

HOUSE BILL NO. 589
INTRODUCED BY KOEHNKE

IN THE HOUSE

FEBRUARY 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FEBRUARY 9, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 10, 1987 PRINTING REPORT.

FEBRUARY 11, 1987 SECOND READING, DO PASS.

FEBRUARY 12, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 98; NOES, 0.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 13, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

MARCH 13, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 18, 1987 SECOND READING, CONCURRED IN.

MARCH 20, 1987 THIRD READING, CONCURRED IN.
 AYES, 49; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 21, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1 House BILL NO. 589
2 INTRODUCED BY Foehcke
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 APPOINTMENT OF A CITY COUNCIL BY A DISTRICT JUDGE IF ALL
6 POSITIONS ON THE COUNCIL BECOME VACANT; AND AMENDING SECTION
7 7-4-4112, MCA."
8

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

10 Section 1. Section 7-4-4112, MCA, is amended to read:

11 "7-4-4112. Filling of vacancy. (1) When any vacancy
12 occurs in any elective office, this position shall be
13 considered open and subject to nomination and election at
14 the next general municipal election in the same manner as
15 the election of any other person holding the same office,
16 except the term of office shall be limited to the unexpired
17 term of the person who originally created the vacancy.
18 Pending such election and qualification the council shall,
19 by a majority vote of the members, appoint a person within
20 30 days of the vacancy to hold the office until his
21 successor is elected and qualified. If all council positions
22 become vacant at one time, the district judge, or district
23 judges if the county is in a multijudge district, shall
24 appoint persons within 5 days to hold office as aldermen.
25 The appointed aldermen shall then appoint persons to any

1 other vacant elective offices.
2 (2) A vacancy in the office of alderman must be filled
3 from the ward in which the vacancy exists."

-End-



-2- INTRODUCED BILL
HB-589

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 589
2 INTRODUCED BY KOEHNKE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 APPOINTMENT OF A CITY COUNCIL BY ~~A-DISTRICT-JUDGE~~ THE BOARD
6 OF COUNTY COMMISSIONERS IF ALL POSITIONS ON THE COUNCIL
7 BECOME VACANT; ~~AND~~ AMENDING SECTION 7-4-4112, MCA; ~~AND~~
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9

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

11 Section 1. Section 7-4-4112, MCA, is amended to read:

12 "7-4-4112. Filling of vacancy. (1) When any vacancy
13 occurs in any elective office, this position shall be
14 considered open and subject to nomination and election at
15 the next general municipal election in the same manner as
16 the election of any other person holding the same office,
17 except the term of office shall be limited to the unexpired
18 term of the person who originally created the vacancy.
19 Pending such election and qualification the council shall,
20 by a majority vote of the members, appoint a person within
21 30 days of the vacancy to hold the office until his
22 successor is elected and qualified. If all council positions
23 become vacant at one time, the ~~district-judge, or-district~~
24 ~~judge-if-the-county-is-in-a-multijudge-district,~~ BOARD OF
25 COUNTY COMMISSIONERS shall appoint persons within 5 days to

1 hold office as aldermen. The appointed aldermen shall then
2 appoint persons to any other vacant elective offices.

3 (2) A vacancy in the office of alderman must be filled
4 from the ward in which the vacancy exists."

5 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
6 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-



1 HOUSE BILL NO. 589
 2 INTRODUCED BY KOEHNKE
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 APPOINTMENT OF A CITY COUNCIL BY ~~A-DISTRICT-JUDGE~~ THE BOARD
 6 OF COUNTY COMMISSIONERS IF ALL POSITIONS ON THE COUNCIL
 7 BECOME VACANT; AND AMENDING SECTION 7-4-4112, MCA; AND
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 7-4-4112, MCA, is amended to read:
 12 "7-4-4112. Filling of vacancy. (1) When any vacancy
 13 occurs in any elective office, this position shall be
 14 considered open and subject to nomination and election at
 15 the next general municipal election in the same manner as
 16 the election of any other person holding the same office,
 17 except the term of office shall be limited to the unexpired
 18 term of the person who originally created the vacancy.
 19 Pending such election and qualification the council shall,
 20 by a majority vote of the members, appoint a person within
 21 30 days of the vacancy to hold the office until his
 22 successor is elected and qualified. If all council positions
 23 become vacant at one time, the ~~district-judge, or-district~~
 24 ~~judges-if-the-county-is-in-a-multijudge-district,~~ BOARD OF
 25 COUNTY COMMISSIONERS shall appoint persons within 5 days to

1 hold office as aldermen. The appointed aldermen shall then
 2 appoint persons to any other vacant elective offices.
 3 (2) A vacancy in the office of alderman must be filled
 4 from the ward in which the vacancy exists."
 5 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
 6 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-



HOUSE BILL NO. 589
INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CITY COUNCIL BY ~~A-DISTRICT-JUDGE~~ THE BOARD OF COUNTY COMMISSIONERS IF ALL POSITIONS ON THE COUNCIL BECOME VACANT; AND AMENDING SECTION 7-4-4112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-4-4112, MCA, is amended to read:

"7-4-4112. Filling of vacancy. (1) When any vacancy occurs in any elective office, 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. If all council positions become vacant at one time, the ~~district-judge, or-district judges-if-the-county-is-in-a-multijudge-district,~~ BOARD OF COUNTY COMMISSIONERS shall appoint persons within 5 days to

hold office as aldermen. The appointed aldermen shall then appoint persons to any other vacant elective offices.

(2) A vacancy in the office of alderman must be filled from the ward in which the vacancy exists."

NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

