

1 Palmer <sup>H</sup> BILL NO. 247  
2 INTRODUCED BY \_\_\_\_\_  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
5 CLARIFY THE LAWS RELATING TO MUNICIPAL COURTS; TO CHANGE THE  
6 POPULATION REQUIREMENT FOR CITIES ADOPTING MUNICIPAL COURTS  
7 FROM 20,000 TO 10,000; TO PROVIDE THAT MUNICIPAL COURT  
8 JUDGES BE ELECTED EVERY FOUR YEARS; TO PROVIDE  
9 QUALIFICATIONS FOR AND RESTRICTIONS ON MUNICIPAL COURT  
10 JUDGES; TO PROVIDE THAT THE CITY PROVIDE THE FACILITIES FOR  
11 THE COURT; TO PRESCRIBE THE SESSIONS OF THE COURT; AND TO  
12 PRESCRIBE THE AMOUNT AND DISPOSITION OF FINES IN THE COURT;  
13 AMENDING SECTIONS 11-1701, 11-1703, 11-1704, 11-1705,  
14 11-1708, 11-1710, 11-1711, AND 11-1718, R.C.M. 1947;  
15 REPEALING SECTION 11-1709, R.C.M. 1947."

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 11-1701, R.C.M. 1947, is amended to  
19 read as follows:

20 "11-1701. ~~Municipal courts cities where creation~~  
21 ~~authorized adoption of provisions concerning~~ Establishment  
22 ~~of municipal court.~~ (1) There is hereby created in all All  
23 cities in the state of Montana with a population of twenty  
24 thousand ~~(20,000)~~ 10,000 or more persons, according to the  
25 last federal census, shall have a court to be known and

1 designated as the municipal court of the city of  
2 (designating the name of the city) of the state of Montana.  
3 Such the court shall be a court of record.

4 ~~(2) provided however that the~~ The provisions of this  
5 ~~act shall~~ chapter apply only after the governing body or  
6 ~~council of such the city or cities shall have~~ has elected by  
7 a two-thirds majority vote to adopt the provisions hereof  
8 ~~them~~ by ordinance and in said the ordinance shall have has  
9 provided the manner of in which and time at which when  
10 said the municipal court shall is to be established. Said  
11 the ordinance shall must be consistent with the provisions  
12 of this act chapter."

13 Section 2. Section 11-1703, R.C.M. 1947, is amended to  
14 read as follows:

15 "11-1703. Election of judges -- term of office. (1)  
16 There One judge of each municipal court shall be elected at  
17 the general city election in the year 1936 in all cities  
18 with a population of twenty thousand (20,000) and every one  
19 judge of municipal courts. The term of such judge so elected  
20 shall commence on the first Monday in May 1936 and  
21 terminate on the first Monday in May 1938. Thereafter  
22 judges of municipal courts shall be elected at the general  
23 city elections in all even-numbered years. The judge's term  
24 shall commence on the first Monday in May following the  
25 election. Such judges the judge shall hold office for the

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1 term of two ~~4~~ years from-the-first-Monday-of-May-in-the-year  
 2 in-which-they-are-elected and until their his successor is  
 3 elected and qualified.

4 (2) All elections of municipal judges shall-be-under  
 5 and are governed by the laws applicable to the election of  
 6 city officials, except that the names name of candidates a  
 7 candidate for municipal judge shall be placed on the ballot  
 8 to-be-used-at-such-election without any party designation or  
 9 any statement, measure, or principle which the candidate  
 10 advocates or any slogan after his name."

11 Section 3. Section 11-1704, R.C.M. 1947, is amended to  
 12 read as follows:

13 "11-1704. Qualifications and salary. Municipal-judges  
 14 shall A municipal court judge must have the same  
 15 qualifications as judges a judge of the a district courts, as  
 16 set forth in Article VII, section 9, of the 1972 Montana  
 17 constitution, except that a municipal court judge need only  
 18 be admitted to the practice of law in Montana for at least 2  
 19 years prior to the date of appointment or election, and A  
 20 municipal court judge must be a resident and voter in the  
 21 city for in which he is elected at the time of his election.

22 (2) The salary of such-judges the municipal court  
 23 judge shall be set by city ordinance and shall be payable  
 24 monthly by the city treasurer of-the-city-in-which-such  
 25 court-is."

