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

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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

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MARCH 10, 1989

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RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

INTRODUCED BY Apacen Bill NO. 201 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY 4 JUDGE MUST BE A RESIDENT OF THE COUNTY IN WHICH THE CITY OR 5 б TOWN IS LOCATED; ESTABLISHING THE REQUIREMENTS FOR 7 APPOINTMENT OF CITY JUDGES IN A TOWN OR THIRD-CLASS CITY; AUTHORIZING THE APPOINTMENT OF A JUSTICE OF THE PEACE OR THE 8 CITY JUDGE OF ANOTHER CITY OR TOWN WHO RESIDES IN THE SAME 9 COUNTY AS CITY JUDGE; AND AMENDING SECTIONS 3-11-202, 10 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, at the time of election or appointment, shall: 16 (a) meet the qualifications of a justice of the peace 17

under 3-10-202;
(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 judges24 must be fixed by ordinance or resolution.

25

(3) Each city judge shall receive his actual and



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

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

-2- INTRODUCED BILL #8 201

(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."

4 Section 3. Section 7-4-4102, MCA, is amended to read:
5 *7-4-4102. Officers of city of second or third class.
6 (1) The officers of a city of the second or third class
7 consist of:

(a) one mayor;

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9 (b) two aldermen from each ward;

10 (c) one city judge.

11 (2) The officers listed in subsection (1), except the city judge for a city of the third class, must be elected by 12 the qualified electors of the city as hereinafter provided. 13 (3) The governing body of a city of the third class 14 15 may by ordinance determine whether the office of city judge shall be filled by appointment by the governing body or by 16 election or may designate--a--justice's--court--to--act--as 17 appoint a justice of the peace or the city judge of another 18 19 city as judge of the city court as provided in 3-11-205. (4) There may also be appointed by the mayor, with the 20 21 advice and consent of the council:

22 (a) one city attorney;

23 (b) one city clerk, who is ex officio city assessor;
24 (c) one city treasurer or one city clerk-treasurer;

25 (d) one chief of police; and

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

3 (5) The city council may prescribe the duties of all4 city officers and fix their compensation."

5 Section 4. Section 7-4-4103, MCA, is amended to read:
6 "7-4-4103. Officers of towns. (1) The officers of a

7 town consist of:

8 (a) one mayor;

9 (b) two aldermen from each ward; and

10 (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.

14 (3) The governing body of the town may by ordinance 15 determine that the office of city judge must be filled 16 either by election or appointment or may designate--a 17 justice¹s--court-to-act-as appoint a justice of the peace or 18 the city judge of another city to be judge of the city court 19 as provided in 3-11-205.

20 (4) There may be appointed by the mayor, with the 21 advice and consent of the council:

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

24 (b) one marshal, who may be ex officio street25 commissioner; and

(c) any other officers necessary to carry out the
 provisions of this title.
 (5) The town council may prescribe the duties of all
 town officers and fix their compensation, subject to the
 limitations contained in this title."

51st Legislature

APPROVED BY COMM. ON LOCAL GOVERNMENT

House BILL NO. 201 Track Swift Thefe Selege 1 2 INTRODUCED BY 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: AUTHORIZING THE APPOINTMENT OF A JUSTICE OF THE PEACE OR THE 8 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:

Section 1. Section 3-11-202, MCA, is amended to read:
"3-11-202. Salary -- qualifications. (1) A city judge,
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 judges24 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."

Section 2. Section 3-11-205, MCA, is amended to read: 4 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 of the peace or the city judge of another city or town to 8 act as city judge. The justice of the peace or city judge 9 shall reside in the county in which the town or city is 10 situated. to--act-as-city-court-and The city or town may by 11 12 ordinance fix the funding for such court judge and enter into an agreement with the county or the other city or town 13 for proportionate payment of salaries and training expenses. 14 The justice court of the peace or other city judge shall, 15 upon--its--agreement after agreeing to the designation and 16 after approval by the board of county commissioners or 17 governing body of the city or town, act in that capacity and 18 shall be the city court judge in all cases arising out of 19 violations of statutes or ordinances. If the justice of the 20 peace or city judge of another city or town must travel from 21 his place of residence to hold court, he shall be paid his 22 actual and necessary travel expenses, as defined and 23 provided in 2-18 500 through 2-18-503, by the town or city 24 in which the court is held, 25

2. SECOND READING

LC 0608/01

1 (2) The offices of city judge and justice of the peace 2 may be combined if a justice of the peace is authorized in a 3 city pursuant to 3-10-101."

