

SENATE BILL NO. 328

INTRODUCED BY THOMAS

IN THE SENATE

January 30, 1981	Introduced and referred to Committee on Local Government.
February 11, 1981	Committee recommend bill do pass. Report adopted.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading, do pass.
February 14, 1981	Correctly engrossed.
February 16, 1981	Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

February 17, 1981	Introduced and referred to Committee on Local Government.
March 16, 1981	Committee recommend bill be concurred in. Report adopted.
March 21, 1981	Second reading, concurred in.
March 24, 1981	Third reading, concurred in. Ayes, 97; Noes, 0.

IN THE SENATE

March 25, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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Senate BILL NO. 328

1 INTRODUCED BY Thomas

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
5 PROVISIONS ON MUNICIPAL VACANCY IN OFFICE TO INCLUDE THE  
6 SAME GROUNDS APPLICABLE TO VACANCY IN STATE OFFICES;  
7 AMENDING SECTION 7-4-4111, MCA."

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

10 Section 1. Section 7-4-4111, MCA, is amended to read:  
11  
12 "7-4-4111. Determination of vacancy in municipal  
13 office. (1) If any officer--either--elected--or--appointed--to  
14 office--fails for 10 days to qualify as required by law--or  
15 enters upon his duties at the time fixed by law--then such an  
16 office becomes vacant on the happening of any of the  
17 following events before the expiration of the term of the  
18 incumbent:

19 (1) the death of the incumbent;

20 (2) a determination pursuant to Title 53, chapter 21,

21 part 1, that he is mentally ill;

22 (3) his resignation;

23 (4) his removal from office;

24 (2) (5) If any officer--absents--himself his absence  
25 from the city or town continuously for 10 days without the  
consent of the council; or

1 (6) his open neglect openly--neglects or refuses  
2 refusal to discharge his duties in such office--may be  
3 declared vacant by the council.

4 (7) If any officer removes from his ceasing to be a  
5 resident of the city or town or, in the case of an any  
6 alderman, from his ceasing to be a resident of his ward, in  
7 such office must be declared vacant by the council.

8 (8) his ceasing to discharge the duty of his office  
9 for a period of 3 consecutive months, except when prevented  
10 by illness or when absent from the city or town by  
11 permission of the governing body;

12 (9) his conviction of a felony or of any offense  
13 involving moral turpitude or a violation of his official  
14 duties;

15 (10) his refusal or neglect to file his official bond  
16 within the time prescribed;

17 (11) the decision of a competent tribunal declaring  
18 void his election or appointment."

-End-

Approved by Comm.  
on Local Government

*Seante* BILL NO. 328

1                   2 INTRODUCED BY Thomas

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4                   A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
5                   PROVISIONS ON MUNICIPAL VACANCY IN OFFICE TO INCLUDE THE  
6                   SAME GROUNDS APPLICABLE TO VACANCY IN STATE OFFICES;  
7                   AMENDING SECTION 7-4-4111, MCA."

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

10                  Section 1. Section 7-4-4111, MCA, is amended to read:  
11                  "7-4-4111. Determination of vacancy in municipal  
12                  office. (1) If any officer--either--elected--or--appointed--to  
13                  office, fails for 10 days to qualify as required by law or  
14                  enter upon his duties at the time fixed by law, then such an  
15                  office becomes vacant on the happening of any of the  
16                  following events before the expiration of the term of the  
17                  incumbent:

18                  (1) the death of the incumbent;  
19                  (2) a determination pursuant to Title 53, chapter 21,  
20                  part 1, that he is mentally ill;  
21                  (3) his resignation;  
22                  (4) his removal from office;  
23                  (5) if any officer--absents--himself his absence  
24                  from the city or town continuously for 10 days without the  
25                  consent of the council or

1                  (6) his open neglect openly--neglects or refuses  
2                  refusal to discharge his duties in such office--may--be  
3                  declared vacant by the council;  
4                  (7) if any officer removes from his ceasing to be a  
5                  resident of the city or town or in the case of an alderman  
6                  from his ceasing to be a resident of his ward in  
7                  such office--must be declared vacant by the council;  
8                  (8) his ceasing to discharge the duty of his office  
9                  for a period of 3 consecutive months, except when prevented  
10                 by illness or when absent from the city or town by  
11                 permission of the governing body;  
12                  (9) his conviction of a felony or of any offense  
13                  involving moral turpitude or a violation of his official  
14                  duties;  
15                  (10) his refusal or neglect to file his official bond  
16                  within the time prescribed;  
17                  (11) the decision of a competent tribunal declaring  
18                  void his election or appointment."

