

HOUSE BILL NO. 443  
INTRODUCED BY WHALEN, GIACOMETTO

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 27, 1989	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 91; NOES, 6.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

MARCH 15, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

## HOUSE BILL 443

Introduced by Whalen, et al.

1/26	Introduced
1/27	Referred to Judiciary
1/27	Fiscal Note Requested
2/03	Fiscal Note Received
2/03	Fiscal Note Printed
2/08	Hearing
2/08	Committee Report--Bill Passed
2/11	2nd Reading Passed
2/14	3rd Reading Passed

### Transmitted to Senate

2/15	Referred to Local Government
3/09	Hearing
3/10	Committee Report--Bill Concurred
3/11	2nd Reading Concurred
3/14	3rd Reading Concurred

### Returned to House

3/17	Signed by Speaker
3/18	Signed by President
3/18	Transmitted by Governor
3/22	Signed by Governor
	Chapter Number 288
	Effective Date: 7/01/89

1 HOUSE BILL NO. 443  
2 INTRODUCED BY Whalen  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY  
5 COMMISSIONERS TO APPOINT MORE THAN ONE CONSTABLE FOR EACH  
6 JUSTICE'S COURT; AMENDING SECTION 7-4-2203, MCA; AND  
7 PROVIDING AN EFFECTIVE DATE."  
8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10 **Section 1.** Section 7-4-2203, MCA, is amended to read:  
11 "7-4-2203. County officers. (1) There may be elected  
12 or appointed the following county officers, who shall  
13 possess the qualifications for suffrage prescribed by the  
14 Montana constitution and such other qualifications as may be  
15 prescribed by law:  
16 (a) one county attorney;  
17 (b) one clerk of the district court;  
18 (c) one county clerk;  
19 (d) one sheriff;  
20 (e) one treasurer;  
21 (f) one auditor if authorized by 7-6-2401;  
22 (g) one county superintendent of schools;  
23 (h) one county surveyor;  
24 (i) one assessor;  
25 (j) one coroner;

1 (k) one public administrator; and  
2 (1) at least one justice of the peace.  
3 (2) The commissioners may appoint at their discretion  
4 constables. ~~Not--more~~ More than one constable may be  
5 appointed for each justice's court.  
6 (3) All elective township officers may be elected at  
7 each general election as now provided by law."  
8 NEW SECTION. **Section 2.** Effective date. [This act] is  
9 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB443, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act to allow county commissioners to appoint more than one constable for each justice's court; amending Section 7-4-2203, MCA; and providing an effective date.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The county would be responsible for the salary, benefit, and additional operating expenses associated with the appointment of constables to justice court.

*Ray Shackelford*

*2/2/89*

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

*Timothy J. Whalen*

*2-5-89*

TIMOTHY J. WHALEN, PRIMARY SPONSOR  
DATE

Fiscal Note for HB443, as introduced

**HB 443**

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 443  
2 INTRODUCED BY Whalen  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY  
5 COMMISSIONERS TO APPOINT MORE THAN ONE CONSTABLE FOR EACH  
6 JUSTICE'S COURT; AMENDING SECTION 7-4-2203, MCA; AND  
7 PROVIDING AN EFFECTIVE DATE."

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

10 **Section 1.** Section 7-4-2203, MCA, is amended to read:

11 "7-4-2203. County officers. (1) There may be elected  
12 or appointed the following county officers, who shall  
13 possess the qualifications for suffrage prescribed by the  
14 Montana constitution and such other qualifications as may be  
15 prescribed by law:

- 16 (a) one county attorney;  
17 (b) one clerk of the district court;  
18 (c) one county clerk;  
19 (d) one sheriff;  
20 (e) one treasurer;  
21 (f) one auditor if authorized by 7-6-2401;  
22 (g) one county superintendent of schools;  
23 (h) one county surveyor;  
24 (i) one assessor;  
25 (j) one coroner;

- 1 (k) one public administrator; and  
2 (1) at least one justice of the peace.  
3 (2) The commissioners may appoint at their discretion  
4 constables. ~~Not--more~~ More than one constable may be  
5 appointed for each justice's court.  
6 (3) All elective township officers may be elected at  
7 each general election as now provided by law."  
8 **NEW SECTION. Section 2.** Effective date. [This act] is  
9 effective July 1, 1989.

