary election must be held for that office."

Section 13. Section 13-14-212, MCA, is amended to read:

"13-14-212. Form of ballot on retention of certain incumbent judicial officers. (1) If the incumbent is the only candidate for the office of chief justice, supreme court justice, district court judge, or justice of the peace, the election administrator may not include a nonpartisan designation or write-in space for the office on the general election ballot. The name of the incumbent must be placed on the official ballot for the general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the

state of Montana be retained in office for another term?

(2) If the incumbent is the only candidate for the office of chief justice of the supreme court or the office of justice of the supreme court, the election administrator may not include a nonpartisan or political party designation or a write-in space for the office on the general election ballot. The name of the incumbent must be placed on the official ballot for the general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the state of Montana be retained in office for another term?

(2)(3) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-202, for a voter to indicate a "yes" or "no" vote."

NEW SECTION. Section 14. Transfer of funds. By July 15, 2025, the state treasurer shall transfer \$40,000 from the general fund to the missing indigenous persons task force account established in [section 1 of House Bill No. 83].

NEW SECTION. Section 15. Codification instruction. (1) [Section 5] is intended to be codified as an integral part of Title 13, chapter 14, part 2, and the provisions of Title 13, chapter 14, part 2, apply to [section 5].

(2) [Section 6] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 6].

COORDINATION SECTION. Section 16. Coordination instruction. (1) If House Bill No. 2 is passed and approved and does not contain an appropriation to the legislative services division of at least \$50,000 to staff the study provided for in [section 3], then [section 3] is void.

(2) If House Bill No. 2 is passed and approved and does not contain the following appropriations for the study and report in [section 4], then [section 4] is void:

(a) at least \$25,000 to the department of administration to provide reports and a proposal provided for in [section 4]; and

(b) at least \$20,000 to the legislative fiscal division to staff the study provided for in [section 4].

1

2 NEW SECTION. **Section 17. Effective date.** [This act] is effective July 1, 2025.

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4 NEW SECTION. **Section 18. Nonseverability.** It is the intent of the legislature that each part of [this
5 act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other
6 parts are invalid.

7

8 NEW SECTION. **Section 19. Applicability.** [Sections 5 through 13] apply to primary and general
9 elections for the office of chief justice of the supreme court or the office of justice of the supreme court held on
10 or after January 1, 2026.

11

12 NEW SECTION. **Section 20. Termination.** [Sections 2 through 4] terminate September 30, 2026.

13

- END -