4 Section 3. Section 7-4-4102, MCA, is amended to read:
5 "7-4-4102. Officers of city of second or third class.
6 (1) The officers of a city of the second or third class
7 consist of:

(a) one mayor;

8

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9 (b) two aldermen from each ward;

10 (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.

14 (3) The governing body of a city of the third class 15 may by ordinance determine whether the office of city judge 16 shall be filled by appointment by the governing body or by 17 election or may designate--a--justice's--court--to--act--as 18 appoint a justice of the peace or the city judge of another 19 city as judge of the city court as provided in 3-11-205.

20 (4) There may also be appointed by the mayor, with the21 advice and consent of the council:

(a) one city attorney;

23 (b) one city clerk, who is ex officio city assessor;

24 (c) one city treasurer or one city clerk-treasurer;

25 (d) one chief of police; and

1 (e) any other officers necessary to carry out the 2 provisions of this title. 3 (5) The city council may prescribe the duties of all 4 city officers and fix their compensation." 5 Section 4. Section 7-4-4103, MCA, is amended to read: 6 *7-4-4103. Officers of towns. (1) The officers of a 7 town consist of: 8 (a) one mayor: 9 (b) two aldermen from each ward; and 10 (c) one city judge. 11 (2) The officers listed in subsection (1), except for 12 the city judge, must be elected by the gualified electors of 13 the town, as hereinafter provided. (3) The governing body of the town may by ordinance 14 15 determine that the office of city judge must be filled either by election or appointment or may designate--a 16 justice's -- court-to-act-as appoint a justice of the peace or 17 18 the city judge of another city to be judge of the city court as provided in 3-11-205. 19 (4) There may be appointed by the mayor, with the 20 advice and consent of the council: 21 22 (a) one clerk, who may be ex officio assessor and tax collector and a member of the council: 23

24 (b) one marshal, who may be ex officio street25 commissioner; and

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

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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."

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HB 0201/02

HB 0201/02

1	HOUSE BILL NO. 201	1	necessary travel expenses, as defined and provided in
2	INTRODUCED BY SPAETH, SWIFT, THOFT, SCHYE	2	2-18-501 through 2-18-503, incurred in the performance of
3		3	his official duties."
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY	4	Section 2. Section 3-11-205, MCA, is amended to read:
5	JUDGE MUST BE A RESIDENT OF THE COUNTY IN WHICH THE CITY OR	5	"3-11-205. Justice court of the peace or judge of
6	TOWN IS LOCATED; ESTABLISHING THE REQUIREMENTS FOR	6	another city as city court judge. (1) In a town or
7	APPOINTMENT OF CITY JUDGES IN A TOWN OR THIRD-CLASS CITY;	7	third-class city, the council may designate a justice court
8	AUTHORIZING THE APPOINTMENT OF A JUSTICE OF THE PEACE OR THE	8	of the peace or the city judge of another city or town to
9	CITY JUDGE OF ANOTHER CITY OR TOWN WHO RESIDES IN THE SAME	9	act as city judge. The justice of the peace or city judge
10	COUNTY AS CITY JUDGE; AND AMENDING SECTIONS 3-11-202,	10	shall reside in the county in which the town or city is
11	3-11-205, 7-4-4102, AND 7-4-4103, MCA."	11	situated. toact-as-city-court-and The city or town may by
12		12	ordinance fix the funding for such court judge and enter
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	into an agreement with the county, or the other city or
14	Section 1. Section 3-11-202, MCA, is amended to read:	14	town, OR THE JUSTICE OF THE PEACE OR THE JUDGE for
15	"3-11-202. Salary qualifications. (1) A city judge,	15	proportionate payment of salaries and training expenses. The
16	at the time of election or appointment, shall:	16	justice court of the peace or other city judge shall, upon
17	(a) meet the qualifications of a justice of the peace	17	its-agreement after agreeing to the designation and after
18	under 3-10-202 <u>;</u>	18	approval by the board of county commissioners or governing
19	(b) be a resident of the county in which the city or	19	body of the city or town, act in that capacity and shall be
20	town is located; and	20	the city court judge in all cases arising out of violations
21	(c) satisfy any additional qualifications prescribed	21	of statutes or ordinances. If the justice of the peace or
22	by ordinance.	22	city judge of another city or town must travel from his
23	(2) The annual salary and compensation of city judges	23	place of residence to hold court, he shall be paid his
24	must be fixed by ordinance or resolution.	24	actual and necessary travel expenses, as defined and
25	(3) Each city judge shall receive his actual and	25	provided in 2-18-501 through 2-18-503, by the town or city
	A .		-2- HB 201