1 Section 4. There is a new R.C.M. section that reads as  
 2 follows:

3 Restrictions on municipal court judges. No municipal  
 4 court judge may practice law or hold office in a political  
 5 party during his term of office.

6 Section 5. Section 11-1705, R.C.M. 1947, is amended to  
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8 "11-1705. Courtroom and supplies. A room for such the  
 9 municipal court, with necessary furniture, fixtures, and  
 10 supplies, shall be provided by the county city wherein said  
 11 city the court is located."

12 Section 6. Section 11-1708, R.C.M. 1947, is amended to  
 13 read as follows:

14 "11-1708. Sessions of the court. Such The municipal  
 15 court shall be in continuous session from 10:00--o'clock 2  
 16 a.m. to 4:00--o'clock 12 noon and from 1 p.m. to 4 p.m. on  
 17 every judicial day or-such-other-hours-as-the-judge--thereof  
 18 may-designate--except--that--during--the--time--when--the  
 19 district-court-of-the-county-in-which-said-municipal-court  
 20 is-located-is-in-session-the-municipal-judge-may-in-his  
 21 discretion-suspend-court except nonjudicial days. The judge  
 22 may designate additional hours as he, in his discretion,  
 23 sees fit."

24 Section 7. Section 11-1710, R.C.M. 1947, is amended to  
 25 read as follows:

1 "11-1710. Sumaons -- time for answer. Summons in  
 2 municipal court shall be signed by the clerk and shall  
 3 conform ~~as near as may be~~ to the provisions of section  
 4 93-3603 M.R.Civ.P., Rules 4 and 12(a), except that the time  
 5 for answering ~~shall be is ten 10 days--instead-of-twenty."~~

6 Section 3. Section 11-1711, R.C.M. 1947, is amended to  
 7 read as follows:

8 "~~11-1711. Practice--repty~~ Applicability of rules for  
 9 justices' courts -- reply to counterclaim or new matter. (1)  
 10 The provisions of sections 93-6901 to ~~through~~ 93-7405  
 11 ~~inclusive~~ and sections 93-7701 to ~~through~~ 93-7714  
 12 ~~inclusive~~ are hereby ~~adopted--and--made~~ applicable to  
 13 ~~practice-and-procedure-in~~ municipal court ~~courts~~, except  
 14 where ~~when the same they~~ are repugnant to inconsistent with  
 15 the provisions of this act ~~chapter~~; ~~the~~ the words  
 16 "~~Municipal--Court~~" "municipal court" being substituted for  
 17 justice court, and "judge" for justice of the peace where  
 18 ~~the same appears in said chapters.~~

19 (2) Where ~~whenever~~ the answer contains a counterclaim  
 20 or any new matter, the plaintiff, ~~if--he--does--not--demury~~  
 21 shall within ~~five 2~~ days after the service and filing of the  
 22 answer, reply to ~~such the~~ counterclaim or new matter in the  
 23 manner and form provided for in section-93-3603 M.R.Civ.P.,  
 24 Rules 7(a), 8(a)(2), and 10(b)."

25 Section 9. Section 11-1718, R.C.M. 1947, is amended to

1 read as follows:

2 "11-1718. Fees and fines. The fees and fines in  
 3 municipal court shall be the same as the fees and fines  
 4 provided by law for justice ~~justice's~~ court, and all fees  
 5 and fines collected by ~~such the~~ court shall be paid into the  
 6 city treasury."

7 Section 10. Repealer. Section 11-1709, R.C.M. 1947, is  
 8 repealed.

-End-

Approved by Comm.  
on Local Government

HOUSE BILL NO. 247

INTRODUCED BY PALMER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO MUNICIPAL COURTS; TO CHANGE THE POPULATION REQUIREMENT FOR CITIES ADOPTING MUNICIPAL COURTS FROM 20,000 TO 10,000; TO PROVIDE THAT MUNICIPAL COURT JUDGES BE ELECTED EVERY FOUR YEARS; TO PROVIDE QUALIFICATIONS FOR AND RESTRICTIONS ON MUNICIPAL COURT JUDGES; TO PROVIDE THAT THE CITY PROVIDE THE FACILITIES FOR THE COURT; TO PRESCRIBE THE SESSIONS OF THE COURT; AND TO PRESCRIBE THE AMOUNT AND DISPOSITION OF FINES IN THE COURT; AMENDING SECTIONS 11-1701, 11-1703, 11-1704, 11-1705, 11-1708, 11-1710, 11-1711, ~~AND 11-1717~~, 11-1718, ~~AND 93-102~~, R.C.M. 1947; REPEALING SECTION 11-1709, R.C.M. 1947."

