

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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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 "7-4-4111. Determination of vacancy in municipal  
12 office. ~~{1}--if--anyoney--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 ~~{2}{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;--such--office--may--be~~  
3 ~~declared--vacant--by--the--council;~~

4 ~~{3}{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;~~  
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

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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;
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20 part 1, that he is mentally ill;

- 21 (3) his resignation;
- 22 (4) his removal from office;

23 ~~(2)(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~~

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