### HOUSE BILL NO. 620

.

# INTRODUCED BY BRADLEY, RAMIREZ, HANNAH, MAZUREK, VAN VALKENBURG, D. BROWN, DRISCOLL, SPAETH, MARKS, ADDY

IN THE HOUSE

February	1, 1985		Introduced and referred to Committee on Judiciary.
February	13, 1985		Committee recommend bill do pass. Report adopted.
			Bill printed and placed on members' desks.
February	16, 1985		Second reading, do pass.
			Considered correctly engrossed.
February	18, 1985		Third reading, passed.
			Transmitted to Senate.
		IN THE	SENATE
February	19, 1985		Introduced and referred to Committee on Judiciary.
March 5,	1985		Committee recommend bill be concurred in as amended. Report adopted.
March 6,	1985		Second reading, concurred in.
March 8,	1985		Third reading, concurred in. Ayes, 37; Noes, 11.
			Returned to House with amendments.
		IN THE	HOUSE
March 9,	1985		Received from Senate.

March 13, 1985

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March 14, 1985

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 620 1 INTRODUCED BY Braden Ramvies Ahmah Mirguik 2 Va Valkerburg 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAINING AND 4 5 CERTIFICATION OF CERTAIN JUDGES THROUGH A COURSE PRESCRIBED BY THE COMMISSION ON COURTS OF LIMITED 6 JURISDICTION: ALLOWING THE COMMISSION TO ISSUE TEMPORARY CERTIFICATES. 7 PROVIDING FOR REIMBURSEMENT OF EXPENSES; AND CREATING A 8. 9 VACANCY FOR FAILURE TO OBTAIN A CERTIFICATE." 10

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

12 Section 1. Definitions. As used in [this act], the 13 following definitions apply:

14 (1) "Commission" means the commission on courts of 15 limited jurisdiction established by supreme court order 16 12768.

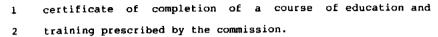
(2) "Judge" means: 17

18 (a) a municipal court judge;

(b) a justice of the peace; or 19

20 (c) a city judge.

Section 2. Training and certification of judges. 21 22 Except as provided in [section 3], no judge selected for a term of office commencing on or after January 6, 1986, may 23 assume the functions of his office unless he has filed with 24 25 the county clerk and recorder in his jurisdiction a



Section 3. Exception. [Section 2] does not apply to a 3 judge who has received a temporary certificate issued by the 4 commission as provided for in [section 4]. 5

Section 4. Temporary certificate. (1) The commission 6 may issue a temporary certificate enabling a judge to assume 7 the functions of his office pending completion of a course 8 as required by [section 2]. The temporary certificate must 9 be in a form and subject to the terms and conditions 10 prescribed by the commission. 11

(2) The commission may issue a temporary certificate 12 13 only if:

(a) the judge is appointed or elected for his first 14 term after the course is offered; or 15

(b) the commission grants an excuse because of a 16 personal illness, a death in the family, or other good 17 cause. 18

juđge is entitled to Section 5. Expenses. Each 19 reimbursement for all actual and necessary travel expenses 20 and other costs incurred in attending a course of training 21 and education pursuant to [section 2]. Such reimbursement 22 must be paid as provided for in 3-10-203 and 3-11-204. 23

Section 6. Disqualification. Each judge shall complete 24 a course of training and education as required by [section 25

> INTRODUCED BILL -2-HB 620



na Legislative Council

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2]. Subject to [section 4], failure to obtain a certificate
 of completion disqualifies the elected or appointed judge
 from assuming office and creates a vacancy in the office.

4 Section 7. Credit toward annual training. Attendance 5 of a training course prescribed by [section 2] may apply 6 toward fulfillment of mandatory annual training requirements 7 provided in 3-10-203 and 3-11-204.

8 Section 8. Codification instruction. Sections 1
9 through 7 are intended to be codified as an integral part of
10 Title 3, chapter 1, and the provisions of Title 3, chapter
11 1, apply to sections 1 through 7.

-End-

#### APPROVED BY COMMITTEE ON JUDICIARY

HOUSE BILL NO. 620 1 INTRODUCED BY Braden Ramvies Hunder Musicul 2 Vy Valkentury A. ٦ A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAINING AND 4 CERTIFICATION OF CERTAIN JUDGES THROUGH A COURSE PRESCRIBED 5 BY THE COMMISSION ON COURTS OF LIMITED JURISDICTION: 6 7 ALLOWING THE COMMISSION TO ISSUE TEMPORARY CERTIFICATES: PROVIDING FOR REIMBURSEMENT OF EXPENSES; AND CREATING A 8 VACANCY FOR FAILURE TO OBTAIN A CERTIFICATE." q 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Definitions. As used in [this act], the 12 following definitions apply: 13 14 (1) "Commission" means the commission on courts of limited jurisdiction established by supreme court order 15 16 12768. (2) "Judge" means: 17 a municipal court judge; 18 (a)a justice of the peace; or 19 (b) (c) a city judge. 20 21 Section 2. Training and certification of judges. Except as provided in [section 3], no judge selected for a 22 term of office commencing on or after January 6, 1986, may 23 assume the functions of his office unless he has filed with 24 the county clerk and recorder in his jurisdiction a 25

certificate of completion of a course of education and
 training prescribed by the commission.