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

Section 1. Section 11-1701, R.C.M. 1947, is amended to read as follows:

"11-1701. ~~Municipal courts cities where creation authorized adoption of provisions concerning~~ Establishment of municipal court. (1) ~~There is hereby created in all~~ All cities in the state of Montana with a population of ~~twenty thousand (20,000)~~ 10,000 or more persons, according to the last federal census, ~~shall MAY have~~ a court to be known and

designated as ~~the~~ municipal court of the city of (designating the name of the city) of the state of Montana. Such ~~the~~ court shall be a court of record.

~~(2) provided however that the~~ The provisions of this ~~act shall chapter~~ apply only after the governing body or council of such ~~the~~ city or cities shall have has elected by a two-thirds majority vote to adopt ~~the provisions hereof~~ them by ordinance and ~~in said the ordinance shall have has~~ provided the manner of in which and time ~~at which when~~ when ~~said the~~ municipal court shall is to be established. ~~Said~~ The ordinance shall must be consistent with the provisions of this ~~act chapter.~~"

Section 2. Section 11-1703, R.C.M. 1947, is amended to read as follows:

"11-1703. Election of judges -- term of office. ~~(1) There one judge of each municipal court shall be elected at the general city election in the year 1936 in all cities with a population of twenty thousand (20,000) and over, one judge of municipal courts. The term of such judge so elected shall commence on the first Monday in May 1936 and terminate on the first Monday in May 1938. Thereafter judges of municipal courts shall be elected at the general city elections in all even numbered years. The judge's term shall commence on the first Monday in May following the election. Such judges The judge shall hold office for the~~

SECOND READING

1 term of two ~~4~~ years ~~from the first Monday of May in the year~~  
 2 ~~in which they are elected~~ and until their ~~his~~ successor is  
 3 elected and qualified.

4 ~~121~~ All elections of municipal judges ~~shall be under~~  
 5 ~~and are~~ governed by the laws applicable to the election of  
 6 city officials, except that the names ~~name~~ of candidates ~~a~~  
 7 ~~candidate~~ for municipal judge shall be placed on the ballot  
 8 ~~to be used at such election~~ without any party designation or  
 9 any statement, measure, or principle which the candidate  
 10 advocates or any slogan after his name."

11 Section 3. Section 11-1704, R.C.M. 1947, is amended to  
 12 read as follows:

13 "11-1704. Qualifications and salary. ~~Municipal--judges~~  
 14 ~~shall~~ A municipal court judge must have the same  
 15 qualifications as ~~judges a judge~~ of the ~~a~~ district courts ~~as~~  
 16 ~~set forth in Article VII, section 9, of the 1972 Montana~~  
 17 ~~constitution, except that a municipal court judge need only~~  
 18 ~~be admitted to the practice of law in Montana for at least 2~~  
 19 ~~years prior to the date of appointment or election, and A~~  
 20 ~~municipal court judge~~ must be a resident and voter in the  
 21 city for ~~in~~ which he is elected at the time of his election.

22 ~~121~~ The salary of ~~such--judges~~ the municipal court  
 23 judge shall be set by city ordinance and ~~shall be~~ payable  
 24 monthly by the city treasurer ~~of--the--city--in--which--such~~  
 25 ~~court--is.~~"

1 Section 4. There is a new R.C.M. section that reads as  
 2 follows:

3 Restrictions on municipal court judges. No municipal  
 4 court judge may practice law or hold office in a political  
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 9 municipal court, with necessary furniture, fixtures, and  
 10 supplies, shall be provided by the county city wherein ~~said~~  
 11 city the court is located."

12 Section 6. Section 11-1708, R.C.M. 1947, is amended to  
 13 read as follows:

14 "11-1708. Sessions of the court. ~~Such~~ The municipal  
 15 court shall be in continuous session from ~~10:00 o'clock~~ 9  
 16 a.m. to 4:00 o'clock 12 noon and from 1 p.m. to 4 p.m. on  
 17 every ~~judicial~~ day ~~or such other hours as the judge thereof~~  
 18 ~~may designate, except that, during the time when the~~  
 19 ~~district court of the county in which said municipal court~~  
 20 ~~is located is in session, the municipal judge may in his~~  
 21 ~~discretion suspend court~~ except nonjudicial days. The judge  
 22 may designate additional hours as he, in his discretion,  
 23 sees fit."

