

HOUSE BILL NO. 333

INTRODUCED BY BRADLEY, WALLIN, BACHINI

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
February 5, 1985	Committee recommend bill do pass. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 8, 1985	Motion pass consideration.
February 9, 1985	Second reading, do pass as amended. Correctly engrossed.
February 11, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1985	Introduced and referred to Committee on Local Government.
March 8, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 11, 1985	Second reading, pass consideration.
March 12, 1985	Second reading, concurred in as amended.

March 14, 1985

Third reading, concurred in.
Ayes, 47; Noes, 2.

Returned to House with
amendments.

IN THE HOUSE

March 15, 1985

Received from Senate.

April 4, 1985

Second reading, amendments
concurred in.

April 5, 1985

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 333
 2 INTRODUCED BY Bradley McWhorter Richline
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A JUSTICE OF
 5 THE PEACE OR MUNICIPAL COURT JUDGE TO DESIGNATE A QUALIFIED
 6 PERSON TO ACT IN HIS PLACE WHENEVER HE IS SICK, DISABLED, OR
 7 ABSENT; AMENDING SECTION 3-10-231, MCA."

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

10 Section 1. Section 3-10-231, MCA, is amended to read:

11 "3-10-231. Circumstances in which an acting justice
 12 called in -- by whom. (1) Whenever a justice of the peace is
 13 disqualified from acting in any action because of the
 14 application of the supreme court's rules on disqualification
 15 and substitution of judges, subdivision 1, 2, or 3, he shall
 16 either transfer the action to another justice's court in the
 17 same county or call a justice from a neighboring county to
 18 preside in his behalf.

19 (2) Whenever a justice is sick, disabled, or absent
 20 ~~and--the-county-commissioners--find-that-there-is-a-delay-in~~
 21 ~~the-proper-administration-of-justice-or-the-county--attorney~~
 22 ~~makes--a---written--request, the justice may call in~~ another
 23 justice, if there is one readily available, or a city judge
 24 or some other qualified person ~~shall-be-called-in~~ to hold
 25 court for the absent justice until his return.

1 (3) During the time when a justice of the peace is on
 2 vacation or attending a training session, another justice of
 3 the peace of the same county shall be authorized to handle
 4 matters that otherwise would be handled by the absent
 5 justice. When there is no other justice of the peace in the
 6 county, ~~the county-commissioners-shall-handle-the-situation~~
 7 justice of the peace may designate another person in the
 8 same manner as if the justice were sick or absent.

9 (4) A justice of the peace of any county may hold the
 10 court of any other justice of the peace at his request.

11 (5) The provisions of this section apply to a
 12 municipal court judge pursuant to 25-30-101."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

House BILL NO. 333

INTRODUCED BY Bradley, Ulmer, Berman

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A JUSTICE OF THE PEACE OR MUNICIPAL COURT JUDGE TO DESIGNATE A QUALIFIED PERSON TO ACT IN HIS PLACE WHENEVER HE IS SICK, DISABLED, OR ABSENT; AMENDING SECTION 3-10-231, MCA."

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

Section 1. Section 3-10-231, MCA, is amended to read:

"3-10-231. Circumstances in which an acting justice called in -- by whom. (1) Whenever a justice of the peace is disqualified from acting in any action because of the application of the supreme court's rules on disqualification and substitution of judges, subdivision 1, 2, or 3, he shall either transfer the action to another justice's court in the same county or call a justice from a neighboring county to preside in his behalf.

(2) Whenever a justice is sick, disabled, or absent ~~and--the-county-commissioners--find-that-there-is-a-delay-in the-proper-administration-of-justice-or-the-county--attorney makes--a---written--request, the justice may call in another justice, if there is one readily available, or a city judge or some other qualified person ~~shall-be-called-in~~ to hold court for the absent justice until his return.~~

(3) During the time when a justice of the peace is on vacation or attending a training session, another justice of the peace of the same county shall be authorized to handle matters that otherwise would be handled by the absent justice. When there is no other justice of the peace in the county, ~~the county-commissioners-shall-handle-the-situation~~ justice of the peace may designate another person in the same manner as if the justice were sick or absent.

(4) A justice of the peace of any county may hold the court of any other justice of the peace at his request.

(5) The provisions of this section apply to a municipal court judge pursuant to 25-30-101."

-End-



SECOND READING
HB 333

HOUSE BILL NO. 333

INTRODUCED BY BRADLEY, WALLIN, BACHINI

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A JUSTICE OF THE PEACE OR MUNICIPAL COURT JUDGE, WITH APPROVAL OF THE COUNTY COMMISSIONERS, TO DESIGNATE A QUALIFIED PERSON TO ACT IN HIS PLACE WHENEVER HE IS SICK, DISABLED, OR ABSENT; AMENDING SECTION 3-10-231, MCA."

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(2) Whenever a justice is sick, disabled, or absent and the county commissioners find that there is a delay in the proper administration of justice or the county attorney makes a written request, the justice may call in another justice, if there is one readily available, or a city judge or some other qualified person shall be called in to hold

court--for--the--absent--justice--until--his--return, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, CALL IN A REPLACEMENT TO HOLD COURT IN HIS PLACE. IF THE JUSTICE OF THE PEACE IS UNABLE, OR FAILS, TO CALL IN A REPLACEMENT WHEN ONE IS REQUIRED FOR THE PROPER ADMINISTRATION OF JUSTICE, A REPLACEMENT SHALL BE CALLED IN BY THE COUNTY COMMISSIONERS. THE REPLACEMENT SHALL BE ANOTHER JUSTICE, IF ONE IS READILY AVAILABLE, A CITY JUDGE, OR SOME OTHER QUALIFIED PERSON.

