

SENATE BILL NO. 203

INTRODUCED BY TOWE, BLAYLOCK, REGAN, HAGER, CRIPPEN, ADDY,
SANDS, KEATING, RAMIREZ

IN THE SENATE

January 19, 1983	Introduced and referred to Committee on Judiciary.
January 20, 1983	Fiscal Note requested.
January 25, 1983	Fiscal Note returned.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Ayes, 43; Noes, 7. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Judiciary.
March 21, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in.

IN THE SENATE

March 24, 1983

Returned to Senate with
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in. Ayes, 42;
Noes, 4.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *203*
 2 INTRODUCED BY *Sen. Baylock* *Sen. Hager*
 3 *Rep. Alamy* *Rep. Sanders* *Sen. Heston* *Rep. Ramsey*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 19-5-103, MCA, TO REQUIRE A JUDGE OR JUSTICE WITH 12 YEARS
 6 OR MORE OF SERVICE WHO RETIRES BEFORE AGE 65 TO ASSIST THE
 7 SUPREME COURT, A DISTRICT COURT, OR A WATER COURT UPON
 8 REQUEST OF THE SUPREME COURT OR THE CHIEF JUSTICE OF THE
 9 SUPREME COURT."

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

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

13 "19-5-103. Call of retired judge for duty. (1) Every
 14 judge or justice receiving retirement pay under the
 15 provisions of this chapter or voluntarily retiring before 65
 16 years of age after completing 12 years or more of service
 17 shall, if physically and mentally able, be subject to call
 18 by the supreme court or the chief justice thereof to aid and
 19 assist the supreme court, any district court, or any water
 20 court under such directions as the supreme court may give,
 21 including the examination of the facts, cases, and
 22 authorities cited, and the preparation of opinions for and
 23 on behalf of the supreme court, district court, or water
 24 court, or to serve as water judge. The opinions, when and if
 25 and to the extent approved by the court, may by the court be

1 ordered to constitute the opinion of such court. Such court
 2 and such retired judge or justice may, subject to any rule
 3 which the supreme court may adopt, perform any and all
 4 duties preliminary to the final disposition of cases insofar
 5 as not inconsistent with the constitution of the state.

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

-End-

INTRODUCED BILL

STATE OF MONTANA

REQUEST NO. 176-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 203 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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.

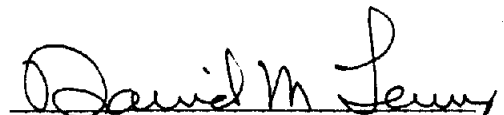
DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 203 is an act to require a judge or justice with 12 years or more service who retires before age 65 to assist the Supreme Court, a District Court, or a Water Court upon request of the Supreme Court or the Chief Justice of the Supreme Court.

FISCAL IMPACT:

No dollar estimate can be made since there is no way of predicting the number of times retired judges, in this category, will be called to active service.

FISCAL NOTE 7:Q/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-83

Approved by Committee
on Judiciary

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CRIPPEN, ADDY, SANDS, KEATING, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
19-5-103, MCA, TO REQUIRE A JUDGE OR JUSTICE WITH ~~12 YEARS~~
~~OR MORE OF SERVICE WHO RETIRES BEFORE AGE 65 AFTER 8 YEARS~~
~~OF SERVICE~~ TO ASSIST THE SUPREME COURT, A DISTRICT COURT, OR
A WATER COURT UPON REQUEST OF THE SUPREME COURT OR THE CHIEF
JUSTICE OF THE SUPREME COURT."

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

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

"19-5-103. Call of retired judge for duty. (1) Every
judge or justice ~~receiving retirement pay under the~~
~~provisions of this chapter or voluntarily retiring before 65~~
~~years of age after completing 12 years or more of service~~
~~who has retired after 8 years of service~~ shall, if
physically and mentally able, be subject to call by the
supreme court or the chief justice thereof to aid and assist
the supreme court, any district court, or any water court
under such directions as the supreme court may give,
including the examination of the facts, cases, and
authorities cited, and the preparation of opinions for and
on behalf of the supreme court, district court, or water

court, or to serve as water judge. The opinions, when and if
and to the extent approved by the court, may by the court be
ordered to constitute the opinion of such court. Such court
and such retired judge or justice may, subject to any rule
which the supreme court may adopt, perform any and all
duties preliminary to the final disposition of cases insofar
as not inconsistent with the constitution of the state.

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

-End-

SENATE BILL NO. 203

INTRODUCED BY TOWE, BLAYLOCK, REGAN, HAGER,

CRIPPEN, ADDY, SANDS, KEATING, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 19-5-103, MCA, TO REQUIRE A JUDGE OR JUSTICE WITH ~~12 YEARS~~ OR ~~MORE OF SERVICE~~ WHO RETIRES BEFORE ~~AGE 65~~ AFTER 8 YEARS OF SERVICE TO ASSIST THE SUPREME COURT, A DISTRICT COURT, OR A WATER COURT UPON REQUEST OF THE SUPREME COURT OR THE CHIEF JUSTICE OF THE SUPREME COURT."

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

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

"19-5-103. Call of retired judge for duty. (1) Every judge or justice receiving ~~retirement pay under the provisions of this chapter or voluntarily retiring before 65 years of age after completing 12 years or more of service~~ WHO HAS RETIRED AFTER 8 YEARS OF SERVICE shall, if physically and mentally able, be subject to call by the supreme court or the chief justice thereof to aid and assist the supreme court, any district court, or any water court under such directions as the supreme court may give, including the examination of the facts, cases, and authorities cited, and the preparation of opinions for and on behalf of the supreme court, district court, or water

court, or to serve as water judge. The opinions, when and if and to the extent approved by the court, may by the court be ordered to constitute the opinion of such court. Such court and such retired judge or justice may, subject to any rule which the supreme court may adopt, perform any and all duties preliminary to the final disposition of cases insofar as not inconsistent with the constitution of the state.

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

-End-

HOUSE JUDICIARY COMMITTEE

AMENDMENTS TO SENATE BILL 203

March 21, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

1. Title, line 7.
Following: "RETIRES"
Insert: "VOLUNTARILY"
2. Page 1, line 18.
Following: "HAS"
Insert: "voluntarily"

AND AS AMENDED
BE CONCURRED IN

SENATE BILL NO. 203

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CRIPPEN, ADDY, SANDS, KEATING, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 19-5-103, MCA, TO REQUIRE A JUDGE OR JUSTICE WITH 12 YEARS OR MORE OF SERVICE WHO RETIRES BEFORE AGE 65 VOLUNTARILY AFTER 8 YEARS OF SERVICE TO ASSIST THE SUPREME COURT, A DISTRICT COURT, OR A WATER COURT UPON REQUEST OF THE SUPREME COURT OR THE CHIEF JUSTICE OF THE SUPREME COURT."

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

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

"19-5-103. Call of retired judge for duty. (1) Every judge or justice receiving retirement pay under the provisions of this chapter or voluntarily retiring before 65 years of age after completing 12 years or more of service who has voluntarily retired after 8 years of service shall, if physically and mentally able, be subject to call by the supreme court or the chief justice thereof to aid and assist the supreme court, any district court, or any water court under such directions as the supreme court may give, including the examination of the facts, cases, and authorities cited, and the preparation of opinions for and on behalf of the supreme court, district court, or water

court, or to serve as water judge. The opinions, when and if and to the extent approved by the court, may by the court be ordered to constitute the opinion of such court. Such court and such retired judge or justice may, subject to any rule which the supreme court may adopt, perform any and all duties preliminary to the final disposition of cases insofar as not inconsistent with the constitution of the state.

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

-End-