24 Section 7. Section 11-1710, R.C.M. 1947, is amended to  
 25 read as follows:

1       "11-1710. Summons -- time for answer. Summons in  
2 municipal court shall be signed by the clerk and shall  
3 conform ~~as near as may be~~ to the provisions of section  
4 ~~93-3603 M.R.Civ.P., Rules 4 and 12(a),~~ except that the time  
5 for answering shall be ~~is~~ ten 10 days, ~~instead of twenty."~~

6       Section 8. Section 11-1711, R.C.M. 1947, is amended to  
7 read as follows:

8       "11-1711. ~~Practice--reply~~ Applicability of rules for  
9 justices' courts -- reply to counterclaim or new matter. (1)  
10 The provisions of sections 93-6901 to through 93-7405,  
11 inclusive, and sections 93-7701 to through 93-7714,  
12 inclusive, are hereby ~~adopted and made~~ applicable to  
13 ~~practice and procedure in~~ municipal court courts, except  
14 ~~where when the same they~~ are repugnant to inconsistent with  
15 the provisions of this act ~~chapter.~~ The the words  
16 ~~"Municipal Court"~~ "municipal court" being substituted for  
17 justice court, and "judge" for justice of the peace ~~where~~  
18 ~~the same appears in said chapters.~~

19       (2) Where whenever the answer contains a counterclaim  
20 or any new matter, the plaintiff ~~if he does not demur~~  
21 shall within five 5 days after the service and filing of the  
22 answer, reply to ~~such the~~ counterclaim or new matter in the  
23 manner and form provided for in ~~section 93-3603 M.R.Civ.P.,~~  
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25       SECTION 9. SECTION 11-1717, R.C.M., 1947, IS AMENDED TO

1       READ AS FOLLOWS:

2       "11-1717. Appeals. ~~An appeal shall lie to the district~~  
3 ~~court of the county in which the municipal court is~~  
4 ~~established as from a judgment of justice court or police~~  
5 ~~court, and the provisions of law applicable to such appeals~~  
6 ~~shall apply and are hereby adopted. When the amount in~~  
7 ~~controversy is less than one hundred (\$100.00) dollars there~~  
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10 ~~final decision is desirable. (1) A party may appeal to~~  
11 district court from a judgment of municipal court.

12       (2) Appeal from a municipal court may be limited by  
13 requiring by ordinance that a minimum amount in controversy,  
14 not to exceed \$200, be met before the district court has  
15 jurisdiction to hear the appeal, except:

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20 court may, in the interests of justice, accept appeal  
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23 appeal to district court. The rules are subject to supreme  
24 court's rule-making and supervisory authority."

25       Section 10. Section 11-1718, R.C.M. 1947, is amended

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2 "11-1718. Fees and fines. The fees and fines in  
3 municipal court shall be the same as the fees and fines  
4 provided by law for ~~justice~~ justice's court, and all fees  
5 and fines collected by ~~such the~~ court shall be paid into the  
6 city treasury."

7 SECTION 11. SECTION 93-102, R.C.M. 1947, IS AMENDED TO  
8 READ AS FOLLOWS:

9 "93-102. Courts of record. ~~The courts enumerated in~~  
10 ~~the first three subdivisions of the last preceding section~~  
11 ~~and only those courts are courts of record. The court of~~  
12 impeachment, the supreme court, the district courts, and  
13 municipal courts of record are courts of record."

14 Section 12. Repealer. Section 11-1709, R.C.M. 1947, is  
15 repealed.

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 11 ~~city the court~~ is located."

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 16 ~~a.m. to 4:00 o'clock 12 noon and from 1 p.m. to 4 p.m.~~ on  
 17 every ~~judicial day or such other hours as the judge thereof~~  
 18 ~~may designate except that during the time when the~~  
 19 ~~district court of the county in which said municipal court~~  
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8 "~~11-1711. Practice--reply~~ Applicability of rules for  
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 21 shall within five 5 days after the service and filing of the  
 22 answer, reply to such ~~the~~ counterclaim or new matter in the  
 23 manner and form provided for in ~~section 93-3601~~ M.R.Civ.P.,  
 24 Rules 7(a), 8(e)(2), and 10(b)."