(3) During the time when a justice of the peace is on vacation or attending a training session, another justice of the peace of the same county shall be authorized to handle matters that otherwise would be handled by the absent justice. When there is no other justice of the peace in the county, ~~the county commissioners shall handle the situation~~ justice of the peace may designate another person in the same manner as if the justice were sick or absent.

(4) A justice of the peace of any county may hold the court of any other justice of the peace at his request.

(5) The provisions of this section apply to a municipal court judge pursuant to 25-30-101."

-End-



STANDING COMMITTEE REPORT

SENATE

MARCH 7

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

333

having had under consideration..... No.....

THIRD reading copy (BLUE)
color

ALLOW A JP OR MUNICIPAL JUDGE TO NAME A PERSON
TO ACT AS JUDGE IN HIS BEHALF

Respectfully report as follows: That.....HOUSE BILL..... No.....333.....

be amended as follows:

1. Title, lines 5 and 6.
Following: "PEACE" in line 5
Strike: remainder of line 5 through "COMMISSIONERS," in line 6
2. Page 2, lines 1 through 8.
Following: "return"
Strike: remainder of line 1 through "PERSON", in line 8
Insert: "call in another justice, if there is one readily available, or a city judge or some other qualified person to hold court for the absent justice until his return."
3. Page 2, lines 19 and 20.
Strike: subsection (5) in its entirety

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Dave Fuller

 Senator Dave Fuller Chairman.

SENATE COMMITTEE OF THE WHOLE AMENDMENT

Mar 12, 1985
DATE

12:00
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 333

third reading copy (blue) as follows:
Color

Page 1, line 20.
Following: line 19
Insert: "(2) Within 30 days of taking office, a justice of the peace shall provide a list of persons who are qualified to hold court in his place during a temporary absence when no other justice or city judge is available. The county commissioners shall administer the oath of office to each person on this list within the ensuing 30 days or as soon thereafter as possible."

PC3HB333.531

ADOPT
REJECT

REGAN

COMMITTEE OF THE WHOLE AMENDMENT

Mar 12, 1985
DATE

12:01
TIME

SENATE

SENATE LOCAL GOVERNMENT STANDING

MR. CHAIRMAN: I MOVE TO AMEND COMMITTEE REPORT OF 3/7/85 to HOUSE BILL #333

XX
reading copy
XXXXXX

Amendment No. 2.
Following: "judge or"
Strike: remainder of amendment
Insert: "a person from the list provided for in subsection (2) to hold court for the absent judge until his return. If the justice is unable to call in a substitute, the county commissioners shall call in another justice, a city judge, or a person from the list provided for in subsection (2)."

PC3HB333.532

ADOPT
REJECT

REGAN

HB333

HOUSE BILL NO. 333

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A JUSTICE OF THE PEACE OR ~~MUNICIPAL COURT JUDGE~~ WITH APPROVAL OF THE COUNTY COMMISSIONERS, TO DESIGNATE A QUALIFIED PERSON TO ACT IN HIS PLACE WHENEVER HE IS SICK, DISABLED, OR ABSENT; AMENDING SECTION 3-10-231, MCA."

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(2) WITHIN 30 DAYS OF TAKING OFFICE, A JUSTICE OF THE PEACE SHALL PROVIDE A LIST OF PERSONS WHO ARE QUALIFIED TO HOLD COURT IN HIS PLACE DURING A TEMPORARY ABSENCE WHEN NO OTHER JUSTICE OR CITY JUDGE IS AVAILABLE. THE COUNTY COMMISSIONERS SHALL ADMINISTER THE OATH OF OFFICE TO EACH PERSON ON THIS LIST WITHIN THE ENSUING 30 DAYS OR AS SOON

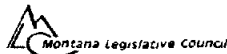
THEREAFTER AS POSSIBLE.

~~(2)(3) Whenever a justice is sick, disabled, or absent and the county commissioners find that there is a delay in the proper administration of justice or the county attorney makes a written request, the justice may call in another justice, if there is one readily available, or a city judge or some other qualified person shall be called in to hold court for the absent justice until his return, with the approval of the county commissioners, call in a replacement to hold court in his place, if the justice of the peace is unable, or fails, to call in a replacement when one is required for the proper administration of justice, a replacement shall be called in by the county commissioners, the replacement shall be another justice, if one is readily available, a city judge, or some other qualified person, call in another justice, if there is one readily available, or a city judge or some other qualified person to hold court for the absent justice until his return. A person from the list provided for in subsection (2) to hold court for the absent judge until his return. If the justice is unable to call in a substitute, the county commissioners shall call in another justice, a city judge, or a person from the list provided for in subsection (2).~~

~~(3)(4) During the time when a justice of the peace is on vacation or attending a training session, another justice~~

REFERENCE BILL

HB 333



1 of the peace of the same county shall be authorized to
2 handle matters that otherwise would be handled by the absent
3 justice. When there is no other justice of the peace in the
4 county, the ~~county-commissioners-shall-handle-the--situation~~
5 justice of the peace may designate another person in the
6 same manner as if the justice were sick or absent.

7 ~~(4)~~(5) A justice of the peace of any county may hold
8 the court of any other justice of the peace at his request.

9 ~~(5)--The--provisions--of--this--section--apply---to---a~~
10 municipal-court-judge-pursuant-to-25-30-101."

-End-