

SENATE BILL NO. 341

INTRODUCED BY TURNAGE, S. BROWN

IN THE SENATE

February 2, 1979	Introduced and referred to Committee on Judiciary.
February 5, 1979	Fiscal note requested.
February 6, 1979	Fiscal note returned.
February 10, 1979	Committee recommend bill do pass. Report adopted.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do pass.
February 14, 1979	Considered correctly engrossed.
February 15, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 16, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 10, 1979	Returned from second house. Concurred in as amended.
March 12, 1979	Second reading, pass consideration.
March 13, 1979	Second reading, amendments adopted.
March 14, 1979	Third reading, amendments adopted. Sent to enrolling.  Reported correctly enrolled.

1 *Sen. 341*  
2 INTRODUCED BY *Turnage, J. Brown*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO COMPENSATE RETIRED  
5 JUDGES AND JUSTICES FOR TEMPORARY SERVICE; AMENDING SECTION  
6 19-5-103, MCA."  
7

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

9 Section 1. Section 19-5-103, MCA, is amended to read:

10 "19-5-103. Call of retired judge for duty. (1) Every  
11 judge or justice receiving retirement pay under the  
12 provisions of this chapter shall, if physically and mentally  
13 able, be subject to call by the supreme court or the chief  
14 justice thereof to aid and assist the supreme court or any  
15 district court under such directions as the supreme court  
16 may give, including the examination of the facts and cases  
17 before the court, the examination of authorities cited, and  
18 the preparation of opinions for and on behalf of the court.  
19 The opinions, when and if and to the extent approved by the  
20 court, may by the court be ordered to constitute the opinion  
21 of such court. Such court and such retired judge or justice  
22 may, subject to any rule which the supreme court may adopt,  
23 perform any and all duties preliminary to the final  
24 disposition of cases insofar as not inconsistent with the  
25 constitution of the state.

1 (2) Such retired judge or justice, when called to  
2 service as herein provided, shall be reimbursed for his  
3 actual expenses, if any, in responding to such call. In  
4 addition, for each day of temporary service a retired  
5 justice or judge is entitled to receive compensation in an  
6 amount equal to one-twentieth of the monthly salary then  
7 currently applicable to the judicial position in which the  
8 temporary service is rendered minus an amount equal to  
9 one-twentieth of the retirement allowance the retired  
10 justice or judge is receiving for each day of service  
11 rendered."

-End-

STATE OF MONTANA

Request No. 212-79

FISCAL NOTE

Form BD-15

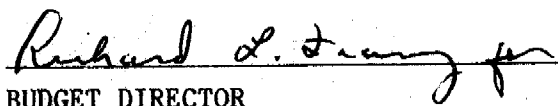
In compliance with a written request received February 5, 1979, there is hereby submitted a Fiscal Note for Senate Bill 341 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 341 is an act to compensate retired judges and justices for temporary service. In addition to the actual expenses reimbursed to retired judges currently, they will receive an amount equal to one-twentieth of the monthly salary then currently applicable to the judicial position they fill, minus an amount equal to one-twentieth of the retirement allowance the retired judge or justice is receiving for each day of service rendered.

FISCAL IMPACT:

A fiscal impact cannot be determined since there is no way of knowing how many times a retired judge would be called, how long the person would be filling a position, or what position the person would be working in.

  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 2/6/79

Approved by Committee  
on Judiciary

1 Sen. Tammage BILL NO. 341  
2 INTRODUCED BY Tammage, J. Brown  
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25 constitution of the state.

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10 ~~justice or judge is receiving for each day of service~~  
11 ~~rendered."~~

-End-

1 *Amended* BILL NO. *341*  
2 INTRODUCED BY *Turnage, J. Brown*  
3  
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-End-