

HOUSE BILL NO. 534

INTRODUCED BY M. YAKAWICH

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE CAP FOR COLLECTIONS RELATED TO ACTIONS BROUGHT BEFORE A CITY MUNICIPAL COURT; ~~AND AMENDING SECTION 3-11-103 AND~~ AMENDING SECTION 3-6-103, MCA."

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

SECTION 1. SECTION 3-6-103, MCA, IS AMENDED TO READ:

"3-6-103. Jurisdiction. (1) ~~The~~ Except as provided in subsection (2), the municipal court has jurisdiction coordinate and coextensive with the justices' courts of the county where the city is located and has exclusive original jurisdiction of all civil and criminal actions and proceedings provided for in 3-11-103.

(2) THE MUNICIPAL COURT HAS ORIGINAL JURISDICTION OF THE FOLLOWING PROCEEDINGS:

(A) ACTIONS FOR THE COLLECTION OF MONEY DUE TO THE CITY OR FROM THE CITY TO ANY PERSON WHEN THE AMOUNT SOUGHT, EXCLUSIVE OF INTEREST AND COSTS, DOES NOT EXCEED \$25,000;

(B) WHEN THE AMOUNT CLAIMED, EXCLUSIVE OF COSTS, DOES NOT EXCEED \$25,000, ACTIONS FOR:

(I) THE BREACH OF AN OFFICIAL BOND GIVEN BY A CITY OFFICER;

(II) THE BREACH OF ANY CONTRACT WHEN THE CITY IS A PARTY OR IS IN ANY WAY INTERESTED;

(III) DAMAGES WHEN THE CITY IS A PARTY OR IS IN ANY WAY INTERESTED;

(IV) THE ENFORCEMENT OF FORFEITED RECOGNIZANCES GIVEN TO, FOR THE BENEFIT OF, OR ON BEHALF OF THE CITY; AND

(V) COLLECTIONS ON BONDS GIVEN UPON AN APPEAL TAKEN FROM THE JUDGMENT OF THE COURT IN ANY ACTION MENTIONED IN SUBSECTIONS (2)(B)(I) THROUGH (2)(B)(IV); AND

(C) ACTIONS FOR THE RECOVERY OF PERSONAL PROPERTY BELONGING TO THE CITY WHEN THE VALUE OF THE PROPERTY, EXCLUSIVE OF THE DAMAGES FOR TAKING OR DETENTION, DOES NOT EXCEED \$25,000.

~~(2)(3)~~ Municipal courts have concurrent jurisdiction with the district court in actions arising under Title 70, chapters 24 through 27.

(3)(4) Applications for search warrants and complaints charging the commission of a felony may be filed in municipal court. The municipal court judge has the same jurisdiction and responsibility as a justice of the peace, including holding preliminary hearings. The city attorney may initiate proceedings charging a felony if the offense was committed within the city limits, but the county attorney shall take charge of the action if an information is filed in district court."

Section 1. Section ~~3-11-103~~, MCA, is amended to read:

"3-11-103. Exclusive jurisdiction. Except as provided in 3-11-104, the city court has exclusive jurisdiction of:

(1) ~~proceedings for the violation of an ordinance of the city or town, both civil and criminal;~~
(2) ~~when the amount of the taxes or assessments sought does not exceed \$9,500 \$25,000,~~
actions for the collection of taxes or assessments levied for any of the following purposes, except that no lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action:

(a) ~~city or town purposes;~~
(b) ~~the erection or improvement of public buildings;~~
(c) ~~the laying out, opening, or improving of a public street, sidewalk, alley, or bridge;~~
(d) ~~the acquisition or improvement of any public grounds; and~~
(e) ~~public improvements made or ordered by the city or town within its limits;~~
(3) ~~actions for the collection of money due to the city or town or from the city or town to any person when the amount sought, exclusive of interest and costs, does not exceed \$9,500 \$25,000;~~

(4) ~~when the amount claimed, exclusive of costs, does not exceed \$9,500 \$25,000, actions for:~~
(a) ~~the breach of an official bond given by a city or town officer;~~
(b) ~~the breach of any contract when the city or town is a party or is in any way interested;~~
(c) ~~damages when the city or town is a party or is in any way interested;~~
(d) ~~the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town; and~~
(e) ~~collection on bonds given upon an appeal taken from the judgment of the court in any action~~

1 mentioned in subsections (4)(a) through (4)(d);

2 ~~(5) actions for the recovery of personal property belonging to the city or town when the value of the~~
3 ~~property, exclusive of the damages for the taking or detention, does not exceed \$9,500; and~~

4 ~~(6) actions for the collection of a license fee required by an ordinance of the city or town."~~

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