

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.
----------------	--

1        city judge or designate a justice of the peace to act as  
2        city judge as provided in 3-11-205.  
3                f37141 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                f47151 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  
HR. 678

1       Section 3. Section 3-11-201, MCA, is amended to read:  
2       "3-11-201. Term of office. ~~111 in-cities-of-the-first,  
3 second,--and--third--class~~ Except as provided in subsection  
4 ~~121~~, the city judge shall hold office for a term of 4 years  
5 and until the qualification of his successor.

6       ~~121. 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

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

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

f37(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.

f47(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 ~~121~~v-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-

HOUSE BILL NO. 678  
INTRODUCED BY BURNETT

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 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  
13 3-11-201, 3-11-205, 7-4-4103, AND 7-4-4104, MCA."

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 MAY designate a justice of the peace to act as  
2       city judge as provided in 3-11-205.  
3                t37(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               t47(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 in 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 set the qualifications  
24       prescribed by law or by ordinance adopted by the governing  
25       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. ~~in cities of the first, second, and third class~~ Except as provided in subsection  
3       12 ~~in~~ the AN ELECTED city judge shall hold office for a term  
4       of 4 years and until the qualification of his successor.

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

9       Section 4. Section 3-11-205, MCA, is amended to read:  
10       "3-11-205. Justice of the peace acting as city judge.  
11       In a town, the council may designate a justice of the peace  
12       of the county in which the town is situated to act as city  
13       judge and may by ordinance fix the compensation for his  
14       services. The justice of the peace so designated may ~~WHO~~  
15       AGREES TO ACT IN THAT CAPACITY ~~shall~~ act as city judge in  
16       all cases arising out of violations of ordinances in which  
17       the town is a party. If the justice of the peace must  
18       travel from his place of residence to hold court, he shall  
19       be paid his actual and necessary travel expenses, as defined  
20       and provided in 2-18-501 through 2-18-503, by the town in  
21       which the court is held."

-End-

HOUSE BILL NO. 678  
INTRODUCED BY BURNETT

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 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  
13 3-11-201, 3-11-205, 7-4-4103, AND 7-4-4104, MCA."

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

3                ~~437~~(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               ~~437~~(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."

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)~~ v 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-