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Senate BILL NO. *349*
Murray

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
NONPARTISAN ELECTION OF CITY JUDGES UNDER THE
COMMISSION-MANAGER FORM OF GOVERNMENT AND TO PROVIDE FOR A
4-YEAR TERM FOR SUCH CITY JUDGES; PROVIDING FOR THE INITIAL
ELECTION; AMENDING SECTION 11-3271, R.C.M. 1947; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 11-3271, R.C.M. 1947, is amended to
read as follows:

~~"11-3271. Police Election and term of city judge --
appointment and powers. The commission shall appoint a
police judge who shall have the power and authority now
conferred by existing laws and shall hold his office at the
will of the commission. In each municipality having a
commission manager form of government, a city judge shall be
elected every 4 years in a nonpartisan election held in
conjunction with the regularly scheduled municipal elections.
The city judge shall hold office for a term of 4 years."~~

Section 2. Initial election. The first election of a
city judge under this act shall be held in conjunction with
the next regularly scheduled municipal election held 30 days

or more after the effective date of this act.
Section 3. Effective date. This act is effective on
its passage and approval.

-End-

INTRODUCED BILL

SB349

Approved by Comm.
on Local Government

Senate BILL NO. 349
Murray

1
2 INTRODUCED BY _____

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 NONPARTISAN ELECTION OF CITY JUDGES UNDER THE
6 COMMISSION-MANAGER FORM OF GOVERNMENT AND TO PROVIDE FOR A
7 4-YEAR TERM FOR SUCH CITY JUDGES; PROVIDING FOR THE INITIAL
8 ELECTION; AMENDING SECTION 11-3271, R.C.M. 1947; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 11-3271, R.C.M. 1947, is amended to
13 read as follows:

14 ~~"11-3271. Police Election and term of city judge --~~
15 ~~appointment and powers. The commission shall appoint a~~
16 ~~police judge who shall have the power and authority now~~
17 ~~conferred by existing laws and shall hold his office at the~~
18 ~~will of the commission. In each municipality having a~~
19 ~~commission manager form of government, a city judge shall be~~
20 ~~elected every 4 years in a nonpartisan election held in~~
21 ~~conjunction with the regularly scheduled municipal election.~~
22 The city judge shall hold office for a term of 4 years."

23 Section 2. Initial election. The first election of a
24 city judge under this act shall be held in conjunction with
25 the next regularly scheduled municipal election held 30 days

1 or more after the effective date of this act.
2 Section 3. Effective date. This act is effective on
3 its passage and approval.

-End-

SECOND READING

1 SENATE BILL NO. 349
 2 INTRODUCED BY MURRAY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 NONPARTISAN ELECTION OF CITY JUDGES UNDER THE
 6 COMMISSION-MANAGER FORM OF GOVERNMENT AND TO PROVIDE FOR A
 7 4-YEAR TERM FOR SUCH CITY JUDGES; PROVIDING FOR THE INITIAL
 8 ELECTION; AMENDING SECTION 11-3271, R.C.M. 1947; AND
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 11-3271, R.C.M. 1947, is amended to
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 15 appointment-and-powers. The commission shall appoint a
 16 police judge who shall have the power and authority now
 17 conferred by existing laws and shall hold his office at the
 18 will of the commission. In each municipality having a
 19 commission-manager form of government, a city judge shall be
 20 elected every 4 years in a nonpartisan election held in
 21 conjunction with the regularly scheduled municipal election.
 22 The city judge shall hold office for a term of 4 years."
 23 SECTION 2. QUALIFICATION OF A CITY JUDGE. A CITY JUDGE
 24 IN EACH MUNICIPALITY HAVING A COMMISSION-MANAGER FORM OF
 25 GOVERNMENT MUST:

1 (A) HAVE THE SAME QUALIFICATION AS A JUDGE OF A
 2 DISTRICT COURT AS SET FORTH IN ARTICLE VII, SECTION 9, OF
 3 THE 1972 MONTANA CONSTITUTION, EXCEPT THAT A CITY JUDGE NEED
 4 ONLY BE ADMITTED TO THE PRACTICE OF LAW IN MONTANA FOR AT
 5 LEAST 2 YEARS PRIOR TO THE DATE OF ELECTION; OR
 6 (B) HAVE GRADUATED FROM LAW SCHOOL, HOLD A LAW DEGREE
 7 AND HAVE SERVED THE RESPECTIVE MUNICIPALITY AS CITY JUDGE
 8 FOR AT LEAST 2 YEARS IMMEDIATELY PRIOR TO HIS ELECTION,
 9 (C) A CITY JUDGE MUST BE A RESIDENT AND VOTER IN THE
 10 CITY IN WHICH HE IS ELECTED AT THE TIME OF HIS ELECTION.
 11 Section 3. Initial election. The first election of a
 12 city judge under this act shall be held in conjunction with
 13 the next regularly scheduled municipal election held 30 days
 14 or more after the effective date of this act.
 15 Section 4. Effective date. This act is effective on
 16 its passage and approval.

