

SENATE BILL 405

Introduced by Blaylock

2/15	Introduced
2/16	Fiscal Note Requested
2/16	First Reading
2/16	Referred to Local Government
2/19	Hearing
2/19	Tabled in Committee
2/22	Fiscal Note Received
2/22	Fiscal Note Printed

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INTRODUCED BY Senate BILL NO. 405
Blaylock

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CITIES, TOWNS, AND COUNTIES TO FORM AND ESTABLISH INTERLOCAL COURTS BY INTERLOCAL AGREEMENT; PROVIDING THAT A QUALIFIED JUDGE MAY SIT AS THE JUDGE IN ANY COURT WITHIN THE AREA COVERED BY THE INTERLOCAL AGREEMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Interlocal court agreement authorized. An interlocal court is established by an interlocal agreement between cities and towns or between a county and one or more cities and towns within the county.

NEW SECTION. Section 2. Establishment of interlocal court. (1) Cities and towns in the same county may form an interlocal court by an interlocal agreement approved by a majority of each governing body .

(2) A county and cities and towns within the county may unite to form an interlocal court by interlocal agreement approved by a majority of each governing body.

(3) The interlocal court agreement must provide that when acting as a justice of the peace, the judge has the jurisdiction provided in Title 3, chapter 10, and when

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acting as a city judge, the judge has the jurisdiction provided in Title 3, chapter 11. All penalties, fines, forfeitures, and costs must be collected and distributed pursuant to the law governing the specific court.

NEW SECTION. Section 3. Content of interlocal agreement. The interlocal agreement establishing an interlocal city or municipal court must:

(1) establish an interlocal court and provide that a qualified city judge or justice of the peace may preside at any court within the interlocal court that he is qualified to serve;

(2) provide for the number of judges necessary for operation of the interlocal court, which may be less than the number of governmental units forming the interlocal court;

(3) designate the governmental units that will elect the judges and specify the governmental units that will contract for the judges' services;

(4) provide that each governmental unit pay its proportionate share of a judge's salary, benefits, training, and expenses, based on either population or time spent in a specific court;

(5) provide for the actual and necessary travel expenses of the judge when traveling to a city or town other than the city or town in which the judge resides;



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1 (6) provide that a judge of the interlocal court may
2 preside in all the courts forming the interlocal court and
3 assume continuing jurisdiction of all pending justices' or
4 city court cases;

5 (7) provide for the salaries and costs for the clerk of
6 the court to be prorated among the governmental units;

7 (8) provide that a vacancy in the judicial office be
8 filled in the manner in which the judge was initially
9 chosen; and

10 (9) include other provisions the governmental entities
11 consider necessary.

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0405, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act allowing cities, towns and counties to form and establish interlocal courts by interlocal agreement; providing that a qualified judge may sit as the judge in any court within the area covered by the interlocal agreement; and providing an immediate effective date.

FISCAL IMPACT:


No fiscal impact to state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The local impact cannot be reasonably determined. It is not possible to accurately forecast which local governments might avail themselves of the bill provisions. There may be some savings through the use of consolidated courts.



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-21-91



CHET BLAYLOCK, PRIMARY SPONSOR DATE
Fiscal Note for SB0405, as introduced 2/24/91
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