

1 *Senate* BILL NO. 303  
 2 INTRODUCED BY *Nealy Lee Mehrens*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TERM OF  
 5 OFFICE OF A CONSTABLE TO FOUR YEARS; AMENDING SECTION  
 6 16-2406, R.C.M. 1947."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 16-2406, R.C.M. 1947, is amended to  
 10 read as follows:

11 "16-2406. County and other officers, when elected or  
 12 appointed and term of office. There may be elected or  
 13 appointed in each county the following county officers who  
 14 shall possess the qualifications for suffrage prescribed by  
 15 the constitution of the state of Montana, and such other  
 16 qualifications as may be prescribed by law:

17 One (1) county attorney; one (1) clerk of the district  
 18 court; one (1) county clerk who shall be clerk of the board  
 19 of county commissioners and ex officio recorder; one (1)  
 20 sheriff; one (1) treasurer, who shall be collector of the  
 21 taxes; one (1) county superintendent of schools; one (1)  
 22 county surveyor; one (1) assessor; one (1) coroner; one (1)  
 23 public administrator; and at least one (1) justice of the  
 24 peace. Persons elected to the different offices named in  
 25 this section shall hold their respective offices for the

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1 term of four (4) years, and until their successors are  
 2 elected and qualified. Persons appointed to the different  
 3 offices serve at the pleasure of the commissioners.

4 County auditors, and all elective township officers,  
 5 may be elected at each general election as now provided by  
 6 law, except that a constable is elected at every second  
 7 general election for a four (4) year term. The officers  
 8 mentioned in this act must take office on the first Monday  
 9 of January next succeeding their election, except the county  
 10 treasurer, whose term begins on the first Monday of March  
 11 next succeeding his election.

12 Vacancies in all county, township and precinct offices,  
 13 except that of county commissioners, shall be filled by  
 14 appointment by the board of county commissioners, and the  
 15 appointee shall hold his office until the next general  
 16 election if elective, and if not elective, the appointee  
 17 serves at the pleasure of the commissioners; provided,  
 18 however, that the board of county commissioners of any  
 19 county may, in its discretion, consolidate any two or more  
 20 of the within named offices and combine the powers and the  
 21 duties of the said offices consolidated with the exception  
 22 of the office of the justice of the peace, which office may  
 23 not be combined or consolidated with any other office other  
 24 than another justice of the peace office; however, the  
 25 provisions hereof shall not be construed as allowing one (1)

1 office incumbent to be entitled to the salaries and  
2 emoluments of two (2) or more offices; provided, further,  
3 that in consolidating county offices, the board of county  
4 commissioners shall, six (6) months prior to the general  
5 election held for the purpose of electing the aforesaid  
6 officers, or six (6) months prior to the appointment of  
7 aforesaid officers, make and enter an order, combining any  
8 two (2) or more of the within named offices, and shall cause  
9 the said order to be published in a newspaper, published and  
10 circulated generally in said county, for a period of six (6)  
11 weeks next following the date of entry of said order."

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