CHAPTER NO. 506

HOUSE BILL NO. 751

INTRODUCED BY HURWITZ

IN THE HOUSE

February	12,	1979	Introduced and referred to Committee on Local Government.
February	13,	1979	Rereferred to Committee on Judiciary.
February	19,	1979	Committee recommend bill do pass. Report adopted.
February	21,	1979	Second reading, do pass as amended.
February	22,	1979	Correctly engrossed.
February	23,	1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 22, 1979	On motion taken from Committee on Bills and Journal and referred to second reading. Motion adopted.
March 23, 1979	Second reading, concurred in as amended.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

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March 27, 1979Returned from second house.
Concurred in as amended.March 30, 1979Second reading, amendments
adopted.March 31, 1979Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

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LC 0171/01

House BILL NO. 251 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT ELECTION OR 4 APPOINTMENT OF CITY JUDGES IN THIRD-CLASS CITIES; REMOVING 5 THE RESIDENCE REQUIREMENT FOR SUCH DEFICE: AMENDING SECTIONS 6 7 7-4-4102, 7-4-4104 THROUGH 7-4-4106, AND 7-4-4113, MCA.* 8 BE TT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 7-4-4102, MCA, is amended to read: 10 11 #7-4-4102. Officers of city of second or third class. 12 (1) The officers of a city of the second or third class 13 consist of: (a) one mayor; 14 (b) two aldermen from each ward: 15 16 (c) one city judge; 17 (d) one city treasurer, who may be ex officio tax collector. 18 19 (2) The officers listed in subsection (1), except the 20 city judge for a city of the third class, must be elected by 21 the qualified electors of the city as hereinafter provided. 22 (3) The governing body of a city of the third class 23 may by ordinance determine whether the office of city judge shall be filled by appointment by the governing body or by 24 election. 25

1 (3)(4) There may also be appointed by the mayor, with 2 the advice and consent of the council: з (a) one city attorney; (b) one city clerk, who is ex officio city assessor; 5 (c) one chief of police; and 6 (d) any other officers necessary to carry out the 7 provisions of this title. (4)(5) The city council may prescribe the duties of R 9 all city officers and fix their compensation, subject to the 10 limitations contained in this title." 11 Section 2. Section 7-4-4104, MCA, is amended to read: 12 #7-4-4104. General qualifications for municipal 13 office. No person is eligible to any municipal office. 14 elective or appointive: (1) who is not a citizen of the United States; and 15 16 (2) whos except for city judges of third-class cities. has not resided in the town or city or an area which has 17 18 been annexed by such town or city for at least 2 years 19 immediately proceding his election or appointment and is not 20 a sualified elector thereof." Section 3. Section 7-4-4105, MCA, is amended to read: 21 22 #7-4-4105. Authority to abolish appointive municipal 23 offices. (1) The city or town council has the power to 24 abolish, by a majority vote of the council, any offices 25 except that of city judges the appointment to which is made

-- HB 751 INTRODUCED BILL

LC 0171/01

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1 by the mayor with the advice and consent of the council and 2 discharge any officer so appointed. 3 (2) No office created under this title must be abolished by the council." 4 5 Section 4. Section 7-4-4106, MCA, is amended to read: *7-4-4106. Authority to consolidate municipal offices. 6 The city or town council may by ordinance consolidate any of 7 8 the offices, except that of city judges the appointment to 9 which is made by the mayor with the advice and consent of 10 the council and may require any of the elected officers to 11 perform any of the duties of an appointed officer whose 12 office has been abolished." Section 5. Section 7-4-4113, MCA, is amended to read: 13 14 "7-4-4113. Removal of appointed officer. The council. upon written charges to be entered upon their journal, after 15 notice to the party, and after trial by the council, may 16 17 remove any nonelected officer except a city judge by vote of

18 two-thirds of all the members-elect."

