

HOUSE BILL NO. 678

INTRODUCED BY BURNETT

IN THE HOUSE

February 7, 1981	Introduced and referred to Committee on Judiciary.
February 20, 1981	Committee recommend bill do pass as amended. Report adopted.
February 21, 1981	Bill printed and placed on members' desks. Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 97; Noes, 2. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Judiciary.
March 23, 1981	Committee recommend bill be concurred in. Report adopted.
March 24, 1981	Motion pass consideration.
March 25, 1981	Second reading, concurred in.
March 27, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 28, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1                   HOUSE       BILL NO. 678  
 2   INTRODUCED BY BURNETT  
 3  
 4   A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
 5   PROVISIONS RELATING TO CITY JUDGES FOR TOWNS; REQUIRING THE  
 6   APPOINTMENT OR DESIGNATION OF A CITY JUDGE AS A TOWN  
 7   OFFICIAL; REVISING CERTAIN QUALIFICATIONS FOR MUNICIPAL  
 8   OFFICE; DEFINING THE TERM OF OFFICE FOR A JUSTICE OF THE  
 9   PEACE DESIGNATED BY A TOWN TO ACT AS CITY JUDGE; AND  
 10   REQUIRING A JUSTICE OF THE PEACE SO DESIGNATED TO ACT AS  
 11   CITY JUDGE IN ALL CASES ARISING OUT OF VIOLATIONS OF  
 12   ORDINANCES IN WHICH THE TOWN IS PARTY; AMENDING SECTIONS  
 13   3-11-201, 3-11-205, 7-4-4103, AND 7-4-4104, MCA."  
 14  
 15   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 16       Section 1. Section 7-4-4103, MCA, is amended to read:  
 17       "7-4-4103. Officers of towns. (1) The officers of a  
 18   town consist of:  
 19       (a) one mayor; and  
 20       (b) two aldermen from each ward; and  
 21       (c) one city judge.  
 22       (2) The officers listed in subsection (1), except for  
 23   the city judge, must be elected by the qualified electors of  
 24   the town, as hereinafter provided.  
 25       (3) The governing body of the town shall appoint a

1   city judge or designate a justice of the peace to act as  
 2   city judge as provided in 3-11-205.  
 3       ~~(3)(4)~~ There may be appointed by the mayor, with the  
 4   advice and consent of the council:  
 5       (a) one clerk, who may be ex officio assessor and tax  
 6   collector and a member of the council;  
 7       (b) one marshal, who may be ex officio street  
 8   commissioner; and  
 9       (c) any other officers necessary to carry out the  
 10   provisions of this title.  
 11       ~~(4)(5)~~ The town council may prescribe the duties of  
 12   all town officers and fix their compensation, subject to the  
 13   limitations contained in this title."  
 14       Section 2. Section 7-4-4104, MCA, is amended to read:  
 15       "7-4-4104. General qualifications for municipal  
 16   office. No person is eligible to any municipal office,  
 17   elective or appointive:  
 18       (1) who is not a citizen of the United States; and  
 19       (2) who, except for city judges of third-class cities  
 20   or towns, has not resided in the town or city or an area  
 21   which has been annexed by such town or city for at least 2  
 22   years immediately preceding his election or appointment and  
 23   is not a qualified elector thereof met the qualifications  
 24   prescribed by law or by ordinance adopted by the governing  
 25   body of a city or town."

-2-                   INTRODUCED BILL  
                           HB 678

LC 2005/01

1 Section 3. Section 3-11-201, MCA, is amended to read:

2 "3-11-201. Term of office. ~~(1) In cities of the first~~  
3 ~~second, and third class~~ Except as provided in subsection  
4 ~~(2),~~ the city judge shall hold office for a term of 4 years  
5 and until the qualification of his successor.

6 ~~(2) A justice of the peace designated to act as city~~  
7 ~~judge for a town under 3-11-205 shall serve as city judge~~  
8 ~~for the duration of his term as justice of the peace unless~~  
9 ~~the council terminates the designation."~~

10 Section 4. Section 3-11-205, MCA, is amended to read:

11 "3-11-205. Justice of the peace acting as city judge.  
12 In a town, the council may designate a justice of the peace  
13 of the county in which the town is situated to act as city  
14 judge and may by ordinance fix the compensation for his  
15 services. The justice of the peace so designated may shall  
16 act as city judge in all cases arising out of violations of  
17 ordinances in which the town is a party. If the justice of  
18 the peace must travel from his place of residence to hold  
19 court, he shall be paid his actual and necessary travel  
20 expenses, as defined and provided in 2-18-501 through  
21 2-18-503, by the town in which the court is held."