-End-

HOUSE OF REPRESENTATIVES

March 9, 1977

Local Government Committee amendments to SENATE BILL NO. 349,
third reading copy.

1. Amend title, line 8.

Following: "ELECTION;"

Insert: "PROVIDING FOR QUALIFICATION OF A CITY JUDGE; PROVIDING
FOR FILLING A VACANCY IN THE OFFICE OF CITY JUDGE;"

2. Amend page 1, section 2, lines 23 through line 10 on page 2.

Following: "OF A CITY JUDGE."

Strike: lines 23 on page 1 through line 10 on page 2 in their
entirety.

Insert: "The qualifications to hold the office of city judge shall
be set by ordinance by the commission. The ordinance shall be
consistent with any rules adopted by the Montana supreme court
on city judge qualifications."

3. Amend page 2.

Following: line 14

Insert: "Section 4. Vacancy in the office of city judge.

If a vacancy occurs in the office of city judge, the commission
shall appoint a qualified individual to serve for the remainder
of the term."

Renumber: subsequent section

As Amended

Be Concurred In

SENATE BILL NO. 349

INTRODUCED BY MURRAY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF CITY JUDGES UNDER THE COMMISSION-MANAGER FORM OF GOVERNMENT AND TO PROVIDE FOR A 4-YEAR TERM FOR SUCH CITY JUDGES; PROVIDING FOR THE INITIAL ELECTION; PROVIDING FOR QUALIFICATION OF A CITY JUDGE; PROVIDING FOR FILLING A VACANCY IN THE OFFICE OF CITY JUDGE; AMENDING SECTION 11-3271, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 11-3271, R.C.M. 1947, is amended to read as follows:

"11-3271. ~~Police Election and term of city judge — appointment and powers. The commission shall appoint a police judge who shall have the power and authority now conferred by existing laws and shall hold his office at the will of the commission. In each municipality having a commission-manager form of government, a city judge shall be elected every 4 years in a nonpartisan election held in conjunction with the regularly scheduled municipal election. The city judge shall hold office for a term of 4 years.~~"

SECTION 2. QUALIFICATION OF A CITY JUDGE. ~~A CITY JUDGE~~

~~IN EACH MUNICIPALITY HAVING A COMMISSION-MANAGER FORM OF GOVERNMENT MUST:~~

~~(A) HAVE THE SAME QUALIFICATION AS A JUDGE OF A DISTRICT COURT AS SET FORTH IN ARTICLE VII, SECTION 2, OF THE 1972 MONTANA CONSTITUTION, EXCEPT THAT A CITY JUDGE NEED ONLY BE ADMITTED TO THE PRACTICE OF LAW IN MONTANA FOR AT LEAST 2 YEARS PRIOR TO THE DATE OF ELECTION; OR~~

~~(B) HAVE GRADUATED FROM LAW SCHOOL, HOLD A LAW DEGREE AND HAVE SERVED THE RESPECTIVE MUNICIPALITY AS CITY JUDGE FOR AT LEAST 2 YEARS IMMEDIATELY PRIOR TO HIS ELECTION;~~

~~(C) A CITY JUDGE MUST BE A RESIDENT AND VOTER IN THE CITY IN WHICH HE IS ELECTED AT THE TIME OF HIS ELECTION. THE QUALIFICATIONS TO HOLD THE OFFICE OF CITY JUDGE SHALL BE SET BY ORDINANCE BY THE COMMISSION. THE ORDINANCE SHALL BE CONSISTENT WITH ANY RULES ADOPTED BY THE MONTANA SUPREME COURT ON CITY JUDGE QUALIFICATIONS.~~

Section 3. Initial election. The first election of a city judge under this act shall be held in conjunction with the next regularly scheduled municipal election held 30 days or more after the effective date of this act.

SECTION 4. VACANCY IN THE OFFICE OF CITY JUDGE. IF A VACANCY OCCURS IN THE OFFICE OF CITY JUDGE, THE COMMISSION SHALL APPOINT A QUALIFIED INDIVIDUAL TO SERVE FOR THE REMAINDER OF THE TERM.

Section 5. Effective date. This act is effective on

SB 0349/03

1 its passage and approval.

-End-