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16 (b) the commission grants an excuse because of a 17 personal illness, a death in the family, or other good 18 cause.

19 Section 5. Expenses. Each judge is entitled to 20 reimbursement for all actual and necessary travel expenses 21 and other costs incurred in attending a course of training 22 and education pursuant to [section 2]. Such reimbursement 23 must be paid as provided for in 3-10-203 and 3-11-204.

24 Section 6. Disqualification. Each judge shall complete 25 a course of training and education as required by [section

SECOND READING -2-HA 620



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18 (a) a municipal court judge;

19 (b) a justice of the peace; or

20 (c) a city judge.

21 Section 2. Training and certification of judges. 22 Except as provided in [section 3], no judge selected for a 23 term of office commencing on or after January 6, 1986, may 24 assume the functions of his office unless he has filed with 25 the county clerk and recorder in his jurisdiction a



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6 Section 4. Temporary certificate. (1) The commission 7 may issue a temporary certificate enabling a judge to assume 8 the functions of his office pending completion of a course 9 as required by [section 2]. The temporary certificate must 10 be in a form and subject to the terms and conditions 11 prescribed by the commission.

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THIRD READING

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5 of a training course prescribed by [section 2] may apply 6 toward fulfillment of mandatory annual training requirements 7 provided in 3-10-203 and 3-11-204.

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## **STANDING COMMITTEE REPORT**

		•••••••••••••••••••	March 5	1985	
MR. PRESIDENT					
We, your committee on	JUDIC	IARY		••••••	
having had under consideration				<sub>No</sub>	
thirdreading copy (blue	_)				
color (Senator Yellowtail)					
REQUIRE TRAINING & CERTIFICAT	ION OF	LOWER COURT JU	JDGES		
Respectfully report as follows: That	HOUSE	BILL		620 No	
be amended as follows:					
<pre>1. Page 1, lines 15 and 16. Following: "by" on line 15 Insert: "the" Following: "court" on line 15 Strike: remainder of line 15 through "12768" on line 16 2. Page 3, line 5. Following: "2]"</pre>					
Strike: "may" Insert: "shall"					
		<u> </u>			

AND AS AMENDED

SENATE

BE CONCURRED IN

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RRXXRXXX

Senator Joe Mazurek Chairman.

	· ·		
,	HOUSE BILL NO. 620	1	the county clerk and recorder in his jurisdiction a
1		2	certificate of completion of a course of education and
2	INTRODUCED BY BRADLEY, RAMIREZ, HANNAH, MAZUREK, VAN VALKENBURG, ADDY, D. BROWN, DRISCOLL, SPAETH, MARKS		training prescribed by the commission.
3			Section 3. Exception. [Section 2] does not apply to a
4			judge who has received a temporary certificate issued by the
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAINING AND	6	commission as provided for in [section 4].
6	CERTIFICATION OF CERTAIN JUDGES THROUGH A COURSE PRESCRIBED		Section 4. Temporary certificate. (1) The commission
7	BY THE COMMISSION ON COURTS OF LIMITED JURISDICTION;	8	may issue a temporary certificate enabling a judge to assume
8	ALLOWING THE COMMISSION TO ISSUE TEMPORARY CERTIFICATES;	9	the functions of his office pending completion of a course
9	PROVIDING FOR REIMBURSEMENT OF EXPENSES; AND CREATING A	10	as required by [section 2]. The temporary certificate must
10	VACANCY FOR FAILURE TO OBTAIN A CERTIFICATE."	11	be in a form and subject to the terms and conditions
11		12	prescribed by the commission.
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	(2) The commission may issue a temporary certificate
13	Section 1. Definitions. As used in [this act], the	14	only if:
14	following definitions apply:	15	(a) the judge is appointed or elected for his first
15	(1) "Commission" means the commission on courts of	16	term after the course is offered; or
16	limited jurisdiction established by THE supreme court order	17	(b) the commission grants an excuse because of a
17	12768.	18	personal illness, a death in the family, or other good
18	(2) "Judge" means:	19	cause.
1 <b>9</b>	(a) a municipal court judge;	20	Section 5. Expenses. Each judge is entitled to
20	(b) a justice of the peace; or	21	reimbursement for all actual and necessary travel expenses
21	(c) a city judge.	22	and other costs incurred in attending a course of training
22	Section 2. Training and certification of judges.	22	and education pursuant to [section 2]. Such reimbursement
23	Except as provided in [section 3], no judge selected for a	23	must be paid as provided for in $3-10-203$ and $3-11-204$ .
24	term of office commencing on or after January 6, 1986, may	24 25	Section 6. Disqualification. Each judge shall complete
25	assume the functions of his office unless he has filed with		Section 0. Disquarification. Each judge shall complete



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a course of training and education as required by [section
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