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 678

INTRODUCED BY BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROVISIONS RELATING TO CITY JUDGES FOR TOWNS; REQUIRING THE APPOINTMENT OR DESIGNATION OF A CITY JUDGE AS A TOWN OFFICIAL; REVISING CERTAIN QUALIFICATIONS FOR MUNICIPAL OFFICE; DEFINING THE TERM OF OFFICE FOR A JUSTICE OF THE PEACE DESIGNATED BY A TOWN TO ACT AS CITY JUDGE; AND REQUIRING PERMITTING A JUSTICE OF THE PEACE SO DESIGNATED TO ACT AS CITY JUDGE IN ALL CASES ARISING OUT OF VIOLATIONS OF ORDINANCES IN WHICH THE TOWN IS PARTY; AMENDING SECTIONS 3-11-201, 3-11-205, 7-4-4103, AND 7-4-4104, MCA."

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

Section 1. Section 7-4-4103, MCA, is amended to read:

"7-4-4103. Officers of towns. (1) The officers of a town consist of:

(a) one mayor; and

(b) two aldermen from each ward; and

(c) one city judge.

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

(3) The governing body of the town shall appoint a

city judge or MAY designate a justice of the peace to act as city judge as provided in 3-11-205.

~~(3)(4)~~ There may be appointed by the mayor, with the advice and consent of the council:

(a) one clerk, who may be ex officio assessor and tax collector and a member of the council;

(b) one marshal, who may be ex officio street commissioner; and

(c) any other officers necessary to carry out the provisions of this title.

~~(4)(5)~~ The town council may prescribe the duties of all town 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) who, except for city judges of third class cities or towns, 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~~ met the qualifications prescribed by law or by ordinance adopted by the governing body of a city or town."

1 Section 3. Section 3-11-201, MCA, is amended to read:

2 "3-11-201. Term of office. ~~(1) In cities of the first~~  
3 ~~second, and third class~~ Except as provided in subsection  
4 (2) the AN ELECTED city judge shall hold office for a term  
5 of 4 years and until the qualification of his successor.

6 (2) A justice of the peace designated to act as city  
7 judge for a town under 3-11-205 shall serve as city judge  
8 for the duration of his term as justice of the peace unless  
9 the council terminates the designation."

10 Section 4. Section 3-11-205, MCA, is amended to read:

11 "3-11-205. Justice of the peace acting as city judge.  
12 In a town, the council may designate a justice of the peace  
13 of the county in which the town is situated to act as city  
14 judge and may by ordinance fix the compensation for his  
15 services. The justice of the peace so designated ~~may~~ WHO  
16 AGREES TO ACT IN THAT CAPACITY shall act as city judge in  
17 all cases arising out of violations of ordinances in which  
18 the town is a party. If the justice of the peace must  
19 travel from his place of residence to hold court, he shall  
20 be paid his actual and necessary travel expenses, as defined  
21 and provided in 2-18-501 through 2-18-503, by the town in  
22 which the court is held."

-End-

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5 PROVISIONS RELATING TO CITY JUDGES FOR TOWNS; REQUIRING THE  
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9 PEACE DESIGNATED BY A TOWN TO ACT AS CITY JUDGE; AND  
10 REQUIRING PERMITTING A JUSTICE OF THE PEACE SO DESIGNATED TO  
11 ACT AS CITY JUDGE IN ALL CASES ARISING OUT OF VIOLATIONS OF  
12 ORDINANCES IN WHICH THE TOWN IS PARTY; AMENDING SECTIONS  
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20 (b) two aldermen from each ward; and21 (c) one city judge.22 (2) The officers listed in subsection (1), except for  
23 the city judge, must be elected by the qualified electors of  
24 the town, as hereinafter provided.25 (3) The governing body of the town shall appoint a1 city judge or MAY designate a justice of the peace to act as  
2 city judge as provided in 3-11-205.3 ~~(3)~~(4) There may be appointed by the mayor, with the  
4 advice and consent of the council:5 (a) one clerk, who may be ex officio assessor and tax  
6 collector and a member of the council;7 (b) one marshal, who may be ex officio street  
8 commissioner; and9 (c) any other officers necessary to carry out the  
10 provisions of this title.11 ~~(4)~~(5) The town council may prescribe the duties of  
12 all town officers and fix their compensation, subject to the  
13 limitations contained in this title."

14 Section 2. Section 7-4-4104, MCA, is amended to read:

15 "7-4-4104. General qualifications for municipal  
16 office. No person is eligible to any municipal office,  
17 elective or appointive:

18 (1) who is not a citizen of the United States; and

19 (2) ~~who, except for city judges of third class cities~~  
20 ~~or towns, has not resided in the town or city or on area~~  
21 ~~which has been annexed by such town or city for at least 2~~  
22 ~~years immediately preceding his election or appointment and~~  
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6 (2) A justice of the peace designated to act as city  
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