

## 1 SENATE BILL NO. 4

2 INTRODUCED BY T. FACEY

3 BY REQUEST OF THE ECONOMIC AFFAIRS INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING APPOINTMENT OF SUBSTITUTE WORKERS'  
6 COMPENSATION JUDGES DURING A VACANCY; AND AMENDING SECTION 39-71-2901, MCA."

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

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10 **Section 1.** Section 39-71-2901, MCA, is amended to read:11 **"39-71-2901. Location of office -- court powers -- withdrawal -- substitution -- vacancy.** (1) The  
12 principal office of the workers' compensation judge must be in the city of Helena.

13 (2) The workers' compensation court has power to:

14 (a) preserve and enforce order in its immediate presence;

15 (b) provide for the orderly conduct of proceedings before it and its officers;

16 (c) compel obedience to its judgments, orders, and process in the same manner and by the same  
17 procedures as in civil actions in district court;

18 (d) compel the attendance of persons to testify; and

19 (e) punish for contempt in the same manner and by the same procedures as in district court.

20 (3) The workers' compensation judge shall withdraw from all or part of any matter if the judge believes  
21 the circumstances make disqualification appropriate. In the case of a withdrawal, the workers' compensation  
22 judge shall designate and contract for a substitute workers' compensation judge to preside over the proceeding  
23 from the list provided for in subsection ~~(4)~~ (6).24 (4) If the office of the workers' compensation judge becomes vacant and before the vacancy is  
25 permanently filled pursuant to Title 3, chapter 1, part 10, the chief justice of the Montana supreme court shall  
26 appoint a substitute judge within 30 days of receipt of the notice of vacancy. The chief justice shall select a  
27 substitute judge from the list provided in subsection (6) or from the pool of retired state district court judges. The  
28 chief justice may appoint a substitute judge for a part of the vacancy or for the entire duration of the vacancy, and  
29 more than one substitute judge may be appointed to fill a vacancy.30 (5) The A substitute judge must be compensated at the same hourly rate charged by the department of

1 justice agency legal services bureau for the provision of legal services to state agencies. ~~The~~ A substitute judge  
2 must be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. When ~~the~~ a substitute  
3 judge has accepted jurisdiction, the clerk of the workers' compensation court shall mail a copy of the assumption  
4 of jurisdiction to each attorney or party of record. The certificate of service must be attached to the assumption  
5 of jurisdiction form in the court file.

6 ~~(4)(6)~~ The workers' compensation judge shall maintain a list of persons who are interested in serving  
7 as a substitute workers' compensation judge in the event of a recusal by the judge or a vacancy and who prior  
8 to being put on the list of potential substitutes have been admitted to the practice of law in Montana for at least  
9 5 years, currently reside in Montana, and have resided in the state for 2 years."

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