

Senate Bill 419

In The Senate

February 10, 1981	Introduced and referred to Committee on State Administration.
February 19, 1981	Committee recommend bill do pass as amended.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading do pass as amended.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading passed.

In The House

March 3, 1981	Introduced and referred to Committee on Judiciary.
March 31, 1981	Committee recommend bill not concurred.

In The Senate

April 1, 1981	Returned from House not concurred.
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1 *Senate* BILL NO. 419
 2 INTRODUCED BY *Blaylock*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
 5 APPOINTMENT BY THE SUPREME COURT OF A CHIEF JUDGE IN EACH
 6 MULTIJUDGE DISTRICT; TO REQUIRE A CHIEF JUDGE TO DIRECT THE
 7 OPERATIONS OF THE DISTRICT; AND TO PROVIDE AN INCREASED
 8 ANNUAL SALARY FOR A CHIEF JUDGE; AMENDING SECTIONS 3-5-211
 9 AND 3-5-403, MCA."
 10

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

12 Section 1. Section 3-5-211, MCA, is amended to read:

13 "3-5-211. Salaries and expenses of district judges.

14 (1) ~~The~~ Except as provided in subsection (2), the annual
 15 salary of each district judge is as follows:

16 (a) for the fiscal year beginning July 1, 1979, and
 17 ending June 30, 1980, \$37,000;

18 (b) after June 30, 1980, \$39,000.

19 (2) The annual salary of the chief judge of a
 20 multijudge district is \$40,200 after June 30, 1980.

21 ~~(2)(2)~~ Actual and necessary expenses for each district
 22 judge shall be the travel expenses, as defined and provided
 23 in 2-18-501 through 2-18-503, incurred in the performance of
 24 his official duties."
 25

Section 2. Section 3-5-403, MCA, is amended to read:

1 "3-5-403. Terms and departments in multijudge
 2 districts ~~-- appointment of chief judge.~~ (1) In each
 3 judicial district which has now or may hereafter have more
 4 than one judge, as many terms or sessions of court may be
 5 held at the same time as there are judges in the district,
 6 either elected or appointed to, called into, or assigned to
 7 the performance of the duties of holding court therein.

8 ~~(2) The judges elected or appointed to hold office in~~
 9 ~~each judicial district having more than one judge must~~
 10 ~~divide the court into departments, prescribe the order of~~
 11 ~~business, and make rules for the government of such courts~~
 12 ~~Each department shall be numbered, and each judge shall be~~
 13 ~~assigned to one of such numbered departments. The supreme~~
 14 ~~court shall appoint one district court judge from those~~
 15 ~~elected in a multijudge district to serve as chief judge of~~
 16 ~~such district.~~

17 ~~(3) The judges must apportion the business of the~~
 18 ~~court among themselves as equally as may be in case of~~
 19 ~~their failure for any cause to make such apportionment or to~~
 20 ~~assign each judge to a numbered department, the supreme~~
 21 ~~court upon application of any interested persons shall make~~
 22 ~~an order apportioning such business and assigning each judge~~
 23 ~~to a numbered department and cause the same to be entered~~
 24 ~~upon the minute book of the district court in each county in~~
 25 ~~such districts. Such order shall remain in full force and~~

1 ~~effect--until--modified--or--repealed--by--the--authority--making~~
2 ~~it.~~ ~~The--failure--or--refusal--of--any--district--judge--to--carry~~
3 ~~out--the--terms--of--such--order--shall--constitute--a--contempt--of~~
4 ~~the--supreme--court.~~ The chief judge of a district shall:
5 (a) divide the court into numbered departments;
6 (b) assign each district court judge to a department;
7 (c) apportion the business of the court equally among
8 the departments;
9 (d) prescribe the order of business; and
10 (e) make rules for the government of the court.
11 (4) The principal office of the judgeship in the 4th
12 district created by Chapter 542, L. 1979, shall be in Lake
13 County. The chief judge of the district shall have authority
14 to assign a judge to such office."