25 SECTION 9. SECTION 11-1717, R.C.M. 1947, IS AMENDED TO

1 READ AS FOLLOWS:

2 "11-1717. Appeals. ~~An appeal shall tie to the district~~  
 3 ~~court of the county in which the municipal court is~~  
 4 ~~established as from a judgment of justice court or police~~  
 5 ~~court, and the provisions of law applicable to such appeals~~  
 6 ~~shall apply and are hereby adopted. When the amount in~~  
 7 ~~controversy is less than one hundred (\$100.00) dollars there~~  
 8 ~~shall be no appeal unless the municipal judge shall certify~~  
 9 ~~that a doubtful question of law is involved upon which a~~  
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12 (2) Appeal from a municipal court may be limited by  
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19 (b) upon petition by an aggrieved party the district  
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22 (3) The municipal court shall establish rules for  
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12 impeachment, the supreme court, the district courts, and  
13 municipal courts of record are courts of record."

14 Section 12. Repealer. Section 11-1709, R.C.M. 1947, is  
15 repealed.

-End-

March 25, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Judiciary

That House Bill No. 247 be amended as follows:

1. Amend title, line 15.

Following: "1947"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Amend page 2, section 1, line 10.

Following: "established"

Insert: "and shall assume continuing jurisdiction over all pending city court cases"

3. Amend page 6, section 9, line 17.

Following: "controversy"

Strike: "shall"

Insert: "may"

4. Amend page 6, section 9, line 18.

Following: "appeal"

Strike: ", "

Insert: ";"

5. Amend page 6, section 9, line 23.

Following: "subject to"

Insert: "the"

6. Amend page 7, section 10, line 4.

Following: "law"

Strike: "for justice's court"

Insert: "or ordinance"

7. Amend page 7, section 11, line 13.

Following: line 12

Insert: "the"

Following: "municipal courts"

Strike: "of record"

8. Amend page 7, section 12, line 15.

Following: line 15

Insert: "Section 13. Effective date. This act is effective on its passage and approval."

1 HOUSE BILL NO. 247  
 2 INTRODUCED BY PALMER  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5 CLARIFY THE LAWS RELATING TO MUNICIPAL COURTS; TO CHANGE THE  
 6 POPULATION REQUIREMENT FOR CITIES ADOPTING MUNICIPAL COURTS  
 7 FROM 20,000 TO 10,000; TO PROVIDE THAT MUNICIPAL COURT  
 8 JUDGES BE ELECTED EVERY FOUR YEARS; TO PROVIDE  
 9 QUALIFICATIONS FOR AND RESTRICTIONS ON MUNICIPAL COURT  
 10 JUDGES; TO PROVIDE THAT THE CITY PROVIDE THE FACILITIES FOR  
 11 THE COURT; TO PRESCRIBE THE SESSIONS OF THE COURT; AND TO  
 12 PRESCRIBE THE AMOUNT AND DISPOSITION OF FINES IN THE COURT;  
 13 AMENDING SECTIONS 11-1701, 11-1703, 11-1704, 11-1705,  
 14 11-1708, 11-1710, 11-1711, ~~AND 11-1717~~, 11-1718, ~~AND 93-102~~,  
 15 R.C.M. 1947; REPEALING SECTION 11-1709, R.C.M. 1947; ~~AND~~  
 16 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

17  
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 19 Section 1. Section 11-1701, R.C.M. 1947, is amended to  
 20 read as follows:  
 21 "11-1701. Municipal ~~courts~~ ~~in cities~~ ~~where creation~~  
 22 ~~authorized~~ ~~adoption of provisions concerning~~ Establishment  
 23 of municipal court. (1) ~~There is hereby created in all~~ All  
 24 cities in the state of Montana with a population of twenty  
 25 ~~thousand (20,000)~~ 10,000 or more persons, according to the

1 last federal census, ~~shall~~ MAY have a court ~~to be known and~~  
 2 ~~designated as the~~ municipal court of the city of  
 3 (designating the name of the city) of the state of Montana.  
 4 Such ~~the~~ court shall be a court of record.

