

**CITY OF BILLINGS**

CITY ATTORNEY'S OFFICE

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January 26, 2005

RE: House Bill 262

Dear Honorable Members of the House Judiciary Committee:

The Billings City Attorney's Office supports House Bill 262, which would allow a full-time elected Municipal Court Judge to appoint a part-time assistant judge. The appointment of a part-time assistant judge could only occur, however, with the approval of the governing body.

Larger cities with Municipal Courts are currently faced with a situation of needing more than one but less than two judges. Allowing for a part-time appointed assistant municipal court judge, while retaining the requirement of electing full-time judges, would fill the gap. Appointing judges is not the norm in Montana. Most are elected. However, there is precedent allowing for the appointment of City Court judges in cities of the third class. The governing body of a city of the third class determines whether the city judge is appointed or elected. Section 7-4-4102, MCA. Similarly, the alternative offered by HB 262 would be another type of appointed judge, one that is part-time.

Other amendments offered in HB 262 provide a system for efficiently managing and distributing the workload in a Municipal Court that has both an elected full-time judge and an appointed part-time assistant judge. Further, the requirements for a pro tempore judge are broadened, while ensuring that the acting judges are well-qualified.

The Billings City Attorney's Office supports HB 262.

Sincerely,


Bonnie Sutherland
Assistant City Attorney

c: Kristoff Bauer, City Administrator
Tina Volek, Assistant City Administrator
Brent Brooks, City Attorney