

HOUSE BILL NO. 201

INTRODUCED BY SPAETH, SWIFT, THOFT, SCHYE

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 17, 1989	FIRST READING. ON MOTION, REREFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 30, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 31, 1989	PRINTING REPORT.
FEBRUARY 1, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 2, 1989	ENGROSSING REPORT.
FEBRUARY 3, 1989	THIRD READING, PASSED. AYES, 99; NOES, 0. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT. FIRST READING.
MARCH 1, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1989	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 10, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 201
 2 INTRODUCED BY Spencer Smith Staff Selge
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY
 5 JUDGE MUST BE A RESIDENT OF THE COUNTY IN WHICH THE CITY OR
 6 TOWN IS LOCATED; ESTABLISHING THE REQUIREMENTS FOR
 7 APPOINTMENT OF CITY JUDGES IN A TOWN OR THIRD-CLASS CITY;
 8 AUTHORIZING THE APPOINTMENT OF A JUSTICE OF THE PEACE OR THE
 9 CITY JUDGE OF ANOTHER CITY OR TOWN WHO RESIDES IN THE SAME
 10 COUNTY AS CITY JUDGE; AND AMENDING SECTIONS 3-11-202,
 11 3-11-205, 7-4-4102, AND 7-4-4103, MCA."
 12

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

14 **Section 1.** Section 3-11-202, MCA, is amended to read:

15 "3-11-202. Salary -- qualifications. (1) A city judge,
 16 at the time of election or appointment, shall:

17 (a) meet the qualifications of a justice of the peace
 18 under 3-10-202;

19 (b) be a resident of the county in which the city or
 20 town is located; and

21 (c) satisfy any additional qualifications prescribed
 22 by ordinance.

23 (2) The annual salary and compensation of city judges
 24 must be fixed by ordinance or resolution.

25 (3) Each city judge shall receive his actual and

1 necessary travel expenses, as defined and provided in
 2 2-18-501 through 2-18-503, incurred in the performance of
 3 his official duties."

4 **Section 2.** Section 3-11-205, MCA, is amended to read:

5 "3-11-205. Justice court of the peace or judge of
 6 another city as city court judge. (1) In a town or
 7 third-class city, the council may designate a justice court
 8 of the peace or the city judge of another city or town to
 9 act as city judge. The justice of the peace or city judge
 10 shall reside in the county in which the town or city is
 11 situated. ~~to--act-as-city-court-and~~ The city or town may by
 12 ordinance fix the funding for such court judge and enter
 13 into an agreement with the county or the other city or town
 14 for proportionate payment of salaries and training expenses.
 15 The justice court of the peace or other city judge shall,
 16 upon--its--agreement after agreeing to the designation and
 17 after approval by the board of county commissioners or
 18 governing body of the city or town, act in that capacity and
 19 shall be the city court judge in all cases arising out of
 20 violations of statutes or ordinances. If the justice of the
 21 peace or city judge of another city or town must travel from
 22 his place of residence to hold court, he shall be paid his
 23 actual and necessary travel expenses, as defined and
 24 provided in 2-18-501 through 2-18-503, by the town or city
 25 in which the court is held.

(2) 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."

Section 3. Section 7-4-4102, MCA, is amended to read:

"7-4-4102. Officers of city of second or third class.

(1) The officers of a city of the second or third class consist of:

- (a) one mayor;
- (b) two aldermen from each ward;
- (c) one city judge.

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

(3) The governing body of a city of the third class may by ordinance determine whether the office of city judge shall be filled by appointment by the governing body or by election or may ~~designate--a--justice's--court--to--act--as~~ appoint a justice of the peace or the city judge of another city as judge of the city court as provided in 3-11-205.

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

- (a) one city attorney;
- (b) one city clerk, who is ex officio city assessor;
- (c) one city treasurer or one city clerk-treasurer;
- (d) one chief of police; and

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

(5) The city council may prescribe the duties of all city officers and fix their compensation."

