

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 concurring in. Report adopted.
March 5, 1981	Second reading, concurring in.
March 7, 1981	Third reading, concurring in. Yeas, 43; Nays, 1.

IN THE HOUSE

March 9, 1981	Returned from Senate. Con- curring in. Sent to enrolling. Reported correctly enrolled.
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HOUSE BILL NO. 153

INTRODUCED BY *Williams, Keedy, Blaylock, Havel, Kemmis, Kirschbaum, Stone, Bangston, Hager*
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION

3-10-101, MCA, TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO CONSTITUTE A JUSTICE'S COURT IN EACH CITY HAVING A POPULATION OF OVER 5,000 AND TO AUTHORIZE THE CITY AND COUNTY TO COMBINE THE OFFICES OF JUSTICE OF THE PEACE AND CITY JUDGE."

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

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

"3-10-101. Number and location of justices' courts == ~~authorization to combine with city court.~~ (1) There must be at least one justice's court in each county of the state, which must be located at the county seat.

(2) The board of county commissioners of each county of the state shall have authority to constitute:

(a) ~~as it considers necessary,~~ one additional justice's court ~~which may be located anywhere in its~~ respective ~~the~~ county, ~~as the board deems necessary,~~ and

(b) one additional justice's court located in each city having a population of over 5,000, as provided in subsection (3).

~~(2) -- One justice's court in each county must be located~~

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

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

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

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

-End-

-2- INTRODUCED BILL
HB 153

Approved by Committee on Judiciary

HOUSE BILL NO. 153

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~~(2)--One justice's court in each county must be located~~

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subsection (3).

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REFERENCE BILL