5 (2) ~~provided, however, that the~~ ~~the~~ provisions of this  
 6 ~~act shall~~ chapter apply only after the governing body or  
 7 ~~council~~ of such ~~the~~ city or ~~cities~~ ~~shall have~~ has elected by  
 8 a two-thirds majority vote to adopt ~~the provisions hereof~~  
 9 ~~them~~ by ordinance and, in said ~~the~~ ordinance, ~~shall have~~ has  
 10 provided the manner of, in which and time at which, when  
 11 ~~said the~~ municipal court ~~shall is to~~ be established AND  
 12 SHALL ASSUME CONTINUING JURISDICTION OVER ALL PENDING CITY  
 13 COURT CASES. Said ~~the~~ ordinance ~~shall must~~ be consistent  
 14 with the provisions of this ~~act~~ chapter."

15 Section 2. Section 11-1703, R.C.M. 1947, is amended to  
 16 read as follows:

17 "11-1703. Election of judges -- term of office. (1)  
 18 ~~There One judge of each municipal court~~ shall be elected at  
 19 the general city election ~~in the year 1936 in all cities~~  
 20 ~~with a population of twenty thousand (20,000) and over -- one~~  
 21 ~~judge of municipal courts. The term of such judge so elected~~  
 22 ~~shall commence on the first Monday in May 1936 and~~  
 23 ~~terminate on the first Monday in May 1938. Thereafter~~  
 24 ~~judges of municipal courts shall be elected at the general~~  
 25 ~~city elections in all even-numbered years. The judge's term~~

1 ~~shall commence on the first Monday in May following the~~  
 2 ~~election. Such--judges~~ The judge shall hold office for the  
 3 term of two 1/2 years ~~from the first Monday of May in the year~~  
 4 ~~in which they are elected~~ and until their his successor is  
 5 elected and qualified.

6 (2) All elections of municipal judges ~~shall be under~~  
 7 ~~and are~~ governed by the laws applicable to the election of  
 8 city officials, except that the ~~names~~ name of candidates a  
 9 candidate for municipal judge shall be placed on the ballot  
 10 ~~to be used at such election~~ without any party designation or  
 11 any statement, ~~measure,~~ or principle which the candidate  
 12 advocates or any slogan after his name."

13 Section 3. Section 11-1704, R.C.M. 1947, is amended to  
 14 read as follows:

15 "11-1704. Qualifications and salary. ~~Municipal--judges~~  
 16 ~~shall~~ A municipal court judge must have the same  
 17 qualifications as ~~judges a judge~~ of the a district court, as  
 18 set forth in Article VII, section 9, of the 1972 Montana  
 19 constitution, except that a municipal court judge need only  
 20 be admitted to the practice of law in Montana for at least 2  
 21 years prior to the date of appointment or election, and A  
 22 municipal court judge must be a resident and voter in the  
 23 city for in which he is elected at the time of his election.

24 (2) The salary of ~~such--judges~~ the municipal court  
 25 judge shall be set by city ordinance and shall be payable

1 monthly by the city treasurer ~~of--the--city--in--which--such~~  
 2 ~~court is.~~"

3 Section 4. There is a new R.C.M. section that reads as  
 4 follows:

5 Restrictions on municipal court judges. No municipal  
 6 court judge may practice law or hold office in a political  
 7 party during his term of office.

8 Section 5. Section 11-1705, R.C.M. 1947, is amended to  
 9 read as follows:

10 "11-1705. Courtroom and supplies. A room for ~~such the~~  
 11 municipal court, with necessary furniture, fixtures, and  
 12 supplies, shall be provided by the county city wherein ~~said~~  
 13 city the court is located."

14 Section 6. Section 11-1708, R.C.M. 1947, is amended to  
 15 read as follows:

16 "11-1708. Sessions of the court. ~~Such~~ The municipal  
 17 court shall be in continuous session from ~~10:00 o'clock~~ 9  
 18 a.m. to 4:00 o'clock 12 noon and from 1 p.m. to 4 p.m. on  
 19 every judicial day ~~or such other hours as the judge thereof~~  
 20 ~~may designate except that, during the time when the~~  
 21 ~~district court of the county in which said municipal court~~  
 22 ~~is located is in session, the municipal judge may in his~~  
 23 ~~discretion suspend court~~ except nonjudicial days. The judge  
 24 may designate additional hours as he, in his discretion,  
 25 sees fit."

