

1 House BILL NO. 417
 2 INTRODUCED BY Mills Barnett
 3 McMillan Ever Q Thulin Van Valkenburg
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNING BODY OF THE CITY TO
 5 DETERMINE HOW MANY CITY JUDGES THE CITY COURT WILL HAVE; AND AMENDING SECTIONS
 6 1-11-101, 3-11-101, AND 3-11-201, MCA." Estrella

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

10 **Section 1.** Section 1-11-101, MCA, is amended to read:

11 **"1-11-101. Definitions.** As used in this chapter, the following definitions apply:

- 12 (1) "Code" or "codes" means the Revised Codes of Montana, 1947, the pocket supplements
- 13 thereto, and the replacement volumes.
- 14 (2) "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes,
- 15 without changing the meaning, effect, or intent of any law:
 - 16 (a) correcting or changing punctuation, capitalization, spelling, grammatical construction, and
 - 17 numbering as required by uniform literary and bill drafting practice;
 - 18 (b) substituting the appropriate new code division reference for reference to a section of, to a part
 - 19 of, or to an entire "act";
 - 20 (c) substituting calendar date for "effective date", "hereafter", and similar terms;
 - 21 (d) creating new titles, chapters, parts, sections, or other divisions of the code;
 - 22 (e) changing or inserting language made necessary because of rearrangement;
 - 23 (f) eliminating redundant words;
 - 24 (g) when given direction or authority by another statute, correcting inaccurate or obsolete
 - 25 references to:
 - 26 (i) titles of officers or agencies, such as those changed by executive reorganization statutes;
 - 27 (ii) other code sections, such as those ~~which~~ that have been repealed or repealed and replaced;
 - 28 (h) changing inaccurate terminology to comply with statutory definitions or short form
 - 29 amendments, such as those found in 1-1-202(7) ~~or 3-11-101(2)~~;
 - 30 (i) changing or creating section captions (catchlines) to clearly reflect the content of the section,

1 unless the section captions are specifically and expressly adopted as part of the law by the legislature."

2

3 **Section 2.** Section 3-11-101, MCA, is amended to read:

4 **"3-11-101. City court established.** ~~(1)~~ A city court is established in each city or town. ~~The~~ A city
5 judge shall establish regular sessions of the court. On judicial days, the court ~~shall~~ must be open for all
6 business, civil and criminal. On nonjudicial days, as defined in 3-1-302, the court may transact criminal
7 business only.

8 ~~(2) Police court is hereby renamed city court, and all references to police court or police judges in~~
9 ~~the Montana Code Annotated shall be considered amended to read city court or city judge."~~

10

11 **Section 3.** Section 3-11-201, MCA, is amended to read:

12 **"3-11-201. ~~Term~~ Number of judges -- term of office.** (1) The governing body of a city may
13 determine by ordinance the number of judges required to operate the city court.

14 ~~(1)(2)~~ An elected or appointed city judge shall hold office for a term of 4 years and until the
15 qualification of ~~his~~ a successor.

16 ~~(2)(3)~~ A justice of the peace designated to act as city judge for a city or town under 3-11-205 shall
17 serve as city judge for the duration of ~~his~~ the justice of the peace's term as justice of the peace or until the
18 agreement provided for in 3-11-205 terminates."

19

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0417, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the governing body of the city to determine how many city judges the city court will have.

ASSUMPTIONS:

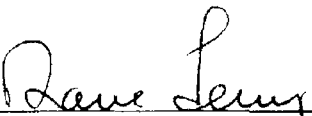
1. This bill is projected to potentially affect only city courts in the largest cities.

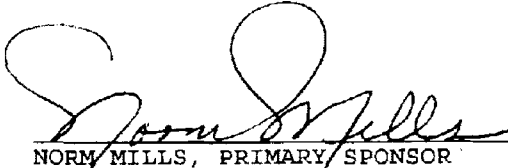
FISCAL IMPACT:

Passage of HB0417 will have no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

If additional judges are appointed, costs of the judge and his/her staff may be offset, to some extent, by additional revenue. Projections on exact expenditures and revenues are not available. This bill has a limited scope due to current caseloads.

