

HOUSE BILL NO. 153

INTRODUCED BY WILLIAMS, KEEDY, BLAYLOCK, HIMSL,
TURNAGE, KEMMIS, KITSELMAN, McLANE,
BENGTSON, FABREGA, TOWE, HAGER

IN THE HOUSE

January 10, 1981	Introduced and referred to Committee on Judiciary.
January 16, 1981	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
January 20, 1981	Second reading, do pass.
January 21, 1981	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 22, 1981	Introduced and referred to Committee on Judiciary.
March 3, 1981	Committee recommend bill be concurred in. Report adopted.
March 5, 1981	Second reading, concurred in.
March 7, 1981	Third reading, concurred in. Yea, 43; Nays, 1.

IN THE HOUSE

March 9, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

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

12 Section 1. Section 3-10-101, MCA, is amended to read:

13 "3-10-101. Number and location of justices' courts ==

14 authorization to combine with city court. (1) There must be

15 at least one justice's court in each county of the state,

16 which must be located at the county seat.

17 121 The board of county commissioners of each county
18 of the state shall have authority to constitute
19 1a1 as it considers necessary one additional
20 justice's court which may be located anywhere in its
21 respective the county-as-the-board-deems-necessary; and
22 1b1 one additional justice's court located in each
23 city having a population of over 5,000, as provided in
24 subsection 131.
25 122--One justice's court in each county must be located

1 et-the-county-seat-and-the-board--of--county--commissioners
2 shall-determine-the-location-of-the-other-justice's-court-in
3 its-respective-county*

9 (4) A justice of the peace of a court constituted
10 pursuant to subsection (3) may act as the city judge upon
11 passage of a city ordinance authorizing such action and upon
12 approval of the ordinance by resolution of the board of
13 county commissioners. If such an ordinance and such a
14 resolution are passed, the city and the county shall enter
15 into an agreement for proportionate payment of the justice's
16 salary as established under 3-10-207 and 3-11-202 and for
17 proportionate reimbursement for the use of facilities."

18 NEW SECTION. Section 2. Offices of city judge and
19 justice of the peace combined. The offices of city judge and
20 justice of the peace may be combined if a justice of the
21 peace is authorized in a city pursuant to 3-10-101.

-End-

HB 153

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 153
2 INTRODUCED BY William Seelye, Blaylock Hines
3 Terry of Memphis, Kyleson, Wayne,
4 Bengton Seelye and Hager
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6 3-10-101, MCA, TO AUTHORIZE THE BOARD OF COUNTY
7 COMMISSIONERS TO CONSTITUTE A JUSTICE'S COURT IN EACH CITY
8 HAVING A POPULATION OF OVER 5,000 AND TO AUTHORIZE THE CITY
9 AND COUNTY TO COMBINE THE OFFICES OF JUSTICE OF THE PEACE
AND CITY JUDGE."

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16 which must be located at the county seat.

17 121 The board of county commissioners of each county
18 of the state shall have authority to constitute
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20 justice's court which may be located anywhere in its
21 respective the county's-the-board-deems-necessary1 and
22 1b one additional justice's court located in each
23 city having a population of over 5,000, as provided in
24 subsection (3).
25 ~~+2+-one-justice's-court-in-each-county-must-be-located~~

25 ~~t27--One-justice's-court-in-each-county-must-be-located~~

1 at-the-county-seat-and-the-board--of--county--commissioners
2 shall-determine-the-location-of-the-other-justice's-court-in
3 its-respective-county*

18 NEW SECTION. Section 2. Offices of city judge and
19 justice of the peace combined. The offices of city judge and
20 justice of the peace may be combined if a justice of the
21 peace is authorized in a city pursuant to 3-10-101.

- End -

-2- SECOND READING

HB 153

1 at-the-county-seat,-and-the-board--of--county--commissioners
2 shall-determine-the-location-of-the-other-justice's-court-in
3 its-respective-county.

4 (3) A city having a population of over 5,000 may, by
5 resolution, request the board of county commissioners to
6 constitute a justice's court in the city. A justice's court
7 shall be established in the city if the board of county
8 commissioners approves the request by resolution.

9 (4) A justice of the peace of a court constituted
10 pursuant to subsection (3) may act as the city judge upon
11 passage of a city ordinance authorizing such action and upon
12 approval of the ordinance by resolution of the board of
13 county commissioners. If such an ordinance and such a
14 resolution are passed, the city and the county shall enter
15 into an agreement for proportionate payment of the justice's
16 salary as established under 3-10-207 and 3-11-202 and for
17 proportionate reimbursement for the use of facilities."

18 **NEW SECTION.** Section 2. Offices of city judge and
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20 of the state shall have authority to constitute:
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22 justice's court which may be located anywhere in its
23 respective the county-as-the-board-deems-necessary; and
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25 city having a population of over 5,000, as provided in

1 subsection 131.

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8 constitute a justice's court in the city. A justice's court
9 shall be established in the city if the board of county
10 commissioners approves the request by resolution.

11 14) A justice of the peace of a court constituted
12 pursuant to subsection 13) may act as the city judge upon
13 passage of a city ordinance authorizing such action and upon
14 approval of the ordinance by resolution of the board of
15 county commissioners. If such an ordinance and such a
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REFERENCE BIBLIOGRAPHY