-End-

46th Legislature

HB 0751/02

HB 0751/02

1	HOUSE BILL NO. 751	1	131(4) There may also be appointed by the mayor, with
z	INTRODUCED BY HURWITZ	2	the advice and consent of the council:
3		3	(a) one city attorney;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT ELECTION OR	4	(b) one city clerk, who is ex officio city assessor;
5	APPOINTMENT OF CITY JUDGES IN THIRD-CLASS CITIES; REMOVING	5	(c) one chief of police; and
6	THE RESIDENCE REQUIREMENT FOR SUCH OFFICE; AMENDING SECTIONS	6	(d) any other officers necessary to carry out the
ד	7-4-4102, 7-4-4104 THRDUGH 7-4-4106, AND 7-4-4113, MCA."	7	provisions of this title.
8		8	<pre>the city council may prescribe the duties of</pre>
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	all city officers and fix their compensation; subject to the
10	Section 1. Section 7-4-4102, MCA, is amended to read:	10	limitations contained in this title."
11	"7-4-4102. Officers of city of second or third class.	11	Section 2. Section 7-4-4104, MCA, is amended to read:
12	(1) The officers of a city of the second or third class	12	"7-4-4104. General qualifications for municipal
13	consist of:	13	office. No person is eligible to any municipal office.
14	(a) one mayor;	14	elective or appointive:
15	(b) two aldermen from each ward;	15	(1) who is not a citizen of the United States; and
16	(c) one city judge;	15	(2) whosexcept for city_judges_of_third-class_citiess
17	(d) one city treasurer, who may be ex officio tax	17	has, not resided in the town or city or an area which has
18	collector.	18	been annexed by such town or city for at least 2 years
19	(2) The officers listed in subsection (1): except_the	19	immediately preceding his election or appointment and is not
20	<u>city_judge_for_a_city_of_the_third_classs</u> must be elected by	20	a qualified elector thereof."
21	the qualified electors of the city as hereinafter provided.	21	Section 3. Section 7-4-4105. MCA, is amended to read:
22	(3)	22	"7-4-4105. Authority to abolish appointive municipal
23	<u>may_by_ordinance_determine_wbether_the_office_of_city_judge</u>	23	offices. (1) The city or town council has the power to
24	<u>shall be filled by appointment by the governing body or by</u>	24	abolish, by a majority vote of the council, any office,
25	<u>election</u> .	25	<u>except_that_of_city_judge</u> the appointment to which is made
			-2- HB 751

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THIRD READING

HB 751

by the mayor with the advice and consent of the council and
 discharge any officer so appointed.

3 {2} No office created under this title must be
4 abolished by the council."

5 Section 4. Section 7-4-4106, MCA, is amended to read: "7-4-4106. Authority to consolidate municipal offices. 6 The city or town council may by ordinance consolidate any of 7 the offices, except that of city judges the appointment to 8 which is made by the mayor with the advice and consent of 9 10 the council and may require any of the elected officers to perform any of the duties of an appointed officer whose 11 12 office has been abolished."

13 Section 5. Section 7-4-4113, MCA, is amended to read: 14 "7-4-4113. Removal of appointed officer. The council, 15 upon written charges to be entered upon their journal, after 16 notice to the party, and after trial by the council, may 17 remove any nonelected officer <u>except_a-city_judge</u> by vote of 18 two-thirds of all the members-elect."

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46th Legislature

HB 0751/03

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HOUSE BILL NO. 751 1 1 INTRODUCED BY HURWITZ 2 2 3 ٦ A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT ELECTION OR 4 4 APPOINTMENT OF CITY JUDGES IN THIRD-CLASS CITIES; REMOVING 5 5 THE RESIDENCE REQUIREMENT FOR SUCH OFFICE: AMENDING SECTIONS 6 6 7-4-4102, 7-4-4104 THROUGH 7-4-4106, AND 7-4-4113, MCA.* 7 7 8 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 9 Section 1. Section 7-4-4102, MCA, is amended to read: 10 10 *7-4-4102. Officers of city of second or third class. 11 11 (1) The officers of a city of the second or third class 12 12 consist of: 13 13 14 (a) one mayor; 14 15 (b) two aldermen from each ward; 15 (c) one city judge; 16 16 17 (d) one city treasurer, who may be ex officio tax 17 18 collector. 18 (2) The officers listed in subsection (1), except the 19 19 20 city judge for a city of the third classi must be elected by 20 the qualified electors of the city as hereinafter provided. 21 21 22 (3) The governing body of a city of the third class 22 23 may_by_ordinance_determine_whether_the_office_of_city_judge 23 24 shall_be_filled_by_appointment_by_the_governing_body__gr__by 24 25 election. 25

(3)[4] There may also be appointed by the mayor, with the advice and consent of the council: (a) one city attorney; (b) one city clerk, who is ex officio city assessor; (c) one chief of police; and (d) any other officers necessary to carry out the provisions of this title. t++151 The city council may prescribe the duties of all city officers and fix their compensation, subject to the limitations contained in this title." Section 2. Section 7-4-4104. MCA. is amended to read: #7-4-4104. General qualifications for municipal office. No person is eligible to any municipal office. elective or appointive: (1) who is not a citizen of the United States; and (2) whose except for city judges of third-class cities. has not resided in the town or city or an area which has been annexed by such town or city for at least 2 years immediately preceding his election or appointment and is not a qualified elector thereof." Section 3. Section 7-4-4105, MCA, is amended to read: #7-4-4105. Authority to abolish appointive municipal offices. (1) The city or town council has the power to abolish. by a majority vote of the council, any officer

25 except that of city judges the appointment to which is made

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HB 751

REFERENCE BILL

H8 0751/03

by the mayor with the advice and consent of the council and
 discharge any officer so appointed.

3 (2) No office created under this title must be
 abolished by the council."

