

CHAPTER NO. 398

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.
----------------	---

March 23, 1979

Second reading, amendments  
adopted.

March 24, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Ryan* BILL NO. *225*  
2 INTRODUCED BY *Ryan*  
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."  
7  
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.  
22 (3) Physical or mental lack of fitness, incompetence,  
23 ~~neglect-of-duty-or-conviction-of-misfeasance-or-misfeasance~~  
24 ~~in-office,~~ violation of his oath of office, official  
25 misconduct, or conviction of a felony offense enumerated in

1 ~~chapters-1-through-8-of Title 45-23-5-106-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-

Approved by Committee  
on Judiciary

SENATE BILL NO. 225

INTRODUCED BY RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE GROUNDS  
FOR RECALL OF A PUBLIC OFFICER; AMENDING SECTION 2-16-603,  
MCA."

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

Section 1. Section 2-16-603, MCA, is amended to read:

"2-16-603. Officers subject to recall -- grounds for  
recall. (1) Every person holding a public office of the  
state or any of its political subdivisions, either by  
election or appointment, is subject to recall from such  
office.

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

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

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

-End-

## SENATE BILL NO. 225

INTRODUCED BY RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE GROUNDS  
FOR RECALL OF A PUBLIC OFFICER; AMENDING SECTION 2-16-603,  
MCA."

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

Section 1. Section 2-16-603, MCA, is amended to read:

"2-16-603. Officers subject to recall -- grounds for  
recall. (1) Every person holding a public office of the  
state or any of its political subdivisions, either by  
election or appointment, is subject to recall from such  
office.

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

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

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

-End-

## SENATE BILL NO. 225

INTRODUCED BY RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE GROUNDS  
FOR RECALL OF A PUBLIC OFFICER; AMENDING SECTION 2-16-603,  
MCA."

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

Section 1. Section 2-16-603, MCA, is amended to read:

"2-16-603. Officers subject to recall -- grounds for  
recall. (1) Every person holding a public office of the  
state or any of its political subdivisions, either by  
election or appointment, is subject to recall from such  
office.

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

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

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

-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"