-End-

Approved by Committee
on State Administration

SENATE BILL NO. 419
INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR APPOINTMENT BY THE SUPREME COURT OF A CHIEF JUDGE IN EACH MULTIJUDGE DISTRICT; TO REQUIRE A CHIEF JUDGE TO DIRECT THE OPERATIONS OF THE DISTRICT; AND TO PROVIDE AN INCREASED ANNUAL SALARY FOR A CHIEF JUDGE; AMENDING SECTIONS 3-5-211 AND 3-5-403, MCA."

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

Section 1. Section 3-5-211, MCA, is amended to read:

"3-5-211. Salaries and expenses of district judges.

(1) ~~The~~ Except as provided in subsection (2), the annual salary of each district judge is as follows:

(a) for the fiscal year beginning July 1, 1979, and ending June 30, 1980, \$37,000;

(b) after June 30, 1980, \$39,000.

~~(2) The annual salary of the chief judge of a multijudge district is \$40,200 after June 30, 1980.~~

~~(2)(3)(2)~~ Actual and necessary expenses for each district judge shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of his official duties."

Section 2. Section 3-5-403, MCA, is amended to read:

"3-5-403. Terms and departments in multijudge districts -- appointment of chief judge. (1) In each judicial district which has now or may hereafter have more than one judge, as many terms or sessions of court may be held at the same time as there are judges in the district, either elected or appointed to, called into, or assigned to the performance of the duties of holding court therein.

~~(2) The judges elected or appointed to hold office in each judicial district having more than one judge must divide the court into departments, prescribe the order of business, and make rules for the government of such courts. Each department shall be numbered, and each judge shall be assigned to one of such numbered departments. The supreme court shall appoint one district court judge from those elected in a multijudge district to serve as chief judge of such district. THE CHIEF JUDGE SHALL HOLD HIS POSITION AT THE PLEASURE OF THE SUPREME COURT.~~

(3) ~~The judges must apportion the business of the court among themselves as equitably as may be in case of their failure for any cause to make such apportionment or to assign each judge to a numbered department, the supreme court, upon application of any interested person, shall make an order apportioning such business and assigning each judge to a numbered department and cause the same to be entered upon the minute book of the district court in each county in~~

1 ~~such--districts--Such--order--shall--remain--in--full--force--and~~
 2 ~~effect--until--modified--or--repealed--by--the--authority--making~~
 3 ~~it--The--failure--or--refusal--of--any--district--judge--to--carry~~
 4 ~~out--the--terms--of--such--order--shall--constitute--a--contempt--of~~
 5 ~~the--supreme--court--The--chief--judge--of--a--district--shall:~~
 6 ~~(a)--divide--the--court--into--numbered--departments;~~
 7 ~~(b)--assign--each--district--court--judge--to--a--department;~~
 8 ~~(c)--apportion--the--business--of--the--court--equally--among~~
 9 ~~the--departments;~~
 10 ~~(d)--prescribe--the--order--of--business;--and~~
 11 ~~(e)--make--rules--for--the--government--of--the--courts--~~
 12 (A) IN COOPERATION WITH THE OTHER DISTRICT COURT
 13 JUDGES, PREPARE AND SUBMIT BUDGETS FOR OPERATION OF THE
 14 DISTRICT COURT TO THE APPROPRIATE PUBLIC OFFICIALS;
 15 (B) EQUALIZE THE WORKLOAD OF ALL DISTRICT COURT JUDGES
 16 WITHIN THE JUDICIAL DISTRICT;
 17 (C) ESTABLISH APPROPRIATE SCHEDULES AND ADMINISTRATIVE
 18 RULES TO INSURE PROMPT AND EFFICIENT SERVICING OF ALL
 19 JUDICIAL BUSINESS IN THE DISTRICT;
 20 (D) EMPLOY AND ASSIGN STAFF AND SECRETARIAL PERSONNEL
 21 WHERE APPROPRIATE;
 22 (E) PERFORM SUCH MISCELLANEOUS ADMINISTRATIVE DUTIES
 23 AS NECESSARY OR ADVISABLE IN MISDISCRETION TO INSURE A
 24 UNITARY AND FUNCTIONING DISTRICT COURT OPERATION IN THE
 25 JUDICIAL DISTRICT; AND

