

House Bill 656

In The House

February 6, 1981	Introduced and referred to Committee on Judiciary.
February 14, 1981	Committee recommend bill do pass as amended.
February 16, 1981	Bill printed and placed on members' desks.
February 18, 1981	Second reading do pass.
February 19, 1981	Correctly engrossed.
February 20, 1981	Third reading passed.

In The Senate

February 21, 1981	Introduced and referred to Commiitte on Judiciary.
April 23, 1981	Died in Committee.

Hadley

HOUSE BILL NO. 656

House
Andrew P. O'Hara

INTRODUCED BY

Harold Burnett

*Curator
Lynn
Hobbs*

Sam Heysen

Debra

Walker

Richard

McLane

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT A SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE WHO FILES A FALSE AFFIDAVIT IN ORDER TO RECEIVE PAYMENT FROM THE STATE AUDITOR IS GUILTY OF FALSE SWEARING AND SUBJECT TO CENSURE, SUSPENSION, OR REMOVAL; AMENDING SECTIONS 3-2-104 AND 3-5-212, MCA."

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

Section 1. Section 3-2-104, MCA, is amended to read:

"3-2-104. Salaries -- affidavit required for payment -- expenses. (1) The salaries of justices of the supreme court are provided for in 2-16-405.

(2) The state auditor shall not draw a warrant in payment of the services of any justice of the supreme court until such justice shall have filed with the auditor an affidavit that no cause, motion, or other proceeding in his court remains pending and undecided for a period of 90 days after the same shall have been submitted for decision unless casualty or sickness shall have intervened. Any justice who files a false affidavit knowing its contents to be false is guilty of false swearing under 45-7-202 and, in addition to the penalty for such offense, is subject to censure.

suspension, or removal pursuant to Article VII, section 9, of the constitution of Montana.

(3) Actual and necessary travel expenses of the justices of the supreme court shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of their official duties."

Section 2. Section 3-5-212, MCA, is amended to read:

"3-5-212. Salaries not to be paid until affidavit filed. The state auditor shall not draw a warrant in payment of the services of any judge of the district court until such judge shall have filed with the auditor an affidavit that no cause, motion, or other proceeding in his court remains pending and undecided for a period of 90 days after the same shall have been submitted for decision unless casualty or sickness shall have intervened. Any judge who files a false affidavit knowing its contents to be false is guilty of false swearing under 45-7-202 and, in addition to the penalty for such offense, is subject to censure, suspension, or removal pursuant to Article VII, section 9, of the constitution of Montana."

-End-

-2- INTRODUCED BILL
HB 656

Approved by Committee
on Judiciary

HOUSE BILL NO. 656

INTRODUCED BY HANNAH, BURNETT, WINSLOW, D. O'HARA, MOORE,
GOULD, CURTISS, COZZENS, LUND, STOBIE, KEYSER, KEEDY,
DAILY, SPILKER, FEDA, ROBBINS, IVERSON, McLANE, MATSKO

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT A
SUPREME COURT JUSTICE OR DISTRICT COURT JUDGE WHO FILES A
FALSE AFFIDAVIT IN ORDER TO RECEIVE PAYMENT FROM THE STATE
AUDITOR IS GUILTY OF FALSE SWEARING AND SUBJECT TO CENSURE,
SUSPENSION, OR REMOVAL; AMENDING SECTIONS 3-2-104 AND
3-5-212, MCA."

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Section 1. Section 3-2-104, MCA, is amended to read:

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court are provided for in 2-16-405.

(2) The state auditor shall not draw a warrant in
payment of the services of any justice of the supreme court
until such justice shall have filed with the auditor an
affidavit that no cause, motion, or other proceeding in his
court remains pending and undecided for a period of 90 days
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the penalty for such offense, is subject to censure,
suspension, or removal pursuant to Article VII, section 9
11, of the constitution of Montana.

(3) Actual and necessary travel expenses of the
justices of the supreme court shall be the travel expenses,
as defined and provided in 2-18-501 through 2-18-503,
incurred in the performance of their official duties."

Section 2. Section 3-5-212, MCA, is amended to read:

"3-5-212. Salaries not to be paid until affidavit
filed. The state auditor shall not draw a warrant in payment
of the services of any judge of the district court until
such judge shall have filed with the auditor an affidavit
that no cause, motion, or other proceeding in his court
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(3) Actual and necessary travel expenses of the
justices of the supreme court shall be the travel expenses,
as defined and provided in 2-18-501 through 2-18-503,
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Section 2. Section 3-5-212, MCA, is amended to read:

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filed. The state auditor shall not draw a warrant in payment
of the services of any judge of the district court until
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that no cause, motion, or other proceeding in his court
remains pending and undecided for a period of 90 days after
the same shall have been submitted for decision unless
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