-End-

-2- SECOND READING

*SB 328*

*Senate* BILL NO. 328

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3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
5 PROVISIONS ON MUNICIPAL VACANCY IN OFFICE TO INCLUDE THE  
6 SAME GROUNDS APPLICABLE TO VACANCY IN STATE OFFICES;  
7 AMENDING SECTION 7-4-4111, MCA."

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

10 Section 1. Section 7-4-4111, MCA, is amended to read:  
11  
12 "7-4-4111. Determination of vacancy in municipal  
13 office. (1) if anyone--either--elected--or--appointed--to  
14 office--feits--for--10--days--to--qualify--as--required--by--law--or  
15 enters--upon--his--duties--at--the--time--fixed--by--law--then--such--an  
16 office becomes vacant--on--the--happening--of--any--of--the  
17 following events before the expiration of the term of the  
18 incumbent:  
19  
20 (1) the death of the incumbent;  
21  
22 (2) a determination pursuant to Title 53, chapter 21,  
23 part 1, that he is mentally ill;  
24  
25 (3) his resignation;  
26  
27 (4) his removal from office;  
28  
29 (5) if any officer--absents--himself his absence  
30 from the city or town continuously for 10 days without the  
31 consent of the council or

1 (6) his open neglect openly--neglects or refuses  
2 refusal to discharge his duties in--such--office--may--be  
3 declared vacant by the council;  
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5 (7) if any officer removes from his ceasing to be a  
6 resident of the city or town or in the case of an any  
7 alderman from his ceasing to be a resident of his ward;  
8 such office must be declared vacant by the council;  
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10 (8) his ceasing to discharge the duty of his office  
11 for a period of 3 consecutive months except when prevented  
12 by illness or when absent from the city or town by  
13 permission of the governing body;  
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15 (9) his conviction of a felony or of any offense  
16 involving moral turpitude or a violation of his official  
17 duties;  
18  
19 (10) his refusal or neglect to file his official bond  
20 within the time prescribed;  
21  
22 (11) the decision of a competent tribunal declaring  
23 void his election or appointment."

-End-

-2- THIRD READING

SB 328

## SENATE BILL NO. 328

INTRODUCED BY THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROVISIONS ON MUNICIPAL VACANCY IN OFFICE TO INCLUDE THE SAME GROUNDS APPLICABLE TO VACANCY IN STATE OFFICES; AMENDING SECTION 7-4-4111, MCA."

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

Section 1. Section 7-4-4111, MCA, is amended to read:

"7-4-4111. Determination of vacancy in municipal office. ~~if~~--~~anyone~~--either--elected--or--appointed--to office--~~facts~~--~~for~~--~~10~~--~~days~~--~~to~~--~~qualify~~--as--~~required~~--by--law--or enter--upon--his--duties--at--the--time--fixed--by--law--then--such An office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

(1) the death of the incumbent;  
(2) a determination pursuant to Title 53, chapter 21, part 1, that he is mentally ill;  
(3) his resignation;  
(4) his removal from office;  
~~(5) if any officer--absents--himself his absence from the city or town continuously for 10 days without the consent of the council;~~ or

(6) his open neglect openly--neglects or refuses refusal to discharge his duties;--~~such--office--may--be declared--vacant--by--the--council;~~

(7) if any officer removes from his ceasing to be a resident of the city or town or, in the case of an any alderman, from his ceasing to be a resident of his ward; ~~such--office--must--be--declared--vacant--by--the--council;~~

(8) his ceasing to discharge the duty of his office for a period of 3 consecutive months, except when prevented by illness or when absent from the city or town by permission of the governing body;

(9) his conviction of a felony or of any offense involving moral turpitude or a violation of his official duties;

(10) his refusal or neglect to file his official bond within the time prescribed;

(11) the decision of a competent tribunal declaring void his election or appointment."

-End-