



**Testimony to the Twenty-Ninth State Legislature, 2017 Session**

**House Committee on Finance**  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Tuesday, April 4, 2017, 2:00 p.m. (Agenda #3)  
State Capitol, Conference Room 308

by  
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**Bill No. and Title:** Senate Bill No. 276, SD1, HD1 Relating to Judges.

**Purpose:** Increases the number of judges of the district court of the second circuit from three to four judges and makes other statutory amendments to the composition of courts.

**Judiciary's Position:**

The Judiciary opposes this measure in its current form, and respectfully suggests that the statutory amendments be limited to increasing the number of district court judges in the second circuit from three to four judges in section 604-1.

The Judiciary supports the amendment of section 604-1, for an additional district court judge in the second circuit, and indeed has made such request in SB470, and in its budget, SB469.

However, the Judiciary opposes the measure's additional changes to section 604-1, and changes to section 571-8, to section 603-3, and to section 603-4. Such changes appear to alter the statutory structure governing the appointment and organization of the circuit, district, and district family courts. Doing so would be problematic because it could have unintended consequences.

First, the Judiciary is unaware of any concerns with the current statutory structure.

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Second, revision of section 571-8(a) to omit that district family court judges may be established “[i]n addition to the district courts established under section 604-1,” creates ambiguity and arguably suggests that district family court judges may only be designated from existing district court judgeships. Currently, district family court judgeships exist *in addition to* district court judgeships. The proposed amendment to section 571-8(a) could restrict any future appointments or even cast uncertainty over the current status of district family court judgeships.

Lastly, the Judiciary notes that to the extent there is a perceived need to revise the statutes referred to in this measure, the Judiciary would be willing to undertake such study and report to the Legislature before the 2018 Legislative Session.

With respect to the additional second circuit district court judge position, the Judiciary would respectfully suggest that section 604-1 be amended as follows: “The district court of the second circuit shall consist of [~~three~~] four judges, who shall be styled as first, second, [~~and~~] third, and fourth judge, respectively.”

Thank you for the opportunity to testify on this measure.