

1 **House** BILL NO. 175
 2 INTRODUCED BY Antoinette R. Hagen & Derogian
 3 BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE CHIEF JUSTICE, RATHER THAN THE
 6 GOVERNOR, MAY ASSIGN A DISTRICT JUDGE TO HOLD COURT IN A DISTRICT OTHER THAN THE
 7 JUDGE'S OWN DISTRICT; ELIMINATING THE REQUIREMENT FOR A REQUEST BY AN INTERESTED
 8 PERSON; AMENDING SECTIONS 3-5-111 AND 3-5-112, MCA; AND PROVIDING AN IMMEDIATE
 9 EFFECTIVE DATE."
 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12

13 **Section 1.** Section 3-5-111, MCA, is amended to read:

14 **"3-5-111. District courts presided over by judges of other districts.** A judge of the district court
 15 of any judicial district may hold the district court in any county of another district ~~than his own~~ at the
 16 request of the judge ~~thereof~~ of the other district or as otherwise provided by law. ~~Upon the request of the~~
 17 ~~governor, it is his duty to do so.~~ A district judge shall hold the district court in a county of another district
 18 if so requested by the chief justice. ~~In either case the~~ The judge holding the court in the other district has
 19 the same power ~~either in court or chambers as a judge thereof~~ as within the judge's own district."
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21 **Section 2.** Section 3-5-112, MCA, is amended to read:

22 **"3-5-112. ~~Order from governor~~ Authority of chief justice.** (1) ¶ The chief justice may by written
 23 order assign a district judge to hold court in a county of another district if:

24 (a) for any cause a district court in another district is not or cannot be held in any county by ~~the~~
 25 ~~a judge or judges thereof or by a district judge requested by such judge or judges to hold such court of the~~
 26 other district or acting for the other district; or if

27 (b) the business of the court ~~in any county~~ in the other district is not or cannot be dispatched with
 28 reasonable promptness, ~~the governor may, upon application of any interested person, by an order in~~
 29 ~~writing, require some district judge to hold court in said county for such time as may be specified in the~~
 30 ~~order.~~

1 (2) A district judge assigned to another district pursuant to subsection (1) shall hold court in the
2 other district for the time specified in the order."

3

4 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

5

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1 House BILL NO. 175
 2 INTRODUCED BY Antoinette R. Huguenot & Derogian
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House BILL NO. 175

INTRODUCED BY

Antoinette R. Heger & Derogian

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE CHIEF JUSTICE, RATHER THAN THE GOVERNOR, MAY ASSIGN A DISTRICT JUDGE TO HOLD COURT IN A DISTRICT OTHER THAN THE JUDGE'S OWN DISTRICT; ELIMINATING THE REQUIREMENT FOR A REQUEST BY AN INTERESTED PERSON; AMENDING SECTIONS 3-5-111 AND 3-5-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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