

SENATE BILL NO. 99

INTRODUCED BY HAGER, ETCHART, STIMATZ,
BOYLAN, THOFT, NEUMAN, ABRAMS

IN THE SENATE

January 11, 1983	Introduced and referred to Committee on Judiciary.
January 18, 1983	Committee recommend bill do pass. Report adopted.
January 19, 1983	Bill printed and placed on members' desks.
January 20, 1983	Second reading, do pass.
January 21, 1983	Correctly engrossed.
January 22, 1983	Third reading, passed. Ayes, 45; Noes, 0. Transmitted to House.

IN THE HOUSE

January 24, 1983	Introduced and referred to Committee on Judiciary.
March 15, 1983	Committee recommend bill be concurrent in. Report adopted.
March 18, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in.

IN THE SENATE

March 21, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *99*
 2 INTRODUCED BY *Hag - Etchay Smith, Bryan*
 3 *Shofe Murren Abama*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 ASSIGNMENT AND TRANSFER OF JUDGES, WATER MASTERS, AND OTHER
 6 COURT PERSONNEL IN THE GENERAL ADJUDICATION OF WATER RIGHTS;
 7 AMENDING SECTIONS 3-7-223, 3-7-301, AND 19-5-103, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 3-7-223, MCA, is amended to read:
 11 "3-7-223. Duties of the chief water judge. The chief
 12 water judge shall:
 13 (1) coordinate with the department of natural
 14 resources and conservation in compiling information
 15 submitted on water claim forms under Title 85, chapter 2,
 16 part 2, to assure that the information is expeditiously and
 17 properly compiled and transferred to the water judge in each
 18 water division;
 19 (2) assure that the water judge in each water division
 20 moves without unreasonable delay to enter the required
 21 preliminary decree; and
 22 (3) assure that any contested or conflicting claims
 23 are tried and adjudicated as expeditiously as possible;
 24 ~~(4) assign court personnel to divisions and duties as~~
 25 ~~needed; and~~

1 ~~(5) request and secure the transfer of water judges~~
 2 ~~between divisions as needed."~~
 3 Section 2. Section 3-7-301, MCA, is amended to read:
 4 "3-7-301. Appointment of water masters -- removal. (1)
 5 The ~~chief water judge or the~~ water judge in each water
 6 division shall ~~may~~ appoint at least one ~~or more~~ water
 7 master ~~and may appoint more than one water master~~ masters.
 8 (2) A water master may be appointed after July 1,
 9 1980, and must be appointed on or before July 1, 1982.
 10 (3) In appointing a water master, the water judge
 11 shall consider a potential master's experience with water
 12 law, water use, and water rights.
 13 (4) A water master shall serve at the pleasure of the
 14 chief water judge and may be removed by the chief water
 15 judge.
 16 ~~(5) A water master may serve in any water division and~~
 17 ~~may be moved among the water divisions at the discretion of~~
 18 ~~the chief water judge."~~
 19 Section 3. Section 19-5-103, MCA, is amended to read:
 20 "19-5-103. Call of retired judge for duty. (1) Every
 21 judge or justice receiving retirement pay under the
 22 provisions of this chapter shall, if physically and mentally
 23 able, be subject to call by the supreme court or the chief
 24 justice thereof to aid and assist the supreme court, any
 25 district court, or any water court under such directions as

1 the supreme court may give, including the examination of the
2 facts, cases, and authorities cited, and the preparation of
3 opinions for and on behalf of the supreme court, district
4 court, or water court, or to serve as water judge. The
5 opinions, when and if and to the extent approved by the
6 court, may by the court be ordered to constitute the opinion
7 of such court. Such court and such retired judge or justice
8 may, subject to any rule which the supreme court may adopt,
9 perform any and all duties preliminary to the final
10 disposition of cases insofar as not inconsistent with the
11 constitution of the state.

12 (2) Such retired judge or justice, when called to
13 service as herein provided, shall be reimbursed for his
14 actual expenses, if any, in responding to such call. In
15 addition, for each day of temporary service a retired
16 justice or judge is entitled to receive compensation in an
17 amount equal to one-twentieth of the monthly salary then
18 currently applicable to the judicial position in which the
19 temporary service is rendered minus an amount equal to
20 one-twentieth of the monthly retirement allowance the
21 retired justice or judge is receiving for each day of
22 service rendered."

-End-

Approved by Committee
on Judiciary

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3 *Shofe, Murnan, Alvarado*
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16 part 2, to assure that the information is expeditiously and
17 properly compiled and transferred to the water judge in each
18 water division;
19 (2) assure that the water judge in each water division
20 moves without unreasonable delay to enter the required
21 preliminary decree; and
22 (3) assure that any contested or conflicting claims
23 are tried and adjudicated as expeditiously as possible;
24 (4) assign court personnel to divisions and duties as
25 needed; and

1 (5) request and secure the transfer of water judges
2 between divisions as needed."
3 Section 2. Section 3-7-301, MCA, is amended to read:
4 "3-7-301. Appointment of water masters -- removal. (1)
5 The chief water judge or the water judge in each water
6 division shall may appoint at least one or more water
7 master--and--may--appoint--more--than--one--water--master masters.
8 (2) A water master may be appointed after July 1,
9 1980, and must be appointed on or before July 1, 1982.
10 (3) In appointing a water master, the water judge
11 shall consider a potential master's experience with water
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14 chief water judge and may be removed by the chief water
15 judge.
16 (5) A water master may serve in any water division and
17 may be moved among the water divisions at the discretion of
18 the chief water judge."
19 Section 3. Section 19-5-103, MCA, is amended to read:
20 "19-5-103. Call of retired judge for duty. (1) Every
21 judge or justice receiving retirement pay under the
22 provisions of this chapter shall, if physically and mentally
23 able, be subject to call by the supreme court or the chief
24 justice thereof to aid and assist the supreme court, any
25 district court, or any water court under such directions as

1 the supreme court may give, including the examination of the
2 facts, cases, and authorities cited, and the preparation of
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6 court, may by the court be ordered to constitute the opinion
7 of such court. Such court and such retired judge or justice
8 may, subject to any rule which the supreme court may adopt,
9 perform any and all duties preliminary to the final
10 disposition of cases insofar as not inconsistent with the
11 constitution of the state.

12 (2) Such retired judge or justice, when called to
13 service as herein provided, shall be reimbursed for his
14 actual expenses, if any, in responding to such call. In
15 addition, for each day of temporary service a retired
16 justice or judge is entitled to receive compensation in an
17 amount equal to one-twentieth of the monthly salary then
18 currently applicable to the judicial position in which the
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22 service rendered."

-End-

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 3 *Chief Munnar, O'Hara*

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