 2-7-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


NORM MILLS, PRIMARY SPONSOR DATE
Fiscal Note for HB0417, as introduced

HB 417

APPROVED BY COM ON LOCAL GOVERNMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

House BILL NO. 417

INTRODUCED BY

Mills Barnett
McMillan *Ever* *Byrd* *Van Valkenburg*
Corrigan
A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNING BODY OF THE CITY TO DETERMINE HOW MANY CITY JUDGES THE CITY COURT WILL HAVE; AND AMENDING SECTIONS 1-11-101, 3-11-101, AND 3-11-201, MCA." *Estrella*

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

Section 1. Section 1-11-101, MCA, is amended to read:

"1-11-101. Definitions. As used in this chapter, the following definitions apply:

- (1) "Code" or "codes" means the Revised Codes of Montana, 1947, the pocket supplements thereto, and the replacement volumes.
- (2) "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes, without changing the meaning, effect, or intent of any law:
 - (a) correcting or changing punctuation, capitalization, spelling, grammatical construction, and numbering as required by uniform literary and bill drafting practice;
 - (b) substituting the appropriate new code division reference for reference to a section of, to a part of, or to an entire "act";
 - (c) substituting calendar date for "effective date", "hereafter", and similar terms;
 - (d) creating new titles, chapters, parts, sections, or other divisions of the code;
 - (e) changing or inserting language made necessary because of rearrangement;
 - (f) eliminating redundant words;
 - (g) when given direction or authority by another statute, correcting inaccurate or obsolete references to:
 - (i) titles of officers or agencies, such as those changed by executive reorganization statutes;
 - (ii) other code sections, such as those ~~which~~ that have been repealed or repealed and replaced;
 - (h) changing inaccurate terminology to comply with statutory definitions or short form amendments, such as those found in 1-1-202(7) or ~~3-11-101(2)~~;
 - (i) changing or creating section captions (catchlines) to clearly reflect the content of the section;

1 unless the section captions are specifically and expressly adopted as part of the law by the legislature."

2

3 **Section 2.** Section 3-11-101, MCA, is amended to read:

4 **"3-11-101. City court established.** ~~{1}~~ A city court is established in each city or town. ~~The~~ A city
5 judge shall establish regular sessions of the court. On judicial days, the court ~~shall~~ must be open for all
6 business, civil and criminal. On nonjudicial days, as defined in 3-1-302, the court may transact criminal
7 business only.

8 ~~{2} Police court is hereby renamed city court, and all references to police court or police judges in~~
9 ~~the Montana Code Annotated shall be considered amended to read city court or city judge."~~

10

11 **Section 3.** Section 3-11-201, MCA, is amended to read:

12 **"3-11-201. ~~Term~~ Number of judges -- term of office. (1) The governing body of a city may
13 determine by ordinance the number of judges required to operate the city court.**

14 ~~{1}{2}~~ An elected or appointed city judge shall hold office for a term of 4 years and until the
15 qualification of ~~his~~ a successor.

16 ~~{2}{3}~~ A justice of the peace designated to act as city judge for a city or town under 3-11-205 shall
17 serve as city judge for the duration of ~~his~~ the justice of the peace's term as justice of the peace or until the
18 agreement provided for in 3-11-205 terminates."

19

-END-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

House BILL NO. 417

INTRODUCED BY Mills Barnett Travis

McMillin Emer G. Byrd Van Valkenburg
A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNING BODY OF THE CITY TO
FORREST BARNETT
DETERMINE HOW MANY CITY JUDGES THE CITY COURT WILL HAVE; AND AMENDING SECTIONS
1-11-101, 3-11-101, AND 3-11-201, MCA." Travis

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

Section 1. Section 1-11-101, MCA, is amended to read:

"1-11-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Code" or "codes" means the Revised Codes of Montana, 1947, the pocket supplements thereto, and the replacement volumes.

(2) "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes, without changing the meaning, effect, or intent of any law:

(a) correcting or changing punctuation, capitalization, spelling, grammatical construction, and numbering as required by uniform literary and bill drafting practice;

(b) substituting the appropriate new code division reference for reference to a section of, to a part of, or to an entire "act";

(c) substituting calendar date for "effective date", "hereafter", and similar terms;

(d) creating new titles, chapters, parts, sections, or other divisions of the code;

(e) changing or inserting language made necessary because of rearrangement;

(f) eliminating redundant words;

(g) when given direction or authority by another statute, correcting inaccurate or obsolete references to:

(i) titles of officers or agencies, such as those changed by executive reorganization statutes;

(ii) other code sections, such as those which that have been repealed or repealed and replaced;

(h) changing inaccurate terminology to comply with statutory definitions or short form amendments, such as those found in 1-1-202(7) ~~or 3-11-101(2)~~;

(i) changing or creating section captions (catchlines) to clearly reflect the content of the section,



HB 417
THIRD READING

1 unless the section captions are specifically and expressly adopted as part of the law by the legislature."
2

3 **Section 2.** Section 3-11-101, MCA, is amended to read:

4 **"3-11-101. City court established.** ~~{1}~~ A city court is established in each city or town. ~~The~~ A city
5 judge shall establish regular sessions of the court. On judicial days, the court ~~shall~~ must be open for all
6 business, civil and criminal. On nonjudicial days, as defined in 3-1-302, the court may transact criminal
7 business only.

