

HOUSE BILL NO. 712
INTRODUCED BY HURWITZ

IN THE HOUSE

February 11, 1981	Introduced and referred to Committee on Local Government.
February 18, 1981	Committee recommend bill do pass. Report adopted.
February 19, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 23, 1981	Considered correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 94; Noes, 2. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Local Government.
March 18, 1981	Committee recommend bill be concurred in. Report adopted.
March 20, 1981	Second reading, concurred in. Segregated.
March 21, 1981	Second reading, concurred in as amended.
March 24, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 0.

IN THE HOUSE

March 25, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 94; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 712
2 INTRODUCED BY *Humwitz*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
5 VACANCY IN A MUNICIPAL ELECTED OFFICE BE FILLED BY THE CITY
6 OR TOWN COUNCIL WITHIN 30 DAYS AND UNTIL A SUCCESSOR IS
7 ELECTED TO FILL THE UNEXPIRED TERM OF THE OFFICE; AMENDING
8 SECTION 7-4-4112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 7-4-4112, MCA, is amended to read:
13 "7-4-4112. Filling of vacancy. (1) When any vacancy
14 occurs in any elective office, the council, by a majority
15 vote of the members, ~~may shall, within 30 days,~~ fill the
16 same ~~for--the-unexpired-term-and~~ until the qualification of
17 the a successor ~~elected for the balance of the unexpired~~
18 ~~term.~~

19 (2) A vacancy in the office of alderman must be filled
20 from the ward in which the vacancy exists, ~~but-if-the~~
21 ~~council-shall-omit-to-fill-such-vacancy-before-the-time--for~~
22 ~~the--next--election,--the-qualified-electors-of-such-city-or~~
23 ~~ward-may-nominate-and-elect-a-successor-to-such-office."~~

24 Section 2. Effective date. This act is effective on
25 passage and approval.

-End-

INTRODUCED BILL

HB 712

Approved by Comm.
on Local Government

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2 INTRODUCED BY Herwitz

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SECOND READING

HB 712

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17 ~~the a~~ successor elected for the balance of the unexpired
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15 vote of the members, may ~~shall~~ within ~~30 days~~ fill the
16 same for the unexpired term and until the qualification of
17 the a successor ~~elected for the balance of the unexpired~~
18 term THIS POSITION SHALL BE CONSIDERED OPEN AND SUBJECT TO
19 NOMINATION AND ELECTION AT THE NEXT GENERAL MUNICIPAL
20 ELECTION IN THE SAME MANNER AS THE ELECTION OF ANY OTHER
21 PERSON HOLDING THE SAME OFFICE, EXCEPT THE TERM OF OFFICE
22 SHALL BE LIMITED TO THE UNEXPIRED TERM OF THE PERSON WHO
23 ORIGINALLY CREATED THE VACANCY. PENDING SUCH ELECTION AND
24 QUALIFICATION THE COUNCIL SHALL, BY A MAJORITY VOTE OF THE
25 MEMBERS, APPOINT A PERSON WITHIN 30 DAYS OF THE VACANCY TO

1 HOLD THE OFFICE UNTIL HIS SUCCESSOR IS ELECTED AND
2 QUALIFIED.

3 [2] A vacancy in the office of alderman must be filled
4 from the ward in which the vacancy exists, but if the
5 council shall fail to fill such vacancy before the time for
6 the next election, the qualified electors of such city or
7 ward may nominate and elect a successor to such office."

8 Section 2. Effective date. This act is effective on
9 passage and approval.

-End-

March 21, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 712, third reading copy, as follows:

1. Page 1, lines 14 through 18.

Following: "office"

Strike: the remainder of these lines.

Insert: "this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until his successor is elected and qualified"