

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

March 27, 1979

Returned from second house.
Concurred in as amended.

March 30, 1979

Second reading, amendments
adopted.

March 31, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 751
2 INTRODUCED BY Thurmon

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT ELECTION OR
5 APPOINTMENT OF CITY JUDGES IN THIRD-CLASS CITIES; REMOVING
6 THE RESIDENCE REQUIREMENT FOR SUCH OFFICE; AMENDING SECTIONS
7 7-4-4102, 7-4-4104 THROUGH 7-4-4106, AND 7-4-4113, MCA."

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

10 Section 1. Section 7-4-4102, MCA, is amended to read:

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:

- 14 (a) one mayor;
- 15 (b) two aldermen from each ward;
- 16 (c) one city judge;
- 17 (d) one city treasurer, who may be ex officio tax
18 collector.

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
24 shall be filled by appointment by the governing body or by
25 election.

1 ~~(4)~~ There may also be appointed by the mayor, with
2 the advice and consent of the council:

- 3 (a) one city attorney;
- 4 (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.

8 ~~(4)~~ The city council may prescribe the duties of
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:

- 15 (1) who is not a citizen of the United States; and
- 16 (2) who, except for city judges of third-class cities,
17 has not resided in the town or city or an area which has
18 been annexed by such town or city for at least 2 years
19 immediately preceding his election or appointment and is not
20 a qualified elector thereof."

21 Section 3. Section 7-4-4105, MCA, is amended to read:

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 office,
25 except that of city judge, the appointment to which is made

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
4 abolished by the council."

5 Section 4. Section 7-4-4106, MCA, is amended to read:

6 "7-4-4106. Authority to consolidate municipal offices.
7 The city or town council may by ordinance consolidate any of
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."

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 ~~except a city judge~~ by vote of
18 two-thirds of all the members-elect."

-End-

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Section 1. Section 7-4-4102, MCA, is amended to read:

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- (a) one mayor;
- (b) two aldermen from each ward;
- (c) one city judge;
- (d) one city treasurer, who may be ex officio tax collector.

(2) The officers listed in subsection (1), except the city judge for a city of the third class, must be elected by the qualified electors of the city as hereinafter provided.

(3) The governing body of a city of the third class may by ordinance determine whether the office of city judge shall be filled by appointment by the governing body or by election.

~~(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.

~~(4)(5)~~ 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
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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 office, except that of city judge, the appointment to which is made

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6 "7-4-4106. Authority to consolidate municipal offices.
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14 "7-4-4113. Removal of appointed officer. The council,
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18 ~~two-thirds of all the members elect."~~

-End-

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

March 23, 1979

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"