THIRD READING

2 (2) The offices of city judge and justice of the peace 3 may be combined if a justice of the peace is authorized in a 4 city pursuant to 3-10-101." 5 Section 3. Section 7-4-4102, MCA, is amended to read: 6 "7-4-4102. Officers of city of second or third class. 7 The officers of a city of the second or third class 8 consist of: 9 (a) one mayor; 10 (b) two aldermen from each ward: 11 (c) one city judge. 12 (2) The officers listed in subsection (1), except the city judge for a city of the third class, must be elected by 13 14 the gualified electors of the city as hereinafter provided. 15 (3) The governing body of a city of the third class 16 may by ordinance determine whether the office of city judge 17 shall be filled by appointment by the governing body or by 18 election or may designate--a--justiceis--court--to-act-as 19 appoint a justice of the peace or the city judge of another 20 city as judge of the city court as provided in 3-11-205. 21 (4) There may also be appointed by the mayor, with the 22 advice and consent of the council: 23 (a) one city attorney; 24 (b) one city clerk, who is ex officio city assessor; 25 (c) one city treasurer or one city clerk-treasurer; - 3 -HB 201

in which the court is held.

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1 (d) one chief of police; and 2 (e) any other officers necessary to carry out the 3 provisions of this title. 4 (5) The city council may prescribe the duties of all 5 city officers and fix their compensation." 6 Section 4. Section 7-4-4103, MCA, is amended to read: 7 *7-4-4103. Officers of towns. (1) The officers of a 8 town consist of: 9 (a) one mayor; 10 (b) two aldermen from each ward; and 11 (c) one city judge. 12 (2) The officers listed in subsection (1), except for 13 the city judge, must be elected by the qualified electors of 14 the town, as hereinafter provided. 15 (3) The governing body of the town may by ordinance 16 determine that the office of city judge must be filled 17 either by election or appointment or may designate--a 18 justice s-court-to-act-as appoint a justice of the peace or 19 the city judge of another city to be judge of the city court 20 as provided in 3-11-205. 21 (4) There may be appointed by the mayor, with the 22 advice and consent of the council: 23 (a) one clerk, who may be ex officio assessor and tax 24 collector and a member of the council; 25 (b) one marshal, who may be ex officio street

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1 commissioner; and

2 (c) any other officers necessary to carry out the3 provisions of this title.

4 (5) The town council may prescribe the duties of all

5 town officers and fix their compensation, subject to the

6 limitations contained in this title."

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HB 0201/02

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2	INTRODUCED BY SPAETH, SWIFT, THOFT, SCHYE	2	2-18-501 through 2-18-503, incurred in the performance of
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7	APPOINTMENT OF CITY JUDGES IN A TOWN OR THIRD-CLASS CITY;	7	third-class city, the council may designate a justice court
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L'Montana Legislative Council

HB 201

REFERENCE BILL

in which the court is held. 1 1 2 (2) The offices of city judge and justice of the peace 2 3 may be combined if a justice of the peace is authorized in a 3 city pursuant to 3-10-101." 4 4 5 5 Section 3. Section 7-4-4102, MCA, is amended to read: 6 6 "7-4-4102. Officers of city of second or third class. 7 (1) The officers of a city of the second or third class 7 consist of: 8 8 9 (a) one mayor; 9 10 (b) two aldermen from each ward: 10 11 11 (c) one city judge. 12 (2) The officers listed in subsection (1), except the 12 13 city judge for a city of the third class, must be elected by 13 14 the qualified electors of the city as hereinafter provided. 14 15 (3) The governing body of a city of the third class 15 **may** by ordinance determine whether the office of city judge 16 16 17 shall be filled by appointment by the governing body or by 17 18 election or may designate--a--justice-s--court--to-act-as 18 19 appoint a justice of the peace or the city judge of another 19 20 20 city as judge of the city court as provided in 3-11-205. 21 (4) There may also be appointed by the mayor, with the 21 22 advice and consent of the council: 22 23 23 (a) one city attorney; 24 (b) one city clerk, who is ex officio city assessor; 24 25 (c) one city treasurer or one city clerk-treasurer; 25

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

(d) one chief of police; and

(c) one city judge.

2 (2) The officers listed in subsection (1), except for
3 the city judge, must be elected by the qualified electors of
4 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

2 advice and consent of the council:

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

5 (b) one marshal, who may be ex officio street

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5 town officers and fix their compensation, subject to the
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