8 ~~{2} Police court is hereby renamed city court, and all references to police court or police judges in~~
9 ~~the Montana Code Annotated shall be considered amended to read city court or city judge."~~

10
11 **Section 3.** Section 3-11-201, MCA, is amended to read:

12 **"3-11-201. ~~Term~~ Number of judges -- term of office. (1) The governing body of a city may
13 determine by ordinance the number of judges required to operate the city court.**

14 ~~{1}~~(2) An elected or appointed city judge shall hold office for a term of 4 years and until the
15 qualification of ~~his~~ a successor.

16 ~~{2}~~(3) A justice of the peace designated to act as city judge for a city or town under 3-11-205 shall
17 serve as city judge for the duration of ~~his~~ the justice of the peace's term as justice of the peace or until the
18 agreement provided for in 3-11-205 terminates."

19 -END-

1 HOUSE BILL NO. 417

2 INTRODUCED BY MILLS, BARNETT, TUSS, MCGEE, MILLER, EWER, BOHLINGER, VAN VALKENBURG,
3 FORRESTER, GALVIN, ESTRADA, CRIPPEN

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNING BODY OF THE CITY TO
6 DETERMINE HOW MANY CITY JUDGES THE CITY COURT WILL HAVE; AND AMENDING SECTIONS
7 1-11-101, 3-11-101, AND 3-11-201, MCA."

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

10
11 **Section 1.** Section 1-11-101, MCA, is amended to read:

12 **"1-11-101. Definitions.** As used in this chapter, the following definitions apply:

13 (1) "Code" or "codes" means the Revised Codes of Montana, 1947, the pocket supplements
14 thereto, and the replacement volumes.

15 (2) "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes,
16 without changing the meaning, effect, or intent of any law:

17 (a) correcting or changing punctuation, capitalization, spelling, grammatical construction, and
18 numbering as required by uniform literary and bill drafting practice;

19 (b) substituting the appropriate new code division reference for reference to a section of, to a part
20 of, or to an entire "act";

21 (c) substituting calendar date for "effective date", "hereafter", and similar terms;

22 (d) creating new titles, chapters, parts, sections, or other divisions of the code;

23 (e) changing or inserting language made necessary because of rearrangement;

24 (f) eliminating redundant words;

25 (g) when given direction or authority by another statute, correcting inaccurate or obsolete
26 references to:

27 (i) titles of officers or agencies, such as those changed by executive reorganization statutes;

28 (ii) other code sections, such as those ~~which~~ that have been repealed or repealed and replaced;

29 (h) changing inaccurate terminology to comply with statutory definitions or short form
30 amendments, such as those found in 1-1-202(7) ~~or 3-11-101(2)~~;

1 (i) changing or creating section captions (catchlines) to clearly reflect the content of the section,
2 unless the section captions are specifically and expressly adopted as part of the law by the legislature."
3

4 **Section 2.** Section 3-11-101, MCA, is amended to read:

5 "3-11-101. **City court established.** ~~(1)~~ A city court is established in each city or town. ~~The~~ A city
6 judge shall establish regular sessions of the court. On judicial days, the court ~~shall~~ must be open for all
7 business, civil and criminal. On nonjudicial days, as defined in 3-1-302, the court may transact criminal
8 business only.

9 ~~(2) Police court is hereby renamed city court, and all references to police court or police judges in~~
10 ~~the Montana Code Annotated shall be considered amended to read city court or city judge."~~
11

12 **Section 3.** Section 3-11-201, MCA, is amended to read:

13 "3-11-201. ~~Term~~ **Number of judges -- term of office.** (1) The governing body of a city may
14 determine by ordinance the number of judges required to operate the city court.

15 ~~(1)(2)~~ An elected or appointed city judge shall hold office for a term of 4 years and until the
16 qualification of ~~his~~ a successor.

17 ~~(2)(3)~~ A justice of the peace designated to act as city judge for a city or town under 3-11-205 shall
18 serve as city judge for the duration of ~~his~~ the justice of the peace's term as justice of the peace or until the
19 agreement provided for in 3-11-205 terminates."
20

-END-