Section 4. 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;
- (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 may by ordinance determine that the office of city judge must be filled either by election or appointment or may ~~designate--a~~ justice's--court-to-act-as appoint a justice of the peace or the city judge of another city to be judge of the city court as provided in 3-11-205.

(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

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

3 (5) The town council may prescribe the duties of all
4 town officers and fix their compensation, subject to the
5 limitations contained in this title."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 201
2 INTRODUCED BY Spencer Swift
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY
5 JUDGE MUST BE A RESIDENT OF THE COUNTY IN WHICH THE CITY OR
6 TOWN IS LOCATED; ESTABLISHING THE REQUIREMENTS FOR
7 APPOINTMENT OF CITY JUDGES IN A TOWN OR THIRD-CLASS CITY;
8 AUTHORIZING THE APPOINTMENT OF A JUSTICE OF THE PEACE OR THE
9 CITY JUDGE OF ANOTHER CITY OR TOWN WHO RESIDES IN THE SAME
10 COUNTY AS CITY JUDGE; AND AMENDING SECTIONS 3-11-202,
11 3-11-205, 7-4-4102, AND 7-4-4103, MCA."
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 3-11-202, MCA, is amended to read:
15 "3-11-202. Salary -- qualifications. (1) A city judge,
16 at the time of election or appointment, shall:
17 (a) meet the qualifications of a justice of the peace
18 under 3-10-202;
19 (b) be a resident of the county in which the city or
20 town is located; and
21 (c) satisfy any additional qualifications prescribed
22 by ordinance.
23 (2) The annual salary and compensation of city judges
24 must be fixed by ordinance or resolution.
25 (3) Each city judge shall receive his actual and

1 necessary travel expenses, as defined and provided in
2 2-18-501 through 2-18-503, incurred in the performance of
3 his official duties."

4 **Section 2.** Section 3-11-205, MCA, is amended to read:
5 "3-11-205. Justice court of the peace or judge of
6 another city as city court judge. (1) In a town or
7 third-class city, the council may designate a justice court
8 of the peace or the city judge of another city or town to
9 act as city judge. The justice of the peace or city judge
10 shall reside in the county in which the town or city is
11 situated. ~~to act as city court and~~ The city or town may by
12 ordinance fix the funding for such court judge and enter
13 into an agreement with the county or the other city or town
14 for proportionate payment of salaries and training expenses.
15 The justice court of the peace or other city judge shall,
16 upon ~~its~~ agreement after agreeing to the designation and
17 after approval by the board of county commissioners or
18 governing body of the city or town, act in that capacity and
19 shall be the city court judge in all cases arising out of
20 violations of statutes or ordinances. If the justice of the
21 peace or city judge of another city or town must travel from
22 his place of residence to hold court, he shall be paid his
23 actual and necessary travel expenses, as defined and
24 provided in 2-18-501 through 2-18-503, by the town or city
25 in which the court is held.

(2) 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."

Section 3. Section 7-4-4102, MCA, is amended to read:

"7-4-4102. Officers of city of second or third class.

(1) The officers of a city of the second or third class consist of:

- (a) one mayor;
- (b) two aldermen from each ward;
- (c) one city judge.

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

(3) The governing body of a city of the third class may by ordinance determine whether the office of city judge shall be filled by appointment by the governing body or by election or may ~~designate--a--justice's--court--to--act--as~~ appoint a justice of the peace or the city judge of another city as judge of the city court as provided in 3-11-205.

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

- (a) one city attorney;
- (b) one city clerk, who is ex officio city assessor;
- (c) one city treasurer or one city clerk-treasurer;
- (d) one chief of police; and

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

(5) The city council may prescribe the duties of all city officers and fix their compensation."

Section 4. 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;
- (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.

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(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

LC 0608/01

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

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5 limitations contained in this title."

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21 (4) There may also be appointed by the mayor, with the
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6 **Section 4.** Section 7-4-4103, MCA, is amended to read:

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