Section 4. Section 7-4-4106; MCA, is amended to read:
"7-4-4106. Authority to consolidate municipal offices.
The city or town council may by ordinance consolidate any of
the offices, except that of city judges the appointment to

9 which is made by the mayor with the advice and consent of 10 the council and may require any of the elected officers to 11 perform any of the duties of an appointed officer whose 12 office has been abolished."

13 Section-Su-Section-7-4-4113r-MEAr-is-amended-to--reade 14 #7-4-4113u-Removal-of-appointed-officerus-The-councilu 15 upon-written-charges-to-be-entered-upon-their-journalv-after 16 natics-to-the-partyu-and-after-trial-by-the-councilu-may 17 remove-any-nonelected-officer <u>sucapt_activ_judgs</u> by-vote-of 18 two-thirds-of-all-the-members-electum

-End-

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46th Legislature

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HB 0751/04

HB 0751/04

1	HOUSE BILL NO. 751	1	(3)[4] There may also be appointed by the mayor, with
2	INTRODUCED BY HURWITZ	2	the advice and consent of the council:
3		3	(a) one city attorney;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT ELECTION OR	4	(b) one city clerk, who is ex officio city assessor;
5	APPOINTMENT OF CITY JUDGES IN THIRD-CLASS CITIES; REMOVING	5	(c) one chief of police; and
6	THE RESIDENCE REQUIREMENT FOR SUCH OFFICE; AMENOING SECTIONS	6	(d) any other officers necessary to carry out the
7	7-4-4102¥ <u>AND</u> 7-4-4104 THROUGH 7-4-4106¥ AND-7-4-4113¥ MCA•"	7	provisions of this title.
8		8	<pre>t4f(5) The city council may prescribe the duties of</pre>
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	all city officers and fix their compensation, subject to the
10	Section 1. Section 7-4-4102, MCA, is amended to read:	10	limitations contained in this title."
11	#7-4-4102. Officers of city of second or third class.	11	Section 2. Section 7-4-4104, HCA, is amended to read:
12	{1} The officers of a city of the second or third class	12	"7-4-4104. General qualifications for municipal
13	consist of:	13	office. No person is eligible to any municipal office.
14	(a) one mayor;	14	elective or appointive:
15	(b) two aldermen from each ward;	15	(1) who is not a citizen of the United States; and
16	(c) one city judge;	16	(2) whos_except_for_city_judges_of_third-class_cities:
17	(d) one city treasurer, who may be ex officio tax	17	has not resided in the town or city or an area which has
18	collector.	18	been annexed by such town or city for at least 2 years
19	(2) The officers listed in subsection (1) <u>s except the</u>	19	immediately preceding his election or appointment and is not
20	<u>city_judge_for_a_city_of_the_third_classs</u> must be elected by	20	a qualified elector thereof."
21	the qualified electors of the city as hereinafter provided.	21	Section 3. Section 7-4-4105, MCA, is amended to read:
22	(3) The governing body of a city of the third class	22	#7-4-4105. Authority to abolish appointive municipal
23	<u>may_by_ordinance_determine_whether_the_office_of_city_judge</u>	23	offices. (1) The city or town council has the power to
24	shall_be_filled_by_appointment_by_the_governing_bodyorby	24	abolish, by a majority vote of the council, any office_
25	election.	25	<u>except_that_of_city_judges</u> the appointment to which is made

-2- SECOND PRINTING HB 751 REFERENCE BILL

HP 0751/04

by the mayor with the advice and consent of the council and 1 discharge any officer so appointed. 2 (2) No office created under this title must be 3 abolished by the council." 4 5 Section 4. Section 7-4-4106, MCA, is amended to read: #7-4-4106. Authority to consolidate municipal offices. 6 1 The city or town council may by ordinance consolidate any of the offices, except that of city judge, the appointment to 8 9 which is made by the mayor with the advice and consent of 10 the council and may require any of the elected officers to 11 perform any, of the duties of an appointed officer whose 12 office has been abolished." 13 Section-Su--Section-7-4-4113u-MEAu-is-smended-to--readt #7-4-4113u--Removal-of-appointed-officeru--The-councily 14 upon-written-charges-to-be-entered-upon-their-journely-after 15 notice--to--the--portyy--and-after-trial-by-the-councily-may 16 17 remove-any-nonelected-officer <u>sycept-p-city-judge</u> by-vote-of two-thirds-of-all-the-members-elect." 18

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HB 751

March 19, 1979

SENATE STANDING COMMITTEE REPORT (Local Government)

That House Bill No. 751, third reading bill, be amended as follows:

1. Page 3, line 13.
Following: line 12
Strike: lines 13 through 18 in their entirety

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SENATE COMMITTEE OF THE WHOLE

That House Bill No. 751, third reading bill, be amended as follows:

1. Title, line 7.
Following: "7-4-4102"
Strike: ","
Insert: "AND"
Following: "7-4-4106"
Strike: "AND 7-4-4113"

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