

CHAPTER NO. 328

SENATE BILL NO. 225

INTRODUCED BY RYAN

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Judiciary.
February 10, 1979	Committee recommend bill do pass as amended. Report adopted.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, pass consideration.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Judiciary.
March 16, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 17, 1979	Second reading, concurred in.
March 21, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 22, 1979	Returned from second house. Concurred in as amended.
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March 23, 1979

Second reading, amendments adopted.

March 24, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Sench* BILL NO. 125
2 INTRODUCED BY Reyn
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE GROUNDS
5 FOR RECALL OF A PUBLIC OFFICER; AMENDING SECTION 2-16-603.
6 MCA"

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

9 Section 1. Section 2-16-603, MCA, is amended to read:
10 *2-16-603. Officers subject to recall -- grounds for
11 recall. (1) Every person holding a public office of the
12 state or any of its political subdivisions, either by
13 election or appointment, is subject to recall from such
14 office.

15 (2) A public officer holding an elective office may be
16 recalled by the qualified electors entitled to vote for his
17 successor. A public officer holding an appointive office may
18 be recalled by the qualified electors entitled to vote for
19 the successor or successors of the elective officer or
20 officers who have the authority to appoint a person to that
21 position.

(3) Physical or mental lack of fitness, incompetence,
neglect-of-duty-or-conviction-of-malfeasance-or-misfeasance
in-office violation of his oath of office, official
misconduct or conviction of a felony offense enumerated in

1 chapters-1-through-8-of Title 45v-23-5-106v-or-23-5-127 is
2 the only basis for recall. No person may be recalled for
3 performing a mandatory duty of the office he holds or for
4 not performing any act that, if performed, would subject him
5 to prosecution for official misconduct.*

-End-

-2-

INTRODUCED BILL

SB 225

Approved by Committee
on Judiciary

1 SENATE BILL NO. 225

2 INTRODUCED BY RYAN

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5 FOR RECALL OF A PUBLIC OFFICER; AMENDING SECTION 2-16-603,
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19 the successor or successors of the elective officer or
20 officers who have the authority to appoint a person to that
21 position.22 (3) Physical or mental lack of fitness, incompetence,
23 neglect-of-duty-or-conviction-of-malfeasance-or-misfeasance
24 in-office, violation of his oath of office, CONVICTION_OF
25 official_misconduct, or conviction_of a felony offense1 enumerated in chapters 1 through 8 of Title 45 or
2 23-5-127 is the only basis for recall. No person may be
3 recalled for performing a mandatory duty of the office he
4 holds or for not performing any act that, if performed,
5 would subject him to prosecution for official misconduct."

-End-

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23 neglect-of-duty-or-conviction-of-malfeasance-or-misfeasance
24 in-office violation of his oath of office, CONVICTION_OF
25 official misconduct, or conviction of a felony offense

1 enumerated in chapters-1-through-8-of Title 45-23-5-206- or
2 23-5-227 is the only basis for recall. No person may be
3 recalled for performing a mandatory duty of the office he
4 holds or for not performing any act that, if performed,
5 would subject him to prosecution for official misconduct."

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-End-

March 15, 1979

HOUSE OF REPRESENTATIVES

Judiciary Committee amendments to SENATE BILL NO. 225, third reading
copy, as follows:

1. Page 1, line 24.
Strike: "CONVICTION OF"