1 Section 7. Section 11-1710, R.C.M. 1947, is amended to  
2 read as follows:

3 "11-1710. Summons -- time for answer. Summons in  
4 municipal court shall be signed by the clerk and shall  
5 conform ~~as near as may be~~ to the provisions of section  
6 ~~93-3003 M.R.Civ.P., Rules 4 and 12(a),~~ except that the time  
7 for answering ~~shall be is ten 10 days instead of twenty."~~

8 Section 8. Section 11-1711, R.C.M. 1947, is amended to  
9 read as follows:

10 "~~11-1711. Practice--reply~~ Applicability of rules for  
11 justices' courts -- reply to counterclaim or new matter. (1)  
12 The provisions of sections 93-6901 to through 93-7405,  
13 inclusive, and sections 93-7701 to through 93-7714,  
14 inclusive, are hereby ~~adopted and~~ made applicable to  
15 practice ~~and~~ procedure ~~in~~ municipal court courts, except  
16 where ~~when~~ the same ~~they~~ are ~~repugnant to~~ inconsistent with  
17 the provisions of this act ~~chapter.~~ ~~The~~ the words  
18 "~~Municipal Court~~" "municipal court" being substituted for  
19 justice court, and "judge" for justice of the peace where  
20 the same appears in said chapters.

21 (2) Where Whenever the answer contains a counterclaim  
22 or any new matter, the plaintiff ~~if he does not demur~~  
23 shall within ~~five 5~~ days after the service and filing of the  
24 answer, reply to ~~such the~~ counterclaim or new matter in the  
25 manner and form provided for in section ~~93-3507 M.R.Civ.P.~~

1 Rules 7(a), 8(a)(2), and 10(b)."  
2 SECTION 9. SECTION 11-1717, R.C.M. 1947, IS AMENDED TO  
3 READ AS FOLLOWS:

4 "11-1717. Appeals. ~~An appeal shall tie to the district~~  
5 ~~court of the county in which the municipal court is~~  
6 ~~established as from a judgment of justice court or police~~  
7 ~~court and the provisions of law applicable to such appeals~~  
8 ~~shall apply and are hereby adopted.~~ ~~When the amount in~~  
9 ~~controversy is less than one hundred (\$100.00) dollars there~~  
10 ~~shall be no appeal unless the municipal judge shall certify~~  
11 ~~that a doubtful question of law is involved upon which a~~  
12 ~~final decision is desirable. (1) A party may appeal to~~  
13 district court from a judgment of municipal court.

14 (2) Appeal from a municipal court may be limited by  
15 requiring by ordinance that a minimum amount in controversy,  
16 not to exceed \$200, be met before the district court has  
17 jurisdiction to hear the appeal, except:

18 (a) if the judgment of the municipal court includes  
19 incarceration, no minimum amount in controversy shall MAY be  
20 required for appeal; and

21 (b) upon petition by an aggrieved party the district  
22 court may, in the interests of justice, accept appeal  
23 jurisdiction notwithstanding the amount in controversy.

24 (3) The municipal court shall establish rules for  
25 appeal to district court. The rules are subject to THE

1 ~~supreme court's rule-making and supervisory authority."~~

2 Section 10. Section 11-1718, R.C.M. 1947, is amended  
3 to read as follows:

4 "11-1718. Fees ~~and fines~~. The fees ~~and fines~~ in  
5 municipal court shall be the same as the fees ~~and fines~~  
6 provided by law ~~for justice~~ ~~justice's~~ court OR ORDINANCE,  
7 and all fees ~~and fines~~ collected by ~~such the~~ court shall be  
8 paid into the city treasury."

9 ~~SECTION 11. SECTION 93-102, R.C.M. 1947, IS AMENDED TO~~  
10 ~~READ AS FOLLOWS:~~

11 "93-102. Courts of record. ~~The courts enumerated in~~  
12 ~~the first three subdivisions of the last preceding section~~  
13 ~~and only those courts are courts of record. The court of~~  
14 ~~impeachment, the supreme court, the district courts, and THE~~  
15 ~~municipal courts of record are courts of record."~~

16 Section 12. Repealer. Section 11-1709, R.C.M. 1947, is  
17 repealed.

18 ~~SECTION 13. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~  
19 ~~ITS PASSAGE AND APPROVAL.~~