1 (F) SUBMIT AN ANNUAL REPORT TO THE SUPREME COURT ON OR
 2 BEFORE MARCH 1 OF EACH YEAR COVERING THE STATUS AND
 3 CONDITION OF THE DISTRICT COURT IN THE JUDICIAL DISTRICT,
 4 ITS NEEDS, AND PROBLEM AREAS.
 5 (4) The principal office of the judgeship in the 4th
 6 district created by Chapter 542, L. 1979, shall be in Lake
 7 County. The chief judge of the district shall have authority
 8 to assign a judge to such office."

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(2) ~~The judges elected or appointed to hold office in each judicial district having more than one judge must divide the court into departments, prescribe the order of business, and make rules for the government of such courts. Each department shall be numbered, and each judge shall be assigned to one of such numbered departments. The supreme court shall appoint one district court judge from those elected in a multijudge district to serve as chief judge of such district. THE CHIEF JUDGE SHALL HOLD HIS POSITION AT THE PLEASURE OF THE SUPREME COURT.~~

(3) ~~The judges must apportion the business of the court among themselves as equally as may be in case of their failure for any cause to make such apportionment or to assign each judge to a numbered department, the supreme court upon application of any interested person, shall make an order apportioning such business and assigning each judge to a numbered department and cause the same to be entered upon the minute book of the district court in each county in~~

~~such district. Such order shall remain in full force and effect until modified or repealed by the authority making it. The failure or refusal of any district judge to carry out the terms of such order shall constitute a contempt of the supreme court. The chief judge of a district shall:~~

~~(a) divide the court into numbered departments;~~

~~(b) assign each district court judge to a department;~~

~~(c) apportion the business of the court equally among the departments;~~

~~(d) prescribe the order of business; and~~

~~(e) make rules for the government of the courts.~~

(A) IN COOPERATION WITH THE OTHER DISTRICT COURT JUDGES, PREPARE AND SUBMIT BUDGETS FOR OPERATION OF THE DISTRICT COURT TO THE APPROPRIATE PUBLIC OFFICIALS;

(B) EQUALIZE THE WORKLOAD OF ALL DISTRICT COURT JUDGES WITHIN THE JUDICIAL DISTRICT;

(C) ESTABLISH APPROPRIATE SCHEDULES AND ADMINISTRATIVE RULES TO INSURE PROMPT AND EFFICIENT SERVICING OF ALL JUDICIAL BUSINESS IN THE DISTRICT;

(D) EMPLOY AND ASSIGN STAFF AND SECRETARIAL PERSONNEL WHERE APPROPRIATE;

(E) PERFORM SUCH MISCELLANEOUS ADMINISTRATIVE DUTIES AS NECESSARY OR ADVISABLE IN HIS DISCRETION TO INSURE A UNITARY AND FUNCTIONING DISTRICT COURT OPERATION IN THE JUDICIAL DISTRICT; AND

(F) SUBMIT AN ANNUAL REPORT TO THE SUPREME COURT ON OR BEFORE MARCH 1 OF EACH YEAR COVERING THE STATUS AND CONDITION OF THE DISTRICT COURT IN THE JUDICIAL DISTRICT, ITS NEEDS, AND PROBLEM AREAS.

(4) The principal office of the judgeship in the 4th district created by Chapter 542, L. 1979, shall be in Lake County. The chief judge of the district shall have authority to assign a judge to such office."

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