

Senate Bill 76

In The Senate

January 8, 1981

Introduced and referred  
to Committee on Judiciary.

January 19, 1981

Committee recommend bill  
do not pass.

1 *Senate* BILL NO. *76*  
 2 INTRODUCED BY *Reverend D. Rogers*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
 5 19-5-103, MCA, TO PERMIT A RETIRED JUDGE OR JUSTICE TO  
 6 SUSPEND PAYMENT OF HIS BENEFIT ALLOWANCE UNDER THE JUDGES'  
 7 RETIREMENT SYSTEM AND NOT BE SUBJECT TO A CALL FOR DUTY  
 8 DURING THIS SUSPENSION."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 19-5-103, MCA, is amended to read:  
 12 "19-5-103. Call of retired judge for duty. (1) Except  
 13 as provided in subsection (3), Every every judge or justice  
 14 receiving retirement pay under the provisions of this  
 15 chapter shall, if physically and mentally able, be subject  
 16 to call by the supreme court or the chief justice thereof to  
 17 aid and assist the supreme court or any district court under  
 18 such directions as the supreme court may give, including the  
 19 examination of the facts and cases before the court, the  
 20 examination of authorities cited, and the preparation of  
 21 opinions for and on behalf of the court. The opinions, when  
 22 and if and to the extent approved by the court, may by the  
 23 court be ordered to constitute the opinion of such court.  
 24 Such court and such retired judge or justice may, subject to  
 25 any rule which the supreme court may adopt, perform any and

1 all duties preliminary to the final disposition of cases  
 2 insofar as not inconsistent with the constitution of the  
 3 state.

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

15 (3) A judge or justice receiving retirement pay may,  
 16 upon his written request to the board, have such pay  
 17 suspended to be later reinstated. During a suspension of  
 18 retirement pay a judge or justice may not be subject to call  
 19 for services by the supreme court or the chief justice."

-End-

-2- INTRODUCED BILL  
 SB 76