-End-

1 HOUSE BILL NO. 443  
2 INTRODUCED BY Whalen  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY  
5 COMMISSIONERS TO APPOINT MORE THAN ONE CONSTABLE FOR EACH  
6 JUSTICE'S COURT; AMENDING SECTION 7-4-2203, MCA; AND  
7 PROVIDING AN EFFECTIVE DATE."  
8

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

10 **Section 1.** Section 7-4-2203, MCA, is amended to read:

11 "7-4-2203. County officers. (1) There may be elected  
12 or appointed the following county officers, who shall  
13 possess the qualifications for suffrage prescribed by the  
14 Montana constitution and ~~such~~ other qualifications as may be  
15 prescribed by law:

- 16 (a) one county attorney;  
17 (b) one clerk of the district court;  
18 (c) one county clerk;  
19 (d) one sheriff;  
20 (e) one treasurer;  
21 (f) one auditor if authorized by 7-6-2401;  
22 (g) one county superintendent of schools;  
23 (h) one county surveyor;  
24 (i) one assessor;  
25 (j) one coroner;

- 1 (k) one public administrator; and  
2 (1) at least one justice of the peace.  
3 (2) The commissioners may appoint at their discretion  
4 constables. ~~Not--more~~ More than one constable may be  
5 appointed for each justice's court.  
6 (3) All elective township officers may be elected at  
7 each general election as now provided by law."  
8 NEW SECTION. **Section 2.** Effective date. [This act] is  
9 effective July 1, 1989.

-End-

1                    HOUSE BILL NO. 443  
2    INTRODUCED BY Whalen  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY  
5    COMMISSIONERS TO APPOINT MORE THAN ONE CONSTABLE FOR EACH  
6    JUSTICE'S COURT; AMENDING SECTION 7-4-2203, MCA; AND  
7    PROVIDING AN EFFECTIVE DATE."

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

10        **Section 1.** Section 7-4-2203, MCA, is amended to read:

11        "7-4-2203. County officers. (1) There may be elected  
12    or appointed the following county officers, who shall  
13    possess the qualifications for suffrage prescribed by the  
14    Montana constitution and such other qualifications as may be  
15    prescribed by law:

- 16        (a) one county attorney;  
17        (b) one clerk of the district court;  
18        (c) one county clerk;  
19        (d) one sheriff;  
20        (e) one treasurer;  
21        (f) one auditor if authorized by 7-6-2401;  
22        (g) one county superintendent of schools;  
23        (h) one county surveyor;  
24        (i) one assessor;  
25        (j) one coroner;

- 1        (k) one public administrator; and  
2        (1) at least one justice of the peace.  
3        (2) The commissioners may appoint at their discretion  
4    constables. ~~Not--more~~ More than one constable may be  
5    appointed for each justice's court.  
6        (3) All elective township officers may be elected at  
7    each general election as now provided by law."  
8        NEW SECTION. **Section 2.** Effective date. [This act] is  
9    effective July 1, 1989.

-End-



## HOUSE BILL NO. 443

INTRODUCED BY WHALEN, GIACOMETTO

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY COMMISSIONERS TO APPOINT MORE THAN ONE CONSTABLE FOR EACH JUSTICE'S COURT; AMENDING SECTION 7-4-2203, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-4-2203, MCA, is amended to read:

"7-4-2203. County officers. (1) There may be elected or appointed the following county officers, who shall possess the qualifications for suffrage prescribed by the Montana constitution and such other qualifications as may be prescribed by law:

- (a) one county attorney;
- (b) one clerk of the district court;
- (c) one county clerk;
- (d) one sheriff;
- (e) one treasurer;
- (f) one auditor if authorized by 7-6-2401;
- (g) one county superintendent of schools;
- (h) one county surveyor;
- (i) one assessor;
- (j) one coroner;

(k) one public administrator; and

(1) at least one justice of the peace.

(2) The commissioners may appoint at their discretion constables. ~~Not--more~~ More than one constable may be appointed for each justice's court.

(3) All elective township officers may be elected at each general election as now provided by law."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1989.

-End-